

China's IP in foreign eyes

China's heyday as the "world's factory" is fading as labor costs rise and export demand has faded. To address that and other challenges, the world's second-largest economy has unveiled a plan to beef up its presence as a global manufacturing power. "Made in China 2025". (World's Factory Aims for Upgrade With "Made in China 2025", by VOA News)

随着劳动力价格上升以及中国设法改变出口型经济,中国作为世界工厂的鼎盛时期正在成为过去。在解决这个问题和其他挑战之际,世界第二大经济体中国公布了“中国制造2025”,立志成为一个制造业强国。(“中国立志2025年成为制造业强国”,美国之音新闻网)

Comment:

The campaign focuses on a host of problems, including a lack of high-quality goods or strong international brands. The model that China has pursued over the last 30 years, which had a major element of export-oriented production based on low labor costs, will not be sustainable. It aims to move China higher up the manufacturing chain by focusing more on innovation and cutting-edge technology.

点评:

目前,中国的制造业和世界先进工业国家相比,依然存在较大差距。因此,中国不能再像过去一样,依赖低端制造业和出口来推动经济,“中国制造2025”正致力于改变这个现状,将提高中国在产业链中的地位。



The boss of the Chinese internet firm Alibaba, Jack Ma, has told US businesses that his company wanted to help small US businesses sell their wares in China. Alibaba already accounts for 80% of all Chinese online consumer shopping and is looking to expand abroad. Mr. Ma said he eventually wanted 40% of sales to come from outside China. (Alibaba boss Jack Ma in US charm offensive, by BBC)

中国互联网公司阿里巴巴的“掌门人”马云告诉美国企业,阿里巴巴想要帮助美国的小企业向中国出售他们的商品。目前,阿里巴巴已经占据了消费者网络购物的80%的市场份额,并在积极寻求海外扩张。马云希望阿里巴巴最终能达到40%的销售额来自于国外的目标。(“阿里巴巴在美展魅力攻势”,英国广播公司)

Comment:

Alibaba's growth highlights the challenges for Chinese companies. As an international business-to-business marketplace, Alibaba has made charm offensive by its outstanding IP innovation and culture. Thus, Alibaba may just be the first of a new wave of international Chinese brands.

点评:

阿里巴巴的成长凸显了中国企业面临的机遇和挑战。作为国际知名的B2C交易平台,阿里巴巴通过知识产权、技术创新和文化魅力,在海外不断开疆辟土。可以看到,以阿里巴巴为代表的企业将成为中国企业国际化浪潮的领跑者。(孙迪)

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Michelle K. Lee: Contribute to the global IP development together
“共同为全球知识产权事业贡献力量”

——访美国专利商标局局长、商务部副部长李大乔(Michelle K. Lee)

Beijing in May is full of sunshine. In a reception room in the China's State Intellectual Property Office (SIPO), a tall, slim ethnic Chinese female, dressed in black suit, attracts people's attention. That is Michelle K. Lee, the newly appointed Director of the United States Patent and Trademark Office (USPTO) and the Deputy Minister of US Department of Commerce.

"As the first ethnic Chinese female Director of the USPTO, the opportunity to visit China to discuss intellectual property issues made me very excited." Michelle K. Lee said in an interview by the reporter of China Intellectual Property News, and she appreciated on China's intellectual property rights: "China has been greatly improved intellectual property protection, especially in the revision of patent legislation and the establishment of three intellectual property rights courts, which benefits from the Chinese government's attention and support on intellectual property. USPTO is willing to provide effective protection to the patentees from both countries, which is also helpful to the development of both countries."

"We signed a memorandum of cooperation and understanding with SIPO, for the cooperation framework for two offices on further bilateral exchange each year and other cooperative projects in intellectual property." On face of opportunities and challenges such as the current global economic environment and increasingly complex intellectual property issues, Lee believes that, it is essential to strengthen cooperation between the USPTO and SIPO through close exchanges to improve intellectual property management system and efficiency as well as to jointly deal with the complex and changing international situation.

Lee said: "In order to promote innovation and economic development, USPTO hopes to protect the rights and interests of patentees and the interests of third parties on licensing, use and transfer of technology. We have carried out an important work in China, and three IPR commissioners are sent to Beijing, Guangzhou and Shanghai, where the intellectual property courts were established, to help US companies seek for a transparent and legal environment. I always try to make myself a part of innovation and



get involved in the economic development. I often call USPTO 'Agency for Innovation', and now I am the head of the 'innovation Agency' to promote innovation."

Currently, the global IP business is constantly changing. On the way of IP development, SIPO and USPTO are both facing the opportunities and challenges. "SIPO is an important partner of IP5 Offices, and we expect two sides to further strengthen cooperation and jointly contribute to the global IP development." Michelle K. Lee said. (by Wang Lu/ Li Duo Photo by Zhang Zihong)

本报记者 王璐 李锋

5月的北京,阳光和煦,天气晴

朗。在中国国家知识产权局的一间会客室里,一位身材高挑、身着干练的黑色套装的华裔女性引人注目,这就是新上任的美国专利商标局局长、商务部副部长李大乔(Michelle K. Lee)。

“作为美国专利商标局第一位华裔局长,此次能够有机会到访中国来讨论知识产权议题,让我感到十分振奋。”在接受中国知识产权报记者专访时,李大乔对中国的知识产权保护工作给予了赞赏:“中国在知识产权保护方面有了很大的改善,尤其是在立法的修订和3个知识产权法院的建立方面,这得益于中国政府对于知识产权的重视和支持。美国专利商标局愿意保证对美国和中国的知识产权权利人均提供有效的保护,而这也利于两国的发展。”

“此次我与中国国家知识产权局局长申长雨签署了一份合作谅解备忘录,为两局共同开展交流活动设定了一个框架,即每年针对中美双方关心的知识产权法律和政策问题召开研讨会以及其他合作项目,以期不断扩大两国在知识产权方面的交流与合作。”在当前全球经济环境下,各国知识产权领域不断发生着变化,并面临着越来越复杂的知识产权问题,面对种种机遇与挑战,李大乔认为,谋求加强中美两局之间的合作,通过密切交流和开展合作,提高中美双方知

识产权管理体制和效率,以共同应对复杂多变的国际形势。

李大乔表示:“我们希望在市场化原则和商业自由原则的基础上,以保障权利人和第三方在权利许可和转让以及技术使用方面的权益,以此来推动创新经济的发展。我们开展了一项重要的工作就是三位知识产权专员已经在中国帮助美国企业寻求透明和法制的运营环境,他们被派驻在北京、广州和上海,也正是三个知识产权法院所在地。我一直努力让自己成为促进创新经济发展的一份子,并参与其中。我经常把美国专利商标局称为美国的‘创新局’,现在我担任这个‘创新局’的负责人,我的职责就是为了促进创新。”

当前,全球知识产权事业不断发生着变化,在知识产权事业发展的道路上,中美两局也面临着种种机遇与挑战。“中国国家知识产权局是五局合作中的重要伙伴之一,我们期待双方能够进一步加强合作,共同为全球知识产权事业的发展贡献力量。”面对未来,李大乔道出了心中的期望。

图为李大乔(Michelle K. Lee)

本报记者 张子弘 摄



Report on China's IP development in 2014 released
报告显示:中国知识产权综合发展水平不断提高

China's IP development continued to improve in 2014 and its global ranking rose distinctively, according to a report on China's IP development in 2014, released by the IP development research center on June 4th.

The index for China's IP development, based on the evaluation of IP creation, utilization, protection, as well as the environment of IP development, stands at 63.74 points in 2014, up 0.98 points. According to this annual report, all types of IPRs including patents, trademarks, copyrights etc., have risen dramatically in filings, registrations, and approvals, the creation structure has been constantly improved. IPRs licensing and pledge loans, including patents and trademarks, have further increased. Judicial and other relevant authorities have handled more IP cases and patent law enforcement cases. The IP systems have been further improved and

IP organs and employees have increased year by year. Also, IP awareness among the public has been improved distinctly.

The report set up the international IP index for the first time. Data shows that IP development performance in China ranked 9th in 2013 from 19th in 2008 among 40 countries. In 2013, China's IP international index reached 53.03, up 0.3 points than the previous year. However, China still lags behind developed countries such as the United States and Japan on the whole, the IP construction environment, marketing and cultural environment need to be improved.

According to a representative from the IP research center mentioned above, this annual report was designed to set up a scientific and objective evaluation system and to demonstrate the overall development for IP, including patent, trademark and copyright. The report was aimed to pro-

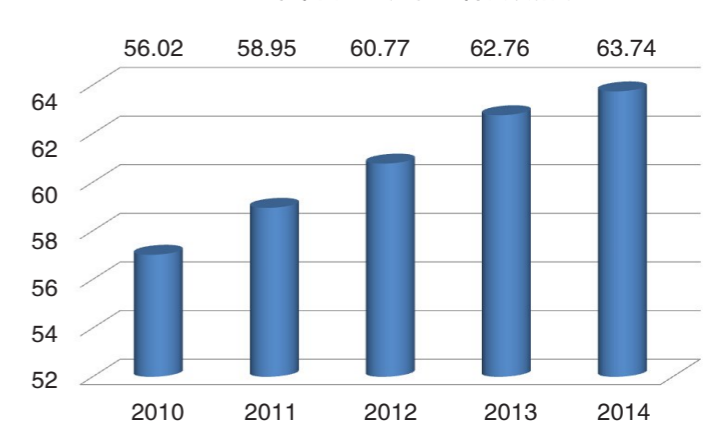
vide policy guidelines for carrying out national IP strategies. The first report was released in 2013. (by Wang Yu)

本报讯 6月4日,国家知识产权局知识产权发展研究中心发布了《2014年中国知识产权发展状况报告》。报告显示,2014年全国知识产权综合发展水平不断提高,国际排名进步显著。

报告显示,2014年全国知识产权综合发展指数达63.74,较2013年增长0.98。知识产权创造、运用、保护和环境水平稳步改善,各项指数基本呈现平稳增长。各主要类型知识产权申请、登记、注册数量较大幅度增长,创造结构不断优化;专利、商标等知识产权权利转让数量以及质押融资金额进一步提升;知识产权司法受理案件与专利行政执法案件数量有所上升;制度环境不断优化,服务机构、人员数量逐年稳步提升,社会公众知识产权意识快速提高。

为便于进行知识产权综合能力国际比较,报告首次建立了知识产权综合发展国际指数。数据显示,2008

Index for China's IP development in 2010-2014
2010—2014年中国知识产权综合发展指数



年至2013年,我国在该榜单上的排名逐年上升,在40个样本国家中,排名从第19位快速跃升至第9位。2013年,我国知识产权综合发展国际指数为53.03,较2012年增长0.3,但与美国、日本存在着巨大差距。报告认为,目前我国知识产权环境建设结构有待调整,知识产权市场环境和文化环境亟待优化。

据悉,该报告从2013年起每年发布,旨在通过建立科学的评价体系,全面客观反映我国专利、商标、版权等知识产权发展状况,从而引导知识产权事业科学发展,推动国家知识产权战略深入实施,为知识产权强国建设提供政策指引和借鉴。(王宇)

制图:孙迪



Victoria's Secret wins trademark case
维多利亚的秘密商标纷争终有果

In the final judgment of Shanghai Higher People's Court, Victoria's Secret, a well-known lingerie brand, finally won the trademark dispute and an anti-unfair competition case against Shanghai Maisi investment Management Company. Maisi was ordered to pay 500,000 yuan in compensation for economic loss to VS and was sentenced to publish apology on newspaper to cease trademark infringement and unfair competition.

In this case, Maisi used the Victoria's Secret trademark in their retail stores and proclaimed that their Meiluocheng branch was VS' direct-sale store in Shanghai market, VS' China headquarters, sole distributor in Beijing, Shanghai, Shenzhen and Tianjin

markets, VS' brand operator in Chinese market. The Court held that Maisi's promotions could cause confusion among the public that it had been licensed by VS, it has gone out the scope of expressing commodity source, and trademark infringement was constituted. The Court also held that by using the VS' trademark in the promotions and in their services, Maisi intended to expand their alliance businesses, which has violated VS' trademark.

Meanwhile, the Court held that Maisi's propaganda has misled the public that VS had officially authorized Maisi to use their trademark, and it would cause potential damage to VS' business in Chinese market.

So, unfair competition was constituted. So the Court made the decision above.

日前,知名女性内衣品牌“VICTORIA'S SECRET(维多利亚的秘密)”的所有人——维多利亚的秘密商店品牌管理公司(下称维秘品牌公司)诉上海麦司投资管理有限公司(下称上海麦司公司)商标侵权及不正当竞争纠纷案(本报2014年10月22日第10版曾作相关报道)终审有果。

法院终审判决维持了上海市第一中级人民法院作出的原审判决,即判令上海麦司公司停止商标侵权及虚假宣传的不正当竞争行为,赔偿维秘品牌公司经济损失50万元,同时刊登声明以消除影响。法院经审理认为,上海麦司公司



在门店等处使用“VICTORIA'S SECRET”标识,且对外宣称美罗城店为“维多利亚的秘密”上海直营店,其系“维多利亚的秘密”中国总部、北上广深渝津大区总经销、中国区品牌运营商等,可能导致相关公众误认为销售服务系商标权人提供或者与商标权人存在商标许可等关联关系,构成对“VICTORIA'S SECRET”服务商标专用权的侵犯。上海麦司公司在网络广告宣传过程中使用“VICTORIA'S SECRET”与“维多利亚的秘

密”标识,系在与涉案服务商标同类的服务上使用与涉案服务商标相同的商标,侵犯了维秘品牌公司的涉案服务商标专用权。

同时,法院认为,上海麦司公司的上述虚假宣传行为,使相关公众误以为维秘品牌公司与上海麦司公司之间存在授权许可关系并因此获得更多商业机会,亦可能对维秘品牌公司今后在我国开展商业活动带来不利影响,构成不正当竞争。综上,法院作出上述终审判决。