

## NUMBERS

1,612,455

According to the latest data of SIPO, in 2014, China's patent agent acceptance offices received totally 1,612,455 patent applications, accounting for 70.4% of total patent applications, became an important force of China's patent system.

161.2455 万

中国国家知识产权局最新数据显示,2014年,中国各专利代办处共受理专利申请 161.2455 万件,占中国专利申请受理总量的 70.4%,成为中国专利审批工作体系中的一支重要力量。

24,479

According to the latest data of China's SIPO, in 2014, the total number of cases solved through patent administrative enforcement was 24,479, representing a year-on-year increase of 50.9%. The social satisfaction rate on patent protection has been further promoted.

2.4479 万件

中国国家知识产权局最新数据显示,2014年全年专利行政执法办案总量 2.4479 万件,较上年增长 50.9%,专利保护社会满意度进一步提升。

1,131

According to statistics, as of March 2015, China had 1,131 patent agencies with a total of 10,693 persons practicing patent agents.

1131

据统计,截至 2015 年 3 月,中国共有专利代理机构 1131 家,执业专利代理人共计 1.0693 万人。

591,654

According to the data from Chinese Ministry of Justice, from 2006 to 2013, China has handled 591,654 intellectual property notarization cases, 128,393 of which were patent notarization cases, accounting for 21.70%.

59.1654

据中国司法部数据显示,2006年至2013年,中国共办理知识产权公证事项 59.1654 万件,其中专利权公证事项 12.8393 万件,占 21.70%。

10,171

Data shows that, in 2014, China has totally exported 10,171 copyright to overseas, increased by 95 compared with 2013, effectively improve China's cultural soft power.

1.0171 万

数据显示,2014年,中国共向海外输出版权 1.0171 万项,与 2013 年相比增加 95 项,有效地提高了中国文化软实力。

34.69%

Recently, the "China Agricultural Intellectual Property Creation Index Report (2015)" was released. The report shows that among the agricultural sector invention patent applications in 2014, applications filed by enterprises accounts for 34.69%, the first time exceeding the proportion of teaching and research institutes.

34.69%

近日,《中国农业知识产权创造指数报告(2015年)》发布。报告显示,2014年农业领域发明专利申请中,企业提交的发明专利申请占比 34.69%,首次超过教学科研机构所占比重。

# China's new patent administrative enforcement measure to come effect 中国新修改的《专利行政执法办法》7月1日施行

Recently, SIPO's decision on revising patent administrative enforcement measures was examined and approved at the meeting. The newly revised measures were released on May 29, and come into effect from July 1.

The revision follows the principle of persisting in implementing the concept of rule of law, regulating enforcement and exerting full role of administrative enforcement to meet demand of exhibition and Internet development. And meanwhile, the revision is attempt to improve the measures on patent administrative enforcement starting on February 1, 2011.

As the rapid development of China's economic and social development, the technology and fierce market competition bring new problems on patent protection. A survey on cracking down IP infringement and counterfeiting goods says that China



should beef up patent protection by strengthening and improving patent administrative enforcement. With the rise of exhibition economy, virtual economy and e-commerce, how to strengthen patent protection during the exhibition and in web environments has been a focus of attention in China.

In a bid to resolve outstanding issues on patent protection, and better guide local IP administrations to normalize patent administrative enforcement, SIPO starts to revise the measures on patent administrative enforcement. At the same time, the survey taken by NPC Standing Committee

says that the main problems in group IPR infringement and repeated infringement should be solved by revising patent law and its implementation regulations. So SIPO just made a topical modification to the measures to implement the instructions of central government. As of now, the fourth revision of patent law is being actively promoted. (by Yaoxin)

本报讯 日前,《国家知识产权局关于修改〈专利行政执法办法〉的决定》经中国知识产权局务会议审议通过,于5月29日公布,并将于7月1日起施行。

据介绍,此次修改主要从“贯彻法治原则,强调依法行政宗旨”“完善执法程序,规范执法行为”和“发挥行政执法优势,适应展会和互联网发展需求”三个方面着手,对2011年2月1日起施行的《专利行政执法办法》进行完善。

中国国家知识产权局有关负责人表示,随着中国经济社会的快速发

展,技术进步和市场竞争的加剧带来了专利保护领域的新情况、新问题。在开展打击侵犯知识产权和制售假冒伪劣商品专项行动以及中国全国人大常委会专利法执法检查中发现,中国目前专利保护不力,需要进一步强化和完善专利行政执法。同时,伴随着展会经济、虚拟经济的发展和电子商务的兴起,如何有效解决展会期间和网络环境下的专利保护问题同样备受社会关注。

据介绍,为解决中国专利保护实践中的突出问题,更好地指导地方加强、规范专利行政执法行为,中国国家知识产权局启动了对《专利行政执法办法》的修改工作,对有关条款进行了有针对性的修改。同时,对于全国人大常委会专利法执法检查中发现的专利群体侵权、重复侵权严重等突出问题,需要通过修改专利法及其实施细则予以解决。因此,此次修改只对执法办法作局部修改,以及时解决实际问题。目前,中国第四次专利法全面修改的准备工作正在积极推进。(姚忻)

## French Champagne company failed to register 3D trademark in China 法国香槟酒品牌在华注册三维商标未果

Recently, Beijing High People's Court made a final decision that the trademark in question is lack of distinctiveness, and The French Champagne Perrier Jouet S.A (as Perrier Jouet) fails to approve that the trademark can distinguish the goods of a natural or legal person after massive use. So the court maintained the decision of Trademark Review and Adjudication Board (TRAB).

Perrier Jouet filed No.6318971 trademark registration on Class 33 alcoholic drinks, but was rejected by the Trademark Office under State Administration for Industry and Commerce (SAIC). The disgruntled Perrier Jouet then seek re-examination to the



TRAB. TRAB held that the trademark in question is a packaging graphics of

designated products, which lack of distinctiveness and could cause confusion among the public. So TRAB decided to reject the registration. Then, Perrier Jouet brought the case to Beijing No.1 Intermediate People's Court.

The Court held that the trademark has its unique feature, which can be applied for registration. So in the first-instance decision, the court revoked the decision made by TRAB. TRAB appealed to the Beijing High People's Court. Then Beijing High People's Court made the final decision.

(by Zhou Bo)  
本报讯 近日,对于法国佩里埃香槟酒股份有限公司(下称佩里埃香槟公司)三维商标一案,北京市

高级人民法院作出二审判决认为,申请商标缺乏作为商标注册所应具备的固有显著特征,佩里埃香槟公司提交的证据亦不足以证明申请商标经过大量使用已能够起到区分商品来源的识别作用,因此撤销一审判决,维持商评委的决定。

据介绍,佩里埃香槟公司在第33类酒精饮料(啤酒除外)商品上申请注册第6318971号三维标志(指定颜色)商标(下称申请商标),被中国国家工商行政管理总局商标局驳回,佩里埃香槟公司不服,后向中国国家工商行政管理总局商标评审委员会(下称商评委)申请复审。

商评委2011年6月27日作出裁定认为,申请商标为指定使用商品的通用包装图形,相关公众易将其作为

产品包装而非商标加以识别,难以起到区分商品来源的作用,缺乏商标应有的显著性。因此,商标评审委员会决定对申请商标予以驳回。佩里埃香槟公司不服商评委上述决定,向北京市第一中级人民法院提起行政诉讼。

2013年5月8日,北京市第一中级人民法院作出一审判决认为,申请商标具有显著特征,可以作为商标注册,因而撤销商评委被诉决定,要求商评委重新作出决定。商评委不服一审判决,提起上诉。最终,北京市高院依法作出上述终审判决。(周波)



## China's animation films: seek for copyright protection 中国国产动画电影:新生态下谋“大版权”

The 11th China International Animation Festival closed in Hangzhou lately. The animation cooperation projects reached a total of more than 14.8 billion yuan, including 113 auction items on copyright authorization cooperation, a highlight in this animation festival. However, compared to the US animated film about 70% of income from copyright exploitation, the majority of domestic animation films still rely on box office revenue. For domestic animation film, it is still a long way to go to develop the "blue ocean" of animation derivatives market.

In recent years, large-scale professional film and television companies have developed animation films business. Additionally, internet companies also became involved in animation film marketing, even distribution business. On the internet platform, animation film will see a new development trend.

Copyright of animation films have begun to attract domestic industry's attention. During last year's animation festival, the concept of integration by animation, comics, and games was proposed for the first time. According to Liu Changzheng, the director of Exhibition Office of China International Animation Festival, this year, copyright trading has been expanded

to animation, comics, games, online literature, and some excellent copyright works were paid for over 10 million yuan.

But according to the industry experts, the domestic industry's effort is not enough on the development of copyright. The main reason of this situation is that some companies' lack of awareness of copyright exploitation, animation images are not famous enough, the brands are not attractive, causing its difficult to enter the consumer systems. In addition, at present, few domestic professional teams could develop the animation image and make success on market.

The industry experts believe that, China's animation film is difficult to break copyright development because of lower levels of creative works, lacking of professional operations team on development of derivatives and uncompleted industrial chain. "China Animation Film Development Report 2014" shows that for development model of domestic animation film of derivatives, 56% of companies have chosen to combine the company with professional development model; 36% of companies have chosen to outsource models, looking for a professional company, also 8% rely on their own development. In the process of derivative product development opera-

tions, they often encounter a lot of problems. These problems show that domestic companies need to take more efforts on animation business market operation, personnel training, IP protection and further specialized operating companies and so on.

"Our operational aspects of derivatives product is weak, and the single company is difficult to support the whole animation movie industry chain, and strong professional companies are expected to appear as soon as possible. The whole industry chain should join hands and work together to improve the industry and promote the domestic animation film industry bigger and stronger." some experts appealed. (by Dou Xinying)

本报记者 龚新颜

第十一届中国国际动漫节前不久在杭州闭幕。此次动漫节共达成动漫合作项目逾 148 亿元人民币,其中包括动画电影在内的版权授权合作意向成交项目 113 个,成为动漫节的一大亮点。然而,相比美国动画电影 70% 左右的收入来自版权开发,中国动画电影的绝大部分收入仍依靠票房。因此,如何在动漫衍生品市场这片“蓝海”中开疆拓土,国产动画电影还有很长的路要走。

近年来,大型专业影视公司纷纷涉水动画电影业务,互联网公司也相继进军这一领域,开始参与动画电影

的营销推广,甚至出品发行业务。互联网参与动画电影投资、开发、运营与销售,国产动画电影呈现出新的发展态势。

开发动画电影的版权已开始受到中国国内业界的重视。去年的动漫节首次提出了动画、漫画、游戏相融合的概念,举行了为期一天的版权对接活动,其中版权拍卖额达到几千万元,有多部优秀动漫的版权被游戏公司买走。中国国际动漫节节展办公司负责人刘长征介绍,今年,动漫节进一步扩大了版权交易范围,推出为期两天的动画、漫画、游戏、网络文学的版权交易,有 240 多家动画知名品牌、20 多家网络文学网站参与,一些优秀作品的版权买到上千万元人民币。

但是业内人士认为,中国国内业界的努力还远远不够。原因主要是一些企业版权开发意识不足;动画形象不够强大,品牌号召力不足,很难进入消费系统;另外,目前国内缺乏专业的团队能够将动画形象开发并成功推向市场。开发动画电影版权资源,首先需要动画企业加大创新,制作出具有国际水准的动画电影,打造出优秀的动画形象,并借助专业团队开发运营,提升动画品牌,实现版权的品牌化效应,并注重国际市场的开发,才能获得更多的票房之外的商业利益。

业内人士认为,中国动画电影难以打破版权开发的困局,除作品创作水平较低外,还在于缺乏衍生品专业开发运营团队,尚未形成完整的产业链。《2014 中国动画电影发展报告》显



示,中国在动画电影衍生品的开发模式上,56%的企业选择与专业公司相结合的开发模式;36%的企业选择外包模式,寻找专业的公司合作,还有 8% 为自己开发。在衍生品开发运营过程中,他们常常会遇到很多问题,如缺少运营人员、缺少运营经验和资源、市场上缺少专业的公司帮助运营、知识产权保护不力等,这些问题说明绝大部分动漫企业市场运营能力不足,需要进一步细分市场并有待专业化运营公司的出现。

“中国衍生品制作运营环节还很薄弱,单靠动画电影公司很难支撑起整个产业链,希望尽快出现有影响力的专业公司,整个产业链携手共同努力,完善产业链条,推动中国动画电影产业做大做强。”有关专家呼吁。

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