

A. INTRODUCTION OF ELITE LAW FIRM'S IPR ENFORCEMENT TEAM

ELITE Law Firm was born to assist our esteemed Clients in Doing Success Business by Registering their Intellectual property rights Securely and Resolving IP Rights disputes Quickly based on our six core Values, including: Integrity, Empathy, Responsibility, Carefulness, Determination and Learning – Creativity. Based on our core Values and more than 20 experience years in IP protection, we are happy to assist our Clients in Doing Success Business based on IP rights.

ELITE LAW FIRM was founded and managed by a group of qualified and passionate lawyers and IP Attorneys. The managing partner of our firm, Mr. Nguyen Tran Tuyen, is a registered patent & trademark attorney and a lawyer. Mr. Tuyen has more than 20 years of experience in protection and enforcement of intellectual property rights in Vietnam as a manager of IP Practice of a leading IP Agent (Vision & Associates). While he was working there, he had given legal advice to and acted as representative for many foreign and local companies in protection and enforcement of intellectual property rights in Vietnam. Widely known as an expert in complex IPR enforcement cases, Tuyen has successfully assisted clients in several IP enforcement cases (including applying customs control measures on IP) in the fields of sport equipments, cosmetics, energy drinks, spirits, and foodstuff.

B. OUR EXPERIENCE

From 2006 to 2013, Mr. Nguyen Tran Tuyen, as the manager of IP enforcement Team of the leading IP Agent in Vietnam (Vision & Associates) and ELITE LAW FIRM had successfully carried out many IP enforcement cases and joined IP activities as follows:

In 2006: Assisted YONEX-SUNRISE, a famous Japanese Sport Company, in taking raids against **12 sports shops** in Hanoi. More than **500** counterfeit YONEX badminton rackets, badminton accessories, YONEX clothes and shoes had been seized and destroyed by Hanoi Market Management.

In 2007: Assisted a famous cosmetic Company of Korea in taking raids against **16 cosmetic shops** selling fake hair mousses in Hanoi. More than **250 fake hair mousses products** had been seized and destroyed by Hanoi Market Management.

In 2008: Assisted a famous cosmetic Company of Korea in taking raids against **17 cosmetic shops** selling fake cosmetics in Hanoi and Ho Chi Minh City. More than **1,250 fake** cosmetics products had been seized and destroyed by Hanoi Market Management and Ho Chi Minh Market Management with the total of about **US\$6,000** as monetary fines imposed upon infringers.

In 2010-2011: Assisted a famous energy drink of Thailand in taking raids against **03 companies** producing trademark infringing energy drink products in Vietnam. Accordingly, one container of **129,728** infringing energy drink products, more than **390,000** can covers of infringing energy drink products were seized and destroyed by Vietnam Custom Offices and Ho Chi Minh City Market Management. In addition, three (03) infringers had been fined more than **US\$51,000** (1.048 billion Vietnam Dong in which two companies were imposed a maximum monetary penalty under administrative procedure (500 million VND) for their trademark infringement.

In 2010-2011: Assisted a famous Spirits Group in taking raids against a Vietnamese company importing fake vodka into Vietnam. Accordingly, Vietnam Custom Office in Hanoi has seized and destroyed one container of **14,400** fake vodka bottles (more than 10,000 liters). Also, the

infringer had been fined about **US\$25,000** (500 million VND, a maximum monetary penalty under administrative procedure) for their infringement.

In 2012: Assisted a big foodstuff Company of Vietnam in taking raids against a Vietnamese Company producing trademark infringing products. Accordingly, Inspectorate of the Ministry of Science and Technology has seized and destroyed more than 2,000 boxes of infringing foodstuff products. Also, this infringer had been fined about **US\$4,200** (84 million VND) for its trademark infringement.

In 2013: Assisted a big and well-known aluminum rolling door Company of Vietnam in taking raids against a Vietnamese Company producing and trading in IP infringing aluminum rolling door products. Accordingly, **2,452 kg** of infringing aluminum rolling door products had been seized and destroyed by Inspectorate of the Ministry of Science and Technology. Also, the infringer had been imposed a monetary fine of about **US\$7,523** (158 million VND) for their patent, industrial design and trademark infringing acts.

In 2014: Assisted a Vietnam's Construction Company as their defendant's lawyer in a case of transfer technology agreement dispute a total dispute value of about **363,000USD**. This case was handled and judged by Vietnam People's Supreme Court in Da Nang City.

In 2015: Assisted a Vietnamese Company in taking raids against 05 Vietnamese Companies manufacturing and trading in electrical pliers bearing the infringing trademark. Accordingly, 32,498 trademark infringing pliers had been seized and their covers bearing the infringing trademark destroyed by Hanoi Market Management Authority. Also, these infringers had been fined about **US\$2,500** (52 million VND) for their trademark infringement.

In 2015 – 2016: Assisted a 100% foreign-owned Company in Vietnam as the plaintiff in taking legal actions (taking a raid under administrative procedures and suing for damages at a court under civil procedures) against a 100% foreign-owned Company in Vietnam as the defendant in a **patent dispute relating to the Ferro-Wolfram producing technology**, which is being protected as a patent in Vietnam. The case had been submitted to and handled by the Inspectorate of the Ministry of Science and Technology of Vietnam (MOST) under administrative procedure and by People's Civil Court of Hai Phong City under civil procedures at the same time. The case has been **successfully solved by an out-of-court amicable settlement Agreement** signed by the two parties.

In 2017: Assisted a Japanese Company in taking legal actions against a Vietnamese Company manufacturing and trading Effective Microorganisms products bearing the trademark infringing upon our client's registered mark in Vietnam. We have assisted the Client in conducting an investigation for obtaining infringing evidence, sending a Cease and Desist Letter. We **successfully compelled the infringer to stop the trademark infringement and sign a Letter of Undertaking** confirming that he would not infringe upon any trademarks of our client in future.

In 2018: Executed a total of **12 enforcement cases**, in which the most outstanding was: Assisting a Vietnamese Company operating in the field of tourism, travel and accommodation in requesting the National Office of Intellectual Property of Vietnam to cancel the validity of a Trademark Registration Certificate which was granted to a trademark infringing trade name of the Vietnamese Company. After about a year and a half diligently collecting evidence to prove the infringement and drafting, filing documents related to the request, the case **was finally successful** when the National Office of Intellectual Property **issued a decision to cancel the validity of the said Trademark Registration Certificate in March 2020**.

In 2019: Executed totally **25 enforcement cases**, in which the the most noticeable was: Assisting a Foreign Company in protecting the validity of **49 invention patents** related to image processing and compression technology.

In 2020: (i) Executed **49 enforcement cases** in total.

(ii) Continued to assist the Foreign Company in protecting the effectiveness of **49 invention patents**.

(iii) Continued to assist the Japanese Company in taking raids against a Vietnamese Household business manufacturing and trading Effective Microorganisms products bearing the trademark infringing upon our client's registered trade mark in Vietnam. We had coordinated with the Hanoi Market Management and seized nearly **40 infringing products** and **950 labels containing fake trademark**. The Household Business was then fined **24.750.000VND** (Twenty-four million seven hundred and fifty thousand dong) (equivalent to 1,068USD (One thousand and sixty-eight US Dollars)). Additional sanctions and Remedial measures were also be applied.

In 2021: In this year, we continued to assist our Japanese client in conducting an investigation for obtaining infringing evidence and **sending a Warning Letter** to the infringer to request they to remove all images and information containing and related to the fake trademark from online media channels such as websites, Facebook fanpages,... The infringer subsequently agreed and complied with our requests and committed that they would not infringe upon any trademarks of our client in future.