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China's Supreme People's Court Affirms Nippon Steel Patent in Landmark Ruling

In a landmark decision, the Supreme People's Court (SPC) of China has overturned a lower court's ruling and upheld the validity of a patent owned by Nippon Steel Corporation (Nippon Steel). The patent was challenged by Baoshan Iron & Steel Co., Ltd (Baosteel).

The ruling was made public through China Judgements Online, a leading platform for accessing judgments and decisions from Chinese courts.

The patent in question is titled "Method for Hot Pressing High-Strength Components Using Steel Plates and Hot-Pressed Components" and carries the Chinese patent number ZL200580023694.X.

Initially, Baosteel contested the patent's validity at the China National Intellectual Property Administration (CNIPA), which upheld its validity in June 2019.

Dissatisfied with this decision, Baosteel pursued an administrative lawsuit with the Beijing Intellectual Property Court, arguing that the patent claims lacked essential technical features and were not adequately supported by the specification. Specifically, Baosteel claimed that the absence of a "clearance feature" in the claims prevented the resolution of the "hydrogen embrittlement" issue, and that the claims encompassed an overly broad protection scope.

On August 26, 2022, the Beijing Intellectual Property Court accepted Baosteel's argument and overturned the CNIPA's decision.

Subsequently, Nippon Steel appealed to the SPC, arguing that the "clearance feature" in the patent claims was based on common knowledge in the field.

On October 24, 2023, the SPC issued a second-instance administrative judgment reversing the Beijing Intellectual Property Court's decision and validating the patent.

The SPC clarified two key points in the judgment regarding claim support and essential technical features. It emphasized the importance of considering the entirety of the specification and common knowledge in the field.

Following detailed analysis, the SPC concluded that the "clearance feature" was indeed common knowledge and that the claims were supported by the specification.

This particular patent is likely one of three patents that Nippon Steel filed against Baosteel. In October 2021, Nippon Steel initiated legal action against Toyota and Baosteel for patent infringement concerning the use of non-oriented electrical steel plates in electric vehicles.

Baosteel confirmed this information in a statement released on August 17, 2022, noting that Nippon Steel had filed three lawsuits against the company, seeking over 20.4 billion yen in total.

As China currently dominates the global steel production, accounting for approximately half of the world's annual steel output, it has increasingly become a preferred location for global steel giants to file lawsuits, said Chinese IP analysts.

The fair and transparent handling of this case by the SPC not only enhances China's judicial reputation internationally but also encourages more steel companies to seek protection in China. This strengthens China's position in the global steel industry, fostering innovation and upgrading in the sector.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12878>

CNIPA to Promote Patent Industrialization in Universities and Research Institutions

The CNIPA, together with relevant departments, has jointly formulated a work plan to promote patent industrialization in universities and research institutions, according to news released on Tuesday at a regular press conference. Wang Peizhang, a senior CNIPA official, said that there is a wide existence of dormant patents in Chinese universities and research institutions currently. As of the end of 2023, the number of valid invention patents owned by domestic universities and research institutions reached 794,000 and 229,000 respectively, accounting for a quarter of the total patents in China. There is an urgent need to promote the industrialization of these patents.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12875>

China Issues Landmark Ruling on Copyright Infringement Involving AI-generated Images

China has issued the world's first legally binding verdict concerning copyright infringement of AI-generated images, according to news released on Monday.

The Guangzhou Internet Court ruled on Feb 8 that an AI company was guilty of infringing on copyright and adaptation rights related to the iconic Ultraman series in the process of providing generative AI services.

The dispute centered around the exclusive copyright ownership of the "Ultraman" series images, which had been granted to the plaintiff by the copyright owner. The defendant, an AI company, operated a website offering AI conversation and AI-generated painting services.

The plaintiff, upon investigation, discovered that the images generated by the defendant's website bore striking similarities to its Ultraman images. Additionally, the website's AI drawing feature was only accessible to paying members.

The plaintiff argued that the defendant unauthorizedly used its rights to train the defendant's model and generate substantially similar images, which causes serious harm to the plaintiff.

The Guangzhou Internet Court ruled that the defendant's unauthorized replication of the original artistic work constitute a violation of the plaintiff's reproduction rights. Furthermore, the court noted that some of the generated images displayed new features based on the original expression, which violated the plaintiff's adaptation rights. The defendant was ordered to compensate the plaintiff for economic losses totaling 10,000 yuan (\$1,389).

The ruling sets a significant precedent for the treatment of AI-generated content and underscores China's commitment to protecting IP rights in the digital age. It follows a similar decision by China's Beijing Internet Court in November 2023, where an AI-generated image was recognized as copyrighted artwork in an IP dispute.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12874>

China's Copyright Registrations up 40.46% in 2023

The total number of copyright registrations nationwide reached 8,923,901 in 2023, a year-on-year increase of 40.46%, according to news released by the National Copyright Administration of China (NCAC). Statistics show that a total of 6,428,277 non-software copyright registrations were completed nationwide in 2023, a year-on-year increase of 42.30%. Computer software copyright registrations reached 2,495,213 in 2023, a year-on-year increase of 35.95%. Both the number of registrations and the growth rate hit a five-year high.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12872>

Schneider Electric Prevails in 40 Million Yuan Trademark Dispute Against Schneider Elevator

Schneider Electric SE's Chinese unit has secured a victory in a trademark dispute against Jiangsu-based Chinese elevator manufacturer, Schneider Elevator, culminating in a 40 million yuan penalty for trademark infringement and unfair competition.

The Jiangsu High People's Court, in its second-instance judgment on February 7, upheld the initial ruling by the Suzhou Intermediate People's Court, which found Schneider Elevator guilty of trademark infringement and unfair competition. As a result, Schneider Electric was awarded 40 million yuan in compensation.

Schneider Electric's lawsuit argued that its "Schneider" and "施耐德(Chinese translation of Schneider)" marks enjoy well-known trademark status. Schneider Elevator's unauthorized use of these marks constituted trademark infringement, while its incorporation of "Schneider" in its company name and utilization of domain names like www.schneider-elevator.cn and

www.schneider-elevator.com were deemed unfair competition. Schneider Electric initially sought 124,447,400 yuan in damages plus reasonable expenses of 150,000 yuan.

The Suzhou Intermediate People's Court ruled in favor of Schneider Electric, affirming the plaintiff's claims and ordering the defendant to cease using the disputed marks and domain names. Regarding compensation, the Suzhou court, following its calculations, awarded Schneider Electric 40 million yuan.

Both parties appealed the decision to the Jiangsu High People's Court, which upheld the initial ruling on February 7 and solidified Schneider Electric's triumph in the legal battle.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12869>

Huawei Signs Global Patent Cross-licensing Agreement with Amazon

Huawei has inked a multi-year patent cross-licensing deal with Amazon, marking the resolution of all litigation between the two parties, as announced by Huawei on its official website on Tuesday.

"We are pleased to engage in a patent exchange with Amazon," remarked Alan Fan, Head of Huawei's Intellectual Property Rights Department. "Patent licensing broadens the scope of companies that can leverage what would otherwise be proprietary technologies, thus fostering more innovative products and services for consumers."

"Amazon respects Huawei's worldwide patent portfolio, innovations, and contributions to the standardization process. Amazon also respects Huawei's efforts to license its patents to companies like Amazon, which frequently use industry technical standards when inventing new products and services for customers," stated Scott Hayden, Vice President of IP for Amazon.

Huawei also announced on the same day that it signed global patent cross-licensing agreement with vivo that covers cellular

Standard Essential Patents, including those for 5G.

Huawei stands as one of the globe's largest patent holders. Data indicates that as of 2022, the company owns over 120,000 granted patents worldwide, with over 40,000 each in China and Europe, and over 20,000 in the United States. Among these holdings, Huawei boasts 20% of global 5G and WiFi 6 patents, 10% of 4G patents, and 15% of NB-IoT and LTE-M patents.

Reports reveal that Huawei has secured nearly 200 patent licensing agreements with prominent ICT manufacturers in the United States, Europe, Japan, and South Korea. More than 350 companies have obtained Huawei patent licenses through patent pools.

Over the past year, Huawei has reached fresh or renewed patent cross-licensing deals with leading industry players such as Samsung, OPPO, Nokia, Ericsson, Xiaomi, and Sharp.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12877>

SUPPLEMENTARY ISSUE

AFD China was Rated as a Five-star Intellectual Property Service Agency

On February 4, 2024, the Capital Intellectual Property Service Industry Association announced the 2023 rating results of intellectual property agencies. AFD China was honored as one of the first batch of five-star intellectual property service agencies.

The rating of intellectual property service agencies is organized by the Capital Intellectual Property Service Industry Association, aiming to improve the quality and level of intellectual property services by carrying out graded and categorized evaluations of intellectual property service agencies in Beijing. This rating activity identified 19 five-star agencies, 16 four-star agencies, 16 three-star agencies, and 9 two-star agencies. Being rated as a five-star agency is a high recognition of our firm's professional capabilities in the field of intellectual property services, which will undoubtedly further enhance our competitiveness in the industry and lay a solid foundation for future development.

Since its establishment, AFD China has always adhered to a customer-centered approach, leveraging its expertise and innovative spirit to serve every client with one-stop, comprehensive, and high-quality intellectual property services. This achievement cannot be made without the concerted efforts or shared aspirations of all our colleagues, who have fully implemented every work requirement and service standard of our firm and diligently handled every client's entrustment. This honor is also a testament to the support and recognition from all our clients. It is because of their trust that we can continue to excel in the field of intellectual property.

In the future, AFD China will continue to adhere to the service philosophy of professionalism, innovation, and integrity, constantly improving service quality to meet the diverse needs of our clients. At the same time, we will actively fulfill our social responsibilities, promote the healthy development of the intellectual property service industry, and contribute to the construction of an innovation-driven country.

We would like to express our heartfelt gratitude to the Capital Intellectual Property Service Industry Association and our industry peers for their affirmation and support of AFD China. Motivated by this honor, we will continue moving forward and creating further glory for the cause of intellectual property protection.

In March 2024, AFD China partnered with the Capital Intellectual Property Services Association for the sixth time to fund impoverished rural students

Life is full of ups and downs, unexpected turns and unpredictable events. If you ask me how to find hope in despair and grow resilient in adversity, I think you at least need a strong heart filled with sunshine. You also need to accumulate enough strength to break through the shackles of life, so as to break free and fly freely. At every minute of every day, there are people striving to realize their ideals, while some are throttled by life and can only look up to the future. The trivialities of daily life may wear down our unique enthusiasm and momentum in youth, but they also bring us closer to the world and make us more respectful of life and more willing to use a warm heart to resist the vicissitudes of life.

Over the years, the Capital Intellectual Property Services Association has been caring about the learning and living conditions of the disadvantaged school-age children in Xingwen County, hoping to gather everyone's strength to support the children in completing their studies, cultivating

their expertise, and providing them with the possibility of creating a bright future with their own hands. Such actions of spreading warmth and love have made us feel the power of unity. We are also honored to be a part of this "boat of love". 2023 marks the sixth year that AFD China has participated in the "Light Up Wisdom" educational assistance project. Among the 88 children to be funded, we continued to support the six children we have been helping for four consecutive years.

It is often said that "knowledge changes fate" and "teaching a man to fish is better than giving him fish". We hope that what the children can have is not just financial assistance, not just improved learning and living conditions, but the ability and confidence to face the future's diverse life independently, broad horizons and minds, as well as a warm and determined heart. We hope that their future will have infinite possibilities, and we hope that the button of life choices can be in their own hands.

Doing a good deed occasionally is easy, which may only require an "impulse" and some "insignificant" financial contribution. However, consistently doing good deeds is not easy, as it requires continuous attention to disadvantaged groups and significant investment of human and financial resources. The dedication of the Capital Intellectual Property Service Industry Association and the compassionate colleagues in the industry over the years has deeply impressed us with what corporate social responsibility is and how to effectively fulfill it. It has also made us feel the power of constant effort, giving us more confidence to do whatever we can with everyone to help those struggling at the edge of life. We firmly believe that with every extra hand reaching out, our society will become warmer and warmer.

Charity may be such a thing that seems to be forgotten in our busy lives, but whenever we think of it, it can awaken us from numbness. It reminds us that we can do far more than we imagine, and it makes us more grateful and willing to give. We are willing and hope to continue participating in charitable causes, bringing the love in our hearts to more people, and we also hope that everyone can accompany and witness us on this journey.