



IP NEWSLETTER

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• **337 Investigations in the U.S.**

• Recent Section 337 Complaints

On May 15, 2009, Red Bull GmbH and Red Bull North America, Inc. jointly filed a complaint requesting the ITC conduct an investigation under Section 337 regarding certain energy drink products. The proposed respondents include Chicago Import Inc., Lamont Dist., Inc, India Imports, Inc and etc.

On May 20, 2009, UNeMed Corporation filed a complaint requesting the ITC conduct an investigation under Section 337 regarding products advertised as containing creatine ethyl ester. The proposed respondents are: Bodyonics, Ltd., Hicksville, New York; Controlled Labs, New Rochelle, New York; Engineered Sports Technology, Inc., Oviedo, Florida; NRG-X Labs, Bentonville, Arkansas; Proviant Technologies, Inc., Champaign, Illinois and San Corporation, Oxnard, California.

• **IP Strategy of Enterprises**

• Patent Strategy for LED Industry

On April 28, 2009, Mr. Mao Jinsheng, the head of the Research and Development Center of SIPO, delivered a lecture regarding the patent strategy for the LED industry in China. Mao said more than 50% of the global LED patents are owned by Japanese companies and the LED patents owned by Chinese companies only accounted for 5%. Mao pointed out the LED patents owned by Chinese companies are of low quality. He also said that a majority of the core LED patents

owned by foreign companies have been registered in China, and the Chinese LED may be subject to patent litigation in the future. Considering that the Taiwanese LED companies own substantial amount of the LED patents and have litigation experience against the American, Japanese and European companies, Mao suggested that the mainland LED companies could choose to cooperate with the Taiwanese LED companies.

• IP Cases

• Image Infringement Case of Ultraman

Recently, Chengdu Intermediate People's Court delivered its judgment in the case of China Shanghai Character Licenses Administrative Co., Ltd v. a local supermarket. The Court found that the defendant infringe the plaintiff's copyrights regarding the image of Ultraman. The defendant was ordered to stop infringement and compensate RMB 10,000 for loss incurred to the plaintiff.

Background:

In 2004, the copyright owner of the cartoon Ultraman, Tsuburaya Productions Co., Ltd franchised the exclusive copyright (including the right of distribution, projection and etc) within mainland China to the plaintiff. On April 14, 2008, the plaintiff found that a local supermarket sold the shoes, which were manufactured by a trade and manufacturing company, infringed its copyright relating to the image of Ultraman. The plaintiff then brought a suit against the supermarket and the trade and manufacturing company.

• **Trade News**

· CBRC and MST Strengthen to Provide Credit to Small and Medium Sized Technology Companies

On May 19, 2009, China Banking Regulatory Committee (“CBRC”) and Ministry of Science and Technology jointly issued the Guidance Rules on Strengthening to Provide Credit to Small and Medium Sized Technology Companies, which is aimed to facilitate the development of the small and medium sized technology companies.

• **IP Cooperation**

· JPO and Rospatent Entered Into Agreement on “PPH” Program

The Japan Patent Office (“JPO”) and the Russian Federal Service for Intellectual Property (“Rospatent”), Patents and Trademarks recently entered into Trial Agreement on the Patent Prosecution Highway pilot program (“PPH”). The PPH pilot program shall be implemented as of May 18, 2009. The JPO has implemented similar programs with the United States, Korea, the United Kingdom, Germany, Denmark, and Finland since 2006. The amount of patent applications that these countries (including Russia) have made account for are 64% of the global patent applications.