

China's IP
in foreign eyes

Baidu recently released new intelligent vehicle solutions including intelligent driving, intelligent cabin, intelligent map, and intelligent cloud for automakers and several high-end intelligent driving products during the second Apollo Ecosystem Conference. Adding to its existing intelligent driving solutions, Baidu also announced an advanced solution for passenger vehicles called Apollo Navigation Pilot (ANP), which is powered by Apollo's L4 autonomous driving technology. (Baidu Highlights Autonomous Driving Commercialization Push at Apollo Ecosystem Conference, by PR Newswire)

在日前举办的第二届百度Apollo生态大会上,百度发布了面向汽车制造商的智驾、智舱、智图、智云四大智能化汽车解决方案以及多件高端智驾产品。在已有的智能驾驶解决方案基础上,百度还发布了高级别智能驾驶解决方案ANP,即领航辅助驾驶,其是L4自动驾驶技术降维释放到辅助驾驶领域的产品。(Apollo生态大会:百度加速自动驾驶商业化步伐,美通社)

Comment:

Baidu has been developing autonomous driving technologies and emphasizing on relevant IP portfolio over these years. The Apollo Ecosystem Conference held this year further showcases Baidu's confidence in commercialization of intelligent driving.

点评

多年来,百度一直致力于创新发展自动驾驶技术,并注重在该领域进行知识产权布局。此次Apollo生态大会的召开进一步体现了百度推动自动驾驶技术落地的信心。



Pinduoduo is hoping to shift China's food production towards smart ways of growing and distributing crops. People bought 136.4 billion yuan worth of food products via Pinduoduo in 2019. As well as developing an analytics system for agriculture and investing in tech that can detect contaminants in food, it is also running a competition: to see whether human teams or AI are more efficient at growing strawberries. The company organized the competition with the China Agricultural University pitting traditional farming methods against AI models. Earlier this month it said in a press release the AI teams had produced 175% more fruit by weight. (Chinese e-commerce platform Pinduoduo wants A.I. to grow our food, by CNBC)

拼多多正在努力使中国的农产品种植和分销朝着智能化方向发展。据统计,2019年,消费者在拼多多平台上花费1364亿元购买农产品。拼多多不仅研发农业分析系统并投入研发费用来检测农产品中的污染物,而且与中国农业大学合作组织了一次比赛,来观察在种植草莓过程中,是传统技术团队还是人工智能团队更有效。12月初,拼多多在一次发布会上表示,由人工智能团队种植的草莓产量超传统技术团队175%。(中国电商平台拼多多探索AI农业,美国全国广播公司财经频道)

Comment:

As one of the e-commerce giants, Pinduoduo started with agriculture and made it the core of the company's strategy. Pinduoduo will further expand the depth of food products marketing and promote the development of intelligent agriculture in China by creating and using technologies with independent IPRs.

点评

作为中国电商企业之一,农业是拼多多起家之本也是发展战略核心。通过研发、运用拥有自主知识产权的技术,拼多多将进一步拓展农产品消费的市场深度,一定程度上催化中国未来“云农业”的发展。(熊花平)

China in full swing to enhance IPR protection

中国全面加强知识产权保护工作

IPR protection relates to the modernization of China's governance system and capacity, high-quality development, people's happiness, grand scheme of the country's opening up to the outside world and national security. To build a modern socialist country in an all-round way, it is necessary to proceed from the height of national strategy and the requirements of entering a new stage of development, to strengthen IPR protection comprehensively, promote the building of a modernized economy, stimulate the innovation vitality of the entire society and promote the construction of a new development pattern, said Xi Jinping, general secretary of the Communist Party of China (CPC) Central Committee, while presiding over the 25th group study session of the Political Bureau of the CPC Central Committee on November 30.

In his speech at the group study, Xi pointed out that innovation is the primary driving force behind development, and protecting IPR is equal to protecting innovation. China is changing from a big country of introducing IPR to a big country of creating IPR, and from pursuing IPR quantity to improving quality. He called for a clear understanding of the situation and tasks of China's IPR protection as well as a better understanding of the importance of relevant work, so as to provide a strong guarantee for implementing new development concepts, building the new development pattern and promoting high-quality development.

Xi stressed that China's IPR protection work began shortly after the founding of New China. Since the 18th CPC National Congress, the CPC Central Committee has put IPR protection in a more prominent position through promoting a series of reforms, rolling out a series of major policies, actions and plans, implementing a strict IPR protection system, and resolutely punishing the infringements of legitimate rights and interests, especially IPR infringements. This comes at a time when China has made historic achievements in IPR protection, and the awareness of society as a whole to respect and protect IPR has significantly improved.

As Xi said, China will improve the top-level design for IPR protection and create a national plan for IPR protection and application for the 14th Five-Year Plan period from 2021 to 2025, specifying goals, tasks, measures and a blueprint for implementation. The plan will strictly protect IPR, ensure public interests and create incentives for innovation.

China will make IPR protection more law-based through strictly implementing relevant provisions of the Civil Code, speeding up the improvement of relevant laws and regulations, promoting the amendments of laws including the Patent Law, the Trademark Law and the Copyright Law, and striving for consistency among different laws. In addition, China will improve legislation in the fields of geographical indications and trade secrets, strengthen civil judicial protection through formulating litigation rules that conform to the laws of IPR-related cases and promote the unification of IPR administrative law enforcement and judicial judgment standards to improve the cohesive mechanism between administrative and judicial enforcement, said Xi. He added China should improve the quality and efficiency of IPR-related trials, improve criminal laws and judicial interpretations and intensify efforts to crack down on IPR-related crimes.

Xi noted that China will strengthen the whole-chain of IPR protection by comprehensively employing legal, administrative, economic, technological and social governance tools, and improving the protection system through the coordination of various aspects including administrative law enforcement, judicial protection, arbitration and mediation, self-discipline of industry, credit system of citizens. China should improve the comprehensive management system for intellectual property, Xi said, adding that China needs to coordinate IPR protection, anti-monopoly, and fair competition reviews to promote the orderly flow and efficient allocation of innovation resources. Xi called for a well-rounded IPR public service system so that innovation achievements can better benefit

the people. The construction of IPR-related information and intelligent infrastructures should also be improved, Xi added. Publicity and education on IPR protection should be strengthened, Xi said, adding that the entire society should be more aware of respecting and protecting IPR.

Xi called for deepening the reform of IPR protection mechanisms and systems. To improve the IPR examination system, it is necessary to study and implement differentiated industrial and regional IPR policies. Regarding the IPR protection system, he urged to make further improvements in new fields and new businesses, including big data, artificial intelligence and gene technology, and create protection measures in the fields of traditional arts and knowledge. He also called for deepening the reform and innovation in IPR trials to improve the IPR litigation system, and promptly implement the punitive damage system. Efforts should also be made to improve the IPR evaluation and ownership system, and formulate regulations to prevent IPR abuse.

As Xi pointed out, China will promote IP and competition in IPR, take part in the global intellectual property governance within the World Intellectual Property Organization framework, promote the improvement of international rules and standards concerning IPR and related international trade and investment fields, and push the global IP governance system to a more just and equitable direction. In order to promote knowledge sharing, China will deepen the IP cooperation with the countries and regions along the Belt and Road.

Xi also said that China will safeguard national security in the IPR field, strengthen the independent research, development and protection of core technologies related to national security and administer the transfers of IPRs concerning national security in accordance with the law. Work should be done to create an efficient international mechanism for the early warning of and emergency response to IPR risks, and establish a risk prevention and control system for foreign-related

IPR issues.

Xi pointed out that Party committees and governments at all levels should make concrete efforts to improve the coordination mechanism of IPR work, attach importance to IPR talent training, and resolutely overcome local protectionism. (via Xinhua)

中共中央政治局11月30日下午就加强我国知识产权保护工作举行第二十五次集体学习。中共中央总书记习近平在主持学习时强调,知识产权保护工作关系国家治理体系和治理能力现代化,关系高质量发展,关系人民生活幸福,关系国家对外开放大局,关系国家安全。全面建设社会主义现代化国家,必须从国家战略高度和进入新发展阶段要求出发,全面加强知识产权保护工作,促进建设现代化经济体系,激发全社会创新活力,推动构建新发展格局。

习近平在主持学习时发表了讲话。他指出,创新是引领发展的第一动力,保护知识产权就是保护创新。当前,我国正在从知识产权引进大国向知识产权创造大国转变,知识产权工作正在从追求数量向提高质量转变。我们要认清我国知识产权保护工作的形势和任务,总结成绩,查找不足,提高对知识产权保护工作重要性的认识,为贯彻新发展理念、构建新发展格局、推动高质量发展提供有力保障。

习近平强调,我国知识产权保护工作,新中国成立后不久就开始了。党的十八大以来,党中央把知识产权保护工作摆在更加突出的位置,部署推动了一系列改革,出台了一系列重大政策、行动、规划,实行严格的知识产权保护制度,坚决依法惩处侵犯合法权益特别是侵犯知识产权行为。总的看,我国知识产权保护工作取得了历史性成就,全社会尊重和保护知识产权意识明显提升。

习近平指出,要加强知识产权保护工作顶层设计。要研究制定“十四五”时期国家知识产权保护和运用规划,明确目标、任务、举措和路线图。既严格保护知识产权,又确保公共利益和激励创新兼得。

习近平强调,要提高知识产权保护工作法治化水平。要在严格执行民法典相关规定的同时,加快完善相关法律法规,统筹推进专利法、商标法、著作权法、反不正当竞争法等技术进步法等修订工作,增强法律之间的一致性。要加强地理标志、商业秘密等领域立法。要强

化民事司法保护,研究制定符合知识产权案件规律的诉讼规范。要提高知识产权审判质量和效率,提升公信力。要促进知识产权行政执法标准和司法裁判标准统一,完善行政执法和司法衔接机制。要完善刑事法律和司法解释,加大刑事打击力度。

习近平指出,要强化知识产权全链条保护。要综合运用法律、行政、经济、技术、社会治理等多种手段,从审查授权、行政执法、司法保护、仲裁调解、行业自律、公民诚信等环节完善保护体系。健全知识产权综合管理体制,增强系统保护能力。要统筹做好生活幸福、关系国家对外开放大局,关系国家安全。全面建设社会主义现代化国家,必须从国家战略高度和进入新发展阶段要求出发,全面加强知识产权保护工作,促进建设现代化经济体系,激发全社会创新活力,推动构建新发展格局。

习近平强调,要深化知识产权保护工作体制机制改革。要研究实行差别化的产业和区域知识产权政策,完善知识产权审查制度。要健全大数据、人工智能等新兴领域新业态知识产权保护制度,及时研究制定传统文化、传统知识等领域保护办法。要深化知识产权审判领域改革创新,健全知识产权诉讼制度,抓紧落实知识产权惩罚性赔偿制度。要健全知识产权评估体系,改进知识产权归属制度,研究制定防止知识产权滥用相关制度。

习近平指出,要统筹推进知识产权领域国际合作和竞争。深度参与世界知识产权组织框架下的全球知识产权治理,推动完善知识产权及相关国际贸易、国际投资等国际规则和标准,推动全球知识产权治理体制向着更加公正合理方向发展。要深化同共建“一带一路”沿线国家和地区知识产权合作,倡导知识共享。

习近平强调,要维护知识产权领域国家安全。要加强事关国家安全的核心技术自主研发和保护,依法管理涉及国家安全的知识产权对外转让行为。要形成高效的国际知识产权风险预警和应急机制,建设知识产权涉外风险防控体系。

习近平指出,各级党委和政府要落实责任,强化知识产权工作相关协调机制,重视知识产权人才队伍建设,坚决克服地方保护主义。

(据新华网)

Italian firm's attempt to extend registered TM to shaved version denied by all forums

意大利公司将注册商标延伸至简化版本未果

Regarding the dispute over the No. 31710369 figure trademark (trademark in dispute), Beijing High People's Court recently made the final judgment, rejecting the Italy-based Dama S.P.A.'s (Dama) application for an extension of a registered trademark to a new one on goods including garments, shoes and socks.

On June 20, 2018, Dama submitted an application to register the trademark in dispute, requesting certified to be used on Class 25 products including chasubles, sashes for wear, garments, shoes and socks.

After examination, the Trademark Office (TMO) under the former State Administration for Industry and Commerce held that the trademark in dispute is similar to others' prior registered trademarks while being used on the same or similar goods, disapproving the registration of the trademark in dispute.

Dama was unsatisfied with the decision and then lodged a review request to the Trademark Review and Adjudication Board (TRAB) under the former State Administration for Industry and Commerce in December 2018, by sub-

mitting exhibits including registration information of the relevant trademarks owned by Dama, documents proving the use of the trademark in dispute in multiple countries, certificates of copyright registration of work, documents proving the firm's reputation, but would only suffer another disappointment. China National Intellectual Property Administration (CNIPA), which inherited all the missions of the TRAB, upheld the TMO decision. Unwilling to move on, Dama brought the case to Beijing IP Court.

Dama claimed although its trademark in dispute is similar to others' prior trademarks, the disputed trademark, as a simplification of its own prior reputable trademark, can be distinguished from other trademarks without causing confusion among the public and should be approved for registration. Beijing IP Court, however, did not buy Dama's claim, holding that trademark registrants own trademarks independent from each other. The trademarks registered (or attempted for registration) in succession may not automatically have the extension connection.

Disgruntled with the first-instance



judgment, Dama then appealed to Beijing High People's Court.

Beijing High echoed the reasoning of the lower court and further stressed extension registration of new trademarks should not bend the established rules of trademark registration, particularly, such extension should not induce the new trademark being the same or similar to prior registered trademarks owned by others used on the same or similar classes of goods. In this connection, Beijing High upheld the first-instance judgment and denied Dama's appeal.

(by Wang Jing)

围绕着第31710369号图形商标(下称诉争商标)引发的商标申请驳回复审行政纠纷一案,北京市高级人民

法院近日作出终审判决,驳回意大利达马股份有限公司(下称达马公司)在已注册商标基础上,在服装、鞋(脚上的穿着物)、袜等商品上延伸注册新商标的申请。

据了解,诉争商标由达马公司于2018年6月20日在中国提交注册申请,指定使用在十字褙、服装腰带、服装、鞋、袜等第25类商品上。

经审查,原国家工商行政管理总局商标局(下称原商标局)认定,诉争商标与他人已经在先申请注册的商标构成使用在相同或类似商品上的相同或近似商标,故对诉争商标使用在服装、鞋(脚上的穿着物)、袜等商品上的注册申请予以驳回。

达马公司不服上述决定,于同年12月向原国家工商行政管理总局商标评审委员会(下称原商标评审委)申请复审,并提交了该公司相关商标注册信息及在各国有关使用证据、作品登记证书、用以证明公司知名度的材料等证据,请求对诉争商标在全部指定使用商品上的注册申请予以初步审定。国家知识产权局(根据中央机构改革部署,原商标评审委的相关职责由国家知识产权局行使)经审理,作出驳回复审请求的决定,达马公司不服,继而向北京知识产权法院提起行政诉讼。

达马公司主张,尽管诉争商标与

他人先在商标近似,但诉争商标是在知名商标的简化,能够起到区别于其他商标的作用且不会造成相关公众混淆,应予初步审定。北京知识产权法院经审理认为,商标注册人对其注册的不同商标享有各自独立的商标专用权,其先后注册的商标之间当然具有延续关系,故上述主张不予认可,判决驳回达马公司的诉讼请求。

达马公司不服一审判决,上诉至北京市高级人民法院。

北京市高级人民法院认为,在已注册商标基础上的延伸注册新商标不应破坏已经形成的商标注册秩序,特别是应当和他人已经在先申请注册的商标构成使用在相同或类似商品上的相同或近似商标。综上,北京市高级人民法院终审驳回了达马公司的上诉请求,维持了一审判决结果。

(王晶)



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