

知识产权观察 IP Newsletter

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- *337 Investigation U. S*

- **337-related Commission Notices**

On November 20, 2006, the U.S. ITC determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") extending the target date for completion of the investigation (No. 574). The Commission instituted this investigation on June 16, 2006, based on a complaint filed on behalf of Telcordia Technologies, Inc. of Piscataway, New Jersey. An amended complaint was filed on June 5, 2006. The amended complaint named five respondents, including Cisco Systems, Inc. of San Jose, California.

- *IP Strategy of Enterprise*

- **Industrial Upgrading: the Ultimate Way
for Color TV Industry**

Recently, the first quarterly conference for China's Color TV industry research was held in Beijing. The report "Character of Economic Operation of China's Color TV Industry in the Third Quarter of 2006" was issued at this conference, which spoke highly of the efforts of domestic color TV enterprises on areas relating to independent research and

development of application technology regarding panel flat screen TV and upstream business chain construction as well as the remarkable achievements, and also pointed out that the ultimate ways for the development of China's color TV industry are through industrial restructuring and business upgrading.

- **Ten Provinces and Municipalities Jointly Crack Down on Trademark Infringement**

Recently, ten provinces and municipalities including Beijing、 Tianjin、 Hebei、 Henan, etc., reached an agreement on a regional law enforcement cooperation for cracking down on trademark infringement. According to the agreement, when a well-known brand of one province is counterfeited or when its trademark is infringed in any one of above mentioned ten provinces or municipalities upon a complaint filed by an enterprise, the provincial Administration of Industry and Commerce (AIC) will directly contact the local AIC where the tort is committed, and the local industrial and commercial law enforcement personnel shall crack down on the counterfeits.

 *IP Case*

- **“Old Yinchuan” Design Patent Dispute Closed in the First Instance**

Yinchuan Intermediate People’s Court recently announced its judgment of first instance over a design patent dispute between Yinchuan Haowang Liquor Co., Ltd. (the Plaintiff)

and Yinchuan Guangxia Haodu Liquor Co., Ltd., Zhongwei Branch (the Defendant). The court determined that the package of “Old Yinchuan” liquor used by the Defendant was similar to the Plaintiff’s design, constituting an infringement on the Plaintiff’s patent. Therefore the court ordered the Defendant to immediately cease the production, use and sale of the counterfeit packaging, and to pay the Plaintiff RMB 15,000 Yuan for its economic losses.

- *Trade News*

- **Exploitation Fee Standard for Karaoke copyright Promulgated**

Recently, the National Copyright Administration officially announced the "Copyright Exploitation Fee Standard for Karaoke Industry" through a notice on its official website, and the basic standard is RMB12 Yuan per day for each room. This basic standard sets up the maximum exploitation fee. As to how the local authorities make appropriate adjustment based on this standard, there may exist more room for further negotiations.

- *IP Cooperation*

- **Sino-African Forum Builds a Platform for IP exchange and cooperation**

Recently, at the Beijing Summit of the Sino-African Cooperation Forum, a

comprehensive plan was made regarding the Sino-African cooperation in the next three years. According to the plan, China and African countries will conduct further exchange and learn from each other in the areas such as economy, culture and intellectual property, etc..

- **Japan, US and Europe will Implement Patent**

Mutual Recognition System

Japan, USA and Europe are planning to enforce “Patent Mutual Recognition System”. According to this system, the invention patent applied and approved by the Japanese authority shall be recognized by Europe and the US. This system, if implemented, will have a significant impact on the intellectual property strategies of many multinational enterprises.