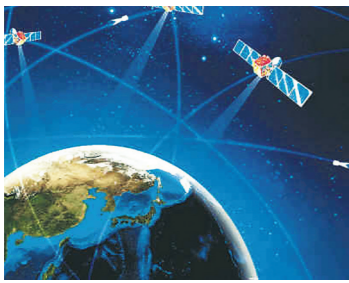


China's IP
in foreign eyes



China plans to launch some 40 Beidou navigation satellites by 2020 to support its global navigation and positioning network, which will provide global coverage with positioning accuracy of less than 10 metres and timing accuracy of 20 nanoseconds. Major navigation systems, such as the US-based GPS and Russia's GLONASS, use about 24 satellites, but Beidou, with 35 satellites, will be more accurate after it achieves global coverage. (China to launch about 40 Beidou satellites by 2020, by the Times of India)

到2020年,中国计划发射近40颗具有全球导航和定位功能的北斗导航卫星。未来这一导航系统将覆盖全球,达到10米的定位精度和20纳秒的授时精度。包括美国全球定位系统和俄罗斯格洛纳斯卫星导航系统在内的现有主要导航系统使用约24颗卫星,而北斗系统将使用约35颗。(到2020年中国将发射近40颗北斗卫星,印度时报)

Comment:

With more and more satellites launched, the independent research and development positioning system, Beidou Navigation System has shown a promising application prospect, which may play an important role in areas like national security, maritime transport and scientific research in China.

点评:

随着越来越多的卫星发射上天,中国自行研制的北斗卫星导航系统显示出的良好的应用前景,这将在中国在国家安全、海洋运输和科学研究等领域的发展发挥重要作用。

Many industry experts believe that a new era of Chinese innovation in bio-pharma may be soon upon us. The excitement of pharmaceutical executives and investors at the recent BioCentury China healthcare conference was palpable, fueled by a flurry of new measures announced by the China Food and Drug Administration (CFDA), following guidance by the State Council. (This is What Industry Experts Told us About Pharma Innovation in China, by McKinsey)

不少制药从业者对中国生物制药行业的未来持乐观态度,这源于在国务院的指导下,国家食品药品监督管理总局推行的一系列新政。有专家认为,中国生物制药领域即将迎来新的创新时代。(行业专家如何看待中国的医药创新,麦肯锡)

Comment:

CFDA have taken a series of measures to promote bio-medical as a strategic industry. Changes at the top of the CFDA, real efforts to clear the backlog of new drug applications, the continuous wave of returning talent, and improving funding conditions are indicators that China is well on its way to becoming a biopharma innovation powerhouse.

点评:

中国政府已经采取了一系列措施促进生物制药行业的发展,包括管理体制变革,处理积压的新药审批案件,鼓励优秀人才回国,提升资金状况等。这些措施为中国未来生物制药行业的持续创新提供了源源不断的动力。

(孙易恒)

Patent pledge financing exceeds 56 billion yuan in 2015

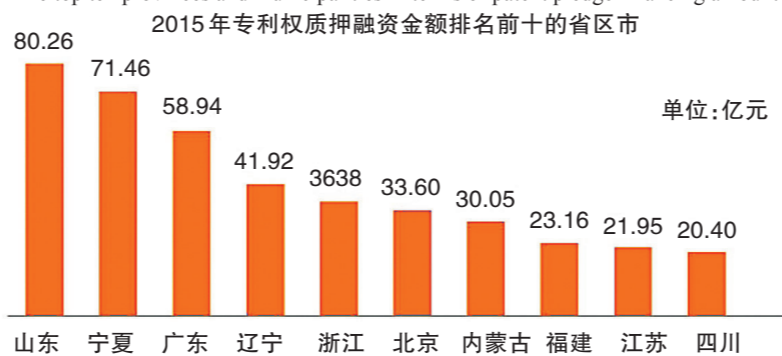
2015年中国专利权质押融资金额突破560亿元

2015 witnessed notable progress in China's IP pledge financing. Some 2,000 enterprises secured 56 billion yuan with patent pledge all through the year. Sampling results on 20 patent pledge projects showed that enterprises involved generated 3.77 billion yuan in sales and 320 million yuan in profits.

According to a representative from Patent Administration Department under SIPO, during the 12th Five-Year plan period, over 5,000 enterprises secured a total of 153.3 billion yuan with annual growth rate of 58%. For example, a Shijiazhuang-based heating equipment company secured a loan of 80 million yuan by pledging 6 patents, effectively easing the pressure on the company's fund which triggered more R&D investment. Meanwhile, the recognition of financial institutions on patented products enhanced the popularity of products and the annual sales volume rose to 120 thousand from 16 thousand, with 360 million yuan in sales, up 650%.

In a bid to speed up the perfection of IP financial service mechanism, SIPO issued Opinions on Further Promoting IP Financial Services in 2015 to strengthen policy and professional guidance on IP pledge financing, improve IP value assessment and analysis and strengthen risk management on pledge and financing. Under the concerted efforts of IP organs at all levels, the development of patent pledge financing tends to be normal and on large scale. Latest statistic revealed that the top 10 provinces and municipalities in terms of patent pledge financing amount are Shandong (8.026 billion yuan), Ningxia (7.146 billion yuan), Guangdong (5.894 billion yuan), Liaoning (4.192 billion yuan), Zhejiang (3.638 billion yuan), Beijing (3.360 billion yuan), Inner Mongolia (3.005 billion yuan), Fujian (2.316 billion yuan), Jiangsu (2.195 billion yuan) and Sichuan (2.04 billion yuan). The top ten provinces

The top ten provinces and municipalities in terms of patent pledge financing amount



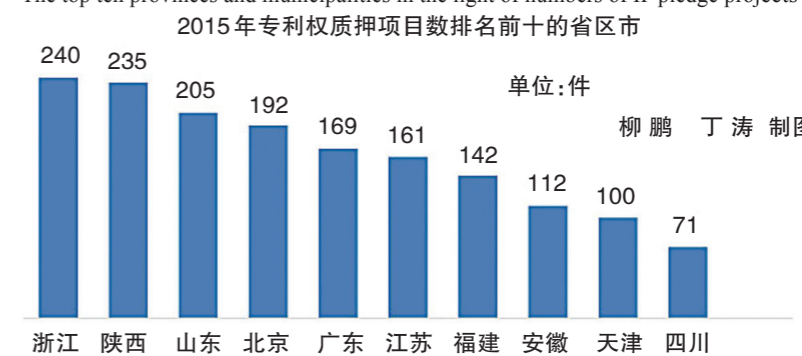
in terms of IP pledge projects are Zhejiang (240), Shaanxi (235), Shandong (205), Beijing (192), Guangdong (169), Jiangsu (161), Fujian (142), Anhui (112), Tianjin (100), Sichuan (71).

据中国国家知识产权局专利管理司相关负责人介绍,“十二五”时期,中国专利权质押融资金额达1533亿元,年均增长58%,惠及企业5000余家,对于拓宽企业融资渠道、促进创新成果运用发挥了积极作用。例如,石家庄多康采暖设备有限公司以6件节能环保采暖炉专利权获得质押贷款8000万元,有效缓解了企业资金压力,使企业在研发新技术新产品方面可以投入更多资金。同时,金融机构对企业专利产品的认可也有效提

润3.2亿元

高了产品知名度,相关产品年销售量由1.6万台攀升至12万台,实现销售收入3.6亿元,同比增长650%。

The top ten provinces and municipalities in the light of numbers of IP pledge projects



计数据显示,2015年专利权质押融资金额排名前十的省市区依次为山东(80.26亿元)、宁夏(71.46亿元)、广东(58.94亿元)、辽宁(41.92亿元)、浙江(36.38亿元)、北京(33.60亿元)、内蒙古(30.05亿元)、福建(23.16亿元)、江苏(21.95亿元)、四川(20.40亿元);质押项目数排名前十的省市区分别为浙江(240件)、陕西(235件)、山东(205件)、北京(192件)、广东(169件)、江苏(161件)、福建(142件)、安徽(112件)、天津(100件)、四川(71件)。(王宇 余博)



During the spring festival, folklore performances were very bustling in various temple fairs. Rare show which is recognized as intangible culture heritage, performed in Longtan Temple Fair was very eye-catching. It is a traditional folk art as well as a form of folk culture and entertainment. Performers can talk and sing the contents of printed pictures which are hung in the wooden box equipped with convex lens while pull the picture simultaneously, so that the audiences can see the magnifying printed ones.

(by Jiang Wenjie)

农历猴年春节,北京各大庙会的民俗表演热闹非凡,龙潭庙会上的非物质文化遗产拉洋片吸引市民的眼球。拉洋片是中国传统民间艺术,在装有凸透镜的木箱中挂着各种画片,表演者一面说唱画片的内容,一边拉动画片,观众从透镜中看到放大的画片。本报记者 蒋文杰 摄影报道

Nike's trademark registration enters into overtime

“詹姆斯”商标注册进入“加时赛”

“勒布朗-詹姆斯”商标行政纠纷案,最高法作出再审判决——

“詹姆斯”商标注册进入“加时赛”

Nike International Ltd (hereafter as Nike) suffered a succession of setbacks in its trademark registration due to the reference trademark “LEBULANG · ZHANMUSI 勒布朗·詹姆斯” since it began its trademark registration of “勒布朗-詹姆斯” on class 25 commodities in 2005. Nike argued that the reference mark infringed its prior rights and the proceedings of review for the trademark registration should be suspended. However, the Trademark Review and Adjudication Board (hereafter as TRAB) under State Administration for Industry and Commerce (hereafter as the SAIC) did not buy it. The case was brought to both the first and second instance courts and ended up with Nike's defeat. Recently, China's Supreme People's court made a retrial decision that revoked the verdicts of the first and second instance courts and ordered the TRAB to review the application. Therefore, the trademark registration of “勒布朗-詹姆斯” finally turned the corner.

Nike applied for trademark registration of “勒布朗-詹姆斯” on class 9, 14, 18, 25, 28 commodities or services in September 2005. The Trademark

Office made the notification to refuse the registration of trademark to be used on class 25 including clothing, gloves, shoes and socks and certified the mark to be used on other classes. Disgruntled with the ruling, Nike applied for a review to the TRAB.

The TRAB made the review decision and held that the mark “勒布朗-詹姆斯” was identical with Chinese characters of the reference mark and “LEBULANG · ZHANMUSI” is the capitalized Pinyin of “勒布朗·詹姆斯”. When the two marks were used in products of same or similar class which would easily cause the confusion among the consumers on the origin of the products. So, the TRAB rejected the trademark registration to be used on class 25 commodities.

In 2011, Nike filed an administrative law suit to Beijing First Intermediate People's Court. The court took the case and held that the reference mark was valid and neither trademark law nor related laws explicitly prescribe that when the reference mark was challenged, the proceeding of review for trademark registration should be suspended. So the court maintained

the TRAB's decision.

Nike was disgruntled with the verdict and lodged an appeal to Beijing Higher People's Court. The higher court upheld the previous verdict on the same legal grounds with the first-instance court.

According to the system whereby the second instance is the final instance, the verdicts can be regarded the final judgment. However the persevering Nike did not give up and appealed to the Supreme People's Court. The supreme court accepted the appeal and made the decision to rehear the case in December 2014.

Recently, the supreme court made the retrial judgment, revoking the verdicts of first and second instance courts and ordered the TRAB to review the decision. (by Su Jie)

实习记者 苏杰

从2005年申请在第25类商品上注册“勒布朗-詹姆斯”商标开始,耐克国际有限公司(下称耐克公司)的商标注册之路就十分曲折。该注册申请因引证商标“LEBULANG · ZHANMUSI 勒布朗·詹姆斯”受阻。耐克公司认为该引证商标侵犯了其享有的在先权利,针对申请商标的复审申

理程序应当中止。但中国国家工商行政管理总局商标评审委员会并未中止审理。此后,该案历经两审,耐克公司均败诉。直至不久前,最高人民法院作出再审判决,撤销针对这一商标纠纷的一审、二审判决,判令商标评审委员会重新作出决定。

2005年9月,耐克公司向国家工商行政管理总局商标局申请在第9、14、18、25、28类商品或服务上注册“勒布朗-詹姆斯”商标。2008年,商标局作出了《商标部分驳回通知书》,对申请商标指定使用在第25类服装、手套、鞋、袜等商品上的注册申请予以驳回,并对指定使用在其余商品上的注册申请予以初步审定。耐克公司不服,向商标评审委员会申请复审。

2010年7月,商标评审委员会作出复审决定,认为申请商标与引证商标“LEBULANG · ZHANMUSI 勒布朗·詹姆斯”中文部分文字相同,“LEBULANG · ZHANMUSI”为“勒布朗·詹姆斯”的大写拼音,申请商标与该引证商标同时使用在同一种或类似商品上时,易使相关公众对商品的来源产生误认,因此对耐克公司在第25类商品上的注册申请予以驳回。

2011年,耐克公司就商标评审委员会的决定向北京市第一中级人民法院提起诉讼。北京一中院经审理

认为,涉案引证商标尚处于有效状态,商标评审委员会将其作为引证商标并无不当。商标法及相关法律中并未明确规定,当引证商标处于异议程序阶段时针对申请商标的复审审理程序应当中止。据此,北京一中院判决维持原决定。

耐克公司不服一审判决,向北京市高级人民法院提起了上诉。北京中院二审认为,对于该案是否应该中止审理,法律和司法解释均没有明确规定,北京一中院中止审理在程序上并无不当,于是判决驳回上诉,维持原判。

按照行政诉讼二审终审制原则,该案的判决结果基本上已经尘埃落定。但耐克公司并没有放弃,随后向最高人民法院申请再审。

近日,最高人民法院作出再审判决,撤销一审、二审法院判决,并要求商标评审委员会重新作出决定。



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