



IP NEWSLETTER

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• **Latest Pulished Articles**

On 2008, 19th Oct., Ruixue Ran' s article on the first 337 Investigation filed against a Chinese company for infringement of trade secret was published in her Legal Daily column. The following websites may be accessed for this article in full:

Legal Daily(website)

http://www.legaldaily.com.cn/bm/2008-10/19/content_963344.htm

Sina(website): <http://news.sina.com.cn/o/2008-10-19/131414597332s.shtml>

State Intellectual Property Office of P.R.C(website)

http://int.ipr.gov.cn/ipr/inter/info/Article.jsp?a_no=244309&col_no=123&dir=200810

• **337 Investigations in the U.S.**

· ITC Reviews Section 377 Investigation on Certain GPS Devices

On October 9, 2008, the U.S. International Trade Commission decided to review the final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on August 8, 2008, regarding whether there is a violation of Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the Matter of Certain GPS Devices and Products Containing Same (Investigation No. 337-TA-602) .

The Commission instituted this investigation on May 7, 2007, based on a complaint filed by Global Locate, Inc.. The complaint alleged violations of Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation and consequent sale within the United States of certain GPS (Global Positioning System) devices and products containing the same that infringe U.S. patents.

• **IP Strategy of Enterprises**

· IPR Pledges Collect RMB 355, 000,000 for Xiangtan Enterprises

Recently, a company from Xiangtan, Hunan province obtained a loan of RMB 300,000 from *Xiangtan City Commercial Bank* with four patents as pledges. So far, seven Xiangtan enterprises have received loans estimated at RMB 355, 000,000 by using *Intellectual Property Rights (IPR)* as pledges. As financing has always been the bottleneck of development of small and medium enterprises, it is good news for enterprises for which intellectual property rights (IPR) constitutes the core of their value. Since 2005, Xiangtan City Commercial Bank has been testing the waters of IPR Pledge Financing with good results.

• IP Cases

• Ciwen Loses Changsha Case

Recently, Beijing Ciwen AV production house (hereinafter referred as “Ciwen”), the copyright holder of the film ‘Seven Swords’, sued four Hunan companies in Changsha Intermediate People’s Court for providing online viewing of ‘Seven Swords’ without license. Ciwen’s complaints were overruled for lack of evidence.

Background:

During the trial, the dispute focused on the verity of a Notarization Certificate provided by Ciwen. The Notarization Certificate provided by Ciwen could only indicate that the website, vod.0733.com displayed ‘Seven Swords’. The Court found that Ciwen could not prove that the website was operated by the defendants because Ciwen did not identify the IP address by notarization, and the Court overruled Ciwen’s complaints.

• **Trade News**

• **China Innovating in the Clean Coal Technology Market**

About seventy percent of China's energy comes from coal. Furthermore, most of China's coal is burned with limited pollution controlling measures and outdated equipment, leading to massive energy losses.

Research and development is underway to create feasible clean coal technologies (CCT) that could possibly solve China's dilemma between economic growth and environmental safety. Since 1979, there have been 41 Chinese patents for clean coal technologies. There are 18 locally-developed clean coal technologies presently in use, ranging from advanced power generation to pollution control.

The push toward CCT is not driven by environmental regulations but by the promotion of technical policies tied to numerous state incentives. China's expanding patent system is also playing an important role in encouraging the deployment and development of innovative technology.

• **IP Cooperation**

• **Suzhou Holds Sixth International Invention Exhibition**

Recently, the sixth International Invention Exhibition was held at the Suzhou International Exhibition Center. Officials from the World Intellectual Property Organization, International Federation of Inventors' Association and China's government attended the opening ceremony.

More than 40 groups from China and abroad visited the exhibition where more than 3,000 inventions were on display.
