

China's IP
in foreign eyes



China is looking to draw private investors, including those from outside the country, into its aerospace program to supplement funding from the government for commercial satellite launches. The vice minister of China National Space Administration said China intends to be among the world's top three aerospace powers by 2030. (China invites investors, including foreigners, into space effort, by Bloomberg News)

中国尝试吸引包括外国人在内的民间投资者加入到中国航空航天项目中来,为商业卫星发射活动提供更多的资金。中国国家航天局有关负责人表示,到2030年,中国将成为世界前三的航天强国。“中国邀请包括外国人在内的投资者加入太空计划”,彭博社)

Comment

Depending on the government's investment to build China into an aerospace power is far from enough. Only when the government, enterprises, and people from all walks of life at home and abroad join their hands, make greater investment in the innovation and R & D, and get eclectic to attract talent, can China's goal of becoming a world power of technological innovation be achieved by 2050.

点评

航天强国的建设只依靠政府的投资力量是不够的,需要政府、企业、中外各界人士共同努力,下大力气投入创新研发,不拘一格吸纳人才,方能实现到2050年建成世界科技创新强国的目标。



In recent months an unmissable fleet of fluorescent orange, canary yellow and ocean blue bicycles has hit the streets of urban China as part of a hi-tech bike-sharing boom that entrepreneurs hope will make them rich while simultaneously transforming the country's traffic-clogged cities. (Bike-sharing revolution aims to put China back on two wheels, by The Guardian)

近几个月来,作为高科技不容错过的热潮,亮橙、淡黄、海蓝色的共享单车正在中国城市风靡。创业者们希望这股热潮在创富的同时,进一步减轻城市交通拥堵。“共享单车革命推动中国重回‘两轮世界’”,卫报)

Comment

As the pioneer in Internet Plus, bike-sharing has become the new darling of investors. Innovative technologies behind this emerging industry would escort the sound development of it.

点评

作为“互联网+”时代的一大先驱者,共享单车成为了投资人的新宠。其背后的创新与知识产权保护将为这一新兴的产业保驾护航。(李倩)

英文翻译	柳 鹏
Translator	Liu Peng
责任编辑	孙 迪
Executive Editor	Sun Di
实习编辑	李 倩
Practice Editor	Li Qian

IQAir, IQ Air trade punches over trademark in Beijing Court

一审赢得“IQ Air”商标权

瑞士艾可灵驱散商标抢注“雾霾”

As one of the famous purifier producers in the world, the Switzerland-based IQAir company, was a witness in the company's trademark lawsuit against a Beijing company in China. Recently, Beijing IP Court, during the first hearing, rejected the decision made by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC), and ordered TRAB to make a new decision on the trademark related to IQ Air. Before that, IQAir once requested TRAB to announce the invalidation of the IQ Air which was filed for registration by IQAir (Beijing) S&T Company in Class 11 products, but was rejected by TRAB.

IQAir was established in 1963. In



2001, IQAir expanded to Asia, and then entered into Chinese market. After more than fifty years' development, IQAir has become a famous brand in global purifier market. At present, IQAir has established a sub-

siidiary in China to distribute the air purifier in that market.

IQAir, however, had not been registered as a trademark in China. In 2013, IQAir requested TRAB to announce the invalidation of

NO.4887041 trademark registered by IQ Air Beijing.

The NO.4887041 trademark IQ Air was filed for registration in September 2005, and it was approved in 2008, certified to be used in Class 11 air conditioning equipment products.

After examination, TRAB held that the evidences provided by IQAir failed to prove the IQAir's prior using in the same or similar products before IQ Air filed for registration by IQAir Beijing. So the scramble for registering of IQ Air does not constituted according to the Trademark Law of China. TRAB then maintained the registration of No.4887041 IQ Air trademark.

The disgruntled IQAir brought the case to Beijing IP Court on May 8, 2015, and requested the Court to revoke the decision made by TRAB.

The Court held that the trademark had already been used within the Chinese territory and was well received by the public. The evidences provided by IQAir could prove the IQAir trademark used on air purifier has become influential in China before IQ Air was registered. Having known the IQ Air trademark has already been used and was an influential trademark, IQAir Beijing still filed for registration of almost same trademark with prior trademark in similar products. Based on the above fact and reason, the Court revoked the decision made by TRAB and ordered TRAB to make a new decision.

(by Zhu Wenming)

本报记者 祝文明

作为全球知名的净化器产品提供商之一,瑞士艾可灵环境保护发展和经销企业(下称艾可灵公司)刚刚在中国经历了一起关于其名下知名品牌“IQAir”的诉讼,并取得了初步胜利。近日,北京知识产权法院对涉及“IQ Air”商标的行政案件作出一审判决,撤销中国国家工商行政管理总局商标评审委员会(下称商标评审委员会)针对“IQ Air”商标作出的裁定,由商标评审委员会重新作出裁定。此前,艾可灵公司向商标评审委

员会提出请求宣告由爱客华诚(北京)科技有限公司(下称爱客华诚公司)注册在国际分类第11类上的“IQ Air”商标无效,但商标评审委员会裁定维持该商标予以注册。

据了解,“IQAir”品牌创建于1963年。2001年,“IQAir”向亚洲市场扩张,并进入中国。经过半个多世纪的发展,“IQAir”品牌产品成为全球净化器领域知名品牌。如今,“IQAir”已经在中国成立全资子公司,专业生产该品牌的空气净化器等产品。

然而,“IQAir”一直没有在中国进行商标注册。直到2013年,艾可灵公司才向商标评审委员会提出无效宣告请求,请求宣告爱客华诚公司注册的4887041号“IQ Air”商标无效。

据了解,爱客华诚公司的第4887041号“IQ Air”商标注册于2005年9月,2008年核准注册,核定使用在国际分类第11类空气调节设备等产品上。

商标评审委员会经审查后认为,艾可灵公司提交的证据尚不足以证明在爱客华诚公司申请注册“IQ Air”商标前,其已在与该商标核定使用的商品相同或类似的商品上在先使用并使其具有一定影响。因此,难以认定爱客华诚公司的注册行为构成中国商标法所指的抢注情形。据此,商标评审委员会维持了爱客华诚公司第4887041号“IQ Air”商标注册。

艾可灵公司不服该裁定,于2015年5月8日向北京知识产权法院提起行政诉讼,请求法院判决撤销该裁定。

北京知识产权法院审理后认为,在中国境内实际使用并为一定范围的相关公众所知晓的商标,应认定属于已经使用并有一定影响的商标。根据艾可灵公司提供的证据,可以证明在爱客华诚公司申请注册“IQ Air”商标之前,艾可灵公司使用在空气净化器上的“IQAir”商标已经在中国境内使用并具有一定影响。爱客华诚公司在明知该商标他人已经使用并具有一定影响的情况下,仍在类似商品上申请注册与在先商标几乎相同的商标,恶意明显。基于以上事实与理由,判决撤销商标评审委员会的裁定,并要求其重新作出裁定。



As one of the four famous embroideries in China, Xiang Embroidery uses pure silk, hard satin, soft satin and nylon as its material, which is connected with colorful silk floss. Xiang Embroidery is a traditional handicraft and cultural brand of Hunan province, and it was selected the first national intangible cultural heritage list.

(Photo by Zhang Zihong)

作为中国四大名绣之一,湘绣主要以纯丝、硬缎、软缎、尼纶等为原料,配以各色的丝绒线绣制而成。湘绣是湖南省传统手工艺产品,也是该省的一个文化品牌。目前,湘绣已入选第一批国家级非物质文化遗产名录。

本报记者 张子弘 摄影报道

A superstar of the city of printing supplies

“打印耗材之都”的一颗闪亮之星



“If all the printing supplies companies in Zhuhai lockout for a week, the price of global printing supplies would change significantly,” said Zhang Tao, the Secretary General of Zhuhai Printing Consumable Industry Association. The ribbon, remanufactured cartridge and inkjet cartridge produced in Zhuhai accounted for more than 70%, 60% and 30% respectively of the world's supply. Zhuhai Print-Rite Limited is a superstar of the city of printing supplies.

Many printing supplier companies in Zhuhai suffered from lawsuits related to patent infringement. “Fifteen years ago, EPSON filed a lawsuit against Print-Rite in the U.S. for IP infringement. The case lasted for five years until reached a settlement in 2005. Since then, we realized that we can only ensure technological leadership and competitive advantage in a

fiercely competitive market by mastering core technologies and developing own brand. Print-Rite must lead the way in technology and innovation, because that is the only way for Print-Rite to increase its capability to avoid risks,” said Print-Rite president He Liangmei.

From then on, Print-Rite focused on R&D work and developed its own innovation and IPR development strategy. The company spent nearly 10% of its yearly sale revenue and trained a group of 400 engineers and dozens of lawyers, and established some high-level R&D centers and laboratories. A comprehensive IPR management system has been built.

In 2010, He Liangmei and his team engineered an extraordinary turnaround. In this year, EPSON's request for invalidation of two patent rights of Print-Rite was rejected by the Patent

Reexamination Board of SIPO, which paving the foundation for Print-Rite in international printing supplies industry. At present, Print-Rite has obtained 2,536 patents, accounting for more than one third of the whole industry and ranked the top in the global printer consumable industry.

Facts have proved that while attaining its own development, Print-Rite has also promoted the prosperity of the whole industry. The company is also inspiring the whole industry to focus on IPR creation for nine consecutive years in a competition called Print-Rite Cup. (by Liu Peng)

“如果珠海打印耗材企业全部停工一周,全球通用耗材价格一定会发生明显变化。”珠海市耗材行业协会秘书长张涛曾如此描述“打印耗材之都”珠海在全球市场上的地位。珠海打印耗材产业供应了全球70%以上的色带、60%的兼容墨盒、30%的通用

耗材,产业链配套完整、上下游齐全、在全球占据主要市场份额。而珠海天威控股有限公司(下称天威)正是“打印耗材之都”一颗闪亮之星。

以“侵犯专利权”为名的官司,曾让珠海不少企业深受其苦。天威董事长贺良梅讲述了这样一个故事:“15年前,爱普生在美国以侵犯知识产权为由起诉天威。这场专利纠纷案耗时5年,一直到2005年才以双方达成庭外和解而告终。此后,我们痛定思痛,意识到只有掌握核心技术、打造自主品牌,注重知识产权保护才能确保企业在激烈市场竞争中的技术优势和竞争能力,只有坚持走在技术革新的前沿,才能增强有效抵御和规避各种风险的能力。”

从那时起,天威下大力气展开研发工作,进一步确定了自主创新和知识产权发展战略,每年投入年销售收入的近10%,培养了一支拥有400余名工程师及几十名律师组成的团队,建立了一批拥有国家相关资质鉴定

部门认可的实验室科研工作站等高水平创新平台,建立健全了知识产权管理体系。

2010年,贺良梅带领天威战队打了一场漂亮的翻身仗。这一年,爱普生向国家知识产权局专利复审委员会提出天威两件专利权无效的请求被驳回。这场胜利为天威在国际耗材领域奠定了坚实的基础。如今,天威已经拥有2536件专利,数量占整个打印耗材行业1/3以上,稳居世界通用打印耗材行业之首。

在自身发展的同时,天威也不忘带领全行业共同提高。天威耗材已连续举办了九届“天威杯”打印耗材专利大赛,激励全行业投身知识产权创造,取得了良好的社会效益。

(柳鹏)

