

China's IP  
in foreign eyes



Huawei has signed a declaration confirming that it will be developing a joint Innovation Centre to develop "Safe City" solutions aimed at helping public administrations react to threats. The Innovation Centre will develop Safe City solutions, an all-in-one, nation-wide safety and surveillance plan, which will combine alarm reporting, data transmission, video surveillance, etc. (Huawei to Develop "Safe City" Solutions in Malta, by Times of Malta)

华为公司近日对外宣布将建立联合创新中心,研发平安城市解决方案,以帮助马耳他的公共部门解决安全难题。这一创新中心将完成马耳他平安城市工程的建设,包括报警记录、数据传输、视频监控等。(华为将在马耳他开发“平安城市”解决方案,马耳他时报)

Comment:

Owing to years of global experiences and good overseas IPR layout, Huawei becomes more competitive in the world market. The "Safe City" solutions in Malta show that more foreign public administrations believe in Huawei's product and service.

点评:

得益于多年的海外经验和良好的知识产权布局,华为在全球市场变得越来越具竞争力。此次华为在马耳他开发“平安城市”解决方案,表明更多的外国公共部门信赖华为的产品和服务。



In building its relationship with FIFA, Chinese conglomerate Dalian Wanda Group Co. is filling an opportunity that opened up after some sponsors walked away and a corruption scandal erupted, tarnishing the soccer federation's image. The Beijing-based entertainment and property giant will become FIFA's first major Chinese partner, with the highest level of sponsorship rights including the next four World Cup tournaments. (China's Dalian Wanda Steps In to Partner With FIFA, by Wall Street Journal)

日前,万达集团成为国际足联合作伙伴,将享有从2016年到2030年包括未来4届世界杯在内的国际足联顶级赞助商标权益。万达是首家成为国际足联主要合作伙伴的中国企业。(万达成为国际足联合作伙伴,华尔街日报)

Comment:

With the development of Chinese economy and mature overseas layout, Chinese enterprises pay more attention to brand promotion in international field. Wanda is able to obtain top-level resources in world sport industry by cooperating with FIFA, which is a great step to Wanda's global arrangement.

点评:

随着中国经济的发展和企业的“走出去”步伐的加快,中国企业愈发重视国际场合中的品牌宣传。此次借助与国际足联的合作,万达将拥有世界体育产业顶级的上游资源,这将成为万达体育全球布局的重要步骤。(威廉)

# China's PCT filings hit a record high of 29,846 in 2015 去年中国PCT国际专利申请量创新高

The World Intellectual Property Organization (WIPO) issued a report analyzing the amount and sources of global IP applications in 2015, including patents, trademarks and industrial designs. According to the report, China hit a record high of 29,846 international patent applications under Patent Cooperation Treaty (PCT), up 16.8%. In 2015, China filed 2,401 applications for trademark registrations under the Madrid System, ranking seventh globally, making the best performance since China became a member in 1989.

"The performance meets our expectation. It is inseparable with our endeavor in thoroughly implementing National IP Strategy, building an IP powerhouse and making full use of IP system to promote innovation and development," said Li Shunde, dean of Law and IP Faculty of University of Chinese Academy of Sciences in an interview with CIP News.

The report revealed that global patent applications filed under PCT hit a record high of 218,000. China maintains its momentum in the growth rate of PCT applications, ranking 3rd in the world behind the United States and Japan for three consecutive years. "Over the past decade, China's PCT applications have experienced rapid growth, and domestic patent applica-

tions ranked 1st in the world for five consecutive years. China has been playing an important role in global innovation with increasing innovation capability and awareness of IP. Continuous growth in China's trademark applications under Madrid System indicates that China has speeded up their pace in doing business overseas. Meanwhile, Chinese enterprises have paid much attention to improve quality and efficiency of development and build international brands to take up dominant position in global market," Chen Hongbing, director of WIPO China Office, told CIP News. He contributed the achievements to pursuit of an innovation-driven economy of Chinese government.

It is worth mentioning that China took four spots in top 20 companies that filed the highest number of PCT applications. Huawei topped the world and ZTE remained among the top 3. BOE and Tencent ranked 14th and 20th respectively. "The data showed that with the establishment and implementation of laws and regulations related to innovation, the enterprises' innovation ability have been spurred," Li Shunde said. He argued Chinese enterprises have been increasingly aware of capitalizing on legal tools of IP for overseas expansion which provide strong support of Chi-

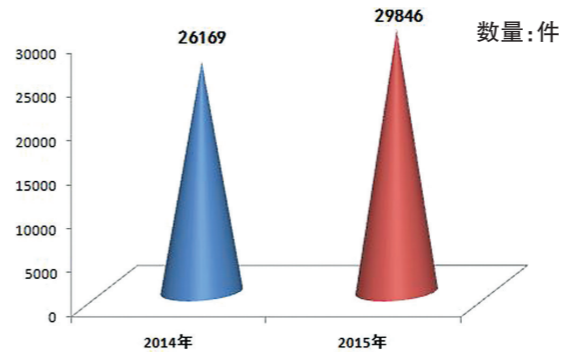
na's scientific and technological innovation. (by Liu Peng)

日前,世界知识产权组织在日内瓦发布的报告中,对2015年专利、商标和工业品外观设计的全球知识产权申请状况进行了全面的统计和分析。报告显示,2015年,中国通过《专利合作条约》(PCT)途径提交的国际专利申请达2.9846万件,增速为16.8%。同时,中国企业通过马德里体系提交商标注册2401件,位列全球第七位,刷新了中国1989年加入马德里体系以来的最高纪录。

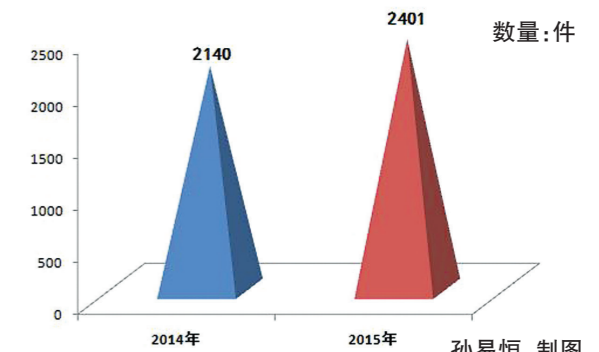
"中国取得这样的成绩实属意料之中。这与中国深入实施国家知识产权战略,加快建设知识产权强国,充分利用知识产权制度推动经济创新发展是分不开的。"中国科学院大学法律与知识产权系主任李顺德在接受中国知识产权报记者采访时表示。在他看

来,这一串串数字是中国政府坚持创新发展理念、持续实施创新驱动发展战略所必然产生的结果。值得一提的是,在PCT国际专利申请量前20位的实体排名中,中国企业占4席。华为公司蝉联全球第一,华为公司、中兴通讯连续3年保持三甲之列,京东方和腾讯分别占据第14位和20位。"这些数据可以反映出,近年来,伴随着中国相关法律法规制度体系的逐步建立、健全和完善,中国的创新环境与市场环境不断改善,各类创新主体的创新活力被激发。"在李顺德看来,PCT国际专利申请快速增长的背后是企业自主创新能力的提升,知识产权保护意识的不断提高。企业在走出国门、开拓海外市场的同时,越来越注重利用知识产权参与市场竞争,这为中国的创新发展提供了有力的支撑。(柳鹏)

China's international patent applications filed under PCT  
中国PCT国际专利申请量(2014年-2015年)



China's international trademark applications filed under Madrid System  
中国马德里商标国际注册申请量(2014年-2015年)



# China spent 492 million yuan in authorized software in 2015 2015年中国各级政府正版软件采购金额达4.92亿元

Government at all levels in China have continuously advanced the legitimization of software campaign nationwide in recent years and great achievements have been yielded. According to an annual report released by the Joint Inter-ministerial Meeting for Promoting Genuine Software Application, in 2015, 92.63% of departments and public institutions affiliated with central government have completed the application of legitimate software. Governments at all levels have purchased 492 million yuan legitimate software, including operating system, office

software and antivirus software. As efforts to advance the legitimate software application campaign among the government bodies, the Joint Inter-ministerial Meeting for Promoting Genuine Software Application has launched innovative initiatives, such as establishing responsibility system at the central and provincial governments, setting up a database pooling the information of the person in charge of the campaign nationwide. In order to stimulate the campaign advancing, an evaluation system has been established. Meanwhile, striking fruits have

been made for enterprises to carry forward the campaign. Statistics show that 98.62% of level five or above enterprises have completed the legitimate software application. All the large and medium sized financial institutions and group headquarters of press and publication industry have completed the applications of legal software. In 2015, 2,882 enterprises have realized the goal of software legalization. Among which, 2,438 were pushed forward by inspection. As of the end of 2015, more than 27,000 companies have passed the inspection and examination. 75.35% of subordi-

nate enterprises under financial institution and 93.8% of affiliated enterprises for the press and publication sector have completed the tasks. (by Jiang Xu)

本报讯 记者从日前召开的推进使用正版软件工作部际联席会议(下称联席会议)第五次会议上获悉,2015年,中国推进使用正版软件工作取得新进展,92.63%的中央部门所属事业单位实现软件正版化。各级政府机关共采购操作系统、办公和杀毒软件95.19万套,采购金额达4.92亿元。据了解,在政府机关层面,推进使用正版软件工作部际联席会议推进责任落实到人,建立了中央和省级

机关软件正版化工作责任人数据库,指导各省(区、市)建立市县级机关责任人数据库,推动各省(区、市)建立健全软件正版化工作考核评议制度。在企业软件正版化层面,98.62%的规模以上企业实现软件正版化。大中型金融机构、新闻出版发行企业集团总部实现软件正版化。2015年,全国共有2882家企业列入年度完成软件正版化工作目标,其中,2438家企业通过检查验收实现软件正版化。截至2015年底,全国累计超过2.7万家企业通过检查验收实现软件正版化,75.35%的金融机构,93.8%的新闻出版行业企业集团下属企业实现软件正版化。(姜旭)

# Trademark of 默沙东 triggers disputes “默沙东”同名引发纠纷

America Federal Medicine Academic Limited (hereafter as to Federal Limited) filed a trademark registration of "默沙东" and image on products of fruits, etc. and rejected by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce of China (SAIC). After the registration was rejected, Federal Limited filed a lawsuit against TRAB in Beijing IP Court. Recently, the court made first-instance judgment by revoking the judge of the TRAB and ordering it to rehear.

The trademark in question was No.9317852 "默沙东" and image, filed in April 2011 by Federal Limited, certified to be used in Class 31 including live animals, nuts, fruits, etc. In statutory objection period, Merck Sharp & Dohme Corp. (Merck Corp.) challenged the trademark in question by citing its early-registered reference marks. After the TRAB ap-

proved the registration of "默沙东" and image, Merck Corp. applied for a review of trademark registration. In January 2015, the TRAB determined the three reference trademarks as well-known trademarks and rejected the registration. The disgruntled Federal Limited then filed an administration lawsuit to Beijing IP Court. It argued that the three reference marks had no reputation and should not be determined to well-known marks. Meanwhile, there are remarkable differences between the commodities designated by the trademark in question and the ones designated by the reference mark which shall not cause the confusion among the public. The court held that the evidence submitted by Merck Corp. can neither be testified the publicity and usage of the reference marks nor reflect the reference marks. It also failed to prove the popularity of the marks. For the reasons above, the court made the

judgment in favor of the plaintiff. (by Mao Liguo)

本报讯 美国联邦医学研究院有限公司(下称联邦公司)在水果等商品上申请注册的“默沙东及图”商标,在被中国国家工商行政管理总局商标评审委员会(下称商评委)裁定不予核准注册后,向北京知识产权法院提起行政诉讼。日前,法院对该案作出一审判决,撤销了商评委被诉裁定,并要求其重新作出裁定。据了解,诉争商标为第9317852号“默沙东及图”商标,由联邦公司于2011年4月提出注册申请,指定使用在第31类活动物、坚果(水果)、鲜水果等商品上。在法定异议期内,默沙东公司引证其在先申请注册的引证商标对诉争商标提出异议请求。在国家工商行政管理总局商标局裁定诉争商标予以核准注册后,默沙东公司向商评委提出异议复审请求。商评委于



2015年1月作出被诉裁定,认定3件引证商标为驰名商标,并裁定对诉争商标不予核准注册。联邦公司不服商评委上述裁定,随后向北京知识产权法院提起行政诉讼。其诉称,3件引证商标不具有极高知名度,不应被认定为驰名商标,亦不应获得跨类保护;同时,诉争商标指定使用的商品与引证商标核定使用的商品之间存在明显差异,不会误导公众。法院经审理认为,默沙东公司提交的在案证据,或无法认定系对引证商标的宣传使用,或未体现引证商标,部分无法验证真实性及形成时

间,不能证明引证其商标的知名度。综上,法院认定默沙东公司提交的在案证据不足以证明在诉争商标申请注册日前3件引证商标已经达到驰名程度,并据此作出了上述一审判决。(毛立国)



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