

China's IP in foreign eyes



The focus of investors in Asia-China and India in particular reflects an increasingly decentralized reality in global technology investment. Asian banks, private equity firms, venture capital funds are willing to invest in domestic start-ups. (Asian Tech Start-Ups Quietly Earn Backing, by The New York Times)

亚洲投资者,尤其是中国和印度的投资者的关注点,反映了国际科技投资领域日益加剧的“去中心化”趋势。亚洲的银行、私募股权公司、风投基金,都愿意投资国内的初创企业。(亚洲科技初创公司称投资者新宠,纽约时报)

Comment

The development of start-ups cannot separate with the implementation of mass entrepreneurship and innovation. With the further improvement of China's IPR protection, the start-ups have a bright future in China.

点评:

初创公司的蓬勃发展与中国大力推动和实施大众创业、万众创新不无关系。随着中国知识产权保护环境的进一步完善,未来初创公司的创新发展大有可为。



Reviews of the new iPhone 7 came out. The main problem Apple is facing at the moments is a slew of Chinese competitors that make high-quality phones. Given the new version of the iPhone doesn't boast any conspicuous upgrades, it could be that Apple's sagging fortunes in China continue in the short term. (Apple's China Conundrum and Samsung's Recall Conundrum, The Wall Street Journal)

日前,新款iPhone 7的评测已出。苹果目前面临的主要问题是,一大批制造优质手机的中国手机企业的崛起。考虑到新款iPhone无任何有亮点的升级,短期内,苹果在中国市场的颓势可能会持续。(iPhone和三星,谁能在中国交好运,华尔街日报)

Comment

It is necessary for Apple to upgrade its iPhone. With the domestic handset makers continue to improve the capacity for innovation, Apple should further showcase its strength of creativity. Only to do this can Apple further expand market share.

点评:

对于苹果而言,iPhone的更新换代是其发展的写照,但随着中国手机企业创新能力的不断增强,苹果应进一步彰显创新的魅力,唯有此,才能真正占领市场。

(柳鹏)

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Shen Changyu met with INPI Commissioner Yves Lapierre in Beijing  
申长雨在京会见法国工业产权局局长伊夫·拉普耶



图为会见现场

本报记者 蒋文杰 摄影报道 photo by Jiang Wenjie

On September 20, SIPO Commissioner Shen Changyu met with INPI Commissioner Yves Lapierre in Beijing. Shen said that in the framework of comprehensive strategic partnership between China and France, the cooperation between SIPO and INPI progressed remarkably. The two sides have conducted practical cooperation in legal policies, IPR service, local IPR works and staff training. Shen hopes to gradually enhance the cooperation level to a new height on the present basis.

Yves Lapierre said that IPR is the engine of technological innovation and economic development. He hopes to inject new vitality into the cooperation through common efforts, and facilitate the companies of two countries to better use and protect IPR.

Both two sides exchanged views on the latest development of IPR works, patent management and evaluation, and future cooperation between the two offices. The Minutes

of Talks of 29th SIPO-INPI Joint Committee Meetings was also signed at the meeting.

(by Wang Yu/Zhao Qing)

本报讯(记者王宇 通讯员赵清北京报道)9月20日上午,中国国家知识产权局局长申长雨在京会见法国工业产权局局长伊夫·拉普耶一行。申长雨表示,近年来,在中法两国全面战略伙伴关系框架下,中国国家知识产权局和法国工业产权局之间的合作进展顺利、成效显著,双方在法律政策、知识产权服务、地方知识产权工作、人员培训等方面都开展了深入务实的合作。希望在巩固现有合作的基础上不断推动两局合作迈上新台阶。

伊夫·拉普耶表示,知识产权是促进科技创新和经济发展的“发动机”,希望通过双方的共同努力为两局合作注入新的活力,推动两国企业更好地运用和保护知识产权。

会上,双方围绕中法两国知识产权工作最新进展、专利的管理与评估以及未来两局合作等议题深入交换了意见,并签署了《中法专利混合委员会第29次会议纪要》。

The 10th China International Patent Fair produced new records  
国内外1000余家单位参展,5500余项专利项目与产品亮相,首日30多个专利项目达成合作意向  
第十届中国专交会三大指标刷新纪录

The 10th China International Patent Fair has produced new records in exhibitor, participants and trade volume, sources from the organizing committee of the fair said on September 19.

This fair, which is themed of mass entrepreneurship and innovation, is more focused than its previous events on patent trade and commercialization. Over 1,000 exhibitor and 5,500 patent projects and products were appeared on the fair. On the first day of the fair, there were more than 30 patent projects reached cooperation intentions, 13 agreements were signed, and the amount of contracts totaled over 447 million yuan. At the Manufactured in China 2025 innovation exhibition, 426 outstanding patent projects and products brought by hundreds of domestic key companies attracted audiences' attention. At the Belt and Road Initiatives international exhibition, the exhibitors from more than 20 countries showcased their latest

221 projects. It was the first time for Netherlands, Israel and Austria to participate this event. At the Chinese Academy of Science exhibition, 26 research institutes displayed their 176 patent projects. In China Patent Awards exhibition, a number of patent gold medals and Chinese patent award of excellence were also gathered here.

The great demand for patent trade and utilization cannot separate with the implementation of strategy of innovation-driven development. In recent years, the CPC and the State Council decided to attach great importance to the above strategy and exert the guaranteeing and supporting role of IPR. The Opinions of the State Council on Accelerating the Construction of an IP Powerhouse under the New Circumstances required to inspire entrepreneurial and innovation boom by strengthening IPR protection and utilization. Under the new circumstances, China has been ranking the world's first position in in-

vention patent application for five years. In parallel, the Chinese companies have serious needs for new technology and use of patent to support enterprise transformation and upgrade, which offered good opportunities to patent commercialization and trade.

(by Zhao Jianguo)

本报讯 9月19日,记者从第十届中国国际专利技术与产品交易会(下称专交会)组委会了解到,本届专交会的参展单位数量、参展国家和地区数量、首日交易额等三大指标都创下了历届以来的新纪录。

据介绍,本届专交会以“大众创业、万众创新”为主题,与往届相比更加注重专利交易、成果转化。本届专交会有国内外1000余家参展单位,5500余项专利项目与产品集中亮相。专交会首日就有30多个专利项目达成合作意向,13个项目现场签约,签约金额4.47亿元。本届专交会上,展位前“扎堆”现象时有发生,专利交易“抢单”屡见不鲜。在“中国制造2025”创新展区,国内百余家重点企业携带426个优秀专利项目与产品现场展示,吸引着众



多参观者的目光。在“一带一路”国际发展区,来自20多个国家和地区的221项专利项目参展,其中荷兰、以色列、奥地利等国家是首次亮相专交会。在中国科学院展区,有26家科研院所的176个专利项目参展。而中国专利奖展区集中展示了第十六届、第十七届中国专利金奖和优秀奖项目,参展项目质量和水平大幅提升。

专利交易的趋热,专利运用的旺盛需求,与中国实施创新驱动发展战略的现实背景密切相关。近年来,党

中央、国务院作出了实施创新驱动发展战略的新部署,更加重视发挥知识产权的保障和支撑作用。《国务院关于新形势下加快知识产权强国建设的若干意见》明确,要通过加强知识产权保护 and 运用,催生更加蓬勃的创新创业热潮。在这样的新形势下,中国发明专利申请量连续5年保持世界第一,同时,企业转型、产业升级对技术创新、专利运用有着迫切的需求,这些都为专利转化、专利交易带来了空前良好的机遇。(赵建国)

EXPRESS

NaPa Valley vintners won trademark case in China  
“纳帕河谷”地理标志证明商标案终审有果

Beijing Higher People's Court made the final judgment on the trademark administrative case in which American Napa Valley Vintners sued the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce. The court revoked the first-instance rule and order TRAB to make new decision.

On February 6, 2005, Napa Valley Vintners filed trademark registration for No.4503959 NAPA VALLEY 100% and its figure, and was registered on December 28, 2007. The trademark was certified to be used on Class 33 products. On May 18, 2005, Zhejiang Zhongshang Investment Company filed trademark registration for No.4662547 螺旋卡帕 SCREW

KAPPA NAPA, certified to be used on Class 33 products.

During the opposition period, Napa Valley Vintners filed an opposition to the Trademark Office (TMO). On June 18, 2013, TMO approved the registration of the trademark in dispute. Napa Valley Vintners then brought the case to Beijing No.1 Intermediate People's Court.

After hearing, the court held that, the distinctive part of trademark in dispute shall be螺旋卡帕 for Chinese consumers, and its English part has very distinctive difference from the cited trademark, which could not cause confusion among the public. So the court maintained the decision made by TRAB. The disgruntled Napa Valley Vintners then brought the

case to Beijing Higher People's Court.

Beijing Higher People's Court held that although the trademark in dispute contains one of the English word of Napa Valley, the纳帕 and Napa are the distinctive part of the cited trademark. When the public saw the NAPA word on the wine products, they may link the trademark in dispute with纳帕河谷(Napa Valley). So the court made the above judgment. (by Lv Keke)

本报实习记者 吕珂珂

近日,北京市高级人民法院就美国纳帕河谷酿酒人协会(下称纳帕河谷协会)诉国家工商行政管理总局商标评审委员会(下称商评委)商标异议复审行政纠纷案作出终审判决,撤销该案一审判决和商评委被诉裁定,判令商评委重新作出裁定。

判决书显示,2005年2月6日,纳帕河谷协会向国家工商行政管理总局商标局(下称商标局)提出第4502959号“NAPA VALLEY 100%及图”证明商标(下称引证商标)的注册申请,并于2007年12月28日获准注册,核定使用在国际分类第33类商品上。2005年5月18日,浙江中商投资有限公司(下称中商公司)向商标局提出第4662547号“螺旋卡帕 SCREW KAPPA NAPA”商标(下称被异议商标)的注册申请,亦指定使用在国际分类第33类商品上。

在法定异议期限内,纳帕河谷协会向商标局提出异议。2013年6月18日,商标局作出裁定,对被异议商标予以核准注册。纳帕河谷协会不服,向商评委提出复审申请。2014年4月15日,商评委作出裁定,对被异议商标予以核准注册。纳帕河谷协

会随即向北京一中院提起行政诉讼。

北京一中院审理后认为,对于中国消费者而言,被异议商标的显著识别部分应为中文“螺旋卡帕”,其英文部分亦与引证商标区别明显,不易造成相关公众的混淆误认,判决维持了商评委的裁定。纳帕河谷协会不服判决,向北京中院提起上诉。

北京中院经审理后认为,虽然被异议商标中仅包含了地理标志证明商标“纳帕河谷(Napa Valley)”中的一个英文单词,但“纳帕”和“Napa”分别是该地理标志中英文表达方式最为显著的识别部分,相关公众在葡萄酒商品上见到“NAPA”一词时,容易将其与“纳帕河谷(Napa Valley)”地理标志证明商标联系在一起。最终,北京中院对该案作出终审判决,撤销一审判决并撤销商评委被诉裁定,判令商评委重新作出裁定。