

# SIPO and EPO Open a New Chapter for IP Cooperation

## 中欧两局合作走过三十年

To mark the 30th anniversary of the cooperation between the State Intellectual Property Office of China (SIPO) and European Patent Office (EPO), several activities have taken place in Beijing, for instance, the meeting between Chinese State Councillor Wang Yong and EPO President Benoît Battistelli, an International Symposium on IP, Innovation and Entrepreneurship, the 9th Conference of Heads of Offices, etc. The warmth and enthusiasm from this profound friendship between the two Offices forged in 30-year's time has made this winter feel like spring.

"The 30th anniversary of the cooperative relationship between SIPO and EPO is another milestone in the history of the two Offices," said SIPO Commissioner Shen Changyu in his speech, he highly valued the achievements the two offices have made in the past three decades. He said, though China and Europe are located at opposite ends of Eurasia, they are still called "far-away neighbours". After thirty years of cooperation, SIPO and EPO have become important strategic partners to each other; and remarkable achievements have been scored and deep friendship established.

"This is a special year for EPO and SIPO. The year 2015 marks the 30th anniversary of constructive co-operation between our two Offices and it is another milestone in the constant development of a special cooperative relationship," said Benoît Battistelli, his warm speech perfectly echoed Commissioner Shen's remark.

Beyond doubt, the bilateral cooperation is not only beneficial to the two Offices, but also to the world at large. Thirty years ago, at the initial stage of SIPO, it was EPO who extended a helping hand, with which, the construction of Chinese patent system stepped out and developed from a relatively high level. In the past 30 years, the cooperation between the two offices has been expanded in many aspects. For instance, with the bilateral cooperation on search tools, the Chinese patent examiners got rid of manual search. Furthermore, the two sides have carried out other fruitful cooperation in fields of personnel training, patent documentation, machine translation, Cooperative Patent Classification, global dossier, etc. Meanwhile, the cooperation between the two Offices under the framework of WIPO and IP5, has effectively boosted the development and progress of the interna-

tional IP system. Due to the continuous efforts of the two Offices, millions of patent documents written in Chinese and English are now available for access by engineers, inventors and scientists worldwide, in particular providing great convenience to industries, innovators and the general public from China and Europe.

Over the past three decades, leaders of SIPO and EPO have made outstanding contributions to establishment and deepening of the bilateral cooperation. It was their wisdom and diligence that have shaped today's cooperative relationship between the two Offices and their names should be remembered by the history, such as SIPO's former Commissioners Wu Heng, Huang Kunyi, Gao Lulin, Jiang Ying, Wang Jingchuan, Tian Lipu and EPO's former Presidents Bob van Benthem, Paul Braendli, Ingo Kober, Alain Pompidou, Alison Brimelow, etc.

As a Chinese saying goes, "Distance can not separate true friends who feel so close even when they are thousands of miles apart", due to continuous efforts of the leaders from China and Europe, SINO-European relationship has continued to deepen, which has provided new opportunities and now driving force for the coopera-

tion between SIPO and EPO. "As long as we continue to work as hard as we always do, our cooperation will have a promising future; as long as we make progress together, it will contribute to grow. Let's join our hands together to create a brighter future," said Shen Changyu. (by Zhao Jian'guo)

本报记者 赵建国

国务委员王勇会见伯努瓦·巴迪斯戴利,“知识产权、创新与创业”中欧两局合作三十周年国际研讨会、中欧两局第九次局长会议……窗外已是寒冬凛冽,室内却是暖意融融。连日来,在北京举办的中欧两局合作三十年知识产权系列活动高潮迭起,使中欧两局的同仁们和社会有关方面充分感受到了三十年积累的深厚友谊。

“中国国家知识产权局和欧洲专利局建立正式合作关系三十周年,这是双方合作历程中又一件值得纪念的里程碑事件。”中国国家知识产权局局长申长雨在发言中,高度评价了中欧两局的合作成果。申长雨表示,中国和欧洲虽然相隔万里,但仍然被人们称为“遥远的邻居”。中国国家知识产权局和欧洲专利局开展知识产权合作三十年来,已经成为重要的战略合作伙伴,在取得一系列合作成果的同时,双方也结下了深厚友谊。

“2015年对于欧洲专利局和中国国家知识产权局而言具有特殊意义。这一年不仅是两局建设性合作第三十年,也是两局独特的合作关系继续向前发展的又一里程碑。”欧洲专利局局长伯努瓦·巴迪斯戴利热情洋溢的评价,是对申长雨发言作出的最好评价。



的数百万件专利文献可以直接服务于全世界的工程师、发明家和科学家,也使得中欧产业界、创新者和社会公众从中获得了实实在在的便利。中欧两局历任领导武衡、黄坤益、高卢麟、姜颖、王景川、田力普和鲍勃·范·本瑟姆、保罗·布兰德利、戈文·科伯、阿兰·蓬皮杜、艾莉森·布莱梅露等,这些为中欧两局合作做出过重要贡献的关键人物,人们不会忘记,正是他们付出的智慧和汗水,才使中欧两局合作有了今天的良好局面。

“相知无远近,万里尚为邻。”近年来,在中欧领导人的直接推动下,中欧关系不断发展,为中欧两局合作带来了新的机遇,增添了新的动力。“只要我们一如以往,共同努力,中欧两局合作就会有无限美好的未来;只要我们携手并进,用心浇灌,中欧两局合作之树就会长青常在!”申长雨所言,表达了中欧两局共同的心愿,“让我们进一步携手手来,共同努力,开创一个更加美好的未来!”

义。这一年不仅是两局建设性合作第三十年,也是两局独特的合作关系继续向前发展的又一里程碑。”欧洲专利局局长伯努瓦·巴迪斯戴利热情洋溢的评价,是对申长雨发言作出的最好评价。

中欧两局的合作,不仅惠及两局,而且惠及世界。三十年前,在中国专利事业开创初期,正是来自欧洲专利局同仁们的无私帮助,使得中国专利制度建设迈出了第一步,专利事业在一个较高的水平上扬帆起航。三十年来,中欧两局的合作不断拓展,不但使当时的中国专利审查员们摆脱了传统的手工检索;而且双方还在人员培训、专利文献、机器翻译、联合专利分类(CPC)、全球案卷等方面开展了富有成效的合作。同时,双方在世界知识产权组织框架下的合作,在中美欧日韩五局(IP5)框架下的合作,都有力推动了世界知识产权制度的发展与进步。通过中欧两局的不懈努力,当今世界两种重要语言撰写

### China's IP in foreign eyes



China has fined five knock-off Disney hotels for infringing on the iconic U.S. entertainment company's trademarks in the run-up to the opening of a Walt Disney Co theme park in Shanghai. The news comes less than a month after Chinese authorities announced that they would give unprecedented special trademark protection to Disney in a year-long campaign around the park's opening. (China fines five phony Disney hotels, by Reuters)

在上海迪士尼主题公园即将开门迎客之际,中国对5家未经授权侵犯迪士尼公司商标专用权的酒店处以罚款。在不到一个月之前,中国政府相关部门宣布将对迪士尼采取史无前例的商标保护措施,在开园前后开展为期一年的专项保护行动。(中国处罚五家“山寨”迪士尼酒店,路透社)

#### Comment:

Recently, the State Administration for Industry and Commerce of China ordered that taking stronger action to protect the trademarks of Disney, which reflects that China pays more attention to intellectual property protection. This movement shows that Chinese government fulfills their promise, and defends the legitimate interests of right holders like Disney efficiently.

#### 点评:

近日,国家工商行政管理总局专门下发通知,加大迪士尼注册商标专用权的保护力度,这体现出中国对于知识产权保护工作的重视。此次行动意味着中国政府有效保护了像迪士尼这样的权利人的合法权益。(孙易恒)



Recently, Shanghai International Intellectual Property Forum co-organized by Shanghai Municipal People's Government and World Intellectual Property Organization (WIPO) was held in Shanghai, China. During this Forum, Dr. Shen Changyu (right), Commissioner of the State Intellectual Property Office of China, met with Mr. Daren Tang, newly appointed Chief Executive of Intellectual Property Office of Singapore (IPOS). Dr. Shen extended his warm congratulations to Mr. Tang's appointment and said that remarkable progresses have been made in the level, breadth and depth of cooperation of both sides. Cooperation between SIPO and IPOS had been regarded as a model of IPR cooperation between China-ASEAN countries. Dr. Shen expressed his hope that SIPO and IPOS would strengthen further cooperation through mutual efforts. Mr. Tang said that numerous positive achievements had been gained since the establishment of bilateral IPR cooperation between SIPO and IPOS in 2004. IPOS would promote and enhance cooperation with SIPO in more fields and create a new cooperative chapter. (by Zhang Zihong/Wang Yu)

在近日举办的上海知识产权国际论坛上,中国国家知识产权局局长申长雨(右)会见了应邀出席论坛的新加坡知识产权局局长邓鸿森一行,双方就共同关心的知识产权话题进行了深入交流。申长雨对邓鸿森履新表示祝贺。他指出,中新两局是亲密的合作伙伴。自去年10月双方签署政府间知识产权领域合作谅解备忘录为标志,中新两局的合作关系在合作层次、合作内容的深度和广度方面实现了飞跃,已成为中国国家知识产权局与东盟国家开展合作的典范。希望在双方的共同努力下,两局的合作能得到进一步加强和提升。邓鸿森表示,自2004年中新两局正式确立合作关系以来,取得了许多积极成果。新加坡知识产权局将在更广阔的领域进一步推进与中国国家知识产权局的合作,掀开两局合作的新篇章。 本报记者 张子弘 王宇 摄影报道



## Audi safeguards trademarks in China

### 汽修公司使用“奥迪”商标惹争议

Audi Group recently brought a Beijing-based automobile service company to Beijing Shijingshan People's Court, on grounds of unauthorized use of their registered trademark and infringement was constituted. The Court has heard this case.

Existing materials show that Audi Group entered the Chinese market and registered "Audi", "奥迪" and "Four-ring figure" as trademarks in China. Now, these marks are in valid state. The defendant Beijing Zhonghan Fangsheng automobile service company (hereinafter called Beijing Zhonghan)



was founded in 2007, and its business covers vehicle maintenance, repair, sales and accessories sales. Beijing Zhonghan's previous name was Chengcheng Zhong'ao automobile service company.

Audi Group recently discovered that Beijing Zhonghan has illegally printed trademarks of "Audi", "Four-ring figure" and "奥迪" on their promotion materials, staff business cards, and even decorated their company with the marks above without authorization. Audi Group held that Beijing Zhonghan has infringed their registered trademarks.

Beijing Zhonghan argued that they indeed used the Audi trademarks in relative materials, and they also used the Benz and BMW trademarks, but this usage just let the consumers know they can offer repair and maintenance service for corresponding brands. The consum-

ers are aware that Beijing Zhonghan is just a third-party automobile service company, not a licensed Audi 4S shop. As a result, Beijing Zhonghan fairly used these marks and no infringement was constituted.

Audi Group held that Beijing Zhonghan had many choices to demonstrate their service scope, for example the Chinese trademark "奥迪" could play a role, they don't have to use the English trademark Audi and the Four-ring figure. Meanwhile, Beijing Zhonghan has printed the marks mentioned above on the billboards, glass doors, ceilings, promotion materials and business cards. All these materials will cause confusion among the public, these have been beyond fair use and infringement was constituted.

No sentence was made in the Court. CIP News will follow up the latest development of the case. (by Zhu Wenming/Su Jie)

本报记者 祝文明  
实习记者 苏杰

因认为汽修公司使用其标识构成商标侵权,德国奥迪股份公司(下称奥迪公司)将北京中汉方盛汽车服务有限公司(下称中汉方盛公司)诉至法院。11月17日,该案在北京市石景山区人民法院公开开庭审理。

据了解,奥迪公司自1988年进入中国市场以来,在中国分别注册了“奥迪”“Audi”“四环图形”等商标,均处于有效状态。中汉方盛公司于2007年成立,公司原名为“城众奥汽车服务有限公司”,经营范围主要包括汽车维修、销售汽车、汽车配件等。

2015年前后,奥迪公司发现,城众奥汽车服务有限公司在其汽车维修店面内外、宣传材料、工作人员名片等处使用了“奥迪”“Audi”“四环图形”等标识,奥迪公司认为,这侵犯了奥迪公司的注册商标专用权。

庭审中,中汉方盛公司辩称,该公司使用“奥迪”商标是为了告知客

户该公司可以维修德系汽车,同时使用的还有奔驰、宝马等商标,普通消费者不会误认为中汉方盛公司是“奥迪”4S店。属于正当使用,并未侵犯奥迪公司商标权。

奥迪公司则认为,中汉方盛公司对“奥迪”标识的使用已经超出了合理使用的范围,如果仅是为了说明维修的是德系车,可以直接使用中文“奥迪”,没有必要用英文和图形标识。而且中汉方盛公司还在其广告牌、玻璃门、天花板、宣传册、工作人员名片上都印有奥迪商标。这种行为容易使相关公众产生误认,侵犯了奥迪公司的商标专用权。

法院未当庭宣判。本报将继续关注案情进展。

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