

China's IP
in foreign eyes

Chinese internet giant Tencent has taken a \$50m stake in Canadian mobile messenger Kik Interactive. Kik is hoping the investment will help boost competitiveness and emulate WeChat's success in North America. The Canadian start-up is particularly popular with teenage users and has been looking for a strategic partner for some time. (China's Tencent takes \$50m stake in messaging app Kik, BBC News)

中国互联网巨头腾讯已经以5000万美元的价格入股加拿大的手机短信服务商Kik Interactive公司。Kik Interactive公司希望此次融资能在北美复制腾讯微信的成功,有助于提升市场的竞争力。作为加拿大特别受青少年用户喜爱的短信服务商,Kik Interactive公司一直在寻找合适的战略合作伙伴,显然腾讯就是其目标之一。“腾讯5000万美元入股Kik公司”,英国广播公司新闻网)

Comment

Young Americans are a large group with unmet needs. Tencent was the best partner because its messenger service WeChat allows users not merely to connect with friends but also integrates options like shopping, ordering taxi and playing game. That is to say, endless innovation to meet the need of market is the most competitiveness of Tencent.

点评

在美国,年轻人永远是一个充满市场需求的群体。微信不仅能够为年轻人提供交友信息服务,还能为他们提供全面的购物、出租车预约以及游戏娱乐等服务,这使得腾讯公司成为Kik Interactive公司最为合适的合作伙伴。因此,持续不断的创新以满足市场需求,才是腾讯微信最大的竞争力。

Looking for a toehold in the world's largest smartphone market, Google hopes to return to mainland China as early as this fall in what would mark a major detente. The Internet giant is seeking approval for a China version of its Google Play app store. (Google plans to return to mainland China, report says, USA TODAY)

作为互联网巨头,谷歌希望最早于今年秋天重返中国大陆,并且在中国这个世界最大的智能手机市场站稳脚跟。实际上,谷歌正在向中国政府寻求批准其谷歌市场客户端商店的中国版本。“谷歌计划重返中国大陆”,今日美国)

Comment

As part of the deal Google is looking to strike, Google would follow the country's laws and block apps that the government objects to. Major Chinese technology companies such as Baidu and Tencent control most of the apps distribution in mainland China. Xiaomi, dubbed the "Apple of China," has launched its own app store and phones.

点评

作为其雄心勃勃计划的一部分,谷歌正在寻求新的崛起。谷歌将遵循中国法律和中国政府的有关规定。但事实上,欲重返中国,谷歌即将面临诸如百度和腾讯这样的科技公司的挑战,因为这些中国企业已占领了中国大陆地区大部分的市场。同时,被称为“中国的苹果”的小米公司,也拥有自己的应用商店和手机产品。

(李 铎)

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Official campaigns for changes to build national IP powerhouse

China ready to transform rich resources into tangible value

申长雨在接受媒体采访时指出,建设知识产权强国——

让丰富的专利资源转化为现实生产力(上)



Shen Changyu, the commissioner of the State Intellectual Property Office insists that intellectual property plays a pivotal role in China's innovation-driven development.

"IP provides the primary impetus for innovation," he said.

The theme of this year's Summer Davos - charting a new course for growth - corresponds with China's new innovation-driven development path.

"Protecting IP is equivalent to guarding innovation and making full use of the IP system encourages innovation," Shen quoted Premier Li Keqiang as saying.

"IP is a bridge linking research to the market. It is the key to transforming technology expertise to industrial and economic strength," the commissioner said.

That partially explains why the central government attaches significance to the IP system and is trying to make it a fundamental guarantee to motivate innovation, he said.

At a meeting at the end of last year, President Xi Jinping noted that technological progress and comprehensive innovation need be given more attention amid the new normal of slower yet higher-quality economic growth.

The central government issued a policy dedicated to accelerating innovation-driven growth in April.

"Protection and use of IP will spur our people into creation and startups, thus providing better support for the innovation-driven development," said Shen, who is also a member of the

Chinese Academy of Sciences. Shen and his team developed the visor for the helmet used by the astronauts in China's Shenzhou-7 spacecraft in 2008, before he was named SIPO commissioner at the end of 2013.

Data shows that China topped the world in terms of the number of invention patent applications for four consecutive years, with 928,000 filings in 2014, a 12.5 percent rise from a year earlier.

The nation has ranked first worldwide in terms of volume of trademark applications for 12 consecutive years, with more than 1.88 million filed in 2014, accounting for 41 percent of the world's total.

The country is also at the world's vanguard in other IP sectors, such as industrial designs, registered copyrights and new plant varieties.

However, contrast with such a large IP stockpile, the number of high-quality patented technologies are still small. "We are in urgent need of a change from being a large filer to a strong powerhouse, from growing bigger to building up muscles," Shen said.

The State Council set a clear goal of building China into a strong IP country in an action plan for further implementing the national IP strategy for 2014-2020, which the cabinet released at the end of last year.

As one of the campaigners for change, Shen said that the new goal is an inevitable choice for China's IP development and responses to the realistic demand for the country's economic and social development.

A number of quantifiable indexes, such as IP-intensive industries' contribution to GDP, core patents, invention patent ownership per 10,000 people and well-known trademarks can be factored into the judgment of whether a country is counted as an IP powerhouse, he said.

"Besides such globally common references, we also need to look to the development circumstances our country is in," he said.

Without considering the real situa-

tion in China, the goal of building an IP powerhouse would lose its root, Shen said.

(by Wang Xin/China Daily)
(to be continued)

《中国日报》记者 王欣

9月10日,第九届夏季达沃斯论坛知识产权分论坛在大连国际会议中心成功举办。中国国家知识产权局局长申长雨应邀出席并发表讲话。论坛举办前夕,申长雨在接受《中国日报》记者采访时指出,知识产权制度是激励创新的基本保障。

"知识产权是创新的'原动力'所在,"申长雨表示。

今年的夏季达沃斯论坛以"描绘增长新蓝图"为主题,这与中国的创新驱动发展战略不谋而合。

"正如李克强总理此前讲的那样,'保护知识产权就是保护创新,用好知识产权就能激励创新'。"在接受记者采访时,申长雨如是援引国务院总理李克强的讲话。

"党中央、国务院之所以把知识产权明确为激励创新的基本保障,我个人理解有两个重要原因。一方面,知识产权是创新的'原动力'所在,解决的是形成科技成果的'最后一公里'问题;另一方面,知识产权是科技成果向现实生产力转化的桥梁,一头连着创新,一头连着市场,是联系科技创新和市场之间的纽带,是实现科技强到产业强、经济强必不可少的关键一环,解决的是科技成果转化到现实生产力的'最后一公里'问题。"申长雨表示。

在去年底召开的中央经济工作会议上,习近平总书记强调,经济新常态下必须更加注重科技进步和全面创新。今年4月,党中央、国务院着眼经济发展新常态,对创新驱动发展作出重要顶层设计和重大改革部署,印发了《中共中央 国务院关于深化体制机制改革加快实施创新驱动发展战略的若干意见》,明确提出要让知识产权制度成为激励创新的基本保障。

"这进一步凸显了知识产权在创新驱动发展中的重要地位和作用。"申长雨指出,"因此,我们要通过加强知识产权的运用和保护,激发全社会的创新创业热情,更好地支撑创新驱动发展。"

事实上,申长雨还是一位中国科

学院院士。在2013年底出任中国国家知识产权局局长前,他和他带领的团队研究设计了宇航员头盔上的面罩,被应用在2008年升空的"神舟七号"载人航天飞船中。

近年来,中国的知识产权数量增长迅速。数据显示,中国已连续4年位居世界发明专利申请量排行榜榜首。仅在2014年,中国就受理了92.8万件发明专利申请,同比增长12.5%。

中国商标申请量也独占鳌头。2014年,中国的商标申请量超过188万件,占全世界总申请量的41%,连续12年位居全球首位。

此外,中国在工业设计、著作权登记和植物新品种等其他知识产权领域也连年增长。

然而,与如此庞大的知识产权数量相比,中国的知识产权质量有待提高,在高质量专利方面仍显薄弱。"改革开放30多年,特别是《国家知识产权战略纲要》颁布实施以来,我国的知识产权事业发展取得了巨大成就,如今已经成为了名副其实的知识产权大国。但却存在着大而不强、多而不优的矛盾,迫切需要实现由大到强的转变。"申长雨表示。

据悉,去年年底,国务院办公厅转发了由国家知识产权局会同27个部委共同制定的《深入实施国家知识产权战略行动计划(2014-2020年)》(下称《行动计划》),对未来一个时期知识产权事业的发展作出了全面部署,其中明确提出,要努力建设知识

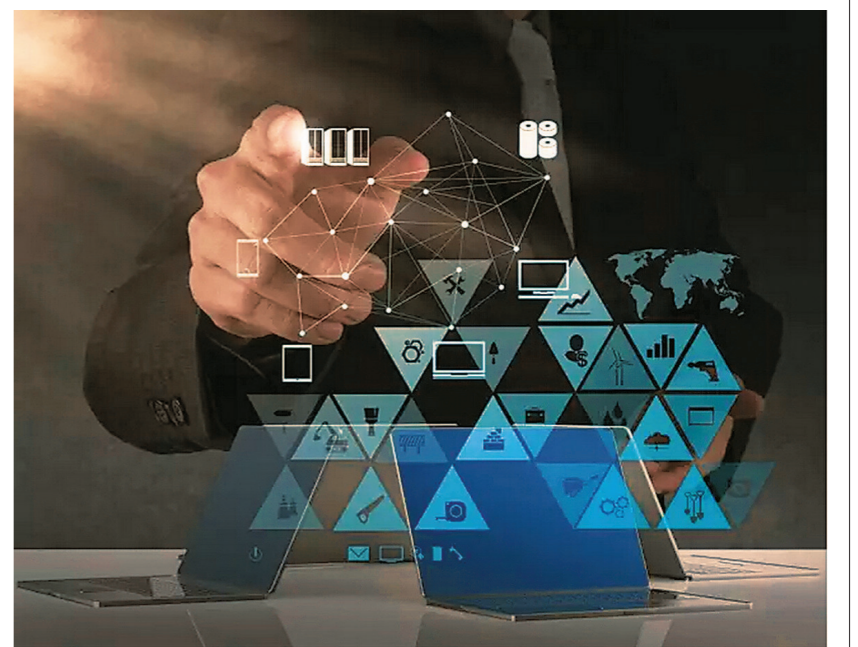
产权强国,为知识产权事业的发展确立了新的目标。

作为《行动计划》的发起部门之一,申长雨表示,当前中国经济发展进入了新常态,创新已经成为引领发展的第一动力,知识产权制度作为保护和激励创新的一项根本制度,需要通过强国建设为创新提供更加有力的支撑;从国际上看,世界发达国家,无一不重视知识产权,无一不是知识产权强国,他们都把知识产权作为保持自身竞争优势的关键。因此,建设知识产权强国不仅是中国知识产权事业发展到现阶段的必然选择,也是中国经济发展的现实需要。

"要具备世界水平。强国与否,其坐标系和参照系应该是全球性的。在知识产权方面有许多可量化的指标,例如,知识产权密集型产业对国内生产总值的贡献率,每万人口发明专利拥有量,核心专利、知名品牌、版权精品的数量等,我们要在这些指标上努力实现与知识产权强国相当。"申长雨说。申长雨同时指出,建设知识产权强国,离不开基本国情,离不开现有基础,离不开所处的发展阶段,要通过不断完善符合国情的知识产权制度,来推进知识产权强国建设,努力建设具有"中国特色、世界水平"的知识产权强国。

"建设知识产权强国,我们要'点线面结合,局省市联动,国内外统筹'。"申长雨如是说。

(未完待续)



EXPRESS

SWISSGEAR trademark dispute concluded "SWISSGEAR"商标案一审有果

Beijing Intellectual Property Court recently concluded the SWISSGEAR trademark administrative dispute against the Trademark Office (TMO) under the State Administration for Industry and Commerce (SAIC) lodged by Wenger Company.

In 2007, Wenger filed the SWISSGEAR trademark registration to SAIC on Class 8 products of manual tools etc.. Wenger's filings were then challenged by a third company, a Fujian based company, Fuzhou Kuayang Trading Company, on grounds of similar with Switzerland's country name Swiss and SWISSGEAR should not be approved as a trademark. TMO then denied Wenger's application.

Wenger then brought the case to the Trademark Review and Adjudication Board (TRAB) under SAIC, and seek re-examination. In its written plea, Fu-

zhou Kuayang claimed that the trademark in dispute designated to apply on Class 8 products of manual tools merely indicates the common name and it also violates the China's Trademark Law.

After examination, TRAB dismissed Wenger's application on grounds of violations of Article 10 and Article 11 of China's Trademark Law.

Disgruntled Wenger lodged an administrative suit and brought TMO and TRAB to the Beijing Intellectual Property Court. Wenger held two points of view. Firstly, the trademark do not violate China's Trademark Law. Secondly, TMO's decision violates the request principle. The Court held that the original opponent's opinions should be included within TMO's arbitral scope in general case. However, based on the public interests, the challenges related to Article 10, Arti-



cle 11 and Article 12 should be considered as exceptional cases. Even if the opponent's opinions were not taken during the re-examination period, further examination should be conducted during the suspension period.

For the reasons mentioned above, the Beijing Intellectual Property Court made this decision and rejected Wenger's filings.

(by Zhu Wenming/ Su Jie)

本报讯 近日,北京知识产权法院在"SWISSGEAR"商标异议复审行政纠纷案中,对异议复审审查范围予以明确并充分说理。

2007年9月12日,威戈有限公司(下称威戈公司)向中国国家工商行政管理总局商标局申请注册"SWISSGEAR"商标,指定使用商品为第8类手工操作的手工具等。该商标后被福州跨洋贸易有限公司(下称福州跨洋公司)提出异议。商标局经审查,以被异议商标与瑞士国名"SWISS"近似,不应作为商标使用为由,裁定被异议商标不予核准注册。

威戈公司对该裁定不服,向国家工商行政管理总局商标评审委员会申请复审。福州跨洋公司在其《答辩书》中提到,"被异议商标指定使用在第8类的'工具'等商品上仅仅直接表示了商品的通用名称,违反了《商标法》第十一条的规定。"

国家工商行政管理总局商标评

审委员会认为,被异议商标违反商标法第十条和第十一条,裁定被异议商标不予核准注册。

威戈公司不服该裁定,向北京知识产权法院提起行政诉讼,认为被告将被异议商标是否构成中国商标法第十一条规定的情形纳入本案审理范围违反请求原则,且被异议商标并未违反此规定。北京知识产权法院认为,一般情况下,"原异议人的意见"不得超出商标局异议裁定的审理范围,但涉及商标法第十条、第十一条和第十二条适用的相关意见,可以作为例外情形。这主要是考虑到此三条的适用涉及到社会公共利益和商标识别作用的发挥,且即使在商标异议复审程序中不予考虑,在后续的商标无效宣告程序中仍需做进一步的审查。

考虑到被诉决定符合中国商标法第十条的相关规定,北京知识产权法院判决驳回原告的诉讼请求。

(祝文明 苏杰)