

# SIPO issues new policy to back small and micro business growth

国家知识产权局出台新政呈现8大亮点——

## 中国倾力支持小微企业创新发展

The State Intellectual Property Office of China (SIPO) released new policy to support innovation and growth of small and micro businesses on October 10. "The new policy with a lot of highlights is targeted clearly, active and can hit the social problem of the times, which provide convenience for the growth of small and micro businesses." Said Cao Xinming, executive deputy director of Intellectual Property Research Center of Zhongnan University of Economic and Law. The policy is the first of its kind that country on improving public services and helping start-ups increase capabilities in innovation and using IP. "IP is an engine that powers the fast growth of small and micro tech firms and earns them more profit margins. To help resolve the financing bottleneck, SIPO urged its branches across the country to partner with various financial organizations to channel more low-interest loans to small and micro businesses and re-

duce patent insurance premiums," said He Hua, deputy commissioner of SIPO, at a press conference held on that day.

According to He Hua, the new policy are in four aspects of supporting their innovation development, improving their IPR services, enhancing their IPR utilization ability and optimizing their IPR environment. The policy will take fifteen steps including supporting their innovations to be granted in domestic and overseas, improving patent funding policies and so on.

"IPR backs the development of S&T small and micro businesses. The policy addresses the real problem faced by those companies, and provide a series of practical measures both in internal sources of growth and external environment for them, which is vital to their healthy growth," added Cao Xinming.

About 11.7 million small and micro businesses operate in China, accounting for 77% of the total compa-

nies. Yet most of them still stay at the low end of industrial chains and are badly in need of IP aids for their healthy and sustainable growth. "The policy is not only a good way to back the growth of small and micro businesses, supporting the development of real economic and benefit the majority of the people, but also is an important way to implement IPR strategy and build an IPR power country," said a relevant principal of Patent Management Department of SIPO.

(by Xiang Li/Zhao Jianguo/Sun Di)

本报记者 向利 赵建国  
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10月10日,中国国家知识产权局印发了《关于知识产权支持小微企业发展的若干意见》(下称《意见》)。在当天召开的新闻发布会上,中国国家知识产权局副局长贺化介绍了《意见》中的诸多亮点。贺化表示,中国国家知识产权局将加强政策解读和任务细化,建立有利于小微企业发展的知识产权考核评价机制,推动有关政策尽

快“落地”,要求各地知识产权局结合本地区发展实际,研究制定具体落实措施,帮助小微企业解决现实难题。“亮点颇多,切中时弊,针对性强,有很强的可操作性,为服务、支持小微企业发展提供了极大的便利。”中南财经政法大学知识产权研究中心常务副主任曹新明如是评价这个中国首个以知识产权公共服务的形式支持小微企业创新发展的政策性文件。

据介绍,《意见》全面梳理了已出台的知识产权扶持政策,认真借鉴各国知识产权管理部门扶持小微企业的成功经验和有效做法,从扶持小微企业创新发展、完善小微企业知识产权服务、提高小微企业知识产权运用能力、优化小微企业知识产权发展环境4个方面加大支持力度,提出了支持小微企业创新成果在国内外及时获权、完善小微企业专利资助政策等15条具体措施。

“知识产权是科技型小微企业发展的支撑和依托,《意见》抓住了小微企业根本和关键性的问题,从小微企业创新发展的内生动力到外部环境提出了一系列切合实际的措施,为小



微企业送上了一个政策大礼包,有助于小微企业破茧成蝶健康发展。”曹新明认为。

据介绍,目前,中国约有1170万家小微企业,占企业总数的77%。但“多而不强”的问题客观存在,产品附加值偏低、创新能力偏弱、核心竞争力不强等短板,迫切需要切实有效的

知识产权帮扶措施促进其持续健康发展。“以知识产权支持小微企业创新发展,不仅是知识产权支撑实体经济、惠及百姓民生的具体表现,更是当前深入实施知识产权战略、努力建设知识产权强国的重大举措。”国家知识产权局专利管理司有关负责人表示。



## “Mary Kay” wins cross-class protection “玫琳凯”在华获跨类保护

Founded in 1963 in the US, Mary Kay Inc., one of the world's largest direct selling skin care and cosmetics company, set up its first factory outside the US in 1994 in Hangzhou, China. Hebei Changli Better Wine Limited (hereinafter referred to as Changli Company) intended to register “玫琳凯 MARYKAY” trademark on alcohol product, which triggered Mary Kay's objection. After the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce approved the trademark, Mary Kay filed an administrative proceeding to the court. Recently, Beijing No.1 Intermediate People's Court rendered its first instance rule, which revoked TRAB's decision and required reexamination.

Changli Company filed NO. 6647904 “玫琳凯 MARYKAY” trademark application in April, 2008 and certified to be used on Class 33 goods including wine, brandy and other. Within the legal objection period, Mary Kay submitted the objection application but was rejected.

Mary Kay claimed two cited trademarks constituting the well-known trademark: No. 1275186 “MARY KAY” trademark, applied in February 1998 by Mary Kay, certified to be used on Class 3 goods including cosmetics, lipstick and other commodities; No. 1380186 “玫琳凯” trademark, applied by Mary Kay in November 1998, certified to be used on Class 3 products including cosmetics, concealer and other commodities. Currently, the two cited trademarks are both within the validity period. After TRAB made the decision to approve the trademark in question, Mary Kay filed an administrative proceeding to the court. The court held that the evidence provided by Mary Kay can prove that the two cited trademarks have constituted well-known trademarks on cosmetic products prior

to the application of the trademark in question. The trademark in question was the combination of the two well-known trademarks “玫琳凯” and “MARYKAY”, constituted plagiarism, copying and imitation to Mary Kay's well-known trademark. Changli Company's application for the trademark in question constituted the situation of inappropriately using Mary Kay's well-known trademark. Accordingly, the court made the decision.

(by Mao Ligu)

本报讯 成立于1963年的美国玫琳凯公司是一家全球知名的大型护肤品和彩妆品直销企业。1994年,美国玫琳凯公司在中国浙江省杭州市建立了美国本土以外第一家工厂。河北省昌黎更好酒业有限公司(下称昌黎公司)欲在酒类商品上申请注册一件“玫琳凯 MARYKAY”商标,引发美国玫琳凯公司的异议。在国家工商行政管理总局商标评审委员会(下称商评委)裁定对被异议商标予以核准注册后,美国玫琳凯公司提起行政诉讼。日前,北京市第一中级人民法院一审判决撤销了商评委被诉裁定,并要求其重新作出裁定。

据了解,昌黎公司于2008年4月提出第6647904号“玫琳凯 MARYKAY”商标(下称被异议商标)的注册申请,指定使用在第33类葡萄酒、白兰地等商品上。法定期限内,美国玫琳凯公司对被异议商标提出异议,但未获支持。

美国玫琳凯公司主张其构成驰名商标的两件引证商标分别为:第1275186号“MARY KAY”商标,由美国玫琳凯公司于1998年2月提出注册申请,核定使用在第3类化妆品、口红等商品上;第1380186号“玫琳凯”商标,由美国玫琳凯公司于1998年11月提出注册申请,核定使用在第3类化妆品、遮瑕膏等商品上。目前,两引证商标均在有效期内。在商评委裁定对被异议商标予以核准注册后,美国玫琳凯公司向北京市第一中级人民法院提起行政诉讼。

法院经审理认为,美国玫琳凯公司提交的证据足以证明两引证商标在被异议商标申请日前,在化妆品商



品上已构成驰名商标。被异议商标系上述两驰名商标“玫琳凯”与“MARYKAY”的结合,构成对美国玫琳凯公司驰名商标的抄袭、复制、摹仿,昌黎公司申请注册被异议商标的行为构成不正当利用他人驰名商标市场声誉的情形。据此,法院作出上述判决。

(毛立国)

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### Photo News

Recently, the piano concerto of Dream in Red Mansions revised from Wang Liping's TV play music was premiered by Malaysian-Chinese pianist Claudia Yang and Hungarian composer Gyula Fekete in the concert hall of China National Museum. Ambassadors and other audiences from about 50 countries enjoyed the concert. (by Wang Wenyang)

近日,由马来西亚华裔女钢琴家克劳迪娅·杨与匈牙利著名作曲家久洛·费凯特共同合作,根据中国著名作曲家王立平1987年版电视剧《红楼梦》所作音乐改编创作的《红楼梦》钢琴协奏曲在中国国家博物馆音乐厅首演,约50个国家的驻华使节及音乐爱好者观看了演出。

本报记者 王文扬 摄影报道

### China's IP in foreign eyes

For more than a century, the United States has been the dominant global force for innovation. But China and other Asian countries are now testing that dominance. China's move from imitation to innovation has been a matter national policy in recent years. In 2011, for example, the government established a set of ambitious targets for the production of patents. Almost immediately, China became the world's top patent filer. (Asian innovation feeds the West, by Bangkok Post)

一个多世纪以来,美国一直是创新的主导力量。但如今,中国和其他亚洲国家正在逐步迎头赶上。从模仿向创新转变,一直是中国近年来的重要国策。以2011年为例,中国政府设立了一系列雄心勃勃的增加专利量的目标,现已成为了世界上专利申请量最大的国家。“亚洲创新哺育西方社会”,曼谷邮报)

Comment: Asian countries are committed

to fuelling their own innovative success. Working with its competitors, China's invention push has produced rapid results. As China is becoming a more responsible player in the intellectual property world, the whole world benefits.

点评:

亚洲国家正致力于推动自主创新。通过与其亚洲竞争对手的合作,中国的创新推动力已经产生了立竿见影的效果。中国在知识产权领域更加勇于承担责任,全世界都因而受益。



Half of Huawei's 150,000 employees work in R&D and it holds an impressive 49,000 patents, making it one of the top five patent filers worldwide. It's possible that China will be the source of the next

global giants. (Can Huawei become China's first global brand? by BBC News)

作为全球最大的创新者之一,华为15万名员工中有一半从事研发工作。该公司拥有令人惊叹的4.9万件专利,使其成为全球5大专利申请者之一。中国完全有可能成为下一个全球创新巨擘的源头。“华为能否成为中国首个全球品牌”,BBC新闻)

Comment:

Chinese goods are everywhere it seems, but few are name brands. That could be about to change as more and more Chinese companies like Huawei are seeking to make difference, even though most of them haven't made a familiar name yet in the West.

点评:

中国制造的产品在全世界随处可见,却鲜有知名品牌。但这种状况正在发生改变。尽管距离成为世界名牌还有待时日,但世界已经看到越来越多像华为一样的中国企业在努力追求。

(by Correspondent Wang Weiwei from Canada)  
 (本报通讯员汪玮发自加拿大)