

IP Brief

Shanghai

The 27th Shanghai Outstanding Inventions Contest results officially announced, and 68 gold invention awards and 552 outstanding invention awards were issued.

上海

日前,第27届上海市优秀发明选拔赛结果正式揭晓,最终评选出68项金奖和552项优秀发明奖。

Chongqing

The first General Assembly of Chongqing Patent Attorneys Association was held in Chongqing. The official of Chongqing Municipal IP Office said, the industry association should offer service to patent attorneys to enhance the service quality and the social image of patent agencies.

重庆

近日,重庆市专利代理人协会成立暨第一次会员代表大会在渝举行。重庆市知识产权局有关负责人表示,行业协会要作为专利代理人服务,提升专利代理人的质量和专利代理行业的社会形象。

Anhui

"Anhui Patents Regulations" was approved by the Standing Committee of Anhui Provincial People's Congress, and will take effect on January 1, 2016. According to the regulations, Anhui Provincial Patent Award will be set up with specifications on the creation, use, protection, management and service work of patent.

安徽

近日,《安徽省专利条例》审议通过,将于2016年1月1日起施行。《条例》规定安徽省将设立省级专利奖,并从创造、运用、保护、管理和服务等方面对安徽省的专利工作做出了规范。

Shaanxi

Recently, the Shaanxi IP Office has arranged the cultivation and development work of IPR-intensive industries, confirming the plan that they will guide the IPR industrialization through concrete measures.

陕西

近日,陕西省对全省知识产权密集型产业培育发展工作进行安排,明确陕西省知识产权局将采取一产业一方案、综合施策、因需施策的办法,引导产业知识产权产业化。

Fujian

In a bid to promote the construction of Intellectual Property Service Station, Fujian IP Office approved the establishment of 7 more IP Service Stations, on the basis of 68 stations have been completed.

福建

为推进建设"知识产权服务工作站"工作,近日,福建省知识产权局在已完成86个工作站建设的基础上,再批复同意7个地区设立"知识产权服务工作站"。

Jiangxi

Recently, Jiangxi IP Office made specific arrangements on training work of IP talents with totally 25 training projects were confirmed, including 16 IPR training programs in districts and counties and 9 training programs in research institutes or universities.

江西

日前,江西省知识产权局就今年全省知识产权人才培训工作做出具体部署。今年,全省共确定知识产权委托培训项目25个,其中设区市、县(区)知识产权培训项目16个,高校科研院所培训项目9个。

China further strengthen IP use and protection to assist innovation

中国5部门出台《关于进一步加强知识产权运用和保护助力创新创业的意见》

知识产权新政助力“双创”

Recently, the State Intellectual Property Office, Ministry of Finance, Ministry of Human Resources and Social Security, All-China Federation of Trade Unions, the Central Committee of Communist Youth League jointly issued "Opinion on the Further Strengthening of Intellectual Property Use and Protection of Boosting Innovation and Entrepreneurship" (hereinafter as the Opinions) and proposed 14 concrete measures in 7 aspects to further strengthen IP use and protection to stimulate enthusiasm of innovation and entrepreneurship as well as to protect the results of innovation and entrepreneurship.

The Opinions pointed out that market should fully play a decisive role in the allocation of resources, and the government should play a better role to innovate IP management mechanism, improve the public service system of IP, lead the model change of innovation and entrepreneurship, optimize the competition environment, release creative energy of the whole society, generate more opportunities for innovation and entrepreneurship.

The Opinions took market-oriented principles, strengthening guidance, and actively promotion and actual effect as 4 basic principles, namely, China should use the role of IP as an incentive for innovation and entrepreneurial activity, and fully mobilize market forces to form the entrepreneurship incentives and benefit distribution mechanisms and efficient allocation of factors of innovation and entrepreneurship; to form the indication role of IP on innovation and entrepreneurial activity, innovate the service models and processes, improve the level of innovation and entrepreneurship development through more effective means of using patented navigation; adhere to the principles of policy coordination, active movement, open and cooperation to establish the IP innovative policy and entrepreneurship service system of government guidance, market-driven and social participation, to create good atmosphere for mass entrepreneurship and innovation; establish coordination and linkage mechanism to meet the needs of innovation and entrepreneurial activity, strengthen the implementation of assessment and feedback, and constantly improve the policy environment, the institutional environment and public service system for innovation, and entrepreneurship.

The Opinions indicated 7 fields to support innovation and entrepreneurial activity including breaking the innovation barriers, strengthening innovation and IP incentives, promoting the guidance, improving IP service system, strengthening IP training infrastructure, strengthening IP law enforcement and protection and promoting the IP cultural construction. For further strengthening IP use and protection to assist innovation and entrepreneurship, the Opinions also proposed 14 concrete measures surrounding above 7 aspects, including the integrated use of IP policy to broaden IP value realization; encourage the use of inventions to start up the entrepreneurship and provide high-quality public IP services; promote the use of patent analysis results, improve the IP system operation services; enhance IP information access efficiency, develop integrated IP services; strengthen IP training on entrepreneurship, guide all kinds of IP superiority units to provide professional training; increase the patent administrative law enforcement, improve IP protection and aid system; strengthen IP guidance on public opinion, and organize various IP special events.

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的激励作用,充分调动市场力量,形成创新创业知识产权激励和利益分配机制,促进创新创业要素合理流动和高效配置;突出知识产权对创新创业活动的导向作用,更多采用专利导航等有效手段,创新服务模式 and 流程,提升创新创业发展水平;坚持政策协同、主动作为、开放合作,建立政府引导、市场驱动、社会参与的知识产权创新创业支持政策和创业服务体系,全力营造大众创业、万众创新的良好氛围;紧贴创新创业活动的实际需求,建立横向协调、纵向联动的工作机制,强化政策落实中的评估和反馈,不断完善和深化政策环境、制度环境和公共服务体系,形成利于创新、便于创业的格局。

《意见》围绕完善知识产权政策体系降低创新创业门槛,强化知识产权激励政策释放创新创业活力,推进知识产权运营工作引导创新创业方向,完善知识产权服务体系支撑创新创业活动,加强知识产权培训条件建设提升创新创业能力,强化知识产权执法维权保护创新创业成果,推进知识产权文化建设和营造创新创业氛围等7个方面,提出了进一步加强知识产权运用和保护助力创新创业的14条具体措施,其分别为:综合运用知识产权政策手段,拓宽知识产权价值实现渠道;鼓励利用发明创造在职和离岗创业,提供优质知识产权公共服务;推广运用专利分析工作成果,完善知识产权运营服务体系;提升知识产权信息获取效率,发展综合性知识产权服务;加强创业知识产权培训,引导各类知识产权优势主体提供专业实训;加大专利行政执法力度,《意见》以市场导向、加强引导、积极推动、注重实效为4个基本原则,即发挥知识产权对创新创业活动

(by Sun Di)

本报讯 近日,中国国家知识产权局、财政部、人力资源社会保障部、中华全国总工会、共青团中央等5部门联合印发《关于进一步加强知识产权运用和保护助力创新创业的意见》(下称《意见》),从7个方面提出了14条具体措施,通过进一步加强知识产权运用和保护,激发创新创业热情,保护创新创业成果。

《意见》指出,充分发挥市场在资源配置中的决定性作用,更好发挥政府作用,创新知识产权管理机制,健全知识产权公共服务体系,引领创新创业模式变革,优化市场竞争环境,释放全社会创造活力,催生更多的创新创业机会,让创新创业根植知识产权沃土。

《意见》以市场导向、加强引导、积极推动、注重实效为4个基本原则,即发挥知识产权对创新创业活动



Photo News

Beijing Silk Street market is developing the high-end market with new pattern. The transformation of the market has been initially completed by now. The self-employed shops will gradually withdraw from Silk Street after the market upgrading, replaced by large number of new companies with their own brands or originally designed goods.

(Photo by China Daily)

北京秀水街市场以新格局引领高端市场发展。今年以来秀水街市场的改造工作已经初步完成,升级改造后个体户将逐步退出秀水街,取而代之的是将引进大批自主品牌原创设计公司的商品。

中国日报 供图

EXPRESS

Nokia's patent claims rejected

诺基亚“标准必要专利”不合标准

Recently, Shanghai No.1 Intermediate People's Court made a decision in the first instance involving patent infringement dispute of Nokia Corporation (hereinafter as Nokia). The Court held that, Nokia lacked of factual and legal basis on its standard essential patents for its interpretation in the scope of patent protection, and therefore, mobile phones, involved in the case, of Shanghai Huaqin in Communication Technology Co. (hereinafter as Huaqin Company), were beyond the scope of Nokia's patent protection, and the Court rejected the claims of Nokia.

It is reported that, in this case Nokia accused mainly for its involved patent claims 4, which defines its units saving location data as "location area".

In the case hearings, the court made an analysis on the concept of "location area" and "cells" in Nokia's patent documents in accordance with the Patent Law and the interpretation by Supreme People's Court. In this case, Nokia referred all areas with management functions collectively as "location areas" in the patent document, which was not in consistent with the definition of "location area" in relevant industry standard.

In the decision, the court held that Nokia's interpretation of the disputed patent had a significant expansion, meaning its loss of the standard basis for the disputed patent, which led to inherent contradictions with Nokia's claims that the disputed patents were its standard essential patents. Therefore, the court made the decision. Some industry experts said that, the court identified whether the disputed patents were Nokia's standard essential patents, which is an active try by

China's courts on identifying standard essential patents in judicial proceedings on related patents.

(by Zhao Shimeng)

本报讯 近日,上海市第一中级人民法院就一起涉及诺基亚公司标准必要专利的侵权纠纷案作出一审判决,认定诺基亚公司关于涉案专利保护范围的解释缺乏事实和法律依据,无法认定上海华勤通讯技术有限公司(下称华勤通讯公司)的涉案手机产品落入其专利权的保护范围,驳回了诺基亚公司的诉讼请求。

据悉,在该案中诺基亚公司主要以涉案专利权利要求4记载:"用于蜂窝无线网的网络设备,在蜂窝无线网中每个单元广播一或多个位置区标识或适于这样使用的标识,该无线网包括能够移动的移动用户设备以便以包括蜂窝无线网中一或多个单元的位置区的精确度来存储移动用户设备的位置数据。"



在案件审理过程中,法院根据中国专利法第五十九条和《最高人民法院关于审理侵犯专利权纠纷案件应用法律若干问题的解释》第三条第一款的规定,对诺基亚公司涉案专利文件中的"位置区"与"单元"的概念进行了分析。该案中,诺基亚公司在专利文件中具有位置管理功能的区域统称为"位置区",与相关行业标准中对"位置区"的定义不符。

法院在判决中表示,诺基亚公司对涉案专利的解释具有明显的扩张

解释的意味,使涉案专利丧失了标准依据,这与诺基亚公司关于涉案专利是标准必要专利的主张产生了内在的矛盾。法院据此依法作出上述判决。

(赵世猛)

英文翻译	李 铎
Translator	Li Duo
编 辑	孙 迪
Editor	Sun Di