

知识产权观察 IP Newsletter

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Catalog

337 Investigations in the U.S.

- ◆ Recent Section 337 Complaints
- ◆ 337-related Commission Notices

IP Strategy of Enterprises

- ◆ 30 KTV Bars of Yunnan Province Conferred Copyright Licensing Certificates

IP Cases

- ◆ Guangdong Province Accepts the First Case regarding Copyright Infringement for Works Disseminated Through Network

Trade News

- ◆ Countrywide IP Protection Propaganda Week for Year 2007 Initiated
- ◆ Ten Events in IP Protection in China in 2006 Announced

IP Cooperation

- ◆ Sino-Japanese High-Level Dialogue Mechanism Promotes IP Cooperation

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337 Investigation U.S

◆ Recent Section 337 Complaints

On April 17, 2007, Tessera, Inc. filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same. The ITC has identified the following companies as respondents in the above mentioned complaint: ATI Technologies, Inc., Canada; Freescale Semiconductor, Inc., Texas; Motorola, Inc., Illinois; Qualcomm, Inc., California; Spansion Inc., California; Spansion LLC, California and STMicroelectronics N.V., Switzerland.

On April 19, 2007, Hewlett Packard Company filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding Certain Personal Computers and Digital Display Devices. The ITC has identified Acer Incorporated, Taiwan, R.O.C. and Acer America Corporation, CA as respondents in the above mentioned complaint.

◆ 337-related Commission Notices

The U.S. ITC will institute a Section 337 investigation of Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof, based upon a complaint filed on March 23, 2007, by InterDigital Communications Corporation and

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InterDigital Technology Corporation. The products at issue in this investigation are Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof. InterDigital Communications Corporation and InterDigital Technology 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 Samsung Electronics Co., Ltd., Seoul, Korea; Samsung Electronics America, Inc., Ridgefield Park, New Jersey, and Samsung Telecommunications America LLC as respondents.

IP Enterprise Strategy

30 KTV Bars of Yunnan Province Conferred Copyright Licensing Certificates

Recently, 30 KTV bars of Yunnan Province were conferred Copyright Licensing Certificates for Karaoke business and they became the first KTV bars which were granted such certificates. Issuance of Copyright Licensing Certificate indicates an important progress in protection of intellectual property related to sound recordings and video recordings in Yunnan Province. Furthermore, compliance with copyright laws and payment of licensing fees by KTV bars will help avoid disputes over copyright infringement.

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 *IP Cases*

**◆ Guangdong Province Accepts the First Case regarding
Copyright Infringement for Works Disseminated Through Network**

Recently, the People's Court of Yuexiu District, Guangzhou City (the Court) accepted a lawsuit brought by Beijing Chinese Online Culture Development Co., Ltd. (the Plaintiff) against Guangzhou Jiubang Digital Technology Co., Ltd. and Jiubang Computer Technology (Guangzhou) Co., Ltd. (the Defendants) over copyright infringement for works disseminated through network. This is the first case accepted by Guangdong Province regarding infringement on copyright for works disseminated through network after the promulgation of Regulation on the Protection of the Right to Network Dissemination of Information.

Background: The Defendants are the owners of the website *wap.3g.net.cn*. The Plaintiff alleged that the Defendants had infringed its right to network dissemination of information by providing Defendants' clients with a service for online reading of the concerned works at the above-mentioned website. The Plaintiff asked the Court to order the Defendants to cease infringement and pay the Plaintiff approximately RMB 310,000.00 for its losses.

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◆ Countrywide IP Protection Propaganda Week for Year 2007 Initiated

Recently, Propaganda Week regarding Countrywide IP Protection for Year 2007, jointly held by 18 departments including State Office of Intellectual Property Protection, Ministry of Public Security, Ministry of Culture, National Copyright Administration and Chinese General Administration of Customs, was initiated in Beijing. The Propaganda Week aims to strengthen the public's awareness of intellectual property and call on the public to participate in the intellectual property protection.

◆ Ten Events for IP Protection in China in 2006 Announced

Recently, the Ten Events in Intellectual Property Protection of China in 2006, declared by certain media such as *Intellectual Property Protection in China*, and Sina websites and CCTV, was announced. The ten events include China's joining of World Intellectual Property Organization Copyright Treaty and WIPO Performances and Phonograms Treaty, and promulgation of Regulation on the Protection of the Right to Network Dissemination of Information by the State Council.

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◆ Sino-Japanese High-Level Dialogue Mechanism Promotes IP Cooperation

Recently, the initiation meeting for Sino-Japanese High-Level Dialogue Mechanism was held in Tokyo, Japan. Respective Chinese leader and Japanese leader attended the meeting and presided over the above meeting. China and Japan will, through the establishment of Sino-Japanese High-level Dialogue Mechanism, strengthen cooperation in the areas of energy sources, environmental protection, finance, high-tech, information communication and intellectual property.

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