

# 知识产权观察 IP Newsletter



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## Catalog


### 337 Investigations in the U.S.

-  337-related Commission Notices


### IP Strategy of Enterprises

-  Liaoning Province Holds IP Training for IT Enterprises
-  “Shunmei” Determined to be a Famous Trademark


### IP Case

-  *Busheng vs. Zhongguangya* Decided in the First Instance

### Trade News

-  Ranking for Independent Innovation of Chinese Software Issued

### IP Cooperation

-  South Korea and Germany Enhance Cooperation on Patent Examination



## *337 Investigations in the U.S*



### **337-related Commission Notices**

Based on a complaint filed on June 9, 2006, by Qualcomm Incorporated, the U.S. ITC will institute a Section 337 investigation into certain mobile telephone handsets, wireless communication devices and components. Qualcomm Incorporated alleges that the import into the United States and the sale of the abovementioned products within the country has infringed upon patents owned by the Complainant, Qualcomm. The complainant is requesting the issue of a permanent exclusion order and permanent cease and desist order. The ITC has identified Nokia Corporation (Finland) and Nokia Inc. (Texas) as the Respondents.



## *IP Strategy of Enterprises*



### **Liaoning Province Holds IP Training for IT Enterprises**

The Information Industry Office of Liaoning Province and Intellectual Property Bureau of Liaoning Province recently held an IP training class for IT enterprises within Liaoning Province. During this training program, the patent protection status within the domestic and overseas IT industries was presented in detail and some cases involving patent disputes were discussed and analyzed, so as to enhance the understanding of the relevant enterprises on patent protection.

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### ◆ “Shunmei” Determined to be a Famous Trademark

Recently, in a dispute over the infringement of trademark rights brought by Beijing Shunmei Clothes Stock Limited Company (“Shunmei Company”) against Duan, the owner of Kangshunmei Bedding Wholesale and Retail Store, the Beijing Second Intermediate People’s Court determined in its Judgment of first instance that the “Shunmei” trademark combined through words and figures was a Chinese Famous trademark, of which the exclusive right to the registered trademark shall be enjoyed by Shunmei Company . This is the first time that the Beijing Second Intermediate People’s Court has determined a domestic registered trademark to be a Chinese Famous trademark.

### ✦ IP Case

### ◆ *Busheng vs. Zhongguangya* Decided in the First Instance

In a recent dispute brought by Shanghai Busheng Musical Culture Spreading Co., Ltd. (“Plaintiff”) against Zhongguangya Broadcasting Information Network Co., Ltd. (“the Defendant”) regarding the infringement of the Plaintiff’s rights as a producer of sound recordings, the Beijing Haidian People’s Court announced its judgment requiring the Defendant to cease its download service of related musical works and pay the Plaintiff RMB 77,400 for economic losses suffered and RMB 3,400 as reimbursement for legal costs incurred by the Plaintiff.

The background of the case was as follows. On October 25, 2005, the Plaintiff discovered that the Defendant was providing online services for downloading songs of Hu Yanbin and songs from other singers' albums. Therefore, the Plaintiff brought the aforesaid lawsuit before the Beijing Haidian People's Court claiming that the behavior of the Defendant had infringed its rights as a producer of sound recordings.



### ◆ Ranking for Independent Innovation of

### Chinese Software Issued

Recently, the Ranking for Independent Innovation of Chinese Software was issued during the "First Forum for Independent Innovation of Chinese Software & Ranking for Independent Innovation of Chinese Software". The products including Kingsun Virus Defending Software from Beijing Kingsun Software Co., Ltd. were named part of the Top 10 Independent Innovation Softwares, and enterprises including Founder Group were named as a Top 10 Independent Innovation Enterprises. The aim of the aforementioned forum was to get familiar with the status of whole Chinese software industry and to promote independent innovation within the domestic software industry.



**◆ South Korea and Germany Enhance Cooperation  
on Patent Examination**

Recently, the Intellectual Property Bureau of South Korea and the German Patent and Trademark Bureau reached an agreement on instituting an exchange program for examination officials involved in technological searches. Commencing from the second half of 2006 the two parties decided to annually select and send 2 examination officials each, to the other country to participate in cooperative projects.