

2012年7月6日

各位

公司名称 丸万株式会社  
法定代表人 社长 大隅 宏昭  
(公司代码:7834)

## 关于民事判决书的公告

关于本公司诉被告北京德霖高尔夫体育发展有限公司侵害商标权纠纷案件,近日上海市浦东新区人民法院作出一审判决。现将有关情况公告如下:

### 1. 判决法院及日期

中国 上海市浦东新区人民法院  
2012年7月4日(判决书送达日:2012年7月6日)

### 2. 本次诉讼事项的基本情况

自2010年起,原中国总代理北京德霖高尔夫体育发展有限公司未经本公司同意擅自生产本公司注册商标专用权的高尔夫产品,并且通过被告的直营店及各地经销商在全中国范围内进行销售。

被告擅自生产和销售本公司产品,严重侵犯了本公司的商标专用权,坑害了广大中国消费者。因此,本公司于2011年4月25日向上海市浦东新区人民法院提起侵害商标专用权的诉讼。

### 3. 法院的判决主要内容

- (1) 被告北京德霖高尔夫体育发展有限公司于本判决生效之日起十日内赔偿原告丸万株式会社经济损失(含合理费用)人民币50万元(约600万日元);
- (2) 被告北京德霖高尔夫体育发展有限公司立即停止侵害原告丸万株式会社的注册商标专用权,停止生产,销售侵害原告注册商标专用权的商品;
- (3) 被告北京德霖高尔夫体育发展有限公司于本判决生效之日起三十日内在《法制日报》除中缝以外的版面上刊登声明,消除因侵害注册商标专用权给原告丸万株式会社造成的不良影响,声明内容须经本院审核。如不履行,本院将在相关媒体上公布本判决,费用由被告负担;

### 4. 公司对本次判决的说明

本公司将按照相关法律规定和程序处理本次诉讼的后续事宜,并且保留相应的法律赋予本公司的合法权利。

另,本公司就中国总代理店合约解除已向日本商事仲裁协会仲裁庭提起仲裁诉讼,本次的判决将对日本仲裁结果起到良好的推动作用。

July 6, 2012

Maruman&Co.,Ltd.

Hiroaki Osumi

President

(Stock Ticker Code: 7834)

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This is to announce that Maruman has received a judgment of first instance from the People's Court of Law in Shanghai, China, of winning the lawsuit of trademark infringement of Golf Clubs and Accessories (Product) against DLK.

#### 1. Rule Issuing Court of Law and Date of Issuing

People's Court of Law in Shanghai-Pudong-New-District, China

July 4, 2012 (date of receiving the ruling: July 6, 2012)

#### 2. Background

DLK has produced Products, which use trademarks owned by Maruman, and distributed them across China through DLK's retail shops, which are run by the company, and its key accounts, without Maruman's approval, since around 2010 when DLK was Maruman's authorized distributor.

On April 25, 2011, Maruman filed a trademark infringement lawsuit to the People's Court of Law in Shanghai, China, against DLK, claiming that the production and sales of the Product by DLK infringes its trademarks and damages the consumers' interest in China.

#### 3. Ruling

(1) In accordance with the plaintiff's claim, the fact of trademark infringement is confirmed in this case. The defendant shall pay 500,000 RMB (approximately JPY 6,000,000) in total to the plaintiff as compensation.

(2) After the issuing date of this ruling, the defendant shall immediately stop selling and producing products which use any trademark owned by Maruman.

(3) The infringement of trademarks by the defendant shall be published in Legal Daily, newspaper published by PRC Ministry of Justice.

#### 4. Future Prospects

In the ruling of the first instance, Maruman's claim of trademark infringement is confirmed. DLK is, however, anticipated to appeal to a high court against this ruling. Maruman will make its utmost effort for the ruling to be supported in future.

Maruman has contended with DLK over the termination of the Distributorship Agreement, which is claimed by both parties, in arbitration by the Japan Commercial Arbitration Association. We understand that the ruling will support the reasonability of our claim in the arbitral proceedings.