



NTD INTELLECTUAL PROPERTY

NEWSLETTER

ISSUE NO.8 2017

Main Contents:

1. [China will Launch First Special Action to Protect IPR of Foreign Enterprise](#)
2. [NCAC Required for Complete Authorization of Music Distribution](#)
3. [NTD Won the 2017 Excellent Trademark Agency Award](#)
4. [Unfair Competition Case by NTD was Selected as "2016-2017 Typical Trademark Cases"](#)
5. [NTD Hosted Round-table Seminar against Trademark Squatting](#)
6. [NTD Gave Presentation in the Chinese Enterprises' IP Protection Overseas Forum](#)
7. [NTD Attorney Received an Award "Excellent Paper on the Seventh Intellectual Property Forum in 2017"](#)
8. [China's First Center for Protecting Innovation is Established in Shenzhen](#)
9. [The Hangzhou and Ningbo IP Courts Formally Established](#)

China will Launch First Special Action to Protect IPR of Foreign Enterprise

2017-09-08

At a recent press conference, it is announced that the Ministry of Commerce will carry out the first special action for protection of the intellectual property rights of foreign companies. This action will focus on three aspects: highlighting the protection of business secrets, the main problem brought by foreign enterprises; investigating the acts of malicious registration and free-ride on famous brands to protect the trademarks; and handling infringement and piracy in internet. The specific plan of the action will follow soon. The action is a reflection of practical IP measure for the Notification on Several Measures to Promote Foreign Investments (the notification) by the State Council. The notification was released earlier this month, and it is proposed to enhance the intellectual property protection of foreign-invested enterprises, launch special actions to fix those IP related issues such as on-line piracy and patent and trademark infringement as well as upholding the level of punishment.

NCAC Required for Complete Authorization of Music Distribution

2017-09-14

Recently, the National Copyright Administration (hereinafter NCAC) met with principals from Tencent Music, Ali Music, Netease Cloud Music and Baidu Taihe Music and discussed the issues on internet music copyright.

It is known that since 2015, internet music providers actively cooperated with NCAC, removed about 2,200,000 pieces of unauthorized music and jointly signed the Self-discipline Declaration on Copyright Protection for Internet Music. Since then, the legitimization of internet music has become an industry consensus and the environment turned better. However, there were some new problems, such as pushing up licensing fees, fighting over exclusive copyrights and the copyright infringements.

It is demanded that internet music service providers should comply with the Copyright Law, implement their responsibilities, and maintain a good order of music copyright. Meanwhile, music providers should also cooperate with and assist NCAC's supervisory work and handle copyright disputes through negotiation and mediation; follow the market rules and international conventions in purchasing music copyright. Price lift, willful competition of prices, and sole authorization in music copyright should be avoided. In addition to active promotion of widely spread of internet music, transfer and licensing of copyright, elimination of illegal and unjustified barriers, a sound operation and authorization model should be established in accordance with market rules and international conventions.

NTD Won the 2017 Excellent Trademark Agency Award

2017-09-17

2017 China Trademark Festival, organized by China Trademark Association and Administration for Industry and Commerce of Guangxi Zhuang Autonomous Region, took place in Guilin of Guangxi during September 1-4, 2017. At the *2017 Excellent Trademark Agency* award ceremony held in the evening of September 4, 2017, NTD is conferred

this award for the 7th consecutive year.

This award from China Trademark Association is intended to promote healthy and orderly developments, encourage pursuit of excellence, enhance members' professionalism and service standards among trademark agencies nationwide. After rigorous scrutiny by an expert panel, among tens of thousands of trademark agencies nationwide, in the end forty seven trademark agencies, including NTD, stood out and won the award.

Unfair Competition Case by NTD was Selected as "2016-2017 Typical Trademark Cases"

2017-09-18

The unfair competition case (passing off unique decorations of famous goods) between Rimowa (represented by NTD) and Zhongshan Aimowa Luggage Factory, is selected by China Trademark Association as one of the "2016-2017 Typical Trademark Cases".

This program is to go over and review important events and cases that occurred during 2016-2017 in the trademark field, with hopes those selected typical cases can well serve the function of guiding cases.

NTD Hosted Round-table Seminar against Trademark Squatting

2017-09-19

During the 2017 Trademark Festival, Chinese Trademark Association Academic Subcommittee hosted a round-table seminar with the theme of "most effective measures for cracking down on trademark squatting in China – brain storming in trademark community", in which heavy-weight

experts from Beijing IP Court, China Trademark Office, TRAB, domestic and foreign enterprises as well as trademark agencies gathered to discuss solutions to this hot issue that affect the whole industry's developments.

Chinese Trademark Association's General Secretary Mr. WANG Peizhang, Beijing IP Court's Chief Justice SU Chi and other officials also signed up for this seminar, which lasted more than three hours. Filled with heated discussions, the seminar was a great success and was widely applauded by participants as very productive and informative. At the end, all participants reached the consensus that more close collaboration and communications between all parties concerned are indispensable so that effective measures can be taken as soon as possible to deter trademark squatting in China.

NTD's Vice president, Christopher Shen, as the Head of the Chinese Trademark Association Academic Subcommittee and leader of the Trademark Squatting Seminar hosted this round table seminar.

NTD Gave Presentation in the Chinese Enterprises' IP Protection Overseas Forum

2017-09-20

By the invitation of CTMO, Huawei and other famous domestic companies were invited to attend the Chinese Enterprises' IP Protection Overseas Forum during 2017 Trademark Festival, and introduced the status quo and issues being faced by domestic companies in protecting their IP rights abroad. NTD's Vice president, Christopher Shen was invited by CTMO to give a presentation in this Forum to share NTD's experiences in helping Huawei and other companies handling similar cases.

NTD Attorney Received an Award "Excellent Paper on the Seventh Intellectual Property Forum in 2017"

2017-09-20

Recently, All-China Patent Attorneys Association announced the results of the "Excellent paper on the seventh Intellectual Property Forum in 2017". After an anonymous review, the review committee selected 18 excellent papers from more than 200 manuscripts received in total. The paper submitted by our patent attorney Fei Kou, entitled "Certain Questions on the Application of Guidelines for Patent Examination in Patent Litigation", was awarded as excellent paper. Whether the people's courts apply and how to apply Guidelines for Patent Examination in patent litigation will not only affect the result of specific cases, but also result in judicial guidance effect. This paper makes statistics on the application of Guidelines for Patent Examination in patent litigation, discusses its legal hierarchy, analyzes several common problems and applicable situations in practice, compares the changes of the particular provisions in different versions of the Guidelines, provides advice on the application of Guidelines in patent litigation, and provides good theoretical basis and practical guidelines for intellectual property practitioners.

Fei Kou's paper being awarded as excellent paper, not only shows his business ability and theoretical level, but also reflects the achievements of NTD for many years to improve the professional quality of employees' professional quality.

China's First Center for Protecting Innovation is Established in Shenzhen

2017-09-28

At a recent event, it is announced that China's first

center for protecting innovation will be located in Shenzhen and the public service line 4006926426 will come into use.

The center will highlight the guiding role of intellectual property in innovative and entrepreneurial activities. A system will be constructed to support IP innovation and entrepreneurial services combining government's guidance, market's drive and social participation in order to form a sound environment for mass entrepreneurship and innovation.

Also at the event the first comprehensive solution for business innovation and competition was released, which combines intellectual property strategy with business operation of enterprises and provide a full solution of IP management and use as well as the legal services and information security to meet the urgent need of enterprises.

The Hangzhou and Ningbo IP Courts Formally Established

2017-10-10

Recently, the Hangzhou and Ningbo Intellectual Property Courts were formally established, wherein, the Hangzhou IP Court has jurisdiction over civil, administration and criminal cases in Hangzhou, Jiaxing, Huzhou, Jinhua, Quzhou and Lishui, and the Ningbo IP Court has jurisdiction over cases in Ningbo, Wenzhou, Shaoxing, Taizhou and Zhoushan.

The IP Courts are responsible for handling first instance civil cases related to patents, technical secrets, computer software, new plant variety, layout designs of integrated circuits, famous brands, monopoly disputes, and the first instance cases concerning trademark, copyright, unfair competition and technical contract disputes with the value of 8 million Yuan and above.