

# 知识产权观察 IP Newsletter

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## *337 Investigation U.S*

### ◆ Recent 337 Complaints

On May 8, 2006, Novo Nordisk A/S, Novo Nordisk Inc., and Novo Nordisk Pharmaceuticals Industries, Inc. filed a complaint requesting that the U.S. International Trade Commission (ITC) institute a Section 337 investigation regarding insulin delivery devices, including cartridges having adaptor tops, and components. The ITC has identified 3 companies (Sanofi-Aventis Deutschland GmbH, Frankfurt am Main, Germany, Sanofi-Aventis, Paris, Cedex France and Aventis Pharmaceuticals, Inc., Bridgewater, New Jersey) as respondents in the above mentioned complaint.

### ◆ 337-related Commission Notices

On May 9, 2006, the U.S. ITC has instituted a Section 337 investigation of certain products and pharmaceutical compositions containing recombinant human erythropoietin, based upon a complaint filed on April 11, 2006, by Amgen Inc (“Amgen”). The products at issue in this investigation are pharmaceutical compositions that are used to treat patients with anemia. Amgen alleges that the importation into the United States of the above-mentioned products has infringed a patent owned by Amgen . Amgen requests issuance of a permanent exclusion order and permanent cease and desist order. The ITC has identified 4 companies (Roche Holding and its affiliates) as respondents in the above mentioned complaint.

On May 11, 2006, the U.S. ITC has instituted a Section 337 investigation of certain endoscopic probes for use in argon plasma coagulation systems, based upon a complaint filed on April 10, 2006, by ERBE Elektromedizin GmbH of Germany and ERBE USA, Inc., of Marietta, GA (“ERBE”). The products at issue in this investigation are flexible catheter probes with a blue tube design used to coagulate tissue during endoscopic surgical procedures. ERBE alleges that the importation into the United States and the sale within the United States after importation of the above-mentioned products has infringed a patent and a registered trademark owned by ERBE. ERBE requests issuance of a permanent exclusion order and permanent cease and desist order. The ITC has identified 3 companies (Canady Technology, LLC, Hampton, VA; Canady Technology Germany GmbH, Germany and KLS Martin GmbH & Co. KG, Germany) as respondents in the above mentioned complaint.

On May 11, 2006, the U.S. ITC has instituted a Section 337 investigation of certain flash memory chips, flash memory systems, and products containing same, based upon a complaint filed on April 11, 2006, by Lexar Media, Inc., of Fremont, CA (“Lexar”). The products at issue are used in consumer electronics products such as flash drives, digital cameras, portable digital music recorders and players, and portable digital video recorders and players. Lexar alleges that the importation into the United States and the sale within the United States after importation of the above-mentioned products has infringed patents owned by Lexar. Lexar requests issuance of a permanent exclusion order and permanent cease and desist order. The ITC has identified 3 companies (Toshiba Corporation, Tokyo, Japan, Toshiba America, Inc., New York, NY and Toshiba America Electronic Components, Inc., Irvine, CA) as respondents in the above mentioned complaint.

 *IP Strategy of Enterprise*

**◆ 19 International Brands Launched  
a Joint Anti-Infringement Campaign**

Recently, 19 international brands such as Adidas, Puma, Columbia, LV, and CK formally launched a joint anti-infringement campaign program in China. The campaign will take one year to search for and counter the fake and counterfeit products with famous brands in association with the relevant government agencies. It aims at reversing the current situation of fake and counterfeit products sales in some of the domestic sales and retailing markets through the companies' cooperation with relevant government agencies and market management and supervision organizations.

**◆ Liaison Network for the Protection of  
Famous Trademarks of Zhejiang Launched**

Recently, a liaison network for the protection of famous trademarks of Zhejiang Province was launched in Hangzhou, the capital of Zhejiang. The liaison network is sponsored and initiated by the Zhejiang Administration of Industry and Commerce and the Trademark Society of Zhejiang, aiming at enhancing the information exchanges between law enforcement agencies such as the Administration of Industry and Commerce and the trademark holders, and strengthening the protection of IP rights.

 *IP Case*

◆ **“Haofang” Sued for Alleged Copyright Infringement  
on Online Games**

Recently, Shenzhou Aomei Network Co., Ltd. (“Shenzhou Aomei”) brought a suit against Shanghai Haofang Online Information Technology Co., Ltd. (a subsidiary of the Shanda Interactive Entertainment Limited, “Haofang”) at the First Intermediate People’s Court of Shanghai. Shenzhou Aomei claims to own the distribution rights of five foreign online games software, namely, Counter Strike, War Craft, Star Craft, Diablo, and the Age of Empire, which have been used by Haofang on its gaming platform for profitable business without the authorization from Shenzhou Aomei. Shenzhou Aomei requests Haofang to stop from infringing its copyrights and asks for RMB 120 million Yuan (US\$15 million) as damages. At present, the First Intermediate People’s Court of Shanghai has accepted the IP case relating to online games.

 *Trade News*

◆ **Number of Business Premises**

**Granted Background Music License Reached 5000**

Recently, Beijing ORIGUS Food Co., Ltd. and the Trust-Mart Management & Consulting Services (Shanghai) Co., Ltd. signed the license agreement on the use of music copyrights with the Music Copyright Society of China. By then, the number of business premises granted background music license had reached 5000.



## ◆ Laos and Honduras to Become

### Contracting Party to Patent Cooperation Treaty

Laos and Honduras deposited their instruments of accession to the Patent Cooperation Treaty (PCT) at the WIPO on March 14 and 20, 2006 respectively. According to relevant stipulations, Laos will formally become the 129th contracting party to the PCT on June 14, 2006 with the nation code LA; while Honduras will formally become the 130th contracting party to the PCT on June 20, 2006 with the nation code HN.

## ◆ China and ROK Signed Letter of Intent

### on Copyright Cooperation

Recently, the China Copyright Protection Center and the Copyright Deliberation and Conciliation Committee of Korea signed the Letter of Intent on Sino-Korea Copyright Cooperation in Beijing. According to the Letter of Intent, both sides will carry out effective exchanges and cooperation in the copyright field.