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Samsung Loses Lawsuit

Samsung Electronics Co has been ordered to pay 50 million yuan to a company in East China's Zhejiang province for infringing the latter's dual-mode cellphone patent, Xinhua reported.

The Intermediate People's Court of Hangzhou made the ruling.

Zhejiang-based Holley Communications alleged last year that cellphones made by Sumsung violated its patent that allowed cellphones to operate on both CDMA and GSM networks.

"Samsung has sold more than 700,000 cellphones that contain Holley's patented technologies. The patents are still on sale. The compensation is only part of the sales," Ge Chen, Holley's executive director, told Xinhua.

The patent of CDMA/GSM double-mode mobile communication method and its communication equipment was obtained in 2002, Xinhua reported.

This has been the largest compensation in China's cellphone industry, but officials of Holley said they would seek additional compensation.

The 20-month patent dispute started when Holley filed the lawsuit in April 2007 calling for a halt of the violation and seeking compensation.

A month later, Sumsung requested that China's State Intellectual Property Office declare that the patent was invalid. The court opened the session in May this year after the SIPO declared it valid.

(Source: China Daily)

Patent Law Changes

Chinese inventors who wish to apply for patents for their inventions in foreign countries must go through government scrutiny first to find out if the inventions employ national secrets, according to a draft amendment to the country's patent law, Xinhua reported.

The Standing Committee of the National People's Congress (NPC), China's top legislature, recently discussed proposed amendments to the 23 year-old Patent Law at the opening session of its bimonthly meeting.

The amendment says inventions that have not been subject to security checks will not be granted Chinese patents, and that those who leak national secrets by failing to apply for the security checks will be punished according to the

law. The amendment applies to all inventions completed in China.

Another proposed amendment is that foreign nationals or institutions must find a patent agency to represent them in applying for patents in China and in other patent-related matters.

The amendment says patent holders or other concerned parties may ask the court to stop acts that breach their patent rights before a lawsuit could be filed. The court must make a decision within 48 hours.

The Patent Law has had two major revisions in the past.

(Source: China Daily)

China, Korea Copyright Meet

Copyright Protection Center of China and the Copyright Commission of the Republic of Korea recently co-hosted an exchange meeting on copyright protection in Beijing.

China and the Republic of Korea have cooperated in copyright protection for movies, online games and other works and copyright trade has become an important link between the two countries, Zou Jianhua, deputy director of the Copyright Protection Center of China, said at the meeting. The Copyright Protection Center of China and Copyright Commission of the Republic of Korea have played an important role in promoting copyright trade between the two countries, Zou said.

Officials from Beijing Copyright Bureau and the Copyright Protection Center of China, experts and lawyers introduced China's copyright trade

protection, network copyright infringement and copyright remedies at the meeting. Korean representatives were briefed on the copyright law amendments and the latest cases of copyright protection. The two sides also discussed copyright protection issues in the two countries.

(Source: China Daily)

Agricultural IP Protection

The Supreme People's Court recently released "Opinions on Providing Judicial Guarantees and Legal Services for Pushing forward Rural Reform and Development", which states that people's courts shall protect agricultural intellectual property rights and promote science and technology innovation in agriculture.

The document puts forward five measures to strengthen protection of modern agriculture. It makes it clear that people's courts shall intensify the protection of intellectual property rights in agriculture.

Specifically, the courts shall enhance the trial of agriculture-related IPR cases, intensify support for agriculture-related IPR, especially major science and technology achievements and new varieties of plants and strengthen IPR protection for agricultural innovation fruits.

(Source: China Daily)

Copyright Annual Meeting

The first China Copyright Annual Meeting was recently held in Beijing. It was organized by China Copyright Association and the theme was

"Internet Copyright Protection and Industrial Development". The meeting also awarded the most influential people and enterprises in the copyright industry.

A total of 300 participants attended, including government officials from General Administration of Press and Publication, National Copyright Administration, Ministry of Industry and Information Technology, State Intellectual Property Office, State Administration for Industry and Commerce, Supreme People's Court, experts and scholars from top research institutions, and representatives from leading enterprises.

(Source: China Daily)

Patent Auction

Seven patent technologies were sold at a total of 33.86 million yuan at a patent auction during the Second China Shanghai Patent Technology Exhibition and Exchange Week.

The patent technologies cover areas such as energy saving, environmental protection, electronics and bio-pharmaceuticals, including non-service inventions and top patent technologies in bio-pharmaceutical sector.

Patent auction is an internationally common practice of patent transfer and exchange. This is the first time for Shanghai Patent Technology Exhibition and Exchange Week to conduct patent auction.

(Source: China Daily)

Vale's Subsidiaries Sued

Corun, a Shanghai-listed nickel processor and battery maker, is suing two units of Vale, one of the world's largest mining companies, in a patent infringement case.

Corun lodged a case with an intermediary court in its local jurisdiction in Hunan Province last month claiming nearly 90 million yuan in damages from two Chinese subsidiaries of Vale Inco, the wholly owned Canadian subsidiary of Vale.

The Financial Times reported that Vale Inco was planning to sell the two joint-venture subsidiaries, in which it holds majority stakes of more than 70 percent, and that Corun had expressed interest in purchasing one or both of them.

(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 a mediated settlement letter issued by the court.

(Source: China Daily)