

China celebrates 30th anniversary of Patent Law 中国迎来专利法实施30周年纪念日

On April 1st, 2015, China's Patent Law welcomes its 30th year since enforcement. During the 30 years, China's patent system has seen remarkable success. The capability of patent creation has been upgrading. The amount of patent applications continues growing over the years, and both quality and quantity have been seen positive changes. The capability of market players using patents is rising, and the scale and efficiency of patent industrialization gradually expanded. Since 1985, China has received 15.455 million patent applications by the end of 2014. 663,000 invention patents were granted, excluding Hong Kong, Macau and Taiwan. Every 10 thousand people in China owns 4.9 invention patents.

On April 1st, 1985, China's first patent law was put into implement. During the 30 years, the Chinese Patent Law experienced three amendments, and many departmental regulations were made out, which conducted

the patent laws and regulations in line with international rules. In 1992, to meet the needs of reform and opening up policy and the establishment of a socialist market economy, the law was amended for the first time; in 2000, in order to further adapt to China's economic construction and reform and opening up after joining the WTO, the law was amended for the second time; in 2008, in order to further enhance the capability of independent innovation and serve for national innovation, the law was amended for the third time. Currently, a new round of patent law amendment is under way. The implement and amendment of patent law has been promoting the development of China's patent law system and has created a good social atmosphere and legal environment for China's economic construction and technological innovation.

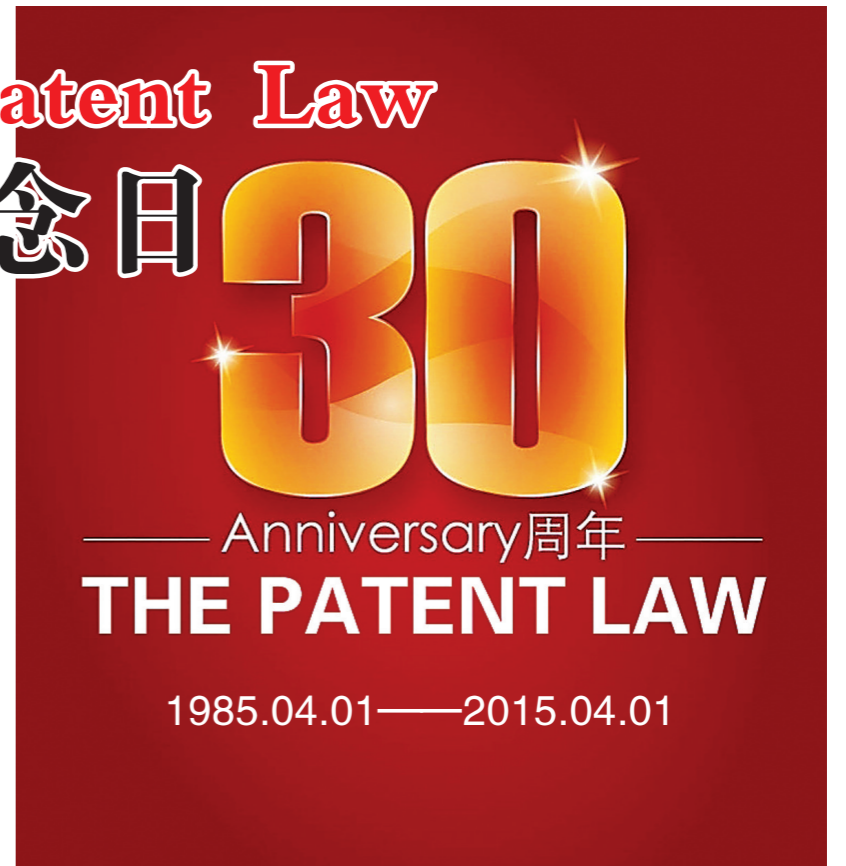
The patent system has become the tool of upgrading China's innovation capacity and economic and social

development. Since 2011, the amount of China's invention patent applications has ranked the first for years in the world. Chinese patent applicants in foreign countries see a substantial growth. Since 1994, when China joined the Patent Cooperation Treaty, by the end of 2013, China's total PCT applications reached 127,500. These achievements embodied the innovation wisdom of the whole society, and witnessed the rapid increase of innovation capability in just 30 years, China's innovation ability, and revealed the tremendous changes brought by the enforcement of the patent system in China. (by Sun Di)

本报讯 2015年4月1日,《中华人民共和国专利法》正式实施30年。在这30年里,中国的专利制度建设取得了巨大的成就,我国专利创造能力不断提升,特别是企业作为专利创造主体的地位进一步增强。全社会的专利和知识产权意识有了显著提高。自1985年4月中国受理第一件专利申请以来,截至2014年底,中国受理的专

利申请量达到1545.5万件,代表较高专利质量、体现专利技术和市场价值的国内(不含港澳台)发明专利拥有量共计66.3万件,每万人口发明专利拥有量达到4.9件。

1985年4月1日,中国第一部专利法正式实施。30年间,中国专利法历经3次修改,并制定、修改了《审查指南》《专利代理条例》《专利实施强制许可办法》《专利行政执法办法》等多部部门规章,建立了符合国际通行规则的专利法律法规体系。1992年,为适应深化改革、扩大开放和建立社会主义市场经济体制的需要,专利法进行了第一次修订;2000年,为进一步适应加入WTO后中国经济建设和改革开放的形势,专利法进行了第二次修订;2008年,为进一步提高自主创新能力和服务创新型国家建设,专利法进行了第三次修订。目前,专利法的新一轮修订正在进行之中。有关专家表示,专利法的实施和修改,推动着中国专利制度从无到有并到逐步健全和完善,为中国经济建设和科技创新创造了良好的社会氛围和法治环境。



据介绍,专利法的实施,为规范市场经济秩序,激励发明创造,促进对外开放和共享人类文明成果,提升自主创新能力,建设创新型国家,发挥了不可替代的作用。从2011年起,中国发明专利申请受理量跃居世界第一位。中国申请人对外专利申请大幅增长,从1994年中国加入《专

利合作条约》以来,截至2014年底,中国PCT申请总量达到12.75万件。这些成果凝聚着全社会创新主体的聪明才智,见证着短短30年来中国创新能力的快速提升,彰显着专利制度的施行给中国带来的巨大变化。

(孙迪)

Build a Chinese coffee dream 咖啡香里的品牌梦

“As the representative of China's coffee brand, Hogood coffee attended the exhibition in Palace of Nations in Geneva and changed the UN officers' impression of 'no coffee in China', and China's coffee got recognition from them.” Xiong Xiangru, the president of Yunnan Dehong Hogood Coffee, Co. Ltd. (hereafter as Hogood Coffee) told the reporter, “Hogood Coffee will tell the world that China has good coffee. That's my dream.”

Xiong Xiangru said, in the exhibition in Geneva, they showed the coffee beans, instant powder, instant coffee, including a total of more than 40 single items. “We met crowds of officials and media reporters from more than 100 countries and regions in the world. And after tasting coffee, they all felt surprised to see such good coffee from China.” Xiong Xiangru said with proud.

As the main producing areas of Chinese coffee, Yunnan coffee accounts for 99% of coffee production in China and 1% of the world's coffee production. Since 2008, the coffee industry in Yunnan including Hogood coffee entered into intensive processing era. After 30 years of insistence, Hogood Coffee started from 6 Mu land, and become the leading enterprise of China's domestic coffee industry, and has been identified as the only enterprise with its own well-known trademarks. Currently, Hogood Coffee has 200,000 acres of coffee raw materials base and deep processing product line with capability of producing 13,000 tons of instant powder.

“With 30 years of unremitting efforts, we finally realized the original dream, but compared with international coffee giant and international brands, Hogood Coffee has a long way to go. We'll take more efforts on coffee planting, product processing and brand building to shorten the gap with international brands.” Xiong Xiangru said frankly. (by Liang Dandan)



本报记者 梁丹丹

“后谷咖啡代表中国咖啡在联合国日内瓦万国宫亮相,改变了一些联合国官员对‘中国只有茶没有咖啡’的印象,中国咖啡得到了他们的认可。”云南德宏后谷咖啡有限公司(下称后谷咖啡)董事长熊相人开心地告诉记者,“后谷咖啡要代表中国告诉世界,中国也有好咖啡,这就是我的梦想。”

熊相人向记者介绍,此次在日内瓦展出的后谷咖啡包括咖啡豆、速溶粉、速溶咖啡3个种类,共计40多个单品。“展台前人潮如织,来自世界100多个国家和地区的官员和媒体记者品尝后谷咖啡后,纷纷惊叹中国居然有那么好的咖啡。”熊相人自豪地说。

作为中国咖啡的主产区,云南咖啡产量占中国咖啡产量的99%,占世界咖啡产量的1%。2008年开始,以后谷咖啡为代表的云南咖啡产业开始精深加工时代。后谷咖啡从6亩咖啡地起家,经过30年的坚持,成长为中国本土咖啡龙头企业,是中国咖啡全产业链中唯一被认定为驰名商标的企业。目前,后谷咖啡已拥有20万亩咖啡原料基地和产量达1.3万吨的速溶粉深加工生产线。

“30年的不懈努力,终于让后谷咖啡实现了最初的梦想,但和国际咖啡巨头、国际知名品牌相比,后谷咖啡的差距还非常巨大,我们将在咖啡种植、产品加工、品牌建设等方面更加努力,缩短与国际知名品牌的差距,实现后发赶超。”熊相人坦言。



China fares well in software legalization 去年中国软件正版化工作取得新成效

According to the fourth plenary ministerial meeting on promoting the software legalization, in 2014, China made new progress in software legalization and software industry.

It is reported that, in 2014, software legalization in Chinese government agencies sees new achievements: 83% of the central and state organs and institutions completed copyrighted software; 826,700 units of operating system, office software and anti-virus software were bought by government agencies for the cost of 461 million Yuan; 72.15% was paid for the domestic software. Enterprise software legalization saw new breakthroughs: there were 4,112 com-

panies listed in the annual target to complete the software legalization, and 3,715 of them completed software legalization. Among the affiliated companies of central enterprises, small and medium financial institutions, the affiliated companies of press and publishing industry enterprise group, the software legalization has made great progress. By the end of December 2014, 24,563 companies had completed the software legalization. The environment of software copyright protection get the new improvements: the amount of software copyright registrations in 2014 reached 218,700, an increase of 33.12%. The rate of new computers with pre-installed copyrighted operat-

ing system software continued to increase for the eighth consecutive years and reached to 98.42% in 2013. (by Jiang Xu)

本报讯 日前,记者在推进使用正版软件工作部际联席会议第四次全体会议上获悉,2014年,中国推进软件正版化工作取得新进展,软件产业发展成果显著。

据了解,2014年,中国政府机关软件正版化取得新成果:83%的中央和国家机关推进其所辖事业单位完成了软件正版化;共采购操作系统、办公和杀毒软件82.67万套,采购金额4.61亿元;采购的办公软件、国产软件套数占比72.15%。企业软件正版化取得新突破:全国共有4112家企业列入年度完成软件正版化工作目标,3715家企业通过检查验收完成

软件正版化。在中央企业三级以上企业、大中型金融机构、新闻出版行业企业集团总部全部实现软件正版化的基础上,中央企业四级及以下企业、中小金融机构、新闻出版行业企业集团所属二级企业软件正版化工作取得很大进展。78.88%的中央企业四级及以下企业、71.56%的金融机构、75.2%的新闻出版行业企业集团所属二级企业实现软件正版化。截至2014年12月底,全国累计2.4563万家企业通过检查验收完成软件正版化。软件版权保护环境得到新改善:软件著作权登记量2014年达到21.87万件,同比增长33.12%。新出厂计算机预装正版操作系统软件的预装率连续8年持续提高,2013年达到98.42%。

(姜旭)

Jordan trademark disputes see new development 10起“乔丹”商标争议案有新进展

Recently, the administrative lawsuit of 10 Jordan trademark disputes was heard in the Beijing No.1 Intermediate People's Court without judgment pronounced in court. In the first instance of the previous 68 cases, the Court dismissed all the claims of Michael Jordan, and then Michael Jordan appealed.

In the 10 cases this time, Michael Jordan believes that, he is a world-renowned basketball player, and before the trademark registration, the Chinese translation “乔丹” and its corresponding pinyin “QIAODAN” in China has had a higher reputation, conducting the corresponding relationship with Michael Jordan. Jordan Sports' trademark registration has obvious malice, and would inevitably lead to confusion among the relevant public as well as disrupt the economic order or harm the public interest. While Jordan sports claimed that, the registration was based on its earlier trademark rights and trade name rights, and did not harm other's name rights. Also, Michael Jordan's surname “Jor-

dan” is a common surname for British people or Americans, and Chinese “乔丹” is one of the usual translation, and difficult to identify the inevitable correspondence between Michael Jordan and “乔丹”.

Jordan Sports also said that the relevant documents submitted at the time of application for trademark registration have been examined by the Trademark Office under State Administration for Industry and Commerce, which does not constitute any other improper means to obtain registration. There is no factual and legal basis for Michael Jordan's claim that the application for registration of a trademark dispute would harm the public interest.

(by Mao Ligu)

本报讯 备受关注的中美“乔丹”商标之争又有新进展。日前,10起“乔丹”商标争议行政纠纷案在北京市第一中级人民法院开庭审理,法院并未当庭宣判。

据了解,此前的68起案件中,北京市第一中级人民法院均一审认定,“乔丹”只是常见的美国人姓氏,乔丹体育股份有限公司(下称乔丹体育)

注册、使用“乔丹”系列商标的行为未侵犯迈克尔·乔丹的姓名权或肖像权。对此,迈克尔·乔丹方面已经提起上诉。

而日前审理的10起“乔丹”商标争议行政纠纷案,与此前已作出一审判决的案件在案情上几近相同。迈克尔·乔丹认为,其为全球知名篮球运动员,早在争议商标注册申请日前,其中文译名“乔丹”及对应的拼音“QIAODAN”在中国已经具有了较高的知名度,并与迈克尔·乔丹形成对应关系。乔丹体育在此前提下申请注册争议商标具有明显的主观恶意,势必导致相关公众的混淆误认,而且还会扰乱经济秩序,损害公共利益。乔丹体育则表示,争议商标系基于其在先商标及商号权而申请注册,并未损害他人姓名权。而且,迈克尔·乔丹本人的姓氏为“Jordan”,本身为英国美国普通姓氏,而中文“乔

丹”是其中一种惯常的翻译,难以认定“乔丹”与迈克尔·乔丹之间存在必然、唯一的对应关系。

乔丹体育同时还表示,其在申请注册涉案争议商标时提交的相关文件均已通过中国国家工商行政管理总局商标局的形式审查、实质审查,其并不构成以其他不正当手段取得注册的情形。而迈克尔·乔丹指控其申请注册争议商标会损害公共利益,没有事实及法律依据。(毛立国)



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