

# IP NEWSLETTER

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IP NEWSLETTER

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

- **337-related Commission Notice**

On August 25, 2009, The U.S. International Trade Commission (USITC) has voted to institute an investigation of certain articulated coordinate measuring arms and components thereof. The products at issue in this investigation are used to control manufacturing processes that rely on precisely measuring the dimensions of products.

The investigation is based on a complaint filed by Hexagon Metrology AB of Sweden and Hexagon Metrology, Inc., of North Kingstown, RI (Hexagon), on July 28, 2009. The complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States and sale of certain articulated coordinate measuring arms and components thereof that infringe a patent asserted by Hexagon. The complainants request that the USITC issue an exclusion order and a cease and desist order.

Several companies from Belgium, United States and Japan are identified as the Respondents in this investigation.

### **★ IP Strategy of Enterprises**

- **Anhui has Successfully Developed New Generation Flat-panel Display Technology**

Recently, Anhui Huaxia Electronics Co., Ltd. and Academe of Opto Electronic Technology of Hefei University of Technology has successfully co-developed a new generation flat-panel display technology--organic light-emitting diode (OLED) substrate and application component products with independent intellectual property rights. Furthermore, they draw up corresponding standards and applied for two patents and have acquired two utility model patents.

OLED is a kind of new technology which makes use of light-emitting principal without

backlight. This kind of new technology made it possible for display equipment to be thin-oriented and soft-oriented. Currently, OLED products have been comprehensively applied in major national projects.

### *IP Cases*

- **Tomato Garden Copyright Infringement Case**

Recently, People's Court of Huqiu District, Suzhou, Jiangsu Province delivered its decision over Tomato Garden software piracy case. Chengdu Gongruan Network Technology Co., Ltd., operator of Tomato Garden Website and four other related persons have been held criminally responsible for reproducing and distributing computer software without the permission of copyright holders.

Background: Tomato Garden Website was a well-known domestic website for domain name registration and pirated software download. Tomato Garden was illegally using many kinds of software of famous companies from China and foreign countries, which caused huge economic losses for the related rights holders.

### *Trade News*

- **Guideline on Patent Agent Service Released**

Recently, All-China Patent Agents Association released "Guideline on Patent Agent Service (trial)" to regulate acts of patent agents and safeguard the interests of clients. This guideline, for the first time, explicitly put forward four basic principles in patent agency services, i.e., the principle of notification, the principle of authorization, the principle of be responsible for client and the principle of confidentiality.

## ✦ IP Cooperation

- **Sino-Japan Memorandum of Understanding on IP Protection Signed**

Recently, Zhou Bohua, Director of the State Administration for Industry and Commerce (SAIC) and Toshihiro Nikai, Officer of Japan Economic Industry Province signed the Memorandum of Understanding on IP protection (MOU).

Based on this MOU, China and Japan will cooperate on trademark registration, examination, objection, reexamination and management, anti-counterfeiting, anti-unfair competition related to IP rights, IP protection related to network, the enhancement of the IP awareness of consumers and trademark users, etc.