

NUMBERS

50.9%
According to the Patent Data Investigation Report of China released by SIPO recently, the exploitation rate of valid invention patents reached to 50.9%, while that of valid utility model patents was 59.0%, that of valid design patents was 60.1%.

50.9%
近日,中国国家知识产权局首次发布的《中国专利调查数据报告》显示,中国有效发明专利实施率达到五成,为50.9%,有效实用新型专利和有效外观设计专利实施率较高,分别达到59.0%和60.1%。

17.98%
Recently, The Agricultural Intellectual Property Research Center under Chinese Academy of Agricultural Sciences published the Report of Creation Index of China's Agricultural Intellectual Property. According to the report, in 2015, the creation index of China's agricultural intellectual property got a year-on-year growth of 17.98%, with a highly speed of growth.

17.98%
近日发布的《中国农业知识产权创造指数报告》显示,2015年,全国农业知识产权创造指数同比增长了17.98%,表明农业知识产权创造水平呈现整体快速提升态势。

7.36
In the Opinions of Liaoning Government Construction of Intellectual Property Powerhouse under the New Circumstances, Liaoning has a target that the number of valid invention patents obtained by each 10,000 heads of population reaches to 7.36, over 20% industrial enterprises at national scale hold invention patents, and the number of international applications applied through PCT reaches to 550 by 2020.

7.36件
近日,辽宁省政府印发《关于新形势下加快知识产权强省建设的实施意见》,提出到2020年,每万人口发明专利拥有量达到7.36件;拥有发明专利的规模以上工业企业达到20%以上;通过《专利合作条约》(PCT)途径提交的国际申请量达到550件。

68.8%
In the first half of 2016, Zhejiang obtained 14,700 invention patents, with a growth of 46.5% compared with 2015. 68.8% of the total were from enterprises, far more than 2015.

68.8%
今年上半年,浙江省的中国发明专利授权量为1.47万件,同比增长46.5%,企业的发明专利授权量占到浙江省总量的68.8%,比去年同期有了进一步的增长。

2.1 trillion Yuan
Recently, the State Administration of Press, Publication, Radio, Film and Television of China published the Report of Analysis of Press and Publication Industry. According to the report, over 2.1 trillion Yuan was gained in China's press and publication industry in 2015, with a year-on-year growth of 8.5%.

2.1万亿元
日前,中国国家新闻出版广电总局发布《2015年新闻出版产业分析报告》。总体来看,2015年中国新闻出版产业继续保持较快增长,营业收入突破2.1万亿元,较2014年增长8.5%。

SIPO signs Protocol about IP co-development with Beijing, Tianjin and Hebei

中国国家知识产权局与京津冀三地政府签署《关于知识产权促进京津冀协同发展合作会商协议》

共同打造区域知识产权协同发展示范区

With the co-development of Beijing, Tianjin and Hebei endeavoring at a crucial stage, the three governments have been devoting to accelerate sharing the regional science and technology resources, innovations transfer, collaborative using of intellectual property, and building a co-development community of Beijing, Tianjin and Hebei. In July 2016, SIPO signed a protocol about intellectual property co-development of Beijing, Tianjin and Hebei with the government of the three regions. The protocol aims to build an intellectual property co-development demonstration zone, and to make Beijing, Tianjin and Hebei jointly to be an important development pole of China's innovation driven development by intellectual property.

According to the protocol, SIPO would develop new cooperation methods of intellectual property protection, utility, and share service resources, ect. The new co-development system would under the mission and vision of comprehensive development, opening and sharing, co-teaching and co-promoting, and a win-win cooperation, trying to build a comprehensive intellectual property system and a legal system, to enforce intellectual property protection, to increase the efficiency of innovation, to optimize the industrial distribution of the

three regions, to build a demonstration zone of over-regional intellectual protection, operation and development, and to make the whole area of Beijing, Tianjin and Hebei to be an important development pole in building China into an IP power house.

According to an official of SIPO, it is an important stage of China to promote the three regions co-developing. The co-development system will play an important role of intellectual property protection in driving innovation and optimizing allocation of resources, and will promote the flowing of production factors in the three regions to make a win-win development.

Data shows that, in the first half of 2016, the three regions made a great progress in patent creation. Beijing dealt with 45,369 invention patent applications, ranked the third of the country, up 27.2%. Tianjin dealt with 11,555 invention patent applications, up 33.0%. Hebei dealt with 6,689 invention patent applications, up 34.26%.

本报记者 王宇

当前,京津冀协同发展进入全面落实的攻坚阶段。加快推进区域科技资源共享和重大创新成果转移转化,协同知识产权运用,打造京津冀协同创新共同体,成为完善京津冀创新生态圈的“重头戏”。今年7月,中国国家知识产权局与京津冀三地政府



签署《关于知识产权促进京津冀协同发展合作会商协议》,提出共同打造区域知识产权协同发展示范区,为推动京津冀成为全国知识产权支撑创新驱动发展的重要发展极打下坚实基础。

根据《协议》,中国国家知识产权局将与京津冀三地政府在严格知识产权保护、协同知识产权运用、共享知识产权服务资源等方面探索一系列新的合作机制。此次“一局三地”知识产权合作会商坚持“统筹发展、开放共享、互帮互促、合作共赢”的原则,统筹协调统一的知识产权制度环境和法规

政策体系,严格京津冀一体化知识产权保护,促进三省市创新要素自由合理流动,有效提升创新效率和收益,助推三省市产业合理布局,着力建设跨区域知识产权一体化保护样板区、知识产权协同运营引领区和知识产权引领产业高端发展先行区,推动京津冀成为知识产权强国建设的有力支撑点。

中国国家知识产权局有关负责人表示,推进京津冀协同发展,是国家着眼未来的一项重大战略。“一局三地”知识产权合作会商机制正式建立后,将着力通过发挥知识产权

在保护和激励创新、优化资源配置等方面的关键作用,促进生产要素在京津冀区域内的合理流动,优化京津冀区域内的产业布局,推动实现京津冀三地优势互补、良性互动、共赢发展。

数据显示,2016年上半年,京津冀在专利创造方面交出一份亮眼“成绩单”。上半年,北京市发明专利申请受理量为4.5369万件,居国内第3位,同比增长27.2%;天津市发明专利申请受理量达1.1555万件,同比增长33.0%;河北省发明专利申请受理量为6689件,同比增长34.26%。

Over 30,000 candidates vying for patent bar exam of China in 2016

2016年全国专利代理人资格考试报名通过人数逾3万人

The sign-up of National Patent Bar Exam of China in 2016 ended in 29th, July. By the end of the day, 33,098 candidates signed up on line. Of all the people signing up, 30,948 passed the sign-up review, with a year-on-year growth of 11.05%.

According to an official of SIPO,

6,057 passed the review in Beijing exam centre, ranking the first of the country, while Guangzhou ranked the second by 3,561 and Shanghai got 2,667. For the convenience of candidates, SIPO set more than one exam centre in some provinces for the first time.

The National Patent Bar Exam of China in 2016 will held on 5th and

6th in November. Centres in 27 cities will conduct the exam at the same time. It will be taken in computer-based exam, while candidates still have the right to choose paper-based exam.

本报讯 2016年全国专利代理人资格考试报名已于7月29日截止,网上报名人数为3.3098万人。经统

计核查结果显示,共有3.0948万人通过报名审核并按时足额缴纳报名费(下称报名人数),该人数较去年相比增长11.05%。

据中国国家知识产权局条法司相关负责人介绍,北京考点报名人数最多,达6057人,广州考点以3561人位列第二,上海考点报名人数为2667人。记者了解到,为了

便于考生参加考试,今年中国国家知识产权局在调整增加考点的同时,首次在同一省份设置多个考点。

据介绍,2016年全国专利代理人资格考试定于11月5日至6日在全国27个考点城市同步进行,此次考试采用计算机化考试方式,同时仍为不熟悉在计算机上进行文字处理的考生保留了执笔作答方式。(胡林阳)

Trademark dispute of “miaores” concluded

“妙而舒”在华展开商标维权

Kao Cooperation filed a request for invalidation against “妙兒舒 miaores” registered by BDPQ-baby, a Zhongshan-based cosmetics company to the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce of China, for the reason of using the approximate trademark to the registered trademark on similar commodities. After TRAB made a decision of invalidation in commodities of facial cleanser, Kao sued to Beijing Intellectual Property Court. The Court revoked the decision of TRAB, then BDPQ and TRAB appealed to Beijing Higher People's Court. Recently, the Higher Court made the final judgment to affirm the original judgment.

According to the judgement, No. 8871668 “妙兒舒 miaores” trademark was applied for register in November, 2010 by BDPQ, and was approved on Class 3 commodities of shampoo, facial cleanser, detergent, perfume, and toothpaste. Kao filed a request for in-

validation against it in July, 2014.

Kao owns No. 671765 “妙而舒” trademark, which was applied for register in October, 1992, and approved on Class 16 commodities of paper and celluloid diapers, stationery, and paintbrush.

In June, 2015, TRAB made a decision that the No. 8871668 “妙兒舒 miaores” trademark was invalid in facial cleanser, and remained valid in the other commodities. Kao then filed an administrative lawsuit to Beijing IPCourt.

The Court held that, the trademark in dispute was approximate trademark to the registered trademark on similar commodities of scouring agent, shoe polish, cosmetics, facial mask, perfume, and toothpaste. The decision made by TRAB had an negligence in considering all the factors of consumers confusion, and had erroneous in law application. Thus, the Court revoked the decision.

TRAB and BDPQ then appealed to Beijing Higher People's Court. The Court affirmed the original judgment. (by Mao Ligu)



因认为广东省中山市比德拜奇化妆品有限公司(下称比德拜奇公司)在香水等商品上申请注册的“妙兒舒 miaores”商标(下称诉争商标),与其在先申请注册的“妙而舒”商标构成使用在类似商品上的近似商标,花王株式会社针对诉争商标向国家

工商行政管理总局商标评审委员会(下称商评委)提出无效宣告请求,在商评委裁定诉争商标在洗面奶等商品上予以无效宣告,其余商品上予以维持后,花王株式会社向北知识产权法院提起行政诉讼。一审法院撤销商评委被诉裁定后,比德拜奇公司及商评委向北京市高级人民法院提起上诉。日前,二审法院针对该案作出终审判决,维持了一审原判。

据了解,该案诉争商标为第8871668号“妙兒舒 miaores”商标,由比德拜奇公司于2010年11月提出注册申请,后被核定使用在第3类洗发液、洗面奶、洗衣剂、香水、牙膏等商品上。针对诉争商标,花王株式会社于2014年7月向商评委提出无效宣告请求。

据了解,该案引证商标为第671765号“妙而舒”商标,申请注册时间为1992年10月,核定使用商品为第16类纸制和赛璐珞制的尿布、文具、画笔等,现商标权利人为花王株式会社。

2015年6月,商评委作出裁定,诉争商标在洗面奶等商品上予以无效宣告,在其他商品上予以维持。花王株式会社不服商评委被诉裁定,向北京知识产权法院提起行政诉讼。

一审法院经审理认为,诉争商标在去渍剂、鞋油、化妆品、美容面膜、香水、牙膏商品上与引证商标构成使用在类似商品上的近似商标。商评委在被诉裁定中仅将是否可能应用于婴幼儿使用作为判断是否构成类似商品的依据,未综合考虑可能导致消费者混淆的因素,适用法律错误,导致认定事实错误。据此,法院一审判决撤销商评委被诉裁定,并要求其重新作出裁定。

商评委及比德拜奇公司均不服原审判决,向北京市高级人民法院提起上诉,但二审法院并未支持两者的上诉主张,二审判决维持了一审原判。(毛立国)



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