

China's IP
in foreign eyes

Physicists led by Jianwei Pan of the University of Science and Technology of China (USTC) performed a technique called Gaussian boson sampling with their quantum computer, named Jiuzhang. For the first time, a quantum computer made from photons particles of light has outperformed even the fastest classical supercomputers. Unlike a traditional computer, Jiuzhang is an elaborate tabletop setup of lasers, mirrors, prisms and photon detectors. It is not a universal computer that could one day send e-mails or store files, but it does demonstrate the potential of quantum computing. (*Light-Based Quantum Computer Exceeds Fastest Classical Supercomputers, by Scientific American*)

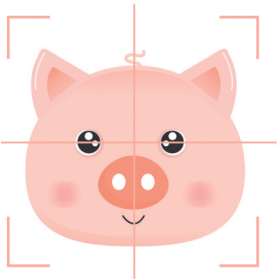
由中国科学技术大学潘建伟率领的团队利用量子计算原型机“九章”,实现了快速求解数学算法“高斯玻色取样”的任务。这是利用光子构建的量子计算机首次超越运算速度最快的传统超级计算机。与传统计算机不同,“九章”量子计算原型机是一个由激光器、反射镜、棱镜和光子探测器组成的精密桌面仪器,它不是可以发送电子邮件或存储文档的普通计算机,但它可以展示量子运算的潜力。(光子构建的量子计算机超过了传统超级计算机,科学美国人)

Comment:

Quantum technology is regarded as one of the key technologies in the coming days. Many technical breakthroughs have been made in the quantum field, and a strong IP protection in this field will motivate innovators to accelerate innovation.

点评

量子技术被认为是未来世界的核心技术之一。目前,在量子领域,中国有很多技术都取得了突破,及时做好该领域的知识产权保护,有助于激励创新者不断加快创新步伐。



Like humans, pigs have idiosyncratic faces. China is the world's largest exporter of pork. As the nation's pork farms grow in scale, more farmers are turning to AI systems like facial recognition technology - known as FRT - to continuously monitor, identify, and even feed their herds. This automated style of farming has the potential to be safer, cheaper and generally more effective: Pig farmers trialling FRT found that it slashed costs, cut down on breeding time and even improve pork quality and taste. (*Facial recognition for pigs helps Chinese farmers, by The Guardian*)

像人类一样,猪也拥有各不相同的脸容。中国是最大的猪肉出口国之一。随着中国养猪规模不断扩大,更多养殖场开始使用面部识别技术(FRT)等人工智能系统养猪,持续监控、识别甚至喂食。这种饲养方式更安全、成本更低且更高效。试用的中国养猪场发现,该技术还能缩短养殖时间,改善猪肉质量和口感。(“猪脸识别”可帮助中国养殖户,卫报)

Comment:

Intelligent farming can not only improve the quality of porks, but also bring benefits to enterprises. With Chinese enterprises accelerating self-research, more farmers will use the technology and get rich.

点评

智能化养殖不仅可以提高猪肉的质量,也给养殖场带来效益。中国企业要加快自主研发,让智能化养殖普及到更多养殖户,助力中国养殖户增收致富。

(李倩)

WIPO China Chief: IP empowers Sangzhi in building a poverty eradication sample

打造“知识产权精准扶贫的世界样本”

——专访世界知识产权组织(WIPO)中国办事处主任刘华



The World Intellectual Property Organization China Office Director Liu Hua was being interviewed at Canguanyu Village, Sangzhi County, Zhangjiajie City, Hunan Province.

(by Dou Xinying)
世界知识产权组织中国办事处主任刘华在湖南省张家界市桑植县仓关峪村接受媒体采访。

本报记者 窦新颖 摄

"The World Intellectual Property Organization (WIPO) appreciates China National Intellectual Property Administration (CNIPA)'s efforts in making full use of information, system and industrial advantages to give full play to the IP in poverty eradication, rural revitalization and common development. In terms of poverty eradication through use of geographic indication (GI) products, CNIPA has launched a national GIs application promotion project, formulated relevant policies for poverty eradication, established a sound and stable long-term

mechanism for the event, and strengthened the basic capacity- building for that work, and achieved remarkable results," said WIPO China Office Director Liu Hua in an interview on December 16 with over ten news outlets at Canguanyu Village, Sangzhi County, Zhangjiajie City, Hunan Province. CNIPA's practice in exerting full role of IP to enable local industries involved in poverty eradication to register higher quality and enhance efficiency was highly recognized by Liu.

CNIPA has been assisting Sangzhi County to escape from poverty for 26

years since 1994. With the purpose of 'Build a brand, grow a powerful industry, benefit the locals', CNIPA and Sangzhi focused on poverty eradication through the use of IP, and created a poverty eradication sample for the world boasting quality, speed and a workable model.

"Going beyond the method of poverty eradication through policy, education and investment, CNIPA and Sangzhi have explored a long-term and sustainable mechanism in this regard. WIPO is looking forward to deepening collaboration with Sangzhi and Sangzhi County should continue to promote precise poverty eradication through the use of IP, among others, from GI concept to IP perspective, from industrial property rights to cultural and creative industry, tourism, and etc., in order to build the Sample of Sangzhi," Liu said.

In Liu's eyes, Sangzhi has built a quality and development oriented model. For example, the quality is an important guarantee for GI products. The county has spared no efforts in maintaining special quality of Sangzhi Tea, which can be reflected by the fact that the tea has earned lots of national and provincial honors. Besides, thanks to its focus on brand building and market promotion, the tea and leaves industry in the county have maintained rapid growth. Moreover, the deep combination of GI industry and a special market model has generated steady revenues and promote inclusive and sustainable development for poverty-

stricken people.

"On the one hand, WIPO has noted with appreciation the successful story of China in poverty eradication through IP and hoped China will share its experiences with the world, especially with the developing countries. On the other hand, WIPO will assist China in taking advantage of its policy platform system, registration system and data base to achieve poverty eradication through IP," Liu adds.

(by Liu Peng)

“世界知识产权组织(WIPO)赞赏中国国家知识产权局发挥信息、制度和产业优势,探索出将知识产权与脱贫攻坚、乡村振兴相融合、共发展的有效路径。在运用地理标志产品助力脱贫攻坚方面,中国国家知识产权局开启了地理标志运用促进工程,制定地理标志扶贫政策,建立健全稳定脱贫长效机制,加强地理标志扶贫基础设施建设,取得了显著成效。”12月16日,正在中国国家知识产权局定点扶贫县湖南省张家界市桑植县仓关峪村调研的WIPO中国办事处主任刘华在接受10余家境内外媒体采访时,高度评价认可了中国国家知识产权局和桑植县利用知识产权行业优势,促进地方扶贫产业提质增效的有效做法。

事实上,从1994年起,中国国家知识产权局已连续帮扶桑植县26年。在帮扶的过程中,中国国家知识产权局和桑植县充分利用知识产权行业优势,以“培育一个品牌,做强一个产业,造福一方百姓”为目标,打造了“知识产权精准扶贫的世界样本”。

“我们所熟知的扶贫模式往往是通过政策、教育和投资等方式,‘知识

产权精准扶贫的世界样本’是中国国家知识产权局和桑植县共同探索的产业扶贫新路,具有长效性和可持续性。”刘华表示,WIPO期待与桑植深化合作,助力桑植进一步实现综合利用知识产权的造血式发展,从地理标志产品拓展到整个知识产权概念,从龙头企业拓展到整个行业以及从中国拓展到世界,讲好“世界样本”的故事。

在刘华看来,桑植这样一本具有质量高、发展快以及模式好的特点。质量高,指的是桑植白茶获得的国家级和省级荣誉充分体现出桑植在维护白茶的特定品质方面所做的扎实工作,有助于品牌健康发展。发展快,体现在桑植茶叶和茶叶产业的迅速发展得益于桑植注重品牌建设、促进市场销售。模式好,源于桑植特色地理标志产业发展与“公司+品牌+基地+农户”的模式深度融合,有效利用土地资源,解决农民就业和增收致富问题,促进乡村经济长效、稳定、可持续发展。

“WIPO非常高兴看到中国利用知识产权减贫脱贫方面展示出的专业知识和实践经验,期待与中国在这一领域加强合作。一方面将中国的最佳实践进行传播,为其他发展中国家加强能力建设提供借鉴和参考;另一方面还将助力中国运用WIPO政策平台体系、注册体系、数据库体系等资源,发挥知识产权独特优势助力精准扶贫。”刘华表示。

(柳鹏)



Schneider Electric awarded injunction, damages in TM infringement case in first instance

“施耐德”引发驰名商标保护之争

In 2019, Schneider Electric (China) Company sued Suzhou Schneider Elevator Company over trademark infringement and unfair competition and sought 120 million yuan in damages, arousing wide attention.

Recently, Jiangsu Suzhou Intermediate People's Court rendered its first-instance judgment, holding that Schneider Elevator's use of trademarks identical or similar to the trademark 施耐德 (Note: official Chinese translation of Schneider), the words 施耐德 in the trade name and the English trademark Schneider in the domain name constituted trademark infringement and unfair competition, and ordering the defendant to cease infringing Schneider Electric China's trademarks, change its trade name, publish a statement and remove ill effects, and indemnify some 40 million yuan in damages and reasonable costs.

Schneider Electric SA, a world-renowned company providing integrated solutions for electric efficiency and consumption, filed for registration of No.G715396 trademark Schneider Electric in China, requesting certified use on Class 9 goods such as transportation, handling and switch of electricity, scientific, electrical and electronic devices used for detection and control in March 1999. In February 2007, its No.4168148 trademark 施耐德 was approved for use on Class 9 goods such as current-controlled switches, electric current limiters, electric wiring boxes and electric switches.

Schneider Electric China, established in July 1995, was authorized to use the above two trademarks by Schneider Electric SA and defend rights in its own name on the occasion of trademark infringements and use of the two trademarks without permission.

Schneider Electric China claimed that the word Schneider and the Chinese characters 施耐德 are corresponding to each other through long-term use and heavy promotion and were awarded well-known trademark several times in China. The defendant's use of the mark identical or similar to Schneider and 施耐德 prominently in daily operations and the English trademark Schneider in the domain name would confuse the relevant public and constituted trademark infringement and unfair competition. The company requested the Court to order the defendant to cease infringing, change its trade name, publish a statement and remove ill effects and indemnify some 120 million yuan in damages and reasonable costs.

The defendant Schneider Elevator was set up in March 2010, dedicating to manufacturing, installing, repairing and selling of elevators, escalators, travelers and their parts. The defendant argued that the plaintiff did not manufacture elevators and its use of the SCHNEIDER trademark would not cause confusion. The trademarks in dispute did not reach the well-known status in 2010 and it did not infringe the plaintiff's trademark rights while using the SCHNEIDER trademark on elevators.

Suzhou Intermediate People's Court held that the evidence can prove the trademarks Schneider Electric and its figure and 施耐德 enjoy high reputation and necessity to be identified as well-known marks. The elevators and escalators the alleged infringing mark was certified to be used on are closely related to breakers and switches the well-known marks were used on in functions and sales channels, which would confuse the public. In this connection, the Court ordered the defendant to cease using the alleged infringing

mark.

Meanwhile, the defendant has infringed Schneider Electric China's trademark rights for 10 years in apparent bad faith, enough to rate the application of punitive damages. Factoring in the defendant's profit margin and degree from the help of the trademarks, the damages are set at 20 million. With the addition of another 100 per cent in punitive damages, the total sum is 40 million yuan.

Neither party saw the case going its way and both appealed to Jiangsu High People's Court. As of publication, the case has entered into the second-instance proceedings. (by Sun Fanghua)

一家是施耐德电气中国公司(下称施耐德电气公司),另一家是苏州施耐德电梯有限公司(下称施耐德电梯公司)。2019年,施耐德电气公司以商标侵权及不正当竞争为由,将施耐德电梯公司诉至法院,索赔1.2亿元,引发社会广泛关注。

近日,这起亿元索赔案迎来一审判决。江苏省苏州市中级人民法院(下称苏州中院)经审理认为施耐德电梯公司在商业活动中使用与“施耐德”商标相同或相近的标识,在企业名称中使用含有“施耐德”的文字以及在域名中使用含有英文商标“Schneider”的行为构成商标侵权及不正当竞争,判令施耐德电梯公司停止上述侵权行为,变更企业名称,刊登声明、消除影响,赔偿原告经济损失及合理开支共计4000万余元。

据了解,施耐德电气欧洲公司是全球知名电工企业。该公司于1999年3月在中国境内获准注册第G715396号“Schneider Electric”商标,核定使用在电的运输、处理、开关、检测或控制的科学、电气、电子装置等第9类商品上。2007年2月,该公司获准注册第4168148号“施耐德”商标,核定使用在电流控制开关、电流限流器、配电线盒、电开关等第9类商品上。



原告施耐德电气公司成立于1995年7月。经施耐德电气欧洲公司授权,施耐德电气公司获得上述两件商标的使用权,并获准可以自身名义针对一切侵权和未经授权使用商标的行为进行维权。

施耐德电气公司诉称,“Schneider”经过长期使用和广泛宣传,已与汉字“施耐德”形成意义一一对应关系,且在中国也有多次受驰名商标保护的记录。施耐德电梯公司在日常经营中突出使用与“Schneider”“施耐德”相同或相近的标识,在域名中使用含有“Schneider”的行为,容易使公众产生混淆,误认为施耐德电梯公司及产品与原告有关联,构成商标侵权及不正当竞争,请求法院判令施耐德电梯公司停止上述侵权行为,更改企业字号,刊登声明、消除影响,赔偿经济损失及合理开支共计1.2亿元。

施耐德电梯公司成立于2010年3月,经营范围为电梯、扶梯、自动人行道及电梯零部件生产、安装、维修、销售等。施耐德电梯公司辩称,其经过施耐德国际有限公司的授权获准使用SCHNEIDER商标,原告并不生产电梯,其对SCHNEIDER商标的使用不会导致与原告的混淆;2010年,原告的涉案商标尚未达到驰名商标的程度,其在电梯上使用SCHNEIDER商标的行为并未侵犯原告涉案商标权等。

苏州中院经审理认为,涉案商标

“Schneider Electric 文字及图”“施耐德”具备很高的市场知名度,具有被认定为驰名商标的事实基础。被控侵权标识指定使用的电梯、扶梯等商品与涉案商标据以驰名的断路器、开关等商品在功能用途、销售渠道等方面存在较强关联,容易让公众对商品的来源产生混淆或误认,因此判令被告停止对被控侵权标识的使用。

法院认为,该案中,施耐德电梯公司侵权时间长达10年,侵权故意明显,侵权情节严重,应依法对其适用惩罚性赔偿。结合其平均利润率、品牌贡献度等,计算得出数额为2000万元,再依法适用一倍的惩罚性赔偿,最终确定4000万元的赔偿数额。

双方不服一审判决,均向江苏省高级人民法院提起上诉。目前,该案进入二审程序。

(孙芳华)

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