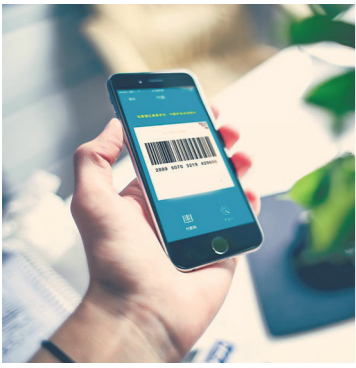


China's IP in foreign eyes



Payments made on Chinese smartphones are nearly 50 times greater than the number of mobile transactions in the United States, signaling a late-mover advantage with robust potential for the fintech sector. Customers can choose to pay with their mobiles at Starbucks, Ikea or even breakfast stalls and manicure shops. (China outpaces US on mobile payment, by Financial Times)

中国移动支付的规模比美国多出近50倍,显示出中国在金融科技这一方面具有的后发优势及巨大的潜力。消费者不仅可以在星巴克和宜家用手机付款,甚至在早餐摊和美甲店里也可以。(“中国移动支付金额远超美国”,金融时报)

Comment

In the global mobile transaction competition, the U.S. has an advantage in institutional innovation and China is in market innovation. If China beefs up institutional innovation and exerts full role of market, China will surpass the U.S. in the future.

点评

在国际移动支付竞争格局中,美国的优势在制度创新上,中国的优势在市场创新上。如果中国加大移动支付的制度创新力度,让市场发挥决定性作用,在未来,中国不仅在支付规模上,而是可能全面超越美国。



China's Geely and France's PSA are in the race to buy Proton, the struggling Malaysian carmaker that owns Lotus, with the two groups set to submit rival offers in the coming days. Geely is understood to be primarily interested in the Malaysian Proton plant, which has the capacity to make 600,000 vehicles a year and produce right-hand-drive cars. (China's Geely and France's PSA bid for Lotus owner Proton, by Financial Times)

中国吉利(Geely)和法国标致雪铁龙集团(PSA)正在竞相苦苦挣扎的马来西亚汽车制造商、莲花(Lotus)品牌的所有者马来西亚国家汽车工业公司(Proton)。未来几日,两家集团将提交竞争性报价。据悉,吉利主要对马来西亚境内的Proton工厂感兴趣,该工厂拥有年产60万辆汽车的产能以及生产右舵汽车的能力。(“中国吉利和法国雪铁龙竞购Proton”,金融时报)

Comment

IP plays a more and more important role in market competition. The overseas acquisition by Chinese company is not only a pressing demand for IP, but also an effective means of capturing competition.

点评

日益激烈的市场竞争在很大程度上是知识产权的竞争,中国企业的海外并购,既是出于自身对知识产权的迫切需求,也是快速赢得竞争实力的有效渠道。

(柳鹏)

# China's copyright registrations break 2 million

## 2016年中国著作权登记总量突破200万件

A total of 2,007,700 copyrights were registered in 2016, an increase of 22.33%, hitting a record new high, sources from the National Copyright Administration of China (NCAC) said recently. Among the 2,007,700 copyrights, 1.6 million of which were works, an increase of 18.63%, 400,000 of which were computer softwares, up 39.48%.

According to the statistics from 31 provinces, autonomous regions, municipalities, and Copyright Protection Center of China, in 2016, Beijing (693,421), Shanghai (217,249), Jiangsu (181,309), China Copyright Protection Center (139,928), Sichuan (75,378), Chongqing (71,836), Shandong (70,978) were the top regions and institutions in the number of work registration. In terms of types of works, the number of written works ranks the top with the number

of 610,000, accounting for 38.1% the total, following by those of photographic works, fine arts, cinematographic works and music videos.

In terms of software copyright registration, in 2016, a total of 400,000 software copyrights were registered in China a year-on-year growth of 39.48%. In 2016, the national top ten regions in the number of copyright registration were Guangdong, Beijing, Shanghai, Jiangsu, Zhejiang, Sichuan, Fujian, Shandong, Hubei, Anhui, whose software copyright registration accounted for 80% of the national total. Guangdong ranked the first position with software registration of 90,000, accounting for 22.49% of the total in China. The northwestern and southwestern areas witnessed a fast growth in registration.

According to the statistics from Copyright Protection Center of China,

in 2016, the number of pledge registration of copyrights reached 327, down 46%. The pledge registration of works saw a markedly decrease, with a total number of 64 in 2016, down 84.4%. That of softwares increased by 33.5% with a total number of 263.

In 2016, the total number of copyright registrations broke 2 million in China, which created a successful opening for the 13th Five-Year Plan. China merely took two years to increase the number of software copyright registrations from 200,000 in 2014 to 400,000 in 2016 and enhance that of software copyright owners from 35,000 in 2011 to 116,000 in 2016. Those reflect the creation and innovation of works and softwares have been greatly improved and China has entered into a new stage of rapid development, according to a principal of NCAC. (by Liu Ren)

本报讯 近日,中国国家版权局通报了2016年全国著作权登记情况。2016年中国著作权登记数量持续增长,总量达200.77万件,同比增长了22.33%,再创历史新高。其中,计算机软件著作权登记超过40万件,同比增长39.48%。

根据对全中国31个省、自治区、直辖市和中国版权保护中心的作品登记信息统计,2016年,全年作品登记量较大的地区和机构有北京市(69.3421万件)、上海市(21.7249万件)、江苏省(18.1309万件)、中国版权保护中心(13.9928万件)、四川省(7.5378万件)。从登记作品类型看,数量最多的是文字作品(61.0407万件),其余依次为摄影作品(48.3423万件)、美术作品(41.4970万件)、影视作品(2.7865万件)、音乐作品(1.8341万件)等。

在软件著作权登记方面,去年中国软件著作权登记首次突破40万件大关,成为自2010年以来增速最快的一年。从登记量地区排名上看,2016年位列全中国前十位的地区依次为广东省、北京市、上海市、江苏省、浙江省、

四川省、福建省、山东省、湖北省、安徽省,占登记总量八成以上。其中,广东省软件登记量为9万余件,约占登记总量的22.49%,高居全国榜首。从登记量增速情况来看,2016年增速较快的地区集中在西北和西南地区。

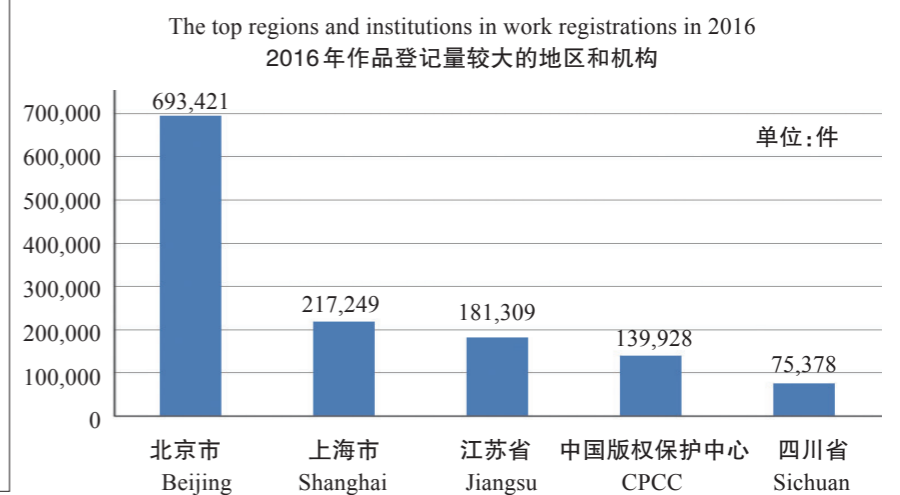
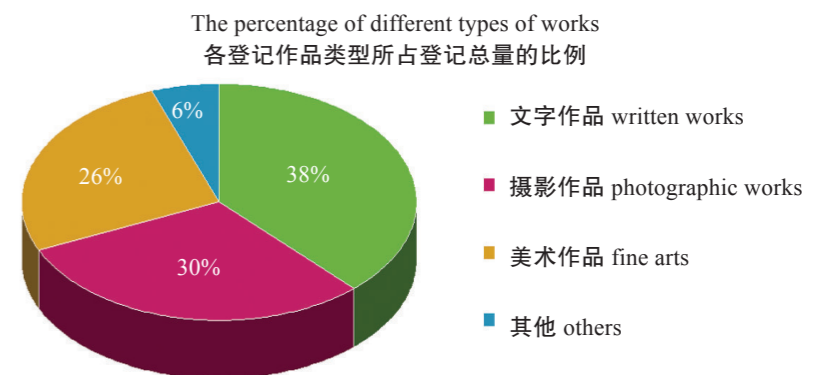
根据国家版权保护中心著作权质权登记信息统计,2016年,全国共完成著作权质权登记327件,同比下降46%。其中,作品著作权质权登记下降明显,全年作品著作权质权登记64件,同比下降84.4%;而软件著作权质权登记263件,同比增长33.5%,软件著作权质权登记数量以及涉及合同数量、涉及软件作品数量等都呈上升趋势。

中国国家版权局相关负责人表示,2016年,中国著作权登记总量突破了200万件大关,实现了“十三五”时期良好开局。特别是软件著作权登记量从2014年的20万件增长到2016年的40万件,仅仅用了2年时间,进行软件登记的著作权人数量也从2011年的3.5万个增长到了2016年的11.6万个。表明中国各类作品和软件的创造、创新能力极大提升,进入了快速发展的新阶段。(刘仁)



Gaizhou stilt, which is also called Gaizhou Yangko is a 300-year-old form of folk art combining dance, music, drama and acrobatics in one. As a treasure of Chinese national intangible cultural heritage, Gaizhou stilt has wide impact not only in the locality, but also domestic and abroad. (photo by Zhang Zihong)

盖州高跷又称盖州秧歌,是一种集舞蹈、音乐、戏剧、杂技为一体的民间艺术形式,迄今已有300多年的历史。作为中国国家级非物质文化遗产,盖州高跷不仅在当地,而且在国内外都有广泛影响。本报记者 张子弘 摄影报道



# OLAER won trademark battle against TRAB

## 奥莱尔在华赢得商标诉讼

Recently, Beijing Higher People's Court affirmed a judgment to revoke the decision made by Trademark Review and Adjudication Board (TRAB) under the State Administration of Industry and Commerce (SAIC) of China in the trademark case of OLAER.

The No.7416906 OLAER trademark was owned by Hong Kong-based Chuangtao Company, which was filed for registration in May 2009, certified to be used on Class 7 goods including welding equipment, farm machinery, machine axis and so on. The No.3413701 OLAER trademark owner was OLAER Industries, which was filed for registration in December 2002, and it was certified to be used on Class 7 goods including hydraulic modulator and so on.

On February 13, 2013, OLAER Industries filed an opposition to TRAB as Chuangtao Company violated its trademark right and the two trademarks constituted similarity when used in same or similar goods.

TRAB held that the two trademarks constitute similar trademarks

as the products certified to be used on similar products, while the similarity would not be constituted when they were used on other products. Besides, OLAER Industries failed to prove the OLAER trademark has violated its trademark right. So TRAB revoked the registration of OLAER on hydraulic pressure machines and hydraulic tool and maintained the registration on other products in the rule.

The OLAER Industries then appealed to Beijing No.1 Intermediate People's Court.

The Court held that the hydraulic pressure machines, hydraulic tool and machine axis products OLAER certified to be used on are similar to OLAER in function, production department and consumers. The registration of OLAER on such products has constituted similarity. So the Court revoked the decision made by TRAB and ordered TRAB to make a new rule.

TRAB then appealed to Beijing Higher People's Court.

After examination, the Court held that the similarity has been constituted as OLAER contained the complete

character of OLAER. The products which two trademarks certified to be used on are similar products. So affirmed.

(by Li Qun)

本报记者 李群

位于法国的奥莱尔工业有限公司(下称奥莱尔公司)因不满中国国家工商行政管理总局商标评审委员会(下称商评委)所作的争议裁定,向法院提起了行政诉讼。在一审法院判决撤销商评委裁定后,商评委提起了上诉。日前,北京市高级人民法院针对该案作出终审判决,驳回商评委上诉,维持原判。

据了解,第7416906号“奥莱”商标的注册人为位于中国香港特别行政区的创涛有限公司(下称创涛公司),申请注册日期为2009年5月,核定使用在第7类电焊枪(机器)、农业机械、轧饲料机、机器轴等商品上。第3413701号“奥莱尔”商标的注册人为奥莱尔公司,申请注册日期为2002年12月,核定使用在第7类线性或旋转发动机、液压调节器、非陆地车辆用发动机等商品上。

2012年2月13日,奥莱尔公司认为“奥莱”商标与“奥莱尔”商标构成使用在同一种或类似商品上的近似

商标,并侵犯了其商号权,遂向商评委提出争议申请。

商评委经审查认为,“奥莱”商标指定使用的液压机、液压工具商品与“奥莱尔”商标核定使用的固定或活动的液压机器设备等商品属于类似商品,二者在上述商品上构成近似商标,但二者在其余商品上未构成近似商标。此外,在案证据不能认定“奥莱”商标的注册易损害奥莱尔公司的商号权。据此,商评委裁定“奥莱”商标在液压机、液压工具商品上的注册予以撤销,在其余商品上予以维持。

奥莱尔公司不服上述裁定,向北京市第一中级人民法院提起行政诉讼。

北京市第一中级人民法院经审理认为,在该案中,“奥莱”商标核定使用的液压机、液压工具和机器轴等商品与“奥莱尔”商标核定使用的商品在功能用途、生产部门、消费群体等方面相同或相近,属于同一种或类似商品,“奥莱”商标在上述商品上的注册已构成近似商标。因此,法院判决撤销商评委所作裁定,并判令其重新作出争议裁定。

商评委不服一审判决,向北京市高级人民法院提起上诉,请求撤销一审判决。



北京市高级人民法院经审理认为,“奥莱尔”商标完整包含了“奥莱”商标,两商标相似程度较高,已构成近似商标。两件商标核定使用的商品属于类似商品。综上,北京市高级人民法院作出上述判决。



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