

# 知识产权观察 IP Newsletter

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## *337 Investigation U.S*

### ◆ Recent Section 337 Complaints

On March 23, 2007, InterDigital Communications Corporation and InterDigital Technology Corporation filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof. The ITC has identified Samsung Electronics Co., Ltd., Seoul, Korea; Samsung Electronics America, Inc., Ridgefield Park, New Jersey, and Samsung Telecommunications America LLC as respondents in the above mentioned complaint.

### ◆ 337-Related Commission Notices

The U.S. ITC will institute a Section 337 investigation of Certain Unified Communications Systems, Products Used with Such Systems, and Components Thereof, based upon a complaint filed on February 16, 2007, by Microsoft Corporation. The products at issue in this investigation are Certain Unified Communications Systems, Products Used with Such Systems, and Components Thereof. Microsoft Corporation 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 and desist order. The ITC has identified Alcatel-Lucent as respondent.

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 *IP Enterprise Strategy*

◆ **16 Ministries and Commissions Promulgated Outline of  
Innovation and Development Plan of Traditional  
Chinese Medicine**

Recently, the Outline of Innovation and Development Plan of Traditional Chinese Medicine for Year 2006-2020 (Outline) was promulgated by 16 ministries and commissions of China including Ministry of Science and Technology, Ministry of Health, State Administration of Traditional Chinese Medicine and State Food and Drug Administration. As a programmatic document concerning the overall situation of the innovation and development of traditional Chinese medicine, this Outline explicitly emphasizes the protection and use of the intellectual property and resources of traditional Chinese medicine.

◆ **Joint Conference among Relevant Ministries regarding  
Promotion of Enterprises' Use of Copyrighted Software  
Held in Beijing**

Recently, the first plenary meeting of the joint conference among the relevant ministries regarding promotion of enterprises' use of copyrighted software was held in Beijing.

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The officials attending the meeting came from the member units of the joint conference including General Administration of Press and Publication, National Copyright Administration, Ministry of Information Industry, Ministry of Commerce and State-owned Assets Supervision and Administration Commission of the State Council. A report with respect to the situation of use of copyrighted software by enterprises was issued by the Office of the Joint Conference at the meeting. The working plan for promotion of enterprises' use of copyrighted software in 2007 was also discussed and revised.

### IP Cases

#### **First Copyright Case concerning Operator Interface of Computer in Guangdong Province Closed by Final Decision**

Recently, Guangdong High People's Court made its final decision on the lawsuit brought by TP-LINK Technology Co., Ltd. (TP-LINK) against Shenzhen Tenda Technology Co., Ltd. (Tenda) over infringement of computer operator interface copyright. Guangdong High People's Court ruled that the user interface of the Router of TP-LINK shall not be protected by the relevant laws since it did not constitute the originality of the works stipulated by the copyright law of China.

**Background:** In July 2004, TP-LINK filed a case with Shenzhen Intermediate People's Court against Tenda claiming that Tenda and its seller had infringed the

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operator interface copyright of TP-LINK's TL-R 460 Router. TP-LINK requested that Shenzhen Intermediate People's Court order Tenda and its seller to cease the infringing acts, destroy the infringing products in stock and pay TP-LINK RMB 150,000 for its losses. Shenzhen Intermediate People's Court announced its decision of first hearing, ordering (1) Tenda and its seller to cease the infringing acts, destroy the Router adopting the infringing operator interface in stock; (2) Tenda to pay TP-LINK RMB 30,000 for its losses. Tenda refused to accept the above decision and filed an appeal with Guangdong High People's Court.

### Trade News

#### Chinese Academy of Sciences Announced Its Top Ten Innovation Fruits in 2006

Recently, Chinese Academy of Sciences (CAS) held a working conference for the year 2007. At this conference, the fruits researched by CAS in 2006 were introduced and the top ten innovation fruits in 2006 including "Long-Xin" 64 bits CPU were announced to the public.

### IP Cooperation

#### Seminar regarding Strategy and Practice of European and German IP Legal System Held in Qingdao

Recently, Seminar regarding Strategy and Practice of European and German IP Legal

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System was jointly held by China Intellectual Property Society and Vossius & Partner in Qingdao city. Principals from more than 100 enterprises, law firms and patent agencies of different Chinese regions attended this seminar.

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