

China's IP
in foreign eyes

Alibaba Group Holding Limited (BABA) said it will buy the South China Morning Post, the most widely circulated and oldest English newspaper in Hong Kong. The deal also includes a magazine, digital media ventures and other media properties owned by SCMP Group Limited, the company that owns the Morning Post. (USA TODAY, Alibaba to buy South China Morning Post)

近日,阿里巴巴集团控股有限公司(BABA)表示,将收购香港南华早报。南华早报是香港流传最广,历史最悠久的英文报纸。此次收购还包括南华早报集团有限公司旗下的一家杂志、数字媒体和其他媒体。(今日美国,阿里巴巴将收购南华早报)

Comment:

At present, it has become a trend that more and more newspapers are acquired by investors with deep pockets. Hong Kong's South China Morning Post is acquired by Alibaba because of its huge global mobile Internet resources. Alibaba would make use of mobile Internet and other new technologies to provide valuable information for a global audience more effectively, which can be described as more powerful to the development of digital media.

点评:

目前,越来越多的纸媒被资本雄厚的投资者收购已成为一种风潮。香港南华早报被阿里巴巴收购,与其坐拥全球巨大的移动互联网资源有很大关系。利用移动互联网新技术更有效地为全球用户提供有价值的资讯,这对数字媒体发展可谓如虎添翼。



The Buick Envision crossover made in China will go on sale next summer, helping to fill ravenous demand in the U.S. for smaller SUVs. But the Buick is coming despite resistance from the United Auto Workers Union that wants it produced in the U.S. (USA TODAY, GM's Buick SUV will be first to be imported from China)

中国生产的别克 Envision 跨界SUV汽车将于2016年夏天在美国上市销售,有助于满足美国国内对于小型越野车海量的需求。尽管美国有关行业机构希望别克SUV汽车在美国本土生产,但别克SUV最终还是靠从中国进口。(今日美国,通用的别克SUV将从中国进口到美国)

Comment:

China has become the world's most popular car market, which enables Chinese automakers continue to focus on technological innovation and intellectual property protection. GM SUV's exports to the US domestic market also shows that, as the representative of "Made in China", Chinese automakers must further strengthen technological innovation and intellectual property protection on the way to march to the world.

点评:

中国已经成为世界上最热门的汽车市场,促使中国企业不断注重技术创新和知识产权保护。通用SUV出口美国本土市场的案例也说明,以汽车工业为代表的“中国制造”要想大踏步走向世界,必须进一步加大技术创新和知识产权保护。(空桑)

WIPO report: China driving growth in global patent filings rise

连续5年世界知识产权指标年度报告显示——

中国成为推动全球发明专利增长重要力量

In 2014, China received 928,000 invention patent applications, ranking the top in the world, accounting for 34% of the total applications in the world. At the same time, the annual average growth rate of China's invention application stood at 12.5%, ranking the second position as the global patent filings rose in 2014 for fifth straight year. China also ranked the third position in the world in its PCT filings, according to the 2015 edition of the World Intellectual Property Indicators released by WIPO.

In the past five years, China saw a rapid growth in its IP community, reflected by its innovative companies and the whole society, according to WIPO report.

The report also shows that, in 2010, China overtook Japan and became the second largest economy in the world. In the same year, China saw an increase of 24.3% in invention patent filings, ranking the second place in the world, doubled than that in EPO. In parallel, China surpassed the South Korea in PCT filings, becoming the fourth largest PCT filing country worldwide.

It is worth mention that in 2011, China has ranked first in terms of the number of patent applications, with 526,000 invention patent filings. China has become an IP power house as in the past 100 years, only Germany, Japan and the USA were in the top slot.

According to 2013 edition of the World Intellectual Property Indicators, China has ranked the first in terms of number of invention patent filings with 653,000 for two consecutive years.

According to 2014 edition of the World Intellectual Property Indicators, China received 825,000 invention patent applications in 2013, accounting for 33.3% of the world's total, ranking the top for three consecutive years.

According to the report, an estimated 10.2 million patents were in force worldwide in 2014, with the bulk of them in the US (24.7% of the world total), Japan (18.8%) and China (11.7%). US applicants filed the most applica-

tions abroad (224,000), followed by Japan (200,000). By contrast, Chinese applicants filed around 36,000 applications abroad.

"It is no difficult to find out that there is still a gap between China and other IP power houses in global valid invention patent share and abroad patent applications, therefore, concerted efforts should be made to narrow this gap" said Li Shunde, the dean of Legal and Intellectual Property Department, University of Chinese Academy of Sciences.

Since the start of 12th Five-Year Plan, more and more Chinese companies have redoubling efforts to catch up with IP powers. "As of now, ZTE Corporation have obtained more than 60,000 patents from home and abroad, 90% of which were high quality patents," said Guo Xiaoming, the vice president of ZTE. "The globalization IP layout is an important guaranty for ZTE participating in international market contests. In 2014, ZTE ranked among the top three applicants under the PCT system with 2,179 patent filings, which is the only Chinese company to rank the top three for fifth straight year," adds Guo.

By now, more and more Chinese companies like ZTE have attached a great importance in global IP layout. Thanks to its growing invention and PCT filings, the Lenovo, Inspur Group, Haier and other Chinese companies have advanced by leaps and bounds during the 12th Five-Year Plan.

It is IP authorities' efforts that shaped companies dramatic rise. In a bid to enhance the ability of innovators to use IP, SIPO and other relevant authorities have made heroic efforts. Especially since 2014, SIPO revised the patent law a fourth time, promote the modification of Service Invention Regulations, Regulations on Patent Commissioning, formulated the Measures for Patent Administrative Law Enforcement and etc., which provide a sound market environment for innovators in institutional building and public service. Statistics from SIPO said that, in the first 11 months of 2015, China received 810,000 inven-

tion applications from domestic applicants, an increase of 21%.

"Further inspiration of innovation activities is crucial in the transformation of big IP country to the power one, which is also an important support for Chinese companies to participate in international market competition in the coming 13th Five-Year Plan," adds Li. (by Zhao Jianguo)

本报记者 赵建国

2014年,中国发明专利申请量为92.8万件,位居世界第一,占全球总量的34%。同时,在全球发明专利申请量连续5年上升的情况下,中国发明专利申请量年增长率为12.5%。来自中国的通过《专利合作条约》(PCT)途径提交的国际专利申请量居世界第3位。这是世界知识产权组织(WIPO)最新发布的《2015年世界知识产权指标》年度报告中所披露的主要内容。

走进2016年新的一年,中国正处于“十二五”向“十三五”转折点上。回首刚刚走过的“十二五”的5年,中国知识产权事业快速发展,不仅企业创新活跃,而且全社会的创新活力正在被持续激发,取得的成绩举世瞩目。这从世界知识产权组织过去5年发布的世界知识产权指标年度报告中可以找到一条闪光的发展轨迹。

《2011年世界知识产权指标》报告显示,2010年,中国在超越日本成为世界第二大经济体的同时,其发明专利申请量同比增长24.3%,增幅位居全球第1位,比增幅居第2位的欧洲专利局高出1倍。同时,中国的PCT国际专利申请量超过韩国,成为全球第四大PCT国际专利申请来源国。

《2012年世界知识产权指标》报告表明,2011年中国发明专利申请量达到52.6万件,首次成为全球发明专利申请第一大国,巨大的进步值得欣喜。因为在过去100年中,只有德国、日本和美国曾经占据这个位置,

中国已是名副其实的专利大国。

《2013年世界知识产权指标》报告显示,2012年中国发明专利申请量达到65.3万件,连续第2年保持全球发明专利申请第一大地位。

《2014年世界知识产权指标》报告显示,2013年中国发明专利申请量达到82.5万件,占当年全球发明专利申请1/3,连续第3年保持全球发明专利申请第一大地位。

虽然中国发明专利总的数量在持续增长,但世界知识产权组织《2015年世界知识产权指标》年度报告指出,2014年全球有效发明专利约为1020万件,其中美国占比为24.7%,日本占比为18.8%,中国占比为11.7%;同时,美国申请人在国外提交的发明专利申请量为22.4万件,日本申请人在国外提交的发明专利申请量为20万件,中国申请人在国外提交的发明专利申请量仅为3.6万件。

“不难发现,在全球有效发明专利占比和向国外提交发明专利申请量中,中国与其他知识产权强国还有一定的差距,需要加速追赶。”中国科学院大学法律与知识产权系主任李顺德教授表示,发明专利维持有效的时间在很大程度上取决于专利的质

量,而向国外提交发明专利申请则是市场主体参与国际市场竞争能力的体现。

“十二五”以来,中国企业已经看到了这种差距,努力追赶的步伐正在加快。“截至目前,中兴通讯已拥有国内外专利超过6万件,90%以上为具有高度权利稳定性和技术品质的发明专利,由此构筑了我们‘走出去’的基石。”中兴通讯股份有限公司副总裁郭小明在接受中国知识产权报记者采访时表示。全球化的知识产权布局是中兴通讯参与国际市场竞争的重要保障,世界知识产权组织的报告表明,在全球企业提交的PCT国际专利申请中,中兴通讯凭借2179件PCT国际专利申请位居2014年全球国际企业前3名,成为中国唯一一家连续5年稳居全球前3名的企业。

时至今日,如同中兴通讯一样重视国际市场知识产权布局的中国企业越来越多。联想集团、浪潮集团、海尔集团等企业,近年来正是通过发明专利的持续增长和PCT国际专利的海外布局,在“十二五”时期实现了跨越式发展。

中国企业不断成长的背后,是相关部门的大力支持。为提高创新主体知识产权能力,中国国家知识产权局及有关部门在“十二五”期间做出了巨大的努力。特别是2014年以来,中国国家知识产权局积极开展专利法第四次修改、推进《职务发明条例》《专利代理条例》制定修订工作,修订发布了《专利行政执法办法》等规章,从制度建设和公共服务方面为创新主体提供了良好的市场竞争环境。来自中国国家知识产权局的统计数据显示,2015年前11个月,中国仅来自国内的发明专利申请受理量已达81万件,同比增长21%。

“进一步激励创新活动的开展,是中国实现由知识产权大国向知识产权强国转变的必由之路,也是‘十三五’时期中国企业走向世界的重要支撑。”李顺德强调。



BMW wins trademark battle in China
宝马“MINI”商标注册案尘埃落定

Beijing Higher People's Court recently made the second-instance rule in the trademark dispute case between mini and MINI, revoked the decision made by the Trademark Review and Adjudication (TRAB) under the State Administration for Industry and Commerce, and verdicts of the first-instance made by Beijing First Intermediate People's Court.

Before that, BMW intended to apply for MINI as a registered trademark and to be used on car models. As the "mini" trademark was a prior trademark, so TRAB rejected the registration. The disgruntled BMW then brought the case to Beijing First Intermediate People's Court.

The MINI trademark in question was NO.6169130 trademark, which was applied by BMW for registration in July 2007, certified to be used on Class 28 car model products.

The cited trademark was

NO.851498 "mini", which was applied by Guangzhou Zhujiang Meileduo Drinks Company for registration in July 1994, and certified to be used on Class 28 products including toy, game machine.

Rejected by TRAB, BMW then brought the case to Beijing First Intermediate People's Court.

In October 2009, the Trademark Office under SAIC rejected the registration of MINI trademark as the mini and MINI trademark constituted similar trademark when used on the same product.

At the first instance stage, BMW challenged the "mini" trademark and sought rejection from TMO on the ground that the trademark has not been used in China for three consecutive years. While at the second instance stage, TMO has revoked the "mini" trademark in 2015 as the trademark has not been used for three consecutive years. Beijing First People's



Court upheld TRAB's decision, and BMW brought the case to Beijing Higher People's Court.

The court held that, as the "mini" trademark had been revoked, so the prior right was lost. In such case, if the cited trademark was revoked, and trademark in question has not yet registered, the decision should be made according to the principle of changed circumstances. (by Mao Ligu)

本报讯 日前,北京市高级人民法院作出二审判决,撤销了国家工商行政管理总局商标评审委员会(下称商评委)不予核准德国宝马股份公司(下称宝马公司)"MINI"申请注册商标的决定及北京市第一中级人民法院一审判决的决定。

此前,宝马公司欲将旗下的汽车品牌"MINI"申请注册商标,使用在汽车模型商品上,却遭遇到在先商标"mini",商评委决定不予核准注册,宝马公司不服商评委不予核准的决定,随后向北京市第一中级人民法院提起行政诉讼。

据了解,诉争商标为第6169130号"MINI"商标,由宝马公司于2007年7月提出注册申请,指定使用在第28类微型汽车模型商品上。

2009年10月,国家工商行政管理总局商标局(下称商标局)作出《商标驳回通知书》,驳回了诉争商标的注册申请。主要理由为,诉争商标与引证商标构成使用在同一种或类似商品上的近似商标。

据了解,引证商标为第851498号"mini"商标,由广东省广州珠江美乐多饮品(香港)有限公司于1994年7月提出注册申请,后被核定使用在第28类玩具、游戏机等商品上。

宝马公司不服商标局决定,随后向商评委申请复审,在复审同样未得到支持后,宝马公司向北京市第一中

级人民法院提起行政诉讼。

一审诉讼中,宝马公司针对引证商标以连续3年停止使用为由,向商标局提出撤销申请。而在二审期间,引证商标已因连续3年不使用被商评委决定予以撤销,商标局已于2015年9月作出撤销公告。一审法院判决维持了商评委不予核准的决定,宝马公司向北京市高级人民法院提起上诉。

二审法院经审理认为,由于该案引证商标已被撤销,丧失了商标专用权,因此已不构成诉争商标注册在先权利障碍。因此,在商标申请驳回案件中,如果引证商标被撤销,鉴于诉争商标尚未完成注册,应根据情势变更原则,依据变化的事实依法作出裁决。(毛立国)

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