



## 立方一周IP要闻

### Weekly IP News by Lifang & Partners

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Six famous film and television companies accused short video infringement and piracy

## 最高人民法院发布《关于审理申请注册的药品相关的专利权纠纷民事案件适用法律若干问题的规定》

2021年7月5日，最高人民法院发布《关于审理申请注册的药品相关的专利权纠纷民事案件适用法律若干问题的规定》。该司法解释同日施行。该司法解释的颁布施行，对于保障专利法的正确实施，完善诉讼程序与药品审评审批程序、行政裁决程序的衔接，促进知识产权行政执法标准和司法裁判标准的统一具有重要作用。

来源：最高人民法院

## The Supreme People's Court issued the "Provisions on Several Issues Concerning the Application of Law in the Trial of Civil Cases of Patent Disputes Related to Drugs Applied for Registration"

On July 5, 2021, the Supreme People's Court issued the "Provisions on Several Issues Concerning the Application of Law in the Trial of Civil Cases of Patent Disputes Related to Drugs Applied for Registration." The judicial interpretation was implemented on the same day. The promulgation and implementation of the judicial interpretation plays an important role in ensuring the correct implementation of the patent law, improving the connection between litigation process, and drug review and approval procedures and administrative adjudication procedures, and promoting the unification of administrative law enforcement standards and judicial adjudicative standards for intellectual property rights.

Source: The Supreme People's Court

## 中国建立药品专利纠纷早期解决机制，发布试行实施办法

根据《中华人民共和国专利法》，国家药品监督管理局、国家知识产权局组织制定《药品专利纠纷早期解决机制实施办法(试行)》，经国务院同意，于7月4日发布并施行，以保护药品专利权人合法权益，鼓励新药研究和促进高水平仿制药发展，建立药品专利纠纷早期解决机制。

来源：中国新闻网

## China has established an early resolution mechanism for drug patent disputes and issued trial implementation measures

According to the "Patent Law of the People's Republic of China", the State Drug Administration and the State Intellectual Property Office organized the formulation of the "Measures for Implementing the Mechanism for Early Resolution of Drug Patent Disputes (for Trial Implementation)", which was issued and implemented on July 4 with the consent of the State Council to protect the lawful rights and interests of drug patent holders, encourage new drug research and promote the development of high-level generic drugs, and establish an early resolution mechanism for drug patent disputes.

Source: Chinanews.com

## 华为诉美国Verizon侵犯光传输专利，索赔超过10亿美元

据路透社7月6日报道，中国科技企业华为起诉美国最大电信公司威瑞森通讯（Verizon）侵犯专利一案，将于当地时间周三在美国得克萨斯州开庭审理。路透社称，华为早在2019年6月就告知Verizon，应该为其使用华为超过 230 项专利技术，向华为支付超过10亿美元的特许权使用费。

来源：腾讯新闻

### **The claimed amount exceeds 1 billion dollars! Huawei v. Verizon infringement on the patent of optical transmission in court**

According to a Reuters report on July 6, the Chinese technology company Huawei sued Verizon, the largest telecommunications company in the United States, for patent infringement, which will be heard in Texas on Wednesday, local time. According to Reuters, Huawei informed Verizon as early as June 2019 that it should pay Huawei more than \$1 billion in royalties for using Huawei's more than 230 patented technologies.

Source: Tencent News

## 3家中国IVD企业在美国337调查中胜诉

2021年1月20日，应美国ARK Diagnostics公司的请求，美国国际贸易委员会（ITC）决定对加巴喷丁免疫测定试剂盒和试纸及其组成和方法发起337调查。6月30日，ITC对加巴喷丁免疫测定试剂盒和测试条产品337调查案作出终裁，同意本案原告美国ARK Diagnostics公司撤回针对奥泰生物、凯创生物、东方生物的起诉。

来源：腾讯新闻

### **Three Chinese IVD Companies Won in U.S. 337 Investigation**

On January 20, 2021, in response to the request of the American ARK Diagnostics Company, the U.S. International Trade Commission (ITC) decided to initiate a 337 investigation into the patent of "Gabapentin Immunoassay Kits and Test Strips, Components Thereof, and Methods Therefor". On June 30, the ITC issued a final decision for the 337 investigation of gabapentin immunoassay kits and test strips, agreeing that ARK Diagnostics, inc., the plaintiff in the case, withdrew its lawsuit against Hangzhou AllTest Biotech Co., Ltd., Shanghai Chemtron Biotech Co., Ltd. and Zhejiang Orient Gene Biotech Co., Ltd.

Source: Tencent News

## 维刻电子烟被菲莫以侵害商标权和不正当竞争为由起诉

据媒体报道，国内通配电子烟维刻VEEX及其代工厂魔刻近日被美国烟草巨头菲利普莫里斯旗下公司（简称菲莫）告上法庭，起诉两被告涉嫌侵害商标权和涉嫌不正当竞争。同时被纳入被告的还包括上海一家销售维刻电子烟的食品综合商店。

来源：新浪财经

## **VEEX was sued by Philip Morris for trademark infringement and unfair competition**

According to reports, the domestic electronic cigarette company VEEX and its foundry Momo were recently brought to court by a subsidiary of American tobacco tycoon Philip Morris (Philip Morris), suing the two defendants for trademark infringement and suspected unfair competition. Also included in the defendant a food store in Shanghai that sold VEEX electronic cigarettes.

Source: Sina Finance

## **莲花味精拍卖24个商标，估价超8000万**

据阿里拍卖消息，总部位于河南周口项城的莲花味精集团有限公司，将对持有的24枚“莲花”相关商标进行公开拍卖，起拍单价从82.29万元至658.29万元不等，总起拍价达7570.34万元。

来源：红星新闻

## **Lotus Monosodium Glutamate auctions 24 trademarks, with an estimated value of over 80 million**

According to reports, the domestic electronic cigarette company VEEX and its foundry Momo were recently brought to court by a subsidiary of American tobacco tycoon Philip Morris (Philip Morris), suing the two defendants for trademark infringement and suspected unfair competition. Also included in the defendant a food store in Shanghai that sold VEEX electronic cigarettes.

Source: Sina Finance

## **国家邮政局：将查处快递企业不正当竞争行为**

近日，七部门联合发布《关于做好快递员群体合法权益保障工作的意见》。8日，国家邮政局市场监管司司长金京华在发布会上表示，目前，国家邮政局已经指导中国快递协会在部分城市开展了末端派费核算试点，下一步将继续扩大试点范围。对超出劳动定额的情况，要引导快递企业充分考虑工作时间和工资收入等因素，使快递员多劳能够多得。针对部分企业对寄自特定区域的快件实施非正常低派费的问题，邮政管理部门将配合有关部门加强监督检查，对涉嫌不正当竞争行为的，将依法进行查处。

来源：中国新闻网

## **State Post Bureau: will investigate and deal with unfair competition behaviors of express delivery companies**

Recently, seven departments jointly issued the "Opinion on Enhancing Protection of Legitimate Interests of Groups of Couriers." On the 8th, Jin Jinghua, Director of the Market Supervision Department of the State Post Bureau, said at a press conference that the State Post Bureau has now instructed the China Express Association to carry out a pilot project for terminal fee accounting in some cities and will continue to expand the scope of the trial in the next step. In the case of exceeding the labor quota, it is necessary to guide the express delivery company to fully consider factors such as working hours and wages, so that the courier can earn more with more work. Regarding the issue of some enterprises imple-

menting abnormally low delivery fees for express mail sent from specific regions, the postal administration will cooperate with relevant departments to strengthen supervision and inspection, and will investigate and deal with suspected acts of unfair competition in accordance with the law.

Source: Chinanews.com

### “小龍坎”诉“小龙坎”商标侵权

近日，福建省高级人民法院（下称福建高院）就四川仁众投资管理有限公司（下称仁众公司）与泉州味在火锅餐饮管理有限公司（下称味在公司）商标侵权及不正当竞争纠纷案作出二审判决，认定味在公司在为相关公众提供餐饮服务时，在店招、牌匾以及菜单等多处使用“小龙坎”及“小龍坎”字样等行为，侵犯了仁众公司持有的第18096479号“小龍坎”注册商标（下称涉案商标）专用权，须立即停止侵权并赔偿仁众公司经济损失等共计6万元。

来源：湖北省人民政府门户网站

### "Xiaolongkan" VS "Xiaolongkan", two hot pot restaurants filed a trademark lawsuit

Recently, the High People's Court of Fujian Province (Fujian High People's Court) has filed a complaint against Sichuan Renzhong Investment Management Co., Ltd. (hereinafter referred to as Renzhong Company) and Quanzhou Weizai Hotpot Restaurant Management Co., Ltd. (hereinafter referred to as Weizai Company) against trademark infringement and improper conduct. The second-instance judgment was made in the competition dispute case, and it was determined that Weizai Company used the words "Xiaolongkan" and "Xiaolongkan" in many places such as shop signs, plaques, and menus when providing catering services to the relevant public, which violated Renzhong's holdings. Some registered trademarks "Xiaolongkan" No. 18096479 (hereinafter referred to as the trademark involved) must immediately stop infringement and compensate Renzhong for economic losses totaling 60,000 yuan.

Source: official web site of Hubei Province People's Government

### 6家知名影视公司发声指责短视频侵权盗版

继70多家影视单位、企业及500多位演员、导演、编剧联合发布倡议书，抵制网络短视频侵权后，影视领域版权保护又有了新动向。近日，慈文传媒、华策影视等6家知名影视公司发声指责短视频侵权盗版，呼吁建立良好的行业版权生态。

来源：中国知识产权网

### Six famous film and television companies accused short video infringement and piracy

After more than 70 film and television companies and more than 500 actors, directors and screenwriters jointly issued a proposal to boycott the infringement of short online video, copyright protection in the field of film and television has taken a new trend. Recently, six famous film and television companies, including CIWEN Media and HUACE Media, denounced the infringement and piracy of short videos and called for the establishment of a good industry copyright ecology.

Source: CNIPR

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