

# IP highlights the new era of "Internet +" 知识产权: 拥抱“互联网+”全新时代

Recently, the State Council of China issued Opinions on actively promoting the 'Internet + action' (hereinafter referred to as The Opinions), defined the 11 priority actions and 7 support measures to promote the Internet to expand from consumption areas to the production areas, speed up to enhance the level of industrial development, innovation, and build new strengths of economic and social development. Among them, the Opinions confirmed, State Intellectual Property Office should strengthen IPR strategy to provide support to promote the "Internet + action. All these means that, intellectual property rights are fully embraced by "Internet + new era.

The Opinions indicates, China should strengthen the patent navigation of the key point of integration field, guide enterprises to strengthen IPR strategic reservation and layout. China should accelerate the opening and sharing of basis patent information resources, support online IPR service platform, encourage service model innovation, enhance value-added of

IPR services, support IPR creation and use by small and medium enterprises. China should strengthen the IPR on network and law enforcement on patent issues, to crack down on a variety of infringement and counterfeiting on network. China should enhance social awareness of IPR protection on network, and promote the establishment IPR protection alliance of "Internet +", to increase efforts to protect new form of innovations and new models of industry. In addition, The Opinions also proposed to develop IPR pledge financing services.

There is a saying goes "One people creates, and then 99 people plagiarize." With the "Internet + era open the door, IPR protection under Internet ecosystem has become a hot topic. "The new background of internet communication made the IPR protection a more complicated process." Tao Xinliang, the Dean of Intellectual Property School, Shanghai University expressed that, the traditional industries will encounter more IPR issues when they meet internet. Now a lot of network infringement and piracy of IPR



are cross-regional, cross-border, which gives a lot of inconvenience to supervision and enforcement. "In the future, when promoting intellectual property legislation and supervision the relevant departments must combine with the Internet features." Tao Xinliang also noted that the historical background of "Internet + will produce a lot of new business models and business methods, so business methods patents and other IPR protection should also be concerned."

By 2018, a new Internet-based model will become a new economic growth engine; by 2025, the "Internet + new economic pattern will come true, "Internet + will become an important driving force of economic and social development of innovation ..... on the way to the "Internet + era, the IPR is the driving force.

(by Wang Yu)

本报记者 王宇

日前, 中国国务院印发《关于积

极推进“互联网+”行动的指导意见》(下称《指导意见》), 明确了11项重点行动和7方面保障支撑措施, 推动互联网由消费领域向生产领域拓展, 加速提升产业发展水平, 增强各行业创新能力, 构筑经济社会发展新优势和新动能。其中, 《指导意见》明确, 由中国国家知识产权局牵头强化知识产权战略, 为推进“互联网+”行动提供保障支撑。在一定意义上讲, 从今年全国两会“互联网+”概念首次提出到如今《指导意见》进一步明确了知识产权工作融入“互联网+”行动计划的工作任务和方式方法, 知识产权工作正在全面拥抱“互联网+”的新时代。

如《指导意见》提出, 加强融合领域关键环节专利导航, 引导企业加强知识产权战略储备与布局。加快推进专利基础信息资源开放共享, 支持在线知识产权服务平台建设, 鼓励服务模式创新, 提升知识产权服务附加值, 支持中小微企业知识产权创造和运用。加强网络知识产权和专利执法维权工作, 严厉打击各种网络侵权行为。增强全社会对网络知识产权的保护意识, 推动建立“互联网+”知识产权保护联盟, 加大对新业态、新模式等创新成果的保护力度。

此外, 《指导意见》还提出, 促进互联网开源社区与标准规范、知识产权等机构的对接与合作, 积极发展知识产权质押融资服务等。

"1人原创, 99人抄袭。"随着“互联网+”时代大门开启, 互联网生态下的知识产权保护也成为了热门话题。“今非昔比的互联网传播时代背景, 使知识产权保护过程更为复杂。”上海大学知识产权学院院长陶鑫良颇有感触地表示, 传统行业“触网”后也会引发更多知识产权问题。而今大量的网络知识产权侵权行为都是跨地域、跨国界的, 这就给监管和执法带来许多不便。“今后, 有关部门在推动知识产权的立法和监管工作时都必须结合互联网时代特征。”陶鑫良还指出, “互联网+”时代背景会孕育和催生很多新的商业模式及商业方法, 故商业方法专利等的知识产权保护也应受到关注和重视。”

到2018年, 基于互联网的新业态成为新的经济增长动力; 到2025年, “互联网+”新经济形态初步形成, “互联网+”成为经济社会发展的重要驱动力。在通往“互联网+”时代的大路上, 知识产权的原动力正在凝聚。



## Two South Korean "ZooCoffee" fall into trademark disputes in China 韩国两家“ZOO COFFEE”在中国引商标纠纷

Nowadays, the zoo-themed coffee shops from South Korea opened in various provinces and cities in China and became popular to consumers. However, few people know that for the South Korean "ZooCoffee", the coffee culture combined cute animals and coffee, there are two owners, and they have fallen disputes because of the ownership of "ZOO" trademark. Few days ago, a "ZOO" trademark owner Guangzhou Tae-young Catering Management Co., Ltd. (Guangzhou Tae-young company), accused franchisees of another "ZOO" trademark user Zhu Ka Fei Restaurant Management Co., Ltd. (Zhu Ka Fei company) in Beijing, Guangzhou, Changsha and other places for trademark infringement in nearly 10 cases. It is reported that some of the cases already have been heard, but

no result was claimed. It is known that, "ZooCoffee" brand owned by the Zhu Ka Fei company which was founded in 2009 in South Korea, then "ZooCoffee" founders sold the "ZooCoffee" brand to South Korea Tae-young Catering Company. Subsequently, South Korea Tae-young Catering Company enter the Chinese market in April 2013, and established the Guangzhou Tae-young company, then registered "ZOO" trademark in China.

After that, Guangzhou Tae Young Company found a number of "ZOO" coffees shops in Beijing, Guangzhou, Changsha and other places and then alleged to court for their trademark infringement.

Guangzhou Tae Young Company claimed, it had owned the No.6138880 trademark "ZOO", and



the defendant did not identify "ZOO" trademark owner in advance and used "ZOO" trademark on food and beverage business activities, violating the rights and interests of Guangzhou Tae-young company.

It is known that all defendants are Zhu Ka Fei company's franchisees. The reporter called the Zhu Ka Fei company a few days ago, but they refused to be interviewed for inconvenience. But the reporter found in the official microblog that the company had been preparing for Guangzhou Tae Young's lawsuit.

It is reported that, as of now, Changsha has heard the case, and seven cases of trademark infringement in Beijing will soon be heard in the Bei-



jing No.3 Intermediate People's Court.

This event is on progress, we will continue to follow the development of the case. (by Mao Ligu)

本报讯 时下, 来自韩国以动物园为主题的咖啡馆在中国多个省市接连开业, 受到广大消费者的青睐。然而鲜为人知的是, 这一来自韩国的将可爱的动物文化与咖啡文化相结合的

咖啡馆, 却有两个东家, 并因"ZOO"商标权属纠纷在中国多个城市短兵相接。日前, "ZOO"商标权利人广州太映餐饮管理有限公司(下称广州太映公司), 在北京、广州、长沙等地将另一家使用"ZOO"商标的祝味非餐饮管理有限公司(下称祝味非公司)的加盟商以商标侵权为由诉至法院, 案件有近10起。据悉, 目前部分案件已相继开庭, 但尚无结果。

据了解, "ZooCoffee"品牌由祝味非公司于2009年在韩国创立, 后"ZooCoffee"创始人将"ZooCoffee"品牌转让至韩国太映餐饮公司。随后, 韩国太映餐饮公司于2013年4月进入中国, 并成立了广州太映公司, 后经转让在中国获得"ZOO"注册商标专用权。

随后, 广州太映公司发现北京、广州、长沙等地出现多家以"ZOO"为招牌的咖啡馆, 遂将上述涉嫌商标侵权的咖啡馆诉至法院。

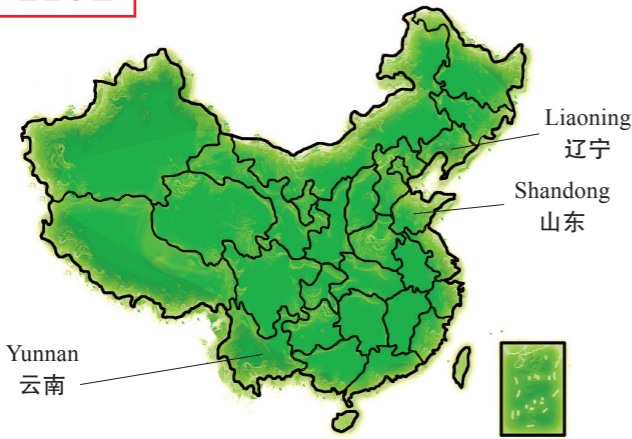
广州太映公司诉称, 其通过合法途径取得了第6138880号"ZOO"注册商标专用权, 被告在未事先查明"ZOO"注册商标所有者的情况下, 擅自使用"ZOO"注册商标进行餐饮方面的经营活动, 侵犯了广州太映公司的合法权益。

据了解, 上述案件被告均为祝味非公司加盟商, 记者日前就此事致电祝味非公司相关负责人, 但该负责人以不方便透露消息为由, 拒绝采访。但在祝味非公司官方微博中发现, 该公司曾针对广州太映公司的诉讼公开表态: "如有加盟店主收到广州太映公司的恶意诉讼, 请在第一时间与总部联系, 总部将迅速派遣专人处理。"

据悉, 截至目前, 长沙一案已经开庭审理, 而北京涉及的7起商标侵权案件将于近期在北京市第三中级人民法院开庭审理。

关于该事件后续进展, 本报将持续关注。(毛立国)

### IP Brief



#### Liaoning

Recently, Dalian IP Office opened "Project 985" university transformation platform to build the new "Internet + model for the patents commercialization and technological achievements.

#### 辽宁

近日, 辽宁省大连市知识产权

局开通985大学优秀项目转化平台, 倾力打造专利和科技成果转化“互联网+”新模式。

#### Shandong

Recently, Shandong 3D-Technology Innovation Industry Alliance was set up in Jinan, which marked that, 3D-industry chain was formed based on the collections of "policy, production, academy, research, in-

vestment and utilization" in Shandong.

#### 山东

近日, 山东3D科技创新产业联盟在济南成立, 此举标志着山东省已形成集合“政、产、学、研、投、用”3D产业上下游产业链。

#### Yunnan

Lately, Yunnan IP Office and State IP Training (Liaoning) Base under the Dalian University of Technology held a forum in Kunming. At the meeting, both parties signed a strategic cooperation framework agreement.

#### 云南

近日, 云南省知识产权局与大连理工大学国家知识产权培训(辽宁)基地在昆明召开座谈会。会上, 双方共同签署了战略合作框架协议。

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## SPC to innovate IP court system 最高法: 创新知识产权法院机制

Recently, the Chinese Supreme People's Court (SPC) held a special meeting to hear a report on the work of the Intellectual Property Court. Zhou Qiang, the Director of Supreme People's Court stressed at the meeting, China need to innovate the IP court mechanisms, strengthen the system of IP court, to improve IPR trials, as well as to provide more effective judicial services and protection to promote the implementation of the national innovation-driven strategy.

Zhou indicated that, IP courts should actively explore and innovate the working system to offer replicable experience to judicial reform of the whole country. China should establish and improve operational mechanism according to the characteristics of IP courts, vigorously improve the job security of judges, and actively explore the purchase of social services, deep-

en the application of information technology, and constantly improve the quality and efficiency of IP trial work. China also should pay close attention to trends in science and technology and economic development, strengthen the study of new situations and problems, and timely response to community concern, meet the new demands of the people for IPR judicial protection.

It is known that, as the end of 2014, IP courts in Beijing, Shanghai, Guangzhou have been set up as a milestone in the field of IPR judicial protection.

(by Zong He)

本报讯 日前, 中国最高人民法院召开专题会议, 听取了关于知识产权法院工作情况的报告。最高人民法院院长周强在会上强调, 要大力发扬改革创新精神, 创新知识产权法院机制, 加强知识产权法院工作, 推动完善知识产权审判体制机制, 充分发

挥知识产权审判职能作用, 为推动实施国家创新驱动发展战略提供更加有力的司法服务和保障。

周强指出, 要坚持改革创新精神, 促进知识产权审判体制的完善。知识产权法院要充分发挥司法改革的“排头兵”作用, 积极探索、勇于创新, 为全国法院司法体制改革创造可复制、可推广的经验。要建立健全符合知识产权法院审判工作特点的审判权运行机制, 大力完善法官职业保障, 积极探索购买社会服务, 深化信息技术应用, 不断提高知识产权审判工作的质量和效率。要保持工作的前瞻性, 密切关注科技和经济发展动向, 加强对新情况新问题的研究, 及时回应社会关切, 满足人民群众对知识产权司法保护的新需求。

据了解, 作为落实党的十八届三中全会部署, 深化司法体制改革的重要举措, 2014年底, 北京、上海、广州知识产权法院相继成立运行, 成为了知识产权司法保护领域具有里程碑意义的大事。(宗合)