



# High-level Conference on IP for Countries along the "Belt and Road" opens “一带一路”知识产权高级别会议在北京隆重开幕

On July 21, the High-level Conference on IP for Countries Along the "Belt and Road" jointly held by SIPO, SAIC, National Copyright Administration, Ministry of Commerce, Beijing Municipal Government and WIPO was initiated in Beijing. The China's State counselor Wang Yong, WIPO Director General Francis Gurry attended the event and gave a speech respectively.

SIPO Commissioner Shen Changyu, Malaysia Ministry of Domestic Trade, Cooperatives and Consumerism Secretary General Jamil Bin Salleh, H.E. GCC Assistance Secretary General for

Economic and Development Affairs Abullahjuma Al Shibli, delivered a speech on the theme of IP importance to Socio-economic development respectively.

The forum was themed of inclusiveness, development, cooperation and mutual benefit. It aimed to implement the proposals of Belt and Road Initiatives, share the experiences of regions and countries in facilitating innovation and economic development by relying on IPRs, step up cooperation in IPR development, infrastructure and improving IP awareness among the public, promote the initiatives in-

depth development, and realize the innovation development and prosperity among the countries. The conference would last for one and a half days, the representatives continued with discussions on such issues as importance of IPR for economic development, the important role of IPR strategy in achieving national development goals and fostering IPR international rules to develop in the direction of mutual benefits, inclusiveness and balance.

More than 300 representatives including 120 foreign guests from IPR authorities of 50 countries and regions along the Belt and Road, WIPO and

18 foreign Embassies in China, six UN agencies in China, together with 180 Chinese representatives from the member of IPR Inter-Ministerial conference of implementation of national IPR strategy, local IPR authorities, domestic enterprises, IPR agencies and academics attended the meeting.

(by Wang Kang/Sun Di)

本报讯 (记者王康 孙迪北京报道) 7月21日,由中国国家知识产权局、国家工商行政管理总局、国家版权局、商务部、北京市人民政府和世界知识产权组织(WIPO)联合主办的“一带一路”知识产权高级别会议在京举行。国务委员王勇、世界知

识产权组织总干事弗朗西斯·高锐出席会议开幕式并致辞。

会上,中国国家知识产权局局长申长雨、马来西亚内贸部长贾米尔·沙列、海湾阿拉伯国家合作委员会助理阿卜杜拉·阿尔·施卜里围绕知识产权对于经济社会发展的促进作用这一主题分别作了主旨发言。

此次会议的主题为“包容、发展、合作、共赢”。会议旨在落实“一带一路”重大倡议,分享“一带一路”沿线国家依托知识产权促进创新和经济发展经验,加强“一带一路”沿线国家在知识产权能力建设、基础设施和公众意识提升方面的合作,推动“一带一路”建设深入开展,促进沿线国家和地

区的创新发展与繁荣进步。会议为期一天半,与会代表将围绕知识产权对于经济社会发展的促进作用,知识产权战略在国家发展目标中的重要作用,推动知识产权国际规则朝着普惠、包容、平衡的方向发展等议题展开深入讨论。

来自“一带一路”沿线50个国家和地区的知识产权机构,世界知识产权组织和18个驻华使馆,6个联合国驻华机构的120余名外宾,以及来自国务院知识产权战略实施工作部际联席会议成员单位,地方知识产权系统,国内企业、代理机构及学术界的180余名中方代表等共300余人参加此次会议。



## Photo News

will exchange views on IPR international cooperation and regional innovation development.

7月21日,主题为“包容、发展、合作、共赢”的“一带一路”知识产权高级别会议在北京隆重举办。此次会议由中国国家知识产权局、国家工商行政管理总局、国家版权局、商务部、北京市人民政府和世界知识产权组织(WIPO)联合主办。与会各方齐聚一堂,共商知识产权国际合作大计,共话“一带一路”区域创新发展。

本报记者 蒋文杰 摄影报道

## China's IP in foreign eyes

China has become a strong innovator in areas such as consumer electronics and construction equipment. Every year it spends more than \$200 billion on research (second only to the United States), turns out close to 30,000 PhDs in science and engineering, and leads the world in patent applications (more than 820,000 in 2013).

中国在电子消费品领域和建筑设备等领域已成为一个强有力的创新主体。其每年在研发方面投入超过2000亿美元,在全世界范围内仅次于美国;每年培养近3万名理工科博士;2013年,中国专利申请量超过82万件,自那时起,中国始终居全球首位。(衡量中国的创新力量,麦肯锡季刊)

Comment: Following the existing technology and knowledge around the world for decades, China has been generally turning into a world innovation leader. To be a long-last champion, China shall seek more method to absorbing innovation strength. Improving patents quality more than quantity

## might be a bright way.

长期以来,中国始终追随世界尖端科技的发展方向,并逐渐成长为全球创新的领导者。要想长久保持这种领先态势,中国应探索更多的发展途径,发掘创新源泉。提升专利申请质量无疑是其必由之路。



China has entered a new era. A new generation of entrepreneurs defined by their youth and exponential growth nature has generated new energy and vigor into the country. Of course, in the process of innovation and entrepreneurial pursuits, only a few would succeed or succeed at the first try. But as long as these entrepreneurs do not break laws or defraud consumers, China's society now allows and welcomes trials and errors. This era — the era of China's entrepreneurs —

## is bringing forth real ground breaking times in China's long history.

中国已经进入了大众创业、万众创新的时代,新生代企业家们正在为这个国度注入新的活力。当然,初次创业创新总难免遭遇坎坷,但中国社会正敞开怀抱欢迎他们试错。这是属于企业家的新时代,将为拥有悠久历史的中国开创新纪元。(是什么驱动中国创新? 福布斯)

Comment: Innovation cannot be achieved merely by entrepreneurs themselves. It depends on the strength of the whole society. The campaign of mass entrepreneurship and innovation policy of China is to put in place a platform for everybody, and to create a broad space for crowd funding, crowd innovation and crowd sourcing. China is now facing the spring of innovation.

点评: 创业创新不能只靠创业者,而是需要依靠社会大众共同努力。中国正积极营造包容创新的创业环境,为创业者提供更广阔的平台,使众筹、众创、众包等有活跃的施展空间。可以看到,大众创业、万众创新的春天已经到来。(孙迪)

## EXPRESS

# Zippo fails in applying 3D trademark in China 美国之宝申请打火机立体商标终被驳

Zippo Manufacturing Company intends to file for registration of 3D lighter trademark in China, but it was rejected by the Trademark Office (TMO) under the State Administration for Industry and Commerce (SAIC) after preliminary examination. Recently, Beijing Higher People's Court made the final decision which maintained the verdict of first instance by upholding the ruling of the Trademark Review and Adjudication Board (TRAB).

On December 5, 2001, Zippo Manufacturing Company applied for registration of No.3031816 trademark to TMO. The trademark involved was a 3D image certified to be used on Class 34 cigarette lighters commodities. After preliminary examination announcement, a Wenzhou based compa-

ny Hengxing smoking and optical utensil and Wenzhou Smoking Utensil Association separately submitted objection requisition. Then the TMO made a decision to reject the application for the trademark didn't conform to China's trademark law.

Both Hengxing and Zippo were not satisfied with the decision and requested a review to the TRAB under SAIC. On November 11, 2013, TRAB made a decision to reject the trademark application. Zippo then filed a lawsuit against TRAB to Beijing No.1 Intermediate People's Court.

The court held that, the image of the trademark involved was not the only shape of the smoke lighters in the market; while the square box, upper cover, hinge and rounded angles were shapes "existing for achieving techni-

cal effect of the goods or enabling the goods to keep substantive value" according to the trademark law. Thus, the Court held that the image of the involved trademark didn't conform to the trademark law and rejected Zippo's lawsuit.

The disgruntled Zippo then brought the case to Beijing Higher People's Court.

After hearing, Beijing Higher People's court made the final decision to maintain the rule made by Beijing No.1 Intermediate People's Court.

本报讯 美国之宝公司意欲在中国申请打火机立体商标,但该商标初审公告后经异议程序被裁定不予注册,之宝公司因此提起行政诉讼。近日,北京市高级人民法院对这起商标异议行政案作出终审判决,维持了

此前北京市第一中级人民法院作出的一审判决,即国家工商行政管理总局商标评审委员会(下称商标评审委员会)作出的该商标不予注册的裁定正确。

美国之宝公司是全球知名的打火机生产企业。2001年12月5日,美国之宝公司向国家工商行政管理总局商标局(下称商标局)申请注册三维标志商标,申请注册号为3031816(下称涉案商标),指定使用在第34类吸烟用打火机上。涉案商标初审公告后,温州市恒星烟具眼镜有限公司(下称恒星公司)、温州烟具行业协会(下称烟具协会)分别向商标局提出异议申请。商标局于2011年6月29日作出裁定,认为涉案商标在指定使用的“吸烟用打火机”商品上仅表示商品自身性质产生的形状,属于2001年修正的中国商标法规定的不得注册的情形。

美国之宝公司和恒星公司均不服该裁定,向商标评审委员会申请复审。2013年11月11日,商标评审委员会作出裁定,裁定涉案商标不予核准注册。美国之宝公司不服上述裁定,向北京一中院提起行政诉讼。

北京一中院经审理,认为涉案商标为打火机三维标志,目前市场上打火机的形状千差万别,显然涉案商标形状并非打火机商品必须采用的形状。但是,方盒设计便于携带,上盖存在有利于安全,铰链连接实现单手操作的方便性,圆角及微拱实现了按压时的舒适、避免刮蹭,属于“为获得技术效果而需有的商品形状”,不应被允许注册为商标。判决驳回美国之宝公司的诉讼请求。

美国之宝公司不服,又向北京高院提起了上诉。北京高院经审理,于近日作出终



审判决,维持了北京一中院的判决结果,驳回了美国之宝公司的诉讼请求。(祝文明)

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