

NUMBERS

14

Executive meeting of the State Council recently approved another three new national independent innovative demonstration zones on basis of current 11 zones, total amount reaches 14.

14个

近日,中国在现有11个国家自主创新示范区基础上,新设3个国家自主创新示范区,总数达到14个。

10,000

Chinese Academy of Sciences recently initiated an acting plan to promote commercialization of research findings, aiming to license 10,000 patents during the 13th Five-Year Plan period, quadrupled than that during 12th Five-Year Plan period.

1万件

近日,中科院宣布启动“促进科技成果转化专项行动”,预期“十三五”期间专利实施超过1万件,比“十二五”翻两番。

27,000

As of the end of 2015, 27,000 candidates have been licensed certificates of patent agent. Total number of patent agents reach to 12,000.

2.7万

截至2015年底,中国共有2.7万人取得专利代理人资格,执业专利代理人数量超1.2万人。

22.9%

In 2015, Beijing Zhong Guan Cun innovative demonstration zone filed 39,900 inventions applications, up 22.9%, 15,600 were granted, up 35.3%.

22.9%

2015年,北京中关村示范区发明专利申请量达3.99万件,同比增长22.9%;发明专利授权量达1.56万件,同比增长35.3%。

805

In 2015, Shanghai IP Court handled 805 cases related to technological innovation, involving patent, computer software etc., representing 97.81% of the total.

805件

上海知识产权法院在2015年受理的一审案件中,科技创新类案件数量为805件,所占比例高达97.81%,内容涉及专利、计算机软件等。

18

According to an action plan on promoting IPR strategy by Tianjin, patent holding by each 10,000 citizens shall reach 18 by 2020.

18件

日前,天津市发布知识产权战略行动计划,其中提出,到2020年,天津市每万人口发明专利拥有量将达到18件。

16,999

In 2015, Zhejiang courts have accepted 16,999 IPR cases and concluded 15,668, up 23.2% and 14.7% respectively.

1.6999万件

2015年,浙江省各级法院新收知识产权民事一审案件1.6999万件,审结1.5668万件,分别同比增长23.2%和14.7%。

SIPO hosts the eleventh open day for public 中国国家知识产权局举办第11个开放日活动

On April 26, an open day was hosted by SIPO in Beijing. Representatives from the enterprises, students from colleges and universities, teachers and students as representatives from IP education pilot schools were invited to participate in this event. SIPO commissioner Shen Changyu attended the launching ceremony of open day and delivered a speech. Since 2006 to now, SIPO has held open day to the public for continuous 11 times.

In the speech, Shen Changyu introduced the new progress that China has made in IP during the past years. He said that, during last year, the State Council issued the "Opinions on accelerating the construction of intellectual property power under the new situation", making an arrangement for the construction of intellectual property power; at the start of 2016, "accelerate the construction of intellectual property power" have been written into the "national strategic framework for innovation-driven development", work report of national government and 13th Five-Year Plan; Recently, the national government introduced the intellectual property 13th Five-Year Plan into 20 national key special Plans. These fully reflects the CPC central committee and State Council's

concern, attention and support on intellectual property affairs, while this also put forward new and higher requirements for intellectual property development.

When talking about Intellectual property's promotion on innovation and entrepreneurship, Shen Changyu pointed out that, SIPO will further strengthen IP protection, promote intellectual property transformation and utilization, offering more support for innovation and entrepreneurship. When talking about professional training on IP talented person in colleges and universities and IP education in middle and primary schools, Shen Changyu said that, SIPO will continue to strengthen development of intellectual property disciplines in the universities joint with the relevant departments in recent years, and increase efforts to train personnel specialized in IP and will establish series of training bases for IP talented person in relevant universities; meanwhile, SIPO will actively promote the integration of IP into primary and secondary education system, to consolidate the social basis of intellectual property development.

During the event, under the guidance of SIPO staffs and volunteers, representatives visited the exhibition

on SIPO service for innovation and entrepreneurship and exhibition on national IP education pilot in primary and secondary schools, as well as SIPO Document libraries, SIPO History Hall, reception hall and Examination Department of Chemical Inventions, and exchanged with patent examiners.

(by Wang Kang)

本报讯 4月26日,2016年中国国家知识产权局开放日活动在京举行。中国国家知识产权局局长申长雨出席开放日活动启动仪式并致辞。来自“双创”企业的代表,高校学生代表,知识产权教育试点学校的师生代表应邀参加了此次活动。据了解,从2006年至今,这已是中国国家知识产权局连续第11次面向社会开放。

申长雨在致辞中介绍了过去一年中国知识产权工作的新进展。他表示,去年底,《国务院关于印发〈国家创新驱动发展战略纲要〉、政府工作报告和《国家“十三五”规划纲要》等重要文件;最近,国家又将知识产权“十三五”规划纳入到了20项重点专项规划之中。这些充分体现了党中央、国务院对知识产权工作的关心、重视和支持,也对知识产权事业发展提出了新的更高的要求。

就知识产权促进创新创业,申长雨



指出,中国国家知识产权局将进一步加大知识产权保护力度,推动知识产权转化运用,更好地支持创新创业。就高校知识产权专业人才培养和中小学知识产权教育普及,申长雨表示,国家知识产权局近年来会同有关部门不断加强高校知识产权学科专业建设,加大知识产权专门人才培养力度,并在有关高校设立了一批知识产权人才培养基地。同时,积极推动将知识产权纳入中小学教育体系,夯实了知识产权事业发展的社会基础。

活动期间,代表们参观了“国家知识产权局服务双创专题展览”和“全国中小学知识产权教育部分试点学校专题展览”,以及中国国家知识产权局知识产权陈列馆、专利展示厅、专利受理大厅、化学发明审查部等部门,并与专利审查员进行了深入交流。

(王康)



Audi wins a trademark dispute 奥迪诉汽修公司商标侵权一审有果

When the judge hammer down, a trademark dispute between Audi and Zhonghan Fangsheng company, a Beijing based automobile maintenance company, come to a temporary end. Zhonghan Fangsheng has violated the right of Audi's trademark and compensated Audi 805,000 yuan for economic loss.

Dating back to 2015, Audi discovered that Zhonghan Fangsheng (other used name Chengcheng Zhong'ao automobile company) had used Audi's registered trademarks, such as 奥迪, Audi and four-ring figure, for company decoration, promoting materials

and staff business cards. Audi held that what Zhonghan Fangsheng did had violated their trademark rights, then brought this case to the court, required stopping infringement and seek 1.2191 million yuan for remedy.

The court confirmed that Zhonghan Fangsheng had used Audi's registered Audi, Audi and Four-ring figure trademarks for company decoration, promoting, what Zhonghan Fangsheng did had been beyond fair use of others' registered trademarks, this could easily cause confusion among the public. Meanwhile, the auto filters Zhonghan Fangsheng sold have been printed

with Audi's trademarks, which failed to demonstrate these products were legally acquired. These products were finally identified as counterfeits.

Based on these, the court made the decision above.

(by Feng Fei / Liu Yeting)

本报讯 近日,北京市石景山区人民法院针对德国奥迪股份有限公司与北京中汉方盛汽车服务有限公司商标权纠纷案(本报曾于2015年11月25日第9版作相关报道)作出一审宣判。法院认定中汉方盛公司侵犯了奥迪公司的注册商标专用权,判令其立即停止侵权行为,并赔偿奥迪公司经济损失和诉讼费用80.5万余元。

据了解,2015年,奥迪公司发现成城众奥汽车服务有限公司(后改名为北京中汉方盛汽车服务有限公司)在其汽车修理店面内外、宣传材料、工作人员名片等处使用了“奥迪”“Audi”“四环图形”等标识,并销售带有奥迪公司商标的滤清器。奥迪公司认为,中汉方盛公司侵犯了奥迪公司的注册商标专用权,遂将其诉至石景山区人民法院,要求其立即停止侵权行为,赔偿经济损失及合理费用121.91万元,并承担该案诉讼费。

石景山区人民法院经审理认为,中汉方盛公司在店面内外及宣传材料中大量、突出使用多个涉案注册商

标的方式,超出了合理使用的范围,客观上起到了表明商品或服务来源的作用,是一种商标使用行为,且容易造成相关公众的混淆。此外,中汉方盛公司销售的汽车滤清器上印有奥迪商标,该商品与原告奥迪公司提供的产品存在差异,应为假冒,且被告中汉方盛公司未能证明该商品系合法取得,也未说明提供者,故该行为应认定为侵犯注册商标专用权的行为。综上,法院做出上述判决。

(冯飞 刘叶婷)



Annual report on survey of PCT system in China released

《PCT制度在中国发展状况的调查报告(2015年)》显示,中国用户在利用PCT制度上——

申请质量待提升 审查周期盼缩短

Lately, SIPO released an annual report on PCT system in China 2015. According to the report, there are five characteristics should be noticed.

Firstly, international patent applications through PCT filed by Chinese users continue to climb, the quality of the patents, however remains to be improved. Statistics from WIPO showed that China has filed 29,800 PCT applications in 2015, making it the third largest applicant in the world with an annual growth of 16.4% since 2011. However, PCT applications entering into national phase by Chinese users are still few in number.

Secondly, high fee is the main obstacle for Chinese users to file PCT applications. Although, PCT offers fee reduction to applicants, respondents say that the fee reduction policy on international phase fail to cover the medium small and micro-sized enterprises, universities and scientific institutions, more applicants could get bene-

fit from this policy.

Thirdly, PCT applications account for almost 80% of the international patent filings in China, far more than those through Paris Convention for the Protection of Industrial Property. This means that Chinese users have large demand for overseas patent protection via PCT. According to a representative from SIPO, due to the language variation, law system difference, limited information access and complexity of the patent system, the patent examination period is too long, the efficiency is low and the patent right is unstable.

Fourthly, most of the medium and small sized enterprises and some of the enterprises preparing to go overseas have limited knowledge about PCT system. They hope that they could have more training on PCT system and practical skills.

Fifthly, 60.89% of the respondents say that quality of the international searching report completed by SIPO is

high. Still, some respondents hold that there is much room for improvement, such as the sufficiency of evidence, evaluation basis, understanding of the technical scheme, relevance and Comprehensiveness of the quoting documents. All the respondents believe that the CEPCT system developed by SIPO has played positive role in improving PCT application efficiency and simplifying the procedures. Also, they point out that stability of the system should be improved. (by Wu Yan)

本报记者 吴艳

近日,中国国家知识产权局条法司(下称条法司)发布了《PCT制度在中国发展状况的调查报告(2015年)》(下称《报告》),对PCT制度在中国的发展状况进行了调研。《报告》目前,中国用户对PCT制度的利用情况呈现五大特点。

第一,中国PCT国际专利数量持续攀升,但专利质量有待提高是呈现出的第一个特点。WIPO发布的最新数据显示,2015年,来自中国

申请人的PCT国际专利申请共2.98万件,位居世界第三,且自2011年起保持平均16.4%的年增长率。但是,中国PCT国际专利申请进入国家阶段平均数量却较少。

第二,PCT国际专利申请费用高依然是影响中国用户向国外提交专利申请的主要障碍。事实上,针对PCT国际专利申请,《专利合作条约》规定了相关费用减免制度,但有用户认为,国际阶段的费减政策尚不能惠及中小微企业、高校及科研机构,覆盖面过窄。

第三,申请人表示通过PCT途径提交的国际专利申请在其所有向国外专利申请中占比近八成,远高于通过《保护工业产权巴黎公约》途径提交专利申请的比例。“目前,用户对于通过PCT途径尽快获得海外专利授权依然有较高需求。98.3%的用户希望PCT国际专利申请国家阶段能够加快处理和审查。”条法司相关负责人向中国知识产权报记者介绍,由于法律体系、语言差异、信息渠道不通,以及专利制度本身的复杂性,不少企业在提交PCT国际专利申请中

常常遇到难以掌握国外有关法律的问题,由此导致专利审查周期长、效率低、权利不稳定等。

第四,调查显示,目前,中国很多企业尤其是中小企业和部分处于“走出去”起步阶段的企业,对PCT制度的了解还不够,因此其希望获得更多PCT国际专利申请方面的培训。

第五,调查显示,60.89%的申请人表示中国国家知识产权局完成的国际检索报告质量较高,但同时,也有受访者认为,目前的检索报告在说理的充分性、评价的依据、对技术方案的理解、引用文献的相关度和全面性方面还有待提高。在服务方面,用户都表示中国国家知识产权局开发的CEPCT系统一定程度上降低了PCT国际专利申请程序的复杂程度和手续办理的难度,同时也认为系统的稳定性有待提高,使用体验有待改进。

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