

China dealt 24,479 patent administrative enforcement cases in 2014

各地执法能力增强, 办理案件结构调整, 发明专利案件上升, 涉外专利案件增多——

去年中国专利行政执法办案总量首次突破2万件

According to the data from State Intellectual Property Office of China (SIPO), 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, with a year-on-year growth of 62.6%; 16,259 were counterfeiting patent cases, with a year-on-year growth of 45.5%. "We need to strengthen legislation in key areas, and quickly improve legal systems that ensure equal rights and interests, equal opportunities, and fair rules for all." in the Fourth Plenary Session of the 18th CPC Central Committee, China decided to improve intellectual property and strengthen the protection of intellectual property. Industry experts believe that, China strengthened intellectual property administrative enforcement to contribute to build a powerful intellectual property nation in 2014, making itself a better legal and marketing environment.

An officer of Patent Affairs Administration Department under SIPO told the reporter that, compared with 2013, China's intellectual property administrative enforcement had many new characteristics in 2014, such as enforcement were strengthened in ev-

ery region, the structure of cases dealing were renewed, cases about invention patents were increasing, dispute cases involving foreign subjects were increasing, etc.

According to the officer, in 2014, 6 provinces in China separately dealt over 1,000 cases, which were 3,681 in Jiangsu, 3,505 in Zhejiang, 2,815 in Hunan, 2,555 in Guangdong, 2,542 in Shandong and 1,078 in Henan. Classified in region, eastern and central China each dealt 11,551 and 4,843 cases in 2014, totally made 67% in the whole nation; while eastern and north China increased more, with year-on-year growth of 89.5% and 76.9%. Besides, nearly half of the 31 provinces dealt over 100 infringement dispute cases, of them Zhejiang, Guangdong, Jiangsu, Shandong and Henan dealt over 200 infringement dispute cases.

In 2014, the amount of counterfeiting patent cases dealt in China was 1.98 times of the amount of patent dispute cases, which was less than the proportion of 2.21:1 in 2013. The number of patent dispute cases' increasing shows China is improving its capability of handling cases. There has been a special outpouring of concern that, in the 8,220 patent dispute cases dealt in 2014, 1,239 were invention patent cases, taking 15.1% of the

total, up 4% than the last year.

Meanwhile, China dealt more cases involving foreign subjects. In 2014, China dealt 521 cases involving foreign subjects, taking 6.8% of the total 7,617 patent infringement dispute cases, up 43.9%.

"These data shows that the innovators and patentees have more requirements of legal protection, and their confidence in China's administrative enforcement is improving." Said an expert. The expert expressed that, China should undertake further work on intellectual property protection in the future, and strengthen intellectual property administrative enforcement to protect the rights of patentees, making the market environment more legal, fair and open, contributing to build a powerful intellectual property country.

(by Li Qun/ Guan Jian/ Yu Guang)

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通讯员 关 键 于 光

日前, 从中国国家知识产权局传来令人鼓舞的消息——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(专利侵权纠纷7671件), 同比增长62.6%; 假冒专利案件1.6259万件, 同比增长45.5%。

“党的十八届四中全会明确提出, 要加强重点领域立法, 完善激励创新的产权制度、知识产权保护制度和促进科技成果转化的体制机制。中央经济工作会议也强调, 要深刻认识经济发展新常态, 更加注重产权和知识产权保护。由此不难看出, 知识产权已成为全面推进依法治国的重要内容 and 经济发展新常态的重要支撑。”业内专家认为, 在过去的1年里, 全国知识产权系统把执法办案工作作为努力建设知识产权强国的重要任务之一, 持续加大工作力度, 成效明显, 为营造良好的法治环境、市场环境发挥了重要作用。

中国国家知识产权局专利管理司执法管理处有关负责人表示, 与2013年相比, 去年全国知识产权系统专利行政执法办案呈现出新的特点, 即各地区执法办案工作普遍加强, 办案结构进一步调整, 发明专利案件量有所上升, 涉外专利侵权纠纷案件有所增长。

据介绍, 2014年, 全国31个省(区、市)中, 执法办案量超过1000件的有6个省, 分别是江苏省3681件、浙江省3505件、湖南省2815件、广东省2555件、山东省2542件和河南省1078件。从区域划分来看, 华东、华中地区执法办案量最多, 分别为1.1551万件和4843件, 共占全国办案总量的67%; 华东、华北增长最快, 同比分别增长89.5%和76.9%。从专利侵权纠纷办案量来看, 全国近一半的



省(区、市)案件量超过100件, 其中浙江省、广东省、江苏省、山东省和河南省专利侵权纠纷办案量超过200件。

一年来, 中国专利纠纷办案量与假冒专利办案量的比例约为1:1.98, 与2013年的1:2.21相比, 办理难度较大的专利纠纷案件占案件总量的比重有所增加, 凸显出全系统办案能力进一步提升。值得关注的是, 在受理的专利纠纷案件中, 虽然仍以实用新型专利和外观设计专利案件为主, 但发明专利案件量明显有所上升。2014年受理的8220件专利纠纷案件中, 发明专利案件1239件, 占15.1%, 比2013年上升了4个百分点。

与此同时, 2014年, 中国涉外专

利侵权纠纷案件有所增长, 全年共办理涉外专利侵权纠纷案件521件, 占全部7671件专利侵权纠纷案件的6.8%; 同比2013年的362件和7.7%的占比, 案件量增长了43.9%, 占比下降了0.9个百分点。

“通过数据的变化可以看出, 广大创新者、专利权人的维权需求在增强, 通过专利行政执法途径维权的信心也在增强。”业内专家表示, 未来, 我们要进一步加强知识产权保护, 加大知识产权行政执法力度, 更好地保护权利人的合法权益, 为经济发展新常态营造公平公正、开放透明的法治和市场环境, 为知识产权强国建设作出新的贡献。

China's IP in foreign eyes



China should cultivate its own transnational corporations to engage in worldwide manufacturing and sales. China's recognition as the world's largest trading country is not the fetchingly redundant "landmark milestone" that its leaders declared. That charmed point will be reached when Chinese industry raises its position within - and influence over - global value chains. (The Tricks of China's



Alibaba and Alipay have made pilot agreements to handle payments and shipping to China for department stores. Alibaba has even taken on a role akin to a cultural liaison for U.S. retailers. As the Alipay trial progressed, the Chinese company began increasingly to help with marketing and even product selection. (Alibaba in major initiative to court China consumer for U.S. retailers, by Reuters)

近期, 阿里巴巴和支付宝与一些美国商家签订了协议, 为后者向中国销售商品提供支付渠道。阿

Trade, by Zhaobao.com)

中国应当积极培养本土跨国公司, 参与国际生产和销售, 中国不仅仅因其制造业大国的角色而知名, 而是将随着产业转型升级而影响全世界的价值链。(“中国贸易之计”, 新联合早报网)

Comment:

China was not content with its role as a country with large scale of manufacturing. Simple cross-border export of intermediate products would never satisfy China's development ambition. Only by paying high attention to innovation and injecting more technology content can China go advance based on intellectual property.

点评:

中国不满足于制造业大国的定位, 而是正努力向全球价值链的上游转移。简单的跨境出口中间产品不是大国战略的长久之计, 唯有更加注重创新, 让产品更具技术价值, 才是知识产权支持经济发展的必由之路。

里巴巴甚至在零售商中起到了中美文化纽带的作用, 为美国商家提供市场营销和产品选择的帮助建议。(“阿里巴巴成为美国商家吸引中国客户的重要力量”, 路透社)

Comment:

Chinese companies are bridging the communication gaps between nations and cultures. Today, more and more Chinese companies like Alibaba, sell their innovating operation philosophy combined with commodities together to the whole world. Chinese companies are going aboard, not by wealth, but by its unique business style.

点评:

中国企业正在为世界文化交流架起沟通的桥梁。越来越多的中国企业像阿里巴巴一样, 不仅把商品卖往全球, 更要把创新的经营理念传播到世界各地。匠心独运的商业策略让更多的中国企业“走出去”。

Danfoss defeated trademark infringement

“丹佛斯”商标争端引发巨头维权

Recently, Shanghai Pudong New Aera People's Court accepted a suit filed by Danfoss Co., LTD with one nature people and three companies as defendants. Danfoss asked for a compensation of over 1.1 million Yuan for the defendants' trademark infringement and unfair competition.

Danfoss, a transnational corporation headquartered in Denmark, is a famous company in refrigeration, heating, water treatment and transmission control manufacturing filed. Danfoss claimed that, its “丹佛斯” and “DANFOSS” trademarks registered in China were infringed by the four defendants. According to Danfoss' pleading, the second defendant, Shanghai Wozhong Valve Manufacturing Co., LTD, did an enormous scale of advertising on its website for the third de-

fendant, No. 1941406 registered company; the first defendant, a nature person named Ye Xiaoyuan, was the principal of the website; the third defendant also registered “danfoss” trademark; the fourth defendant, Shanghai Kemai Water Treatment Co., LTD, sold products manufactured by the third defendant marked with “danfoss” trademark. Danfoss held that the four defendants' action was trademark infringement and unfair competition, and asked for them to stop the infringement act, eradicate the ill effects, and pay a compensation of totally 1.1 million Yuan.

The court will hear the case in days.

(by Zhao Shimeng)

本报讯 因涉嫌侵犯商标权及不正当竞争, 叶小园、上海沃中阀门制造有限公司、公司注册编号为



1941406的某公司、上海科脉水处理有限公司被跨国巨头丹佛斯有限公司诉至法院, 索赔110余万元。日前, 上海市浦东新区人民法院正式受理了这一案件。

据悉, 丹佛斯有限公司是一家总部设在丹麦的全球性跨国公司, 在制冷、供热、水处理和传动控制制造业中处于世界领先地位。丹佛斯有限公司诉称, 其在中国申请注册了“丹佛斯”“DANFOSS”等商标。上海沃中阀门制造有限公司在域名为www.danfoss.com的网站为第三被告进行

了大篇幅阀门产品的广告宣传, 第一被告叶小园为该网站负责人。第三被告同时还申请注册了与原告注册商标近似的“danfoss”商标。上海科脉水处理有限公司销售了由第三被告生产的标有上述标识的产品。丹佛斯有限公司认为四被告的行为构成商标侵权及不正当竞争, 故诉至法院, 要求四被告承担停止侵权、消除影响, 赔偿原告经济损失及合理费用共计110余万元。

据悉, 本案将于近期在上海浦东法院开庭审理。(赵世猛)

NUMBERS

2.361 million

In 2014, China received 2.361 million applications of invention patent, utility model patent and design patent. Among them, 928,000 were invention patent, up 12.5%, ranked the first all over the world; 868,000 were utility model patent; and 565,000 were design patent. The amount of invention patents held by per 10,000 person reached to 4.9, up 22.5%.

236.1 万件

2014年, 中国受理发明专利、实用新型专利、外观设计专利申请量达236.1万件。其中, 发明专利申请92.8万件, 同比增长12.5%, 居世界第一。实用新型申请86.8万件, 外观设计申请56.5万件。每万人口发明专利拥有量达到4.9件, 同比增长22.5%。

26,000

In 2014, China received 26,000 patent applications through Patent Cooperation Treaty (PCT), up 14.2%.

2.6 万件

2014年, 中国受理PCT申请2.6万件, 同比增长14.2%。

29

In 2014, SIPO signed 29 bilateral or multilateral cooperation agreements. 142 international cooperation agreements have been in operation.

29 项

2014年, 中国国家知识产权局新签订多边、双边合作协议29项, 正在实施的国际合作协议142项。

80,000

By the end of 2014, there were over 80,000 professional intellectual property personnel in China, over 300,000 people working related to in-

tellectual property field, and over 10,000 patents examiner. Over 20,000 people got patent agent qualification, and over 10,000 of them were professional patent agents.

8 万多人

截至到2014年年底, 全国知识产权专业人才队伍达到8万多人, 从业人员超过30万人, 专利审查员超过2万人。2万余人取得专利代理人资格, 执业专利代理人超过万人。

401,000

In 2014, 401,000 invention patents were examined in China, up 21.3%. The whole duration of examining were shortened to 21.8 months. The duration of utility model patents and design patents examining were respectively 3.5 months and 3.7 months.

40.1 万件

2014年, 中国发明专利审查结案40.1万件, 同比增长21.3%, 审查周期缩短为21.8个月。实用新型、外观设计

计审查周期分别为3.5个月和3.7个月。

28

By the end of 2014, SIPO approved new batches of 28 intellectual property pilot or demonstration cities, 16 districts and 2 service industry cluster development experimental zones. SIPO also approved 33 demonstration analysis and evaluation institutions, and 46 brand service organizations.

28 个

截至到2014年, 中国国家知识产权局新批试点示范城市28个, 试点示范园区16个, 服务业集聚发展试验区2个, 遴选分析评议示范机构33家, 品牌服务机构46家。

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