

IP Brief

Beijing

An IPR operation foundation with an estimated size of 1 billion yuan was recently set up in Beijing. The foundation adopts limited partnership, and the duration period is 10 years. Up to now, 400 million yuan has been subscribed.

北京

近日,北京市重点产业知识产权运营基金成立。基金采取有限合伙的形式,存续期为10年,计划规模为10亿元,目前首期4亿元已认购完毕。

Tianjin

A cooperation agreement on promoting IPR progress and advancing capacity for independent innovation has recently been concluded by Tianjin IP office and the Administrative Commission of the Tianjin Binhai High-tech Industrial Development Zone. Under the agreement, the two sides will help set up a national IPR demonstration zone and a national piloting patent industry development zone.

天津

近日,天津市知识产权局与天津滨海新区管委会签订了共同推进知识产权工作提升自主创新能力的合作协议。根据合作协议,双方将共同推动滨海新区建设国家知识产权示范园区和国家专利导航产业发展试验区。

Shanghai

The 13th China International Semiconductor Expo & Summit Jointly launched by China Semiconductor Industry Association (CSIA) and Shanghai Silicon IPR exchange center was recently held in Shanghai. Its sub-forum on IPR has attracted wide attention.

上海

近日,由上海硅知识产权交易中心、中国半导体行业协会知识产权工作部承办的第13届“中国国际半导体博览会暨高峰论坛”知识产权分论坛在沪举行。

Shandong

A IPR protection league covering 13 cities in Shandong, Jiangsu, Henan, Anhui, was recently initiated. This league was designed to provide a platform for IPR protection, using, and to establish a win-win IPR protection union.

山东

近日,鲁苏豫皖四省交界区域十三市知识产权维权联盟成立大会在山东菏泽召开。联盟成立后将由各成员单位搭建一个知识产权保护和交流的平台,建立协作共赢的知识产权保护联合体。

Guangdong

The Guangdong Microbial Preservation Center was recently regarded as China's 3rd international microbial culture Preservation center. Since January 1st, 2016, this center was opened for domestic patent applicants for Preservation during the patent examining period.

广东

近日,广东省微生物菌种保藏中心成为中国第三家微生物国际保藏单位,承担用于专利程序的生物材料保藏及相关工作。该中心自2016年1月1日起接受国内专利申请人用于专利程序的生物保藏。

China handled 35,844 patent administrative law enforcement cases in 2015  
2015年中国专利行政执法办案总量达3.5844万件

Based on the latest report from SIPO, Chinese government has strengthened its efforts to combat patent infringements in the past year, and 35,844 administrative law enforcement cases on patents were handled, up 46.4%. It's worth noting that this figure marked a 5th year of consecutive growth. Numbers show that the annual administrative law enforcement cases on IPR increased by 81.4% and 87,000 cases were concluded during the 12th "Five-Year Plan" period in total, 9.8 times the cases handled than prior planned schedule.

According to a representative from SIPO, in 2015, the national IPR system has handled 14,607 patent disputes and 21,237 patent counterfeit cases, up 77.7% and 30.6% respectively. Among which, 14,202 were patent infringements. In 2015, IPR system nationwide have strengthened efforts to carry out patent administrative law enforcement. 28 out of 31 provinces, autonomous regions and municipalities, have handled more administrative law enforcement cases than the last year. It's worth noting that regional IP offices have played crucial roles in advancing patent administrative law enforcements. Numbers show that, in 2015, IP offices under SIPO nationwide have handled 8,744 patent infringement cases directly, representing 61.6% of the total, up 88.3%. According to this representative, national IPR system has handled more difficult patent disputes on a year-over-year basis, the case structure has been further optimized and the efficiency has been improved. Take the year of 2015 as an example, 93.2% of the disputes have been concluded, up 6.2%. At the same time, 7,644 patent disputes in e-commerce and 2,743 cases involving exhibition have been concluded, representing 1/4 of the total.

"In 2015, the national IPR system strengthened the efforts to protect IPR and fought against infringement and counterfeit, the organ's activity, initiative and ability to handle the patent disputes have been obviously im-

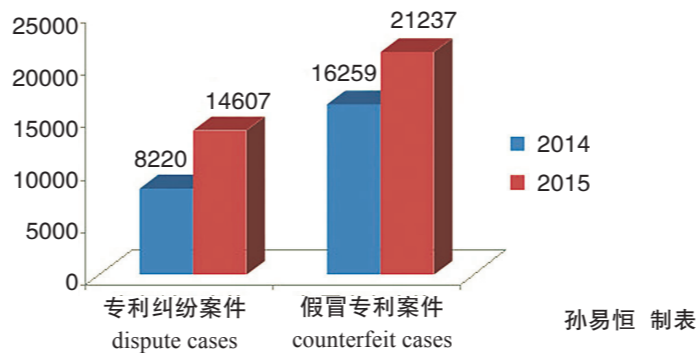
proved. Meanwhile, demands for quick rights safeguarding by the right holders, innovators and market players have been increasing. We are glad to see that they are more confident in governments' determination and efforts in carrying out IPR law enforcement than ever." says this representative. (by Cui Jingsi/ Guan Jian)

本报讯 日前,中国国家知识产权局发布了2015年全国知识产权系统行政执法办案数据统计分析情况。2015年,中国打击专利侵权假冒办案力度不断增强,专利行政执法办案总量达到3.5844万件,同比增长46.4%。至此,在“十二五”期间,我国专利行政执法办案量也实现了连续5年增长,年均增长率达81.4%,办案总量超过8.7万件,是“十一五”期间的9.8倍。

据国家知识产权局专利管理司有关负责人介绍,2015年,在专利行政执法办案的过程中,全国知识产权系统办理的专利纠纷案件突破1万件,达到1.4607万件(其中专利侵权纠纷1.4202万件),同比增长77.7%;假冒专利案件2.1237万件,同比增长30.6%。据了解,在过去的一年中,中国各地区的专利行政执法办案工作力度普遍加强,中国31个省(区、市)中,有28个省(区、市)的执法办案量比2014年有所增长。在开展专利行政执法的过程中,各省(区、市)知识产权局直接办理的专利侵权纠纷案件达8744件,同比增长88.3%,占全部侵权纠纷案件的61.6%,地方局执法办案的带头作用进一步凸显。

与此同时,全国知识产权系统办

Patent dispute and counterfeit cases handled in China  
2014-2015年中国专利行政执法办案量对比



理难度较大的专利纠纷案件占案件总

量的比重逐年增加,办案结构进一步优化,办案能力进一步提升。此外,在2015年的专利行政执法办案工作中,各类专利案件结案率达93.2%,同比提高6.2个百分点,执法办案效率进一步提高。值得一提的是,去年,电子商务领域和展会的专利执法办案量分别达到了7644件和2743件,占全部案件总量的1/4以上,凸显重点领域执法办案力度持续加大。

国家知识产权局专利管理司有关负责人表示,过去一年,全国知识产权系统深入贯彻落实党中央、国务院部署,严格保护知识产权,打击侵权假冒的办案力度持续加大,办案的积极性、主动性及办案能力进一步提升。同时,权利人以及广大创新主

体、市场主体对快捷维权的需求进一步增强,对政府部门知识产权执法的信心进一步提高。(崔静思 关健)

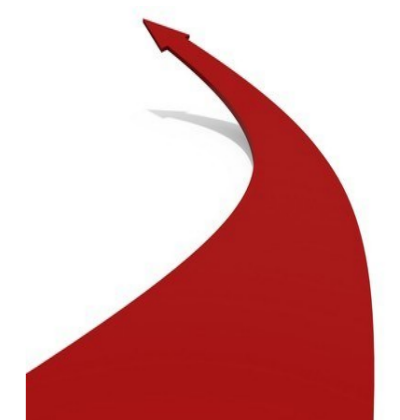


Photo News



According to historical records, marionette has been prevalent in China for more than 2000 years, which originated from the Han Dynasty, popular in Song Dynasty. marionette has long been regarded as valuable culture heritage of human race in China. Among all the marionette types in China, the Quanzhou Marionette are the most-recognizes one. It inherited the Tang Dynasty style in terms of carving and coloring. In 2006, Quanzhou Marionette was listed on the first Non-material cultural heritage protection name list.

(by Wang Wenyang)

泉州提线木偶形象结构完整,制作精美,尤其是木偶头的雕刻、粉彩工艺,继承了唐宋雕刻绘画风格,独具匠心,巧夺天工。经过千年传承,泉州提线木偶制作在传统技艺基础上,更侧重于夸张与变形,尤为强调性格化和表现力,成为享誉中外的汉族传统工艺珍品。2006年,泉州提线木偶戏入选首批中国非物质文化遗产保护名录。

本报记者 王文扬 摄影报道

Toyota's crown troubled by a trademark dispute  
一汽“皇冠”被诉商标侵权

As a saying goes, one nation can't have two queens. Recently, because of a crown trademark dispute, two automobile companies entered the tribunal room and sought legal support. One protagonist in this story is Toyota, an automobile giant, its crown series have been very popular among the consumers. The other is a Hubei based company, Wuhan Municipal Environment and Sanitation Machinery Company (hereinafter as Wuhan Company), a special vehicle manufacturer. Wuhan Company's products were popular among consumers nationwide and in Southeast Asian markets, such as Indonesia and Bangladesh.

Existing materials show that the Wuhan Company, former Wuhan municipal machinery company, was founded 40 years ago and is a main supplier of mechanical products for municipal environment and sanitation use, such as suction sewage truck, cleaning tanker and garbage truck. Crown was Wuhan Company's legally certified trademark.

In December 2014, Toyota chal-

lenged Wuhan Company's trademark and sought revocation of it on grounds of disuse for three consecutive years. However, its request was rejected. In November 2015, Wuhan Company brought Toyota and a Wuhan based automobile dealer to the court on grounds of trademark infringement. The ever defendant became accuser. Wuhan Company held that they had filed the NO. 217925 crown and its figures trademarks on Class 12, products of special vehicle, and their filings were certified in December 1984. Up to now, these marks are within validity. Wuhan Company held that their marks were once honored as Hubei provincial famous trademarks and they never disused the marks on their products. However, Toyota has always used the crown character as their commercial brand since the establishment of its Tianjin branch. Toyota has infringed the exclusive right of the Wuhan Company's trademark.

Wuhan Company requested the court to order the defendant to cease using crown as trademarks, split the crown trademark and its figure, de-

stroy relative publicity materials, and compensate 2 million yuan for economic loss. Hubei Wuhan Intermediate People's Court has handled the case.

CIP News will follow the update of this case.

(by Wang Guohao)

本报讯 作为一汽丰田旗下的汽车品牌,“crown”(中文皇冠)可谓家喻户晓,但在湖北省武汉市有一家“皇冠”汽车品牌,不过该“皇冠”系为特种汽车品牌。在天津一汽丰田汽车有限公司(下称天津一汽公司)于2014年12月以连续3年停止使用为由,申请撤销武汉市政环卫机械有限公司(下称武汉市政环卫公司)持有的“皇冠及图”商标未果后,武汉市政环卫公司于2015年11月以商标侵权为由,将天津一汽公司诉至法院,一同列为被告的还有武汉当地的一家丰田汽车经销商。

据了解,武汉市政环卫公司是国家级定点生产市政环卫机械的专业公司,有近40年生产市政、环卫机械产品的历史。2002年由原武汉市市政机械厂改制,成立国控有限公司,主要产品有吸污车、清洗车、垃圾车等系列产品共30多个品种。该公



司持有的注册商标“皇冠”为其自主品牌名称,相关产品行销全国29个省、区、直辖市,并出口到印尼、孟加拉等国家。

武汉市政环卫公司诉称,其于1984年12月获准注册第217925号“皇冠及图”商标,核定使用在第12类特种汽车商品上,目前该商标仍在有效期内。自获准注册以来,武汉市政环卫公司一直在其生产的大型车辆上使用“皇冠及图”商标,该商标曾被认定为湖北省著名商标。天津一汽丰田公司成立至今,一直将中文“皇冠”作为其“CROWN”牌轿车的中文名称使用,并进行广告宣传。丰田汽车“皇冠”名称与武汉市政环卫公司拥有的“皇冠及图”商标近似,天津一汽丰田公司未经许可使用“皇冠”名称的行为已构成商标侵权。

据此,武汉市政环卫公司请求法院判令天津一汽丰田及另一被告停止使用中文“皇冠”作为轿车的商品名称,拆除“CROWN”牌轿车的图商标标识,销毁相关宣传品等,并赔偿其经济损失200万元。据悉,湖北省武汉市中级人民法院目前已受理该案。(王国浩)

EXPRESS

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