

China's IP  
in foreign eyes



In May 2015, China State Council announced the "Made in China 2025" policy, which focuses on building indigenous capabilities in high-end precision manufacturing, with semiconductors as the first priority segment. The goal of this policy is to have China increase its self-sufficiency rate for integrated circuits to 40 percent by 2020 and to 70 percent by 2025. (*A New World Under Construction: China and Semiconductors, McKjnsey*)

2015年5月,“中国制造2025”政策公布,聚焦提升高端制造业的自主研发能力,半导体是其中的首要部分。此政策的目标是提升中国在集成电路领域的自给率,到2020年提升至40%,2025年达到70%。(《中国与半导体:正在建设的新世界,麦肯锡》)

Comment:

Chinese semiconductor enterprises focus to strengthen their development, management, and protection of intellectual property. They should develop a systematic approach to identifying, choosing, and executing an IP strategy.

点评:

中国半导体生产企业正在加强其研发、管理水平,加大知识产权保护力度,运用知识产权战略提升国际竞争力和市场占有率。

Chinese mobile phone maker Huawei has thrown down the gauntlet to Apple, Samsung, Xiaomi and other rivals. It's called the "superphone." By around 2020 or so, Huawei says, the superphone could start replacing smartphones. The arrival of the superphone, Huawei says, will coincide with next-generation 5G wireless networks as well as the Internet of Things, or IoT. (*China's Huawei Racing Apple To Develop 'Superphone' by Investor's Business Daily*)

中国手机制造商华为通过开发“超级手机”向苹果、三星、小米等竞争对手发起挑战。华为表示,超级手机未来将与下一代的5G无线网络及物联网同时产生,在2020年前后开始取代智能手机。(《中国企业华为通过研发“超级手机”与苹果竞争,投资者商业日报》)

Comment:

Putting high value on R&D and patent layout, Huawei has had a place in the highly competitive smartphone market. Now, Huawei expects to stand on the innovation frontier of mobile phone and takes the lead in making them versus Apple, Samsung and others.

点评:

重视研发和专利布局,让华为在竞争激烈的智能手机市场占据了一席之地。现在,华为期待运用手机科技创新,与苹果、三星等“巨鳄”分庭抗礼。(孙易恒)

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WIPO-SIPO Award for Chinese Outstanding Patented Innovation & Industrial Design was Issued

中国国家知识产权局和世界知识产权组织已共同举办17届

中国专利奖,闪耀自主创新光芒

"Today I am honored and excited to accept the award on behalf of our team," the Gold Award winner Jian Xigao, the professor of Dalian University of Technology as well as the academician of Chinese Academy of Engineering told to the CIP News reporter, at the 17th China Patent Awards on December 15. He said that in 20 years of research, they had encountered countless number of problems, but he was gratified that the patent has been transformed and the product saw a total of more than 6 billion yuan of sales and a profit of over 1 billion yuan.

"For over 20 years, China Patent Awards has witnessed the development of China's independent innovation, which promoted obvious social progress and economic development and its authority and credibility are accumulated." Cao Xinming, the Deputy Director of Intellectual Property Research Center under Zhongnan University of Economics and Law, having been concerned of China Patent Awards over the years, told the CIP News reporter.

Conventionally, bubble defects often appear during the LCD glass production, which has plagued many domestic manufacturers for high reject rate and affected economic efficiency. Even in the face of high prices, foreign companies are not reluctant to transfer such production technology patents. In this case, Dongxu Group Co., Ltd. (hereafter as Dongxu Group) concentrated innovation resources on independent research and developed "a treatment of molten glass in platinum channel" patent, reducing the bubble defects and increased the rate of finished product by 15% at same time the benefit greatly increased. And now, this patent got the golden award. The industry cannot live without IP especially patent support." Wang Jianqiang, the VP of Dongxu Group told the reporter, over ten years, the market is changing, the environment is changing, technology is changing, the concept of innovation

and intellectual property of Dongxu Group never changes.

In 2014, China's invention patent applications reached 928,000, an increase of 12.5%, the number ranked first for four consecutive years in the world, including growing number of high quality, high value patents, accumulated sufficient reserves for China Patent Award selection

SIPO Patent Management Department official introduced to the reporter, 17th China Patent Awards has two prominent features. Firstly, the award system becomes more efficiency, the selection process becomes more scientific. The new "China Patent Award Awarding Approach" emphasizes the scientific selection process, widens the participation of society, namely, the candidates are recommended by State Council departments of intellectual property management agencies, local intellectual property offices, the relevant national trade associations, as well as the academician of Chinese Academy of Sciences and Chinese Academy of Engineering, and then the candidates were examined by preliminary review office, expert initial evaluation, and approved by reviewing committee. Finally, the China's SIPO and WIPO make decisions on the awards. Secondly, selection work guidance became clearer, highlighting the quality-oriented patent, paying more attention to advanced technology of the patent, emphasizing the practical benefits of the patent application and its outstanding contribution to the economic and social development, and the leading role in the development of the industry.

Reporters learned in the interview that, the selection of 17th China Patent Awards continued to get the support of all society and industry, and a total of 1,029 outstanding projects were recommended as candidates. With the joint efforts of all parties, 20 China Patent Golden Awards, 5 China Golden Design Awards, and 507 China Excellent Patent Awards, and 57 China Excellent Design Awards were



本报记者 赵建国

"今天我代表我们团队来领奖,感到十分荣幸,内心非常激动。"12月15日,在由中国国家知识产权局和世界知识产权组织共同主办的第十七届中国专利奖颁奖大会现场,捧得金奖的中国工程院院士、大连理工大学教授魏锡高心潮起伏。他表示,在项目研发的20多年里,数不清遇到过多少难题,但令他欣慰的是,获奖专利已经实现转化,累计创造销售收入超过60亿元,实现利润超过10亿元。

以往,液晶玻璃基板生产中出现的气泡缺陷,一直困扰着国内许多生产企业,废品率高,经济效益受到影响。即使在高昂的价格面前,国外企业也不愿转让先进的生产技术专利。在这样的情况下,东旭集团有限公司(下称东旭集团)集中创新资源,自主研发的"铂金通道中玻璃液的处理方法"专利,降低了气泡缺陷,使良品率提升15%,企业效益大为改观。

直关注中国专利奖的中南财经政法大学知识产权研究中心常务副主任曹新明向记者表示。

中国国家知识产权局专利管理司有关负责人向本报记者介绍,较往届相比,第十七届中国专利奖评选有两个突出特点。一是评奖体系更加完善,评选程序更科学。新的《中国专利奖评奖办法》更加强调评选过程的科学性,扩大了社会的参与面,经国务院有关部门的知识产权工作管理机构、地方知识产权局、有关全国性行业协会,以及中国科学院院士和中国工程院院士等推荐,经过评审办公室初审,专家初评,评审委员会审定,中国国家知识产权局和世界知识产权组织作出授奖决定。二是工作导向更明确,突出了专利的质量导向,更加注重专利的技术先进性,强调专利运用的实际效益及其对经济社会发展的突出贡献,对行业发展的引领作用。

记者在采访中了解到,本届中国

selected. Compared with the previous China Patent Awards, the level of innovation and output of current winning projects have upgraded. The exploitation of these outstanding patents played an important role on enhancing the competitiveness of enterprises and promoting industrial restructuring and upgrading.

China Patent Awards started from 1989, and 17 sessions has been successfully held since then. 25 golden awards projects of the 17th China Patent Awards saw new sales of 149.3 billion yuan with the new profit of 33.4 billion yuan and the exports of 10.4 billion yuan. (by Zhao Jian'guo)

此次,该专利获得第十七届中国专利金奖。产业的创新发展离不开知识产权尤其是专利的支撑与保障。"东旭集团副总裁王建强向本报记者表示,十几年来,市场在变、环境在变、技术在变,唯一不变的是东旭集团的创新与知识产权理念。

2014年,中国受理的发明专利申请量已达92.8万件,同比增长12.5%,数量连续4年位居世界第一,其中高质量、价值大、效益好的专利日益增多,为中国专利奖的评选积蓄了充足的储备。

"20多年来,中国专利奖见证了自主创新的发展轨迹,为激励自主创新,推动社会进步和经济发展作出的贡献有目共睹,其权威性和公信力也在积淀中不断上升。"多年来一

专利奖评选工作一如既往地得到了社会各界的支持,有关方面共推荐了1029项优秀项目参加评选,为历年之最。在各方的共同努力下,共评选出中国专利金奖20项,中国外观设计金奖5项,中国专利优秀奖507项,中国外观设计优秀奖57项。与往届相比,本届获奖项目的创新水平和产出效益均有了新的提升。这些优秀专利的实施,对提升企业竞争力,促进产业转型升级,发挥了重要作用。

中国专利奖评选活动自1989年起开始举办,至今已成功举办17届。第十七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。

Simmons was rejected in trademark case  
“美梦”申请注册“席梦思”被驳

American Dream Limited Company (hereafter as Dream Company) filed the "Simmons" trademark applications for registration on the shall table, couches, mattresses and other goods, the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce rejected the application for trademark registration, for its lacking of significant grounds, and the carried out preliminary examination of the application for registration on shall table, display boards and other commodities. Dream Company refused to accept the decision, and brought an administrative lawsuit to Beijing Intellectual Property Court. Recently, the court made the decision in first instance maintaining the decision by TRAB.

It is reported that, in April 2014, Trademark Office under the State Administration for Industry and (hereinafter as Trademark Office) rejected the application for trademark registration for the reason that "Simmons" is the generic name of the mattress, the mattress and related products, and should not be a monopoly for single company.

Dream Company refused to accept the decision by Trademark Office and applied for review to TRAB within the statutory time.

TRAB held that, disputed trademark contained a significant character "席梦思" was recognized as the generic name of the mattress, and should not be a monopoly for single company on the couch, mattresses and other goods, while, the use of disputed trademark registration application on the table and other commodities could be preliminarily examined.

Then, Dream Company brought administrative lawsuit to Beijing Intellectual Property Court. Dream company claimed, disputed trademark "席梦思" came from the surname of the company founder and the company's well-known brand "SIMMONS", as well as the corresponding Chinese transliteration of "SIMMONS", and Dream Company is the legitimate owner of the trademark "席梦思". And the evidence submitted by Dream Company could prove the trademark is not a generic name, the characters in "席梦思" do not appear in the national standards or industry standards.

The court held that, although the disputed trademark is constituted by the Chinese character "席梦思" and English "Simmons", but "席梦思" is main identification section of the trademark, if used on the mattress, spring mattresses and other reviewed goods, it could be easily understood as a mattress by relevant public, and they are unable to identify it as a trademark, thus, it is difficult to distinguish the origin of goods. The evidence submitted by Dream Company is not sufficient to prove the trademark had obtained salient features required for trademark registration through the use when the decision was made.

(by Mao Ligu)  
本报讯 美国美梦有限公司(下称美梦公司)欲将"席梦思 Simmons"商标申请注册在工作台、长沙发、床垫等商品上,被中国国家工商行政管理总局商标评审委员会(下称商评委)以诉争商标缺乏显著性为由,驳回该商标在床垫等商品上的注册申请,对工作台、展示板等商品上的注册申请予以初步审定。美梦公司不服商评委决定,向北京知识产权法院提起行政诉讼。日前,法院对该案作出一审判决,维持了商评委被诉决

定。

据了解,2014年4月,中国国家工商行政管理总局商标局(下称商标局)就诉争商标作出驳回通知,驳回诉争商标的注册申请。理由为"席梦思"是床垫的通用名称,在床垫及相关商品上不宜为一家独占。

美梦公司不服商标局驳回决定,于法定期限内向商评委申请复审。

商评委认为,诉争商标所含显著识别文字部分"席梦思"是床垫的通用名称,在长沙发、床垫等商品上不宜为一家独占,而诉争商标指定使用在工作台等商品上的注册申请可初步审定。

随后,美梦公司向北京知识产权法院提起行政诉讼。美梦公司诉称,诉争商标"席梦思"来源于美梦公司创办人姓氏及该公司旗下知名品牌"SIMMONS",是"SIMMONS"的对应中文音译,美梦公司是诉争商标"席梦思"的合法所有人。而且美梦公司提交的证据足以证明诉争商标并非通用名称,诉争

商标所含文字"席梦思"未出现在国家标准、行业标准中。

法院经审理认为,诉争商标虽然由汉字"席梦思"及英文"Simmons"构成,但"席梦思"为诉争商标的主要识别部分,将其使用在床垫、弹簧床垫等复审商品上容易被相关公众理解为床垫的一种,无法使相关公众将其作为商标进行识别,难以起到区分商品来源的作用。美梦公司提交的证据不足以证明被诉决定作出之时,诉争商标经过使用已取得足以获得商标注册所需具备的显著特征。(毛立国)

