

# CHINA BUSINESS 商 LAW JOURNAL 法

May 2010 | Volume 1, Issue 5

2010年5月 | 第1辑

## 打击盗版

当外商知产保护逐渐改善，中国知产在海外却遭受威胁

## Fighting the fakes

As foreign IP fares better, China's rights holders suffer overseas



www.cbll.com

法院：知识产权  
之役的第二战场

IP battles move  
to the courts

投资者新权利：  
双边投资协定

The latest on bilateral  
investment treaties

商法词汇：  
义务的词语

Lexicon: words  
of obligation

## 大多数中国企业还是第一代 知识产权所有人

*Most Chinese companies are first-generation owners of IP*



**M Ravindran**  
Ravindran Associates  
Singapore

虽然比较美国申请的53,000项专利,这个数字相形见绌,但仍在全世界排名第五;且在全球专利申请下降5%的大环境下,中国申请专利的项目比2008增长了近30%。

很期望,中国公司越来越着力于保护自身的知识财产。信息技术及工程专利的专家 Gill Jennings & Every 的伦敦合伙人 Stephen Haley 说:“中国企业想利用知识产权体系来获取竞争优势。”

这当然是个新趋势。新加坡 Ravindran Associates 律师事务所的 M Ravindran 说:“大多数中国企业还是第一代知识产权所有人,他们是近十年来才刚刚意识到要保护、培养及利用知识产权的。”

### 中国企业成为受害者

遍布海外的中国企业遭遇到知识产权侵权的问题,比其外资竞争者在中国境内遇到的多。曼谷 Domnern Somgiat & Boonma 公司的 Nettaya Warncke 说,比如在泰国,一家中国电信制造商遇到以前的某个不友好的经销商把该企业名称注册成自己的商标,并以此(混迹于)该企业的营销网络。

Swaab 律师事务所的悉尼合伙人 Matthew Hall 说,中国知识产权所有人正在逐渐建立起优先使用权,打击品牌“抢注”,为中文商标的意译和音译建立适当的保护,并尝试理解商标和注册企业名称之间的区别,及处理商标权转让的定价问题。

最近,在与欧洲对手的知识产权争议中,中国企业获得了一些胜利。三一重工集团是总部位于长沙的建筑设备制造商,目前正在进军欧洲市场,却遭到德国戴姆勒公司的起诉。戴姆勒在英格兰和威尔士高等法院提起诉讼,称三一集团的标志跟其梅赛德斯-奔驰的“三尖星”商标太相似。法官在其33页的判决书上驳回了戴姆勒的诉求。

在另一个案件中,杜威路博国际律师事务所受中国某软件公司委托,控告竞争对手仿制其软件应用及电子设备外形,侵犯其知识产权。杜威路博的米兰合伙人 Marco Consonni 说,意大利某法院已经判决侵权者败诉。尽管有以上之成功例子,Consonni 补充道“中国公司通常会担忧诉讼案件的处理会耗时过久”。

当然,中国企业并不总是原告。在巴黎, Cousin & Associés 律师事务所在多起诉讼中代表中国企业。 Pierre Cousin 说,“在若

ognizable brands, patents and trade marks. According to the World Intellectual Property Organization (WIPO), China submitted 7,946 international patent applications in 2009. The figure is dwarfed by the 53,000 patents applied for from the United States, but is the fifth-highest number worldwide and represents an increase of nearly 30% over 2008 amid a global 5% decline in patent applications.

The trend is clear. Chinese companies are increasingly trying to protect their own IP assets. “They want to use the system to get a competitive advantage,” says Stephen Haley, a London partner at Gill Jennings & Every, who specializes in information technology and engineering patents.

But the trend is also very new. “Most Chinese companies are first-generation owners of IP,” says M Ravindran of Ravindran Associates in Singapore. “These companies only started recognizing, protecting, cultivating and leveraging their IP in the past 10 years.”

### Chinese companies as victims

As Chinese companies spread abroad, they are facing issues more commonly encountered by their foreign competitors within China. In Thailand, for example, an angry former distributor of products for a Chinese telecoms manufacturer registered the company's name as its own trade mark, says Nettaya Warncke of Domnern Somgiat & Boonma in Bangkok.

Matthew Hall, a Sydney partner at Swaab Attorneys, says Chinese IP owners are increasingly attempting to establish first use, overcome brand “squatters”, establish proper protection for translations and transliterations of Chinese marks, understand the difference between trade marks and registered business names and deal with transfer pricing issues.

Chinese companies have scored some recent successes in IP disputes with European rivals. Germany's Daimler sued Sany Group, a Changsha-based maker of construction equipment that recently moved into Europe. Daimler filed suit in the High Court of England and Wales, complaining that Sany's logo was too similar to its own Mercedes-Benz “three-pointed-star” trade mark. A judge dismissed Daimler's claim in a 33-page ruling.

In another case, Dewey & LeBoeuf worked with a Chinese software company against a competitor that had copied IP in a software application and the shape of an electronic device. An Italian court granted an order against the infringer, says Milan partner Marco Consonni. (Despite this success, Consonni adds, “Chinese companies are usually worried about the length of our court cases.”)

Chinese companies are not always the plaintiffs, of course. In Paris, Cousin & Associés has acted on behalf of Chinese companies on several occasions. “They were defendants in patent infringement actions instituted by patentees,” says Pierre Cousin. In at least two patent actions, however, claims against the Chinese companies were dismissed.

A fundamental point which is often overlooked is the importance of keeping track of actual ownership. “A number of Chinese companies are not performing proper trademark clearance searches in Australia to determine if there are any competing businesses in Australia which have protected identical or similar brand names,” says David Stewart, managing director of Wrays Lawyers in Perth.

于专利权人提起的专利侵权诉讼案中，中国公司都是被告，不过至少有二起针对中国企业的专利诉讼请求被驳回。

最基本的，也是最容易被忽视的关键是追踪实际所有权。珀斯的 Wrays Lawyers 律师事务所的执行董事 David Stewart 说：“许多中国企业在澳大利亚没有进行适当的商标清查检索工作，以确定在澳是否已有竞争对手注册保护了相同的或类似的品牌名称。”

## 各地的法律

全球知识产权领域受国际公约体系监管，在《马德里协议》(1891)及《马德里备忘录》(1989)的基础上建立起来的马德里国际商标注册体系广泛运用于商标注册，且大多数国家都是签约国。

适用于其他类型的知识产权国际条约有《保护文学和艺术作品的伯尔尼公约》、世界贸易组织的《与贸易相关的知识产权协议》(简称TRIPS)以及《专利合作条约》(PCT)。

约翰内斯堡安永国际律师事务所的 Allison Gibbs-Williams 说：“主要的国际条约通常能对某些种类的知识产权提供对等的权利保护及最低程度的保护。”但是，并非所有主要经济体都是重要国际条约的缔约国。在较大的经济体中，加拿大、南非、阿根廷、泰国及印度还未加入马德里备忘录。

台湾是《专利合作条约》以外的少数主要司法区域之一，这就带来些困难。台北圣岛国际专利商标联合事务所的的霍铁群说：“我们中国大陆的客户想在台湾为其发明寻求保护，但基于《专利合作条约》申请的公告，该发明在己已经丧失新颖性，这种情况并不少见。中国企业的一项发明按《专利合作条约》注册或在国内提出专利申请后，应在12个月内就到台湾为该项发明提出专利申请。”

中国企业也可能因为海峡两岸的独特关系而面临特殊问题。台北瓊律法律事务所的王懿说：“台湾与中国之间没有对专利和商标申请优先声明权的相互认可。台湾政府正在修订专利法、商标法及版权法，这可能会给知识产权实践带来重大改变。”

即便是各种国际协议的缔约国，也会存在本地壁垒。河内 Pham

## Laws of the lands

The global IP landscape is governed by a system of international conventions. The Madrid system for the international registration of marks (the Madrid Agreement of 1891 and the Madrid Protocol of 1989) is widely used for trade marks, and most countries are signatories.

For other types of IP, the Berne Convention for the Protection of Literary and Artistic Works, the World Trade Organization's related aspects of intellectual property rights regime (known as TRIPS) and the Patent Cooperation Treaty (PCT) may apply.

The major international treaties “generally provide for national rights protection and minimum levels of protection in relation to certain kinds of IP,” says Allison Gibbs-Williams at Eversheds LLP, Johannesburg. However, not all major economies are signatories to the major international conventions. Among the larger economies, Canada, South Africa, Argentina, Thailand and India have yet to ratify the Madrid Protocol.

Taiwan is one of the few major jurisdictions outside the PCT system that can present some difficulties. “It occurs not rarely that the patents for which our [mainland] Chinese clients intend to seek protection in Taiwan have lost novelty in view of the publication of their application,” says Patrick Yun of Saint Island International Patent and Law Offices in Taipei. “Chinese companies should be aware that a corresponding patent application must be filed in Taiwan within 12 months from the filing of the PCT or home application.”

Chinese companies may also face particular issues due to the unique relationship between Taiwan and China. “Mutual recognition of priority claim for patent and trade mark applications is available between Taiwan and China,” says Daisy Wang of law firm Lee and Li. “The Taiwan government is now amending its Patent Law, Trade Mark Law and Copyright Law, which may result in significant changes to IP practice.”

Even countries that are signatories to international agreements can present local obstacles. In Vietnam, there can be difficulties with overlapping legislation, says Pham Vu Khanh Toan, managing partner of Pham & Associates in Hanoi. “Many issues are not regulated by the law but regulated by various subordinate regulations which cannot be tracked by persons who are not acquainted with the Vietnamese legal system,” he says (see *The IP world* page 42).

## Timing of the essence

No matter which country is involved, timing is crucial for the acquisition and registration of IP rights. Argentine firm P & Asociados, for example, works with Sony, telecoms equipment manufacturer Huawei Technologies, car maker Great Wall and computer major Lenovo, herbal medicine manufacturer Yu Baiyao and others. “In some locations, they find identical or similar trade marks already registered by their former importers,” says Diego Palacio, one of the firm's attorneys at law.

Latecomers to the Mexican market can also find their IP rights usurped by earlier arrivals. “[Chinese companies] got here first, then, say, Japanese or South Korean corporations,” says Marco Soni, a partner at Bufete Soni in Mexico City. “Perhaps some of them will not have the chance to enter the Mexican market any sooner.”

Brazil also exemplifies another timing issue common to emerging economies: backlogs. “There is no political will to strengthen out the situation and the backlog continues to increase over time,” says Denis Daniel, a partner at Daniel Abogados in Rio de Ja

## 中国公司通常会担忧诉讼案件的处理会耗时过久

*Chinese companies are usually worried about the length of our court cases*



**Marco Consonni**  
Partner  
Dewey & LeBoeuf  
Milan



## 在协商、交易及起草合同协议时，文化差异不应被低估

*The cultural differences when it comes to negotiations, deals and drafting agreements should not be underestimated*



**Agnes Andersson**  
Associate  
Setterwalls  
Stockholm

Palacio & Asociados 律师事务所的合伙人 Pham Vu Khanh Toan 说，在建立立法会带来困境。许多问题在法律上没有详细规定，却法规中有规定，不熟悉越南法律体系的人根本不可能理清这法规的关系。”（见：《各国知识产权概览》）

### 重要性

在哪个国家，时效对获取及注册知识产权至关重要。Palacio & Asociados 律师事务所与三一重工、电信设备制造商、汽车制造商长城汽车公司、电脑巨头联想、中草药制药白药及其他中国企业都有合作关系。该所的律师 Diego 说：“在某些地方，中国企业发现其以前的进口商已经注册了或类似的商标。”

墨西哥市场的后到者也会发现他们的知识产权已被先来者墨西哥城 Bufete Soni 律师事务所的合伙人 Mariano Soni 中国企业进入墨西哥市场比日本或韩国的企业晚，或许早先没有机会。”

新兴经济体中普遍存在把握时效的问题，巴西的例子是王。里约热内卢 Daniel Abogados 律师事务所的合伙人 Daniel 说“政府不愿意整顿这种情况，于是案件积压量每年增加。”有可能是因某些地区缺乏专利审查员或缺少合格而造成了案件的积压。

西及其他南美司法区域，中国的知识产权所有人因缺乏光而致使他们陷入困境。圣保罗 David do Nascimento 的 Marcello do Nascimento 说：“最常见的问题是：出口到我们国家或跟当地公司签署分销合同前没有进行知注册。”

“监察”服务有助于确保迅速锁定侵权者，尤其是商标。中国和美国都是实施“优先申请制”的国家，就是说第注册人具有优先权。芝加哥 Davis McGrath 律师事务所的合 Maureen Beacom Gorman 说：“即使中国企业取得了在美标注册，此商标注册仍可能被之前的使用人取消，申请取限自获取注册后起算达5年之久。”

These backlogs may, for example, stem from a shortage of patent examiners in some areas or a lack of qualified judges.

In Brazil and other South American jurisdictions, lack of foresight often afflicts Chinese IP owners. “The most common problem faced is not having registered IP rights before exporting products to our country or entering into distribution agreements with local companies,” says Marcello do Nascimento of David do Nascimento Advogados in São Paulo.

A local “watch” service can be useful to ensure that infringers, particularly of trade marks, are identified quickly. Both China and the US are “first to file” countries, which means that the first to register has priority rights. “Even if a Chinese company secures a US registration, it could face a cancellation of the registration by a prior user for up to five years after the registration is secured,” says Maureen Beacom Gorman, partner at Davis McGrath in Chicago.

In some emerging markets, concepts of time can frustrate even the most patient of IP rights holders. In Sri Lanka, for example, the National Intellectual Property Office (NIPO) is notoriously slow. The office has embarked on a programme of computerization but “the gargantuan task of data entry is not yet complete, and in certain classes, the examination of pending applications can take several years,” says John Wilson of John Wilson Partners in Colombo.

Lawyers in many Latin American countries complain of the glacial pace of bureaucracy (Editor’s note: see *El Dorado all over again?* in *China Business Law Journal* Volume 1 Issue 4, April 2010). “There is a particular slowness by the Argentine Trade Mark Office in registering the new holder with the certificate of a trade mark or a patent. The backlog goes up to 16 months,” says Dámaso Pardo, a lawyer at Pérez Alati Grondona Benites Arntsen & Martínez de Hoz in Buenos Aires.

More fundamentally, some emerging markets around the world are only now beginning to consider trade mark protection, particularly in the least developed countries in Africa. In Nigeria, for example, counterfeiting is rampant and enforcement is lacklustre, says Adeola Oluorneyan of Lagos firm Jackson Etti & Edu.

### Translation and transliteration

The ever-present need for translation can produce another

*在某些地方，中国企业发现其以前的进口商已经注册了相同或类似的商标*

*In some locations, [Chinese companies] find identical or similar trade marks already registered by their former importers*



**Diego Palacio**  
Attorney at law  
Palacio & Asociados  
Buenos Aires

在某些新兴市场, 时效的概念甚至可挫败最有耐心的知识产权持有人。比如, 斯里兰卡的国家知识产权局 (NIPO) 办事效率之慢是众所周知的。该局已开始电脑化的程序管理, 但是“庞大的数据输入任务还没完成, 而且对于某些分类, 未处理申请的审查会花费好几年时间。”科伦坡 John Wilson Partners 律师事务所的 John Wilson 如是说。

许多拉美国家的律师抱怨官僚系统的拖拉 (编者注: 见上月《商法》第35页)。布宜诺斯艾利斯 Pérez Alati Grondona Benites Arntsen & Martínez de Hoz 的律师 Dámaso Pardo 说“阿根廷商标局为新持有人注册商标或专利证书的效率尤为低下, 积压时间可长达16个月。”

说到底, 世界某些新兴市场现在才开始研究商标保护, 特别是最不发达的非洲国家。比如, 在尼日利亚, 拉各斯 Jackson Etti & Edu 律师事务所的 Adeola Olumeyan 说: “假冒伪造泛滥, 但执法缺乏力度。”

### 意译和音译

翻译人才和能力的缺乏, 产生了另一瓶颈。在斯里兰卡, 收到的全部申请均用英文、锡兰语和泰米尔语公布, 但当地国家知识产权局缺少翻译人员。语言问题加上当地法

当中国企业在美国使用其产品很久之后才寻求知识产权保护, 往往会出现问题

*Problems often arise when Chinese companies seek to protect their IP in the US long after usage here has already commenced*



**Alan Behr**  
Partner  
Alston & Bird  
New York

bottleneck. In Sri Lanka, all applications received are published in English, Sinhala and Tamil but the NIPO has shortage of translation staff. Language problems compound the local courts' lack of experience. "IP litigation is relatively uncommon so there is a lack of judicial precedents in areas c

*Your reliable partners for intellectual property matters  
in  
Pakistan, South East Asia, Arabian Gulf, Middle East & Africa*



**UNITED TRADEMARK  
& PATENT SERVICES**

International Intellectual Property Attorneys

Trademark, Patent, Design, Copyright, Domain name  
registration, litigation & enforcement services

Undertaking Intellectual Property Registrations & Enforcement in Gulf, Middle Eastern, South & East Asian  
and African Countries through the network of regional offices

**(New) Postal & Visiting Address:**

85 -The Mall Road, Lahore 54000 Pakistan

(Opposite Ferozsons books store / adjacent radio time center)

**(Registered) Head Office:**

West End Building, 81-The Mall,

Lahore - 54000 PAKISTAN.

TEL: +92-42-36285588-90, +92-42-37249838-9 FAX: +92-42-36285585-7, +92-42-37323501

Email: [UnitedTrademark@UnitedTm.com](mailto:UnitedTrademark@UnitedTm.com) Websites: [www.utmps.com](http://www.utmps.com) and [www.unitedip.com](http://www.unitedip.com)

#### DARBAH

Postal Address:  
P.O. Box 3079  
Adiy, Baghdad of Baku  
Street Address:  
Suite 21, Bldg 200, Giza 121,  
Dokki Station Avenue,  
N. H. H. Kingdom of Bahrain  
Tel: +973-1711549  
Tel: +973-1715439  
Email: [darbah@unitedip.com](mailto:darbah@unitedip.com)

#### DUBAI (UAE)

Postal Address:  
P.O. Box 21932  
Dubai, UAE  
Street Address:  
Sultan Bin Zayed Road,  
Tel: +971-4-3471944  
Tel: +971-4-3471948  
Email: [dubai@unitedip.com](mailto:dubai@unitedip.com)

#### JORDAN

Postal Address:  
P.O. Box 52892  
11100 Amman, Amman, Jordan  
Street Address:  
Suite 7, 2<sup>nd</sup> Floor,  
Chagui Building, Al-Jadid  
Amman, Jordan  
Tel: +962-4-682938  
Tel: +962-4-502989  
Email: [jordan@unitedip.com](mailto:jordan@unitedip.com)

#### LEBANON

Postal Address:  
P.O. Box 11-1079  
Beirut - Lebanon  
Street Address:  
88 P.O. Box 412 Street,  
Tyre  
Beirut - Lebanon  
Tel: +961-1-710370  
Tel: +961-1-210214  
Email: [lebanon@unitedip.com](mailto:lebanon@unitedip.com)

#### OMAN

Postal Address:  
P.O. Box 3441, Rustaq, Postal Code 112  
Muscat, Sultanate of Oman  
Street Address:  
Suite No. 102, 7<sup>th</sup> Floor,  
Oman Commercial Centre,  
Rustaq, Muscat, Sultanate of Oman  
Tel: +968-2-471700, +968-2-470-470  
Tel: +968-2-471700  
Tel: +968-2-471700  
Email: [oman@unitedip.com](mailto:oman@unitedip.com)

#### QATAR

Postal Address:  
P.O. Box 2389  
Doha, Qatar  
Street Address:  
4<sup>th</sup> Floor, J' Etihad  
Bin Jaber Al Akbar Complex,  
Al Sadd Street, Doha, Qatar  
Tel: +974-443281, +974950  
Tel: +974-443281  
Tel: +974-443281  
Email: [qatar@unitedip.com](mailto:qatar@unitedip.com)

#### SAUDI ARABIA

Postal Address:  
P.O. Box 11881, Riyadh 11441  
Kingdom of Saudi Arabia  
Street Address:  
Al-Thumamah Street,  
Ghazalman, Riyadh  
Saudi Arabia  
Tel: +966-1-4025471-4025470  
Tel: +966-1-4025470  
Tel: +966-1-4025470  
Email: [saudi@unitedip.com](mailto:saudi@unitedip.com)

#### SINGAPORE (SINGAPORE)

Postal Address:  
P.O. Box 22888  
Singapore, SINGAPORE  
Street Address:  
Suite 203, Schava Building,  
Soleira Corridor (14-B Road)  
Singapore, SINGAPORE  
Tel: +65-4-5222140  
Tel: +65-4-5222140  
Tel: +65-4-5222140  
Email: [singapore@unitedip.com](mailto:singapore@unitedip.com)

院缺乏经验。“知识产权诉讼相对较少，以至于某些法律具有不确定性的领域缺乏司法先例。”Wilson说。

另外，在一些国家有使用当地语言的规定。例如，南非要求所有文件应使用该国的11种官方语言中的一种。Gibbs-Williams说，南非还规定文件必须由公证人员认证。

另一个常见的问题是不同语言表达的内容有很大不同。Davis McGrath 律师事务所的 Gorman 说：“商标的音译得到广泛关注。”她补充道，“例如，汉字是美国专利商标局设计代码的一部份。虽然能在商标法中被检索到，但汉字商标的侵权风险审查工作更困难和昂贵。”

菲律宾知识产权律师说，菲律宾也有类似的情况发生。马尼拉 Fortun Narvasa & Salazar 的 Roderick Salazar 说：“中国商标持有人在注册申请时，如商标内容含有汉字，则需同时提供英文翻译及汉字的音译。”

## 文化障碍

中国企业赴海外经营时，必须按各个国家的实际情况对待知识产权保护。哥德堡 Setterwalls 律师事务所知识产权和科技业务部律师 Agnes Andersson 说：“在协商、交易及起草合同时，文化差异不应被低估，它可能成为获取知识产权或进行商业谈判的一项挑战。”

不过，Andersson 很乐观，他说：“大多数中国企业似乎都明白这些挑战，并找到了克服障碍的方法。”■

uncertainty in the law,” says Wilson.

Other countries have, in addition, local language requirements. South Africa, for example, requires that all documents be in one of the country's 11 official languages. South Africa also requires documents be authenticated, typically by a notary public, says Gibbs-Williams.

Another problem is a very practical result of how different languages are written. “Transliteration of marks is a broad concern,” says Gorman at Davis McGrath. “Chinese characters, for example, are part of the USPTO design code, and, although they can be searched under the description of the mark, clearance of a Chinese character mark may be more difficult and more expensive,” she adds.

Something similar happens in the Philippines, say IP lawyers. “Chinese trade mark holders who have Chinese characters as part of their trade marks are required to provide the English translation and transliteration of said characters in their trade mark applications,” says Roderick Salazar of Fortun Narvasa & Salazar in Manila.

## Cultural barriers

For Chinese companies venturing overseas, IP protection must be approached country by country. “The cultural differences when it comes to negotiations, deals and drafting agreements should not be underestimated and can be a challenge when acquiring IP and negotiating business deals,” says Agnes Andersson, an associate at the IP and technology practice at Setterwalls in Gothenburg. Andersson, nonetheless, is optimistic. “Most Chinese companies appear to understand these challenges and find ways to overcome barriers.” ■

# 各国知识产权概览

## The IP world tour

《商法》对部分国家的知识产权保护和执法情况做了以下简要的分析。

### 东盟

东盟成员国的情况各不相同，但都是知识产权受到大量侵害的国家。吉隆坡 Kass International 的 Ramakrishna Demodharan 表示：“由于东南亚国家彼此邻近，侵权行为可能在几个国家同时发生。中国企业也必须了解平行进口问题。”东盟成员国包括文莱、缅甸、柬埔寨、印尼、老挝、马来西亚、菲律宾、新加坡、泰国和越南。

### 澳大利亚

在亚太地区，发展中国家并非滋生各种新型侵权行为的唯一温床。墨尔本的一家知识产权专业事务所 Choy Lawyers 的 Trevor Choy 指出，在澳大利亚，一批印度企业必需面对一名活跃的侵权者，该侵权者认识到一些最著名的印度消费品商标并未在澳注册。

China Business Law Journal offers a brief analysis of intellectual property protection and enforcement in selected countries across the world.

### ASEAN

Members of the Association of South East Asian Nations are a disparate group but share high levels of IP violations. “Due to the close proximity between the south east Asian countries, the infringing acts can take place in a few countries simultaneously,” says Ramakrishna Demodharan of Kass International in Kuala Lumpur. “Chinese companies must also be aware of parallel import issues.” The member countries of ASEAN are Brunei Darussalam, Burma (Myanmar), Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam.

### Australia

Developing countries are not the only ones in the Asia-Pacific region that make a good home for creative breaches. In Australia, a group of Indian companies had to deal with an aggressive squatter