

# IP NEWSLETTER

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### **337 Investigations in the U.S.**

- **337-related Commission Notice**

On July 20, 2009, The U.S. International Trade Commission (USITC) decided to institute an investigation of certain lighting control devices including dimmer switches and parts thereof.

The investigation is based on a complaint filed by Lutron Electronics Co., Inc., of Coopersburg, PA on June 23, 2009. The complaint alleges violations of section 337 of the Tariff Act of 1930 for the importation into the United States and sale of lighting control devices including dimmer switches and parts thereof that infringe a patent asserted by Lutron. The complainant requests that the USITC issue an exclusion order and a cease and desist order.

The USITC has identified Neptun Light, Inc. of Lake Bluff, IL, as the respondent in this investigation.

### **IP Strategy of Enterprises**

- **The Quality of Domestic Enterprise's Patents Still Needs to Be Improved**

The 2008 Annual Report on China's Effective Patent shows that, in most technical fields, especially in some high-tech fields, the number of effective patents owned by foreign enterprises is several times higher than those owned by domestic ones, and the effective period of such patents last longer than those of the domestic enterprises.

This trend indicates that foreign enterprises in China exercise higher economic value of their patents, while domestic enterprises may confront more technical barriers when developing independent technology.

## ✦ IP Cases

### • LV Trademark Infringement Case

Recently, Shanghai No. 1 Intermediate People's Court ruled that Yizhong Ling and Beiwen Wu and their Wen Zhong Trading Company (the "Defendants") which sells Luggage must cease infringing upon Louis Vuitton Malletier (the "Plaintiff") and compensate the Plaintiff for economic losses equating to RMB 500,000 Yuan.

#### Background:

The Plaintiff is the owner of the registered trademark of a well-known French luxury goods the "LV", "LOUIS VUITTON" series. The Plaintiff instituted an action in the Shanghai No. 1 Intermediate People's Court, alleging that the Defendants sold infringed "LV", "LOUIS VUITTON" and some other well-known bags, wallets, luggage and accessories, and requested the court to stop the Defendants from infringing, and that the defendants compensate the Plaintiff RMB 1,000,000 Yuan.

## ✦ Trade News

### • Measure for the Custody of Property was Taken in a Copyright Infringement Case Involving KTVs

Recently, according to the request of Beijing Tianyu Tongsheng Information Technology Co., Ltd and Zhongyin Chuangbo(Shenzhen) Co., Ltd, Hefei Intermediate People's Court froze the bank accounts of three KTVs for custody of property.

This is the first time in China that the court has implemented the measure for the custody of property in a copyright infringement case involving KTVs.

## ✦ IP Cooperation

- **Seminar on European Patent System Held in Beijing**

Recently, a seminar on European Patent System was jointly held by State Intellectual Property Office of the People's Republic of China (SIPO) and the European Patent Office (EPO) in Beijing. Yuguang Li (Deputy Director of SIPO) and Wim van der Eijk (Deputy Director of EPO) attended the opening ceremony and delivered speeches. Over 120 persons, including representatives from enterprise, business organizations, and intellectual property agencies attended the seminar.