

Statement on Litigation Update

Bangkok, Thailand, December 7th 2017 – On August 18, 2017, T.C. Pharmaceutical Industries Co., Ltd., a member of TCP Group, and the Yoovidhya family, the inventors and owners of the Red Bull brand and trademarks globally, announced legal complaints against Mr. Chanchai Ruayrungruang (Mr. Yan Bin) and companies owned or controlled by him with respect to trademark infringement, unfair competition and associated matters in relation to the unlicensed manufacturing and distribution of Red Bull products.

Mr. Yan Bin's Legal tactics delaying legitimate litigation actions

In response to enquiries regarding the current litigation situation, we would like to point out that our litigation actions are proceeding in accordance with Chinese law despite counter-litigation measures taken by Mr. Yan Bin. To date, such measures have ensured that legitimate litigation procedures launched by T.C. Pharmaceutical Industries Co., Ltd. have been delayed and that Mr. Yan Bin and his affiliates continue to illegally use and profiteer from our brand.

However, we note that such actions are being swiftly swept aside by local courts which have ruled in favor of T.C. Pharmaceutical Industries Co., Ltd., and its affiliates. This includes a recent decision made by the Guangdong Guangzhou Tianhe District Court which dismissed the confirmation of non-infringement lawsuit filed by Guangdong Red Bull Vitamin Drink Co., Ltd. against TC in September 2016. Similarly, the No. 4 Intermediate People's Court of Beijing recently rejected an application filed by MARKET GLOBAL HOLDINGS LIMITED, a company owned by Mr. Yan Bin, which aimed to affirm invalidity of the arbitration clause of the Red Bull Vitamin Drink Co., Ltd. Contract (JVC). In its ruling, the court supported T.C. Pharmaceutical Industries Co., Ltd.' points regarding the fact that the application by MARKET GLOBAL HOLDINGS LIMITED does not make sense and has no factual basis and stipulated that "it's hard to imagine that MARKET GLOBAL HOLDINGS LIMITED has no knowledge of the existence of the JVC arbitration clause and must have had "a basic understanding of the JVC content, including an understanding of the arbitration clause". During Litigation proceedings, Huairou Township Enterprise, also a defendant in this case, also confirmed with the court that the arbitration clause in the JVC was valid. On October 26, 2017, the court ruled that "MARKET GLOBAL's claim is invalid"

These decisions by Chinese courts have unequivocally upheld the legitimacy of our legal complaints while both exposing and discrediting the legal maneuvering being undertaken by Mr. Yan Bin to delay litigation proceedings.

Fresh case points to continued legal maneuvering

More recently, in a case that awaits judgement, Red Bull Vitamin Drink Co., Ltd. (RBVC) filed litigation against T.C. Pharmaceutical Industries Co., Ltd. challenging the ownership of Red Bull trademarks.



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It is a matter of record that prior to RBVC's establishment in December 1995, T.C. Pharmaceutical Industries Co., Ltd., had registered and owned the "Red Bull" trademarks in Thailand and other countries, including China. All trademarks involved in this case and claimed by RBVC as their own, were registered by T.C. Pharmaceutical Industries Co., Ltd. for its own benefits.

For the past two decades, all RBVC shareholders, including Mr. Yan Bin, have never once questioned T.C. Pharmaceutical Industries Co., Ltd.'s ownership of the Red Bull trademarks. T.C. Pharmaceutical Industries Co., Ltd. licensed RBVC to use the Red Bull trademark, for which RBVC has been paying a royalty fee in its capacity as a licensee – this has been the case since the inception of the joint venture. This licensor-licensee relationship has remained as such throughout the years without any party bringing this relationship into question. It begs the question as to why Mr. Yan Bin is launching this litigation action against us at this point and what motivation truly lies behind such measures.

We can only conclude that the measures we have outlined above are merely desperate tactics that serve only one purpose, which is to further delay the outcomes of litigations filed against Mr. Yan Bin and affiliates not least because the counter litigation measures they have undertaken have neither factual basis nor legal grounds.

TC committed to seeing through its lawsuits and sustaining its China presence

We [T.C. Pharmaceutical Industries Co., Ltd., a member of TCP Group, and the Yoovidhya family, the inventors and owners of the Red Bull brand and trademarks globally] remain committed to seeing through the lawsuits we have filed to safeguard our legal rights, and we have full confidence in the strength of our legal position and the merits of our own claims in these cases. We trust that proceedings will follow due course and that justice will be served.

Having first introduced Red Bull to China more than two decades ago, T.C. Pharmaceutical Industries Co., Ltd. is fully dedicated to maintaining our brand's strong and vibrant presence in the Chinese market. We will provide additional information when it is available.

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About T.C. Pharmaceutical Industries Co., Ltd.

As a member of TCP Group, T.C. Pharmaceutical Industries Company Limited is one of the leading F&B companies in Thailand, and is the inventor and owner of the Red Bull brand globally. The company, together with the Yoovidhya family which holds 100% of the shares of T.C. Pharmaceutical Industries Co., Ltd., owns the Red Bull trademarks worldwide.



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Red Bull, the world-leading energy drink, was invented by the company's founder Mr. Chaleo Yoovidhya in 1975, and was formally brought to the China market in 1995. The company has over 2,600 employees at its headquarters, production sites and joint-venture locations around the world.

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