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International IPR Seminar

An international seminar which aims to help further boost IPR protection awareness of Chinese enterprises took place in Guangdong province late last month. It also taught Chinese enterprises how to get and protect IPRs in Europe, and promote the competitiveness in international market by using IPRs.

The International Seminar on European IP System - Industrial Design and Patent was convened in the province of South China, and co-hosted by the State Intellectual Property Office, European Patent Office, the EU Office of Harmonization for the Internal Market (OHIM) and Guangdong Provincial Intellectual Property Office.

Li Yuguang, vice-commissioner of the State Intellectual Property Office, Tao Kaiyuan, director of Guangdong IP Office and related officials from OHIM and European Patent Office attended and addressed the meeting. About 180 people from all IP offices of Guangdong province, enterprises, law circle and scientific research institutions took part. (Source: *China Daily*)

ESCO Wins Trademark Suit

Beijing High People's Court has entered a second instance decision that a Ningbo-based company infringed a US-based company ESCO's trademark. ESCO is primarily engaged in manufacturing and selling machine parts and has a representative office in Beijing. ESCO applied for registration of its trademark ESCO to the Trademark Office under the State Administration for Industry and Commerce in September and October 1993 and obtained registration numbers 659425 and 663565. ESCO would later extend the terms of the registrations to 2013.

In September 2007, ESCO found the Ningbo-based company manufactured bucket teeth, tine plates and other parts with ESCO labels on sale in Beijing. After gathering evidence, it filed a suit at Beijing No 2 Intermediate People's Court and sought 200,000 yuan in damages.

(Source: *China Daily*)

Fiat's Copycat Suit Rejected

The Shijiazhuang Intermediate People's Court recently rejected Fiat's lawsuit against Great

Wall Motor for patent infringement and Fiat has to pay a court fee of 8,800 yuan.

Fiat Auto filed lawsuits against Great Wall Motor for patent infringement in both China and Italy claiming that Great Wall's Peri model was a copy of Fiat's Panda. On July 16, the Turin Court, in Italy, ruled that the promotion, importation and sale of the Peri was forbidden in the EU and Great Wall Motor was fined 15,000 euros for importing the car.

According to the Shijiazhuang Intermediate People's Court, the designs of the Panda and Peri are "clearly different", particularly the front and rear parts of the vehicles. The court concluded that consumers would not be confused between the two.
(Source: *China Daily*)

Agricultural Center Needed

An agricultural IP (intellectual property) meeting was held by the Agricultural IP Research Center of the Chinese Academy of Agricultural Sciences (CAAS) on September 12 in Beijing to tackle problems such as the weak protection of China's agricultural patents and related technology innovations. Experts from the CAAS, Chinese Academy of Sciences and Renmin University of China, and officials from the Ministry of Agriculture and the State Intellectual Property Office attended the meeting.

Shi Yanquan, an official from the Ministry of Agriculture, said China's agricultural patent

applications have greatly increased in recent years and the proportion of invention patents has continuously risen as well. He added that the amount of annual applications for new varieties of agricultural plants ranks fourth among UPOV members.

However, regarding the development of agricultural intellectual property, China is facing many theoretical and practical problems. So it is necessary to establish a specific research center to solve those problems, Shi concluded.
(Source: *China Daily*)

IPR Infringement Crackdown

The State Intellectual Property Office (SIPO) has issued a circular on the start of "Thunderstorm" and "Skynet" IPR enforcement campaigns. The circular also announced a plan for IPR law enforcement actions.

The "Thunderstorm Campaign" will combat IPR infringement and counterfeiting, especially malicious, collective and repeated infringements, counterfeiting or imitation of patents, while the "Skynet Campaign" is aimed at patent frauds.

The action plan requires all related departments to strengthen their leadership, ensure careful planning, intensify coordination, expand publicity efforts and reinforce supervision.

The campaigns will be carried out from March to November of 2009. The SIPO will write a report and recommendations in December.
(Source: China Daily)

CISCO Settles Dispute

CISCO has settled a trademark dispute with an infringer from Shenzhen. With court intervention, the unidentified defendant agreed to make a public apology and pay 200,000 yuan in damages.

CISCO sued the Shenzhen company in Futian District Court for infringing on its trademarks CISCO and CISCO SYSTEMS. CISCO says the trademarks were registered at the Trademark Office of the State Administration for Industry and Commerce. The Shenzhen company had been selling counterfeit routers and switches labeled with the trademarks since July 2006. The act has misled the public and caused great damages to CISCO, the court found. CISCO originally sought an injunction, 500,000 yuan in damages and a public apology.
(Source: China Daily)

Patent Fair

The 2008 China International Patent Fair (CIPF) was recently held in Dalian, Liaoning province. The three-day fair attracted 4,100 patents of 15 international exhibition groups from 11 countries and regions including Russia, South Korea, and Finland. Eighteen

domestic provinces and 12 cities also sent exhibition delegations to the fair.

Dalian Intellectual Property Development Research Center was established during the fair.

Sponsored by the State Intellectual Property Office, Liaoning provincial government, and China Council for the Promotion of International Trade, the CIPF was inaugurated in 2002. It has become one of the most influential State-level international patent exhibitions in China.

During the past five sessions, it has attracted over 7,000 enterprises and 50,000 patents from more than 30 countries and regions as well as over 500,000 professional visitors.
(Source: China Daily)

Copyright Case Heard

Shanghai No 1 Intermediate People's Court recently began hearing criminal charges against a gang accused of global trading in pirated software - at over \$10 million, the biggest case of copyright violation in Shanghai's history, the Shanghai Daily reported.

The two prime defendants were identified as Ma Jingyi, 50, of Sichuan province, and Lu Yi, 50, a Shanghai native who also holds Hong Kong residency.

Prosecutors allege that from July 2003 to February 2007, Ma instructed his employees

to sell 677,000 pieces of pirated software and 15 mother discs to overseas clients. The sales netted \$10.48 million, according to authorities.

All the defendants admitted to the charge of copyright infringement, but some questioned the sales volume and the amount of proceeds.

Prosecutors said Ma once belonged to a gang selling pirated software in the United States.

But he returned to China on holiday just as American police began pursuing him. Ma formed three firms in Shanghai in July 2003 and hired Yu Yifan, Li Xi, Wang Xiaodong and Xia Lei to sell pirated software to overseas clients via the Internet, prosecutors said.

Each piece of pirated software was sold for \$15, less than 40 percent of the price of a real copy. The employees, who all knew they were selling pirates, were paid based on the sales volume, Ma said.

Yu, department manager for Ma's company, was in charge of managing employees, keeping sales records and distributing commissions.

Lu and three other defendants allegedly produced pirated discs and wholesaled them to Ma.

Copyright violators in China face a maximum of seven years' jail.

(Source: China Daily)

Wanfang Data Sued

Wanfang Data, an Internet information content provider in China, has been sued by 480 academics for illegally including their dissertations in Wanfang's data resource system and its dissertation database called Dissertations of China, according to Beijing Chaoyang People's Court.

The academics say these dissertations, which were completed by them independently, have not been published yet, but Wanfang Data put these dissertations into electronic versions and put them in its data resource system and Dissertations of China without the authorizations of the writers. They say the company reaps high profits by selling its system to libraries and offering online browsing and downloading services. They require Wanfang Data to make a public apology and compensate their economic losses and emotional distress. The demanded compensation amount is reportedly about 7,000 yuan for each person.

This has been the third lawsuit filed against Wanfang Data following two in June.

(Source: China Daily)