

Update: Apple iPad Trademark Ruling on Hold in China

By: Sheldon Mak & Anderson

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A spokesperson at the Chinese court's foreign affairs office recently told Bloomberg News that a Chinese court will not rule on Apple's appeal in the iPad [trademark infringement](#) lawsuit brought by Proview Technology as long as the two parties are working toward an agreement. At this point, however, it is unclear if the two sides are any closer to a settlement.

As we have been discussing on this [IP blog](#), Apple is involved in a trademark infringement lawsuit in China over the rights to the "iPad" mark. Apple commenced the action against Proview International Holdings Ltd. in 2010. The suit stems from Proview's claim that it registered the iPad mark in China in 2001 and Apple's competing claim that it purchased Proview's rights in 2009.

The lower court rejected Apple's claim in November 2011. Apple appealed that loss to the Higher People's Court of Guangdong, which held a hearing on February 29.

The Higher People's Court of Guangdong will not issue a ruling on Apple's Feb. 29 appeal so long as both parties continue talking, Zhao Le, a spokesman at the court's foreign affairs office stated. Appeals are generally decided within three months, if the parties are not mediating the issues.

Proview has suffered several setbacks in recent months. A California judge dismissed Proview's [U.S. trademark infringement lawsuit](#) in May. In that case, Proview had asked for damages as well as an injunction to force Apple to permanently stop using the iPad trademark in China. In addition, the company has also officially filed for bankruptcy protection.

How Can We Help?

As this case highlights, it can be more difficult to protect trademarks and other IP rights overseas. In many countries, the first to register owns the mark even against the legitimate U.S. trademark owner who was first to use the mark in that country. Therefore, it is imperative to consult with an attorney experienced in foreign intellectual property concerns.

We have developed long-standing, close relationships with firms and experts worldwide to enable us to offer our clients in-depth experience in foreign law. Contact us today by phone or email to schedule your free 30-minute consultation.

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At [Sheldon Mak & Anderson](#), we recognize that innovation is your competitive edge – and it needs protection. As a full-service intellectual property firm with more than two decades of experience, we provide local, regional, national, and international legal services in the following areas: patents, trademarks, copyrights, trade secrets, IP litigation, international patent and trademark prosecution, licensing, alternative dispute resolution, and green technology.

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