



TCP, the undisputed owners and creators of Red Bull, clarify case dismissal

July, 15, 2019 – In response to enquiries regarding the Zhejiang’s High Court’s recent decision to dismiss the TCP case filed against Red Bull Vitamin Drink Co., (Jiangsu), 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 in China would like to clarify the following:

1. No. 723201 “RED BULL” and other registered Red Bull trademarks have been registered and announced by the Trademark Office of the State Administration for Industry and Commerce of China since 1994. TCP has enjoyed the complete and independent ownership of the Red Bull trademarks for more than 20 years, which is unquestionable and cannot be challenged.
2. Red Bull Vitamin Drink Co., (Jiangsu) Ltd (hereinafter referred to as “Jiangsu Red Bull”) is the legal entity solely owned and actually controlled by Mr. Yan Bin outside the joint venture system. It produces and sells a large amount of Red Bull beverage products without having obtained TCP’s authorization to use the trademarks and transfers their profits overseas. In August 2016, TCP filed trademark infringement and unfair competition lawsuits against Jiangsu Red Bull and Beijing Red Bull Drink Distribution Co., Ltd (hereinafter referred to as “Beijing Red Bull”) before Zhejiang’s High Court.
3. In order to delay the lawsuit, Jiangsu Red Bull filed a series of baseless lawsuits. In 2016 and 2017, Jiangsu Red Bull consecutively filed objection to jurisdiction and appealed and brought an action for confirmation of non-infringement and appealed. The Supreme People’s Court heard these cases and correctly rejected Jiangsu Red Bull’s objection to jurisdiction as well as the action for confirmation of non-infringement. Subsequently, Jiangsu Red Bull took advantage of the Red Bull Vitamin Drink Co., Ltd., which is currently controlled by Yan Bin, ordering it to maliciously file a dispute over Red Bull trademarks’ ownership respectively before Beijing Dongcheng District People’s Court and Beijing High People’s Court. By deliberately making up a non-existent ownership dispute, it willfully hindered TCP from suing Jiangsu Red Bull and other companies for infringement of trademark rights and unfair competition.
4. Jiangsu Red Bull sought a suspension of this case in 2018 on the basis of the aforementioned trademark ownership case filed by Red Bull Vitamin Beverage Co., Ltd. The Zhejiang High Court accordingly suspended the case in November 2018. Absent any changes of the case facts, Zhejiang High Court suddenly changed the status of the case from suspended to dismiss.
5. There is no such law or regulation that authorizes courts to dismiss a trademark infringement case on the grounds of a subsequently-filed trademark ownership dispute, neither PRC Civil Procedure Law, Trademark Law, Interpretation of the Supreme People's Court on the Application of the Civil Procedure Law, judicial interpretation of trademark cases nor any other laws. The ruling itself is beyond the scope of trial of this case and beyond the court’s power of applying the laws in this case. It is seriously wrong in applying the law.
6. Zhejiang High Court’s dismissal of TCP’s lawsuit has substantially damaged TCP’s legal rights and interests as this will lead to further delays in justice being served. When the case was heard in the first instance in August 2018, it had been maliciously delayed due to procedural issues for two



years. During the two-year delay, Jiangsu Red Bull and Beijing Red Bull kept producing and selling Red Bull vitamin energy drinks and obtained huge amount of illegal profits. Zhejiang High Court's dismissal of TCP's lawsuit is tantamount to giving Jiangsu Red Bull a chance to use jurisdiction objection and other means to delay the trial all over again.

We remain committed to seeing through the lawsuits we have filed to safeguard our legal rights. We trust 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. To ensure the long-term development of Red Bull in China, we have cooperated with local partner and authorized licensee, Guangzhou Yao Energy Co., Ltd and its principal authorized distribution partner, Pusheng Food Sales Co.,Ltd, to launch Red Bull® An Nai Ji Drink in China. In such a way that we are providing quality, legal Red Bull products to Chinese consumers.

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