

China's IP
in foreign eyes

China needs to avoid asset bubbles and support productive and innovative firms. Similarly, policies to promote continuous technological innovation and industrial upgrading can increase productivity. And measures that increase domestic research capacity - for example, by strengthening protection of intellectual property rights - can nurture innovation. (Containing China's Slowdown, by Project Syndicate)

中国需要大力支持创新型企业发展, 同时制定相应政策促进技术持续创新, 推动产业升级, 从而提高生产力。此外, 强化知识产权保护等方式也是提升研发能力、鼓励创新的有效途径。《抑制中国的经济下行》, 世界报业辛迪加)

Comment

Strengthening protection of intellectual property rights plays important role in building an innovation-oriented country. China should put more in protecting intellectual property rights and improving innovation capability, to contribute to innovation-oriented country construction.

观点

保护知识产权是建设创新型国家的重要内容。中国应进一步重视知识产权工作, 提升创新能力, 为建设创新型国家提供强有力支撑。



Some 40% of all the e-commerce in the world takes place in China, making an e-commerce strategy for that market almost obligatory for international brands. But one of the chronic challenges in China is the problem of counterfeits and intellectual property (IP) rights. There are indications of improvement in China IP protection, but the main source of optimism is the same as the historic reason for pessimism: the role of Alibaba, China's leading e-commerce company. (Alibaba Plays Pivotal Role In China's Intellectual Property Rights, Forbes)

全球约40%的电子商务交易发生在中国, 这使得中国市场必须为国际品牌的电子商务战略负起责任, 其中打击知识产权侵权行为正是中国面临的重要挑战。目前, 中国在知识产权保护方面取得了显著进展, 但在成绩背后仍需看到不足, 中国最大的电商阿里巴巴, 也应当成为打击知识产权侵权的关键角色。《阿里巴巴在中国知识产权保护中应扮演关键角色》, 福布斯)

Comment

In the past few years, more and more torts on IPR happened in e-commerce markets all over the world with the rapid development of e-commerce. For e-commerce giant like Alibaba, it is an obligation to enhance IP protection and make a health environment for e-commerce development.

观点

近年来, 以中国为代表的电子商务市场发展迅猛, 电子商务领域的知识产权侵权行为也随之增长。阿里巴巴等电子商务平台在成为世界电子商务领军者的同时, 也应进一步强化知识产权保护, 引领电子商务健康发展。(孙迪)

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China issues 13th Five-Year Plan on scientific and technological innovation

描绘未来五年科技创新发展蓝图, 强调加快建设知识产权强国

中国发布《“十三五”国家科技创新规划》

Recently, the 13th Five-Year Plan on national innovative development plan was issued by the State Council of China, depicting the scientific and technological innovation development of China in next five years. According to the plan, the comprehensive ability of innovation would rank the 15th place in the world. The S&T and innovation policy would continue improving. The IPR would be effectively protected. Among the major indexes, by 2020, the contributing percentage of science and technology would increase from 55.3% to 60%. The number of invention patent owned by per 10,000 heads would increase from 6.3 to 12, that of PCT filing would be doubled from the currently 30,500.

"It reflects the combination of S&T and economy and innovation, and pays extra attention to coordination in the whole process of innovation links," said Lv Wei, director general of Technological Economy Research Department of the State Council who engaged in the formulation of the plan. "The combination of S&T innovation and industrial development would conducive to the reform in each links of innovation. The innovation-related measure in the plan is not only a measure for S&T, but also includes a group of measures including economy, taxation, finance, trade, IP and standard-setting. The IP-



related measures would be highlighted in the plan." Lv adds.

Currently, innovation has become a power force for development. IP is playing an increasingly significant role in inspiring innovation. The plan stresses to implement IP strategy and accelerate to building China into an IP power house; improve the IP laws and regulations; aggravate punishment for the crime in IP infringement, improve compensation, conduct punishment compensation system and reduce safeguarding cost; improve enforcement mechanism for IP infringement,

strengthen the coordination between administrative enforcement and judicial protection, beef up IP comprehensive administrative enforcement; establish a green channel for patent examination; guide the market players to create and use IP; promote the commercialization of innovative achievements by building a IP interests share mechanism; implement IP management in central finance S&T plan, establish an IP evaluation system; build a multiple IP system for serving business and foster a group of brand IP services.

本报记者 王 宇

建设世界科技强国的号角已经吹响, 中国科技创新迎来了又一个充满希望的时代。近日, 中国国务院印发《“十三五”国家科技创新规划》(下称《规划》), 描绘了未来五年科技创新发展的蓝图。《规划》在“十三五”科技创新总体目标中明确, 国家综合创新能力世界排名进入前15位, 迈进创新型国家行列; 科技创新政策法规不断完善, 知识产权得到有效保护。在主要指标方面, 《规划》提出, 到2020年, 科技进步贡献率从55.3%提高到60%, 每万人口发明专利拥有量

从6.3件增加至12件, 通过《专利合作条约》(PCT)途径提交的国际专利申请量在3.05万件的基础上翻一番。

全程参与《规划》编制的国务院发展研究中心技术经济研究部部长吕薇表示, 这体现了科技与经济的结合, 科技与创新的结合, 突出整个创新链条全过程的相互衔接。“把科技创新与产业发展趋势结合, 有利于针对创新链条各个环节和问题进行改革。”吕薇认为, 《规划》中的创新政策, 不仅仅是科技政策, 还包括经济政策、财税政策、贸易政策、金融政策、知识产权和标准制定等一系列政策, 是一个政策包。其中, 知识产权政策更是亮点频出。

当前, 创新已成为引领发展的第一动力。知识产权作为激励创新的基本保障, 作用日益凸显。《规划》强调, 深入实施知识产权战略, 加快建设知识产权强国。完善知识产权法律法规, 加强知识产权保护, 加大对知识产权侵权行为的惩处力度, 提高侵权损害赔偿标准, 探索实施惩罚性赔偿制度, 降低维权成本。健全知识产权侵权查处机制, 强化行政执法与司法保护衔接, 加强知识产权综合行政执法。建立知识产权海外维权援助机制。建立专利审查绿色通道, 引导支持市场主体创造和运用知识产权, 以知识产权利益分享机制为纽带, 促进创新成果的知识产权化。实施中央财政科技计划(专项、基金等)的全流程知识产权管理, 建立知识产权目标评估制度。构建服务主体多元化的知识产权服务体系, 培育一批知识产权服务品牌机构。

Regulations on reducing patent fees to come into force on September 1st

《专利收费减缴办法》9月1日起实施

The regulations on Reducing Patent Fees jointly issued by the Ministry of Finance and National Development and Reform Commission would come into force on September 1st this year. According to the roughly calculation by the Ministry of Finance, the patent fee would be reduced by about 4.1 billion yuan every year after implementation of the opinion.

The regulations were formulated to implement the State Council's opin-

ions on accelerating building China into IP power house, better support the development of patent work and reduce the burden on companies and individuals. The regulations expand the body scope of subject, simplify the procedures, increase penalties, reiterated patent agencies and agents acted in accordance with professional ethics, which could meet the requirement for accelerating IP development and inspire public's enthusiasm of innovation.

In 2006, SIPO formulated regulations on reducing the rate of patent cost based on the former implementation regulations of Chinese patent law. Nearly 70% patent applicants or patentees enjoyed the above privileges. In 2015, a total of 3.5 billion yuan of patent fees were reduced.

(by Hu Shuyang)

本报讯 中国财政部、国家发展改革委日前联合印发《专利收费减缴办法》(下称《办法》), 自今年9月1日

起实施。据中国财政部初步测算, 《办法》实施后, 以后每年可减轻申请人或者专利权人负担约41亿元, 有利于促进专利流通。

据悉, 《专利收费减缴办法》的推出, 是为了贯彻落实国务院关于新形势下加快知识产权强国建设的若干意见有关要求, 更好地支持中国专利事业发展, 减轻企业和个人专利申请和维护负担。业内人士认为, 《专利收费减缴办法》明确了适用范围, 扩大了适用主体, 简化了办理手

续, 规定了更为严格的惩罚手段, 同时强调专利代理机构及代理人应遵守职业道德, 这些调整顺应了目前加快知识产权事业发展的新要求, 将进一步激发社会公众的创业创新热情。

据介绍, 2006年, 中国国家知识产权局根据专利法实施细则有关规定, 制定颁布了《专利费用减缓办法》。每年约有70%的中国专利申请人和专利权人享受了上述优惠。2015年, 其减缴金额约35亿元。

(胡殊阳)

Guangdong-based lighting company fails in trademark battle with Osram

欧特朗 VS 欧司朗: 一字之差引发商标纷争

The International lighting giant Osram Company recently filed an opposition to the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce as the 欧特朗 trademark filed by Guangdong-based Outelang Lighting Company constitute similarity to its 欧司朗 OSRAM trademark. After the registration of 欧特朗 trademark was denied by TRAB, the case was brought to Beijing IP Court. Recently, the court made the first-instance rule which maintained the decision made by TRAB.

The court held that the evidences provided by Osram could prove that there was certain relationship between 欧司朗 and OSRAM after long-term publication. In terms of character, the dispute 欧特朗 trademark is similar with 欧司朗. In terms of pronunciation, 欧特朗 was also closer with 欧司朗 and OSRAM. The trademark in dispute could constitute similarity

with 欧司朗 and OSRAM in character and pronunciation, which could cause confusion among the public when used in the same and similar products. The defendant could not provide enough evidences to distinguish 欧特朗 from 欧司朗 and OSRAM in lighting products. So ordered.

(by Mao Ligu)

因认为广东省中山市欧特朗电器照明有限公司(下称欧特朗公司)在路灯等商品上申请注册的“欧特朗”商标, 与其在先申请注册的“欧司朗 OSRAM”等商标, 构成使用在同一种或类似商品上的近似商标, 国际知名照明设备制造商德国欧司朗有限公司(下称欧司朗公司)提出商标异议申请。在国家工商行政管理总局商标评审委员会(下称商评委)裁定“欧特朗”商标不予核准注册后, 该案进入行政诉讼阶段。日前, 北京知识产权法院针对该案的被异议商标不予核准注册的裁定。

法院经审理认为, 根据欧司朗公

司提交的现有证据, 足以认定“欧司朗”与“OSRAM”经长期宣传与使用已形成较为固定的对应关系。从文字构成上看, 被异议商标“欧特朗”与引证商标“欧司朗”在文字构成上较为接近, 二者仅有一字之差; 从发音上看, 被异议商标“欧特朗”与引证商标“欧司朗”及“OSRAM”在呼叫上亦较为相近。就商标整体而言, 申请商标与各引证商标在文字构成、读音等方面较为近似, 足以认定被异议商标与各引证商标共存于同一种或类似商品上易使相关公众认为这些商品具有相同的来源或者其来源之间具有密切的联系, 从而对商品的来源产生混淆误认, 故二者已构成使用在同一种或类似商品上的近似商标。原告提交的现有证据不足以证明被异议商标使用在照明设备等商品上, 能够与上述引证商标相区分。

据此, 法院作出上述判决。(毛立国)

