

China's IP
in foreign eyes



They targeted electric cars for special support in an industrial policy called "Made in China 2025," which aims to foster upgraded, technologically advanced manufacturing. By 2020, Beijing expects its automakers to be able to churn out two million electric and hybrid vehicles annually—six times the number produced in 2015. (*China answer to Tesla is hopeful entrant to global car market, By New York Times*)

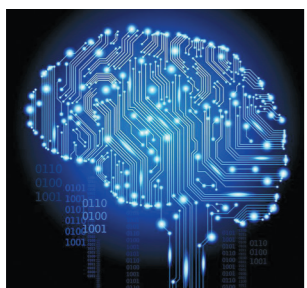
在《中国制造2025》的产业规划中,电动汽车获得了特别支持,其目标在于构建升级的、技术领先的电动汽车制造体系。到2020年,中国汽车制造商预计能年产200万辆电动或混合动力汽车,是2015年产量的六倍。(电动汽车的竞技场,中国公司挑战特斯拉,纽约时报)

Comment

In the past, as local manufacturers have lacked the brands, technology and managerial heft, little-known Chinese models have struggled to gain traction overseas. This time, China's carmakers may be better positioned because they were encouraged by some measures issued by Chinese government. They would spur the technological innovation in the competition with foreign carmakers.

点评:

过去,由于国内汽车制造商缺乏成熟的品牌、技术和管理能力,很难在国外市场引起注意。而这一次,在中国一系列创新政策的鼓舞下,他们将依靠科技创新与国外汽车制造商开展竞争。



As a consumer electronic manufacturer has moved to Asia, both Chinese companies and the nation's government laboratories are making major investments in artificial intelligence. The advance of the Chinese was underscored last month when Qi Lu, a veteran Microsoft artificial intelligence specialist, left the company to become chief operating officer at Baidu, which showed China's improvement on this area. (*China gains on the U.S. in the artificial intelligence arms race, By Wall Street Journal*)

随着消费类电子产品制造转移至亚洲,中国的公司和政府的实验室都对人工智能进行投资。上月,当微软自身的人工智能专家陆奇离开微软,出任百度首席运营官时,再次突显了中国在这方面的进步。(中国人工智能赶超美国不是梦,华尔街日报)

Comment

Artificial intelligence is only one part of the tech frontier where China is advancing rapidly. Rapid Chinese progress are not merely imitating advances but are engaged in independent innovation that will soon catch the U.S. in the field.

点评:

中国在尖端技术领域突飞猛进,人工智能只是其中的一项。中国在人工智能领域进步迅速,这不是靠模仿,而是依靠中国不断加强的自主创新能力,而中国在这一领域中的创新能力将很快赶上美国。(柳鹏)

China's trademark application amounts to 3.691 million in 2016

2016年中国商标申请量达369.1万件

Latest statistics from the State Administration for Industry and Commerce (SAIC) show that China handled 3.691 million trademark applications in 2016, remaining world's largest for 15 consecutive years. Meanwhile, Guangdong, Beijing, Zhejiang, Shanghai and Jiangsu are the top five applicants.

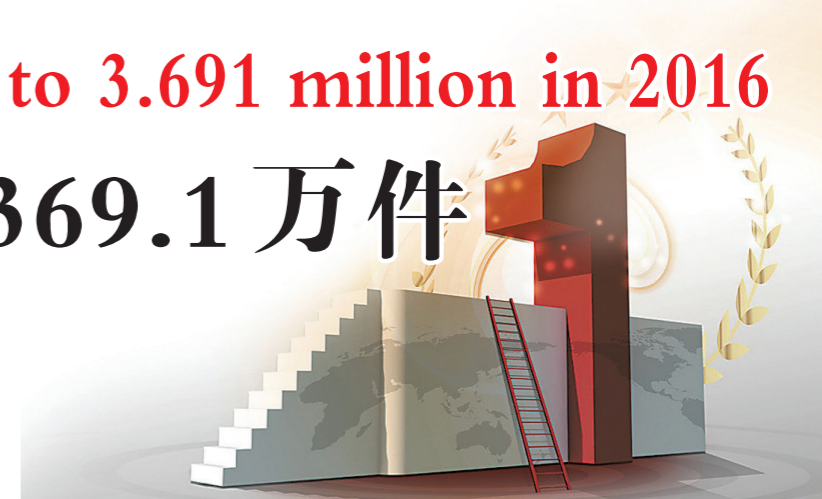
Thanks to the implement of the reform for trademark registration, trademark registrations increased by 28.4% in 2016, compared with 26.9%

province (209,900). Among which Zhejiang filed its first 300,000 applications and Jiangsu filed its first 200,000. Compared with 2015, the top 5 remains the same.

Compared with 2015, Sichuan province and Henan province filed its first own 100,000 registrations respectively in 2016. Provinces which filed 100,000 to 200,000 applications were Shandong province (184,490), Fujian province (175,392), Henan province (129,946) and Sichuan prov-

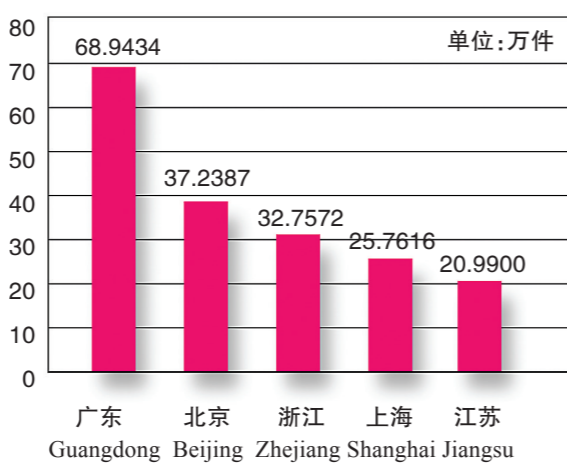
As efforts to resolve existing problems on trademark registration and management, SAIC released opinions on advancing trademark registration facilitation on July 14, 2016. The paper was designed to simplicate trademark registration procedure to expand trademark registration channels, to improve examination efficiency and to improve trademark related public service and to boost brand economy development.

On October 30, 2016, SAIC ap-



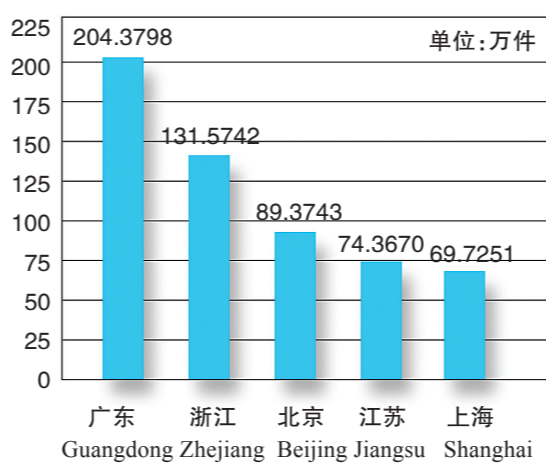
Top 5 provinces (municipalities) in the number of trademark applications

2016年中国国内商标申请量排名前五位的省(区、市)



Top 5 provinces (municipalities) in the number of valid trademark registrations

2016年中国国内商标有效注册量排名前五位的省(区、市)



in 2015. Among all the registrations, 3.001 million were filed via Internet, representing 81.3% of the total, the percentage in 2015 is 69.3%. As of the end of 2016, valid trademark registrations amounted to 12.376 million. Each 10,000 market entities obtained 1,422 trademarks, increased by 6.5% from 1,335 in 2015. It is worth mentioning that 2016 witnessed fast growth of trademark pledge registrations. In 2016, China handled 1,410 trademark registrations (up 20%), helping the enterprises financing 64.99 billion yuan, up 90%.

Numbers showed that top five trademark applicants were Guangdong province (689,434), Beijing (372,387), Zhejiang province (327,572), Shanghai (257,616) and Jiangsu

province (126,300). Numbers also showed that Guangdong province (2,043,798), Zhejiang province (1,315,742), Beijing (893,743), Jiangsu province (743,670) and Shanghai (697,251) were top five regions which have the most valid trademark registrations, and Guangdong have its first 2 million valid trademark registrations.

The achievements should be attributed to deepening reform for policies. For a long time, the State Council has requested to deepen administrative reform and transform government functions, such as streamlining administration, delegating power, strengthening regulation and improving services. Under these guidelines, SAIC carried out reform for improving trademark registration efficiency.

proved 13 industrial and commercial administrative departments and market supervision departments to set up trademark registration acceptance windows, which came into operation on November 1 the same year. From then on, the applicants could file trademark registration without having to go far. Functions of these acceptance windows cover trademark registration acceptance for designated areas, fees collection, accepting and examining registration files, determining registration date, trademark registration certificate distribution, inquiring and consulting services.

On December 1, Guangzhou center for trademark examination cooperation came into operation. Functions of Guangzhou center covers trade-

mark registration acceptance, consulting, trademark examination and trademark laws popularization. It is also responsible for guiding local trademark protection, promoting regional trademark strategy implement, trademark registration examination, so as to shorten examination cycle, easing the burden of the applicants and providing better service. (by Wang Guohao)

本报讯 (记者 王国浩北京报道) 2月7日,中国国家工商行政管理总局(下称国家工商总局)商标局公布了2016年中国商标申请与注册统计情况。统计显示,2016年中国商标申请量达369.1万件,已连续15年位居世界第一。2016年国内商标申请量排名前五位的省(区、市)分别为广东、北京、浙江、上海、江苏。

据悉,随着商标注册便利化改革的扎实推进,2016年中国商标申请量同比增长28.4%,增速较2015年提高1.5个百分点。其中,网上申请显著增加,共有300.1万件,占申请总量的81.3%,所占比重较2015年提高12个百分点。截至2016年底,商标有效注册量达1237.6万件,每万户市场主体商标拥有量达1422件,比2015年底的1335件增长了6.5%。商标质押登记总量快速增长,2016年办理质押登记申请1410起,同比增长20%,帮助企业融资649.9亿元,同比增长90%。

统计显示,2016年,中国国内商标申请量最多的前5个省(区、市)分别为:广东(68.9434万件)、北京(37.2387万件)、浙江(32.7572万件)、上海(25.7616万件)、江苏(20.9900万件)。其中,浙江省申请量首次突破30万件,江苏省则首次突破20万件。与2015年相比,前5名的排位没有变化。

数据表明,与2015年相比,又有两个省的申请量突破10万件大关,分别是四川省和河南省。2016年,商标申请量超过10万件的有山东省

(18.4490万件)、福建省(17.5392万件)、河南省(12.9946万件)、四川省(12.6300万件)。2016年中国国内有效注册量排名前5位的省、市依次为广东省(204.3798万件)、浙江省(131.5742万件)、北京市(89.3743万件)、江苏省(74.3670万件)、上海市(69.7251万件)。其中,广东省有效商标注册量首次突破200万件。

据介绍,2016年,根据中央关于深化改革各项决策部署,国家工商总局落实国务院关于简政放权、放管结合、优化服务的部署和要求,作出了开展商标注册便利化改革的部署,一系列改革措施相继落地生根:

2016年7月14日,国家工商总局发布了《关于大力推进商标注册便利化改革的意见》,以解决商标注册和管理存在的问题为导向,以实现商标注册便利化为主线,以拓展商标注册渠道、简化商标注册手续等为手段,进一步方便申请人申请注册商标,提高商标审查效率,提升商标公共服务水平,促进品牌经济发展。

2016年10月30日,商标局批准13个工商行政管理部门和市场监管部门设立商标受理窗口,同年11月1日正式启动运行开展商标注册申请受理工作,方便了申请人就近办理商标注册申请。受理窗口负责指定区域内商标注册申请受理、规费收缴,并接收、审核商标注册申请文件,对符合受理条件的商标注册申请确定申请日;受理窗口同时代发商标注册证,提供查询和咨询服务。

2016年12月1日,首个京外商标审查协作中心即商标审查协作广州中心正式挂牌运行,开展商标注册申请受理、咨询、商标注册申请审查和商标法律法规宣传咨询服务,指导地方开展商标专用权保护,协调促进地方商标品牌战略实施等工作,将分担部分商标注册审查任务,尽可能缩短商标审查周期,减轻商标申请人负担,为商标申请人提供更加优质的服务。

EXPRESS

Kung Fu Panda wins a 7-year trademark dispute

“功夫熊猫”出招再度维权

The Beijing IPR Court recently entered the first-instance judgment on a seven-year trademark dispute lodged by Dream Works Animation SKG, Inc against a Chinese natural person surnamed Hu. Beijing IPR Court approved that Hu's registered trademark KUNG FU PANDA has infringed Dream Works' trademark rights of its film name and character name of "功夫熊猫 KUNG FU PANDA".

Dated back to June 6, 2008, the computer- animated action comedy martial arts film KUNG FU PANDA presented its first public performance. Shortly, the film gained worldwide popularity. 20 days after the premiere day, a natural person from Shandong province filed the No. 6806482 KUNG FU PANDA registration application on Class 12, products of the steering wheel cover and vehicle seat cover. This provoked Dream Works' disapproval.

Dream Works challenged the trademark in dispute and requested the Trademark Review and Adjudication

Board (TRAB) under SAIC to revoke the mark. However, Dream Works failed. Disgruntled Dream Works brought TRAB to the Beijing Higher People's court. In the second-instance decision, the court ruled in favor of Dream Works in 2015. In October that year, TRAB decided to revoke Hu's KUNG FU PANDA trademark registration.

Hu later filed an administrative litigation against TRAB to Beijing IPR Court.

Beijing IPR Court held that evidences which show the character of "功夫熊猫 KUNG FU PANDA" had gained specified directivity, congruity and high business value for Dream works after long-term publicity and it should be protected by the law. Comparing Hu's trademark with Dream works' animated movie, the consumers would be confused as the two are almost the same in spelling, pronunciation and Chinese translation, which would cause damage to Dream works' trading opportunities and business values from the film.

Based on these mentioned above, the court held that the trademark in dispute had infringed Dream Works' interests and rights, Hu's requests should be rejected. (by Wang Guohao)

本报记者 王国浩

2017年1月6日,北京知识产权法院对由美国梦工场和中国山东省自然人胡某之间引起的7年商标之争案作出一审判决,认定梦工场对动画电影名称及相关角色名称“功夫熊猫 KUNG FU PANDA”享有的商品化权益受到侵害。

时间回溯到2008年,美国梦工场动画影片公司(下称梦工场)出品的动画电影《功夫熊猫 KUNG FU PANDA》自2008年6月6日首映后,很快风靡全球。2008年6月26日,山东省自然人胡某提出系争商标即第6806482号“KUNG FU PANDA”商标的注册申请,指定使用在方向盘罩、车辆座套等第12类商品上,引发了梦工场的不满,自此双方展开了一场长达7年的权属争夺。

在针对系争商标提出异议申请及异议复审申请均未获得支持后,梦工场向法院提起行政诉讼。2015年8

月,北京市高级人民法院二审判决商标评审委员会针对系争商标重新作出裁定。2015年10月,商评委针对系争商标重新作出裁定,对系争商标不予核准注册。

胡某不服商评委作出的上述裁定,向北京知识产权法院提起行政诉讼。

北京知识产权法院经审理认为,在案证据能够证明“功夫熊猫 KUNG FU PANDA”经过梦工场长期宣传使用,已成为具有明确指向性、对应性以及具有较高商业价值的名称,应予以保护。而系争商标与梦工场享有商品化权的电影名称及角色英文名称“KUNG FU PANDA”基本相同,且与角色中文名称含义一致,消费者在看到系争商标时,容易将其与在先电影及角色建立联系,从而可能损害梦工场本应获得的交易机会和商业价值。

综上,北京知识产权法院认定系争商标的注册侵犯了梦工场对动画电影名称及相关角色名称“功夫熊猫 KUNG FU PANDA”享有的在先商品化权益,不应予以核准,据此一审判决驳回了胡某的诉讼请求。



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