

NUMBERS

8
As of now, the Supreme People's Court of China published 56 guide cases, 8 of which were intellectual property cases.

8件
截至目前,中国最高人民法院共发布了56件指导性案例,其中知识产权指导性案例8件。

100,000
During the 12th Five-Year Plan period, 1,941 universities and colleges and 1,373 scientific research institution registered 100,000 their copyright.

10万件
“十二五”期间,中国共有1941所大专院校和1373家科研院所进行了软件著作权登记,两类著作权人共登记软件著作权10万件。

11,531
During the recent 10 years, 11,531 projects were received by Beijing Invention and Innovation Competition. Over 5,000 of the projects were patent projects, within the scope of electronic information, energy environment and biological medicine.

1.1531万项
10年来,北京发明创新大赛共收到参赛项目1.1531万项,其中专利项目5000余项,项目领域涉及电子信息、能源环境、生物医药等。

5,400
In 2015, 5,400 intellectual property cases were dealt by Chongqing executive branches. Chongqing has destroyed 109 crime dens, and 750 million yuan were involved.

5,972
In 2015, Guangdong Industrial and Commercial system dealt with 5,972 counterfeiting or infringing cases, involving 92.3253 million yuan, fined of 54.53 million yuan.

5972宗
2015年,广东省工商系统共立案查处侵权假冒案件5972宗,案值9232.53万元,罚款8453万元。

6,453
During the 12th Five-Year Plan period, Yunnan dealt with 6,453 counterfeiting or infringing cases, with a value of 88.5075 million yuan.

6453件
“十二五”期间,云南省工商和市场监管部门共立案查处商标侵权假冒案件6453件,案值8850.76万元。

3,531
Recently, Sichuan published a white paper of Judicial Protection of Intellectual Property Rights in Sichuan. According to the white paper, in 2015, courts in Sichuan accepted 3,531 intellectual property cases, and 3,196 of them were closed.

3531件
近日,《2015年四川法院知识产权司法保护状况》白皮书发布。据介绍,2015年,四川省各级法院共受理各类知识产权案件3531件,审结3196件。

SIPO released regulations to promote patent law enforcement

《专利侵权行为认定指南(试行)》等规范性文件印发

加强行政执法制度建设 营造严格保护法治环境

Recently, State Intellectual Property Office(SIPO) issued three regulations to promote China's patent law enforcement, which were Guide of Determining Patent Tort, Evident Rule on Patent Administrative Enforcement, and Guide on Patent Disputes Administration Mediation.

According to a formal interview from an official of SIPO, locality intellectual property offices aim to mediate with patent tort disputes, mediate with other patent disputes and investigate counterfeit patents in accordance with Patent Law and its Enforcement Regulation. In recent years, with the whole IP system's strength against counterfeit and patent infringement case increasing and the handling quantity presents a fast growth momentum, locality intellectual property offices has been facing more and more problems for patent infringement determination, administrative enforcement standard of patent disputes, and application of rules of evidence in administrative mediation.



Relevant applicable laws are found in administrative procedure law, the law on administrative punishments, other relevant judicial explanation related rules, and administrative response. According to the official, it needs a unified guidance of normative documents.

Therefore, in recent years, SIPO carried out investigations and studies, asked for demand, comments and suggestions from locality intellectual property office, departments under SIPO and social sectors, summarize suitable rules and detailed regulations for patent administrative law enforcement, extract the easy and fast advantages of administrative law enforcement. Thus becomes Guide on Determining Patent Tort, Evident Rule of Patent Administrative Enforcement, and Guide on Patent Disputes Administration Mediation.

“Cases in the regulations are helpful to improve the law enforcement basis, enhance the level of things afterwards supervision, strengthen the system of law enforcement and make law enforcement more scientific, normative and coordinative,” said the official.

(by Li Qun / Wang Zhichao)

本报记者 李 群
通讯员 王志超

日前,中国国家知识产权局印发《专利侵权行为认定指南(试行)》《专利行政执法证据规则(试行)》《专利纠纷行政调解指引(试行)》,规范全系统行政执法工作,促进执法能力进一步提升。

“按照专利法及其实施细则的规定,调处专利侵权纠纷、查处假冒专利行为和调解除侵权纠纷以外的其他专利纠纷是地方知识产权局执法工作的重要内容。近年来,随着全系统打击专利侵权假冒的办案力度不断加大,办案量呈现快速增长态势,各地方知识产权局对专利侵权

行为认定、专利纠纷行政调解实体标准以及专利行政执法证据规则方面的理解与适用问题也日渐增多。”中国国家知识产权局专利管理司相关负责人在接受中国知识产权报记者采访时表示,相关法律法规适用标准散见于行政诉讼法、行政处罚法等上位法律和司法解释、有关规章及行政答复中,缺乏统一的规范性文件指导。

为此,近年来,中国国家知识产权局深入开展调查研究,多次征求各地方知识产权局、局内有关部门和社会各界的需求、意见与建议,归纳总结出适合专利行政执法办案的规则和细化规定,突出体现行政执法简便、快捷的优势。在此基础上,《专利侵权行为认定指南(试行)》《专利行政执法证据规则(试行)》《专利纠纷行政调解指引(试行)》3个文件应运而生。

“通过文件中这样的表述,各地方在处理同类案件时,就有了依据和指导,有利于完善执法办案依据,提升事中事后监管水平,增强全系统执法办案工作的科学性、规范性与协调性。”该负责人说。

China issues opinions on stepping up IP protection in foreign trade

《关于促进外贸回稳向好的若干意见》提出

加强外贸知识产权保护

The State Council of China recently issued opinions to promote the development of foreign trade. According to the opinions, great efforts should be made to facilitate innovative development of foreign trade and promote the stable growth of foreign trade. The opinions put forward 14 measures in five aspects, and requires to support innovative services, build own brands, strengthen import and two-way investment and intellectual property protection.

According to the opinions, the protection of intellectual property in foreign trade shall be stepped up. The opinions underscore the need for continued campaign for cracking down on infringement and counterfeit goods in foreign trade. The opinions support the enterprises to protect their trademark and patent rights. The mechanism of intellectual property dispute settlement outside China and construction

of IPR aid system shall be improved. Strongly support the import and export enterprises to deal with intellectual property dispute outside China by enhancing bilateral and multilateral intellectual property exchange and enforcement coordination system.

(by Xin Hua)

本报综合新华社消息 国务院日前印发《关于促进外贸回稳向好的若干意见》,提出要多措并举,促进外贸创新发展,努力实现外贸回稳向好。《意见》从5个方面提出了14条政策措施。此次调整明确鼓励创新服务业态、培育自主品牌,对加强进口、双向投资和知识产权保护作出要求。

《意见》提出,加强外贸知识产权保护。持续开展外贸领域打击侵权假冒专项行动,依法打击有关违法行为。支持企业开展商标、专利保护,加强境外知识产权争端解决和维权援助机制建设。健全多双边知识产权交流和执法协作机制,切实支持进出口企业应对境外知识产权纠纷。



Huishan clay figurine, one of the big three local specialty of Wuxi, is a famous traditional Han nationality handicraft. Yu Xianglian (right) is one of the traditional inheritor of Huishan clay figurine art. Her exquisite technique makes the figurine elegant and inheriting for long.

Photo by Wang Wenyang

惠山泥人,是江苏无锡汉族传统工艺美术品之一,无锡三大著名特产之一。中国工艺美术大师、惠山泥人的代表性传承人喻湘涟女士(右)潜心钻研,其精湛的工艺技巧和完美的艺术造型,使这一宝贵的历史文化遗产得以传承。

本报记者 王文扬 摄影

EXPRESS

Dulux trademark dismissed on insulating paints

“Dulux”绝缘漆“添色”未果



Recently, application of “多乐士 Dulux” trademark submitted by Holland AkzoNobel Paints N. V., was dismissed by Trademark Office under the State Administration for Industry and Commerce of China (SAIC) based on an judgment made by Beijing No.1 Intermediate People's Court.

The Court held that, the dispute trademark “Dulux and Image” only showed the feature and main ingredient of insulating paint it approved on, and there were no evidence supporting the dispute trademark's significance. Thus the Court made the decision to affirm the rejection decision from Trademark Review and Adjudication Board (TRAB) under SAIC.

AkzoNobel had an objection to the decision made by Trademark Office,

then filed a review application to TRAB.

The Court found that, TRAB made the rejection decision in March 2014, for the dispute trademark “Dulux” only showed the feature and main ingredient of the insulating paint it approved on and lack of trademark significance.

AkzoNobel then filed an administrative law suit to the Court.

The Court held that, the word “Dulux” in the trademark means glycerolphthalic resin, which is an important ingredient applied on paints and rubber. According to this, the dispute trademark just showed its feature and main ingredient. Besides, there was no evidence supporting that the dispute trademark's significance on insulating paints and insulating rubber

made by AkzoNobel.

Thus the Court made the decision to affirm the rejection decision from TRAB. During the appeal period, AkzoNobel did not appeal. By the time of press, the decision was effective.

(by Wang Guohao)

本报讯 日前,根据北京市第一中级人民法院就“Dulux及图”商标驳回复审行政纠纷一案作出的一审判决,作为致力于“为人们的生活增添色彩”的知名建筑装饰油漆品牌商,荷兰阿克苏诺贝尔涂料国际有限公司(下称阿克苏诺贝尔公司)旗下的“多乐士 Dulux”品牌在绝缘油漆等商品上“黯然失色”。

北京市第一中级人民法院在相关一审判决中指出,诉争商标“Dulux及图”仅仅直接表示了其指定使用的绝缘油漆等商品的主要原料及其他特点,且在案证据不足以证明诉争商

经过使用已经在其指定使用的绝缘油漆等商品上取得了显著特征并便于识别。据此,法院一审判决维持了中国国家工商行政管理总局商标评审委员会(下称商评委)作出的对诉争商标不予核准注册的驳回复审决定。

经审理,商评委于2014年3月作出驳回复审决定,以诉争商标的显著识别部分“Dulux”仅仅直接表示了所指定使用商品的原料等特点,缺乏商标应有的显著性为由,对诉争商标的注册申请予以驳回。

随后,阿克苏诺贝尔公司向法院提起行政诉讼。

法院经审理认为,诉争商标显著识别部分“Dulux”的主要中文释义之一为“醇酸树脂”,而“醇酸树脂”作为重要原料广泛应用于涂料、橡胶等领

域,因此诉争商标仅仅直接表示了其指定使用的绝缘油漆、绝缘橡胶等商品的主要原料及其他特点。同时,在案证据不足以证明经过阿克苏诺贝尔公司使用,诉争商标已经在其指定使用的绝缘油漆、绝缘橡胶等商品上取得了显著特征并便于识别。

综上,法院一审判决维持了商评委上述驳回复审决定。据悉,上述一审判决作出后,阿克苏诺贝尔公司并未提起上诉,目前该案一审判决已生效。

(王国浩)

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