

NUMBERS

26,169

In 2014, 26,169 PCT applications were received in China; 80,601 PCT applications entered the Chinese national phase, of which 79,612 applications for invention patents, 989 were utility model patent applications.

2.6169 万件

2014年,中国共受理PCT国际专利申请2.6169万件;进入中国国家阶段的国际专利申请8.0601万件,其中发明专利申请7.9612万件,实用新型专利申请989件。

1,772

In 2014, 1772 applications for new varieties of agricultural plants were received; 1536 preliminary reviews were completed, and 827 were granted; 932 applications were from domestic enterprises.

1772 件

2014年,中国受理农业植物新品种权申请1772件;完成初步审查1536件,授予品种权827件;受理国内企业申请932件。

8,220

In 2014, 8,220 patent dispute cases were received by intellectual property offices at all level, up 62.6%; 16,259 counterfeiting patent cases were investigated by the IP organs, an increase of 45.5%; the amount of investigated cases reached 24,479, an increase of 50.9%.

8220 件

2014年,中国知识产权系统受理专利纠纷案件8220件,同比增长62.6%;查处假冒专利案件1.6259万件,同比增长45.5%;办案总量达到2.4479万件,同比增长50.9%。

9,918

In 2014, 9918 IPR administrative cases of first instance were received by local courts, and 4887 were concluded, an increase of 243.66% and 68.46% respectively.

9918 件

2014年,中国各地方人民法院新收知识产权行政一审案件9918件,审结4887件,同比分别增长243.66%和68.46%。

67,500

In 2014, SAIC organs at all level totally dealt with 67,500 infringement and counterfeiting cases, worthy of 998 million yuan, destroyed 1007 dens of making and selling fake goods; legally transferred 355 suspected criminal cases to the judicial organs, involving money of 480 million yuan.

6.75 万件

2014年,中国工商系统共查处侵权假冒案件6.75万件,案值9.98亿元,捣毁制假窝点1007个;依法向司法机关移送涉嫌犯罪案件355件,涉案金额4.8亿元。

2,600

In 2014, local law enforcement agencies investigated more than 2,600 cases of piracy, and more than 12 million pirated publications were confiscated with a fine of 33.92 million yuan, 80 were transferred to judicial organs for criminal punishment, and 188 dens of piracy were destroyed.

2600 余件

2014年,中国各地执法部门查办侵权盗版案件2600余件,收缴侵权盗版出版物1200余万件,罚款3392万元,移送司法机关追究刑事责任80件,捣毁盗版窝点188个。

(摘自《2014年中国知识产权保护状况》)

Shanghai FTZ seized the first import trademark infringement case
上海自贸区查获首起进境货物侵犯知识产权案件

News from Shanghai Customs authorities reveal that a trademark infringement case involving 10,164 pairs of counterfeit shoes, worth 5 million yuan, has been seized in Shanghai Pilot Free Trade Zone (Shanghai FTZ). This is the first IPR infringement case involving imported goods the Shanghai Customs authorities has seized in Shanghai FTZ.

According to a routine report from Germany Hamburg Customs authorities this January, a consignment of Nike shoes have been exported from China to Germany and then imported back to China by a China-based company. This irregular deal brought to the attention of Shanghai Customs authorities. After examination and investigation, these 10,164 pairs of shoes with Nike and hook fig-

ure have violated Nike's registered Nike trademark, and the infringement was confirmed by Nike Company. According to a representative from Shanghai Customs authorities, the law-breakers tried to escape regulations under the quick customs clearance preferential policy. Up to now, this case has been handed over to police.

Statistics show that, in 2014, Shanghai Customs has seized 461 IPR infringement case, involving 35.75 million goods, worth 44.62 million yuan, five times more than those in 2013. Also, in the first quarter this year, Shanghai Customs seized 69 IPR infringement cases, involving 2.9 million goods. (By Cui Jingsi)

本报讯 4月22日,记者从上海海关获悉,中国(上海)自由贸易试

区挂牌一年半以来,查获首起进境货物侵犯知识产权案件。上海海关在洋山港一举查获某公司申报进境自贸区的标有“NIKE及钩形图”商标的运动鞋1.0164万双。经过耐克国际有限公司确认,该批货物侵犯了其“NIKE及钩形图”商标专用权。据初步统计,涉案货物市场价值约为500余万元人民币。

据介绍,今年1月,一则来自德国汉堡海关的例行通报引起上海海关重视。经过长时间不间断监控,这批由国内出口德国复由汉堡进境的侵权耐克运动鞋在申报进境上海自贸区时被查获。据上海海关有关负责人介绍,此案3月6日在洋山港查获,不法分子意图利用上海自贸区“一线放开”的通关便利原则逃避监管。经过一段时间准备,现已移交公安部门处理。

据统计,2014年,上海海关共查



查获侵犯知识产权案件461起,涉案货物3575万件,比2013年上升近5倍,案值人民币4462万元。今年第一季度,上海海关查获侵权案件69起,涉案货物290万件。(崔静思)



On April 27th, Shen Changyu, the China's SIPO commissioner, met with Hasan Malek, the minister of Malaysia's Ministry of Domestic Trade, Cooperation and Consumer Affairs, in Beijing. Shen Changyu said, since both sides developed cooperation in the field of personnel training, traditional medicine database in recent years, SIPO is willing to strengthen cooperation in various fields of intellectual property, and to jointly promote the deepening cooperation between both countries on intellectual property development. Hasan Malek said, intellectual property is important to the economic development of both countries, and she expected to deepen the bilateral cooperation. After the meeting, both offices signed the intellectual property data exchange agreement. (By Zhang Zihong Zhao Jian'guo)

4月27日,中国国家知识产权局局长申长雨在京会见了马来西亚国内贸易、合作和消费者事务部部长哈桑·马利克一行。申长雨表示,近年来,双方在人员培训、传统医药数据库等方面广泛开展了合作,国家知识产权局愿与马来西亚加强在知识产权各领域的合作,共同推进中马两国知识产权合作不断深入发展。哈桑·马利克表示,知识产权对于两国经济发展十分重要,希望不断深化双边合作。会谈后,中马两国签署了数据交换协议。本报记者 张子弘 赵建国 摄影报道

Apple wins the APPSTORE trademark case
苹果“APPSTORE”注册终获维持

In a second instance decision by Beijing High People's Court, Apple Company's APPSTORE trademark filings on communication service, has been finally approved, rejecting the decision made by the Trademark Review and Adjudication Board (TRAB) under the State Administration of Industry and Commerce (SAIC) that it was similar with the already registered "appit" trademark.

Disgruntled Apple seek reverse to the TRAB, claiming that the APPSTORE has gained high level popularity and reputation after long-time propaganda and commercialization, it was not similar with the reference mark, the two marks couldn't cause confusion among the public. Meanwhile, APPSTORE has been approved as trademark on other Class. As a result, it should be approved.

However, TRAB denied Apple's filings. Then, Apple brought the case to the court. In the first-instance decision, the court revokes TRAB's decision.

TRAB appealed to the Beijing High People's Court.

The court held that the trademark in question consists of regular English letters, however, the appit trademark consists of transformative and framed letter, the two marks are distinctive in pronunciation, visual effect, and couldn't cause confusion among the consumers. Meanwhile, based on the materials delivered by Apple Company, APPSTORE has indeed gained popularity and reputation. So, the court held that no similarity is constituted. (By Zhang Ling)

本报讯 因认为美国苹果公司在电子通信网络等方面提供有关应用软件的信息服务上申请注册“APPSTORE”商标,与他在先申请注册的“appit”及“图”商标构成使用在相同或类似商品上的近似商标,中国国家工商行政管理总局商标评审委员会(下称商评委)决定,驳回申请商标的注册申请。随后,美国苹果公司向北京市第一中级人民法院提起行政诉讼,该案经二审后,商评委被诉决定被撤销的一审判决最终获得维持。

美国苹果公司向商评委申请复审称,申请商标具有较高知名度,与引证商标未构成近似,并不会导致相

关公众的混淆误认,而且与申请商标类似情况的其他商标已获准注册,依据审查标准一致原则,申请商标亦应获准注册。

经审理,一审法院判决撤销了商评委被诉决定,并要求其重新作出决定。商评委不服一审判决,向北京市高级人民法院提起上诉。

二审法院经审理认为,申请商标由普通印刷字体“APPSTORE”构成,而引证商标系由变形的、附加单书名号的“app”与“i”构成,根据中国相关公众的认读习惯,两商标从字母构成、读音、整体结构、视觉效果等方面均存在明显差异的情况下,相关公众施以一般注意力,能够对申请商标与引证商标进行区分,不会产生服务来源的混淆、误认。同时结合美国苹果公司所提交的涉及申请商标使用、宣传的证据,亦能证明申请商标经过使用、宣传,已经具有一定知名度,并未发生与引证商标相混淆的情形。因此,申请商标与引证商标未构成使用在相同或类似服务上近似商标。故法院作出维持该注册商标的判决。(张玲)

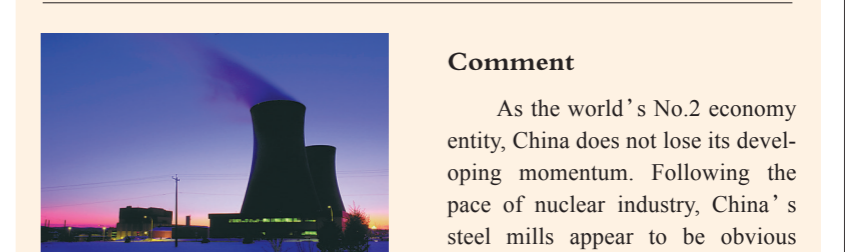


China's IP in foreign eyes



We believe more and more Chinese consumers would be willing to pay more for food with healthy attributes in order to keep fit. Some local brands have been using that as a selling point to challenge their international rivals. Drinks maker Jiaduobao, which is challenging Coca-Cola Co and PepsiCo, claims its canned herbal tea drink can put out internal "fires", in a nod to traditional Chinese medicine. That is something we are advising clients to do a lot more, and it's something you're going to see more of going forward. (Health-conscious Chinese challenge Western food firms, by Reuters.)

我们认为,越来越多的中国消费者愿意在购买健康食品上加大投入。一些本土品牌也以营养价



Some are already making the leap, with Hebei Steel Group, looking to build a 5-million-tonne-per-year steel project under a joint venture in Africa. Beijing has already rolled out measures to broadly encourage the foreign expansion of Chinese industry including simplifying currency rules and making it easier to raise money through bond markets, with sectors such as nuclear at the forefront of the drive overseas. (China steel firms turn overseas as domestic woes mount, by the Economist.)

一些中国企业正在走出去,例如,中国河北钢铁集团希望通过成立合资企业,在非洲建立一个年产500万吨的钢铁项目。中国已经出台一系列措施支持企业走出去,包括放松对外投资资金管理以及使在债券市场融资更加方便,其中核电等领域的企业成为“走出去”的先鋒。(中国钢铁企业致力于海外布局,经济学家)

值为卖点,向他们的国际竞争对手发起挑战。康师傅控股打出了食材天然和家常便饭两大招牌,饮品企业加多宝则以其凉茶含有中药成分可“去火”作为广告。英国企业正在建议客户在这方面更多作为,这是大有潜力的领域。(中国健康食品挑战西方品牌,路透社)

Comment
With the economy developing, health has become the number one concern of Chinese consumers, and premium brands have always been concerned about. Never before have brands changed so fast and fundamentally as in China. Chinese consumers are making new demands of international food brands, posing challenges for Western firms already grappling with slower sales and intense competition in the world's most populous nation.

点评
随着经济的发展,中国消费者在食品方面越来越多地追求健康和营养,高端品牌也因此备受青睐。中国消费者正在给国际食品品牌带来全新的需求,而在此方面飞速发展的中国品牌也给在华市场上本就饱受销售放缓和竞争激烈之“苦”的西方企业带来了竞争和销售的压力。

Comment
As the world's No.2 economy entity, China does not lose its developing momentum. Following the pace of nuclear industry, China's steel mills appear to be obvious candidates for overseas expansion. Investing abroad will not only have positive impact on Chinese steel-makers in seeking new growth, but also be a main solution to improve China's economic.

点评
作为世界第二大经济体,中国保持强劲的增长势头。随着核电产业“走出去”的脚步,中国钢铁行业也成为积极分子。“走出去”战略将为中国企业带来新的生机,进而成为推动中国经济进一步发展的重要力量。(孙迪)

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