

China's IP
in foreign eyes



China is seeking to expand lending and investment in Brazil and elsewhere on the continent, as it shifts from its traditional resource focus to manufacturing, logistics and even technology. China's recent advances in innovation and technology were more tangible for Brazilian entrepreneurs, Mr Acher said: "We can learn a lot from what happened in the last 15 years in China as an emerging market, the second-largest tech ecosystem in the world today." (*China's Investors Target Brazil in Hunt for Growth, by Financial Times*)

中国正试图扩大在巴西和拉美其他国家的贷款和投资,同时从传统的资源焦点转向制造业、物流甚至科技。阿谢先生表示,对于巴西企业家而言,中国近年在创新和科技方面的进步更为实实在在,他说:“作为一个新兴市场以及全球第二大科技生态系统,中国在过去15年的发展可以让我们学到很多。”(“中资涌向巴西寻觅投资回报”,金融时报)

Comment

Chinese companies are more focused on IPRs in foreign acquisition in recent years, which reflects that Chinese companies have realized IPR is vital to build themselves into power companies and is also the only way to build China's brand.

点评

近年来,中国企业海外投资的注意力由基础资源转向产业链上游,说明中国企业意识到投资知识产权密集型产业是大势所趋,这也是中国企业海外发展的必由之路。



Swedish premium carmaker Volvo is to share a factory in China with parent Geely, the first time that Chinese and foreign marques will be made on the same mainland production line. Volvo sold more than 63,000 cars in China in the first nine months of 2016, up from 57,000 in the same period last year. (*Volvo and Geely to Share China Car Factory, by Financial Times*)

瑞典豪华车制造商沃尔沃将与其母公司吉利选择同一家中国工厂,这将是中外品牌的汽车首次在中国内地的同一条生产线上生产。2016年前9个月,沃尔沃在华售出逾6.3万辆汽车,去年同期为5.7万辆。(“沃尔沃、吉利选择同一家中国工厂”,金融时报)

Comment

The move to bring manufacturing under the same roof is the latest step in efforts to tighten ties between Volvo and Geely by transferring European know-how to Geely, which is the win-win strategy of the two companies.

点评

沃尔沃和吉利选择同一家中国工厂,不仅可以将欧洲的技术专长和创新优势转给吉利,同时也让沃尔沃和吉利加强了彼此之间的关系,是一种双赢的战略。(柳鹏)

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The 23rd SIPO-JPO Heads Meeting & the 22nd SIPO-KIPO Heads Meeting Held in Japan

第23次中日知识产权局局长会议、第22次中韩知识产权局局长会议在日本举行

On Dec. 8th, the 23rd Heads Meeting between the SIPO and JPO was held in Odawara, Japan. Commissioner Shen Changyu of SIPO and Commissioner Yoshinori Komiya of JPO attended the meeting.

Shen said that JPO is one of the earliest as well as most important partners of SIPO, and both offices have maintained good tradition of cooperation. Bearing the spirit of mutual benefits, SIPO is willing to continuously strengthen IP cooperation with JPO.

Komiya said JPO wanted to further enhance the bilateral cooperation with SIPO, explore more cooperative areas and share the experiences as well as best practices between JPO and SIPO.

The Commissioners also discussed the cooperation concerning examiner-exchange, PPH, patent classification, industrial design, automation, etc., and specified the cooperation plan of

2017 between the two offices.

The Commissioners of SIPO and JPO signed Record of Discussion on the 23rd SIPO-JPO Heads Meeting.

On Dec. 8th, the 22nd Heads Meeting between the SIPO and KIPO was held in Odawara, Japan. Commissioner Shen Changyu of SIPO and Commissioner Choi Donggyou of KIPO attended the meeting.

Shen said that, SIPO and KIPO has a good foundation of bilateral cooperation, and have obtained fruitful achievements in 2016. SIPO is willing to further strengthen the cooperation with KIPO and explore new cooperative fields thus to provide better services to IP users including Korean enterprises.

Choi delivered his congratulations to China's achievements in IP fields. He expressed KIPO's expectation to constantly enhance its cooperative relationship with SIPO. Also, KIPO would

like to learn from SIPO's experiences of development to solve the common challenges faced by both offices.

The two sides also had an in-depth discussion on how to improve the cooperation in relation to exchange of IP liaison officers, the patent experts meeting, the joint examiners patent searching and examination program, the industrial design experts meeting, the training cooperation program, the automation experts meeting, the High-level Meeting between Intellectual Property Trial and Appeal Board of KIPO and Patent Reexamination Board of SIPO. Based on the discussion, the two offices worked out the cooperation plan for next year.

The Commissioners of SIPO and KIPO also signed Record of Discussion on the 22nd SIPO-KIPO Heads Meeting.

(by Zhang Yaning)

本报讯 12月8日,第23次中

日知识产权局局长会议在日本小田原市举行,中国国家知识产权局局长申长雨与日本特许厅长官小宫义则出席会议。

申长雨表示,日本特许厅是中国国家知识产权局最早也是最重要的合作伙伴之一,两局有着良好的合作传统。中方愿在互利共赢的原则下进一步深化与日本特许厅在知识产权各领域的合作。

小宫义则表示,日本特许厅愿继续加强与中日两局合作,拓展合作领域,分享中日两局在知识产权领域中的最佳实践经验。

双方还就专利审查互派、专利审查高速路(PPH)、专利分类、外观设计、自动化等领域中的合作进行了充分的交流并确定了明年的两局合作计划。

会后,双方共同签署了《第23次中日两局局长会议会谈纪要》。

12月8日,第22次中韩知识产权局局长会议在日本小田原市举行,中国国家知识产权局局长申长雨与韩

国特许厅厅长崔东圭出席会议。

申长雨表示,中韩两局合作基础良好,在过去的一年中双边合作取得丰硕成果。中国国家知识产权局愿意和韩国特许厅继续加强合作,深化两局在知识产权各领域的务实合作,发掘合作新增长点,为包括韩资企业在内的知识产权用户提供更好的服务。

崔东圭祝贺中国知识产权事业所取得的成就,他表示,韩国特许厅将继续努力将中韩两局之间的合作推向更高水平,也愿意借鉴中国国家知识产权局的发展经验,解决好共同面临的挑战。

会上,双方深入探讨了中韩两局未来如何更好地推进在相互派遣联络员、中韩专利专家会议、联合检索与审查项目、中韩外观设计专家会、培训机构会议、自动化专家组会议、复审机构会议等项目中的合作,确定了明年的合作计划。

会后,双方共同签署了《第22次中韩两局局长会议会谈纪要》。

(张亚宁)



Shen Changyu (R) met with Yoshinori Komiya
图为申长雨(右)会见小宫义则

photo by Zhang Zhanchao
通讯员 张占超 摄



Shen Changyu (L) met with Choi Donggyou
图为申长雨(左)会见崔东圭

photo by Zhang Zhanchao
通讯员 张占超 摄



YKK wins trademark battle in China

YKK 历时10年打赢商标战

Recently, The Supreme People's Court of China made a final judgment on YKK trademark opposition rehearing and administrative dispute case filed by Japan YKK Joint-Stock Company and confirmed that YKK trademark is protected for "interior decorations of vehicles" based on the fact it is well-known on "zipper" products, rejected the trademark registration of YKK filed by Zhejiang-based Ruian Libo Locomotive Company on interior decorations, revoked the final decision made by Beijing Higher People's Court, revoked the verdict of the first trial made by Beijing No.1 Intermediate People's Court, reversed the decision made by the Trademark Review and Adjudication Board (TRAB) of the State Administration for Industry and Commerce (SAIC) and ordered the TRAB to make new decision. Thus far, the YKK Joint-Stock Company has finally won the trademark battle which lasted for ten years.

In March 2004, specializing in manufacturing and distribution of automobile parts, Li Bo Company applied to register the "YKK" trademark to Trademark Office (TMO) under SAIC. In January 2006, TMO publicized

the "YKK" trademark after it was preliminary approved. Afterwards, YKK Joint-Stock Company filed a trademark opposition application to TMO.

On December 16, 2009, TMO made verdict ruling that although the YKK trademark of YKK Joint-Stock Company registered on "zipper" products has high reputation, the products on which trademarks certified to be used were quite different in function and use. Therefore, TMO maintained the registration of YKK trademark as it would not cause confusion among the consumers about the origin of products.

Through the subsequent trademark opposition rehear and administrative proceedings, TRAB, Beijing No.1 Intermediate People's Court and Beijing High People's Court all affirmed the original verdict of the trademark registration.

YKK Joint-Stock Company was not satisfied with the final judgment and appealed to The Supreme People's Court of China for rehearing.

The Supreme Court reheard the case and held that it is difficult to judge if interior decorations of vehicles and zippers are similar or of the same category, however the evidences

provided by YKK Joint-Stock Company showed that zippers can be used as vehicle's interior decoration and zippers and vehicle's interior decorations are the upstream and downstream products. As YKK is a fabricated word and is conspicuous and based on the facts that "YKK" trademark on zippers products already have high reputation and zippers and interior decorations of vehicles are the upstream and downstream products, they are confirmed to have high relevance. Therefore, in accordance with Article 13 of Trademark Laws of the P. R. C., based on the fact YKK trademark on zipper products are well-known, YKK trademark is protected for "interior decorations of vehicles".

The Supreme Court held that, for the YKK trademark applied and registered by Li Bo Company on the class of Automobile, YKK Joint-Stock Company has not submitted the evidence that "YKK" trademark is used on the whole vehicle, and thus, the requirement that YKK trademark shall not be approved for Automobile products is utterly baseless from the law and shall not be supported.

So ordered. (by Zhu Wenming)
本报讯 近日,中国最高人民法

院对日本YKK株式会社提起的"YKK"商标异议复审行政纠纷案作出再行判决,认定"YKK"商标可以基于在"拉链"商品上驰名的事实,获得在"车辆内装饰品"上的保护,浙江省瑞安市力博机车部件有限公司(下称力博公司)在"车辆内装饰品"上申请注册"YKK"商标不应予以核准,判决撤销北京市高级人民法院针对该商标异议复审纠纷案作出的终审判决,撤销北京市第一中级人民法院此前作出的一审判决,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)此前作出的商标异议复审裁定书,责令商标评审委员会重新作出裁定。至此,YKK株式会社历时10年阻击其他企业"傍名牌"维权战,最终赢得胜利。

2004年3月,从事汽车配件生产销售业务的力博公司向中国国家工商行政管理总局商标局(下称商标局)申请注册"YKK"商标。2006年1月,商标局对力博公司申请注册的"YKK"商标经初步审定后予以公告。随后,YKK株式会社向商标局提出商标异议申请。

商标局于2009年12月16日作出商标异议裁定书,认定YKK株式会社用在"拉链"商品上的"YKK"商标虽享有较高知名度,但双方商标指定使用商品在功能、用途等方面均有显著差异,因此,力博公司申请注册

"YKK"商标不会在消费者中造成产品来源混淆,遂裁定该商标予以核准注册。

在此后的商标异议复审及行政诉讼中,商标评审委员会、北京市第一中级人民法院和北京市高级人民法院均维持涉案商标注册。

YKK株式会社不服终审判决结果,向最高人民法院申请再审该案。

最高人民法院再行认为,"车辆内装饰品"和"拉链"难以认定为相同或类似商品。但是,YKK株式会社提供的证据可以证明,拉链可以用于车辆内装饰品,两者属于上下游产品的关系。由于"YKK"属于臆造词,本身显著性较强,在"YKK"商标于"拉链"商品上已经具有很高知名度的情况下,基于"车辆内装饰品"与"拉链"具有上下游产品关系,可以认定两者具有较强的商品关联性。因此,依据中国商标法第十三条规定,"YKK"商标可以基于在"拉链"商品上驰名的事实获得在"车辆内装饰品"上的保护。

对于力博公司在"汽车"类别上申请注册"YKK"商标,最高人民法院认为,YKK株式会社没有提交有关"YKK"商标用于汽车整车的证据,所以其提出的在"汽车"商品上不应予以核准"YKK"商标注册的主张于法无据,不应得到支持。

据此,最高人民法院作出前述判决。(祝文明)