

## Strengthen the protection and use of intellectual property rights

李克强在第十二届全国人民代表大会第四次会议所作政府工作报告中指出

# 加强知识产权保护 and 运用

On March 5th, the 4th Session of the 12th National People's Congress opened at the Great Hall of the People in Beijing. On behalf of the State Council, Premier Li Keqiang delivered the report on the work of the government. Li Keqiang said innovation is the primary driving force for development and must occupy a central place in China's development strategy, which is why we must implement a strategy of innovation-driven development. We will strengthen the protection and use of intellectual property rights and look to the law to crack down on the infringement of these rights and on the production and sale of counterfeit products.

Li Keqiang said, innovation is the primary driving force for development and must occupy a central place in China's development strategy, which is why we must implement a strategy of innovation-driven development. We should launch new national science and technology programs, build first-class national science centers and technological innovation hubs, and help develop internationally competitive high-innovation enterprises. We should make consistent efforts to encourage the public to start businesses and make innovations. We should promote the extensive applications of big data, cloud computing, and the Internet of Things. We need to move faster to transform China into a manufacturer of advanced and quality products. We should strive to achieve major break-

throughs in basic research, applied research, and research in strategic and frontier fields by 2020. China's investment in research and development is expected to reach 2.5% of GDP, and the contribution of scientific and technological advances toward economic growth should come to reach 60%. Fulfilling these objectives will turn China into an innovative and talent-rich country.

Li Keqiang said, this year, we will carry out the following eight tasks. First, improve and keep stable our macroeconomic policies to ensure that the economy performs within an appropriate range. Second, strengthen supply-side structural reform to drive sustained growth. Third, tap the potential of domestic demand to increase the space for development. Fourth, speed up efforts to develop modern agriculture and ensure sustained increase in rural incomes. Fifth, carry out a new round of high-quality opening up and work to achieve mutually beneficial cooperation. Sixth, step up environmental governance efforts and work to see breakthroughs in green development. Seventh, strengthen social development to promote people's wellbeing. Eighth, improve government functions, strengthen our administrative capacity, and deliver quality government services.

Li Keqiang said, we will ensure that the whole country's potential for starting businesses and making innovations is released. We will imple-



ment the strategy of innovation-driven development, see that science and technology become more deeply embedded in the economy, and improve the overall quality and competitiveness of the real economy.

First, we will ensure that enterprises lead in making innovation. We will implement additional tax deductions for their research and development and increase tax policy support for high-tech enterprises and science and technology business incubators. We will support leading enterprises in building

top-level research and development institutions. We will move faster to achieve nationwide implementation of the policy of national innovation demonstration zones, establish another set of national innovation demonstration zones and high-tech development zones, and establish pilot reform zones for all-round innovation.

Second, we will help people to pool their ideas and talents through a synergy of business startups, innovation, and the Internet Plus. Platforms will be created for crowd innovation,

crowd support, crowdsourcing, and crowdfunding, and mechanisms will be built to encourage new types of business startups and innovation-making through cooperation between enterprises, institutions of higher learning, research institutes, and makers. We will establish demonstration centers for business startups and innovation and encourage the development of a business startup service industry as well as angel investment, venture capital, industrial investment, and other investment. We will give

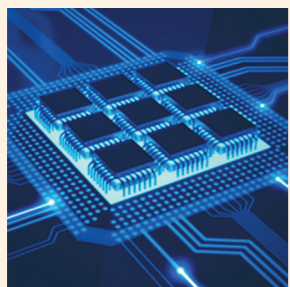
our support to the development of a sharing economy and see that resources are used more efficiently and that more people take part and benefit. We will adopt more active, open, and effective policies to attract talent from overseas. We will strengthen the protection and use of intellectual property rights and look to the law to crack down on the infringement of these rights and on the production and sale of counterfeit products.

Third, we will deepen the reform of the management system for science and technology. Greater autonomy will be given to universities and research institutes, and red tape will be cut in the management of research projects. Policies and measures will be implemented to support the transfer and commercialization of scientific and technological achievements, and tax incentives for stocks and options, and profit sharing and bonus plans will be improved to encourage researchers to start businesses and make innovations. We will foster a culture of innovation and create an enabling environment for innovation in which people venture to break new ground and failure is tolerated. I am sure that these initiatives will inspire entrepreneurialism and motivate our society to start businesses and make innovations, and thus create a powerful force to drive development.

(by Xinhua/photo by Jiang Wenjie)

(See Chinese edition in the front page)

### China's IP in foreign eyes



China aims to become a world leader in advanced industries such as semiconductors and in the next generation of chip materials, robotics, aviation equipment and satellites, the government said in its blueprint for development between 2016 and 2020. (China lays out its vision to become a tech power, by Reuters)

在中国政府描绘的2016-2020年的发展蓝图中,中国有志于成为半导体、芯片材料、机器人技术、航空装备和人造卫星等世界先进产业的领导者。(中国描绘技术强国愿景,路透社)

#### Comment:

Innovation is the primary driving force for the China's development. Through independent innovation, China is hoping to make traditional areas of the economy more advanced and efficient, helping transition to a growth model that is driven more by services and consumption than by exports and investment.

#### 点评:

创新是引领中国发展的第一动力。中国希望通过自主创新,让传统行业变得更为先进、高效,促进经济发展方式由出口和投资导

向,转变为服务与消费导向。

China has made is a dramatic shift up the value curve in terms of what it manufactures. It is not about t-shirts and toys any more, but about much more impressive stuff. As long as it continues to invest in R&D and get more people into higher education, the country formerly known as "the workshop of the world" looks set to evolve into a much more exciting economy. (From white t-shirt to white collar: meet the "New China", by moneyserver)

中国在制造业方面已经升级。现在,中国已经不仅生产T恤和玩具,还有更多令人印象深刻的东西。随着研发投入的增加和高等教育的普及,中国已经从世界工厂发展为一个充满活力的经济体。(从白T恤到白领:见证"新中国",财富观察)



#### Comment:

With the encouragement of innovation and much more R&D investment in recent years, China is supposed to be an innovation-oriented country.

#### 点评:

近年来,中国不断加大对创新的支持力度,研发投入也持续增长,这有助于中国成为创新型国家。(孙迪)

## Sony involved in patent infringement of mobile phone in China

### 索尼手机卷入数千万元专利纠纷

IWNCOMM Co., Ltd of China (IWNCOMM) recently sued Sony Mobile Communication (China) Company (Sony) that 35 sets of mobile phones produced and sold by Sony infringed its invention patent rights in the field of telecommunication, and claimed a damage of 33.36 million yuan. The Beijing IP Court has opened a court session for the case on Feb. 25th.

The agent of IWNCOMM, Xu Yonghao said that the litigation covers "safe access of movable terminal in radio local area network an secret data communication method in radio link" (ZL02139508.X) (hereinafter referred to as "involved patent"), which was granted to IWNCOMM in 2005. The technology has become China's national standard in wireless communication since 2003, and has been widely used by chip producers, network operators and terminal device makers.

The plaintiff IWNCOMM claimed that Sony needs to verify the WAPI function of its L39h (Xperia Z1) and other 34 different sets of mobile phones in the process of research, testing and checking up, which concerns involved patent and consists direct infringement of IWNCOMM's invention patent right. Besides, Sony's selling of the involved mobile phones which infringing the plaintiff's patent right was suspected to constitute joint tort behaviour that help others imple-

ment technology solution. IWNCOMM requested the court to order Sony to cease using involved patent and stop manufacturing and selling infringing products immediately, and compensate the economic loss and reasonable expense for more than 33.36 million yuan in all.

The defendant denied the charges claimed by IWNCOMM. The agent of Sony, Li Zhanke argued that the chips in Sony's handsets realize the WAPI function were from suppliers. The chips are special products of involved patent, and fair use of such chips bought by Sony would not constitute patent infringement. Even though Sony used the implicated patent, the infringement were also invalid, because the patents were absorbed to national compulsory certification.

As the case involves some complex technique problem, both the plaintiff and defendant were allowed to let their expert assessors to be questioned by technique judges. Both the parties confirmed that the WAPI function of four out of thirty-five types of mobile phones was the same in the Claim 1, Claim 2, Claim 5 and Claim 6 of the implicated patent.

At press time, the case is still in trial. CIP News will follow the development of the case right along.

(by Zhu Wenming)

#### 本报记者 祝文明

因认为索尼移动通信产品(中国)有限公司(下称索尼中国公司)生产、销售的35款手机侵犯其无线通



信领域的发明专利权,西安西电捷通无线网络通信股份有限公司(下称西电捷通公司)向北京知识产权法院提起诉讼,索赔3336万余元。2月25日,这起案件公开开庭审理。

据西电捷通公司代理人徐永浩介绍,西电捷通公司此次提出的诉讼涉及该公司持有的发明专利“一种无线局域网移动设备安全接入及数据保密通信的方法”(专利号:ZL02139508.X)(下称涉案专利),该专利申请于2005年在中国获得授权。西电捷通公司的这项技术从2003年起即成为中国无线通信领域的国家标准,被芯片厂商、运营商、终端设备制造商等广泛应用。

西电捷通公司在向北京知识产权法院提起的诉讼中称,索尼中国公司生产并销售的L39h(Xperia Z1)等35款手机在设计研发、测试、出厂检测等过程中,均需验证手机WAPI功能是否正常,而该过程必然要实施涉案专利的技术方案,构成了单独实施涉案专利的直接侵权行为。而索尼中国公司销售使用涉案专利的手机产品,则涉嫌构成他人实施涉案技术方案提供帮助的共同侵权行为。西电捷通公司请求法院判令索尼中国公司立即停止使用涉案专利,立即停止生产、销售使用该专利的手机产品,赔偿经济损失及合理费用共

计3336万余元。

索尼中国公司则否认了西电捷通公司的侵权指控。该公司代理人李占科表示,索尼中国公司生产、销售的手机中,实现WAPI功能的芯片来自供应商;该芯片是实施涉案专利的专用产品,索尼中国公司是购买该专用产品后的合理使用,故不侵犯西电捷通公司专利权;涉案专利已被纳入国家强制标准,因而索尼中国公司即使使用了涉案专利,也不构成侵权。

据悉,由于此案涉及比较复杂的技术问题,原被告双方均获准由专家辅助人出庭接受技术调查询问。庭审中,双方确认涉案35款手机中4款的WAPI功能技术与涉案专利权利要求书中第1、2、5、6项权利要求相同。

截至发稿时,此案还在审理中。本报将继续关注案件进展。

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