

## China car group set to sue Fiat

By Jamil Anderlini in Beijing and Vincent Boland in Milan 2009-10-21  
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Great Wall Motor, a Hong Kong-listed Chinese car company, is suing Fiat in China for industrial espionage in an apparent response to an Italian court ruling that Great Wall copied a Fiat car model.

Great Wall alleges Fiat secretly photographed the former's production facilities when the Italian carmaker was gathering evidence to prove the Chinese company had copied one of its models.

Great Wall's primary evidence in the latest case, which was filed in the company's home jurisdiction of Shijiazhuang, comes from the evidence Fiat itself provided to a Chinese court, according to Liu Hongkai, the lawyer representing Great Wall.

"We don't have the exact photos, but in Fiat's evidence. . . they said they had sent people to photograph Great Wall so in their material they acknowledged that they carried out this secret photography," Mr Liu told the Financial Times.

Great Wall is demanding an apology from Fiat and compensation for infringement of Great Wall's commercial secrets.

Last year an Italian court ruled that Great Wall's Peri compact car was a copy of Fiat's Panda model and banned sales of the Peri in Europe. Great Wall is still fighting the case and expects a final verdict in March next year, according to Mr Liu.

Fiat has lost two related cases it tried to bring in Chinese courts.

Fiat said yesterday no court documents had been served relating to the Great Wall case and "therefore we do not know exactly the grounds on which this lawsuit has been brought".

The company added: "We wish to state that Fiat in its 110 years of history has never copied or imitated the design or the styling of any other car manufacturer in the world."

Counterfeit products and intellectual property infringement are still rife in most industries in China, but Chinese companies are becoming more aggressive both in protecting their own patents and counter-suing when they are accused of infringement.

"Chinese companies that infringe intellectual property rights are increasingly adopting a strategy of claiming that investigations to gather evidence of their infringement actually constitute acts of industrial espionage," said Elliot Papageorgiou, a partner at Rouse Legal, a law firm specialising in intellectual property cases.

Chinese carmakers have been repeatedly accused of copying popular models from international competitors. Great Wall is one of China's largest non-state motor producers and has been aggressively marketing its products overseas. Its biggest markets are in countries such as Russia, South Africa and Iraq.

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