

# IP data in 2014 released China further beefs up IP power

多部门发布2014年知识产权相关统计数据——

## 中国知识产权实力不断提升

Recently, SIPO, SAIC, NCAC, the Supreme People's Court and the Supreme People's Procuratorate of China separately released the IP-related data in 2014. In recent years, China's IP made great contribution to China's independent innovation and society progress. Data listed below shows the advanced IP of China.

In 2014, China received 2.361 million applications of invention, utility model and design. Among them, 928,000 were invention patents, up 12.5%, ranked the first all over the world; 868,000 were utility model patents; and 565,000 were design patents. Applications of invention patents took up 39.3% in all, showing that China's innovation was improving and invention patents took more and more important place in China's development.

In 2014, SIPO received 26,169 international patent applications through Patent Cooperation Treaty (PCT), with a year-on-year increase of 14.2%. Among them, 24,007 were domestic, accounting for 91.7% and up 14.9%; 2,162 were overseas, up 6.7%. In 2014, Chinese users submitted a total of 25,539 international patent applications through PCT, with an increase of 18.7% over 2013, which enables China the world's only country that obtains double-digit growth. China's Huawei Technologies Co., Ltd. submitted 3,442 international patent applications through PCT, made itself the first among the world enterprises.

China is holding the largest quantity of trademark applications of all the countries in the world. According to the data of SAIC, China dealt with 2,285,400 trademark applications in 2014, up 21.47%. China examined 2,426,400 trademark applications in 2014, up 70.32%. The two data were both more than two millions. The

number of trademark applications is still ranking the first place for the 13th year. 1,375,104 trademark applications were approval of registration, up 37.96%. 1,546,962 trademark registrations were preliminary approved, up 65.14%. 480,550 trademark applications were rejected, up 83.29%. And 398,871 trademark applications were partly rejected, up 76.69%.

By the end of 2014, the total quantity of China's trademark applications reached 10,027,500, while the total quantity of trademark registrations was 8,390,000. The two data were both the largest of the world.

In 2014, China made a total of 1,211,313 copyright registrations, 201,656 more than 2013, up 19.97%. 496 copyright pledges involved 2.625431 billion Yuan were registered in 2014.

In 2014, China has registered 992,034 works, up 17.39%. 43.23% of them were photo works, and totally 428,819.

In 2014, 218,783 computer software copyrights were registered in China, up 33.12%, making a new record of China.

Besides, China dealt 1,772 new plant varieties in 2014, making the total number to 4,845 and ranked the second place of the world.

Besides, China dealt 24,479 patent administrative enforcement cases in 2014, which was the first time for China dealing over 20,000 patent administrative enforcement cases per year. Among them, 8,220 cases were patent dispute cases, up 62.6%; and 16,259 were counterfeiting patent cases, with a year-on-year growth of 45.5%. In 2014, China's court at all levels concluded 110,000 IP cases of first-instance, up 10%. Chinese procuratorial organs prosecuted 9,427 persons who suspect of infringing trademark right, patent right, copyright and

trade secret, up 7.1%. (by Sun Di)

本报记者 孙迪

近日,中国国家知识产权局、中国国家工商行政管理总局、中国国家版权局等部门相继发布了2014年相关统计数据。有关专家认为,近年来,中国知识产权事业蓬勃发展,进一步推动了中国自主创新能力建设,进一步推动中国经济社会发展。创新驱动发展,一个个跃升的数字折射了中国知识产权实力的不断提升。

2014年,中国国家知识产权局共受理发明、实用新型、外观设计申请236.1万件。其中,发明专利申请92.8万件,同比增长12.5%,连续4年位居世界首位;实用新型申请86.8万件;外观设计申请56.5万件。发明专利申请所占比重达到39.3%,发明专利引领创新发展的龙头作用更加突出。

2014年,中国国家知识产权局共受理通过《专利合作条约》(PCT)途径提交的国际专利申请2.6169万件,同比增长14.2%。其中,2,400.7万件来自国内,占91.7%,同比增长14.9%;216.2万件来自国外,同比增长6.7%。值得一提的是,根据世界知识产权组织(WIPO)有关数据显示,2014年在全球提交PCT国际专利申请的国家和地区中,中国系全球唯一一个出现两位数增长的国家。中国的华为技术有限公司以3442件PCT国际专利申请在世界企业PCT国际专利申请量中排

名第一。

2014年,中国商标注册量继续稳居世界首位。据中国国家工商行政管理总局商标局数据显示,中国2014年共受理商标注册申请228.54万件,同比增长21.47%;共审查商标注册申请242.64万件,同比增长70.32%,商标注册申请量和审查量双双突破200万件大关。商标注册申请量连续13年位居世界第一。全年共核准注册商标137.5104万件,同比增长37.96%;初步审定公告商标154.6962万件,同比增长65.14%;驳回商标注册申请48.0550万件,同比增长83.29%;部分驳回商标注册申请39.8871万件,同比增长76.69%。

截至2014年底,中国累计商标注册申请量1552.67万件,累计商标注册量1002.75万件,商标有效注册量839万件,总量继续位居世界第一。

2014年,中国著作权登记继续攀升,总量达121.1313万件,比2013年增加20.1656万件,增长19.97%。全年著作权质权登记496件,涉及金额26.25431亿元。

2014年,中国共完成作品登记99.2034万件,较2013年的84.5064万件增长了17.39%。其中摄影作品达42.8819万件,占登记总量的43.23%。

2014年,中国共登记计算机软件著作权21.8783万件,同比增长33.12%,首次突破20万件大关,再创历史新高。



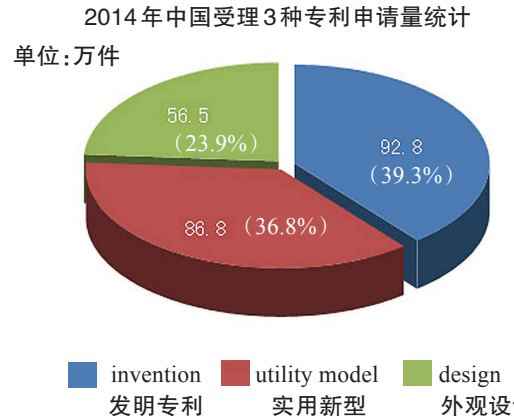
与此同时,2014年,中国共受理农业植物新品种申请1772件,再创历史新高;累计授权量达到4845件,居世界第二位。

此外,在知识产权保护方面,2014年中国专利行政执法办案总量首次突破2万件,达到2.4479万件,同比增长50.9%。其中,办理专利纠纷案件8220件,同比增长62.6%;假冒专利案件1.6259万件,同

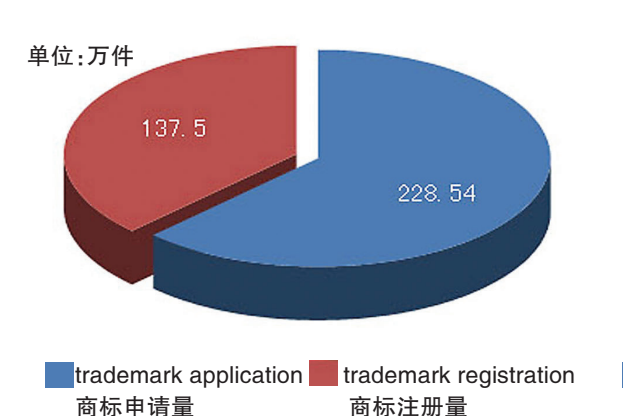
比增长45.5%。2014年,中国各级法院审结一审知识产权案件11万件,同比增长10%;中国检察机关起诉侵犯商标权、专利权、著作权和商业秘密等犯罪9427人,同比增长7.1%。知识产权保护切实维护了权利人的合法权益,保障了公平有序的市场经济秩序。

李锋 制图

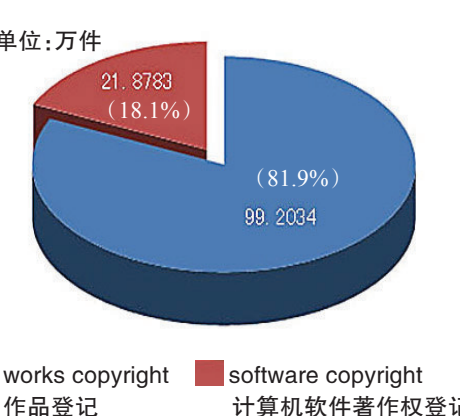
China's applications of three kinds of patent received in 2014  
2014年中国受理3种专利申请量统计



China's trademark applications and registrations in 2014  
2014年中国商标申请量与注册量统计



China's copyright registrations in 2014  
2014年中国著作权登记量统计



### EXPRESS

## Zippo trademark rejected 美国之宝公司申请立体商标被驳

On Dec. 5th, 2001, Zippo Manufacturing Company applied for registration of No. 3031916 trademark to the Trademark Office under the State Administration for Industry and Commerce of China (SAIC). The trademark involved was a 3D image certified to be used on Class 34 cigarette lighters commodities. After preliminary examination announcement, a Wenzhou based company Hengxing smoking and optical utensil and Wenzhou Smoking Utensil association separately submitted objection requisition. Then the Trademark Office made a decision to reject the application for the trademark application didn't conform to trademark law.

Both Hengxing and Zippo were not satisfied with the decision and requested a review to the Trademark Review and Adjudication Board (TRAB) under SAIC. TRAB made a decision to reject the trademark application. Zippo then filed a lawsuit against TRAB to Beijing No.1 Intermediate People's Court.

Zippo claimed that, the involved trademark had a distinguishing feature to be indications of source on goods; the long time of using of the image making it famous among the consum-

ers. The third part of the lawsuit, Hengxing, believed that the trademark involved was a common shape of a smoke lighter, which could not be a connection of a certain brand for consumers.

The court held that, the image of the trademark involved was not the only shape of the smoke lighters in the market; while the square box, upper cover, hinge and rounded angles were shapes "existing for achieving technical effect of the goods or enabling the goods to keep substantive value" according to the trademark law; over 100 companies in the market selling this kind of smoke lighters. Thus, the Court held that the image of the involved trademark didn't conform to the trademark law and rejected Zippo's lawsuit. (by Hu Biao)

本报讯 2001年12月5日,美国之宝公司(下称之宝公司)向中国国家工商行政管理总局商标局(下称商标局)申请注册“图像(三维标志)”商标,申请注册号为3031816(下称涉案商标),指定使用在第34类吸烟用打火机上。涉案商标初审公告后,温州市恒星烟具眼镜有限公司(下称恒星公司)、温州烟具行业协会分别向商标局提出异议申请。随后,商标局作出裁定,认为涉案商标在指



定使用的“吸烟用打火机”商品上仅表示商品自身性质产生的形状,属于商标法规定的不得注册的情形。

恒星公司和之宝公司均不服该裁定,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。随后,商评委作出裁定,裁定涉案商标不予核准注册。之宝公司不服上述裁定,向北京市第一中级人民法院提起行政诉讼。

之宝公司认为涉案商标具有显著外形特征,可以作为商品来源区分标志,且经过长时间的使用,在消费者中有极高的知名度。此案第三人恒星公司认为涉案商标形状是普遍生产销售的打火机通用形状,消费者

不能将其与某一特定的厂家建立联系。

法院审理认为,涉案商标为打火机三维标志,目前市场上打火机的形状千差万别,显然涉案商标形状并非打火机商品必须采用的形状。但是,方盒设计便于携带,上盖存在有利于安全,铰链连接实现单手操作的方便性,圆角及微拱实现了按压时的舒适、避免刮蹭,属于“为获得技术效果而需有的商品形状”。并且,现有证据表明,市场上有100余家企业生产销售与涉案商标相同或者近似的打火机,其已经成为打火机的通用形状。因此,法院驳回了之宝公司诉讼请求。(胡彪)

### Shanghai

On March 27th, Shanghai IP Court heard its first case in public. By then, nearly 300 such cases including 80% counterfeiting dispute cases and 20% contract dispute cases were received in Shanghai IP Court.

### 上海

3月27日,上海知识产权法院公开开庭审理该院成立后受理的首起案件。至此,上海知识产权法院共受理知识产权纠纷案件近300件,其中,侵权纠纷案件占80%,合同纠纷案件占20%。

### Liaoning

By the end of December 2014, Liaoning obtained 13 new plant varieties. By then, Liaoning had applied for 517 new plant varieties and 299 of them were granted, ranking the 6th of the country.

### 辽宁

截至2014年12月,辽宁省获得植物新品种保护13件。至此,辽宁省累计向农业部申请农业植物新品种数量517件,保护品种权数量达299件,位居全国第6位。

### Jiangsu

Recently, Jiangsu IP office published its issues of IP works of the province in 2015. Accordingly, Ji-

### IP Brief

angsu will pay more attention on high value patents and IP operation in 2015.

### 江苏

日前,江苏省知识产权局下发2015年全省知识产权工作要点,部署全年知识产权工作,将紧紧围绕推进知识产权强省建设、培育高价值专利、促进知识产权转化运用等9个方面开展工作。

### Fujian

Recently, Fujian issued the list of 2014 Fujian Patent Awards. One outstanding winner, 3 first prize winners, 10 second prize winners and 30 third prize winners were awarded.

### 福建

近日,福建省公布2014年省级专利奖名单,授予福建省专利奖特等奖1项,一等奖3项,二等奖10项,三等奖30项,并对获奖专利的专利权和发明人颁发奖牌、证书和奖金。

英文翻译	孙迪
Translator	Sun Di
责任编辑	柳鹏
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