

NUMBERS

56

Recently, SIPO published the list of the first batch of registered IP associations, including 56 associations like Beijing Smart Card Industry Association.

56家

近日,中国国家知识产权局公布首批通过审核备案在案的知识产权联盟名单,包括北京市智能卡行业知识产权联盟在内的56家产业知识产权联盟入围。

34,000

Latest data from SAIC shows that, in 2015, industrial and commercial administrations nationwide dealt with 34,000 infringement cases.

3.4万件

中国国家工商行政管理总局最新数据显示,2015年全国工商系统共查处侵犯知识产权案件3.4万件。

7.27%

Recently, NCAC released an investigation report about economic contribution of copyright industry. According to the report, the economic contribution of copyright industry to China's national economy reached to 7.27%.

7.27%

国家版权局日前发布了中国版权产业的经济贡献最新调研报告。报告显示,中国版权产业对国民经济的贡献率已达7.27%。

20,000

Recently, the Management Information System of National Forestry Technology Popularization Achievement Database set up by State Forestry Administration of China opened to the public. Over 20,000 patents were included in the database.

2万余件

近日,由中国国家林业局组建的国家林业科技推广成果库管理信息系统正式开放,其中收录专利2万余件。

1,793

By the end of 2015, China newly increased 1,793 rights of the new plant variety, with a year-on-year growth of 37.92%.

1793件

截至2015年底,中国新增植物新品种1793件,比2014年同期增长37.92%。

1,153

By the end of 2015, China newly increased 1,153 products of geographical indication trademarks, up 130.6% yearly.

1153件

截至2015年底,中国新增地理标志证明商标1153件,比2014年同期增长130.6%。

1,187

By the press time, China's national certified enterprise technology center reached to 1,187.

1187家

截至目前,中国国家认定企业技术中心总数已达1187家。

8,758

In 2015, Beijing Intellectual Property Court accepted and heard 8,758 IP cases, and concluded 4,128 cases.

8758件

2015年,北京知识产权法院共受理各类知识产权案件8758件,审结各类知识产权案件4128件。

# IP plays an important role in overseas M&A 中企海外并购看重知识产权

Intellectual property plays more and more scenes in the plays of Chinese companies' mergers and acquisitions abroad. In January 2016, Qingdao Haier acquired GE's home appliances business by 35 billion Yuan. In the same month, Shenzhen Ellasay acquired 65% of Ed Hardy's stock shares by 240 million Yuan. In February, ChemChina bought out Syngenta by 280 billion Yuan, making a new record of Chinese companies' overseas M&A.

In recent years, Chinese companies made higher and higher prices in overseas M&A. Research shows that, in 2015, companies in mainland China made a yearly growth of 40% in M&A cases, and a 21% growth of amount in M&A. In these cases, intellectual properties including high-tech patents and brands were main goals for these companies to achieve.

"Since innovation plays an important role in international business competitions, it seems that overseas M&A is a shortcut to gain intellectual properties and broaden market," says a staff from ChemChina. In 2005, ChemChina bought out Adisseo and obtained its patents, thus stepped forward in certain fields.

According to the staff, one of the

keys to success in overseas M&A was intellectual property. There are kinds of permitting procedures from relevant countries in overseas M&A, one of them is intellectual property of the acquiring company. By the time of press, ChemChina owns nearly 10,000 patents, and has production or R&D bases in 150 countries and areas. Intellectual properties made contributions to the successful M&As.

"Gaining intellectual properties by M&A helps the acquiring companies save time in R&D, and making progress in short time, which made Chinese companies run smoothly in going abroad," says Li Shunde, dean of the Law and IP Faculty, the University of Chinese Academy of Sciences.

At the same time, yet some Chinese companies were encumbered by their acquired companies for lacking innovation after overseas M&A. To this issue, Li Shunde points out that, Chinese companies should research unremittingly after getting intellectual properties in overseas M&A to remain competitive.

Based on the ground, more and more Chinese companies keep innovating after overseas M&A and enlarge market to constant development. One good example is Zhejiang Geely.

After buying out Volvo in 2009, Geely got more patents and used their newer patents to lift Volvo's technique. Some new models like Volvo S40, V50 and C70 are all based on utilization of new patents of Geely.

"Overseas M&A is a double-edged sword for Chinese companies," says Li Shunde, "Chinese companies should build on themselves in intellectual property after overseas M&A and make M&A a springboard to strive for further improvement."

(by Zhao Jianguo)

本报记者 赵建国

新年伊始,中国企业海外并购亮点频现:1月,青岛海尔350亿元人民币收购美国通用家电;深圳歌力思2.4亿元收购美国潮牌埃德·哈迪大部分股权;2月,中国化工集团公司(下称中国化工)2800亿元收购瑞士农化和种子子公司先正达,创下中国企业海外并购至今为止最大交易金额纪录。

近年来,中国企业的海外并购规模逐年提高。调查显示,2015年,中国内地企业海外并购交易数量增长40%,金额增长21%。获得高新技术专利、品牌等知识产权是中国企业海外并购的首要动力。

"在当今创新为王的时代,通过海外并购方式获得对方的知识产权和市场营销渠道,是一条快速发展的



路径。"中国化工有关负责人表示。2005年,凭借对法国安迪苏公司的收购,中国化工获得了相关生产技术的专利,迅速缩短了与世界先进技术之间的差距。

"当今的海外收购是实力的比拼,并不是只有财力就可以办到,自身的知识产权同样重要。"中国化工有关负责人介绍。收购海外企业要经过对方国家和相关国家有关部门的审批,其中一个重要的审批项目就是收购方的知识产权情况。中国化工目前已经拥有近1万件专利,在全球150个国家和地区拥有生产、研发基地。自身的创新和知识产权基础,为中国化工海外并购提供了保障。

"近年来中国企业进行海外并购获得成功,其存在这样一个特点,即通过获得知识产权,企业节约了研发时间,迅速缩小了与国际领先企业之间的技术差距,加速了自身'走出去'

的步伐。"中国科学院大学法律与知识产权系主任李顺德认为。

不过,也有个别中国企业在海外并购后创新减速,被收购企业最终成为"包袱"。对此,李顺德表示:"中国企业海外并购在获得知识产权后不能止步不前,只有不断强化自身的研发能力,才能立于不败之地。"

正是由于认识到这样的情况,许多中国企业在完成海外收购后不断创新,借助"买"来的优势壮大自身,实现了企业的健康发展。以吉利集团为例。在2009年收购瑞典沃尔沃后,吉利持之以恒,不断创新,以更完善的专利完善沃尔沃的技术。目前在世界范围销售的沃尔沃S40、V50、C70等车型都建立在新技术之上。

"海外并购是好事,只有借助并购的优势,不断加强知识产权工作,才能壮大企业自身实力,将企业做大做强,实现弯道超车。"李顺德坦言。

# Copyright registrations of China remain a rapid increase in 2015 2015年中国著作权登记继续保持大幅增长态势

Recently, National Copyright Administration of China published a report of copyright registrations. According to the report, Copyright registrations of China remain a rapid increase in 2015, making a sum of about 1.6412 million with a yearly increasing of 35.49%. 1.3482 million copyright registrations were works, about 292,400 were software copyrights, and 606 were copyright pledges.

In 2015, China has registered 1.3482 million works, 35.9% more than the number of 992,000 in 2014. Of the total 44.57% were registered in Beijing, 17.93% were registered in Copyright Protection Center of China,

and 15.12% were registered in Shanghai. Photo works made the most in all the kinds of works' registrations, making up 38.74%.

In 2015, nearly 300,000 software copyrights were registered in China with a yearly increasing of 33.63%, making a new record. The increasing rate appears to be the highest since 2010. Over 64,500 software copyrights were registered in Beijing, making up to 22.07% of the total.

(by Dou Xinying)

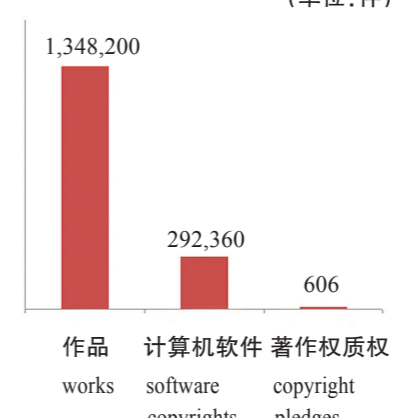
本报讯 近日,中国国家版权局发布关于2015年全国著作权登记情况的通报。通报显示,2015年中国著作权登记继续保持大幅增长态势,作品登记134.82万件,计算机软件著作

权登记约29.24万件,著作权质押登记606件,著作权登记总量约164.12万件,同比增长35.49%。

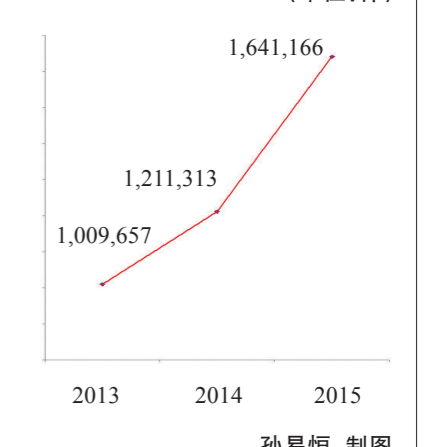
在作品登记方面,全年中国共完成作品登记134.82万件,比2014年的99.2万件增长了35.90%。其中,北京市登记量占总量的44.57%;中国版权保护中心登记量占总量的17.93%;上海市登记量占总量的15.12%。从登记作品类型看,数量最多的是摄影作品,占登记总量的38.74%。

2015年,我国计算机软件著作权登记数量接近30万件,再创历史新高,同比增长33.63%,这也是自2010年以来,同比增速最高的一年。其中,北京市登记软件6.45余万件,约占登记总量的22.07%,继续高居全国榜首。(案新颖)

The amount of works, software copyrights and copyright pledges in 2015  
2015年作品、计算机软件、著作权质押登记量  
(单位:件)



The amount of copyright registrations (2013-2015)  
2013年-2015年著作权登记总量  
(单位:件)



孙易恒 制图

# Castel avoid high-price damage of trademark “卡斯特”商标侵权案尘埃落定

Recently, the Supreme People's Court of China made a judgment of retrial of "Castel" trademark infringement case. The Court overruled compensate of 33.73 million Yuan in the last judgment from defendant, and altered it to be 500,000 Yuan. After being in procedure for 6 years, the case with an amount of subject of 210 million Yuan finally closed.

Accordingly, Li Daozhi was the owner of No. 1372099 trademark "Castel", and the company authorized by Li Daozhi to use the trademark above. In Oct. 2009, Li Daozhi and the authorized company jointly filed a lawsuit against Castel Freres Sas and its dealers in China to Wenzhou Intermediate People's Court, and asked for a compensate of 40 million Yuan. Afterwards, Li Daozhi filed another two trademark infringement lawsuits against Castel Freres Sas and asked a compensation of 210 million Yuan.

Judgments from Intermediate Court and Higher Court held that, Castel

Freres Sas used "Castel" mark on the customs declaration documents of its wine product exported to China knowing the "Castel" trademark was owned by Li Daozhi, which not fulfilled its obligation of reasonable avoiding others' registered trademark. The Higher Court held that Castel Freres Sas infringed Li Daozhi's exclusive right to use registered trademark, and made a decision of compensation of 33.73 million Yuan.

After the final judgment coming into effective, the Supreme People's Court brought the case to retrial in 2013, while suspending the execution in the mean time. The Supreme Court held that, the main facts of the case were not clear and essential evidence was insufficient in the second instance; it was not apparent to call the trademark famous before Castel Freres Sas being indicted as infringement, and the wine product involved have had a high reputation during the trial. The Supreme Court also held

that it should consider comprehensive facts to determine the calculation of compensation, thus the high price of compensation was biased. The Court finally judged the compensation as 500,000 Yuan. (by Mao Ligu)

本报讯 日前,中国最高人民法院对"卡斯特"商标侵权案作出再审判,撤销了此前一审法院与二审法院判令法国卡思黛乐兄弟简化股份公司(下称卡思黛乐公司)需向李道之及上海班提酒庄有限公司(下称班提酒庄公司)支付高达3373万元赔偿金额的判决,改判赔偿50万元。这场持续时间长达6年之久,涉案标高达2.1亿元的跨国纷争终于尘埃落定。

据了解,李道之系核准注册在葡萄酒等商品上的第1372099号"卡斯特"文字商标(下称涉案商标)的持有人,班提酒庄公司经李道之授权使用该商标。2009年10月,李道之与班提酒庄公司以商标侵权为由,将卡思黛乐公司及其在销售商诉至温州市中级人民法院,并索赔4000万元。随后,李道之针对卡思黛乐公司又相继提起了两起商标侵权诉讼,索

赔金额累计2.1亿元。

一审法院及二审法院相继作出判决,认定卡思黛乐公司在知晓李道之持有涉案商标的情况下,在其生产、出口到中国的葡萄酒产品的报关及报检材料上使用包含"卡斯特"字样的标识,未尽到合理避让他人注册商标的义务,该行为侵犯了李道之对涉案商标享有的专用权,判决各被告共计赔偿李道之3373万元。

二审判决生效后,2013年12月,最高人民法院裁定提审此案,同时中止原审判决的执行。最高人民法院认为,二审法院对案件事实认定错误,且对损害赔偿计算依据及方法有误。根据在案证据,不足以证明涉案商标在被控侵权行为发生之前具有较高的知名度,而卡思黛乐公司生产的涉案葡萄酒在该案被诉期间已具有较高的知名度。被告被控侵权产品的获利不能直接作为赔偿数额,而应综合考虑各自商标的知名度等因素。综合诸因素,最高人民法院认为该案一审与二审法院确定的赔偿数额显属不当,并酌情确定赔偿数额为50万元。(毛立国)



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