



# China IPR News for U.S. Industry July 21 2008



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## PATENTS

**1. Patent Applications Up 28.5% for First Half of 2008:** From January 1 to June 30, 2008, the State Intellectual Property Office (SIPO) received 345,569 patent applications, an increase of 28.5% over the same period last year. Domestic patent applications numbered 290,208 (84% of the total applications received, an increase of 34.1% over the same period last year). Applications according to patent type are as follows: invention patents - 132,088 (38.2% of the applications, a 26.6% increase); utility-model patents - 96,827 (28%, an increase of 29.6%); and design patents - 116,654 (33.8%, an increase of 29.8%). During this time period, SIPO granted a total of 191,530 patents, 14.2% higher than last year. Of that number, 163,827 were issued to domestic recipients

(85.5% of the grants, up 15.2% over the same period last year). Grants by patent type are as follows: invention patents - 41,752 (21.8% of grants, up 30.3% over the same period last year), utility-model patents - 78,917 (41.2%, up 21.4%), and design patents - 70,861 (37%, up 0.2%). (Source: *China IP News*, July 9, 2008, Page 1.)

## TRADEMARKS

**2. Chinese Company Retains Right to Use "Cabernet" in Chinese (解百纳) as a Trademark:** The Trademark Appeal Board (TRAB) of the State Administration for Industry and Commerce (SAIC) recently upheld the use of "cabernet" in Chinese (解百纳) as a registered trademark of the Yantai ChangYu Group Company Limited ("Chang Yu"), settling a six-year dispute. The decision prevents other wine makers from using the word "cabernet" in Chinese (解百纳). The dispute focused on whether "cabernet" in Chinese (解百纳) can be used as a source identifier or a descriptive term for a variety of grape. Chang Yu had registered "cabernet" in Chinese (解百纳) as a trademark, but the Chinese Trademark Office cancelled the registration in 2002, concluding "cabernet" in Chinese (解百纳) to be a variety of grape to produce the wine, and not a trademark. Chang Yu, however, appealed successfully to the TRAB, asserting that it had used "cabernet" in Chinese (解百纳) as a trademark since the 1930s, when the company was first starting out. (Source: <http://www.cipnews.com.cn/showArticle.asp?ArticleId=9182>.)

## COPYRIGHTS

**3. NCA Warns Web Sites over Unlicensed Streaming of Olympic Broadcasts:** China's National Copyright Administration (NCA) has issued warnings to over 20 web sites against illegally streaming Olympic programming. China Central Television (CCTV) holds exclusive rights for on-line

broadcasts of the Beijing Olympic Games, including the opening and closing ceremonies, all sporting events, pre-Olympic trials, the torch relay, and related cultural activities. According to the NCA, the web sites in question had streamed illegally the Olympic torch relay. Cease-and-desist letters had been sent in late May, but some seemingly had been ignored. On July 7, the NCA, the Ministry of Industry and Information Technology (MIIT) and the State Administration of Radio, Film, and Television jointly issued a notice banning unauthorized streaming of Olympic programming. The MIIT will shut down violators, and consider their prior offenses during approval of future programming licenses. The NCA, MIIT and Ministry of Public Security jointly have established an office to combat IPR infringement on the internet, and have launched the “12390” hotline for the public to report tips on IPR infringement of Olympic programming over the net. (Source: *Xinhua News Agency*, July 10, 2008.)

Industry Merchandisers’ Association jointly hosted and sponsored the Hong Kong International Licensing Show. With 130 exhibitors from 11 countries and regions, over 300 kinds of licensed projects and brands encompassing many industries were exhibited. Hong Kong’s licensing market already is well-developed in Asia. The licensed-product market of mainland China has the highest growth rate in the world, with a total market value rising from USD \$60 million in 2001 to more than USD \$110 million in 2005. (Source: [http://www.sipo.gov.cn/sipo2008/mjj/2008/200807/t20080703\\_409811.html](http://www.sipo.gov.cn/sipo2008/mjj/2008/200807/t20080703_409811.html).)

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## GENERAL IPR NEWS

**4. Shanghai Solicits Opinions on Implementing National Intellectual Property Strategy:** The Shanghai Intellectual Property Joint Conference is soliciting opinions on its newly released “Guidance on Implementing National IP Strategy.” Responses are due by July 25. The Guidance consists of eight parts: 1.) Perfecting local IPR regulations and policies; 2.) Promoting IPR creation and utilization; 3.) Strengthening IPR protection; 4.) Reinforcing administrative IPR management; 5.) Developing IPR intermediary services; 6.) Building IPR talent; 7.) Promoting development of an IPR culture; and 8.) Expanding IPR cooperation and communication. The Guidance also suggests establishing the Shanghai IPR Arbitration Unit. (Chinese Source: <http://www.sipa.gov.cn/zscq/node1/node11/userobject11ai6382.html>, July 16, 2008.)

## INTERNATIONAL IPR NEWS

**5. Vice-Premier Wang Qishan Claims Chinese Companies Getting Savvier in Defending their Intellectual Property:** In New York after attending the Fourth Strategic Economic Dialogue, Chinese Vice-Premier Wang Qishan stated that Chinese companies are becoming savvier about protecting their intellectual property rights in disputes with foreign right holders. Half of the top ten IPR court cases selected by “China Economic Weekly,” a state-owned paper, involved foreign companies as defendants. (Source: *South China Morning Post*, July 9, 2008.)

**6. Hong Kong International Licensing Show Highlights Mainland China’s Growth Rate for Licensed Products:** The Hong Kong Trade Development Council and the International Licensing