



TCP Statement: Red Bull Vitamin Functional Drink is still banned from sale

In response to the statement released on July 30 by Red Bull Vitamin Drink Co., Ltd. (hereinafter referred to as RBVC), controlled by the Reignwood Group, TCP Group hereby clarifies: The first instance judgment (2021) Xiang 01 Civil First Instance No. 564 made by Changsha Intermediate Court in Hunan Province ("Changsha Court") **is not yet effective and unenforceable. TCP Group will appeal according to law to safeguard legitimate rights and interests. At the same time, regarding the procedural violation and other illegal actions involved in the case, TCP Group will report to the relevant departments according to law, basing on available clues.**

- In December 2020, the **Supreme People's Court made the final effective judgment No. 394: confirming that the "Red Bull" series of trademarks belong to TCP Group, and the fact that TCP Group's trademark usage permission to Red Bull Vitamin Drink Co., Ltd. expired on October 6, 2016.** The Red Bull TM ownership is clear and stable.
- The defendant, Changsha Huasha Sugar and Alcohol Co., Ltd. (hereinafter referred to as Huasha Company), is the largest distributor of Reignwood Group in Hunan Province. TCP Group filed a lawsuit on May 6, 2021, and later legally applied for a behavioral preservation. The Changsha Court made a behavioral preservation ruling on May 28, 2021, requiring Huaxia Company to immediately stop selling infringing Red Bull products until the effective judgment of this case is executed. On June 15, 2021, Huaxia Company applied for reconsideration to Changsha Court but was rejected on June 12, 2023. **At present, the behavior preservation is still effective, and Huasha company is still prohibited from selling "Red Bull Vitamin Functional Drink".**
- Since the case was filed, there has been no trial for three years. Meanwhile, in other similar trademark infringement cases involving the sale of "Red Bull Vitamin Functional Drinks" that were brought by the rights holder, TCP Group, in intermediate people's courts across the country, the first-instance courts have consistently ruled in favor of the rights holder and these cases have entered the second-instance procedures, with one case become final and effective. In this case, the trial did not commence until March 11, 2024. Afterwards, on May 14, 2024, the trial was suspended, as it need to wait for the result of another case; **on July 26, 2024, basing on new evidence and facts, the Changsha Court resumed the case and disregard the necessity to wait for other cases;** but until July 29, without any new judgment, new facts and evidence, the court made a judgement. **In addition to the major abnormal procedures that did not hold the hearing for three years, the Changsha Court made a series of abnormal rulings in the past half a year, hastily resuming the trial without listening to the opinions of the right holder, and closing the trial within three days after the resumption of the trial.**
- In addition, **the judgment has serious illegal situations, such as misleading processing and tampering with the description of the facts determined by the effective ruling of the Supreme People's Court, and selectively ignoring our evidence.** TCP Group will submit a written report to the relevant departments in accordance with the law.

Since 2021, Zhejiang High Court, Jilin High Court, Heilongjiang High Court and multiple courts across China have made first-instance judgments against Reignwood Group and its affiliated



companies. The courts unanimously determined that the defendants infringed upon the exclusive rights of the TCP Group's Red Bull trademark, including one effective judgement, with accumulating compensation close to 600 million RMB. In June 2024, the second instance of the trademark infringement lawsuit against RBVC, Reignwood Plant was held in the Supreme People's Court, and now it has entered the final stage before the sentencing. The first-instance judgment of the case is completely contradictory to the aforementioned judgments and the effective judgments of the Supreme Court. It also goes against the Chinese government's advocacy for equal protection of the legitimate rights and interests of foreign investors in China. For any infringement of the exclusive right to use the Red Bull trademark, TCP Group will take all legal means to safeguard its legitimate rights and interests and never make concessions to illegal forces.

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