

China's IP
in foreign eyes



The state-owned China National Chemical Corporation said on Monday that it had received clearance from a regulator in the U.S. for its \$43 billion acquisition of Syngenta. The ChemChina has been an active buyer in recent years, acquiring more than a half-dozen companies in Europe, the Middle East and Australia. But if it is completed, the Syngenta purchase would be China's biggest foreign deal ever. (U.S. Regulator Signs Off on ChemChina-Syngenta Deal, The New York Times)

中国化工集团日前宣布,其出资430亿美元收购美国农化和种子行业巨头先正达一事,已获得美国监管机构的批准。近年来,中国化工集团一直被视为国际市场上一名积极的买家,已在欧洲、中东和澳大利亚收购了6家以上的公司。如果此次收购先正达的交易完成,这将是中国企业对外收购中最大的一笔交易。(中国化工430亿美元收购先正达获美国批准,纽约时报)

Comment

This acquisition reflects that Chinese companies have made great progresses in product process and quality. After acquisition, ChemChina would acquire advanced seeds technologies, which would further improved its IPR capacity.

点评:

中国化工集团收购先正达的举动,折射出国内企业的创新与进步。通过收购先正达,中国化工集团可以获得更为先进的种子技术,将进一步增强其知识产权实力。



Disney will also receive a fee for its role in managing the resort and royalties for the use of its characters. Moreover, Disney expects Shanghai Disneyland to increase interest across China for its movies, toys, clothes, video games and books. (Shanghai Disneyland Opens Amid Rain and Pageantry, by The Wall Street Journal)

迪士尼将收取上海迪士尼乐园的管理费和相关动漫角色的版权费。另外,迪士尼希望上海迪士尼乐园可以让中国人对它的电影、玩具、服装、电视节目、电子游戏和书籍更感兴趣。(上海迪士尼在雨中闪亮开张,华尔街日报)

Comment

The cartoon products is just the start point of success for Disneyland, but the main reason that Disneyland keep dynamic for a lone time come from its successful copyright operation.

点评:

对迪士尼来说,成功的动画作品只是起点,通过版权运营,让创新成果源源不断地产生经济价值,这才是迪士尼王国长盛不衰的秘诀所在。(柳鹏)

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China launches its own aero-engine maker

中国航空发动机集团在京挂牌成立,专家建议——

要做好专利布局 实现“弯道超车”

On August 28, China launched its aero-engine manufacturer Aero-Engine Group of China to focus on designing, manufacturing and testing of aero-engines. The company was designed to complete production chain of aero-engines development and production, to promote competence of aero-engines industry, so as to help China to achieve its goal of becoming an aviation power. The State Council, Beijing municipal government, the Aviation Industry Corp of China (AVIC) and Commercial Aircraft Corp of China (CACC) are investors of this new group.

For a long time, China remains a big aircrafts consumer country. But, it lags far behind the western countries on engines development and production for military aircraft and large commercial jet. "United States of America and Europe are leading aero-engine manufacturers worldwide, But

China is still at primary stage with poor foundation for aero-engine production and development." according to Sun Guorui, professor from Beijing University of Aeronautics and Astronautics. He says that the Chinese government has increased its investment and support on aero-engine industry development in recent years, and has also yielded certain achievements, but compared with these aero-engine giants, China still has a lot to do.

Dong Junxi, a deputy section chief from SIPO, pays close attention to the newly founded Aero-Engine Group. He tells CIP News that the foundation of this group is a win-win cooperation, it will attract more talents in fields of domestic aero-engine and break technological barrier. "We find that General Electric, Siemens and Snecma Group remain the top three foreign patent applicants in fields of aero-engine in China. But, AVIC and

CACC are the leading domestic applicants in this field. I have faith in potential technological development of Aero-Engine Group." Says Mr. Deng.

"It is at exactly the right time for setting up the Aero-Engine Group, it will integrate the decentralized aero-engine resources as a whole pack and form synergy. It is China's 12nd state-holding commercial military enterprises group, it has combined more than 40 enterprises and public institutions, covering almost all the branches related to aero-engine. It will accelerate independent research, development and manufacturing of aircraft engines that will help China to achieve its goal of becoming an aviation power." says an anonymous aero-engine expert.

One more question, now that the foreign aero-engine giants have built up patent layout in China, how Chinese counterpart should do?

Professor Sun Guorui also suggests



that as efforts to improve overall strength for aero-engine and break technical monopoly, Chinese enterprises in this field should conduct thorough analysis on foreign counterpart's layout and lunch their own patent layout. He also suggest that to further energize the industry, efforts should be made to pool the talents, especially those on IPR management and utilization. (by Wu Yan and Li Xue)

本报记者 吴艳
通讯员 李雪

近日,备受关注的中国航空发动机集团(下称中国航发)在北京挂牌成立,其是由中国国务院、北京市人民政府、中国航空工业集团、中国商用飞机有限责任公司共同出资组建的国有控股集团公司。据悉,中国航发将集中致力于发动机设计、制造、试验、相关材料研制等方面,建立中国航空动力研制和生产的完整产业链,以提升中国航空发动机整体水平,立足自主创新解决中国航空动力问题。

记者在采访中了解到,目前,中国军用飞机和大型客机的发动机绝大多数依然缺少一颗强劲的“中国心”,航空发动机仍然是我们的“软肋”。“相对于美国、欧洲的航空发动机发展,中国航空发动机的研制起步晚,底子薄,一直处于技术跟随阶段。虽然近几年国家加大了投入力度,中国航空发动机的研制获得了一些创新成果,但是中国在航空发动机方面的技术实力与发达国家相比还存在较大差距。”北京航空航天大学法学院教授孙国瑞表示。

在中国国家知识产权局专利局机械发明审查部动力处副处长董喜俊看来,新成立的中国航发可谓是强

强联手,有助于引导国内航空发动机领域主要专利申请人集中力量,攻破技术壁垒。在航空发动机领域的中国专利申请中,国外来华申请人通用、西门子、斯奈克玛分列前三甲,中国航发的出资方中国航空工业集团公司和中国商用飞机有限责任公司则在国内申请人中排名靠前,拥有较强的自主创新能力和较为丰厚的技术积淀。

“中国航发的成立恰逢其时,像线一样,把国内分散的研制航空发动机的机构串联起来,统一目标,加强管理,形成合力。”一位不愿透露姓名的中国航空发动机专家介绍,中国航发是国务院批复设立的12家国有控股商业类军工集团公司,相关资产整合涉及40多家单位,几乎包括了国内现有全部航空发动机相关研制机构。中国航发的成立,标志着中国航空发动机的研制将驶入快车道,有望加快实现航空发动机从仿制到自主创新的战略转变。

国外航空发动机巨头已经在中国进行了较为严密的专利布局,那么,国内航空发动机企业如何实现“弯道超车”?

“在航空发动机核心技术的研发方面,我国相关企业还应全面分析国外巨头的专利布局,力争在核心技术环节有所突破,并适时地做好专利布局,这样才能打破国外航空发动机巨头的技术垄断,让中国的航空发动机技术和产品在国内外和国际市场上享有更多自由飞翔的空间。”孙国瑞表示,另外,中国航空发动机行业还应集聚一批优秀人才,除了技术人才之外,还需吸引更多的管理人才,特别是知识产权管理和运用人才,以补齐中国在技术上和管理上的短板。



Photo News

Co-hosted by SIPO and Liaoning Government, the China International Patent Fair 2016 was held from September 9 to 11. 1,500 participants from domestic and abroad took part in the event. At the first day of the fair, there were more than 30 patent projects reached cooperation intentions, 13 agreements were signed. The amount of contracts totaled over 447 million yuan. (by Zhang Zihong/Sun Di)

9月9日至11日,为期3天的第十届中国国际专利技术与产品交易会在大连举办。此次交易会由中国国家知识产权局和辽宁省人民政府主办,吸引了来自国内外参展团代表1500余人参会。在9月9日当天,会上已有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。本报记者 张子弘 孙迪 摄影报道

ONLY failed in a trademark dispute “ONLY”未能摘下“欧力ONLY”眼镜



ONLY, a well-known costume brand, recently failed in a trademark dispute. Beijing Higher People's Court made the final decision and sustained the 欧力 ONLY trademark in question and concluded the three-year dispute.

Years later, in June 2013, ONLY's authorized brand operator Denmark Aktieselskabet AF 21. November 2001 company challenged the 欧力 ONLY trademark and seek reversal to SAIC on grounds of no usage for three consecutive years. However, its request was denied.

The Denmark company then brought the case to the Trademark Review and Adjudication Board (TRAB) under SAIC, which also sustained the mark in question in March 2015.

Disgruntled Denmark company filed an administrative lawsuit to Beijing IPR Court.

In the first-instance decision, the



court held that based on the evidences Beijing Longteng company filed, they fail to prove that the trademark in question has been authorized on products of glasses and protective spectacles publicly, lawfully and effectively during the statutory period. Based on these, the court revoked TRAB's decision.

Beijing Longteng company and TRAB both appealed to the Beijing Higher People's Court against Bei-

jing IPR Court's decision.

The court held that Beijing Longteng company have entrusted a Dongguan based sports company to produce thousands of sets of protective spectacles and these products should be affirmed for sale not for personal use based on the evidence materials and common understandings. As a result, the trademark in question should be regarded that it has been used publicly, lawfully and effectively.

Based on the grounds mentioned above, the Beijing Higher People's Court revoked the first-instance judgment and sustained TRAB's decision. (by Wang Guohao)

本报讯 作为知名服饰品牌“ONLY”的运营方,因认为北京市一家贸易公司在眼镜等商品上注册的“欧力 ONLY”商标(下称系争商标)连续3年停止使用,丹麦的2001年11月21日公司(下称丹麦公司)针对系争商标提出了撤销申请。在中国国家工商行政管理总局商标局与商标评审委员会(下称商评委)先后作出维持系争商标注册的决定后,该案进入行政诉讼阶段。日前,北京市高级人民法院针对该案作出终审判决,维持了商评委上述复审决定。

2013年6月,丹麦公司针对系争商标提出连续3年不使用撤销申请,但未获支持。随后,丹麦公司向商评委提出复审申请。经审查,商评委于2015年3月作出复审决定,对系争商标予以维持。丹麦公司不服商评委上述复

决定,随后向北京知识产权法院提起行政诉讼。

一审法院经审理认为,龙腾九州公司提交的在案证据不足以证明其在指定期限内,将系争商标在眼镜、护眼镜(游泳用)商品上进行了真实、公开、合法的使用,据此一审判决撤销了商评委上述复审决定,并判令商评委重新作出裁定。

龙腾九州公司与商评委不服上述一审判决,随后向北京市高级人民法院提起上诉。

二审法院经审理认为,根据在案证据显示,龙腾九州公司作为一家贸易公司,在案指定期间内曾委托东莞市卡尼可体育用品有限公司加工了数千个乃至上万个泳镜商品,依据商业常识应当是为了销售获利而非自用,结合该案全案证据,可推定龙腾九州公司在指定期间内对系争商标进行了公开、合法、有效的使用。

据此,北京市高级人民法院终审撤销了一审判决,并维持了商评委上述复审裁定。(王国浩)