

IP Brief

Beijing

Not long ago, Baidu Cloud Disk and Tencent Video, Youku Potatoes and other video web sites signed a joint declaration on cloud disk copyright protection with Chinese Movie Copyright Association in Beijing, to resist network piracy on the cloud disc.

北京

前不久,百度云与腾讯视频、优酷土豆等6家视频网站及中国电影著作权协会在京签署了云盘版权保护共同声明,携手抵制网络云盘上的侵权盗版行为。

Shanghai

Recently, the National Modern Agricultural PV Industry Collaborative Innovation Strategic Alliance was officially established in Shanghai Pudong Port Area, and one engineering center and four national laboratories are expected to be set this year in Shanghai.

上海

近日,国家现代农业光伏产业协同创新战略联盟在上海浦东临港地区正式成立,1个工程应用中心和4个国家实验室有望今年同步落户。

Shandong

Recently, Shandong Intellectual Property Office and Shandong Higher People's Court jointly issued new opinions for the establishment of a patent dispute lawsuit and intermediation mechanisms, which means patent civil disputes intermediation mechanisms in Shandong Province was formal set up.

山东

日前,山东省知识产权局与山东省高级人民法院联合印发了《山东省知识产权局山东省高级人民法院关于建立专利纠纷诉讼对接机制的若干意见》,山东省专利民事纠纷诉讼对接机制正式建立。

Sichuan

Recently, the 10th China-EU Investment and Trade Technology Cooperation Fair was held in Chengdu High-tech Zone, over 200 people of government departments, agencies and business representatives from 27 European countries, the United States, Israel and other countries attended the fair.

四川

近日,第十届中国-东盟投资贸易科技合作洽谈会在成都高新区召开,27个欧洲国家以及美国、以色列等国家的政府部门、机构和企业代表共200多人参加了此次洽谈会。

Heilongjiang

Not long ago, Heilongjiang Intellectual Property Office organized patent law enforcement officers took part in the second session of the China-Russia Fair, and over 20 law enforcement officers conducted a joint law enforcement action.

黑龙江

近日,黑龙江省知识产权局组织各市(地)专利执法人员联合进驻第二届中国-俄罗斯博览会,并由执法人员20余人开展了一次省市联合执法检查行动。

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The 15th IP Policy Meeting among SIPO, JPO and KIPO held in Guangzhou 第15次中日韩知识产权局局长政策对话会和第三届中日韩知识产权研讨会召开

On November 17, the 15th IP Policy Dialogue Meeting between China's State Intellectual Property Office, Japan Patent Office and Korean Patent Office was held in Guangzhou. Shen Changyu, the commissioner of SIPO, Hitoshi Ito, the commissioner of JPO, and Choi Donggyou, the commissioner of KIPO, attended the meeting and addressed. Three parties jointly reviewed the achievements of cooperation over the past year, and exchanged views of common concern.

Shen Changyu pointed out that over the past year, three offices co-hosted several joint activities including the patent examination experts meeting, automation experts meeting, review experts meetings, design forums, training institutions seminars, which effectively promoted the innovation and development of three countries, and economic, trade, science and technology and cultural exchanges among the three countries. He expected a closer cooperation between three offices through this meeting to lay a solid foundation for future cooperation.



Hitoshi Ito, the commissioner of JPO, and Choi Donggyou, the commissioner of KIPO, spoke highly of the new progress in the past year in trilateral cooperation and expressed that such cooperation on intellectual property rights was not only beneficial to the improvement of the national patent system, but also played a very important role in the development of the global intellectual property. They thought the policy dialogue mechanisms built important platform for co-

operation, and hoped to continue to rely on the platform to strengthen policy communication, deepen pragmatic cooperation, and strive to achieve more fruitful results, to jointly promote the development of intellectual property rights of three countries.

On the meeting, three offices carried out extensive and in-depth exchanges around the cooperation in design, automation, reexamination and training institutions. In addition, three offices also reported the latest devel-

opments in intellectual property rights in their countries respectively. After the meeting, three officers signed the "Minutes of Talks of 15th Policy Dialogue Meeting between SIPO, JPO and KIPO". Three offices also decided that the next policy dialogue would be held in Japan in 2016.

Additionally, on the 3rd Seminar on Intellectual Property on November 17, three offices of China, Japan and Korea announced that the website TRIPO adding Chinese, Japanese and Korean service under trilingual cooperation was formally launched, further defined that three offices would better serve the public. (by Liu Peng)

本报讯 11月17日,第15次中日韩知识产权局局长政策对话会在广州召开。中国国家知识产权局局长申长雨、日本特许厅长官伊藤仁、韩国特许厅厅长崔东圭出席会议并讲,三方共同回顾了去年一年的合作成果,并就共同关心的话题进行了深入交流。

申长雨指出,一年以来,三局共同举办了中日韩专利审查专家会、自动化专家会、复审专家会议、外观设计论坛、培训机构联合研讨会等活动,有力地促进了各自国家的创新发展和三国间的经贸和科技文化交

流。他希望,通过此次会议,进一步密切三局的合作关系,为明年及未来的合作打下坚实基础。

日本特许厅长官伊藤仁和韩国特许厅厅长崔东圭高度评价一年来三边合作所取得的新的进展,认为中日韩三国在知识产权方面的合作不仅有利于促进本国专利制度完善,对全球知识产权事业发展也具有十分重要的作用,三局局长政策对话会议机制为三方合作搭建了重要平台,希望三方继续依托这一平台,加强政策沟通,深化务实合作,努力取得更加丰硕的成果,共同促进三国知识产权事业的发展。

会上,中日韩三局围绕外观设计、自动化、复审和培训机构等领域的合作进行了广泛而深入的交流。此外,三局还通报了各自国家的知识产权最新发展情况。会后,三局局长共同签署了《第15次中日韩三局局长政策对话会会议纪要》。三局还决定,下一次局长政策对话会将于2016年在日本举行。

此外,在11月17日召开的第三届中日韩知识产权研讨会上,中日韩三局共同宣布,新增中日韩三种语言的新版三边合作网站 TRIPO 正式上线,进一步明确了三局更好地为公众服务的目标。(柳鹏)

The legend of Artemisinin (Part 1) 勾勒青蒿素的沉浮轨迹(上)

“Artemisinin is a gift to the world from traditional Chinese medicine,” Facing various media interviews, the Chinese female pharmacist Tu Youyou, the 2015 Nobel Prize in Physiology or Medicine winner, repeated her acceptance speech.

This gift is so precious, because it saved the lives of millions of malaria patients all over the world, especially for the vast number of whom in developing countries. It is a brilliant example on using the scientific method to promote the heritage and innovation of traditional Chinese medicine and share it with the world. However, this gift is so “cheap”, because of historical reasons, China hasn't established a patent system at that time, this great original invention with medical value and market prospects could not be protected.

In 1969, Tu Youyou, the assistant researcher of Traditional Chinese Medicine Research Institute under the Ministry of Health (now as the China Academy of Traditional Chinese Medicine) attended “523 Project”, officially becoming a member of China's research team on antimalarial drugs. During years followed, Tu Youyou and her team have experienced 190 failures. After going through a hard time, the team extracted an effective anti-malarial ingredient of Artemisinin by using the ether, and then they successfully created the artemisinin, called as “Magic Chinese medicine” with a 100% antimalarial effect.

At that time China has not yet established the intellectual property system, Tu Youyou and her team could not rely on legal weapons to protect their innovations, but could be faced with the situation that their achievement would be stolen or even seized by a myriad of opponents at any time. In the early 1970s, China gradually published a series of research papers related to the artemisinin in a collective name and showed the artemisinin to the world. In October 1981, the international conference “Artemisinin

Report Conference” was held in Beijing, the basic technology and research on artemisinin was completely opened to the world.

On April 1, 1985, China's patent law was enforced. On this day, Tu Youyou and her team submitted an invention patent application entitled “the production process of restoring artemisinin” to the China Patent Office (the predecessor of SIPO). The patent protection for the production process of artemisinin was finally available in the country. On January 1, 1993, China's patent law formally implemented after the first modification, and on the base of patent protection available for the original drug production process “the drugs and substances obtained by chemical methods” was also involved in the scope of patent protection. Until then, over 20 years had passed after Tu Youyou extracted the artemisinin. Thereafter, Tu Youyou and her team continued to file patent applications and obtained other patent rights. Based on these patents, they cooperated with a Beijing-based company to develop the new medicine, namely, dihydroartemisinin piperazine.

According to one report on “Nature”, there are more than 500 million people infected with malaria worldwide each year, most patients in Africa, which is the largest market for artemisinin. Generally speaking, in order to develop an industry, patent layout is essential in the predicted geographical markets. CIP News reporter commissioned the examiners of Pharmaceutical Biological Examination Department under SIPO to search worldwide patent literature and found that, as of October 10, 2015, in the field of artemisinin, the world's inventors submitted a total of 1,099 patent applications involving three categories on its derivatives pharmaceutical formulations, chemical synthesis and extraction process, mainly on the formulations. Among these 1,099 patent applications in the field of artemis-

inin, Chinese inventors have submitted approximately 500 patent applications, in which 78 patent applications were filed abroad, and majority are patent applications. Such data are encouraging, pharmaceutical companies researched for further development on the basis of Tu Youyou's achievement, and Chinese anti-malarial drugs industry is likely to earn remarkable money in the target market.

However, until today, artemisinin and its derivatives sales reached hundreds of millions of dollars each year, but the market that Chinese companies shared is less than 10%, or even 3% to 5% estimated by the industry experts. People can't help asking, with a more comprehensive patent protection system and the outstanding patent portfolio, why does China's artemisinin industry fail to dominate the global market? CIP News reporters are looking into the first and perhaps the most important piece of international patent applications - Coartem, through the “Patent Cooperation Treaty” (PCT) path to enter the multi-country - to find out the pace of development in the international market. (To be continued)

(by Wangyu / Fengfei / Sundi / Huangsheng / Sun Yiheng)

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“青蒿素是传统中医药送给世界人民的礼物。”面对登门采访的各路媒体,摘取2015年诺贝尔生理学或医学奖的中国女药学家屠呦呦一再重复着她的获奖感言。

这份礼物是如此贵重,因为它挽救了全球范围特别是广大发展中国家数以百万计疟疾患者的生命,成为用科学方法促进中医药传承创新并走向世界辉煌的范例。然而,这份礼物又是如此“廉价”,由于当时历史的原因,中国尚未建立专利制度,这一极具医疗价值和市场前景的原创性发明未能得到保护。

1969年,中国卫生部直属的中医研究院(现中国中医研究院)助理研

究员屠呦呦加入“523项目”,正式成为中国抗疟新药科研集体的一员。数年间,屠呦呦和团队经历了190次失败,终于历经艰辛,利用乙醚提取出青蒿中有效抗疟成分,成功制取抗疟效果为100%的“中国神药”青蒿素。

在那个中国尚未建立知识产权制度的时代,屠呦呦和团队无法依靠法律武器去保护创新成果,反而随时面临可能被虎视眈眈的对手窃取甚至夺取创新成果的状况。于是,上世纪70年代初,中国以集体名义逐渐公开发表了一系列青蒿素研究相关论文,将青蒿素“无偿”展示在世人面前。1981年10月,国际会议“青蒿素专题报告会”在北京举行,青蒿素基本技术和研究情况被“和盘托出”。

1985年4月1日,中国专利法正式实施。这一天,屠呦呦团队向中国专利局(中国国家知识产权局前身)提交了一件名为“还原青蒿素的生产工艺”的发明专利申请。青蒿素的生产工艺终于有了在国内获得专利保护的可能。1993年1月1日,中国专利法第一次修改后正式实施,在原有药品生产工艺可获得专利保护的基础上,将“药品和用化学方法获得的物质”一并列入专利权保护范围。此时屠呦呦提炼出青蒿素已有20余年。此后,屠呦呦和团队继续提交专利申请,并拥有复方双氢青蒿素等专利权,还以此专利为基础与北京一家企业合作开发了双氢青蒿素哌嗪片。

根据《自然》杂志的一份报告,全球每年有超过5亿人感染疟疾,患者大多在非洲。这正是青蒿素最大的市场。通常来说,一个产业要想发展,必不可少的就是在预期的市场地域进行专利布局。中国知识产权报记者委托中国国家知识产权局专利局医药生物审查部审查员进行全球专利文献检索发现,截至2015年10月10日,在青蒿素领域,全球发明人共提交了1099件专利申请,涉及



青蒿素及其衍生物的专利申请主要包含药物制剂、化学合成和提取工艺三大类,其中以制剂为主。在青蒿素领域的这1099件专利申请中,中国发明人提交了约500件专利申请,其中向国外提交的专利申请有78件,且绝大多数为发明专利申请。这样的数据令人鼓舞,中国药企在公开过的青蒿素研究成果的基础上进一步研发,中国抗疟药产业想必可在目标市场赚的盆满钵满。

然而,直到今日,青蒿素及其衍生物每年销售额已达数亿美元,但中国所占市场份额只有不到10%,甚至行业人士估计在3%到5%之间。人们不禁追问,有了较为全面的专利保护,又有出色的专利布局,中国青蒿素产业缘何仍未能主导全球市场格局?记者追寻着其中第一件可能也是最重要的一件国际专利申请——通过《专利合作条约》(PCT)途径进入多国的复方蒿甲醚——在国际市场上的发展脚步一探究竟。(未完待续)