

知识产权观察 IP Newsletter

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 *337 Investigation U.S* **Recent Section 337 Complaints**

On January 23, 2007, Cooper Lighting, Inc. filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding certain lighting products, components thereof and products containing the same. The ITC has identified Cordelia Lighting, Inc. and Jimway, Inc. from Canada as respondents in the above mentioned complaint.

On January 29, 2007, Renesas Technology Corp. filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding Certain Dynamic Random Access Memory Devices and Products Containing Same. The ITC has identified Samsung Electronics Co., Ltd. (Korea) and Samsung Electronics America, Inc. (NJ).

 **337-related Commission Notices**

The U.S. ITC will institute a Section 337 investigation of certain wireless conference calling devices and components thereof, based upon a complaint filed on December 29, 2006, by Callpod Inc.. The products at issue in this investigation are certain wireless conference calling devices and components thereof. Callpod Inc. alleges that the importation into the United States and the sale within the United States after importation of the above-mentioned products has infringed the patents owned by the complainant. The complainant request issuance of a permanent exclusion order and permanent cease

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and desist order. The ITC has identified 3 companies from the United States and Denmark as respondents.

IP Enterprise Strategy

Chinese CPU Loongson Actively Integrated into the Global Industry Chain

Recently, it was known from Beijing Municipal Bureau of Industrial Development that STMicroelectronics would purchase the 5-year right for manufacturing and selling CPU Loongson II (Loongson II Enhanced CPU Chip Design) at a price of RMB 30,000,000. On the other hand, STMicroelectronics will pay 2 US dollars to BLX IC Design Co., Ltd. for selling each CPU Loongson II. The foregoing indicates that Chinese CPU Loongson is being actively integrated into the global industry chain.

IP Cases

German Court Accepted the Lawsuit Brought by WANGZHIHE Food Group

Recently, Local Court Munich (the Court) accepted the lawsuit brought by WANGZHIHE Food Group (the Plaintiff) against OKAI (the Defendant), a German company, over the vicious registration of the trademark “wangzhihe”. The claim of WANGZHIHE Food Group is a penalty of 250,000 Euro imposed on the Defendant and

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the 6-month imprisonment for the principal of the Defendant.

Backgrounds: When WANGZHIHE Food Group intended to apply for the registration of its trademark “wangzhihe” in Germany last year, it found that OKAI had already registered this trademark. WANGZHIHE Food Group stated that it would continue to fight until it wins back the right to the trademark.

Trade News

◆ China Became One of the Fastest Countries on the Examination and Approval of Patents

Based on the information released at the recent press conference held by State Intellectual Property Office, the average examination and approval period in China is 22 months for an invention, 9 months for a utility model and 6 months for a design respectively. The average review period is 18 months, and the average determination period for a petition of invalidation is 13 months. The above statistic results show that China has become one of the fastest countries on the examination and approval of patents.

◆ Supreme People’s Court Selected Excellent IP Judgments and Decisions

Recently, Supreme People’s Court announced the list of excellent judgments and decisions regarding intellectual property. Of the 65 excellent judgments and decisions in total, 5 ones won the prize of first class, as well as 10 ones and 20 ones won the prize of

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second class and third class respectively. The rest 30 judgments and decisions won the prize of encouragement.

✦ IP Cooperation

◆ Four Ministries Jointly Released *Directory of High-tech Industrialization Fields as Current Preferential Development of Year 2007*

Recently, four ministries, i.e. National Development and Reform Commission, Ministry of Science and Technology, Ministry of Commerce, State Intellectual Property Office, jointly released *Directory of High-tech Industrialization Fields as Current Preferential Development of Year 2007*. The directory takes the industrialization of independent innovation as strategic break point, and determines 130 important high-tech industrialization in 9 fields including information and biology and etc. This directory will play a positive role in directing those new rising industries.

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