



IP NEWSLETTER

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EA and its US Partners Helped GBT Prevail in ITC Investigation

On Sept. 29, 2008, the U.S. International Trade Commission (ITC) held that Global Bio-chem Technology Group Company Limited and its affiliate companies (collectively “GBT”), a client of East Associates, had not violated 19 U.S.C. § 1337 and terminated the investigation. This decision safeguards GBT’s commercial interests in the U.S. It is the first winning of the respondent in initial and final determination of 337 investigation against Chinese enterprises, and also the first actual winning of 337 investigation that Chinese lawyers attended. The law firms East Associates, Adduci, Mastriani & Schaumberg LLP and Foley Hoag LLP represent GBT in the investigation.

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• 337 Investigations in the U.S.

- Recent Section 337 Complaints

On October 6, 2008, Isola USA Corp. filed a 337 Complaint with USITC requesting that the Commission conduct an investigation under Section 337 of the Tariff Act of 1930, as amended regarding Certain Prepegs, Laminates, and Finished Circuit Boards. The proposed respondents are: Ventec Electronics (Suzhou) Co., Ltd., China; Ventec

Electronics (HK) Co., Ltd., Hong Kong; VGL USA LLC, Fullerton, California; Taiwan Union Technology Corp., Taiwan; ITEQ Corporation, Taiwan; Guangdong Shengyi Sci. Tech Co., Ltd., China; Sanmina-SCI Corporation, San Jose, California; Paramount CCL Supply, Orange, California; & Coatek Inc., Santa Clara, California.

• **IP Strategy of Enterprises**

- Domestic Household Enterprises Unite to Battle against Patent Wars

Although the 337 investigation regarding LED was terminated by settlement in August, 2008, the Chairman of the Board of Guangzhou Hongli Opto-electronic Co. Ltd, which is one of the respondents of the above-mentioned 337 investigation, was of the opinion that China LED industry would face tougher patent wars in the future.

In fact, some household enterprises have already begun the fight against future patent wars. To protect joint rights, ten enterprises, including TCL, Changhong, and Konka, established *Shenzhen Zhongcailian Technology Co Ltd* in March, 2007; TCL, Shinco and Tsinghua Tongfang established China Blue High Definition Disc Association in September, 2007.

• **IP Cases**

- Wumart Store Compensates for Sale of Infringing “PUMA”

Recently, Beijing No.2 Intermediate People's Court delivered a decision of "first instance" and required the Yutingqiao store of Wumart Store.Inc (hereinafter referred to as "defendant") to stop infringement and compensate PUMA Aktiengesellschaft Rudolf Dassler Sport (hereinafter referred to as "plaintiff") RMB 11,000 for the plaintiff's loss.

Background:

The plaintiff holds the rights to the registered trademark "PUMA" and its trademark design, and is authorized to use the trademark on goods such as clothes, shoes and hats. In December, 2007, the plaintiff found that the defendant sold clothes which displayed the trademark "PUMA", so the plaintiff believed the defendant infringed its trademark right. The plaintiff prevailed in Court when it required the defendant to stop infringement immediately and requested a compensation of RMB 81,000 for its economic loss. The final result was a compensation of RMB 11,000 awarded to the plaintiff.

• Trade News

• The Largest Car Units in Asia Were Released

Recently, the first train of the Shanghai Metro Line 1 Reconstruction Program was successfully released by Zhuzhou CSR Times Electric Company. The train is the largest car unit in Asia, and it will greatly reduce traffic pressure during the Shanghai World Expo.

• **IP Cooperation**

- China and Europe Reached Broad Consensus on Many Issues including IPR

Recently, the 23rd *EU-China Joint Economic and Trade Committee Meeting* was held in Beijing. China and the EU reached broad consensus on many issues including intellectual property, energy and trade.

Both sides agreed to quicken the negotiation process of the Intellectual Property Rights (IPR) Customs Enforcement Action *and to further cooperate in accordance with related international rules with regard to website intellectual property.*