

China's IP
in foreign eyes



There are also signs of an imaginative China emerging. In fields from gene editing to big-data analytics to 5G mobile telephony, Chinese experts are now among the world's best. Sunway Taihu-Light (pictured), a supercomputer made using only local computer chips, is five times as fast as the best American rival. ("Innovation in China, out of the Master's shadow", by the Economist)

一个富有想象力的中国正在浮现。从基因编辑到大数据分析乃至5G移动通讯领域,中国专家如今已跻身世界一流水平。完全使用国产计算机芯片制成的“神威太湖之光”超级计算机,其速度是美国最先进计算机的5倍。《中国创新,走出古人的阴影》,经济学家)

Comment

Today, it is increasingly clear that a vanguard of world-class firms is emerging. The huge diversity of the continental-scale country forces firms to adapt nimbly. The Chinese market is becoming the world's innovation hotbed.

点评

当前,一大批创新水平卓越的中国领军企业正在凸显,潜力巨大的中国市场也对创新型企业提出了更高的要求。中国市场正在成为世界创新的温床。



Chinese patent filings have risen rapidly, both domestically and internationally. China is the largest growth source for filings with the World Intellectual Property Organisation, with Huawei and ZTE coming first and third in last year's figures. And the gulf between China and the advanced economies in international patents may imply less about the quality of Chinese innovation than often assumed. ("Innovation in China: More Than a Fast Follower?", by The Diplomat Magazine)

中国的国内和国际专利申请数量都取得了飞速增长。根据世界知识产权组织的统计,中国已成为专利申请量增长最快的国家,其中华为和中兴的表现尤为抢眼。中国和发达经济体在国际专利申请质量上的差距也在逐渐缩小。《中国创新:不止于快速追随?》,外交学者杂志)

Comment

When it comes to innovation, China still lags behind the West — but it is catching up. Chinese innovation is supported by the world's fastest growing R&D budget.

点评

尽管中国目前的创新能力仍落后于西方发达国家,但得益于日益增加的研发投入,中国创新正在迎头赶上。(孙迪)

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Bridgestone sues China's two tyre companies for patent infringement

普利司通诉盛泰集团等专利侵权——

轮胎企业莫在专利路上“打滑”

Bridgestone Company recently sued Shengtai Group and Beijing Yongxing Jiye Type Company for design infringement, and ordered the two companies to cease infringement immediately, remunerate damage and paid 26.91 million yuan and 100,000 yuan in damages.

Beijing IP Court heard the media-attentive case recently. Bridgestone is one of the tyre giants in the world and Shengtai Group is the famous tyre producer and seller in China. As the parties involved were both influential companies in the tyre industry, the case has been of extensive concern to the tyre industry.

Bridgestone held that A399 tyre produced and distributed by the defendants infringed its design patent, and asked Beijing Yongxing Jiye Tyre Company to cease infringement immediately and paid 100,000 yuan in damages; ordered Shengtai Group to

cease infringement immediately and paid 26.91 million yuan in damages. The two companies must destroy the infringement products and bear all the costs of 310,000 yuan in verification, notarization and IP services. An attorney representing Bridgestone said that by comparing the A399 tyre with the implicated patent, the two products are similar in layout, shape, location and size. Based on the acknowledgement of general consumers on tyre, there is not any difference in the two tyres. Therefore, the similarity is constituted.

The two companies admitted the production and distribution of the infringement products, while also said that they used the existing designs of the third party, which is differ from the implicated patent. According to Shengtai Group, A399 products is similar with the PW650 tyres produced by Giti (China) Investment

Company, and Giti started selling its PW650 tyres in China in 2005, and opened the relevant design patents in 2007, so A399 products applied the existing technologies. Besides, the implicated patent of Bridgestone is not novel, and Shengtai Group has filed a request for invalidation to the Patent Reexamination Board under SIPO. Shengtai Group asked the court to stop hearing the case as the request has been accepted by the board.

Although no judgment was made, it has the enlightenment meaning for the whole tyre industry.

According to China Petroleum and Chemical Industry Association's investigation report on the operation of tyre industry in the first half of 2016, the domestic output of tyre reached 457 million, an increase of 9.1%. The domestic price of tyre maintained stable, while the export price saw a drop. The average export price of car tyres,

TBR tyres and engineering tyres dropped 12.6%, 13.6% and 9.9% respectively. "Judge from the above statistics, China saw an increase in the influence of tyre industry, while the market price was descended. The reason is lacking of core technologies," said Tan Xiaolong, the researcher of Shenzhen Zhongyan Puhua Consulting Company.

So how do domestic tyre producers avoid the risk of litigation? "For one hand, they should improve the awareness of IP protection while accelerating technical innovation. For the other hand, they should step up IP layout, enhance IP management system, and conduct global-wide IPR layout. Last but not least, they should strengthen the capability of self-reliance technology innovation and increase their international competitiveness," said an expert.

(by Jiang Xu)



行对比后可以看出来,两者整体布局基本相同,各自凸起的形状、位置、大小基本相同,按照一般消费者对于轮胎认知能力,两者在整体效果上无实质性差异,因此,运用整体观察、综合判断的方法,可以认定两者近似。

盛泰集团、永兴基业认可被控侵权产品系其制造、销售,但主张该产品是采用案外人的现有设计制造的,与涉案专利设计并不相同亦不近似。盛泰集团提出,A399产品与佳通轮胎(中国)投资有限公司生产的PW605型号产品更为近似,而该产品于2005年在中国市场开始销售,并于2007年公开了相关设计,A399产品使用的是现有技术。另外,盛泰集团还指出,普利司通的涉案专利不具有新颖性,其已就涉案专利向中国国家知识产权局专利复审委员会提出无效宣告请求,该请求已被受理,故请求法院中止本案审理。

该案并未当庭宣判,但案件带来的启示意义却不容忽视。

据中国石油和化学工业联合会不久前发布的《2016年上半年轮胎行业经济运行情况调查报告》显示,今年1月至6月,国产轮胎产量为4.57亿条,同比增长9.1%,中国轮胎市场价格总体平稳,但出口价格却持续下挫,轿车轮胎、客货车轮胎和工程轮胎的出口均价分别下跌12.6%、13.6%和9.9%。“从上述数据可以看出,中国轮胎产业的行业影响力虽然在增长,但实际市场价值却在下降,关键原因在于核心技术的缺失。”深圳市中研普华管理咨询有限公司研究员谭小龙在接受中国知识产权报记者采访时表示。

那么,中国轮胎企业应如何未雨绸缪,避免陷入知识产权诉讼泥潭?有关专家建议,国内轮胎企业一方面要提高知识产权保护意识,在加快技术创新的同时不断加大知识产权保护力度;另一方面,加快知识产权布局,完善企业知识产权管理体系,同时在全球范围内开展专利布局;最后是加大自主创新力度,不断推出新技术、研发新产品,以增强产品的国际竞争力。

本报记者 姜旭

2700万元!一起外观设计专利纠纷将两家业内知名轮胎厂商推上了舆论的风口浪尖。

因认为盛泰集团有限公司(下称盛泰集团)生产和销售、北京永兴基业轮胎有限公司(下称永兴基业)销售和许诺销售的A399轮胎产品侵犯了其外观设计专利权,株式会社普利司通(下称普利司通)将两家公司诉至法院,请求法院判令两被告立即停止侵权,销毁涉嫌侵权产品,并分别赔偿经济损失2691万元和10万元等。

近日,北京知识产权法院公开审理了此案。由于涉案双方在业内均具有较强的影响力,其中,普利司通是国际轮胎企业巨头之一,盛泰集团是国内颇具影响力的汽车轮胎生产商和销售商,因此,该案受到了业界的广泛关注。

普利司通认为,A399轮胎产品侵犯了其专利权,向法院提起诉讼,请求法院判令永兴基业立即停止侵权,赔偿经济损失10万元;盛泰集团立即停止侵权,赔偿经济损失2691万元;两被告销毁库存涉嫌侵权产品,共同承担鉴定费、公证费、知识产权服务费等共计31万余元。

庭审中,普利司通代理律师称,通过对A399轮胎产品与涉案专利进



The folk song of Bai in Shaoyang, Hunan Province has a long history, and was hailed as ocean of folk song. The song is renowned for bright rhythm and melodious, and was listed in the first national nonmaterial cultural heritage.

(by Zhang Zihong)

湖南邵阳地区白族山歌民歌历史悠久,节奏明快,旋律优美,被省内外音乐界誉为“民歌的海洋”。湖南白族山歌已被列入第一批国家级非物质文化遗产名录。 本报记者 张子弘 摄



3D-MEMS sensor, a miracle of innovation 专利演绎创新奇迹

A smart watch which was equipped with a sensor the size of a grain of rice could monitor heart rate and blood pressure. The IPR-reliant sensor was produced by Shandong Haorun Automation Technology Company. But such companies are few in China.

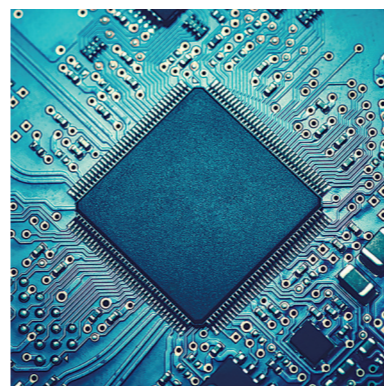
The company initially made its name with sensor. These sensors, small as needle hole, large as a grain of rice, its layout-design of integrated circuits could only be found by high-powered microscope. "From a technical aspect, the miniature sensor is composed of original chip and special signal processing circuit. It requires complex production process and can only be produced by machine," said Teng Xiaoliang, the general manager of Haorun Company. Currently, the company has established a national laboratory. Relying on its fourteen core invention patents, the 3D-MEMS

silicon capacitance sensor, featuring by high-accuracy, small size and low energy consumption, was one of the most advanced sensors in the world.

Backed by these patents, the production capacity of Haorun Company ranks the top in the nation. "This is our self-developed production processes. Because it was controlled by computer, there were only five workers in the production sites," said Liang Naihui, the production chief of Haorun Company.

The production site can produce 1.5 million 3D-MEMS sensors annually, and most of them were exported to the U.S., Switzerland, Sweden and other developed countries and regions. The annual sales volume of that one patent-reliant product was exceeded 60 million yuan, while the number of entire staff was only 80.

"It is patent that help us enter into high-tech field, and scaled up for max-



imum impact," said Teng Xiaoliang. The example of Haorun showed that a company with high quality IPR can realize rapid growth. Indeed, Haorun, less than ten years old, has the kind of passion for innovation and achieve boom growth.

(by Zhao Jianguo)

一只智能手表,可以监测心率、血压,要实现这些功能,全靠其中一颗米粒大小的传感器。目前,在国内

可以自主研发并拥有自主知识产权传感器的企业屈指可数,山东昊润自动化技术有限公司(下称昊润公司)就是其中的佼佼者。

这家规模不大的企业,就是靠传感器专利创业起家的。记者在这家企业看到,这些电子传感器,小的像针眼,大的也不过一颗米粒大小,借助高倍显微镜,才能看到上面阡陌纵横的集成电路布图,还有极细微的电极。

“在技术层面上,微型电子传感器的组成可以分为两大部分,即原始芯片和专用信号处理电路,制作工艺要求极高,是手工难以驾驭的,必须依靠机器自动化生产。”昊润公司经理滕小强向本报记者介绍,昊润公司目前已建立该传感器技术的国家级实验室,依托相关技术的14件核心发明专利,生产封装的3D-MEMS硅电容传感器是当今世界上最先进的硅电容传感器之一,这种微型电子传感器具有极高的精度、极小的尺寸和极低的功耗。

在专利支撑下,昊润公司的生产

能力在国内位居前列。“这是我们自主知识产权的生产工艺,由于采用了电子计算机自动化控制,整个一层的生产现场只需要5名操作员监督电脑控制台即可实现。”昊润公司生产负责人梁乃辉指着玻璃窗里面的生产现场介绍。

据了解,昊润公司高标准的生产车间每年能生产150万只3D-MEMS硅电容传感器,绝大部分出口到美国、瑞士、瑞典等发达国家和地区,仅此一种专利产品年销售收入就超过6000万元,而该企业的全部员工只有80余人。

“有了专利作为基础和后盾,才能进入这个高新技术领域,实现传统工艺和技术无法比拟的效益最大化。”滕小强表示,企业的发展证明,只有拥有更多高质量的知识产权,企业才能实现高效益和快速成长。的确,正是在这种洋溢着青春激情的创新环境中,成立只有不到10年的昊润公司实现了蓬勃发展。

(赵建国)