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NUMBERS

12.5%

According to a latest report of WIPO, China's patent filings for inventions kept an annual growth rate of 12.5% in the past five years, ranking second in the world.

12.5%

根据世界知识产权组织 (WIPO)最新发布数据,最近5年 内,中国发明专利申请量年增长 率为12.5%,位居世界第2位。

149.3 billion yuan

Data from SIPO showed the 17th session of China Patent Award honored 25 gold items which added 149.3 billion yuan in sales, 33.4 billion yuan in profits and 10.4 billion yuan in exports.

1493 亿元

中国国家知识产权局数据显 示,第17届中国专利奖评选出的 25 项金奖项目,新增销售额 1493亿元,新增利润334亿元,新 增出口额104亿元。

93.24%

According to the statistics of SI-PO, China's monthly average rate of E-filing patent was 93.24%. The rate in Sichuan, Chongqing and other 19 provinces and cities were higher than 90%.

93.24%

据中国国家知识产权局数据 显示,2015年11月,全国平均月 专利电子申请率为93.24%,其中 四川、重庆等21个省、区、市月电 子申请率高于90%。

The latest data of China's Ministry of Commerce showed that from January to October this year, China's service export reached \$ 187.72 billion, up 8.5%, among which IP royalties increased by 74.9%.

中国商务部最新数据显示, 额 1877.2亿美元,同比增长 8.5%, 其中知识产权使用费出口增长

2.287million

According to SAIC, China received 2.287million applications for trademark registration in the first 10 months. As of October 2015, China had a cumulative number of 17.81 million trademark applications, 11.93 million registered trademarks and 10.07 million valid registered trademarks.

228.7万件

据中国国家工商总局透露, 今年前10个月,中国商标注册申 请量为228.7万件。截至2015年 10月,中国商标累计申请量达 1781万件,累计注册量达1193万 件,有效注册量达1007万件。

10.86 million yuan

According to the statistics of the AQSIQ, the top quality watchdog handled 440 illegal cases with value of 10.86 million yuan within three months during the special compaign against IPR infringement and sales of counterfeit and shoddy goods.

1086万元

中国国家质量监督检验检疫 总局数据显示,自开展打击侵 犯知识产权和制售假冒伪劣商 品"质检利剑"行动以来,近3个 月查处440起违法案件,货值 1086万元。

China vows to speed up building an IP Power 国务院印发意见加快建设知识产权强国

he State Council recently issued Opinion on Accelerating the Building of IP Power under New Conditions, vowing to thoroughly implement national IP strategy, deepen reform in IP key areas, carry out more rigid IP protection, promote the development in new technology, new industry and new commercial formats, enhance industrial internationalization development level, safeguard and encourage mass entrepreneurship and innovation. By 2020, decisive achievements will be made in IP key areas and links, the environment for entrepreneurship and innovation will be further improved, getting a new advantage in global IP competition, laying a solid foundation for China to be a world-class IP power with Chinese characteristics.

The opinion proposes sticking with four basic principles, namely, strategic guidance, reform and innovation, market orientation and overall consideration. It also clarified five major measures: promoting reform in IP administration system and mechanism, carrying our rigid IP protection, promoting IP creation and utilization, strengthening overseas IP layout and risk prevention in key industries, enhancing international cooperation level in IP field.

The opinion points out that efforts should be made to refine IP adminis-

ment reform pilot, build an IP reviewing mechanism in key economic activities, promote reform in patent license system, conduct online registration, Efiling and paperless examination, speed up building a top-notch patent examination office.

Under the opinion, efforts should be made to step up punishment on IP infringement, improve IP protection mechanism featuring a cohesive combination of administrative enforcepreneurship, crowd-sourcing, collec-

The opinion requires building a more fair and reasonable international IP rules, beefing up international

ment and judicial protection, incorporate IP infringement into credit record of enterprises and individuals, establish a fair environment for entrepreneurship, innovation and business operation. Efforts should also be made to strengthen IP protection in new industries, promote research on rules of IP protection in Internet, E-commerce and big data field, formulate policies related to IP protection on mass entre-

tive support and crowd funding.

cooperation mechanism, expanding IP public diplomacy, strengthening overseas IP layout in key areas, improving assessment and warning of IP risk, promoting domestic industry integrated into global industry chain, value chain and innovation chain.

The opinion also calls for establishment of a reviewing system on innovation- driven development featuring IP. Incorporate products related to IP into the System of National Economic Accounting. Include index of IP into national economic and social development program. while making appraisal on the performance of the party and government leaders, focus on factors such as innovation stimulation and IP protection. Explore establishment of an evaluation mode of State-owned enterprises, paying equal attention to business performance, IP and innovation of enterprises. (by Xinhua)

本报综合新华社消息 国务院 日前印发《关于新形势下加快知识产 权强国建设的若干意见》。意见明 确,深入实施国家知识产权 战略,深化知识产权重点

领域改革,实行更加严格的知识产权 保护,促进新技术、新产业、新业态蓬 勃发展,提升产业国际化发展水平, 保障和激励大众创业、万众创新。到 2020年,知识产权重要领域和关键环 节改革上取得决定性成果,创新创业 环境进一步优化,形成国际竞争的知 识产权新优势,为建成中国特色、世 界水平的知识产权强国奠定坚实基

意见确定了四条基本原则,即坚 持战略引领、坚持改革创新、坚持市 场主导、坚持统筹兼顾。意见明确了 五条重要举措,包括推进知识产权管 理体制机制改革,实行严格的知识产 权保护,促进知识产权创造运用,加 强重点产业知识产权海外布局和风 险防控,提升知识产权对外合作水平

意见要求,完善知识产权管理体 制,授权地方开展知识产权改革试 验,鼓励有条件的地方开展知识产权 综合管理改革试点,建立重大经济活 动知识产权评议制度,推动专利许可 制度改革,实现知识产权在线登记、 电子申请和无纸化审批,加快建设世

界一流的专利审查机构。 意见提出,加大知识产权

侵权行为惩治力度,完善行政执法和 司法保护两条途径优势互补、有机衔 接的知识产权保护模式,将故意侵犯 知识产权纳入企业和个人信用记录, 构建公平竞争、公平监管的创新创业 和营商环境。意见明确,加强新业态 新领域创新成果的知识产权保护,加 强互联网、电子商务、大数据等领域 知识产权保护规则研究,推动完善相 关法律法规,制定完善众创、众包、众 扶、众筹知识产权保护政策。

意见提出,推动构建更加公平合 理的国际知识产权规则,加强对外合 作机制建设,拓展知识产权公共外交 渠道,加强重点产业知识产权海外布 局规划,完善海外知识产权风险预警 体系,推动我国产业深度融入全球产 业链、价值链和创新链。

意见还提出,要建立以知识产权 为重要内容的创新驱动发展评价制 度。将知识产权产品逐步纳入国民 经济核算体系,将知识产权指标纳入 国民经济和社会发展规划,对党政领 导班子和领导干部进行综合考核评 价时,注重鼓励发明创造、保护知识 产权等方面的情况和成效,探索建立 经营业绩、知识产权和创新并重的国 有企业考评模式。



ccording to SIPO's latest statis-Atics, from January to November 2015, IP organs across the country handled nearly 4,000 patent infringement and counterfeiting cases in E-commerce area during the Lightening Action carried out by SIPO. All IPR assistance centers nationwide provided effective consulting on infringement determination in the field of Ecommerce, remarkably improving the efficiency of IP enforcement and the level of Internet governance. IP or-

gans have made improvements in network regulation, clue sharing and case judgment during the special action against patent infringement in E-

commerce. In 2014, SIPO took the lead in issuing work program on IP protection in the field of E-commerce. In 2014, IP organs nationwide handled a total of 2,800 patent infringement and counterfeiting cases in E-commerce, having important practical significance on improving mechanism for IP protection

and enhancing the social governance capability under network environment.

According to an official from SI-PO, in the future, IP organs nationwide will strengthen the coordination mechanism on patent enforcement in the field of E-commerce, improve supervision on Internet IP enforcement in a bid to promote the steady growth of the economy, adjust the structure and increase the benefits.(by An Yalei)

本报讯 中国国家知识产权局 最新数据显示,今年以来,中国知识

产权系统深入开展电子商务领域专 利执法维权"闪电"专项行动,2015年 1月至11月,全系统共办理电商领域 专利侵权假冒案件近4000件。各知 识产权维权援助中心高效提供电商 领域侵权判定咨询意见,大大提升了 知识产权维权效率,促进了互联网治 理水平的提高。

据悉,2014年,中国国家知识产 权局率先印发有关电子商务领域知识 产权保护的工作方案。中国知识产权 系统2014年共办理电商领域专利侵权 假冒案件2800余件,对于完善知识产

权保护机制,提升网络环境下的社会 治理能力具有重要的现实意义。

中国国家知识产权局有关负责 表示,在未来工作中,全国知识产 权系统将进一步深化电子商务领域 专利执法维权协作机制,对建立健全 电商领域专利执法维权协作调度机 制、加强线上案件办案协作和线上线 下办案衔接、加强责任与保障机制等 作出具体安排,以进一步提升互联网 知识产权执法监管成效,促进我国经 济稳增长、调结构、增效益。

(安亚磊)

China Supreme People's Court maintained OEM use of PRETUL trademark "PRETUL"商标案尘埃落定

hina's Supreme People's court made a final judgment on an OEM- related trademark infringement case recently. The court held that the act that Zhejiang Yahuan lockset Co.,Ltd (hereafter as to Ya Huan) used logo of "PRETUL" on its OEM padlocks based on its contract with Mexico Chu bo company (hereafter as to Chu bo) didn't constitute the use in trademark law. So the court ruled that Ya Huan didn't infringe exclusive trademark rights of Hongkong-based Focker Security international Co., Ltd (hereafter as to Focker), revoking the verdicts of the first and second instance, rejecting the claims of Focker.

In January 2011, Focker brought Ya Huan at court, asking for 450 thousand yuan of economic losses. The plaintiff argued that Ya Huan manufactured padlock with logo of "PRET-UL" without authorization and infringed its registered No.3071808

trademark rights of PRETUL and its oval shape.

Ya Huan defended that the products involved were OEM commissioned by Chu bo which were used to export to Mexico. The products have never been sold in Chinese markets and will not cause confusion among Chinese consumers. Since the two companies signed a contract to process the OEM product, Ya Huan's act didn't constitute trademark infringement.

Both the courts of first and second instance ruled Ya Huan infringed Focker's trademark exclusive rights and ordered Ya Huan to compensate 50 thousand to 80 thousand yuan of economic losses. Disgruntled with the ruling, Ya Huan lodged an appeal to supreme

Recently, the supreme court made the final judgment. The court held the OEM packlocks were totally exported to Mexico and have never been distributed and used in Chinese market



which has no possibility to cause confusion among Chinese consumers on the source of the OEM products and products of Focker. Ya Huan's use of "PRETUL" did not have the function of distinguishing the source of goods. For above reasons, the court made the final judgment. (by Mao Liguo)

本报讯 近日,中国最高人民法 院作出终审判决,认定浙江省浦江县 亚环锁业有限公司(下称亚环公司)

根据墨西哥储伯荷拉密斯塔斯公司 (下称储伯公司)的委托,在其生产的 挂锁上使用"PRETUL"相关标识的 行为,不属于商标法意义上的商标使 用,未构成对香港莱斯防盗产品国际 有限公司(下称莱斯公司)拥有的 "PRETUL及椭圆图形"注册商标专 用权的侵犯,据此撤销了一审及二审 判决,驳回莱斯公司的诉讼请求。

据了解,2011年1月,莱斯公司将 亚环公司诉至法院,并索赔经济损失 45万元。莱斯公司诉称,亚环公司擅自 生产销售带有"PRETUL"标识的挂锁, 侵犯了其注册第3071808号"PRETUL 及椭圆图形"商标的商标专用权。

亚环公司称,涉案带有"PRET-UL"标识的产品,系其接受储伯公司 委托所生产的涉外定牌加工产品,完 全出口墨西哥,未在中国市场上实际 销售,不会引起中国消费者的混淆。 亚环公司与储伯公司系涉外定牌加 工合同关系,故其并未侵犯莱斯公司 的涉案注册商标专用权。

一审法院及二审法院相继判决亚 环公司对莱斯公司构成商标侵权,需

赔偿莱斯公司5万元及8万元不等的 经济损失。亚环公司不服一审和二审

判决,向最高人民法院申请再审。 近日,最高人民法院对该案作出 终审判决,法院经审理认为,亚环公司 受储伯公司委托生产使用"PRETUL" 相关标识的挂锁,并全部出口至墨西 哥,并未在中国实际销售,因此该标识 不具有使中国的相关公众将贴附该标 志的商品与莱斯公司生产的商品的来 源产生混淆和误认的可能性。亚环公 司依据储伯公司的授权使用相关 "PRETUL"标志的行为,在中国并不 具有识别商品来源的功能。据此,最 高人民法院依法作出判决。(毛立国)

