

Table of Contents

Apple Wins Lawsuit.....1
 Court, Internet Society Pact.....1
 IPR Cases Rise.....2
 Greater Penalties.....2
 IPR Enforcement.....2
 Asian Games IP Protection.....3
 Pudong Stimulus Plan.....3
 Xiangfan Patent Center.....3
 Beijing Patent Exhibition.....3
 New IP Strategy.....4
 IPR Mayors' Seminar.....4
 New IPR Measures.....4

Apple Wins Lawsuit

US electronic manufacturer Apple Inc has won a trademark infringement lawsuit against New Apple Concept Digital Technology Co. Ltd., an electronics company based in Shenzhen that used an apple in its logo.

The Intermediate People's Court in Shenyang, the capital of the Liaoning province, said New Apple Concept Digital Technology Co. Ltd. was ordered to pay 400,000 yuan for infringing Apple's trademark and logo, Xinhua reported.

Apple Inc registered its trademark and apple logo when it entered China in 1993. It has exclusive trademark rights until 2013.

New Apple Concept Digital Technology Co Ltd, established in Shenzhen in 2005, used the pattern of an apple with two wings as its logo. It put the pattern on its products, wrappings and website.

The court said the logo looked similar to Apple Inc's logo. Apple Inc sued the company in April.

(Source: China Daily)

Court, Internet Society Pact

Haidian District Court and the Internet Society of China recently signed an agreement on mediation commission and formally started the cooperation between the two sides.

In the future, the cases concerning network IPR will be mediated by the Internet Society of China first, and the intermediation letters have legal effect.

In order to reduce the litigation costs for Internet companies and save legal resources, the court joined forces with the Internet Society of China, and set up the Mediation Centers in September this year. So far, 45 Internet companies have submitted the letters of intent for mediation to the center.

The general time limit for mediation is 15 days. If they fail to reach an agreement, the legal proceedings will continue. If the two sides reach a mediated settlement, the parties can apply for civil mediation letter issued by the court.

(Source: China Daily)

PR Cases Rise

China's courts handled more than 20,000 cases related to intellectual property rights (IPR) in the first 10 months of this year, rising nearly 40 percent year-on-year, Xinhua reports.

Local courts around China heard 20,806 IPR cases at first instance trials, up 36.9 percent; 3,251 cases at second instance trials, up about 50 percent, says Xi Xiaoming, vice-president of the Supreme People's Court.

The number of IPR cases asked for retrials after the second verdict amounted to 92, surging 162 percent year-on-year, Xi says.

"The massive growth in the number of IPR cases proves that verdicts in these kind of cases draw wide attention from society," Xi says.

The range expansion of IPR cases also contributed to the sharp increase, Xi says, adding that IPR violations the courts received vary from franchising, domain names, logos to IPR agents.

In order to improve the trial ability over these cases, the Supreme Court designated dozens of courts to handle specific IPR cases, including 71 courts on patent violation, 38 on new plant varieties and 43 on layout-design of integrated circuits.

(Source: China Daily)

Greater Penalties

Chinese courts will impose greater penalties on IPR violations to allow the judiciary to play a leading role in the country's overall IPR protection strategy, a senior court official recently told a forum.

"We should make sure that we can enable IPR holders to get enough compensation, which should deprive the infringer of any benefit and make the consequences for their actions dire," Xi Xiaoming, vice-president of the Supreme People's Court, said at a national work conference on IPR-related trials in Chongqing.

Compensations should also include costs that IPR holders have incurred to maintain their rights, the amount of which could be calculated separately from the compensation given by court rulings, he said.

The courts will also adopt more "provisional measures" prior to final verdicts on IPR cases to protect victims.

(Source: China Daily)

IPR Enforcement

The State Intellectual Property Office (SIPO) has approved the operation of 44 IPR enforcement assistance centers nationwide since the launch of the program in November 2007, says SIPO Deputy Commissioner Zhang Qin.

SIPO plans to open a total 100 such centers in the near future.

The program is conducive to improvement of IPR legal environment and efficient operation of IPR system, Zhang says. It also allows easier access for companies, in particular export-oriented ones, to protect their rights.
(Source: China Daily)

Asian Games IP Protection

The Regulations on IPR Protection of Guangzhou Asian Games were passed by the Guangzhou government recently.

The regulations include 20 articles specifying the concepts of intellectual property rights for the Asian Games, the behaviors of IPR infringement, the responsibilities of related departments, the communication and coordination mechanism between departments, and the resolution approach to IPR disputes.

Zhang Guangning, mayor of Guangzhou, emphasized that attention should be paid to the importance of IPR protection of the Asian Games and IPR publicity as well as law enforcement besides the legislation work.
(Source: China Daily)

Pudong Stimulus Plan

The government of Pudong New Area of Shanghai recently passed a 20 million yuan plan to help finance technology-oriented companies.

The plan allows these companies to use their own intellectual property as pledges to get loans from banks, which are 2 to 2.5 times the previous sizes. To date, seven companies got 10 million yuan. The new mode is expected to increase 40 million loan guarantees.

(Source: China Daily)

Xiangfan Patent Center

National Patent (Xiangfan) Exhibition and Trade Center, one of three national patent centers in Hubei province, was set up recently. The new center will serve as a trading and innovation platform for local patent holders and enterprises.

China (Xiangfan) Patent Week began the same day. More than 200 patented techniques were displayed. The themes of the event included: practicing IPR strategy, developing the IPR market, building an IPR industrialized platform and encouraging the flow of prior resources to patent innovation through the market.
(Source: China Daily)

Beijing Patent Exhibition

The 2008 Beijing Patent Exhibition & Trade Week was held in Beijing Economic and Technological Development Area last week.

An official from the Beijing Intellectual Property Office said at the event that Beijing's total patent applications ranked sixth nationwide, with more than 31,680 applications last year. However, the amount

was far behind Guangdong province, which ranked first in the number of patent applications.

But Beijing takes a lead in the patent approval rate.

The development of bio-medicine industry is a priority in Beijing and that industry's patent quantity ranks high as well. The Beijing Patent Week mainly exhibited patents in bio-medicine industry, attracting over 70 universities, institutes, enterprises and venture capitals.

(Source: China Daily)

New IP Strategy

The intellectual property office of Jingmen, Hubei province, has carried out a series of measures to promote its IP strategy in a possible economic slowdown.

Along with intensifying publicity efforts, the office decided to cut patent application fees by two thirds, and support local patent agencies to reduce agent fees by 20 percent.

In addition, each international patent application under the Patent Cooperation Treaty (PCT) will be subsidized 50,000 yuan. Each authorized invention by companies will be subsidized 3,000 yuan and each authorized patent, by individual or utility, model and design by companies will be subsidized 1,000 yuan.

(Source: China Daily)

IPR Mayors' Seminar

The First Seminar on Intellectual Property and City Development for Mayors took place recently in Xiamen, Fujian province. The seminar was organized by the State Intellectual Property Office (SIPO) and attended by 28 mayors of national IPR model cities. It is the first such seminar for city mayors since SIPO launched the national IPR pilot and model work program in 1999.

The mayors and experts spoke about the relationship between IPR development and city development.

SIPO Commissioner Tian Lipu said that a large number of companies, technologies and talents are gathered in cities, so reinforcing IPR work is needed for building innovation-oriented cities.

(Source: China Daily)

New IPR Measures

If IPR infringement causes mental injury and serious consequences, the victim could receive mental damage compensation, according to the new measures of IPR judicial protection introduced by Zhejiang Provincial Higher People's Court.

The account books showing economic losses due to IPR infringement offered by the IPR holders can be used for calculating the damage compensation. The materials that are provided by taxation and commerce

departments and say the infringer's illegal profits may also be used.
(Source: *China Daily*)