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### **Microsoft Settles with a Chinese Internet Bar**

Guangdong Dongguan Intermediate People's Court recently sorted out a software copyright dispute over Microsoft windows system lodged by Microsoft Company. The contesting parties from Microsoft and Guangdong Dongguan Dynamic Internet Bar decided to settle after the trial. The defendant indemnified 100,000 yuan to Microsoft and promised to buy 700 sets of licensed Microsoft windows system for using on their computers in their chain bars.

At the end of 2009, Microsoft instituted a proceeding against the defendant at Guangdong Dongguan Intermediate People's Court and sought 1.58 million yuan in damages. Taking into consideration of the defendant's business influence in the sector, the judges in charge vigorously interviewed and discussed the case with Dongguan Copyright office, Dongguan Internet Bar Association, administrative law enforcement agencies to help bring both parties to the table.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201012/t20101224\\_557190.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201012/t20101224_557190.html)

### **PORTS Triumphs in First-instance Trademark Dispute Case**

The Fengtai District People's Court (Beijing) entered the first-instance judgment on trademark infringement recently, ordering defendant Beijing Dachangmian Trading Co., Ltd (Dachangmian) to cease infringement and indemnify 30,000 yuan in damages to Xianmen Luwanda Industrial Development Co., Ltd (Luwanda).

After discovering counterfeit PORTS eyeglasses for sale by Dachangmian, the plaintiff claimed that the defendant took advantage of PORTS' reputation to harvest inequitable interests which generated ill impact on its trademark.

Ports International Inc. obtained the the NO. 1135468 trademark PORTS' in December 1997, certified to be used in Class 9, the good of eyeglasses. The plaintiff was authorized to use the trademark and take suitable legal action against infringement.

The court held that the eyeglasses sold in Dachangmian used a logo combining "EYEWEAR" and "PORTS". However, "PORTS" was similar with the NO.1135468 trademark obtained by Ports International Inc. in words arrangement which would cause public confusion. Such acts infringed PORTS' trademark rights. So ordered.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201012/t20101217\\_555009.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201012/t20101217_555009.html)

### **Swarovski Wins Domain Name Dispute**

The Shanghai Huangpu District People's Court ruled in favor of Swarovski over a domain name dispute, awarding an injunction and 98,000 yuan in damages from the defendant Wang Chenjun and his company Shanghai Wangxing information technology Co. Ltd. on November 3. The court ordered the defendant disusing the domain name chinastarovski.com and cease using Swarovski's four registered trademarks on the website and the distribution of the products with registered marks in question is also ceased. The disputed website was sentenced to Swarovski.

Swarovski, the world famous crystal manufacturer discovered that the defendant Wang Chenjun and his company registered the four websites such as chinastarovski.com and sold the infringing products with Swarovski's registered marks. Swarovski then brought the case to the court and seek 400,000 yuan in damages and requested the defendant gratuitous transfer the four domain names.

The court holds that the defendant infringed Swarovski's registered trademarks and so the order above was made.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201011/t20101122\\_549500.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201011/t20101122_549500.html)

### **Chinese mainland has thoroughly resolved the problems of trademark examination backlogs**

China has thoroughly resolved the problem of trademark examination backlogs and the time it takes to process a trademark application has been reduced to less than a year from the previous three years when

the expedited approach was not employed, said Fu Shuangjian, Deputy Director of the State Administration for Industry and Commerce (SAIC), at a press conference held by the State Council Information Office on December 9.

As the national economy grows, the explosion of trademark applications has gone far beyond the processing capacity of SAIC, he said.

"In 2000, the trademark application volume in China was 223 thousand and only 187 thousand of them were examined –thus the trademark examination backlogs appeared. When it came to 2007, the backlogs had exceeded 1.8 million and the time it took to process a trademark application was more than three years, which aroused public complaints." Fu said, before 2008, the volumes of trademark applications being examined were all below the numbers of applications received in the same year. It was not until 2008 that the historic change happened.

By December 9, 2010, the number of trademark applications received in China has reached 8.213 million, of which 5.545 million pieces of applications have been registered and 4.481 million pieces are valid, all ranking the top in the world.

[http://www.chinaipr.gov.cn/newsarticle/news/government/201012/981855\\_1.html](http://www.chinaipr.gov.cn/newsarticle/news/government/201012/981855_1.html)

### **Supreme Court Releases Typical IPR Cases**

In an effort to coordinate and support the national campaign on combating IPR violations and on the production and distribution of fake and shoddy products, the Supreme Court recently published a Circular on giving full play to court's criminal justice function and punishing crimes violating IPR, producing and distributing fake and shoddy products severely. In the meantime, the Court released 6 typical IPR cases.

The 6 cases are as the following: Distributing shoddy products by 15 defendants and a Shenzhen shipping agency, Guangdong Dongguan Intermediate People's Court; Marketing faked products by Zheng Chenglai and Cui Chengquan, Shandong Qingdao Intermediate People's Court; Selling counterfeit registered trademarks commodities, Beijing Chaoyang District People's Court etc.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201012/20101227\\_557895.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201012/20101227_557895.html)

### **Trademark violations account for nearly 70 pct of IPR infringement cases in China**

BEIJING, Dec. 15 (Xinhua) - Chinese prosecutors have approved the arrests of 304 people in 173 cases of violating trademark rights since a crackdown began in October, accounting for nearly 70 percent of the suspects arrested for intellectual property rights (IPR) infringement.

The Supreme People's Procuratorate (SPP) said Wednesday that 439 people had been arrested in 239 cases of IPR infringement since the six-month national campaign to crackdown on IPR infringement and production and sale of counterfeit or shoddy goods started in October.

The others arrested for IPR infringement include those violating copyright and commercial secrets, the SPP said in a statement to Xinhua.

The SPP also approved the arrest of another 414 people in connection with 228 cases of producing and selling counterfeit goods since the campaign started.

During this same period, Chinese prosecutors indicted 1,169 people in 600 cases of IPR infringement and production and sale of counterfeit or shoddy goods, the statement said.

The State Council, China's cabinet, launched the crackdown campaign in October.

[http://www.chinaipr.gov.cn/newsarticle/news/government/201012/981711\\_1.html](http://www.chinaipr.gov.cn/newsarticle/news/government/201012/981711_1.html)

### **Wen Encourages More Inventions at Association's Ceremony**

Chinese Premier Wen Jiabao sent a congratulatory message to the China Invention Association for its 25th anniversary on December 15. The Association also held its 6th national assembly on the same day. Member of the Political Bureau of the CPC Central Committee and State Councilor Liu Yandong delivered a keynote speech at the event. Also present were SIPO Deputy Commissioner Bao Hong and dignitaries from other agencies.

In his message, Wen spoke highly of the association's endeavor in encouraging the public to innovate since its founding and said it has made important contributions to China's economic and social development. Wen also urged members of the association to be persistent in their efforts to motivate scientists, engineers and the public and strive for more self-generated IPRs. Liu Yandong called on the association to place a high value on public initiative in innovation and provide guidance for inventors.

[http://www.sipo.gov.cn/sipo\\_English/news/iprspecial/201012/20101227\\_557896.html](http://www.sipo.gov.cn/sipo_English/news/iprspecial/201012/20101227_557896.html)