



China IPR News for U.S. Industry April 11, 2008

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IPR GENERAL

1. China's 2008 Action Plan for IPR Protection Released: On March 18, the National IPR Working Group, an interagency body under the State Council, released China's 2008 IPR Protection Action Plan, with 280 specific provisions that China pledges to undertake to improve intellectual property protection. (Source: www.mofcom.gov.cn.) Unofficial translation of text attached below.

2. State Council Approves Guidelines on National Strategy for IP Rights: On April 9, during an executive meeting over which Premier Wen Jiabao presided, the State Council approved the "Guidelines on the National Strategy for Intellectual Property Rights." (Source: http://www.sipo.gov.cn/sipo_English/news/official/200804/t20080410_372669.htm, April 10, 2008.)

PATENTS

3. Beijing Court Rules on Patent-Related "Malicious" Litigation Case: The Beijing Second Intermediate People's Court recently concluded its first case of malicious IPR litigation, determining that no malicious prosecution occurred. In February 2005, Woehner Beijing sued Beijing Mingri for infringement of its design patents. Woehner, however, promptly withdrew its suit after the Patent Examination Review Board invalidated the four design patents in question. Beijing Mingri then initiated suit against Woehner for malicious litigation, seeking damages of RMB 200,000. The court ruled against Mingri, explaining that Woehner's design patents were invalid because the designs were available publicly in its advertising and brochures. Woehner timely withdrew its suit against Mingri when the Patent Examination Review Board invalidated the design patents that formed the basis for the action. The Court held that Woehner's earlier civil suit against Mingri should not be regarded as malicious litigation. (Chinese Source: http://www.sipo.gov.cn/sipo/xwdt/mtjj/2008/200804/t20080402_364669.htm, April 3, 2008.)

TRADEMARKS

4. 708,000 Chinese Trademark Applications in 2007 – World's Leader for Past Six Years: For 2007, the number of applications for a Chinese trademark registration reached 708,000, making China the world's leader again, for the sixth year in a row. Of this total, foreign applicants filed 103,000 applications. Separately, in 2007, 1,444 applications for international registration of a mark were filed in China. (Source: <http://www.chinantd.com/en/en-newsshow.asp?id=762>.)

ENFORCEMENT

5. Shenzhen Passes China's First Local Regulation ("Fagui") on IPR Protection: On April 1, 2008, the Standing Committee of the People's Congress of Shenzhen passed its "Regulations on Strengthening the IPR Protection Work." This is the first local regulation ("difangxing fagui" – 地方性法规) for IPR protection in China. The specific provisions in this regulation focus on evidence collection, evidence fixation, notarization, temporary injunctions, and information sharing among IP-related agencies.

(Chinese Source: China IP News, Page 1, April 4, 2008.)

UPCOMING EVENTS

Webinar on Thursday, April 24, 2008 at 11am-12:30pm EST - Practical Tips on Filing Patents in China:

The goal of this webinar is to provide inventors, companies, and patent attorneys practical information on how to file patent applications at China's State Intellectual Property Office. We will cover invention, utility model and design patents. Please join Elaine Wu, Attorney-Advisor at the U.S. Patent and Trademark Office and Chen Wang, Corporate Counsel at E.I. du Pont de Nemours and Company for this discussion. If you have any topics or specific questions you would like addressed in this webinar, please feel free to email Ellen.Szymanski@mail.doc.gov.

Webinar on Friday, April 25, 2008 at 11am-12:30pm EST - Patent

Invalidation/Reexamination Process in China:

More and more U.S. companies are getting involved in either defending the validity of their patents in China or seeking invalidation of junk patents filed in China. This process occurs at China's State Intellectual Property Office's Patent Reexamination Board. Please join us for a discussion with Thomas Moga, senior attorney at Butzel Long who is currently involved in a number of such cases. For more information on Tom and his practice, please see http://www.butzel.com/bioppsea.cfm?PI_ID=280. If there are any topics or questions you would like addressed in this webinar, please feel free to email Tom at MOGA@butzel.com.

The programs are free. Only a phone line and a computer with an Internet connection are necessary.

To register for the April programs, please send your contact information to

ChinaIPR@mail.doc.gov. A registration confirmation, and dial-in/log-in instructions will be sent to you a week before the program. To learn more about the webinar series, please go to http://www.stopfakes.gov/events/china_webinar_series.asp
