

NUMBERS

2,223

According to statistics, from January to May in 2016, the library of Intellectual Property Patent Document Department under SIPO received a total of 518 consultation, received 325 retrieval tasks entrusted by clients, and provided 2,223 patent documents, and held public lectures for a total of 1,293 public visitors.

2223 件

据统计,2016年1月至5月,中国国家知识产权局专利文献部知识产权图书馆共受理咨询518条,受理委托检索任务325人次,提供专利文献2223件,公益讲座累计培训社会公众1293人次。

92.36%

In May 2016, the monthly rate of E-filing was 92.36%, and that of 16 provinces and cities including Fujian, Sichuan was higher than 90%, with other 8 provinces between 85% and 89.99%.

92.36%

2016年5月,中国月电子申请率为92.36%,其中福建、四川、安徽、云南、江苏、上海、天津、贵州等16个省、市月电子申请率高于90%,有8个省、区的电子申请率在85%至89.99%之间。

8,597

Recently, the 2016 China Innovation and Entrepreneurship Contest themed "Entrepreneurship in Shanghai" was started. According to statistics, a total of 8,597 companies and teams applied for the contest.

8597 家

近日,“创业在上海”2016中国创新创业大赛启动。据统计,此次大赛共有8597家企业和团队报名参赛,比去年翻了一番。

1.36 billion euros

Recently, Nokia announced the signing of one-year framework agreement worth 1.36 billion euros with China Mobile Communication Corp. Nokia will help China Mobile to achieve its network transformation to a flexible cloud network infrastructure.

13.6 亿欧元

日前,诺基亚宣布与中国移动公司签署价值13.6亿欧元的1年期框架协议,诺基亚将帮助中国移动实现其网络向灵活云网络基础设施的迁移。

12,000

Relying on Internet technology with self-owned IP, Hisense Group realized the intelligent manufacturing. Up to now, Hisense Group has filed 12,000 patent applications at home and abroad.

1.2 万件

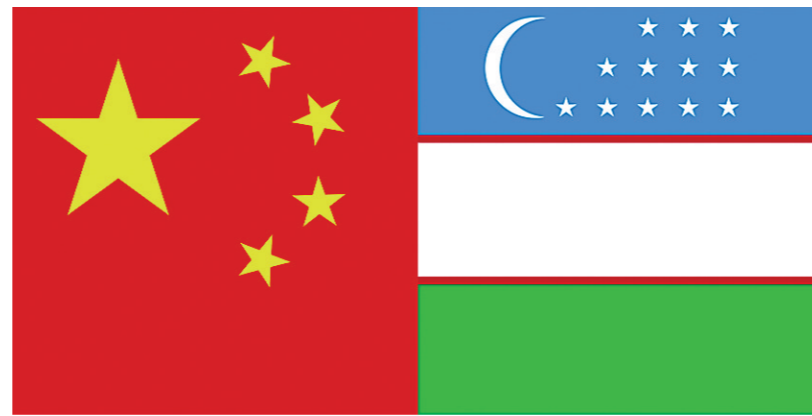
海信集团依托自主知识产权的互联网技术,实现了生产智能化。截至目前,海信集团已提交国内外专利申请超过1.2万件。

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## China, Uzbekistan vow to beef up IPR protection 中乌两国签署政府间知识产权保护合作协定

At local time on June 22, under the witness of Chinese President Xi Jinping and President of Uzbekistan Islam Abduganiyevich Karimov, the Intellectual Property Protection Cooperation Agreement between the government of the People's Republic of China and the Republic of Uzbekistan was signed in Tashkent, Uzbekistan. State Intellectual Property Office of China(SIPO) Commissioner Shen Changyu and Uzbekistan Foreign Affairs Minister Kamilov signed the agreement as representatives of both governments. This marked the cooperation relations between the two governments was formally established.

The agreement noted that, the two governments recognize that an effective protection of intellectual property is important to the development of bilateral mutually beneficial cooperation in economy, education, science and technology and cultural fields. In order to create favorable conditions for such cooperation, both governments decided to develop the intellectual property protection cooperation under the principle of equality and mutual benefit. The agreement confirmed that, two governments would provide mutual effective intellectual



### 知识产权保护合作

property protection in accordance with their national laws and international treaties of joint participation, and the cooperation will be conducted in the following fields: coordination of issues related to protection and use of intellectual property; improvement and the exchange on legal information of intellectual property protection and information of relevant development strategies; exchange of experiences of taking measures in the protection of intellectual property; exchange in the field of intellectual property training materials, training

methodologies and thematic materials; carry out personnel training in the field of intellectual property and exchange relevant work experiences; exchange of experiences in international cooperation and information and implementation of relevant multilateral international treaties on protecting intellectual property of their respective participation; jointly organize seminars and other meetings on issues related to the protection of intellectual property and organize exhibitions; cooperation in other fields and so on.

In the afternoon on June 22, during

the talk between Shen Changyu, SIPO Commissioner, and Maksoud, the Uzbekistan Intellectual Property Bureau Acting Director, both sides agreed that the signing of cooperation agreements between the two governments mean significant to intellectual property protection of both countries. Both sides will strengthen cooperation, earnestly implement the important consensus reached by leaders of the two countries and the content of cooperation agreement between the two governments to protect intellectual property, to push forward deep Sino-Ukrainian cooperation in the field of intellectual property protection, to provide strong support for the development of bilateral relations.

(by Zhang Yaning)

本报讯 当地时间6月22日,在中国国家主席习近平和乌兹别克斯坦总统卡里莫夫的共同见证下,《中华人民共和国政府与乌兹别克斯坦共和国政府知识产权保护合作协定》在乌兹别克斯坦首都塔什干正式签署。中国国家知识产权局局长申长雨和乌兹别克斯坦外交部副部长卡米洛夫代表双方政府签字。该协定的签署标志着中乌两国政府间知识产权合作关系正式建立。

协定指出,中乌两国政府认识到有效的知识产权保护对于发展两国

经济、教育、科技和文化领域的互利合作的重要性,本着为这种合作创造良好条件,决定在平等互利原则的基础上开展知识产权保护合作。协定明确,双方将根据各自国家法律及共同参加的国际条约,相互提供有效的知识产权保护,并将在以下领域开展合作:协调与知识产权保护和权利行使有关的问题;交流完善知识产权保护的法律信息和制定相关发展战略的信息;交流在知识产权保护方面采取措施所取得的经验;交流在知识产权领域的培训教材、培训方法和专题材料;开展知识产权领域的人才培养和培训,交流相关工作经验;交流国际合作的经验和各自参加的有关保护知识产权多边国际条约的信息及其执行情况;就有关知识产权保护问题共同举办研讨会及其他会议,举办展览会;其他领域的合作等。

在6月22日下午举行的中国国家知识产权局局长申长雨和乌兹别克斯坦知识产权署代理署长马克苏德·波波加诺夫的会谈中,双方一致表示,两国政府间知识产权保护合作协定的签署意义重大。双方将加强合作,认真落实两国元首达成的重要共识和两国政府间知识产权保护合作协定的各项内容,推动中乌两国知识产权领域合作深入开展,为两国关系发展提供有力支撑。

(张亚宁)

## China has identified 131 national IP protection standardization cultivating markets 中国已确定131家国家级知识产权保护规范化培育市场

Recently, SIPO issued "The Notice on Identifying the Third Group of National Intellectual Property Protection Standardization Cultivating Market and the Start-up Work of Cultivating Market". The notice identified 28 markets as cultivating market including Redstar Macalline Expo (Tianjin) Household Square Limited Company. So far, China has identified 131 national intellectual property protection standardization cultivating markets during more than two years, and intellectual property protection of the professional market saw initial success.

It is reported that cultivating period of the identified 28 cultivating markets, is from June 2016 to June 2018. SIPO will focus on the guidance of rules and regulations establishment on intellectual property protection in the relevant markets, to enhance intellectual property protection awareness and ability of the market.

According to reports, in 2013, "SIPO's notice on carry out the IP protection in professional markets" was issued to launch a nationwide IP protection in professional market. In March 2014, based on the conclusion of the pre-pilot experience, SIPO launched

the nationwide standardization of intellectual property protection in market.

Some officials from Protection and Coordination Division under SIPO said, a good intellectual property protection of the professional market could cut off the centralized distribution channels of counterfeit goods. This would be an important influence on guiding independent innovation of SMEs and promoting industrial upgrading and development.

(by Cui Jingsi)

本报讯 日前,中国国家知识产权局印发了《关于确定第三批国家级

知识产权保护规范化培育市场并启动培育工作的通知》,审核确定了红星美凯龙世博(天津)家居生活广场有限公司等28家市场为第三批国家级知识产权保护规范化培育市场。至此,中国已在两年多的时间里确定了131家国家级知识产权保护规范化培育市场,专业市场的知识产权保护工作初见成效。

据了解,此次确定的28家第三批国家级知识产权保护规范化培育市场,培育期限为2016年6月至2018年6月。中国国家知识产权局将重点指导相关市场建立完善知识产权保护规章制度,提升市场知识产权保护意识和能力。

据介绍,2013年,《国家知识产权局关于开展专业市场知识产权保护工作的通知》印发,在全国范围内开展了专业市场知识产权保护工作。2014年3月,在总结前期试点工作经验的基础上,中国国家知识产权局在全国范围内启动了知识产权保护规范化市场培育工作,使专业市场的知识产权保护向纵深发展。

国家知识产权局保护协调司有关负责人表示,做好专业市场的知识产权保护工作,可以切断假冒伪劣商品的集中流通渠道。这对于引导中小企业自主创新,推动产业升级发展具有重要影响。

(崔静思)



## Olanzapine patent dispute was settled in China 奥氮平发明专利案尘埃落定

June 16, the Supreme People's Court of PRC made the final judgement on the case: Watson Pharmaceutical(Changzhou) Co., Ltd. (hereinafter referred to as "Watson Pharmaceuticals") patented technology program Olanzapine invention does not fall into the scope of the patent claims by the US pharmaceutical company Eli Lilly Company (hereinafter referred to as Eli Lilly) and revoked the first instance verdict, dismissed the other claims Eli Lilly submitted. So far, this case causing widespread concerned pharmaceutical patent dispute was finally ended.

It is reported that, in 2003, the intellectual property disputes between two companies occurred. On September 29, 2003, Eli Lilly filed a lawsuit to Nanjing Intermediate People's Court against Watson Pharmaceuticals for it using Eli Lilly's patented Olanzapine

production technology (patent number: ZL91103346.7), which constituted infringement, and asked for ceasing infringement and compensation for economic losses. After hearing, the court held that Eli Lilly's alleged infringement was established, Watson Pharmaceuticals need to stop infringement and pay Eli Lilly \$ 500,000 for losses.

10 years later, on July 15, 2013, Eli Lilly accused Watson Pharmaceuticals to Jiangsu Higher People's Court. Jiangsu Higher People's Court held that, in the case, Watson Pharmaceuticals claimed, since 2003, it has been using its technology supplementally identified in 2008, contradictory to the statements in its previous case using the technology supplementally identified in 2003, and both technologies did not see a substantive change. Furthermore, and the first technology

identified in 2003 is not feasible. Therefore, non-infringement defenses by Watson Pharmaceuticals was not satisfied, and the court ordered Watson Pharmaceuticals \$3.5 million compensation to Eli Lilly. Both Eli Lilly and Watson Pharmaceuticals refused to accept the verdict of Jiangsu Higher People's Court and then appealed to the Supreme Court.

On June 16 this year, According to the above, the China Supreme People's Court made the final judgment according to the law, revoking the verdict by Jiangsu People's Court and dismissing the other claims submitted by Eli Lilly.

(by Jiang Xu)

6月16日,中国最高人民法院对奥氮平发明专利案作出终审判决:中国江苏常州华生制药有限公司(下称华生制药)奥氮平发明专利技术方案未落入美国制药企业礼来公司(下称礼来公司)专利的权利要求保护范围,

撤销一审判决,驳回礼来公司的其他诉讼请求。至此,这起受到广泛关注的医药专利纠纷案终于画上句号。

据了解,2003年,上述两家企业首次发生知识产权纠纷。2003年9月29日,礼来公司因认为华生制药使用了其拥有发明专利的奥氮平生产工艺(专利号:ZL91103346.7),已构成侵权,遂向中国南京市中级人民法院提起诉讼,要求停止侵权并赔偿经济损失。法院经审理后认定礼来公司的侵权指控成立,华生制药需停止侵权并赔偿礼来公司50万元。

10年后,2013年7月15日,礼来公司又将华生制药诉至中国江苏省高级人民法院。关于华生制药是否构成侵权,江苏省高级人民法院认为,华生制药在该案中主张,自2003年起,其一直使用2008年补充报备生产工艺生产涉案产品,这与在前案中表述一直使用2003年备案工艺进行生产的陈述存在矛盾,且2008年补充报备工艺未对2003年备



案工艺作实质性变更,而前案中经鉴定,2003年备案工艺不可行。因此,华生制药的不侵权抗辩不成立,法院判令华生制药赔偿礼来公司350万元。礼来公司、华生制药均不服判决,向最高人民法院提起上诉。

今年6月16日,根据以上原因,最高人民法院依法作出终审判决,撤销江苏省高级人民法院的判决,驳回礼来公司的诉讼请求。

(姜旭)