



IP NEWSLETTER

3 Sept., 2008 Vol. 17 | NO.103

Chief Editor: Ruixue Ran

EAST ASSOCIATES

Ruixue Ran

Contact us:

Tel:(86-10)65906639Ext.254

Fax: (86-10) 65906650/51

Mobile: 139-0112-5639

Email:

ruixue_ran@ealawfirm.com

www.ealawfirm.com

Add:19th Floor, Landmark

Tower 2

8North Dongsanhuan Road

Beijing 100004,China

Catalog

337 Investigations in the U.S.

- Recent Section 337 Complaints
- 337-related Commission Notice

IP Strategy of Enterprises

- Forum on Medium and Small-sized High-tech Enterprises was Held in Shanghai

IP Cases

- Lawsuit arising from Ads Related to Olympic Symbol

Trade News

- The Amendment of Patent Law was under Discussion

IP Cooperation

- Seventh China-ASEAN Economic Ministers Meeting was held

• **337 Investigations in the U.S.**

· Recent Section 337 Complaints

On August 19, 2008, Honeywell International, Inc. filed a 337 Complaint with USITC requesting that the Commission conduct an investigation under Section 337 of the Tariff Act of 1930, as amended regarding Certain Automotive Multimedia Display and Navigation Systems, Components Thereof, and Products Containing Same. The proposed respondents include eight companies from Japan and America, including Alpine Electronics, Inc., Tokyo, Japan and Alpine Electronics of America, Inc.

On August 20, 2008, Hillcrest Laboratories, Inc. filed a 337 Complaint with USITC, requesting that the Commission conduct an investigation under Section 337 of the Tariff Act of 1930, as amended regarding Certain Video Game Machines and Related Three-Dimensional Pointing Devices. The proposed respondents are: Nintendo Co., Ltd. Kyoto, Japan and Nintendo of America, Inc., Redmond, WA.

· 337-related Commission Notice

The U.S. International Trade Commission (ITC) will institute an investigation of certain base stations and wireless microphones (Inv. No. 337-TA-653), based on a Complaint filed by L-3 Communications Mobile-Vision, Inc., of Booton, NJ, on July 22, 2008. The Complaint alleges violations of Section 337 of the Tariff Act of 1930 in the importation into the United States of certain base stations and wireless microphones that infringe a patent owned by L-3 Communications

Mobile-Vision, Inc. The complainant requests that the ITC issue an exclusion order and cease and desist orders. The ITC has identified the following as respondents in this investigation: Enforcement Video, LP d.b.a WatchGuard Video of Plano, TX; Trinus Korea, Inc., of Republic of Korea; Trinus Systems, Inc., USA of Norwalk, CA; Telex Communications, Inc., of Lincoln, NE; Safety Vision, LP of Houston, TX; KCi Communications, Inc., of Lake Zurich, IL; International Science Ventures Co., Ltd., of Republic of Korea; ICOP Digital, Inc., of Lenexa, KS; Digital Ally, Inc., of Overland Park, KS; TriSquare Communications (Hong Kong) of Hong Kong; and TriSquare Communications USA of Kansas City, MO.

The U.S. International Trade Commission (ITC) will institute an investigation of certain peripheral devices and components thereof and products containing the same (Inv. No. 337-TA-654), based upon a complaint filed by Microsoft Corporation of Redmond, WA, on July 30, 2008. The complaint alleges violations of Section 337 of the Tariff Act of 1930 in the importation into the United States of certain peripheral devices and components thereof and products containing same that infringe patents owned by Microsoft. The complainant requests that the ITC issue an exclusion order and a cease and desist order. The ITC has identified Primax Electronics Ltd. of Taiwan as the respondent in this investigation.

- **IP Strategy of Enterprises**

- Forum on Medium and Small-sized High-tech Enterprises

was Held in Shanghai

Recently, forum on medium and small-sized high-tech enterprises was held in Shanghai. Managers from several enterprises gave speeches on topics such as “intellectual property protection”, “construction of inventive platform”, “the promotion and application of new technological product”, “the financing of medium and small-sized high-tech enterprises”, “strengthening the enterprise’s ability to survive”. Secretary of the Shanghai Municipal Party Committee Yu attended this forum and pointed out that Shanghai must attach much importance to IP protection, and the government shall increase efficiency to provide a good environment for the development of medium and small-sized high-tech enterprises.

• IP Cases

· Lawsuit arising from Ads Related to Olympic Symbol

Jinhua Bus Advertising Company of Zhejiang province (hereinafter referred as Bus Advertising Company) used Olympic Symbol in its advertisements and was thus sanctioned by the Industry and Commerce Bureau of Wucheng District of Jinhua in Zhejiang. Bus Advertising Company did not accept the administrative decision and sued the Industry and Commerce Bureau of Wucheng in the People’s Court of Wucheng District in Jinhua. The court recently delivered its decision of first instance and found the plaintiff infringed the Olympic symbol.

Background:

Some advertisements, with word “Olympic” and Olympic emblem on them, appeared in some bus stops in Jinhua downtown in January,

2008 and the advertisements showed that they were created by Bus Advertising Company. The Industry and Commerce Bureau of Wucheng District made an administrative decision that the Bus Advertising Company infringed the Olympic symbol on April 1st, 2008, requiring the Bus Advertising Company to stop infringement immediately and fined the Bus Advertising Company RMB10, 000. However, the Bus Advertising Company did not believe it had infringed Olympic symbol but rather it had displayed public service advertisement of Olympic Games. Therefore, the Bus Advertising Company instituted this case and required the court to repeal the administrative decision of the Industry and Commerce Bureau.

• Trade News

· The Amendment of Patent Law was under Discussion

Recently, the draft of Amendment to Patent Law was discussed in the forth conference of the 11th Standing Committee of People's Congress.

This Amendment refers to several aspects of patent law, including:

1. Adopting the absolute novelty standard and elevating the threshold of granting patents in China.
2. Higher amount of the damages to be paid by infringers.
3. The applicant may apply directly for patents in foreign countries.

Under the current patent law in China, the applicant has to apply for domestic patent before he applies for patents in foreign countries.

4. Technologies related to gaining or using Genetic Resources shall

not be granted patents.

5. Compulsive patents may be granted in case of manufacturing and exporting patented medicines to designated countries.

• IP Cooperation

- Seventh China-ASEAN Economic Ministers Meeting was held

Recently, the seventh China-ASEAN Economic Ministers Meeting was held in Singapore. The two parties released a joint statement after the meeting. The statement indicated that the parties were happy to see the progress reached on China-ASEAN IP Understanding Memo in the final stage of negotiation and looked forward to signing the Memo during the meeting of China-ASEAN leaders.

This meeting was jointly chaired by Chen Jian, the vice minister of Ministry of Commerce of People's Republic of China and *Lin Xunqiang, Minister of Singapore Ministry of Trade and Industry.*