

China's IP
in foreign eyes

“Requests have changed, even among the Chinese smartphone manufacturers. They all want special cameras,” Sony’s Mr Haruta says. That trend, which has been detrimental to Apple’s sales in China in particular, is helping buoy some of the top suppliers: not just those with brand names such as Sony, but also the companies investing in research and development to gain market share in niche or proprietary hardware. (Apple and Samsung woes shake smartphone suppliers, by Financial Times)

“要求已经改变,即便中国智能手机制造商也是。他们都想要特别的摄像头,”索尼的春田勉说。这一趋势对苹果的在华销售尤其不利,但正助推一些顶级供应商崛起:不仅包括索尼等大品牌,还包括投资研发以图在特别领域或专利硬件领域获得市场份额的公司。(智能手机供应商被迫转向多元化,金融时报)

Comment

With the consumers’ requirement for innovation product is increasing, the smartphone manufacturers should step up innovation to produce more and more innovative smartphones, rather than low-costing products.

点评

随着消费者对创新产品的需求不断增大,智能手机制造商不应追求制造低成本的手机,而应加大创新力度,迎合不断变化的市场需求。



Among the 32 investors that have backed U.S. startups, Chinese internet giants like Alibaba and Tencent, as well as Chinese venture capitalists, are dominant, noted CB Insights, a New York-based investment research firm. Chinese investors have participated in over 40 American tech deals per quarter since 2014, and joined in major 2015 financing deals with the likes of Uber among others, involving nearly \$10 billion in U.S. tech funding for 2015 alone. (China is flooding Silicon Valley with cast, by The Washington Post)

据纽约一家投资研究公司CB Insights指出,在支持美国新企业的32个投资者中,诸如阿里巴巴和腾讯等中国互联网巨头,以及中国风投资本占主导地位。自从2014年以来,中国投资者每季度都要参与超过40起美国技术交易,2015年更是涉足了和优步等企业的大型金融交易,单单是2015年涉及的中国科技经费就达到了100亿美元。(中国钱水漫硅谷,华盛顿邮报)

Comment

Chinese investors’ participation in tech deals in the U.S. is to obtain high quality IPRs. In the knowledge economy times, the patent has become a powerful tool for company to compete.

点评

中国企业参与美国技术交易,更多的是为了获得高质量的专利等知识产权。在知识经济时代,专利成为了企业参与国际竞争的重要筹码。(柳鹏)

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SPC partially overturns earlier rulings in win for Michael Jordan's trademark appeal

3件“乔丹”商标应予撤销,“QIAODAN”“qiaodan”商标予以维持

最高法公开宣判“乔丹”商标争议行政纠纷系列案件

China’s Supreme People’s Court (SPC) recently overturned an earlier ruling by Beijing courts to favor Michael Jordan’s trademark appeal against a Chinese firm that allegedly infringed upon the name right of the NBA icon.

The SPC issued different judgments in the 10 combined cases. It approved Jordan’s appeal that the trademark of his name’s translation in Chinese characters infringed on his rights to own his name and violated the trademark law of P.R.C. The top court ordered the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) to recall its previous verdict and to issue a new ruling on the use of the Chinese characters in the brand. Meanwhile, the court ruled that Jordan does not own the rights of name for QIAODAN or qiaodan, Chinese pinyin transcription of his surname Jordan, and held that the Qiaodan Sports Co. Ltd, a Fujian based sportswear and shoe maker, did not violate Jordan’s name rights.

Almost a decade ago, Qiaodan company registered multiple trademarks by using “Qiaodan” “乔丹”, on Class 25 and Class 28. Years later, Jordan lodged an appeal to the TRAB to re-

voke the trademarks in dispute, but was rejected. Later, Jordan filed lawsuits against TRAB but lost. Beijing Higher People’s court originally upheld TRAB’S decision and rejected Jordan’s requests involving 68 cases in the second instance decision. In 2015, Jordan appealed to the SPC, which accepted the case the following December on the basis of the Administrative Procedural Law. The SPC heard ten cases mentioned above, suspended examination of eight cases and rejected Jordan’s retrial applications in fifty cases.

The SPC’s rulings in the ten cases mentioned above further made clear the scope of name protected by name rights. In three cases involving “乔丹” trademark, the SPC overturned previous verdicts supporting three of the Chinese company’s trademarks and specified the protection standards and conditions of name rights. The SPC added that Qiaodan company’s actions had displayed malicious intent by registering trademarks for “乔丹”, Jordan’s Chinese translated name. Meanwhile, SPC’s rulings were also based on the state of operation of Qiaodan Company and its usage of company name, propaganda and usage of related trademarks. Meanwhile, the

court ruled that the former Chicago Bulls star did not own the right of name for qiaodan or QIAODAN, Chinese pinyin transcription of his surname Jordan, and held that the Qiaodan Company did not violate trademark laws.

It is worth mentioning that there have been no unified opinions among Chinese judicial circles on protection standards and conditions of name rights regarding to trademark administrative cases. The SPC’s rulings made clear the protection standards and conditions of name rights in such cases and legitimately balanced Jordan’s and Qiaodan company’s interests. Views held that SPC’s rulings could exert an important influence on unifying criterion in law application in such trademark administrative cases.

(by Feng Fei)

本报讯 12月8日,中国最高人民法院对再审申请人迈克尔·杰弗里·乔丹与被申请人国家工商行政管理总局商标评审委员会(下称商评委)、一审第三人乔丹体育股份有限公司(下称乔丹公司)商标争议行政纠纷10件案件进行了公开宣判。其中,在涉及“乔丹”商标的3件案件中,法院认定乔丹公司的3件“乔丹”商标应予撤销,并判令商评委重新作出裁定;在其余7件案件中,法院依



法认定再审申请人对拼音“QIAODAN”“qiaodan”不享有姓名权,驳回了再审申请人的再审请求。

据了解,迈克尔·杰弗里·乔丹系美国著名篮球明星,乔丹公司是中国具有较高知名度的体育用品企业,在国际分类第25类、第28类等商品或服务上拥有“乔丹”“QIAODAN”等注册商标。针对乔丹公司的多件商标,再审申请人向商评委提出撤销申请,商评委均裁定驳回其申请。再审申请人不服提起行政诉讼。2015年,再审申请人不服北京市高级人民法院作出的68件商标争议行政纠纷案件的二审判决,向最高人民法院申请再审。2015年12月,最高人民法院裁定提审了此次公开宣判的10件案件,并裁定中止了其他8件案件的审查。同时,最高人民法院依法裁定驳回了再审申请人在另外50件案件中的再审申请。

最高人民法院在此次公开宣判的10件案件中,依法确定了再审申请人主张的姓名权保护的“姓名”范围。在涉及“乔丹”商标的3件案件

中,最高人民法院明确了主张姓名权保护的标准和条件,依法认定争议商标的注册损害了再审申请人对“乔丹”享有的在先姓名权。同时,因乔丹公司对于争议商标的注册具有明显主观恶意,乔丹公司的经营状况,以及乔丹公司对其企业名称、有关商标的宣传、使用等情况均不足以使得争议商标的注册具有合法性,故认定乔丹公司的3件“乔丹”商标应予撤销,判令商评委重新作出裁定。在其余7件案件中,最高人民法院依法认定再审申请人对拼音“QIAODAN”“qiaodan”不享有姓名权,驳回了再审申请人的再审请求。

据悉,关于商标行政纠纷中涉及在先姓名权保护的标准和条件等问题,在国内司法实践中一直不明确。“乔丹”商标争议行政纠纷系列案件明确了相关法律适用标准,合理地平衡了再审申请人与乔丹公司的利益。最高人民法院在本案判决中所阐述的法律适用标准对于统一此类案件的裁判标准将产生重要影响。(冯飞)



After three years of innovation and market explorations, Doctor Hou yanlin, a young father of five-year old girl, from Tsinghua University, with his colleagues all with doctoral degree, have made profits from their smog masks specially designed for children.

Regrettably, in 2014, Mr. Hou found it so difficult to find suitable air pollution masks for his then three-year old daughter. When he tried the commonly seen masks on sale for his daughter, he found that they were not the best for the children. He had to spend more on expensive replaceable filter element with less comfortable mask. Hou then decided to design a mask specially designed for the children.

Hou’s ideas quickly gained popularity among his friends, who are also young fathers with doctoral degree. Later soon, a team with more than 30 doctors with different academic background was built. But, they soon discovered that it was a tough job: it is not simply to down size the adult masks, but also a product designed in

Dr. PaPa and their smog mask career
“博士爸爸”组团来防霾

accordance with the physiological and psychological characteristics of youngsters. They have to make sure that children should breathe smoothly with the new products, but their facial development couldn’t be affected.

After numerous of tests and more than 100 times of design adjustment, a new mask with replaceable filter element, specially designed for youngsters above the age three came into market in 2015. The patented masks enjoyed great popularity among young parents. This year, they made a profit of 6 million yuan.

Hou says that the team preferred the disposable masks with stereoscopic skeleton design in the first place, because this design was acknowledged of good comfortableness and airtightness. However, the cost of this design is high due to the high cost of stereoscopic skeleton production and transportation. It is a waste of resources to throw away the masks used for only one day or two.

As an effort to lower the cost and make more consumers use the new masks, they invented a plate structure



skeleton with much lower cost. The consumers could easily turn the mask into bowl shape with only two snap joints. “The cost of the new design is only one third of the stereoscopic skeleton ones. We have filed invention applications now,” says Dr. Hou

Hou’s confidence roots in the innovative products and their business philosophy. They are determined to invent affordable products for each family with outstanding quality, not just to make profits. They want to help the young generations grow healthily with new technology. (by Yang Liu)

本报实习记者 杨柳

今年冬天,雾霾仍在。“清华博士爸爸”侯琰霖眼前的迷雾却消散了不少。他的创业项目“可可考拉”儿童防霾口罩经过3年发展,在今年迎来了盈利。

侯琰霖为自己3岁的孩子挑选口罩时发现,市场上竟然挑选不到一款既能防雾霾又适合小孩子佩戴的口罩。而市场上的成人防雾霾口罩,要么替换滤片价格高昂,要么舒适度较差,不适合儿童长期佩戴。这让侯琰霖萌生了自己为孩子设计防霾口罩的想法。

朋友圈里的“博士爸爸”们一拍即合,很快组建了一个拥有30多个不同学科背景的博士爸爸团队,共同开发口罩。然而看似简单的口罩其实包含了不少技术问题。经过调研和讨论,“博士爸爸”团队发现儿童口罩绝不是将成人的口罩做小就行了,要充分考虑到儿童的生理心理特点:既要透气,又要不影响孩子的面部发育,外观还要让孩子接受。

经过100多次设计改版,一款为3岁以上孩子设计的硅胶可替换滤芯口罩在2015年上市。口罩一经上市,就受到了家长们的热烈追捧。“这款口

罩在今年获得了专利授权,口罩单品销售收入超过了600万元,可以说是创业达到了小学毕业水平。”侯琰霖说。

“我们最新开发的方向选择了一次性立体骨架防雾霾口罩。”侯琰霖介绍,这种口罩是业界公认的兼具舒适性和密封性的口罩品种。但由于立体骨架的生产和运输成本都比较高,市面上这种口罩价格都在二三十元,用一两天就扔掉,有些奢侈。

为了降低这种口罩的生产成本,让更多用户用上更舒适的防雾霾口罩,侯琰霖团队创新性地设计了一种平板结构的骨架。这个骨架通过扣住上下两个卡扣,就能将平面的塑料骨架变成碗形,而生产和运输平面骨架的成本只有立体骨架的1/3。口罩使用后的收纳也因这个创新而变得十分方便。“我们已经为这款骨架提交发明专利申请。我对这个产品非常有信心,因为它是独一无二的。”侯琰霖说。

侯琰霖的信心不仅来源于创新产品,更来源于他创业的理念。侯琰霖说,将产品卖得很贵,创新成果不能让更多人分享,就失去了创新的意义。他更愿意做国民产品,通过不断创新让大家都用得起好产品。“我希望做社会创新型企业,以创新的手段解决社会问题,让孩子们健康成长。”

NUMBERS

24 In recent years, Fujian provinces witnessed fast development of patent agency industry. As of now, Fujian owns 24 patent agencies and 207 patent agents.

24家 近年来,福建省知识产权局通过优化政策环境等措施,推动了全省专利代理行业的快速发展。截至目前,福建省专利代理机构数量达24家,执业专利代理人207人。

80% Latest numbers from Yiwu IP Office show that IPR civil cases handled by Yiwu court system increased by 53% and 172% in the last two years. Meanwhile, 80% of cases have been settled through conciliation.

80% 从义乌市知识产权局获悉,近两年,义乌市法院新收的知识产权民事案件年增长率分别为53%、172%。知识产权民事纠纷调解案件成功率达到80%。

96 Statistics released by Beijing Shijingshan People’s court that the court has received 283 IPR civil cases on animation games from 2013 to October 2016. 96 of which were handled in the first ten months in 2016.

96件 从石景山法院获悉,2013年至2016年10月,该院共受理涉动漫游戏知识产权民事案件283起,2016年前十个月已受理96件。

963 million As of the end of September 2016, more than 20 financial agencies in Shaanxi province have issued 963 million yuan IPR mortgage to 163 enterprises, increased by 19.5%.

9.63亿元 据统计,截至今年9月底,陕西省已有20多家金融机构发放了知识产权质押贷款,为168家企业提供了融资金额9.63亿元,同比增长19.5%。

706 Three years ago, Hubei launched the IPR demonstration enterprises projects. Up to now, 20 provincial IPR demonstration enterprises and 706 to-be IPR demonstration enterprises have been acknowledged.

706家 从湖北省知识产权局获悉,湖北省知识产权示范企业建设工程已

开展到第三年,目前已认定20家省级知识产权示范企业和706家知识产权示范建设企业。

17,175 As of now, Qingdao owns 17,175 living inventions, each 10,000 citizens own 18.99 living inventions. Meanwhile, 40,000 invention applications were filed annually in recent years.

1.7175万件 从青岛市知识产权局获悉,截至目前,青岛拥有有效发明专利1.7175万件,每万人拥有有效发明专利18.99件,且每年发明专利申请量维持在4万件左右。