

CASE SUMMARY

TWG Tea Company Pte Ltd. v. Jupiter International Corporation

Tokyo District Court

Case No. (Wa) 29586, 2015

Judgment rendered on November 24, 2016

In this case, TWG Tea Company Pte Ltd. (“TWG”), a Singaporean manufacturer of teas and tea-related products, brought a lawsuit in the Tokyo District Court against the Kobe-based international trading company, Jupiter International Corporation (“JIC”), asserting claims of: (1) trademark infringement in violation of Japan’s Trademark Act; (2) unfair competition in violation of Japan’s Unfair Competition Prevention Act; and (3) violation of Japan’s Civil Code. TWG sought monetary damages as well as injunctive relief, including the cessation of further importation and sales, disposal of the allegedly infringing merchandise, and the publication of an official apology.

In the lawsuit, TWG alleged that JIC’s parallel importation into Japan and packaging of TWG’s products infringed TWG’s registered trademark and also caused damage to the reputation and quality of TWG’s products. JIC’s counter-argument was that JIC had done no more than legally purchase and import TWG’s authentic products bearing TWG’s own trademark through proper distribution channels, and then transfer the products from transport cartons into plastic bags for sale without making any modifications to TWG’s trademark or the products whatsoever, and that the neither the trademark nor quality of TWG’s products were damaged in any way.

The Tokyo District Court found in favor of JIC, holding that none of JIC’s parallel imports or other actions infringed the trademark of TWG or damaged the quality of the relevant products or the reputation of TWG. The Court thus dismissed all of TWG’s claims and also held that TWG would be responsible for litigation costs.