



IP NEWSLETTER

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EA and its US Partners Helped GBT Prevail in ITC Investigation

On July 31, 2008, the Administrative Judge Charles E. Bullock of the U.S. International Trade Commission (ITC) issued an initial determination on the merits of the case In the Matter of the Lysine 337 Investigation (Investigation No. 337-TA-571). Global Bio-chem Technology Group Company Limited and its affiliate 的 companies (collectively “GBT”), a client of East Associates, had not violated 19 U.S.C. § 1337. This initial determination safeguards GBT’s commercial interests in the U.S. The law firms East Associates, Adduci, Mastriani & Schaumberg LLP and Foley Hoag LLP represent GBT in the investigation.

Catalog

337 Investigations in the U.S.

- Recent Section 337 Complaints
- Notice of In the Matter of CERTAIN 3G WIDEBAND CODE DIVISION MULTIPLE ACCESS (WCDMA) HANDSETS AND COMPONENTS THEREOF

IP Strategy of Enterprises

- Wuhan's First Certification Trademark of Geographical Indications was Registered

IP Cases

- A Corporation Won Compensation for Infringement of its Information Network Transmission Right

Trade News

- Exclusive Rights Protection of Olympic Symbols has Achieved Progress

IP Cooperation

- Qualcomm and Nokia Finally Reach an Agreement

• **337 Investigations in the U.S.**

· Recent Section 337 Complaints

On July 30, 2008, Microsoft Corporation filed a Complaint requesting that the U.S. International Trade Commission conduct an investigation under Section 337 of the Tariff Act of 1930, as amended, regarding Certain Peripheral Devices and Components Thereof and Products Containing the same. The proposed respondent is Primax Electronics Ltd., Taiwan.

· Notice of In the Matter of CERTAIN 3G WIDEBAND CODE DIVISION MULTIPLE ACCESS (WCDMA) HANDSETS AND COMPONENTS THEREOF

On July 25th, 2008, Notice was given that the U.S. International Trade Commission had determined not to review the presiding administrative law judge's (ALJ) initial determination (ID) for the case of In the Matter of CERTAIN 3G WIDEBAND CODE DIVISION MULTIPLE ACCESS (WCDMA) HANDSETS AND COMPONENTS THEREOF (Order No.20), granting complainants' motion that their licensing activities satisfy the domestic industry requirements of 19 U.S.C 1337(a) (3) (C).

The Commission instituted his investigation on April 27, 2007, based on a complaint filed by InterDigital Communications Corp. of King of Prussia, Pennsylvania and InterDigital Technology Corp. of Wilmington, Delaware. The notice of investigation named Samsung Electronics Co., Ltd. of Seoul, Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Samsung Telecommunications America LLC of

Richardson, Texas (collectively, “Samsung”) as respondents.

• **IP Strategy of Enterprises**

• Wuhan’s First Certification Trademark of Geographical Indications was Registered

According to Wuhan Administration of Industry and Commerce, the mark of “E Hong Shan Cai Tai” in the city of Wuhan has been formally registered as certification trademark of geographical indications by the State Administration of Industry and Commerce. It is the first certification trademark of geographical indications in Wuhan.

The certification trademark of “E Hong Shan Cai Tai” was applied for registration by the Hong Shan Cai Tai Industry Association on March 15th, 2004 and was successfully registered after 4 years.

• **IP Cases**

• A Corporation Won Compensation for Infringement of its Information Network Transmission Right

In April 2008, Beijing Second Intermediate People’s Court rendered a final decision, establishing the existence of infringement by Beijing Yizhaoxianfeng Corporation (“Yizhao”), requiring Yizhao to stop the infringement and compensate RMB 15,000 and

a justified expenditure of RMB 5,000 to Beijing Wangshang Corporation (“Wangshang”).

Background:

In November, 2006, Wangshang received exclusive information network transmission right for the teleplay “Pearl of the Orient” throughout the Mainland. Later, Yizhao illegally copied and transmitted this teleplay in its cyber bars without permission. Discovering Yizhao’s illegal behaviors, Wangshang sued Yizhao for infringement of information network transmission right, requiring Yizhao to stop infringement and a compensation of RMB.58, 000

• **Trade News**

· Exclusive Rights Protection of Olympic Symbols has Achieved Progress

According to State Administration of Industry and Commerce (SAIC), through a sequence of pragmatic measures, China has made achievements in the protection of the exclusive rights of Olympic Symbols. Thus far, the trademark office under SAIC has recorded 198 Olympic Symbols and registered 8 special markings.

From 2004 to 2008, nationwide administrations of industry and commerce have dealt with 2882 cases of infringement of the exclusive rights of Olympic Symbols, amounting to RMB 33.97 billion in case value.

• **IP Cooperation**

• Qualcomm and Nokia Finally Reach an Agreement

Recently, Qualcomm made an announcement that it has signed a new agreement with Nokia, which covers technological standards including GSM and CDMA. It is estimated that Nokia will have to pay Qualcomm the down payment of several hundred million dollars.

Prior to this agreement, Qualcomm had sued Nokia for 11 patent infringements (including patents of GSM and CDMA) in Asia, Europe, and North America.