

Premier Li Keqiang vows to conduct pilot integrated management of IP

李克强在第十二届全国人民代表大会第五次会议所作政府工作报告中指出

开展知识产权综合管理改革试点 完善知识产权创造、保护和运用体系

On March 5th, the 5th Session of the 12th National People's Congress opened at the Great Hall of the People in Beijing. On behalf of the State Council, Premier Li Keqiang delivered the report on the work of the government. Li Keqiang said we will continue piloting reforms for all-around innovation. We will begin piloting reforms to conduct integrated management of intellectual property rights and improve the system for creating, protecting, and applying intellectual property rights. We will work faster to improve the property rights protection system and protect in accordance with law the property rights of economic entities under all forms of ownership and the property rights of citizens. Activities that infringe on the property rights of businesses must be investigated and dealt with severely; anything that has been done wrong must be corrected.

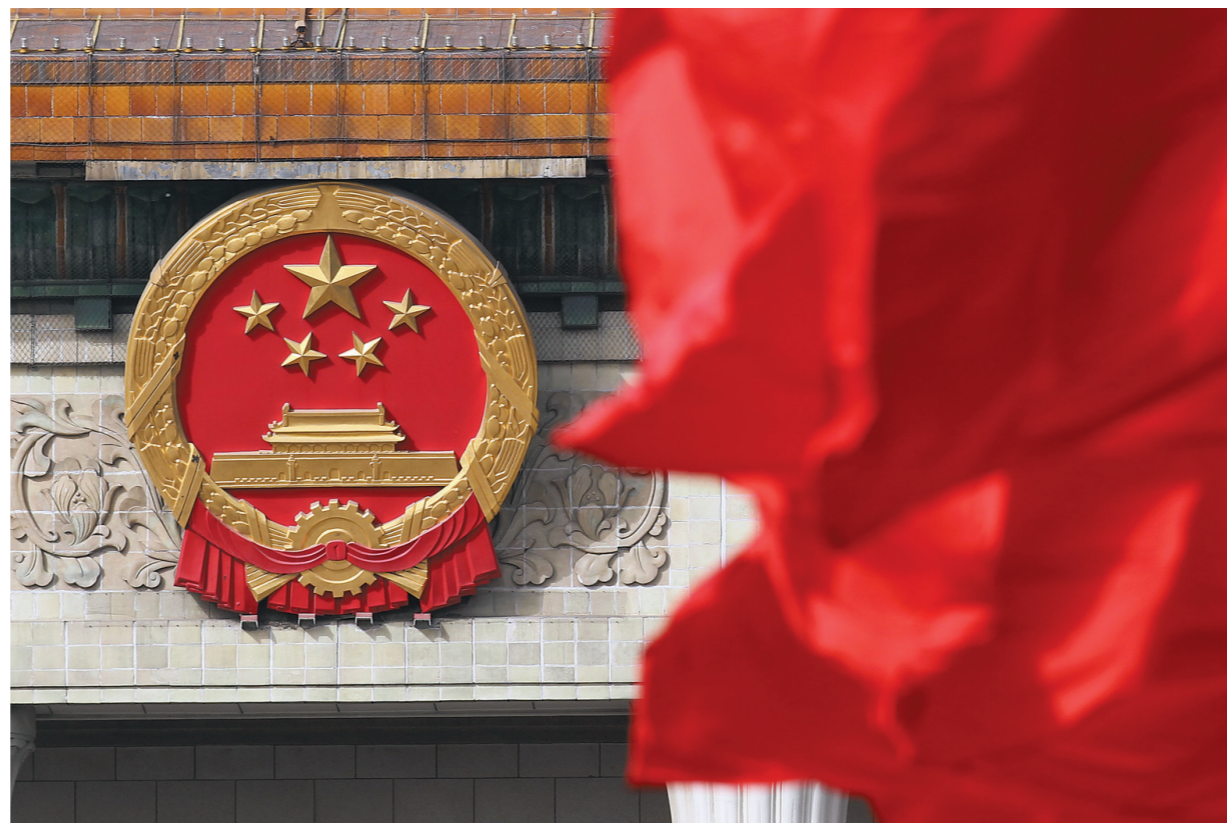
Li Keqiang said, last year, further progress was made in pursuing the innovation-driven development strategy, and a number of world-leading achievements were made in science and technology. Emerging industries were thriving, and the transformation and upgrading of traditional industries accelerated. People were busy launching businesses or making innovations. The number of in-force Chinese patents issued in China passed the million mark, and the value of technology transactions exceeded one trillion yuan. The contribution of scientific and technological progress to economic growth rose to 56.2 percent, and innovation's role in powering development grew markedly.

Li Keqiang said, to deliver a good

performance in 2017, we in government should stick to the following guidelines. First, we should make progress while maintaining stable performance and keep our strategic focus. Second, we must give priority to improving supply-side structure. Third, we should expand aggregate demand as appropriate and improve its efficacy. Fourth, we should rely on innovation to replace old growth drivers with new ones and speed up structural improvement and upgrading. Fifth, we should solve prominent problems of public concern.

Li Keqiang said, protecting property rights means protecting labor, protecting invention and innovation, and protecting and developing productive forces. We will work faster to improve the property rights protection system and protect in accordance with law the property rights of economic entities under all forms of ownership and the property rights of citizens. We will encourage people to start businesses, make innovations, and create wealth, and we will inspire and protect entrepreneurship, and ensure that entrepreneurs can run their businesses and make investments with peace of mind. Activities that infringe on the property rights of businesses must be investigated and dealt with severely; anything that has been done wrong must be corrected.

Li Keqiang said, the real economy has always been the foundation of China's development; the task we now face is to speed up its transformation and upgrading. We will do more to implement the strategy of innovation-driven development, upgrade the structure of the real econo-



my, and improve its performance and competitiveness. First, we will strengthen our capability for making technological innovations. We will begin piloting reforms to conduct integrated management of intellectual property rights and improve the system for creating, protecting, and applying intellectual property rights. We will improve mechanisms for providing continued long-term support for fundamental research and original research, build major national infrastructure projects for science and technology and set up technological innovation hubs, and establish platforms for sharing R&D resources. We will continue piloting reforms for

all-around innovation. We will see our universities and research institutes truly operate with autonomy, ensure that incentive policies like stocks, options, and dividends are implemented. We will encourage large enterprises, research institutes, and universities to establish specialized spaces for crowd innovation; we will strengthen support for innovative medium, small and micro businesses. All this should help entities to fully exploit their own strengths and interact both on- and off-line, and market dynamism and social creativity being fully unleashed.

(by Xinhua/photo by Jiang Wenjie)

本报综合新华社消息 3月5日,第十二届全国人民代表大会第五次会议在人民大会堂开幕。国务院总理李克强代表国务院向大会作政府工作报告。在报告中他指出,要全面提升科技创新能力,开展知识产权综合管理改革试点,完善知识产权创造、保护和运用体系。完善对基础研究和原创性研究的长期稳定支持机制,建设国家重大科技基础设施和技术创新中心,打造科技资源开放共享平台。推进全面创新改革试验,切实落实高校和科研院所自主权,落实股权激励和分红等激励政策。鼓励大企业和科研院所,高校设立专业化众创空间,加强对创新型中小微企业支持,使各类主体各展其长,线上线下良性互动,市场活力和社会创造力竞相迸发。

李克强表示,2016年,创新驱动发展战略深入实施。科技领域取得一批国际领先的重大成果。新兴产业蓬勃兴起,传统产业加快转型升级。大众创业、万众创新广泛开展。国内有效发明专利拥有量突破

100万件,技术交易额超过1万亿元。科技进步贡献率上升到56.2%,创新对发展的支撑作用明显增强。

李克强指出,做好2017年政府工作,必须着力把握好五点:一是贯彻稳中求进工作总基调,保持战略定力。二是坚持以推进供给侧结构性改革为主线。三是适度扩大总需求并提高有效性。四是依靠创新驱动推动新旧动能转换和结构优化升级。五是着力解决人民群众普遍关心的突出问题。

李克强指出,保护产权就是保护劳动、保护发明创造、保护和发展生产力。要加快完善产权保护制度,依法保障各种所有制经济组织和公民财产权,激励人们创新创业创富,激发和保护企业家精神,使企业家安心经营、放心投资。对于侵害企业产权的行为,必须严肃处理、有错必纠。

李克强表示,实体经济从来都是我国发展的根基,当务之急是加快转型升级,以创新引领实体经济转型升级。要深入实施创新驱动发展战略,推动实体经济优化结构,不断提高质量、效益和竞争力。进一步提升科技创新能力,开展知识产权综合管理改革试点,完善知识产权创造、保护和运用体系。完善对基础研究和原创性研究的长期稳定支持机制,建设国家重大科技基础设施和技术创新中心,打造科技资源开放共享平台。推进全面创新改革试验,切实落实高校和科研院所自主权,落实股权激励和分红等激励政策。鼓励大企业和科研院所,高校设立专业化众创空间,加强对创新型中小微企业支持,使各类主体各展其长,线上线下良性互动,市场活力和社会创造力竞相迸发。

(图片由本报记者 蒋文杰 摄)

China's IP in foreign eyes

Average wages in China's manufacturing sector have soared above those in countries such as Brazil and Mexico. Chinese wages also outstripped Argentina, Colombia and Thailand during the same time, as the country integrated more closely into the global economy after its 2001 admission into the World Trade Organisation. (Chinese wages now higher than in Brazil, Argentina and Mexico, by The Financial Times)

中国制造业平均工资已超过巴西和墨西哥等国水平。随着中国在2001年加入世界贸易组织(WTO)之后更紧密地融入全球经济,其工资水平还赶上了阿根廷、哥伦比亚和泰国。(中国制造业平均工资超过拉美,金融时报)

Comment

The date highlight the progress China has made in improving the innovation and productivity. The innovation is the magic power for competition. The China's manufacturing sector can find its way only by high levels of innovation.

点评

中国制造业平均工资的上涨从另一方面说明了创新水平的提升以及生产率的提高。诚然,制造业的制胜法宝,唯有创新不败。制造业只有不断在创新上出新招,迈大步,企业才能走出一条光明大道。(柳鹏)

German Siemens prevails in trademark dispute

中德“西门子”商标之争见分晓

Currently, Sino Siemens and German Siemens dispute case has been chosen into the case book of 2016 Zhejiang provincial intellectual property rights infringement. According to Zhejiang Higher People's Court, reporter has known about the case from beginning to end.

In April, 2014, Xinchang-based Siemens Household Electric Co., Ltd (hereinafter referred to as Xinchang Siemives) was founded in Jiangxi Province. The shareholder Mr. Wu who controlled 80% of the shares, applied for the registration of SIEMIVES trademark in 2013 and registered the domain name "siemives.com" in January, 2014. The permissions of the trademark and domain name were given to Xinchang Siemives by Mr. Wu. Shaoxing-based Bangdai Electric Co., Ltd (hereinafter referred to as Shaoxing Bangdai) sold "SIEMIVES" range hood that Xinchang Siemives produced.

In August 2015, it is reported that consumers in Taiyuan City, Shanxi Province mistook the range hood products produced by Xinchang Siemives Company as "Siemens" brand

products produced by Germany-based Siemens. Afterwards, German Siemens Company took a lawsuit against Mr. Wu, Xinchang Siemives and Shaoxing Bangdai to Shaoxing Intermediate People's Court on the grounds of trade mark infringement and unfair competition, claiming economic losses and reasonable expenses totaling 2 million yuan.

The court of first-instance tried the case and ordered that Xinchang Siemives and Shaoxing Bangdai stop the involved trade mark infringement and unfair competition behavior, and jointly pay 100,000 yuan to German Siemens to compensate for its economic losses and reasonable expenses incurred herein. As Siemens disagreed with the court judgement freeing Mr. Wu from being a joint infringer and the meager compensation amount, it appealed to Zhejiang Higher People's Court afterwards.

In December 2016, the court of second-instance awarded that Xinchang Siemives and Shaoxing Bangdai stop the involved trademark infringement and unfair competition behavior; Xinchang Siemives should al-

ter its company name and publish statement in the media to clear the negative effect; Mr. Wu should stop and cancel the involved website domain; Xinchang Siemives, Shaoxing Bangdai and Mr. Wu jointly pay 1 million yuan to German Siemens to compensate for its economic losses incurred herein. Meanwhile, German Siemens paid public notarial fee and travel expenses, thus the court also ordered that the above three defendants pay 70,000 yuan to German Siemens to compensate for its reasonable expenses. (by Wang Guohao)

本报记者 王国浩

日前,浙江省高级人民法院公布了2016年浙江知识产权司法保护典型案例候选案件,由浙江省高院审结的中德“西门子”商标之争一案备受关注。

2014年4月,中国新昌县西门子生活电器有限公司(下称新昌西门子)于江西成立,其股东吴某的控股比例为80%。吴某于2013年提出第13564440号“SIEMIVES”商标的注册申请,并于2014年1月注册了涉案域名“siemives.com”,后吴某将上述商标及域名许可给新昌西门子使用。



绍兴市邦代电器有限公司(下称绍兴邦代)销售了新昌西门子生产的“SIEMIVES”油烟机。

2015年8月,有媒体报道称,在山西省太原市有消费者将新昌西门子生产的油烟机产品,误认为德国西门子股份公司(下称德国西门子)的“SIEMENS”品牌产品。随后,德国西门子以商标侵权及不正当竞争为由,将吴某、新昌西门子、绍兴邦代共同诉至绍兴市中级人民法院,并索赔经济损失及合理支出共计200万元。

经审理,一审法院判决新昌西门子与绍兴邦代停止涉案商标侵权及不正当竞争行为,并共同赔偿德国西门子经济损失及合理支出共计10万元。德国西门子不服一审法院未判决吴某构成共同侵权,且不服一审法院的判赔金额,随后向浙江省高级人民法院提起上诉。

2016年12月,二审法院判决新昌西门子与绍兴邦代停止涉案商标侵权及不正当竞争行为,新昌西门子

需变更企业名称,在媒体上刊登声明以消除影响,吴某需停止使用并注销涉案域名,新昌西门子、绍兴邦代、吴某需共同赔偿德国西门子经济损失100万元。同时,德国西门子亦支付了相应的公证费、差旅费,故新昌西门子、绍兴邦代公司、吴某还需支付其合理开支7万元。



英文翻译	李倩
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