

中国知財ニュース IP NEWS in CHINA

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News [2]

- [1] Japanese enterprises' IP trading income sets a new high
- [2] USITC clears ZTE in FlashPoint patent allegations

Courts and Cases [1]

- [1] Beijing court pronounces first trial of infringement case of Zhongqingwen V. Baidu

Statistics [1]

- [1] China's PCT patent applications ranked top three in 2013

[Top](#)

News

[1] **Japanese enterprises' IP trading income sets a new high**

[NIPSO.cn]

...According to the Japanese Economic News, Japanese enterprises' income obtained from their self-owned patents and intellectual property rights at overseas market increased significantly, which made the positive figure of Japan in "trade incomes and expense of intellectual property products" exceeded JPY 1 trn for the first time.

As affected by the depreciation of Japanese yen and expansion of overseas market, the transnational enterprises of Japan expanded the patent export to the overseas subsidiaries, and the patent-related income increased significantly. In addition, the income from copyright increased too.

[2] USITC clears ZTE in FlashPoint patent allegations

[Shanghai Securities News]

...The US International Trade Commission (USITC) has made the final ruling that ZTE has not infringed on imaging patents owned by Apple by-product FlashPoint Technology.

At the end of 2013, USITC made the final ruling that ZTE did not infringe the patents of by InterDigital which owned nearly 20,000 patents. At the beginning of March this year, USITC again ruled that ZTE did not infringe the silicon patent of Technology Properties Limited LLC (TPL).

[Top](#)

Courts and Cases

[1] Beijing court pronounces first trial of infringement case of Zhongqingwen V. Baidu

[National Energy Administration]

...Beijing First Intermediate People's Court pronounced the first trial of the infringement case of Beijing Zhongqingwen culture media Co. V. (Zhongqingwen) V. Baidu. The court was of the opinion that Baidu had infringed the information network transmission right of the Koala Xiaowu's English Learning Journals, and should pay a reasonable amount of RMB 400,000 for the losses of Zhongqingwen. The court did not uphold the claim regarding other two books as the evidences were insufficient. Baidu declared at court that it would file an appeal.

On January 23, the first trial of the case was conducted. Zhongqingwen claimed that it was entitled to the exclusive publication right and information network transmission right to the aforesaid three books, however, Baidu provided those three books in various versions to the public without authorization. Zhongqingwen required Baidu to stop the infringement act and compensate for its economic losses of RMB 3 million. This is the first time a Chinese publishing institution filed a lawsuit against Baidu.

The court believed that the existing evidence proved Zhongqingwen has been licensed five-year exclusive right by the copyright owner Wang Juan to her book "Koala Xiaowu's English Learning Journals" and therefore had the right to bring a lawsuit in its own name. According to the number of readers shown on Baidu Wenku, the document was a hot shot and Baidu should have been aware of the situation and should have paid reasonable attention. But Baidu failed to do so, nor did it establish a sufficiently effective copyright protection mechanism. It was therefore concluded that the concerned infringement act has constituted contributory infringement.

Baidu claimed that Baidu Wenku never recommended the concerned three books on its homepage or at an eye-catching place, nor did it use those documents to make profit, therefore the haven principle should apply. The three books were uploaded by network users. Baidu had never made any editions or revisions thereto, or gained any economic benefit therefrom. Baidu Wenku only provided information storage space services, which was of substantial non-infringement uses. Baidu's attorney said that Baidu is likely to file a reputation lawsuit against Zhongqingwen.

[Top](#)

Statistics

[1] **China's PCT patent applications ranked top three in 2013**

[State Intellectual Property Office]

...According to the statistics released by WIPO, the total number of international patent applications submitted through Patent Cooperation Treaty (PCT) increased 5.1% to reach 205,000 in 2013, hitting a record high. The U.S., Japan, China, Germany, and South Korea were among the top five, who have accepted, respectively, 57239, 43918, 21516, 17927 and 12386 patent applications. China for the first time surpassed Germany to rank No. 3, accounting for 10.5% of the total, up 1 percent from 2012. Regarding the number of patents filed by enterprises, ZTE and Huawei respectively ranked No. 2 and No. 3, after Panasonic.

[Top](#)

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