



知识产权观察 IP Newsletter


Chief Editor: Ruixue Ran Vol.11 2006

Catalog



337 Investigations in the U.S.

-  337-related Commission Notices

IP Strategy of Enterprises

-  33 Enterprises in Sichuan Province Have Obtained the License to Use Musical Works

IP Case

-  Xiushui Market Accused Again
-  The First Case on Computer Software Copyright in Qinghai Province Concluded

Trade News

-  Digital TV Ground Transmission Technology Standard of Our Country Passed the Test

IP Cooperation

-  EU and US Jointly Raid the Counterfeit Goods

East Associates

19th Floor, Landmark Tower 2, 8 North Dongsanhuan Road, Beijing 100004, China

Tel: (8610)6590 6639-254/284 Fax: (8610) 6590 6650 / 6590 6651

Email: ruixue_ran@ealawfirm.com

✿ *337 Investigation U. S*

◆ 337-related Commission Notices

The U.S. ITC will institute a Section 337 investigation of certain lighters therefore, based upon a complaint filed on May 16, 2006, by Zippo Manufacturing Co. (ZMC) of Bradford, PA, and ZippMark, Inc., of Wilmington, DE. The products at issue in this investigation are certain lighters. Zippo and ZippMark allege that the importation into the United States and the sale within the United States after importation of the above-mentioned products has infringed the trademark registered by complainants in US. The complainants request issuance of a permanent exclusion order and permanent cease and desist order. The ITC has identified seven corporations (including three corporations from China mainland) as respondents

✿ *IP Strategy of Enterprise*

◆ 33 Enterprises in Sichuan Province Have Obtained the License to Use Musical Works

Recently, Sichuan Copyright Bureau issued the license to use musical works to 33 enterprises on the copyright working conference of Sichuan Province. This action reminds

the relevant enterprises again that large-scale supermarkets, hotels and entertainment centers shall be authorized to play background music. Otherwise, the behavior of playing music will be infringement of rights.

✦ IP Case

◆ Xiushui Market Accused Again

Recently, Beijing Second Intermediate People's Court accepted a series of cases on the infringement of rights brought by LACOSTE (hereinafter referred to as "the Plaintiff") against Beijing Xiushui Haosen Clothing Co., Ltd. (hereinafter referred to as "the Defendant") and certain dealers in the Xiushui Market. The Plaintiff claimed that its "Crocodile" trademark has been registered in 192 countries, but many dealers publicly sell cheap T-shirts bearing the "Crocodile" symbol in Xiushui Market managed by the Defendant since the opening of the Market at the beginning of 2005, which has infringed the exclusive right to the use of the aforesaid trademark. At present, this case is going through the trial.

◆ The First Case on Computer Software Copyright in Qinghai

Province Concluded

Recently, Xining Intermediate People's Court concluded the first case on the infringement of computer software copyright. Upon conciliations for many times, the two parties reached an agreement voluntarily at last. In accordance with this agreement, the two defendants shall pay the two plaintiffs RMB 10,000 and RMB 30,000

respectively.

The background of the case: In September 2005, having not authorized by Beijing Founder Electronics Co., Ltd., one company in Xining City installed the piratical software system of Founder on a compatible computer in its business premise. Furthermore, one plant in Xining City installed the software system of Founder on the host of the laser printer in its business premise. Therefore, Beijing Founder Electronics Co., Ltd. brought the aforesaid lawsuit to Xining Intermediate People's Court claiming that the behavior of the above-mentioned company and enterprise had infringed its copyright.

Trade News

Digital TV Ground Transmission Technology Standard of Our Country Passed the Test

Recently, the digital TV ground transmission technology standard of our country owning independent IP passed the first-phase standard test organized by State Standard Commission of Radio, Film and Television, and the test result showed that this standard was better than the overseas current standard.

IP Cooperation

EU and US Jointly Raid the Counterfeit Goods

On the recent conference of heads of EU and US, EU and US decided to jointly raid the counterfeit goods. Both parties said they would commit themselves to intensify the

cooperation between the customs of the two parties, taking joint action in the countries and regions where the counterfeit was rampant and intensify the cooperation with the copyright owners.