

China win for Apple as court overturns iPhone ruling

BEIJING, China - A Beijing court has overturned a ruling that Apple's iPhone 6 violated a Chinese manufacturer's patent which saw the US tech giant ordered to cease selling the smartphone in China.



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In May last year, the Beijing intellectual property bureau had ruled that Apple violated design patents of Chinese maker Shenzhen Baili with its iPhone6 and iPhone 6 Plus, and would be barred from selling those models.

Sales however were not suspended while Apple appealed against the administrative order.

The Intellectual Property Court in Beijing on Friday ruled in favour of the California-based firm.

The court "quashes the decision of the bureau" and "recognises that Apple ... has not infringed the design patent filed by the company Shenzhen Baili", according to the verdict reported by the state judicial daily Renmin Fayuan Ribao.

The intellectual property bureau, an administrative body of Beijing municipality, had ruled that the two Apple phones infringed a Baili design patent.

It had accused the US firm of having "copied" the exterior design of Baili's 100C smartphone, which is characterised by a curved edge and rounded corners.

But the Beijing court ruled that the iPhone 6 had features that "completely change the effect of the entire product ... and both phones are easily distinguishable in the eyes of consumers," finding Baili's claim was without legal basis.

When it took on Apple in December 2014, Baili was a promising electronics firm, backed by internet giant Baidu and eager to tap the telecoms boom.

But since then the company has collapsed, hit by public criticism of its products seen as poor quality and more so by China's ultra-competitive smartphone market which has seen many start-ups go under.

Even Apple is under pressure. While China, along with Hong Kong, Macau and Taiwan, remains its second largest market after the US, the Cupertino-based company saw its turnover in this "Greater China" region fall 12 percent in the last quarter of 2016.

Apple's market share has plummeted in mainland China, falling behind local competitors such as telecoms giant Huawei, newcomers Oppo and Vivo, and "internet of things" pioneer Xiaomi.

Apple has already had intellectual property problems in China.

In May 2016 a maker of "iphone" branded leather goods won a lawsuit filed by Apple as the court ruled Xintong Tiandi had registered the word as a trademark in 2007, while Apple smartphones did not officially go on sale in China until 2009.

Source: AFP

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