

China vows to fully implement the action plan for carrying out the national IPR strategy

李克强在第十二届全国人民代表大会第三次会议所作政府工作报告中指出

深入实施知识产权战略行动计划

On March 5, the 3rd Session of the 12th National People's Congress opened at the Great Hall of the People in Beijing. On behalf of the State Council, Premier Li Keqiang delivered the report on the work of the government for deliberation and approval. According to the report, institutional innovation should be used to drive scientific and technological innovation. Legislation on the commercialization of research and development deliverables and service inventions should be improved so that inventors can enjoy a share of the returns on their inventions. China will fully implement the action plan for carrying out the national strategy on intellectual property rights, crack down on infringements, and ensure inventions and creative work are thoroughly protected to keep innovation thriving.

Premier Li said in the report that to deliver a good performance in the work of the government this year, we need to concentrate on the following three areas: first, we need to ensure continuity in and make improvements to macroeconomic policies; second, we need to maintain a proper balance between ensuring steady growth and making structural adjustments; third, we need to nurture and hasten the birth of a new force for driving economic and social development. "This year is the final year for completing the 12th Five-Year Plan. As we strive to accomplish the major tasks and ob-



jectives for economic and social development set forth in this plan, we need to formulate the 13th Five-Year Plan, bringing to this work the spirit of reform and innovation and adopting a scientific approach," said Li.

Li said that it is people who make innovations and create things. We will speed up the reform to manage the use and commoditization of and the distribution of profit from scientific and technological advances of public institutions and extend the coverage of poli-

cies which allow for incentive mechanisms for innovation based on shares and dividends. Legislation on the commercialization of research and development deliverables and service inventions should be improved so that inventors can enjoy a share of the returns on their inventions. We will formulate policies for encouraging the flow of researchers and engineers, reform the systems for assessing their achievements, for appraising them for the conferral of professional titles, and for granting national awards, and reform research institutions according to their functions. We will work to attract high-caliber foreign professionals and bring in other expertise from overseas. We will fully implement the action plan for carrying out the national strategy on intellectual property rights, crack down on infringements, and ensure inventions and creative work are thoroughly protected to keep innovation thriving.

According to Li, enterprises play a leading role in technological innovation. We will implement and improve preferential policies, such as extra tax

deductions for research and development costs and policies that support new- and high-technology enterprises, so as to encourage enterprises to increase their spending on innovation. We will encourage enterprise involvement in implementing major science and technology projects and building research platforms, and promote collaborative innovation by bringing together enterprises, academia, and research institutes, with enterprises playing the leading role. We will work hard to develop the right environment for creativity, establishing more national innovation demonstration zones, ensuring the smooth functioning of new- and high-technology national development zones, and enabling them to play a leading role in boosting innovation. Medium, small, and micro businesses can accomplish great things. We need to give them a leg up to get them going. With these efforts, China's grassroots innovation can sprout up and grow strong, bringing flowers of creation to every field.

Li empathized that to make inno-

vation deliver, effective allocation of science and technology resources is crucial. We need to reform the management of science and technology plans funded by the central government to establish an open and unified national science and technology management platform. With the focus on supporting basic research, research in cutting-edge technologies, and key technologies that have a broad application, the government will encourage original innovation and move faster to launch major national science and technology projects. We will enable open access to the country's major science and research infrastructure facilities as well as large-scale or costly research equipment. By giving free rein to the talent and ingenuity of the Chinese people, we will welcome in a new high tide of popular innovation.

Li stressed that, we will enable people to enjoy more of the fruits of cultural development. Culture is the lifeblood of a nation and a source of innovation. We will put into practice core socialist values and promote fine traditional Chinese culture. We will encourage philosophy and the social sciences to flourish and promote the development of literature and art; the press and publishing; radio, television, and film; archiving; and other cultural programs. We will work to protect cultural relics and intangible cultural heritage. We will ensure that more outstanding works of literature and art are created for the people to enjoy, and encourage a love of reading in all our people to build a nation of avid readers. (by Xinhua)

本报综合新华社消息 3月5日,第十二届全国人民代表大会第三次会议在人民大会堂开幕。中国国务院总理李克强代表国务院向大会作政府工作报告。在报告中他指出,以体制创新推动科技创新。完善科技成果转化、职务发明法律制度,使创新人才分享成果收益。深入实施知识产权战略行动计划,坚决打击侵权行为,切实保护发明创造,让创新之树枝繁叶茂。

李克强报告了做好2015年政府工作要把握好的三点:一是稳定和完善的宏观经济政策;二是保持稳增长与调结构的平衡;三是培育和催生经济社会发展新动力。李克强指出,2015年是“十二五”收官之年,要在完成“十二五”经济社会发展主要目标任务的同时,以改革的精神、创新的理念和科学的方法,做好“十三五”规划纲要编制工作,谋划好未来五年的发展蓝图。

李克强指出,创新创造关键在人。要加快科技成果使用处置和收益管理改革,扩大股权和分红激励政策实施范围,完善科技成果转化、职务发明法律制度,使创新人才分享成果收益。制定促进科研人员流动政策,改革科技评价、职称评定和国家奖励制度,推进科研院所分类改革。引进国外高质量人才和智力。深入实施知识产权战略行动计划,坚决打击侵权行为,切实保护发明创造,让创新之树枝繁叶茂。

李克强指出,企业是技术创新的主体。要落实和完善企业研发费用加计扣除、高新技术企业扶持等普惠性政策,鼓励企业增加创新投入。支持企业更多参与重大科技项目实施、科研平台建设,推进企业主导的产学研协同创新。大力发展众创空间,增设国家自主创新示范区,办好国家高新区,发挥集聚创新要素的领头羊作用。中小微企业大有可为,要扶上马、送一程,使“草根”创新蔚然成风、遍地开花。

李克强强调,提高创新效率重在优化科技资源配置。要改革中央财政科技计划管理方式,建立公开统一的国家科技管理平台。政府重点支持基础研究、前沿技术和重大共性关键技术,鼓励原始创新,加快实施国家科技重大专项,向社会全面开放重大科研基础设施和大型科研仪器。把亿万人民的聪明才智调动起来,就一定能够迎来万众创新的浪潮。

李克强指出,让人民群众享有更多文化发展成果。文化是民族的精神命脉和创造源泉。要践行社会主义核心价值观,弘扬中华优秀传统文化。繁荣发展哲学社会科学,发展文学艺术、新闻出版、广播影视、档案等事业,重视文物、非物质文化遗产保护。提供更多优秀文艺作品,倡导全民阅读,建设书香社会。

China's IP in foreign eyes



China is keen to develop a successful commercial aircraft to prove it can match the United States and Europe. State-owned Commercial Aircraft Corporation of China (COMAC) has completed the basic assembly of its medium-range C919 large passenger aircraft and is expected to launch test flights this year. Airbus has forecast China's domestic aviation market to become the world's biggest in the next decade. (China to launch test flights for C919 plane this year, by Reuters)

中国一直渴望自主研发国产飞机以匹敌欧美飞机制造商。如今,中国商飞自主研发的大型中程

客机 C919 机身已初具雏形,预计今年将完成所有安装工序并进行首飞。据空中客车公司预计,中国将在未来 10 年里成为世界上最大的飞机市场。(中国首架大型客机 C919 今年将首飞,路透社)

Comment

The capability of researching and developing large civil aircrafts is an important element to measure the level of industrialization of a country. The Chinese dream of large civil aircrafts is not only conducive to the whole industry chain of aircraft R&D and related companies, but to more industries development of China.

点评

大型民用飞机设计研发能力是衡量一个国家工业化水平的重要标志之一。国产大飞机即将圆梦,不仅将使产业链上的研发机构和相关配套企业等受益,也将带动更多国产项目加速发展。

专利等问题。(小米携“米兔”进军美国市场,美国有线新闻网)

Comment

Like many Chinese companies going abroad, Xiaomi's goal is much more than being a winner of Chinese market. How to make products popular in every country it setting foot in is the major problem need to be solved, and the key to success is innovation and patent.

点评

和众多“走出去”的中国企业一样,小米的目标不仅仅局限于国内市场领先。在布局全球市场的过程中,如何让产品适应各个国家的消费需求,是对企业创新的重大挑战。小米在美国能否复制其在国内市场的成功,专利将是决定其走向的重要力量。(孙迪)

Gillette wins "GILERE" trademark dispute

吉列公司争议“GILERE”获胜

In a final decision made by Beijing Higher People's Court, an administrative appeal lodged by Gillette, a world leading razor manufacturer, against Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) of China in a trademark case, was recently concluded. Gillette won the trademark dispute.

In April, 2005, Hu Yongzhou, a person owning a Jiangxi-based company, filed the No. 4613233 "GILERE" trademark application on Class 8, products of shaving razor, razor blades and tweezers etc. Gillette then challenged Hu's application on grounds of similarity with their registered trademark Gillette on the same Class and sought reversal.

Existing materials reveal that Gillette filed the No. 144138 GILLETTE trademark application and No. 144139 Gillette and figure trademark application in May, 1979, and have been granted to Class 8 products of shaving razor. In the case mentioned above, TRAB reversed Hu's GILERE trademark applications on products of shaving razor and sustained the applica-

tions on products of tweezers. Disgruntled Hu then filed an administrative lawsuit at the Beijing No. 1 Intermediate People's Court.

Gillette presented to the court five pieces of evidence materials, including profiles of Hu's company, package images of Hu's products and package images of their own and so on, trying to convince the court that Hu's applications were subjected to subjective malicious and Hu's marks could easily confuse the public and similarity was constituted.

The Beijing No. 1 Intermediate People's Court rejected Hu's request on grounds of absence of facts and legal basis, upholding TRAB's decision. Hu then appealed.

Beijing Higher People's Court held that the GILERE trademark in dispute was similar with the references marks of GILLETTE and Gillette on word spelling and pronunciation, which could easily cause confusion among consumers and then made the decision above. (by Mao Ligu)

本报讯 中国江西省胡一刀实业有限公司经营者胡水洲以自然人身份欲在剃须刀等商品上申请注册

"GILERE"商标,遭到来自美国吉列公司的争议,在中国国家工商行政管理总局商标评审委员会(下称商评委)裁定争议商标在剃须刀等商品上予以撤销,在镊子商品上予以维持后,胡水洲向北京市第一中级人民法院提起行政诉讼。日前,该案经北京市高级人民法院二审审理后,商评委被诉裁定得以维持。

据了解,争议商标为第4613233号"GILERE"商标,由胡水洲于2005年4月提出注册申请,核定使用在第8类剃须刀、刮胡刀片、镊子等商品上。法定期限内,美国吉列公司以争议商标与其引证商标构成使用在相同或类似商品上的近似商标,并构成对其驰名商标的摹仿为由,针对争议商标提出撤销注册申请。

引证商标一为第144138号"GILLETTE"商标,引证商标二为第144139号"Gillette及图"商标,两商标均由美国吉列公司于1979年5月提出注册申请,并均核定使用在第8类剃须刀等商品上。在商评委裁定争议商标在剃须刀等商品上予以撤销,在镊子商品上予以维持后,胡水洲提起行政诉讼。

美国吉列公司在诉讼中提交了胡水洲经营的胡一刀实业有限公司的工商信息、胡水洲销售剃须刀的商品包装图片、美国吉列公司生产的吉



列剃须刀图片等5份证据,用以证明争议商标在实际使用中极易使消费者产生混淆,争议商标的注册申请具有主观恶意。一审法院以胡水洲的诉讼理由缺乏事实及法律依据为由,判决维持了商评委被诉裁定。胡水洲不服判决,提起上诉。

北京市高级人民法院经审理认为,争议商标为英文字母"GILERE",两引证商标的显著识别部分分别为"GILLETTE"和"Gillette",二者在文字构成、读音方面相近,共同使用在剃须刀等商品上,容易使相关公众产生混淆误认。据此,商评委被诉裁定最终获得了维持。(毛立国)



英文翻译 姜旭

Translator Jiang Xu

编辑 孙迪

Editor Sun Di