



IP NEWSLETTER

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• **337 Investigations in the U.S.**

· Recent Section 337 Complaints

On August 15, 2008, Freescale Semiconductor, Inc. filed a complaint with the U.S. International Trade Commission to request an investigation under Section 337 of the Tariff Act of 1930, as amended, regarding Certain Integrated Circuits and Products Containing Same. The proposed respondent is LSI Corporation; Milpitas, California.

· Notice of in the Matter of CERTAIN AGRICULTURAL VEHICLES AND COMPONENTS THEREOF

On August 12, 2008, Notice was given that the U.S. International Trade Commission had determined to reverse the presiding administrative law judge's finding of violation of Section 337 of the Tariff Act, as amended, in the Matter of CERTAIN AGRICULTURAL VEHICLES AND COMPONENTS THEREOF (Investigation No. 337-TA-487) on remand and has terminated the investigation.

The Commission instituted this investigation on February 13, 2003, based on a complaint filed by Deere & Company ("Deere") of Moline, Illinois. Twenty-four respondents were named in the Commission's notice of investigation. On January 13, 2004, the ALJ issued his final initial determination ("ID") finding a violation of Section 337. On March 30, 2004, the Commission determined not to review the ID. Some respondents appealed the Commission's final determination to the U.S. Court of Appeals for the Federal Circuit (the "Federal Circuit"). On March 30, 2006, the Federal Circuit vacated and remanded the Commission's final determination.

• **IP Strategy of Enterprises**

- Zhejiang: Production of Low-price Commodities would not Necessarily Infringe IPR

In recent years, Zhejiang province has made great achievements in brand building and protection of IPR.

From 2004 to 2008, the number of internationally registered trademark in Zhejiang has increased from 3,400 to 24,000. In the corresponding period of last three years, 80,000 cases of infringement of trademark have been subjected to administrative sanctions in Zhejiang. The report of U.S. Special 301 Act expressed special approval of Zhejiang's enforcement of sanctions.

• **IP Cases**

- No.1 State-owned Enterprise in HRM Software Industry Sued a Private Enterprise

Vanguard Technology, the No.1 State-owned enterprise in the industry of human resource management software, sued Zhang, China International Intellectech (Shanghai) Corporation (CIIC) and CIIC HR Management Consulting Co. Ltd. for infringement of copyright in Shanghai Pudong District People Court. Recently, the case came to trial again.

Background:

In 2003, Zhang, an ex-IT engineer of Vanguard Technology, transferred to the software department of CIIC. CIIC and CIIC HR

Management Consulting Co. Ltd. started applying the “eHRMS” HR management system, which was analogical to the “eHR-Soft2000” system of the plaintiff. Suspecting Zhang of copying its software, Vanguard Technology instituted legal proceedings, requiring the ceasing of infringement and compensation of damages from the three of defendants.

• **Trade News**

- The Sentinel of Olympic---- the Department of Legal Affairs of Beijing Organizing Committee for Olympic Games (BOCOG)

As one of the internal body first set by the BOCOG, “the Department of Legal Affairs is the sentinel of Olympic”, as far as its vice-president Liu Yan is concerned.

The Department of Legal Affairs played an essential role in the protection of Olympic Intellectual Property Right and the confidentiality of the Opening Ceremony, Olympic Emblem, Olympic Mascot and Olympic Slogan.

In addition, the practical experience and management mode of the Department of Legal Affairs provided precious experience for the legal practice of the organizers of large-scale events, home and abroad.