

WIPO report: China PCT application grows fastest in 2014

世界知识产权组织(WIPO)发布报告——

去年中国PCT专利申请保持两位数增长增速最快

On March 19th, the World Intellectual Property Organization (WIPO), headquartered in Geneva, issued a report showing that in 2014 Chinese user submitted a total of 25,539 international patent applications through the Patent Cooperation Treaty (PCT), an increase of 18.7% over 2013, which enables China the world's only country that obtains double-digit growth. And Chinese user have become the big clients to WIPO on patent applications.

According to the statistics of the report, the USA is still the country submitting the most international patent applications through PCT. And in 2014 the USA totally submitted 61,492 international patent applications, an increase of 7.1%, accounting for 28.7% of the global amount, followed by Japan submitted 42,459 international patent applications, accounting for 19.8%, followed by China, whose international patent applications accounts for 11.9% of the global amount.

The report shows that, under PCT framework, in 2014, China's

Huawei Technologies Co., Ltd. submitted 3442 international patent applications, surpassing Japan's Matsushita, and became the first among the world enterprises; Qualcomm from the USA ranked the second, with 2409 international patent applications; ZTE Corporation from China ranked third with 2,179 international patent applications.

The report also shows that, among the companies from China, Tencent Technology, CSOT, BOE and Huawei Terminal respectively ranked the 17th, 23rd, 34th and 46th.

Francis Gurry, the Director General of WIPO held, the rapid growth of the international patent applications reflects the growing recognition of the importance of intellectual property rights, intellectual property rights are moving from the periphery to the center of the global economic system. And it was reported that, when Francis Gurry visited China in 2014, he pointed out that, as the process of integration with the world economy continues to move forward, Chinese enterprises had made significant progress

in the globalization; China comprehensively deepened the reform and China's IPR issue continued to make progress, both boosted the Chinese enterprises to better integrate into the world economy.

Some experts held that, the international patent application through PCT has become the testing ruler of China's independent innovation capability. In recent years, rapid growth in China continued PCT international patent applications, and it is reflected in the promotion of China to improve market competitiveness and enterprise quality international operations. (by Li Duo)

本报讯 3月19日,世界知识产权组织发布报告显示,2014年中国的PCT国际专利申请达2.5539万件,较2013年增长18.7%,系全球唯一一个出现两位数增长的国家,中国企业已成为PCT国际专利申请大户。

据报告显示,美国仍是PCT国际专利申请最多的国家,2014年申请量为6.1492万件,同比增长7.1%,占全球总量的28.7%,其次是日本,申请量为4.2459万件,同比下降3%,占申请总量的19.8%,中国排在第三位,申请量为2.5539万件,同比增长18.7%,

占申请总量的11.9%。

同时,报告显示,在2014年企业PCT国际专利申请方面,中国的华为技术有限公司以3442件PCT国际专利申请,超越日本松下公司,成为企业PCT国际专利申请排名的第一位;美国高通公司位列第二,PCT国际专利申请量为2409件;中兴通讯股份有限公司以2179件PCT国际专利申请位列第三。

报告还显示,在企业PCT国际专利申请量的前50位排名中,来自中国的腾讯科技、深圳华星光电、京东方、华为终端也分别列第17位、23位、34位和46位。

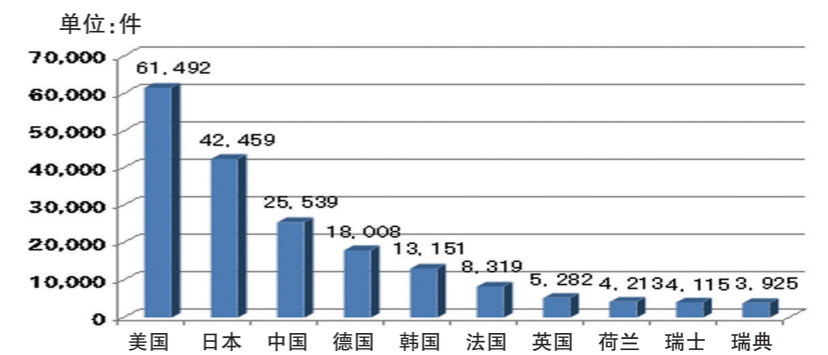
对此,世界知识产权组织总干事弗朗西斯·高锐对此表示,PCT国际专利申请数量快速增长反映了知识产权的重要性日益得到认同,知识产权正从全球经济体系的外围转向中心。据了解,高锐在此前访问中国时曾指出,随着世界经济一体化进程不断推进,中国企业在国际化发展方面取得了显著进展;中国全面深化改革不断推进,中国知识产权事业不断取得进步,也助推了中国企业更好地融入世界经济大潮。

有关专家表示,PCT国际专利申请已成为检验中国自主创新能力的

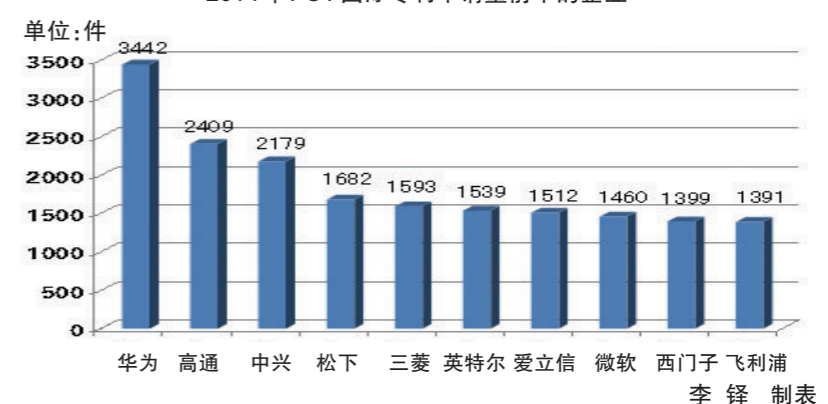
一把标尺。近年来中国PCT国际专利申请量的持续快速增长,正是反映了

了中国企业国际化经营质量的提高和市场化竞争能力的提升。(李铎)

2014年PCT国际专利申请量前十的国家



2014年PCT国际专利申请量前十的企业



李铎 制表



On March 19th, SIPO Commissioner Shen Changyu (R) met Rauni Hagman, the Director General of Patent and Registration Office of Finland, in Beijing. Shen said, Finland is widely recognized as an innovative country for rich experience and remarkable results through encouraging innovation and entrepreneurship, promoting the transformation from scientific and technological achievements to industrialization. He wishes both sides to further deepen the good relations of cooperation. Rauni Hagman said, China has made remarkable achievements in IP protection. Finnish companies also hope to increase investment in China. She hopes to further consolidate the cooperation between both sides and deepen cooperation and exchanges in the examiner training and other aspects.

3月19日,中国国家知识产权局局长申长雨(右)在京会见芬兰专利与注册局局长劳妮·哈格曼一行。申长雨表示,芬兰是举世公认的创新型国家,在鼓励创新创业、促进科技成果向产业化转化方面拥有丰富的经验且成效显著。他希望通过此次会谈,进一步深化双方良好的合作关系。劳妮·哈格曼表示,中国在知识产权保护方面取得了显著成效,芬兰企业也希望加大对华投资规模。她希望双方进一步巩固合作关系,同时在审查员培训等方面深化合作与交流。

本报记者 张子弘 柳鹏 摄影报道

“J.P.CHENET” failed trademark lawsuit in China 法国大酒庄在华维权未果

The “J.P.CHENET” trademark was created by Les Grands Chais de France (hereafter as GCF) for wine product in 1985, remarkable for its unconventional outlook design of the declining bottle. GCF accused Muti International Trade (Tianjin) Ltd. (hereafter as Muti Tianjin) to the court for importing “J.P.CHENET” wine from Britain without authorization by GCF and infringing its exclusive right to use registered trademark.

GCF held that, the imported “J.P.CHENET” wine by Muti Tianjin infringed its exclusive right to use registered trademark and appealed to Tianjin Second Intermediate People's Court.

Tianjin Second Intermediate People's Court held that, the “J.P.CHENET” wine imported by Muti Tianjin were sold with its original package without any processing, and did not cause any confusion among consumers. The reasonable mark and relevant information on the wine neither led to confusion among consumers, nor damage the source and quality of the involved trademark, and did not constitute infringement to the registered trademark. Accordingly, the court rejected the complaint.

GCF appealed to Tianjin Higher

People's Court. Tianjin Higher People's Court held that, the “J.P.CHENET” wine imported by Muti Tianjin was the same as that sold by GCF in China, and could not lead to confusion to consumers. Accordingly, the court rejected GCF's appealing.

(by Wang Guohao)

作为法国大酒庄股份公司(下称大酒庄公司)旗下的主打产品之一,始创于1985年的“香奈”葡萄酒以突破传统的歪斜瓶口瓶身设计而知名,人称“歪脖子——香奈”。因认为慕醍国际贸易(天津)有限公司(下称天津慕醍公司)未经授权,擅自从英国进口“J.P.CHENET”(香奈)葡萄酒,侵犯了其核准注册在葡萄酒等商品上的“J.P.CHENET”注册商标专用权,引发大酒庄公司的不满,双方由此展开了一场长达数年的商标侵权纠纷。

大酒庄公司认为,天津慕醍公司进口的上述涉案“J.P.CHENET”葡萄酒,涉嫌侵犯其注册商标专用权,遂向天津海关提出查验申请,并随后将天津慕醍公司诉至天津市第二中级人民法院。

一审法院经审理认为,天津慕醍公司的涉案进口“J.P.CHENET”葡萄酒没有经过任何加工、改动,仅仅以原有的包装销售,依法合理标注相关信息,既不会导致消费者的混淆误认,也不会损害涉案商标标示来源、保证品质的功能,更不会损害大酒庄公司和相关消费者



的利益,不构成对大酒庄公司涉案注册商标专用权的侵犯。据此,法院一审判决驳回了大酒庄公司的诉讼请求。

大酒庄公司不服一审判决,向天津市高级人民法院提起上诉。二审法院认为,天津慕醍公司进口的涉案“J.P.CHENET”葡萄酒,与大酒庄公司在我国销售的“J.P.CHENET”葡萄酒之间不存在实质性差异,天津慕醍公司的涉案进口行为不足以造成相关消费者的混淆,大酒庄公司的商誉亦未因此受到损害。据此,法院判决大酒庄公司关于天津慕醍公司未经授权进口涉案葡萄酒构成商标侵权的主张不能成立。法院终审判决驳回了大酒庄公司关于天津慕醍公司未经授权进口涉案葡萄酒的行为构成商标侵权的主张。

(王国浩)



China's IP in foreign eyes



On the same day last week that Li introduced the 2025 plan, the country's state assets regulator approved the tie-up of leading train makers China CNR Corp Ltd and China CSR Corp Ltd, after the two companies announced a merger plan in December. Beijing is also likely to use mergers to create more

champions in the shipbuilding, electronics and construction sectors, industry experts say. (China plans new wave of State firm consolidation, by The Economist.)

就在中国国务院总理李克强提出实施“中国制造2025”的同一时间,中国南车和中国北车的合并方案获得中国国资委的批准。这两家公司是中国最大的轨道交通装备制造制造商,于去年12月宣布了合并计划。业内专家称,中国政府还可能通过合并方式,在造船、电子及建筑行业打造更多的“冠军企业”。(中国打造巨头企业,《经济学家》)

Comment

The key problem of “made in China” is to develop proprietary intel-

lectual property rights. Premier Li Keqiang outlined the “2025” strategy on 2015 National People's Congress, built a hopeful vision of China's industry. China is poised to embark on a fresh round of industrial consolidation, as part of a sweeping plan to reinvigorate inefficient enterprises and raise the global competitiveness of domestic industry.

点评

如何推动“中国制造”走向“中国创造”,在今年的全国两会上,中国国务院总理李克强在政府工作报告中提出了“中国制造2025”概念,为中国工业转型升级描绘了蓝图。新一轮行业整合将为“中国制造”注入活力,提升产业国际竞争力。



Aided by foreign technology acquired during three decades of development, China has the highest number of reactors being built and ambitions to export its home-grown models to an overseas market worth hundreds of billions of dollars. Reflecting the obstacles of breaking into a market dominated by the likes of France's Areva and Russia's Rosatom State Nuclear Energy Corp., Beijing is encouraging consolidation to cut inter-

national rivalry and pool intellectual property and financial resources. (“Made in China” nuclear reactors a tough sell in global market, by Reuters)

在过去30年来国外技术的帮助下,中国目前的在建核反应堆数量已位居世界前列。中国政府现在鼓励通过整合来减少内部竞争,聚集知识产权和金融资源,期待打破目前被法国和俄罗斯主导国际核能市场的格局。(中国核电迈向全球市场,路透社)

Comment

Intellectual property right is a core advantage for the development of China's nuclear power. China still has huge amounts of work to do before it can become a nuclear powerhouse, including rolling out Hualong I and other models with full intellectu-

al property rights at home. China needs to show it has wonderful intellectual property right to sell its new designs abroad.

点评

核电技术“走出去”,做好自身是关键。中国想要成为核电大国道阻且长,重中之重是应当在国内完善华龙一号等拥有自主知识产权的核电工程。要保障核电技术成功走向海外市场,中国需要证明其出色的知识产权以赢得全球买家的青睐。

(孙迪)

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