

IP5 Statistics Report 2013 released

《2013年世界五大知识产权局年度统计报告》显示

中国受理的发明专利申请量位居前列

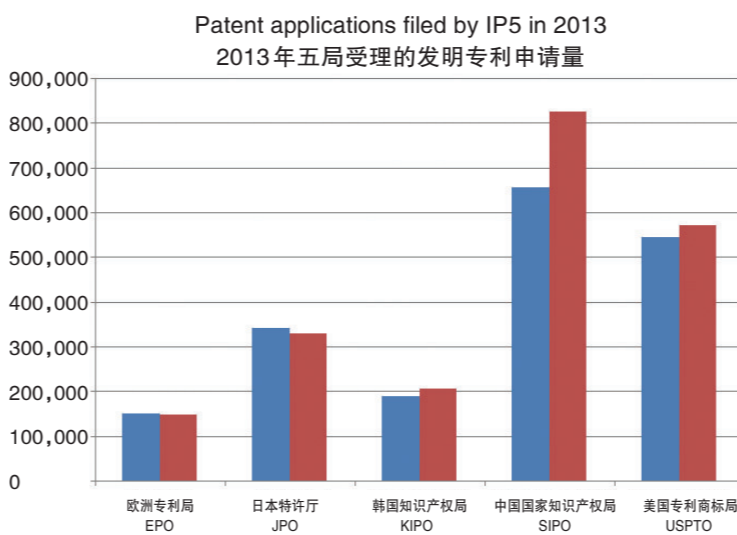
Recently, the IP5 Statistics Report, an annual compilation of patent statistics for the world's five largest Intellectual Property Offices, namely the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), and the United States Patent and Trademark Office (USPTO), was jointly released. According to the report, in 2013, 2,077,642 patent applications were received by IP5 Offices, up 11%. The number of applications for invention patents received by SIPO reached a record of 825,136, up 26%.

In 2013, there were increases in patent applications received by SIPO, KIPO and USPTO. At the SIPO, patent applications increased by 26%

(825,136). Also applications at the KIPO and the USPTO increased 8% (204,589) and 5% (571,612) respectively. While applications received by JPO decreased by 4% (328,436), applications received by EPO decreased by less than 1% (147,869).

Together the IP5 Offices granted 956,644 patents in 2013, up 4%. JPO granted 277,079 patents in 2013, higher than other IP5 Offices. The number of patents granted by KIPO and USPTO increased by 12% and 10% respectively. Also the number of patents granted by EPO and JPO increased 2% and 1% respectively, while the number of patents granted by the SIPO decreased by 4%.

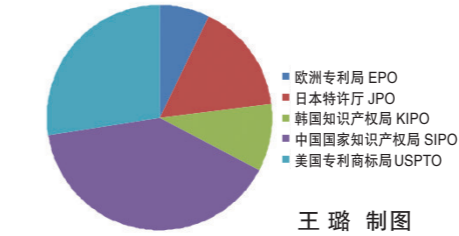
Together the IP5 Offices contributed 82% of the PCT international filings in 2013 (205,055). USPTO re-



ceived 57,526 PCT filings, larger than other IP5 offices. SIPO (15%) had the largest growth rate in that field.

(By Li Shuo)

The proportion of patent applications filed by IP5 in 2013



示, 2013年, 中国国家知识产权局受理发明专利申请量为82.5136万件, 同比增长26%, 均远超其他四局。此外, 中国国家知识产权局PCT国际专利申请数量以15%的年增速位居五局之首。

报告显示, 2013年, 五局共受理了207.7642万件发明专利申请, 较2012年增长了11%。其中, 中国国家知识产权局在受理发明专利申请数量和增速上均远超其他四局(82.5136万

件, 26%), 而其他四局分别为: 美国专利商标局(57.1612万件, 5%)、日本特许厅(32.8436万件, 4%)、韩国知识产权局(20.4589万件, 8%)、欧洲专利局(14.7869万件, 约1%)。

2013年, 五局共授予了95.6644万件发明专利权, 相比2012年增长了4%。其中日本特许厅发明专利授权量位列五局第一, 为27.7079万件。但就增速而言, 韩国知识产权局和美国专利商标局分别以12%和10%位居前两位, 日本特许厅和欧洲专利局分别增长2%和1%, 中国国家知识产权局发明专利授权量则较2012年减少了4%。

在PCT国际专利申请方面, 2013年, 全球PCT国际专利申请量为20.5055万件, 其中82%的PCT国际专利申请通过五局受理。美国专利商标局以5.7526万件位居受理量首位, 中国国家知识产权局PCT国际专利申请受理量增长最快, 年增速达到15%。(李硕)

China's IP in foreign eyes

Chinese leaders are keen to transform the economy, from the world's sweatshop to one that is focused on innovation. These range from nursing homes and express delivery companies to firms providing financial advice or legal services. By giving such businesses greater access to China's market, Chinese officials are hoping to inject competition that will force lazy incumbents and oligopolists to shape up. (Trade and investment with Australia, are you being served? By the Economist)

中国领导人正致力于把中国从“制造大国”的角色向创新转变。无论是疗养院和快递等基础服务业, 还是金融和法律等高端服务业, 中国都十分欢迎此类外资进驻中国市场, 带动国内市场竞争, 促使中国企业更好地打造自身。(中澳合作, 你从中受益了吗?《经济人》)

Comment:

More and more innovations and development makes China realizing the importance of competition. Foreign companies in China's service industry would help China transform the economy from downstream to upstream, and from low-end to high end. Competition would help China's companies make a better pace to the global market.

点评:

今天中国创新发展的力量让中国逐步意识到竞争的重要性。引入外资参与国内服务业竞争, 带动中国企业由下游转向上游, 由低端转向高端, 在竞争中发展, 将是中国企业走向世界的重要一步。



Shanghai Golden Monkey has distribution into channels where Hershey products have yet to penetrate. Additionally, the company has a strong history of innovation and product quality as evidenced by the outstanding reputation of its core brand, Golden Monkey, which has been nationally recognized as one of China's most iconic brands. (Hershey to buy China candy maker for \$584M. By USA today.)

上海金丝猴在中国拥有我们没有的销售渠道。此外, 该公司一直以来关注产品创新, 并拥有享誉全国的知名品牌“金丝猴”。因此它十分符合好时的收购标准。(好时5.84亿美元收购中国糖企,《今日美国》)

Comment:

Chinese brands gradually attract more and more attention from all over the world. The \$584M acquisition is a great example showing the value of Chinese brand.

点评:

中国品牌的价值正逐步被世界认可, 这块价值5.84亿美元的敲门砖正代表了外国企业对中国市场的评价与希冀。

(孙迪)

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A Chinese OEM garment factory failed in a trademark dispute

贴牌加工“POLO”衫惹来侵权诉讼

Days ago, a Chinese OEM garment factory Shanghai Mawei's 2,700 suits of male winter clothes, contracted for a Mexican based company, were detained by Beijing Customs, on grounds of infringing Lauren Company's registered trademark POLO. Lauren Company then brought the case to Shanghai Xuhui District People's Court and was awarded 8,000 yuan in damages.

In 1986, Lauren Company filed the No. 278874 Polo Sport figure as trademark and was certified on Class 25 products of garments in 1987. Two years later, in 1989, Lauren Company filed the No. 527802 character of POLO as trademark and was approved one year later. The two marks are within the validity period.

Lauren Company claimed that as the trademark holders of POLO character and the figure, and the law should protect them. On the garments exported to Mexico have been printed the HPCPOLO character and figure by Shanghai Mawei. The two marks are similar in spelling and could easily cause confusion among the customers, so that similarity and trademark infringement were constituted. Lauren Company requested the court ordering Shanghai Mawei to cease infringement and seek compensation of

35,0000 yuan.

Shanghai Mawei argued that the garments detained by Beijing Customs were purchase orders for a Mexican company; the latter has provided necessary trademark certificates and authorization certification. Shanghai Mawei has completed its obligations. At the same time, the two marks were not similar. Under the worst circumstances, even though the two marks were regarded as similarity, the garments were sold in Mexico, not in Chinese markets, they would not cause confusion among the Chinese customers and would not cause damages to Lauren Company. So, no infringement was constituted.

The court held that the HPCPOLO character and Polo Sport figure on Shanghai Mawei's clothes should be deemed as commercial usage and were similar with Lauren Company's POLO character trademark and Polo Sport figure trademark. The trademarks in question would cause confusion among the public, and have infringed Lauren Company's rights. Meanwhile, according to the paper provided by the Mexican company, the two marks in question should be used separately and not as a whole. Shanghai Mawei failed to notice this and failed to take responsibility of ex-

amination. Based on the actual damage, amount of infringing garments and other reasons, the court made the decision above. (By Mao Ligu)

本报讯 日前, 2700套品牌为“HPCPOLO”的男士防寒服, 在北京首都机场海关申报出口墨西哥合众国(下称墨西哥)时被扣留, 理由是这批男士防寒服涉嫌侵犯美国波萝伦有限公司(下称波萝伦公司)所持有的“POLO”等注册商标专用权。随后, 波萝伦公司以商标侵权为由, 将加工涉案服装的企业玛伟贸易(上海)有限公司(下称玛伟公司)诉至上海市徐汇区人民法院。日前, 该法院一审判决玛伟公司立即停止侵权行为, 并赔偿波萝伦公司经济损失8000元。

据了解, 波萝伦公司于1986年在中国申请注册第278874号马球运动图形商标, 1987年2月被核定在第25类服装商品上; 1989年9月申请注册第527802号“POLO”商标, 1990年8月被核定用在服装商品上。目前上述两商标均在有效期内。

波萝伦公司诉称, 玛伟公司未经其许可生产、销售的标注“POLO”及马球运动图形的服装商品, 相关标识与其注册商标近似, 侵犯了其注册商标专用权。据此, 波萝伦公司请求法院判令玛伟公司立即停止侵权行为, 并赔偿其经济损失共35万余元。

玛伟公司辩称, 涉案服装系其依据墨西哥委托方的订单生产加工, 委



POLO
RALPH LAUREN

托方已经提供了注册商标证书及授权证明, 其已经尽到了合理注意义务。而且其使用的是委托方在墨西哥注册的商标, 与原告注册商标不同, 即使两商标构成近似, 涉案服装全部出口墨西哥, 未在中国市场流通, 不会造成消费者混淆, 也不会对原告造成任何损害, 其并不构成商标侵权。

法院经审理认为, 首先, 该案中涉案服装商品上印有的“HPCPOLO”及马球运动图形标识构成商标性使用, 上述标识与原告在服装商品享有的“POLO”商标及马球运动图形标识构成近似商标, 易造成消费者混淆误认, 侵犯了原告注册商标专用权。其次, 涉案服装上使用的标识“HPCPOLO”及马球运动图形, 系将墨西哥委托方的注册商标进行拆分使用, 玛伟公司并未尽到合理审查义务。综上, 玛伟公司已经构成商标侵权。关于赔偿额度, 法院依据必要性、合理性原则, 酌情予以判定。(毛立国)

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