

China's IP in foreign eyes

Chinese companies are going on their biggest global spending spree ever, with a marked change in strategy from buying resources to hunting for manufacturing expertise and financial companies. Out are purchases of commodity assets as the nation's consumption of raw materials slipped, while in vogue are assets that infuse its companies with know-how and new technology. (China Goes West Shopping for Assets as Xi Transforms Economy, Bloomberg)

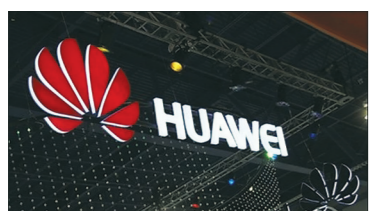
随着政策上的变化,中国公司正在进行着大规模的全球并购热潮,从过去的购买资源到如今收购有技术的公司,中国企业正在经历着变革。目前,拥有新技术的公司正在受追捧。(伴随经济转型,中国“西进”购买资产,彭博社)

Comment:

Overseas merger is a channel for Chinese companies to transforming and upgrading their products. Many Chinese companies are eager to move up the value chain and that encourages them to pursue acquisitions of companies that could enable them to access advanced technologies, strong brands.

点评:

海外并购是中国企业实现转型升级的一条重要途径,越来越多的中国公司希望通过并购提升其在产业链中的地位。因此,那些自身技术水平高、有品牌影响力的企业往往是受到追捧的主要对象。中国企业以期借助这些企业的力量来提升自己的竞争力。



Huawei, China's top smartphone maker, says it has found a way to speed it up 10 times faster than current batteries. The company said its new technology changes how lithium ions are stored and move inside the batteries -- increasing charging speed. Huawei said it's "confident" the discovery will lead to big changes in mobile phones, electric cars and wearable devices, among other things. (This smartphone battery charges 10 times faster, CNN)

中国智能手机制造商华为宣布,其研发出了一种充电速度快10倍的新型智能手机电池,这项新技术改变了锂离子在电池中的运动和储存方式,从而提高了充电速度。除此之外,华为还表示,这项技术将会对手机、电动汽车和可穿戴设备等领域带来新的变革。(一种充电速度快10倍的新型智能手机电池,美国有线电视新闻网)

Comment:

Huawei pay attention to the new technology R&D all along. Owing to outstanding innovation ability and reasonable intellectual property layout, Huawei has been becoming a world-leading smartphone manufacturer. The new technology of smartphone batteries reflects that Huawei has been one of the leaders in mobile industry.

点评:

华为向来重视新技术的研发。在智能手机领域,凭借着其出色的创新能力,华为近年来已成长为世界知名智能手机制造商。此次智能手机新电池技术的研发,再次证明了华为在行业内已经具有世界领先的创新能力。

(孙易恒)

China launches its first government capital led IP fund 国内首支国家资金引导的知识产权股权基金正式发布

The Guozhi Intelligence Intellectual Property Fund, co-founded by the Guozhi Patent Warning Consulting Center and Qinglin Huacheng Investment Company, was launched on November 9. With initial capital of 100 million yuan, the fund is targeted at companies set to list on the New Third Board.

"The fund will be mainly used to help companies develop their IP and gain patents for core technologies in a bid to position themselves better in the industrial landscape," said Zhao Wei, general manager of Qinglin Huacheng.

"We will regularly release the Guozhi Intelligence Intellectual Property Index, which is a key indicator for the fund's investment and patent services after research into the IP index of listed companies on the New Third Board and analysis of their success factors," Zhao said. The new fund will also offer IP consultancy services

ranging from patent filings to industry technology trend analysis to aid companies to increase their IP asset value.

The cooperation between Guozhi Patent Warning Consulting Center and Qinglin Huacheng is mutually beneficial for both parties, which is a crossover covering both IP and financial spheres.

As subsidiary of the Beijing Patent Examination Cooperation Center, Guozhi Patent Warning Consulting Center was established in 2003. One of China's first group of pilot patent operation companies, the Guozhi center has been granted 10 million yuan from the Ministry of Finance.

Zhao said he expected the new fund to play a leading role as "a national team" in serving small high-tech companies and become a benchmark for patent operation pilot businesses.

(by Wang Kang)

本报讯 11月9日,北京国之专利预警咨询中心(下称国之中心)和

北京清华成投资有限公司(下称清华成)共同发起成立的国内首支国家资金引导的知识产权股权基金——国之智慧知识产权股权基金正式发布。基金首期募集资金达1亿元,将主要面向拟挂牌的新三板企业,定向用于企业知识产权挖掘及开发,帮助国内中小企业有效获得核心技术专利。同时,以基金的运作为蓝图,大规模撬动社会资本参与,发挥政府资金引导性作用。

据了解,此次募集到的1亿元资金将定向投资于企业的知识产权挖掘及开发,投资对象主要锁定在面向拟挂牌的新三板企业。“基金的核心是帮助国内中小企业有效获得核心技术专利,为企业在未来行业发展中获取主导权。”清华成总裁赵伟在接受中国知识产权报记者采访时表示,基金也会通过知识产权孵化、专利集中经营、保护计划等市场化的运作,谋取投资回报。

记者在采访中了解到,为了更加精准地投资于拟在新三板上市的中小企业,该基金还将开展“国之智慧知识

产权指数”的研究,其将主要用于发现具有技术实力、创新能力以及成长潜力的拟挂牌新三板企业,同时通过对已挂牌新三板企业的知识产权指数研究,分析出成功企业具有的特质,并作为投资及专利服务的重要指标,帮助企业有效获取核心技术专利。

据了解,此次双方合作可谓强强联合,在具体分工上,国之中心将负责组建专业的专利服务团队、开展专利服务。清华成主要负责投资等社会资源的对接、市场运营配合、项目立项、尽职调查、投资意见等。

国之中心由国家知识产权局专利局审查协作北京中心(下称审协北京中心)于2003年成立。据了解,之所以将国之智慧知识产权股权基金称为

首支国家资金引导的知识产权股权基金,是因为作为国家知识产权局首批“国家



专利运营试点企业”,国之中心获得了财政部1000万元的资金支持。

“未来,基金要在更多细分行业和细分地域上与其他机构合作,以基金的运作为蓝图,大规模复制并撬动社会资本参与,共同支持中小企业的技术创新。”

赵伟表示。

(王康)

The 118th Session of Canton Fair receives growing IPR complaints 第118届广交会受理知识产权投诉案件增加

According to the closing news conference at 118th Canton fair, this session saw growing number of IPR cases, alleged infringement and enterprises determined as constituting alleged infringement than the previous session. The number of alleged infringement increased at higher pace.

According to Xu Bing, the spokesman of the 118th session of Canton Fair, 603 IPR cases were handled, an increase of 72 over the previous session, up13.56%; an increase of 77 over the fall fair last year, up 14.64%. A total of 860 enterprises were al-

leged infringement, with an increase of 197, up 29.71% over the spring session this year; an increase of 234, up 37.38% over the spring fair last year. 368 enterprises were determined as constituting alleged infringement, accounting for 42.79% of the total. A principal indicated that given the fierce market competition and declined business, more and more enterprises use IPRs as a tool to attack competitors. The number of enterprises determined as constituting alleged infringement maintained a stable level which means awareness of IPR protection of exhibitors has been enhanced

and the quality of IPR should be improved.

The session has four features in IPR protection: firstly, industrial design patent cases accounted for 71.12% of all patent cases filed; secondly, alleged infringement hit a high rate of 61.57% in trademark cases; thirdly, 69 copyright cases were reported. Fourthly, IPR cases involving foreign enterprises accounted 40% of total cases.

(by Gu Qizhi)

本报讯 11月4日,记者从第118届中国进出口商品交易会(广交会)闭幕新闻发布会上获悉,此届广

交会受理的知识产权纠纷案件、被侵权企业和最终认定侵权企业,比上届均有所增长。其中被投诉企业增长幅度较大,而最终确认涉嫌侵权的企业并无大的增长。

据广交会新闻发言人徐兵介绍,第118届广交会共受理知识产权投诉案件603宗,比上届增加72宗,增幅13.56%,比去年秋交会增加77宗,增幅14.64%。被投诉企业共计860家,比今年春交会增加197家,增幅为29.71%,比去年秋交会增加234宗,增幅37.38%;最终认定涉嫌侵权企业368家,占被投诉企业总数的42.79%。相关负责人表示,被投诉企业数量较大幅度的增长,表明在市场

竞争激烈、成交额下降的形势下,知识产权越来越成为企业打击竞争对手的手段。而最终被认定涉嫌侵权企业数量并没有大的增长,既说明了参展企业知识产权风险防范意识的提升,也说明知识产权的质量还有待于进一步提高。

此外,此届广交会知识产权保护还呈现四个特点:一是外观设计专利案件居多,占全部专利案件的71.12%;二是商标案件认定的涉嫌侵权比例较高,认定涉嫌侵权比例高达61.57%;三是版权案件投诉比较集中,有69宗;四是知识产权案件涉外率接近四成。

(顾奇志)

EXPRESS

MICHAEL JACKSON triggers disputes “迈克尔·杰克逊”商标引纷争



After the name of the late famous rock star Michale Jackson was registered as trademark MICHAEL JACKSON by Fujian Fengshang Fashion Company, and was approved by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry

and Commerce (SAIC), the U.S. Victory International Company filed a administrative lawsuit to Beijing IP Court. On November 5, the court heard the case, and delivered a verdict that withdraw the decision made by TRAB.

Duofashion International Group filed a trademark registration of MICHAEL JACKSON on September 7, 2010, and was approved on March 14, 2013, certified to be used on Class 25 products. The company also filed No.3775967 trademark MICHAEL JACKSON and its figure, but was rejected. On January 13, the trademark MICHAEL JACKSON was certified by the Trademark Office of SAIC, and assigned the trademark rights to Fujian Shangfeng Fashion Company.

The Victory International Company, previously named as MJJ, was established in California in March 1984. In October 1984, it renamed the Victory International Company, and Michael Jackson served as the president of the company. After Michael Jackson's death on June 25, 2009, Victory Company was authorized to prosecute any person or company who infringes the name right of Michael Jackson.

Beijing IP Court does not held the Victory Company's claims of name right, domain name right and mer-

chandising right, but held that Fujian Fengshang's registration of MICHAEL JACKSON has ill effect to customers. Although Michael Jackson was dead, his name and image still have considerable economic value. Fujian company's action of using the name and image of Michael Jackson as trademark on its clothes products mislead customers and the public would be harmed as well.

The judge of Beijing IP Court also said in the ruling that TRAB has decided that the trademark in dispute using on Class 25 products could mislead the public. The customers may think that the trademark was authorized by Michael Jackson or may have a certain relation with him. Besides, the trademark violated the rules prescribed under Article 10, Paragraph 1 (8) of Trademark Law 2001, so the registration shall not be approved. The trademark in dispute all contain MICHAEL JACKSON and used in the same products. So ordered. (by Zhu Wenming/Su Jie)

本报讯 美国已故知名摇滚歌手迈克尔·杰克逊的英文名“MICHAEL JACKSON”在中国被福建风尚时装有限公司(下称福建风尚公司)申请注册为商标,美国胜利国际公司针对该商标向中国国家工商行政管理总局商标评审委员会(下称商标评审委员会)提

出无效宣告申请,但是商标评审委员会经审查后,作出维持该商标予以注册的裁定。胜利国际公司于是向北京知识产权法院提起行政诉讼。11月5日,该案在北京知识产权法院公开审理并当庭作出判决:撤销商标评审委员会的裁定。

据了解,2010年9月7日,道费森国际集团有限公司(下称道费森公司)申请注册“MICHAEL JACKSON”商标,并于2013年3月14日获准注册,核定使用在第25类商品上。该公司还曾申请过第3775967号“MICHAEL JACKSON及图”商标,但被驳回。2015年1月13日,“MICHAEL JACKSON”商标经国家工商行政管理总局商标局核准并公告,由道费森公司转让给福建风尚公司。

据了解,胜利国际公司原名为MJJ营销公司,于1984年3月成立于美国加利福尼亚州,后更名为胜利营销公司。1984年10月,又更名为胜利国际公司,迈克尔·杰克逊曾担任该公司的总裁。2009年6月25日,迈克尔·杰克逊离世。胜利国际公司经迈克尔·杰克逊遗产管理人授权,有权对任何侵犯迈克尔·杰克逊姓名权的

行为提出诉讼。北京知识产权法院经审理,没有支持原告关于姓名权、域名权、商品化权的主张,但认为福建风尚公司注册“MICHAEL JACKSON”商标属于2001年修正的商标法第十条第一款第(八)项规定的“具有其他不良影

响”的情形。迈克尔·杰克逊虽已去世,但其姓名和形象至今仍然具有可观的经济价值。福建风尚公司及其关联公司道费森公司作为与迈克尔·杰克逊无关的其他主体,擅自将迈克尔·杰克逊姓名和形象作为商标多次注册在服装等商品上,具有抢注商标的故意,该商标的使用势必会使公众发生误认,以致损害社会公共利益。

北京知识产权法院在判决中指出,商标评审委员会在审理胜利国际公司针对道费森公司注册的3775967号“MICHAEL JACKSON及图”商标争议案件中,已在相关裁定中认定:“争议商标的使用在25类服装等商品上,容易使相关公众误认为这些商品上使用争议商标曾得到美国著名歌手MICHAEL JACKSON本人的许可或者与其有其他特定联系,从而误导公众,产生不良影响。争议商标的注册违反了2001年商标法第十条第一款第(八)项的规定,依法应当不予核准。”该案的争议商标与此次被诉涉商标均包含“MICHAEL JACKSON”,涉及的商品亦为第25类的服装商品。故作出以上判决。

(祝文明/苏杰)

英文翻译	柳鹏
Translator	Liu Peng
责任编辑	王璐
Executive Editor	Wang Lu