



IP NEWSLETTER

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• **337 Investigations in the U.S.**

• Recent Section 337 Complaints

On June 23, 2009, Lutron Electronics Co., Inc. filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding Lighting Control Devices Including Dimmer Switches and Parts Thereof.

The ITC has identified Neptune Light, Inc., Lake Bluff, IL as respondents in the above mentioned complaint.

• 337-related Commission Notice

The U.S. International Trade Commission (USITC) has voted to institute an investigation on certain energy drink products on June 15, 2009.

The investigation is based on a complaint filed by Red Bull GmbH of Australia and Red Bull North America, Inc., of Santa Monica, CA, on May 15, 2009. The complainant alleges violations of section 337 of the Tariff Act of 1930 by the import into the United States and sales of certain energy drink products that infringe trademarks and copyright of the complainant. The complainant requests that the USITC issue an exclusion order and cease and desist order.

The USITC has identified the following as respondents in this investigation: Chicago Import Inc. of Chicago, IL; Lamont Dist. Inc., a/k/a Lamont Distributors Inc. of Brooklyn, NY; India Imports, Inc., a/k/a International Wholesale Club of Metairie, LA; Washington Food and Supply of D.C., Inc., a/k/a Washington Cash & Carry of Washington, DC; Vending Plus, Inc. of Glen Burnie, MD; and

Baltimore Beverage Co. of Glen Burnie, MD.

On June 17, 2009, the U.S. International Trade Commission (ITC) voted to institute an investigation of certain products advertised as containing creatine ethyl ester, based on a complaint filed by UneMed Corporation of Omaha, Nebraska, on May 20, 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 products advertised as containing creatine ethyl ester and components thereof that infringe patents asserted in the investigation. The complainant requests that the USITC issue an exclusion order and cease and desist order.

Five Respondents are identified in this investigation, including Bodyonics, Ltd., of Hicksville, NY; Engineered Sports Technology, Inc., of Oviedo, FL; Proviant Technologies, Inc., of Champaign, IL; NRG-X Labs, of Bentonville, AR; and San Corporation, of Oxnard, CA.

• **IP Strategy of Enterprises**

• Hisense MDTV Go Public

Recently, Hisense officially released MDTV with complete independent intellectual property rights. Qingdao MTV Co., Ltd sent Hisense the first order for 30,000 sets of MDTV. The pilot program of such MDTV will be conducted in 10,000 business affairs vehicles and private cars in Qingdao in the near future.

• IP Cases

• Wahaha Trademark Trails in Final Rule

On May 21, 2009, Hangzhou Intermediate People's Court of Zhejiang Province made the final decision to reject Danone's application for revoking the award made by Hangzhou Arbitration Committee. The trademark "Wahaha" was finally owned by Wahaha Group.

Background:

Danone filed a complaint to Hangzhou Arbitration Committee, requiring Wahaha Group to transfer the rights of its foreign registered trademark. On September 2008, Danone's complaint was rejected by Hangzhou Arbitration Committee, basing on that the transfer agreement relating to the relevant trademark was terminated on December 1999.

• Trade News

• The Auction Price of Agriculture Property Rights Reached Tens of Million RMB

Recently, publicly tender and transfer of agricultural products made its appearance for the first time in Wuhan. Hubei Seed Group finally won the production and operating rights of this kind of rapeseed at a high price of RMB 10,000,000. It is a new kind of rapeseed selected and incubated by Yunchang Li, researcher of the Chinese Academy of Agricultural Sciences Wuhan Oil Plants Research Institute. The rapeseed, with an average yield per mu (Chinese acres),

according to experiments, was 178.97 Kg and was suitable for cultivation in the lower reaches of the Yangtze River. It is estimated that the promotion area may be more than 30,000,000 Chinese acres.

• **IP Cooperation**

· Sino-Japanese Memorandum for IPR Protection and Cooperation Signed

Recently, the second Sino-Japanese Economic Senior Dialogue was held in Tokyo. Both sides signed the Memorandum for IPR Protection and Cooperation along with seven other related documents. This was the first and highest-level economic talk held between the second largest economy—Japan and the third largest economy—China since the financial crisis has burst out.