

### **Table of Contents**

MIIT releases IPR Promotion Plan.....	1
First copyright trading insurance unveiled.....	1
China to set up piracy blacklist system.....	1
Beijing new legal guidelines about online infringement.....	2
Lotte Seeks 500,000 Yuan from Namesake.....	2
Bridgestone Enforces Trademark in China.....	2
Chinese Users Values PCT Applications.....	2
Audi's Numerical Trademark Registration Denied.....	2

### **MIIT releases IPR Promotion Plan**

To fulfill the national IPR strategy, the Ministry of Industry and Information Technology (MIIT) has presented its 2010 IPR Promotion Plan (hereinafter referred to as the Promotion Plan). The Promotion Plan regulated 56 concrete tasks to be impelled by MIIT's related departments and particularly defined the MIIT's endeavor to supervise the whole procedure of IPR administration in the national S&T leading special projects and carry out the IPR work in important items.

According to the Promotion Plan, for the important special leading projects, the inspiring mechanism should be set up to encourage IPR creation, and the implementing rules on IPR management should be regulated, too. It is also a must to crack the key technologies, file IPR applications and complete patent analysis and strategic research reports in each field.

Moreover, the MIIT also made great efforts on inspiring IPR creation, guiding enterprises and public institutions to raise IPR application ability, strengthening IPR protection in the industry and consummating IPR administration and service.

[http://www.chinaipr.gov.cn/newsarticle/news/government/201007/940364\\_1.html](http://www.chinaipr.gov.cn/newsarticle/news/government/201007/940364_1.html)

### **First copyright trading insurance unveiled**

China's first insurance product for creative industries, Copyright Trading Insurance, was unveiled in Beijing recently. The insurance is designed for copyright transactions. Cinda Property and Casualty Insurance Co Ltd and the Beijing Oriental Yonghe International Copyright Trade Center developed the product together.

If policyholders are defrauded by a fake copyright and then have claims filed against them, the insurance firm will offer compensation for the loss due to unintended infringement, as well as legal fees. Internet portals Sina, Youku and Ku6 were the first to take out policies.

[http://www.chinaipr.gov.cn/newsarticle/news/headlines/201008/942755\\_1.html](http://www.chinaipr.gov.cn/newsarticle/news/headlines/201008/942755_1.html)

### **China to set up piracy blacklist system**

Under a new government policy, Web sites found containing pirated contents will be included on a blacklist, which will prevent them from operating or accessing services, and they will be closely monitored, according to Beijing News reported on Thursday.

The National Copyright Administration, the Ministry of Public Security, and the Ministry of Industry and Information Technology jointly announced a crackdown on Internet piracy on July 21. The move will last until the end of October.

Names of Web sites that violate piracy regulations will be posted at the Web site of the National Copyright Administration and sent to China's three major telecom operators.

This action aims to strengthen monitoring of auto, video and literature Web sites, online game, cartoon Web sites and Internet e-commerce platforms. It will crack down illegal uploads and dissemination of others' works without permission and selling pirated audio, video and software products.

The move will also crack down illegal broadcast of music, film, software and books related to Shanghai Expo and Guangzhou Asian Games.

Anyone who reports cases of infringement and piracy will get rewards between 1,000 yuan and 10,000 yuan.

[http://www.chinaipr.gov.cn/newsarticle/news/headlines/201007/940751\\_1.html](http://www.chinaipr.gov.cn/newsarticle/news/headlines/201007/940751_1.html)

### **Beijing new legal guidelines about online infringement**

Almost 50 percent of the 1,800 copyright cases in Beijing were related to the Internet last year. The High Court in Beijing recently released guidelines for legal cases involving online TV series and movies.

The court's guidance said that offering popular films, TV programs and music works on the home page or other major pages of a website without authorization, even if accompanied by listings of cinema and TV show times, should be recognized infringement.

As well, enabling or offering video works on BBS or other major website pages, and failure to remove them in a reasonable time, should also be found to violate intellectual property laws.

Websites can be held liable for extensive damages resulting from failure to remove infringing content.

[http://www.chinaipr.gov.cn/newsarticle/news/headlines/201007/940501\\_1.html](http://www.chinaipr.gov.cn/newsarticle/news/headlines/201007/940501_1.html)

### **Lotte Seeks 500,000 Yuan from Namesake**

Lotte Holding (China) Co., Ltd. and Lotte Confectionery (China) Co., Ltd. recently brought Hong Kong Lotte Co., Ltd and two other companies to Beijing No. 2 Intermediate People's Court on the ground of trademark infringement and unfair competition.

At the end of 2008, Lotte discovered that a kind of xylitol chewing gum made by a Shandong-based company was marked with Hong Kong Lotte on the package and the packing and presentation of the product was extremely similar with theirs. Lotte alleged that the three defendants used their registered trademark name and used the extremely similar packing and presentation without consent, confusing the consumers on purpose, so that trademark infringement and unfair competition is constituted.

As they can hardly identify the defendants' exact illegal earnings, so that Lotte sought 500,000 yuan in damages.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201008/t20100813\\_531268.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201008/t20100813_531268.html)

### **Bridgestone Enforces Trademark in China**

The case lodged by Bridgestone Corporation (Bridgestone), one of the world's largest tire and rubber company, to challenge the No. 01933 decision by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) and to seek rejection of the registration of No. 3512604 trademark ROCKSTONE was heard in Beijing court recently.

Bridgestone requested the TRAB to revoke the registration of No. 3512604 trademark ROCKSTONE (disputed trademark) in November 2007, which was denied on January 2010.

The plaintiff took the view that the similarity between the disputed trademark ROCKSTONE and BRIDGESTONE would cause confusion among consumers. Bridgestone also held that BRIDGESTONE enjoyed high reputation in the public and the two trademarks were regarded as similar marks.

As of now, the court has not yet rendered a ruling. We will follow the development of the case.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201007/t20100730\\_528704.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201007/t20100730_528704.html)

### **Chinese Users Values PCT Applications**

A survey on PCT filings entering the national phase was recently launched by the patent office of SIPO and the data shows that 50% of PCT filings of Chinese origin are now entering the national phase. Among the 12,373

PCT applications between 2000 and 2006, 6,416 are entering IP5's national phase, namely USPTO, JPO, EPO, SIPO and KIPO.

With only 133 PCT applications in 2000 and 1,962 applications in 2008 entering the national phase, the survey shows that China's PCT filings grow at 40% annually. Between 2000 and 2006, only 12,351 PCT applications entered IP5's national phase.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201007/t20100722\\_526791.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201007/t20100722_526791.html)

### **Audi's Numerical Trademark Registration Denied**

Disgruntled with ruling by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) over registration of the their car model of A3, A4, A5, A6 as trademark, Audi sought legal remedy to reverse the decision before the Beijing No.1 Intermediate People's Court. The court recently handed Audi another defeat. Trademark office under SAIC and TRAB also rejected Audi's application of TT and Q7 as trademarks in class 12 and application of letters and numbers such as S3, S4 as trademarks in the similar commodities by territory extension of PCT.

The court held that characters such as A4 and A8 is constituted by common letters and numbers without special form of expression, which stand for Audi car model only and made the marks devoid of distinctiveness as a whole, so they can not be granted as trademarks. The trademark office and TRAB held the same reason of the rejection.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201007/t20100722\\_526790.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201007/t20100722_526790.html)