SHIN & KIM

Trademark · Design · Unfair Competition Prevention Act

A company's brand, product design and market achievement are valuable assets that underpin the distinctiveness and competitive edge of its business. Such assets need to be protected comprehensively not only by securing and protecting rights under the Trademark Act and Design Protection Act but also by addressing a broad range of unfair competition-related issues, such as the imitation of the business mark and product form, and the unauthorized use of a business achievement (e.g., good will). As business areas and distribution channels expand rapidly and types of infringement become increasingly complicated, it is essential to formulate a comprehensive and systematic strategy in light of the overall business operation from the introduction of a new brand, acquisition of rights and licensing, response to infringement, and the enforcement of rights, at home and abroad.

Shin & Kim's Intellectual Property Practice Group provides comprehensive legal services on various disputes over, and advisory services relating to trademarks, service marks, trade names, brands, logos, product designs and product forms. In particular, the IP Group has extensive experience in representing leading domestic and international companies, including Hyundai, Woori Bank, Hanwha Group, Hyundai Group affiliates, Binggrae, Chong Kun Dang, Merck, Oilily, Breville, Lady M and Hilton Grand Vacation, in a broad range of cases including infringement of trademark/design right, use of trade name/business mark, invalidation, cancellation and confirmation of the scope of right of trademarks, unfair competition, and brand licensing.

In addition to representing its clients in disputes, including lawsuits and preliminary injunction proceedings in Korea, Shin & Kim provides comprehensive legal services on every stage of brand development and commercialization, including the introduction of a new brand and securing of rights, establishment of a portfolio of domestic and international trademarks, response to overseas brand disputes, provision of advisory services on trademark royalty, brand licensing agreements and response to related disputes. Shin & Kim has a deep understanding of the businesses and brand strategies of its clients and offers them practical and strategic solutions on the securing of rights, dispute prevention, response to infringement and global right protection.

Key Services

Shin & Kim provides the following services in connection with matters related to trademark, design and the unfair

competition.

- Preliminary injunction proceedings and lawsuits for prohibition of infringement of trademarks/service marks
- Preliminary injunction proceedings and cases on merits for prohibition of use of trade names/business marks/brand marks
- Preliminary injunction proceedings and lawsuits for prohibition of unfair competition
- Trademark registration invalidation/cancellation trials, trials on appeal against decision of refusal and related lawsuits on cancellation of decision
- Trials on the confirmation of scope of rights with respect to trademarks and related lawsuits on cancellation of decision
- Preliminary injunction proceedings on prohibition of infringement, lawsuits on prohibition of infringement, and claim for compensation for damages of design rights
- Disputes related to the protection of product forms/product appearances/three-dimensional trademarks
- Brand licensing agreements and license-related disputes
- Strategies for introduction of new brands, securing of trademark rights and protection of overseas brands
- Enforcement of rights related to online platforms, domain names and distribution of infringing products

Experience

Trademarks

- Represent nine Hyundai Group affiliates claiming prohibition of use of the “Hyundai” mark
- Claim for prohibition of use of the “Merck” mark
- Preliminary injunction proceedings on prohibition of infringement of the “Lucentis” trademark right
- Claim for prohibition of infringement of the “GLAMPALM” trademark right
- Preliminary injunction proceedings on prohibition of use of the “Hilton Grand Vacation” mark
- Preliminary injunction proceedings on prohibition of use of the “USGTF” mark
- Claim for prohibition of infringement of the “Eyejun” trademark right
- Preliminary injunction proceedings on prohibition of infringement of the “Daewoo Shipbuilding & Marine Engineering” trademark right
- Preliminary injunction proceedings on prohibition of infringement of the “Breville” trademark right
- Infringement lawsuit of a three-dimensional trademark owned by Binggrae Co., Ltd.
- Trademark invalidation trial related to “Danji Milk” owned by Binggrae Co., Ltd.
- Compensation for damages lawsuit related to the development of the “IBK” trademark
- Confirmation of the scope of right of the “Gyeongju Bread” trademark
- Licensing and infringement lawsuit of “Lady M” brand
- Coordination of overseas dispute over the Hanwha Group’s logo

- Coordination in lawsuits related to the infringement of the “MELONA” trademark in Russia and Kazakhstan Project for securing “Air Seoul” trademark right
- Project for securing “Shirley Temple” trademark right
- Trademark royalty advice for a holding company

Designs

- Preliminary injunction proceedings on prohibition of infringement of a skin care device design
- Design infringement lawsuit related to an electric connector
- Design infringement lawsuit related to an electric terminal
- Design infringement lawsuit related to a water purifier
- Infringement analysis of a foreign design right related to continuous glucose monitoring system (CGMS)
- Preliminary injunction proceedings on prohibition of infringement of trouser design and a lawsuit on compensation for damages against an open market business operator
- Preliminary injunction proceedings on prohibition of infringement of women’s bag design

Key Contacts

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Awards and Rankings

- Tier 1 Law Firm in Intellectual Property
  Asia Pacific Legal500 2015-2018,2021-2022

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