

NUMBERS

43.7%
Recently, China's Ministry of Commerce announced, during the first seven months of this year, royalties of intellectual property export see a growth of 43.7 percent, far higher than the 10.4 percent of the overall increase in exports of services.

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近日,中国商务部公布的统计数据显示,今年前7个月,知识产权使用费出口同比增幅达43.7%,远高于10.4%的服务出口总体增幅。

49
Up to now, in Beijing, patent ownership every 10 thousand people has reached 49, ranking first in the country. Invention patent applications accounted for nearly 60% of total patent applications.

49件
截至目前,北京市每万人口发明专利拥有量指标已经达到49件,位居全国首位;发明专利申请占到专利申请总量的近六成。

75,000
Recently, Jiangsu Copyright Administration announced the province's copyright registration latest data. As of September this year, a total of 7.5 million pieces of copyright registration have been completed, an increase of 98%.

7.5万余件
近日,江苏省版权局公布了该省作品著作权登记最新数据,截至今年9月该省共完成作品著作权登记7.5万余件,同比增长98%,登记数量增长显著。

27,000
During the first half year, Anhui Province has submitted 27,000 patent applications, an increase of 47.7 percent, higher than the national increase of 23.1 percent.

2.7万件
安徽省今年上半年发明专利申请量达2.7万件,同比增长47.7%,居中部首位,高于全国平均增幅23.1个百分点。

1.05 billion
According to statistics of the State Intellectual Property Office, from January to August, 2015, Fujian has completed 66 patent pledge loans with the pledged amount of 1.05 billion yuan, a growth of 200.10 percent compared to last year.

10.5亿元
根据国家知识产权局相关统计数据显示,2015年1月至8月,福建省专利权质押贷款66笔,质押金额10.5亿元,与去年同期相比增长200.10%。

2,214
2014, patent applications of South China University of Science and Technology reached 2,214, and 651 patents were granted, with a total of 2,749 effective invention patents. From 2009 to 2014, the university has obtained 16 China Patent Awards.

2214
2014年,华南理工大学专利申请量达2214件,专利授权量为651件,有效发明专利量为2749件。2009年至2014年,该校共获得中国专利奖16项。

WIPO report: China's Innovation capacity continued to improve

WIPO发布2015年全球创新指数报告,中国内地位列世界第29位——

创新能力持续增强 创新质量不断提升

Recently, the World Intellectual Property Organization (WIPO) issued 2015 Global Innovation Index Report. The report shows that mainland China ranked the list of 29 with 47.47 points, the same as that of last year, while ranking first in middle or high income countries. Despite China's innovation index was 0.9 higher than last year, leading among the 141 countries covered by the report, some experts still expressed concern that China did not continue the momentum of the previous ranking rising every year, and does that mean China's innovation capacity has declined? Industry experts point out that stable innovation ranking does not mean the declining of innovation capacity, but reflects the high quality of China's innovation in the new economic situation.

Li Shunde, the dean of Legal and Intellectual Property Department at the University of Chinese Academy of Sciences, said, "China's Innovation Index continues to rise, showing that China attaches great importance to innovation, and the investment on innovation is growing." In Li's opinion, the world are increasingly focusing on innovation, innovation index of all countries is rising. China's rankings stay stable in the forefront, and in a sense it is an improvement. Li Shunde also pointed out that countries in the world are aware of innovation is important for national development, and are constantly upgrading their level of innovation. "China should promote innovation achievements into practical productive forces based on the situation of the country, increase investment on short-board of transforming, so as to speed the pace of innovation and enhance the international rankings." Said Li Shunde.

According to statistics, in 2014, China received 928,000 patent applications, ranking first in the world for four consecutive years; accepted 2,285,400 applications for trademark registration, having been ranking the first for 13 consecutive years. While China's ranking the 29th of the Global Innovation Index Report, which obviously does not match with the above IP achievement of China. In this regard, Li Shunde believe that the leading number is not China's innovative purposes, innovative quality improvement is the top priority, while to enhance the quality in innovation is the purpose. "Innovation is not the purpose of innovation but to promote the development of productive forces." Li Shunde pointed out improvement of innovation quality need more focus the transformation on innovation achievements. China attaches great importance to innovation and achievements in recent years, greatly enhancing the innovative quality.



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As said Li Shunde, in 2015 Global Innovation Index Report, China's performance in innovation quality is eye-catching, far more than most developing countries. For the sub-index, the field of personnel training and research, innovation environment, market maturity, the commercial maturity, knowledge and technology innovation output, innovation output, China ranked in the top among the middle and high income countries. The industry experts believe that this is the reflection from "innovation power" upgrading to "innovation power" for China. (by Sundi/Sun Yiheng)

近日,世界知识产权组织(WIPO)发布了2015年全球创新指数报告。报告显示,中国内地以47.47分位列榜单第29名,与去年排名持平,在中高收入国家中排名首位。尽管中国的创新指数比去年提高0.9,在报告涉及的141个国家中名列前茅,但仍有人表示担忧:中国没有延续此前排名连年上升的势头,是否意味着创新能力有所下降?业内专家指出,排名稳定并不代表创新能力下降,反而是经济新常态下中国创新"调速不减势、量增质更优"的体现。

"中国的创新指数持续攀升,说明我国对创新高度重视,投入越来越大。"在中国科学院大学法律与知识产权系主任李顺德看来,在世界各国都越来越注重创新、各国创新指数均不同程度上升的大背景下,中国的名次稳居前列,某种意义上正是一种进步。李顺德同时指出,世界各国都意识到创新对于国家发展的重要意义,都在不断提升自身的创新水平。"中国应当根据国情特点,推动创新成果转化成为现实生产力,针对创新成果转化短板加大投入力度,这样才能让创新的步伐比其他国家更快,提升国际排名。"李顺德说。

据统计,2014年,中国受理发明专利申请92.8万件,连续4年居世界第一;受理商标注册申请228.54万件,连续13年位居世界第一。全球创新指数排名第29名的地位显然与此并不匹配。对此,李顺德认为,数量上的领先并不是中国创新的目的,创新质量的提高才是重中之重,而中国在创新质量上表现提升——这正是创新的目的。"创新的目的不是创新本身,而是促进生产力的发展。"李顺德指出,提高创新质量需重视创新成果转化,极大地提升了创新质量。

诚如李顺德所言,在今年的全球创新指数报告中,中国在创新质量上表现抢眼,远超大部分发展中国家。在属于创新投入指数的人才培养与研发分指数、创新环境分指数、市场成熟度分指数、商业成熟度分指数,以及属于创新产出指数的知识技术产出分指数、创新产出分指数等6个分指数领域名列中高收入国家榜首。业界认为,这正是中国从"创新大国"向"创新强国"转型升级的具体体现。(孙迪 孙易恒)



Xinjiang Kashi gar earthenware, known as "mud art", is the unique technology art of the Uighur for its molding earthenware firing techniques with over than 2000 years of history. With its quaint and profound cultural connotation, earthenware was selected to on the list of National Intangible Cultural Heritage. (by Wang Wenyang)
被称为"泥巴艺术"的新疆喀什土陶,是维吾尔族特有的工艺制品,其模制法土陶烧制技艺已有2000多年的历史。土陶以其古朴和深厚的文化底蕴,入选国家级非物质文化遗产名录。 本报记者 王文扬 摄影报道

LV sues Jinkailide for selling infringing goods

LV公司诉金开利德公司商标侵权——

商户售假,出租方难辞其咎

Recently, because of finding that massive shops in Jinkailide International Clothing Market under Beijing Jinkailide International Clothing Market Ltd. (hereinafter as Jinkailide company) selling goods infringing its trademark rights in a long-term, Louis Vuitton Malletier, Ltd. (hereinafter as LV Company) accused Jinkailide Company to Beijing Xicheng People's Court. The industry experts expressed that, in the trademark infringement cases, trademark owners will usually accuse the shop operators and shop lessors together, asking them to assume corresponding responsibilities.

LV Company said, massive shops in Jinkailide Company were selling goods infringing its trademark rights in a long-term. However, Jinkailide Company not only did not guide and supervise the pre-standardized operation management of the involved shops, but also did not warn the involved shops or stop them on in-

fringement. And LV Company requested the court to order compensation for economic losses and other expenses of LV, totally 610,000 yuan. Currently, the case is under further investigation.

Cao Xinming, the Deputy Director of Intellectual Property Research Center under Zhongnan University of Economics and Law, told CIP News reporter that, at present, China has no clear legal provisions on responsibility for shops lessors. As the lessors of shops, Jinkailide Company signed the contract with the shop operators. Jinkailide Company ignored the trademark infringement to LV Company, which actually constituted contributory infringement, and should take the responsibility.

Cao Xinming also said when considering that whether the shop lessor know or should have known the infringement by the shop operators, the court should give full consideration to the rights of trade mark awareness,

and whether shops infringement is obvious enough, shop operators specific relationship with the lessor, etc.. The court should make the judgments according to the reasonable circumstances, which has significance for the protection of the legitimate interests of the well-known brands. In addition, the lessor itself should improve the management system, strengthen management, and actively guide and supervise the business of shop operators. (by Wei Xiaomao/ Zheng Siliang)

本报记者 魏小毛
实习记者 郑斯亮

近日,因认为北京金开利德国际服装市场有限公司(下称金开利德公司)运营的金开利德国际服装批发市场,存在大量商户长期销售侵犯其商标专用权商品的行为,路易威登马利蒂股份有限公司(下称LV公司)将金开利德公司诉至北京市西城区人民法院。有业内人士表示,在商标侵权案中,商标权利人通常将商铺经营



者与商铺出租方、管理方一并作为被告起诉,要求其承担相应的责任。LV公司称,金开利德国际服装批发市场存在大量商户长期、持续销售侵犯LV公司注册商标专用权商品的行为,金开利德公司既没有尽到引导和督促涉案商户规范经营的前期管理义务,也没有尽到对涉案商户进行教育、警告、停业整顿等后期管理义务。请求法院判令金开利德公司停止侵犯LV公司注册商标专用权的行为,并披露涉案商户与其签订的商铺租赁合同及涉案商户经营者相关信息。同时,请求法院判令赔偿LV公司经济损失等费用共计61万元人民币。目前,该案正在进一步审理中。

中南财经政法大学知识产权研究中心常务副主任曹新明在接受中国知识产权报记者采访时表示,目前,中国就商铺出租方承担何种责任没有明确的法律规定。金开利德公司作为销售场地的提供方,和商铺经营者之间的权利义务关系由双方签订的合同规定。金开利德公司对涉案商户侵犯LV公司商标权的

行为视而不见,放任侵权行为,实际上构成了帮助侵权,应承担相应的责任。

曹新明还表示,法院在判断商铺出租方对商铺经营者侵权是否明知或应知时,要充分考量权利人商标的知名度、商铺的侵权行为是否足够明显、出租方与商铺经营者的具体关系等因素,根据具体情况合理确定商铺出租方的注意义务,这对于保护知名品牌的合法权益具有指导意义。此外,商铺出租方自身要把好入口关,努力完善管理制度、强化管理力度,积极引导和督促商户的合法经营。



英文翻译	李铎
Translator	Li Duo
责任编辑	柳鹏
Executive Editor	Liu Peng