

IP Brief

Beijing

The 4th Technological Innovation Works and Patent Promotion Show of College Students was held in Beijing, a total of 54 universities from Beijing, Tianjin and Hebei participated, displaying 601 works of science and technology innovation, patents, cultural and creative works, business plan and excellent paper.

北京

近日,北京举办第四届大学生科技创新作品与专利成果展示推介会,共有京津冀三地54所高校参加,展出601件科技创新作品、专利成果、文化创意作品、创业计划书和优秀论文。

Shanghai

Recently, Shanghai Intellectual Property Office identified 4 industrial parks as Shanghai IP pilot park, and Shanghai Jinshan Industrial Park and other three as Shanghai IP demonstration park.

上海

近日,上海市知识产权局在经过专家评审、网上公示等程序后,分别认定新浜镇都市型工业园等4个园区为上海市知识产权试点园区,认定上海金山工业区等4个园区为上海市知识产权示范园区。

Hunan

Recently, Hunan Intellectual Property Trading Center opened in Changsha High-tech Zone, the center would run as professional exchange market, and become an IP operation platform.

湖南

近日,湖南省知识产权交易中心在长沙高新开发区科技金融大厦举行挂牌仪式。该中心将实行市场化专业运作,形成以产业化为目标的知识产权运营平台。

Qinghai

Recently, Qinghai Intellectual Property Office released the latest data of patents. As of now, Qinghai has secured a loan of 345 million yuan by pledging patent rights.

青海

近日,青海省知识产权局发布的数据显示,截至目前,全省专利质押融资工作取得突破性进展,专利质押融资额度达到3.45亿元。

Hainan

Recently, "3 people's coffee", the first maker space in Hainan opened in Haikou. There were e-commerce incubator and maker's coffee shop in the space to support makers.

海南

近日,海南“三人咖啡”作为海南省首家众创空间在海口挂牌成立。该空间设有400平方米的创业咖啡馆和1200平方米电子商务类创业企业孵化器及服务中心,为优质项目提供创业资金支持。

Xiamen

Recently, Xiamen Intellectual Property Office inaugurated the establishment of 8 intellectual property aid centers of 2015.

厦门

近日,厦门市知识产权局举行2015年厦门市知识产权维权援助工作站授牌仪式。龙山文创园维权工作站等8个工作站正式授牌成立。

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# China Patent Law Amendment: further promote the protection and use of patent 中国专利法修改:进一步加强专利保护和运用

As the amendment of the new draft of the revised Patent Law has been sent to the State Council of PRC for approval, recently, Legislative Affairs Office of the State Council recently released the amendment for public advices. According to an official of the State Intellectual Property Office, the amendment is focused on increased protection, patent commercialization and administrative services.

According to the official, the main purpose of the new amended draft is to further consummate patent protection system with Chinese characteristics as well as to promote the implement and utilization, to facilitate the connection between administrative law enforcement and judicial protection, to improve efficiency of law en-



forcement, to reduce the cost of patent rights, and to build the rule of law and a fair marketing environment. To strengthen patent protection, the new amended draft perfected the relevant evidence rules, cleared the effectiveness of the administrative mediation agreement, added rules of intentional tort of punitive damages system, etc. The amended draft also added regulations about online counterfeit cases. Amid a period of booming e-commerce, Internet service providers need to shoulder obligations to prevent and control illegal dealings online.

Besides, to stimulate creativeness of investors and protect the inventor's interest and benefit from their inventions and to enhance the IP management by companies, the draft detailed the definition of service invention and advises companies to implement service invention reporting and management policies internally, and highlighted the method for calculating compensation and award for inventors. In respect of an invention-cre-

ation made by a person using the material and technical means of an entity to which he belongs, where the entity and the inventor or creator have entered into a contract in which the right to apply for and own a patent is provided for, such a provision shall apply. The entity that is granted a patent right shall award to the inventor or creator of a service invention-creation a reward and, upon exploitation of the patented invention-creation, shall pay the inventor or creator a reasonable remuneration based on the extent of spreading and application and the economic benefits yielded. The amended draft also added regulations about license of right and implied license.

In fact, many of China's enterprises and innovative entrepreneurs have high expectations of the Patent Law for the fourth time to revise, hoping that the relevant Patent Law would be perfected, and strengthening the protection of intellectual property rights, making enterprise get fewer detours in development, reducing risk of research and development. Some expert believed that, the amended draft would aim to resolve important issues in China's patent Law implementation, build strict system of patent protection, protect the legitimate rights and interests of innovators, promote patent implementation and utilization,

fully stimulate the creativity of the whole society, promote the implement of the strategy of innovation driven development in China, and provide legal protection to build an innovation-oriented country. (by Zhao Jian'guo)

本报记者 赵建国

近日,中国国务院法制办就《中华人民共和国专利法修订草案(送审稿)》公开征求意见,专利法第四次修改再次成为社会高度关注的热点。加强知识产权保护和运用,是基层权利人和创新者的希望,更是专利法第四次修改的重点内容。

据中国国家知识产权局有关负责人介绍,专利法第四次修改,一方面要进一步完善具有中国特色的专利保护制度,实行严格的专利保护制度,促进专利行政执法和司法保护有效衔接,提高执法效率,降低专利维权成本,营造公正公平、规范透明的法治和市场环境。在加强专利保护方面,此次专利法修订草案(送审稿)的主要建议内容包括:完善相关证据规则,明确行政调解协议的效力,增设对故意侵权的惩罚性赔偿制度,加大对群体侵权、重复侵权等故意侵权行为的查处,加大对假冒专利的处罚力度,完善行政执法手段,明确间接侵权责任和网络服务提供者的法律责任,建立专利权保护信用信息档案等。

另一方面,促进专利的实施和运用,实现专利价值;完善职务发明制度,解决专利创造、运用和管理中的突

出问题,健全以市场需求为导向的专利技术转化机制,更好地激励创新并推动专利的实施和运用,也是专利法第四次修改的重点。据介绍,在加强专利运用方面,此次专利法修订草案(送审稿)的主要建议内容包括:为充分调动发明人、设计人的积极性,促进技术创新,明确职务发明创造的范围,规定利用本单位物质技术条件完成的发明创造的权属适用约定优先原则;为解决国家设立的研究机构、高等院校专利转化率低的问题,允许发明人或者设计人根据与单位的协议实施专利,并获得相应收益;为解决专利许可供需信息不对称问题,借鉴国外经验,引入当然许可制度,降低专利许可成本;为处理好标准与专利的关系,规定标准必要专利默示许可制度;增加防止专利权滥用的原则性规定等。同时,专利法修订草案(送审稿)中,在专利的创造、运用、保护、管理、服务等,还对部分条文进行了完善和适应性修改。

实际上,中国许多企业和创新创业者都对专利法第四次修改寄予了很高的期望,希望通过此次专利法修改进一步完善相关法律,加强知识产权保护,让企业的经营发展少走弯路,降低专利研发的风险。有关专家表示,专利法第四次修改是针对中国专利法实施中的突出问题,提出有针对性的解决措施,实行严格的专利保护制度,保护创新者的合法权益,促进专利实施与运用,充分激发全社会的创新活力,因而也必将为中国实施创新驱动发展战略、建设创新型国家提供法律保障。

## The Dream of Flying in the Sky 坚守信念 筑梦蓝天

When it takes him back to the day that watching the parade to commemorate the Chinese people's Anti-Japanese War and the world anti-fascist war of the 70th anniversary of the victory months ago, Sun Shangsong, chairman of the board of Henan Zhengxu Technology Co., Ltd., feels proud deeply. It is rarely known by people that, the nacelle shells of HD cameras on the UAVs were designed and manufactured by the company. Seeing his production, Sun smiled down weep.

According to Sun, the nacelle shells are small but precise. There were series processes like 3D printing, precision pressure casting, polish-

ing, five axis machining center, turning center, etc. Besides, every nacelle shell should be assembled in vacuum pressure tank.

Ten years ago, foundry equipment had to be imported from the USA, which cost much money and time. Under the circumstances, Sun and his team threw themselves into researching vacuum pressure foundry tank. After two years' efforts, the researching team successfully developed the vacuum pressure foundry tank to assemble nacelle shells and other products, making the quality much better with lower costs.

3D printing technological development improved the core competitive-

ness of the company. Now, products of Henan Zhengxu Technology Co., Ltd. are applied to variant progresses in aerospace filed. At press time, the company has already submitted 13 patent applications, three of which are invention patent applications.

"Our next object is to develop Aluminum Magnesium alloy and Titanium Magnesium alloys products," says Sun, "it is our dream to devote ourselves to aerospace industry of China."

(by Li Jianwei/ Qiao Guanyu)  
回想起几个月前与工人们一起围坐观看纪念中国人民抗日战争暨世界反法西斯战争胜利70周年阅兵式的情形,河南正旭科技股份有限公司

董事长孙尚松仍感到万分自豪。阅兵式上无人机高清监控摄像头的吊舱外壳,就是由这家公司研发生产的。看着自己亲手打磨的产品飞在天安门上空,孙尚松的泪水悄然湿了眼眶。

据孙尚松介绍,吊舱外壳体积不大,但是需要经过3D打印、精密增压铸造、抛光、车削中心、五轴加工中心等一系列工序,吊舱外壳的铸造过程也必须在模拟高空条件下的特制压力舱内完成。

10多年前,从美国进口的铸造设备使用起来既费时又费力,产品质量也难以保障。为此,孙尚松带领团队进行了两年多的科研攻关,终于发明了集高压、低压、真空等多种复杂环境于一体的“真空增压铸

造舱”,不仅使用起来方便,而且大大降低了设备投入和产品生产成本,更为重要的是,确保了铸件的质量。

技术变革带动了公司核心竞争力的提升。如今,用先进的3D打印技术优化了产品结构,大大减轻了飞行器负荷,这些产品现在已经应用于多个航空航天项目。目前,该公司已经提交13件专利申请,其中发明专利申请3件。

“公司创办到现在,如果走民用产品道路,产值肯定能翻几番。但我们还是坚持做军工产品。目前我们正在研发试验铝镁合金、钛镁合金产品,希望再为祖国航空航天事业尽一份自己的微薄之力。”孙尚松说。(李建伟 乔冠宇)

## Danfoss got nearly 1.6 million compensation in a patent case 丹佛斯专利侵权案胜诉获赔近160万元



Beijing IP Court recently made first-instance rule in a patent infringement case between Danfoss and individual surname Hao and Zhejiang Hengsen Group, ordering the two defendants stop producing and distribution infringing products, and paid Danfoss 1.562 million yuan on compensation.

Danfoss is the patent owner of thermal valves (patent number: ZL200480014368.8). Previously, Danfoss accused the individual surname Hao and Zhejiang Hengsen Group of infringing its patent right, and demanded 70 million yuan in compensation in Beijing IP Court. Danfoss also asked them to stop producing and selling the offending products.

Danfoss held that offending products sold and distributed by defendants infringed its patent right. Hengsen Group's action of distribution of offending products without obtain permission constituted infringement. Hao

argues that the turnout of products alleged of infringement is small, which could not cause loss for Danfoss. Hengsen Group argues that the label used on the offending products can't prove that they were made by Hengsen Group.

The court held that, even though Hengsen Group was reasonable to question the products bought by Danfoss, but Hengsen Group's technical solutions on its products fell into the protection scope of patent of Danfoss. Without permission, Hengsen Group infringed the patent right of Danfoss for making and selling the products and should take the responsibility by law. Hao, as another defendant, held the claim that the products he bought was not made by Hengsen Group but without evidence for products origin. And surname Hao admitted he had sold the same pattern products made by Hengsen Group, which infringed the patent rights of Danfoss. Accord-

ingly, the court made the judgement of first instance.

(by Zheng Siliang)

实习记者 郑斯亮

2015年5月,北京知识产权法院对丹佛斯有限公司(Danfoss)(下称丹佛斯公司)诉郝某、浙江恒森实业集团有限公司(下称恒森集团)侵犯专利权一案进行了公开开庭审理,并于日前作出一审判决:判定郝某、恒森集团侵权,赔偿丹佛斯公司共计156.2万元。

此前,丹佛斯公司以侵犯其“热利用阀门装置”(专利号ZL200480014368.8)发明专利权为由,将郝某、恒森集团起诉至北京知识产权法院,要求两被告停止制造、销售侵权产品并销毁用于制造侵权产品的专用设备,赔偿700余万元。

庭审中,丹佛斯公司认为,郝某销售、许诺销售的产品,恒森集团制造、销售、许诺销售的产品均落入了其专利权保护范围;恒森集团未经许可,擅自许诺销售侵犯其专利权的产品,



构成了专利侵权。郝某认为,其销售的被控侵权产品数量极少,不会给原告造成明显损失。恒森集团认为,原告在本案中提交的被控侵权产品无直接标识显示是由其制造并销售的,故恒森集团无法确认其是否侵权。

北京知识产权法院经审理认为,恒森集团未经许可擅自许诺销售,以

生产经营为目的制造和销售被控侵权产品的行为侵犯了丹佛斯公司的专利权;被告郝某在日常经营过程中销售了由恒森集团制造的同类型产品,侵犯了丹佛斯公司的专利权,两被告都依法应承担相应的法律责任。据此,北京知识产权法院依法作出一审判决。