



Xu, Jing

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AREA OF PRACTICE

Ms. Xu specializes in intellectual property litigation, and her experience includes managing litigation matters related to infringements of patent, trademark and copyright, as well as antitrust and unfair competition.

Ms. Xu has extensive experience of about 20 years in representing a diverse range of companies in IP infringement litigation, IP-related antitrust lawsuits, and administrative court appeals in China. Ms. Xu as a lead and trial counsel handled various series of lawsuits in China for patent wars between well-known multinational and domestic companies. Ms. Xu has extensive and comprehensive experience in matters relating to SEPs of telecommunication industries. She has been advising famous US, Chinese, Japanese and German companies in SEP-related matters and also represented them in the licensing negotiations as well as lawsuits. She has helped resolve high-stakes IP disputes for global technology leaders as well as companies in luxury, telecommunications, software, banking, internet, chemical engineering, machinery, consumer electronics, electric equipment, medical devices and automobile industries.

Ms. Xu has been focusing on delivering practical and innovative solutions to clients involved in high-profile IP disputes with cutting-edge legal issues. Many of the cases were selected as “representative cases” by PRC Courts or received attention from industries for her strong and innovative representation.

Ms. Xu is a researcher of Williamson Center for Laws, Economics and Organizations of Shandong University, and attended several seminars relating to SEPs and antitrust issues.

Some of the cases represented by Ms. Xu are as follows:

- *Sichuan Golden Elephant Sincerity v. Shandong Hualu-Hengsheng* – A series of litigation involving infringements of patent and trade secrets, which the plaintiff’s damages claim in RMB 218 million was supported by the court. This series of cases involved both civil actions and criminal enforcements, and some of the rulings, such as determination of joint willful infringement and corresponding liabilities and damages calculation, have exemplary effects for future cases. This case was selected by Supreme People’s Court and its IP Tribunal as Top 50 Representative Cases and the Cases of Year, respectively, in 2022.
- *Emerson Zhuhai v. Shenzhen A.R.* – patent ownership case that is the very first case in which a Chinese court awards damages and reasonable enforcement costs in consideration

of the defendant's malicious actions when dealing with a patent ownership dispute. This case was listed as Top 10 Civil and Administrative IP Cases of Shenzhen Courts in 2021.

- *NaviInfo v. Qihoo 360 Technology* – a copyright infringement and unfair competition case. Under the circumstance that the factual finding and legal application of the first instance judgment were both extremely unfavorable to the client, KWM team successfully persuaded the final instance court to grant copyright protection for electronic map data as a whole. This case was the first final judgment in which the Chinese court confirms the copyright nature of electronic map data as a whole, based on which e-maps are formed. This case was selected as “Top 10 IP Innovative Technology-related Cases” by Beijing Intellectual Property Court.
- *Emerson v. Xiamen Anjier* – unfair competition litigation that is the very first case that a Chinese court finds that trademark piracy without substantial use or malicious assertion of the pirated marks also constitutes violation of Article 2 of the Anti-Unfair Competition Law, enjoining the defendant from registering same or similar trademarks and ordering the actual controlling person and the agent to bear joint liabilities for damages. This case was selected as Top 10 IP Cases of Fujian Courts as well as Top 10 IP Cases of Xiamen Courts, the Case of Year of Quality Brands Protection Committee of China Association of Enterprises with Foreign Investments (QBPC) and Impact Case of the Year in China by Managing IP in 2021.
- *Christian Louboutin v. the Trademark Review and Adjudication Board* - an administrative court appeal against a refusal decision on an international application for registering the “Red Sole”. This case is the first time that PRC Supreme Court rules that a type of subject matter not explicitly listed in the trademark law is also registrable. This case was selected as one of the top 10 typical trademark licensing and confirmation cases in 2019 by Beijing Intellectual Property Judicial Protection Association.

Ms. Xu has received the following recognitions and awards:

- Leading Lawyer, Intellectual Property: Litigation, Chambers, 2019-2023
- Leading Individual, Enforcement and Litigation, World Trademark Review 1000, 2020-2023
- Recommended Individual, Litigation, IAM Patent 1000, 2022
- Litigation Star, Top 100 Woman in Litigation, Benchmark Litigation, 2023/2022
- Top 50 Intellectual Property Lawyers in China, IPRdaily and Zhichanli, 2019
- Intellectual Property Lawyer of the Year, China Law & Practice, 2017

BACKGROUNDS

Jing joined KWM in 2000. Jing received her Bachelor of Law and Master of Law from Shandong University in 1997 and 2000.

Jing was admitted to the PRC Bar in 2000.