

China's IP in foreign eyes

China will have evolved from an "innovation sponge", absorbing and adapting existing technology and knowledge from around the world, into a global innovation leader. To date, when we have evaluated how well Chinese companies commercialize new ideas and use them to raise market share and profits and to compete around the world, the picture has been decidedly mixed. China has become a strong innovator in areas such as consumer electronics and construction equipment. (Gauging the strength of Chinese innovation, McKinsey Quarterly)

一直以来,中国学习吸收着世界各地的先进技术和知识。历经多年的积淀,这个国家正在成为全球创新领导者。时至今日,当我们评估中国企业将创新成果市场化运用的能力时,看到的是一个多面的形象。中国在消费电子和建筑设备领域已成为强有力的创新主体。(衡量中国的创新性,麦肯锡季刊)

Comment:

The extent and speed of China's advances in innovation will have significant implications for the country's growth. Multinationals and Chinese companies are now using China as an R&D base for global innovation. A more innovative China ought to be good for a global economy that seeks new sources of growth.

点评:

中国的创新速度与日俱增,为这个国家日新月异的发展添上了浓墨重彩的一笔。无论对于跨国公司还是中国企业而言,中国都为全球创新研发奠定了坚实的基础。这个创新型国家将为世界经济的发展开辟新的动力之源。



As customers became more discriminating, entrepreneurs learned to move from imitation to incremental innovation, improving their products and their processes. The "fit for purpose" pattern represents innovation driven by market necessity. But many Chinese companies have chosen a more ambitious route of innovation by choice: innovation that drives the market rather than being driven by the market. (The "Three Phases" Of Chinese Innovation, by Forbes)

随着市场的要求越来越高,中国的企业由最初的模仿逐渐向创新转型。越来越多的企业为适应市场需求而开始创新。但许多中国企业已经走上了一条更为远大的道路——从市场驱动创新,走向创新驱动发展。(中国创新的“三步走”,《福布斯》)

Comment:

From copying to incremental innovation, then from followers to world standard, it has been fascinating to watch China's transformation over the past decades. It will be even more fascinating for the whole world to see China being a world innovative country and a global scientific core in 2050.

点评:

从亦步亦趋到逐渐创新,从追随者到世界创新标杆,过去的几十年间,中国的转型发展取得了令人瞩目的成就。而中国到2050年建成世界科技创新强国,成为世界主要科学中心和创新高地的远景目标,更是令全世界拭目以待。

(孙迪)

Huawei sues Samsung for patent infringement

华为公司在中美两国起诉三星公司,要求其停止未获得专利许可情况下的侵权行为——

华为诉三星:明争诉讼 暗斗许可

On May 25, Chinese tech giant Huawei filed patent infringement lawsuits against South Korean mobile phone rival Samsung in China and the United States. Huawei requested Samsung to respect its intellectual property, stop infringing its patents and compensate accordingly.

Samsung responded in a statement saying "We will thoroughly review the complaint and take appropriate action to defend Samsung's business interests."

According to the indictment filed by Huawei in the U.S, Samsung has violated 11 U.S patents it holds related to LTE and 2G and 3G technology.

Liwenyu, director of intellectual property center of China Academy of Telecommunication Research (CATR), who analyzed the above-mentioned 11 patents said in an interview with CIP News, "these patents are filed from 2011 to 2014 and are granted successively. They cover core network, physical layer and high-level signaling processing of LTE technology and most of them are related to 3GPP Rel-8 of LTE. It is worth noting that the 11 patents have over 300 cognate applications covering more than 100 countries and regions."

As a late-comer in smartphone market, why Huawei launched an attack on Samsung whose market share topped the world? We may find the answer in the reply by Huawei to CIP News, "We hope Samsung will stop infringing our patents and get the necessary licence from Huawei, and work together with Huawei to jointly drive the industry forward. Litigation



is a legal remedy to solve IP disputes and we hope to work with Samsung to find a better solution."

"What is behind litigation is business and what is behind the case is interest. On the world map featuring smartphone market share and patent layout, although Huawei has been already among top 3, there is still a gap between Huawei and other leading companies such as Samsung and Apple," said Taoxinliang, dean of school of IP at Shanghai University. He indicated that at the backdrop of signing cross-licensing agreements with Apple, Huawei hopes to sign similar agreements with Samsung and overtake it in sales volume of products.

Samsung made a quick response to Huawei's litigation. What strategy it will take attracts the industry's wide attention. What would Huawei be responded if Samsung countercharge?

Liwenyu analyzed the possible strategy that Samsung will adopt. "Samsung may file request for patent invalidation on patents involved in the case and file patent infringement lawsuits in the U.S and South Korea. Moreover, Samsung will likely reach cross-licensing agreements with Huawei based on its own standard essential patents in a bid to pay less or no li-

cence fees." He added, the two sides will possibly sue each other with unfair competition and abuse of market dominant position.

From Samsung's response, there is big chance for it to launch patent infringement litigation against Huawei. Taoxinliang suggested that Huawei handle the patent case in a quick manner in order to reach cross-licensing agreements with its rival. However, the patent wars between them will last for a long time. Huawei should adopt corresponding litigation strategies according to the rival's response.

"In terms of the high-tech smartphone industry, patent litigation is a planned, organized and large-scale business practice across countries and regions. The intention of patent litigation is not to charge only one company for patent license fees." Liwenyu believed when Chinese companies become larger in scale and more competent in IP, they will seek to get a reasonable return through IP license.

(by Feng Fei)

本报记者 冯飞

5月25日,华为技术有限公司在中国和美国同时针对三星公司提起专利侵权诉讼(本报于2016年5月27日第1版曾作相关报道),要求三

星公司尊重华为公司的知识产权,停止未获得专利许可情况下的专利侵权行为,并就专利侵权行为进行赔偿。

对此,三星公司很快作出了回应,其发表声明称,将对华为公司提起的专利侵权诉讼展开辩护,同时对诉讼进行彻底评估,并将采取适当行动,维护三星公司的商业利益。

据华为公司在美国提交的起诉书显示,华为公司声称三星公司侵犯了其11件美国专利的专利权,这11件专利的技术内容涉及LTE技术和2G、3G技术。

中国信息通信研究院知识产权中心主任李文宇对上述11件专利进行了分析,他在接受本报记者采访时介绍:"这11件美国专利的申请日期大都在2011年至2014年之间,并先后获得授权。专利技术内容覆盖LTE技术的核心网、物理层及高层信令,且大部分专利与LTE基础版本3GPP Rel-8相关。值得注意的是,这11件专利有300多件同族专利,覆盖全球100多个国家和地区。"

作为智能手机市场的后来者,华为公司向全球智能手机市场份额排名第一的三星公司提起诉讼?从华为公司发送给本报记者的回复中,我们也许能找到答案:"华为公司希望三星公司停止未获得专利许可情况下的专利侵权行为,以积极合作的态度与华为公司一起推动产业进步。诉讼是解决知识产权争议的法律救济手段,我们期待能和三星公司找到更好的解决办法。"

"诉讼背后是商业,案件背后是利益。在智能手机市场份额和专利布局的'世界地图'上,华为公司虽然已位居三甲,但与三星公司和苹果公司相比,华为公司的整体实力还有一定差距。"上海大学知识产权学院院长陶鑫良在接受本报记者采访

时表示,在与苹果公司签署专利交叉许可协议的大背景下,华为公司发起此次诉讼的最终目的不仅是欲与三星公司签署专利交叉许可协议,还存在着从产品销量方面赶超三星公司的考虑。

对于华为公司的诉讼,三星公司很快作出了回应,其将采取哪种应对策略受到了业界的广泛关注。如果三星公司反诉,华为公司又将如何应对?

李文宇针对三星公司有可能采取的应对策略进行了分析。"三星公司可能会对华为公司的涉案专利提起专利权无效宣告请求,并在美国、韩国等国家,向华为公司提起专利侵权诉讼。此外,三星公司为了达到缴纳较低甚至不缴纳专利许可费的目的,还有可能就自身拥有的标准必要专利与华为公司签署专利交叉许可协议。"李文宇向本报记者介绍,今后,双方还可能指控对方存在不正当竞争行为、滥用市场支配地位等,使对方面临反垄断调查。

从三星公司的回应来看,其向华为公司发起专利侵权诉讼的可能性很大。对此,陶鑫良建议,对于华为公司而言,专利诉讼应速战速决,以达到与对方签署专利交叉许可协议的目的。但双方之间的"专利战"可能会旷日持久,对此,华为公司应当与时俱进,根据对方的应对措施采取相应的诉讼策略。

"对于科技含量较高的智能手机产业来说,专利诉讼是一种具有计划性、规模性、组织性、继承性以及跨国家和地区的商业行为。华为公司发起此次专利诉讼的目的肯定不是停留在向三星公司一家企业收取专利许可费。"李文宇表示,随着中国企业规模不断壮大和知识产权实力不断增强,创新型企业都会考虑通过知识产权许可获得合理回报。

China's State Council underscores coordinated development between manufacturing and the Internet

中国深化制造业与互联网融合发展指导意见印发

加强知识产权运营 推广知识产权质押

Guidance on how to boost the coordinated development between manufacturing and the Internet was released recently by the State Council. The guidance put forward in its guarantee measures that perfection of integrated development mechanism in the course of coordinated development between manufacturing and the Internet. It also calls for improving related laws and regulations and building a rational, coherent and sustainable IP operation and ser-

vice network centering on IP protection of new business models.

According to the guidance, the tax and financial policies supporting coordinated development of manufacturing and the Internet should be improved, IP pledging should be further promoted and the guarantee should be innovated. Meanwhile, efforts should be made to enhance international cooperation and exchange, improve the capability and level of "bringing in", make full use of innovation resources

including global talents, technology and IP, and learn international advanced mode of operation and management to boost the coordinated development between manufacturing and the Internet.

(by Cui Jingsi)

本报讯 日前,国务院印发指导意见深化制造业与互联网融合发展。该指导意见在保障措施中提出,在深化制造业与互联网融合发展的过程中,要完善融合发展体制机制,其中要围绕新商业模式知识



产权保护需求,完善相关政策法规,建设结构合理、层次分明、可持续发展的知识产权运营服务网络。

此次出台的指导意见同时提出,要完善支持制造业与互联网融合发展的税收和金融政策,进一步推广知识产权质押,创新担保方式,积极探索多样化的信贷风险分担机制。同

时,指导意见还强调,要推动融合发展国际交流合作,提升"引进来"的能力和水平,利用全球人才、技术、知识产权等创新资源,学习国际先进经营管理模式,支持和促进我国制造业与互联网融合发展。

(崔静思)

Beijing

Recently China's General Office of the State Council issued several opinions on promoting development of cultural and creative products made by culture and relics units. According to the opinions, culture and relic units should enhance awareness of brand cultivation and improve the creation, utilization, protection and administration of IPRs.

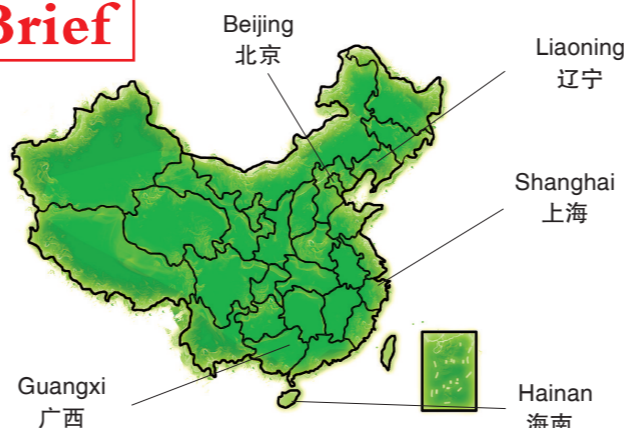
北京

日前,中国国务院办公厅转发了文化部等部门《关于推动文化文物单位文化创意产品开发若干意见》。该意见提出要加强文化创意品牌建设和保护,促进文化文物单位等提升品牌培育意识以及知识产权创造、运用、保护和管理能力。

Shanghai

The General Affairs Office of

IP Brief



Shanghai IP Joint Conference hosted a training course on IP protection of "Disney Land". Some 120 representatives from Shanghai governments at municipal and district levels attended the training.

上海

近日,上海市知识产权联席会议

办公室组织举办了上海"迪士尼"知识产权保护培训班,来自上海市、区两级相关单位代表120余人参加了培训。

Liaoning

Liaoning Provincial Higher People's Court promulgated a report on judicial IP protection in 2015. In

2015, all courts in Liaoning accepted 1,349 IP civil cases of first and second instances, a decrease of 110 over 2014.

辽宁

日前,辽宁省高院发布了2015年辽宁法院知识产权司法保护工作情况。据了解,2015年,辽宁法院受理一、二审民事知识产权案件1349件,比2014年减少110件。

Guangxi

Guangxi Zhuang Autonomous Region Intellectual Property Office recently issued a guidance to comprehensively improve the quality of patent application and promote patent transfer and utilization.

广西

近日,为全面提升专利申请质量,促进专利转化运用,广西壮族自治区知识产权局制定出台了《关于全面提升专利申请质量促进专利转化

运用的指导意见》。

Hainan

The 2016 Conference on Hainan Science and Technology Entrepreneurship and Innovation Development was held in Sanya, Hainan province. The conference aimed to build an exchange platform for scientific research institutions and technology transaction agencies.

海南

近日,"2016年海南科技创业创新发展大会"在海南省三亚市举行。此次大会旨在为科研院所、技术交易机构搭建对接交流平台。

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