

Case Brief



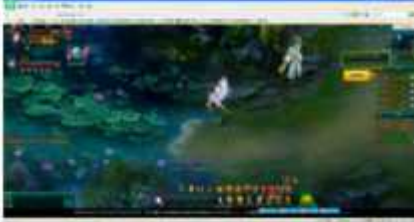

The case involved the copying of game scene maps. Shortly after the launch of its mobile game “*尊”, a Shenzhen company discovered that another web game, “**桃花”, had copied the scene map of its own game. After accepting the entrustment of the case on behalf of the plaintiff, Mr. Yang's legal team brought the game publisher, a network technology company based in Shanghai, and its operator to court, requesting the cessation of infringement and compensation for losses.

In the first instance of the case, the plaintiff, a Shenzhen company, won the case. The judge ruled that the network technology company based in Shanghai and its operator had committed infringement, and therefore the violation should cease and the economic losses compensated.

The defendant filed an appeal against the judgment. After the court hearing, the two sides reconciled and the defendant agreed to comply with all the rulings from the first instance.

 <p>12 頁</p>	 <p>17 頁</p>	<p>In both games, in the background there are the statue of a goddess and a peach blossom tree; in the foreground there is a flower-shaped stone platform with green decoration</p>
		<p>Both games display peach blossom trees and a stone platform</p>

Some examples of evidence display

<p>Both games present a polygonal stone platform, with multiple concentric circles paved with long bricks in the middle and bamboo leaves on the right</p>	 <p>13 頁</p>	 <p>18 頁</p>
<p>Both games display a lotus pond with light on top and dark on top</p>	 <p>19 頁</p>	 <p>21 頁</p>



Difficulties and key points of agency work

As the attorneys for this case, Mr. Yang's legal team provided a full range of legal services:

1. Since the plaintiff's game has changed its name, and the renamed game was published later than the infringing game, the legal team notarized the content consistency and relevant operation agreement of the two games to prove that they only had different names, while the actual content was the same.
2. According to the record and recharge information of the game, the team locked the publisher and operator subject of the case, and determined the identity of the defendant.
3. The infringement verification and comparison was the core focus of the dispute. In this case, we showed the infringement information to the judge in the clearest possible way, in order to facilitate the comparison. The visual collation and display of the infringing materials was more conducive to the judge's understanding and confirmation of the infringement facts.
4. Calculating the compensation amount is often a difficult problem in such cases. After proving that the plaintiff's game was a great success with a large income and popularity from the opening service of the plaintiff's product's official website and the operation audit report of the product, the legal team provided the compensation basis for losses.

Emblematic Significance

This case is a typical infringement case in the game field. The game involved has a certain market popularity, and the infringing game caused huge economic losses to the plaintiff. In this case, based on the actual situation of the case, the lawyer team presented the plaintiff's views to the judge in a visual way, including the original basis of rights, the comparison of tort facts, the compensation amount basis, etc., which relevantly contributed for the judge to understand the facts of the case. Through the efforts of the legal team, not only the plaintiff's legitimate rights and interests were protected, and the economic losses recovered, but there was also a very positive effect in the order of fair competition in the game industry.



If you want to know more about Intellectual Property protection measures for your business in China, please contact Wang Jing & GH Law Firm. (The official website is being updated.)

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A team led by Mr. Wang Jing, which has rich experience in foreign-related legal issues, have joined and started a strategy reconstruction with Grand & Holder Law Firm.

The name of the new firm is Wang Jing & GH Law Firm, which is a full-service firm with more than 70 experienced practicing lawyers. Wang Jing and GH Law Firm now covers such practice areas as commercial litigation and dispute resolution, admiralty and maritime, cross- border investment and M&A, international trade, real estate development and construction, corporate governance, banking and finance, urban renewal, TMT, commercial crimes, intellectual property and taxation.



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