

# 知识产权观察 IP Newsletter



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## *337 Investigation U.S*

### ◆ 337-related Commission Notices

On October 18, 2006, the United States International Trade Commission, (“USITC”) decided not to review the presiding administrative law judge’s (“ALJ’s”) initial determination (“ID”) terminating investigation No. 570 on the basis of a settlement agreement. The USITC instituted this investigation in May 2006, based on a complaint filed on behalf of Lexar Media Inc., concerning flash memory chips, flash memory systems, and products containing same. Toshiba Corporation, Toshiba America and Toshiba America Electronic Components, Inc. were identified as respondents in the investigation.



## *IP Strategy of Enterprise*

### ◆ Beijing Announced Working Scheme for Protecting IP

Recently, the Beijing Municipal Government formally announced its Working Scheme for Protecting Intellectual Property of Beijing (2006-2007). According to this scheme, the focus of IP protection in Beijing now is to strike the sale of counterfeits of well-known goods and pirated compact discs. The scheme also discussed the importance of efforts to reduce the market for selling counterfeits of well-known goods, strike the sale of pirated compact discs and promote the consciousness of protecting IP.

## ◆ Gansu Established Special Fund for Patent Development

Recently, a special fund for patent development for Gansu Province was formally established. This special fund will play an important role in providing positive inventing incentives to the inventors of Gansu Province and promoting independent innovation among the province's enterprises and institutions.

### ✦ IP Case

## ◆ Case of Trademark “Zengliu” (甌流) Closed in First Instance

The Beijing Second Intermediary People's Court rejected the complaint of Beijing Huicheng Wine Technology Development Company (“Huicheng Company”) in which Niulanshan Wine Plant of Beijing Shunxin Agricultural Stock Limited Company (“Niulanshan Wine Plant”) and Beijing Jiuzhongjiu Wine Co., Ltd. (“Jiuzhongjiu Company”) respectively were accused of trademark infringement. The Beijing Second Intermediary People's Court determined in the first instance that the registered trademark “Zengliu” (甌流) of Huicheng Company is the common name of a certain classification of the goods for Niulanshan Wine Plant and Huicheng Company's use of “Zengliu” (甌流 or 甌馏) as the name of their high pure corn wine products. Therefore Niulanshan Wine Plant and Jiuzhongjiu Company did not infringe Huicheng Company's exclusive trademark rights.

Background: In 1994, Huicheng Company registered the trademark “Zengliu” (甌流), which was the grass style of “甌流”. The approved goods bearing this trademark are alcohol beverages except beer in Class 33 of the International Goods Classification.

 *Trade News***◆ First National IP Park of Industrial Design Established in Wuxi**

Recently, the State Intellectual Property Office formally approved the establishment of the National IP Park of Industrial Design in Wuxi City. As the only national industrial design park in China, Wuxi Industrial Design Park has gathered more than 130 design enterprises.

**◆ State Administration for Industry and Commerce Determined  
106 Well-known Trademarks**

Recently, the State Administration for Industry and Commerce (SAIC) announced on its official website the seventh list of well-known trademarks determined by SAIC. Of this list of well-known trademarks, the Trademark Office determined 87 and the Trademark Review and Adjudication Board determined 19. The above-mentioned well-known trademarks were determined by the SAIC in the latter half of 2006.

 *IP Cooperation***◆ China and Germany Hold Seminar on Legal Procedures for IP  
Protection in Beijing**

Recently, a seminar regarding Legal Procedures for IP Protection, Quick Procedure and Other High Efficiency Mechanism, was held in Beijing jointly by the State Office of

Intellectual Property Protection (SOIPP) and the German Technology Cooperation Company. During the seminar specialists, scholars and jurists from China and Germany discussed focused quick procedures and remedy procedures for intellectual property protection.