

China's IP
in foreign eyes

According to the Korea Intellectual Property Office (KIPO), the number of Chinese companies trying to register a trademark in South Korea has increased from 1,238 in 2010 to 1,665 in 2011 and 2,324 in 2013. That's a huge increase since 2010. Electronics and communication equipment were among the most notable industries for Chinese companies, including well known Chinese companies like Alibaba and Huawei. (Chinese Brands Raise Profiles in South Korea, by The Diplomat)

据韩国知识产权局透露,中国公司在韩国的商标注册申请量从2010年的1238件增加到2013年的2324件。电子及通信设备是中国企业申请商标注册最多的行业,其中不乏阿里巴巴、华为这样的知名企业。(“中国企业加强在韩品牌建设”,外交官网)

Comment:

The increasing number of Chinese trademark registration in South Korea reflects the country's increasing recognition of the importance of intellectual property rights. We also have seen that China is putting more and more effort strengthening the protection of brand names to nurture its global brands.

点评:

越来越多的中国企业在韩国注册商标,反映了中企走出去对知识产权重要性认识的进一步提升。我们看到中国企业正在把更多的精力投入到加强品牌保护上,在世界范围内加速培育全球性品牌。



After revolutionizing e-commerce in China, Alibaba Group Holding Ltd. may end up becoming the world's biggest-ever stock-market listing. Now's a good time to bury the myth that China can't innovate. Many Chinese companies become uniquely, says Erik Roth, a partner at McKinsey & Co.'s Shanghai office. (Alibaba IPO: Innovation Chinese Style, by The Wall Street Journal)

在成功推动中国电子商务变革后,阿里巴巴集团控股有限公司实现了有史以来最大规模的上市。现在是时候消除中国不能创新的质疑了。麦肯锡公司上海办事处的一位合伙人埃里克·罗斯表示,中国企业走出了独特的创新之路。(“阿里巴巴上市:引领创新中国风”,华尔街日报)

Comment:

People now think of innovation as a big bang. But it's not. The type of innovation that Chinese good at is "pragmatic and profitable." As one of the most valuable technological companies in the world, Alibaba is a classic example of this kind of Chinese style "innovation through commercialization."

点评:

现在人们普遍认为创新必定是灵感的大爆炸。但事实并非如此。中国企业更擅长“务实和盈利”型的创新。作为世界上最有价值的科技公司之一,阿里巴巴堪称这种中国式“商业化创新”的经典案例。

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

China imposed over 3.2 billion Yuan anti-monopoly fine since 2013

去年以来中国反垄断处罚总额逾32亿元

中国反垄断:开出6张上亿元罚单

Sources from China's National Development and Reform Commission (NDRC) said that it recently made a penalty to the well-known enterprise FAW-Audi with a fine of 270 million Yuan. Up to now, China has made six anti-monopoly penalties of over a hundred million Yuan's fine, totally over 3.2 billion Yuan since last year.

According to a principal of NDRC, the companies punished during the six years since the Anti-monopoly Law of China enforced were both from domestic and abroad. The officer declared that every company is equal before the Anti-monopoly Law in China.

China has enlarged its scope of investigation and punishment since early 2013. On August 20th, 2014, NDRC made a fine of 1.235 billion Yuan to twelve Japanese automobile parts and bearings companies including Sumitomo, Seiko, NTN and so on.

点评:

越来越多的中国企业在韩国注册商标,反映了中企走出去对知识产权重要性认识的进一步提升。我们看到中国企业正在把更多的精力投入到加强品牌保护上,在世界范围内加速培育全球性品牌。



Sumitomo, Seiko, NTN and so on.

The office said that, China would welcome foreign investors and keep the opening-up policy as usual. All companies would be treated equally without discrimination on law enforcement.

Among all the anti-monopoly cases, the case of Qualcomm attracted

more attention than others. It is reported that Derek Aberle, the President of Qualcomm, came with his executives to NDRC to be inquired for its suspected monopoly behaviors for the fourth time. Qualcomm and NDRC had a broad and in-depth exchange of views on many issues of anti-monopoly. NDRC started the anti-monopoly

investigation since the second half of 2013, and published it on a press conference in February, 2014.

(by Zhao Jianguo)

本报讯 近日,记者从中国国家发展和改革委员会获悉,国家发改委日前对知名品牌一汽奥迪作出了2.7亿元的处罚决定。自去年以来,中国反垄断已开出6张上亿元的罚单,处罚总金额超32亿元。

中国国家发展改革委有关负责人表示,中国反垄断法已经实施了6年,从最近被处罚的企业数量和处罚金额看,国内外企业都一样接受了处罚,执法根本不存在任何的选择性或针对性。不论中资企业还是外资企业,只要在中国存在垄断行为,违反了公平竞争,就会受到相应的处罚。在反垄断法面前,所有企业一律平等,这是执法始终坚持的原则。执法只从垄断行为出发,不管主体性质如何,只要有垄断行为,都会被查处。

据悉,自去年年初以来,中国反垄断调查和处罚范围不断扩大。其

中,今年8月20日,国家发改委对住友、矢崎、精工、电装、NTN和捷太格特等12家日本品牌汽车零部件和轴承企业开出了12.35亿元的罚单。

中国国家发展改革委有关负责人表示,中国将一如既往地欢迎各国企业来华投资,中国对外开放的方针长期不变,投资合作的体制日益开放,法律法规的执行也将一视同仁。

在众多反垄断调查案中,高通案备受关注。据了解,美国高通公司总裁德里克·阿伯利也于近日率公司高层管理团队来到中国国家发展和改革委员会,就涉嫌滥用市场支配地位,歧视性收取专利许可费等问题第四次接受中国国家发展改革委的反垄断调查询问。双方就高通公司涉嫌违反中国反垄断法深入、坦率地交换了意见。中国国家发展改革委对高通公司开展的反垄断调查开始于2013年下半年。今年2月,中国国家发展改革委在新闻发布会上首次公布此事。(赵建国)

NCAC combats online game piracy

中国“剑网2014”行动剑指网游侵权盗版

Recently, the National Copyright Administration of China (NCAC) published the second group of ten online piracy cases investigated in the Net Sword Action 2014. Three of the ten are online game piracy cases, which are the main targets of the action. The action is a warning sign for internet industry to comply with the copyright order.

In November 2012, Shandong Copyright Bureau uncovered an illegal private server case of online game Legend of Mir (MIR). The suspects illegally copied and sold MIR serverware without the consent of the copyright owner Shanghai Shanda Network Development Co., LTD (SNDA). The value of the case were over 40 million Yuan.

On July 26th, 2013, the Net Police Corps under Shizhong Branch of Jinan Public Security Bureau filed the case, and then arrested 7 suspects and shut down 110 servers in different provinces. The procuratorate instituted a public prosecution against the suspects in March 2014, and the case is in trial at present.

Like piracy, private server is also one of main targets of the Net Sword Action. On April 8th, the Law Enforcement Corps of Beijing Cultural Market received a report from Shanghai Net Ease Network Technology Development Co., LTD (NTES). The report claimed that some persons illegally set up online game World of Warcraft (WOW) server and relevant BBS containing private server game, which

cause huge loss to NTES. The Corps then start investigation.

The Corps ascertained that the suspect Qiu illegally set up private server of WOW and made benefits. Qiu was arrested on May 13th, 2014 with his involved computer. The evidence showed that Qiu got over 1.2 million Yuan by illegal private server since 2013. Now the case is under prosecution. (by Dou Xinying)

本报讯 近日,中国国家版权局通报了“剑网2014”专项行动第二批10起网络侵权盗版案。网游侵权盗版是“剑网”行动重点查处的对象之一。在此次通报的10起案件中,就有3起为网游侵权盗版案件。有关负责人表示,这些典型案件的查处,有效震慑了侵权盗版者,深刻警示互联网版权产业从业人员切实遵守互联网版

权秩序。2012年11月,山东省版权局成功破获“玫瑰小组私服案”。据悉,康某等犯罪嫌疑人未经网络游戏《热血传奇》著作人上海盛大网络发展有限公司许可的情况下,非法复制、发行《热血传奇》服务器软件,对盗版的《热血传奇》游戏软件进行开发及销售,通过支付宝、财付通等支付平台收取客户相关服务费用,牟取非法利益,涉案金额4000多万元。

2013年7月26日,济南市公安局市中分局网警大队正式立案,分别赴黑龙江大庆市、广东省深圳市、湖南省岳阳市、四川省蓬安县、浙江省杭州市等地抓获康某为主犯的犯罪嫌疑人7人,关停服务器110台。2014年3月,该案移交检察机关提起公诉,目前正在等待法院的审判。

与盗版侵权一样,私设网游服

器行为同样是“剑网”行动重点打击的对象。2014年4月8日,北京市文化市场行政执法总队接到上海网之易网络科技有限公司(下称网之易公司)人员报案,称有人以盈利为目的,未经许可私自架设《魔兽世界》服务器,并开设有私服游戏的网站论坛,给公司造成巨额损失。接到报案后,北京市文化市场行政执法总队立即开展侦查工作。

经调查,民警初步查明了犯罪嫌疑人邱卫鑫私自架设并运营“3C魔兽”私服,并以此非法获利。2014年5月13日晚,民警在犯罪嫌疑人家中将其抓获,现场查封涉案计算机1台。在大量事实证据面前,邱卫鑫供认了自2013年以来非法架设运营“3C魔兽”私服并以此获利120余万元的犯罪事实。随后,邱卫鑫被刑事拘留,目前该案已移送检察机关。(黄新颖)



Astro Boy wins copyright suit in China

“铁臂阿童木”在华赢得著作权

Recently, Beijing Higher People's Court made a final judgment to reject the appeal from Astro Boy Sports Company (AB Sports). The Court affirmed the judgment that AB Sports should cease the infringement immediately and pay Tezuka Co. 210,000 Yuan for economic losses and reasonable expenses. By then, the case of the copyright of "Astro Boy" was closed.

The famous comic Astro Boy was created in 1951 by Japanese comic artist Tezuka Osamu. The copyright of Astro Boy was obtained by Tezuka Osamu's wife according to his testament in 1989, and was then assigned to Tezuka Co.. In 2006, Tezuka Co. registered Astro Boy's image in China.

Astro Boy Sports Company (AB Sports) was founded by Quanzhou Feike Sports Co., LTD. in 2000. Its main productions are children's shoes and clothes. AB Sports has No. 232855 trademark "Astro Boy and its image" registered in China by as-



signment, which was awarded as China's well-known trademark in 2008. AB Sports uses Astro Boy's image in its promotions, which are similar to the copyrighted work of Tezuka Co.

Tezuka Co. filed a law suit against AB Sports to Beijing No.2 Intermediate People's Court in early 2013, asking for the defendant to cease the infringement immediately.

The Court held that the copy-

right claimed by Tezuka Co. was in the jurisdiction of China as China and Japan were both members of the Berne Convention Copyright Treaty. AB Sports infringed Tezuka Co.'s rights of reproduction, distribution, communication through information network and remuneration, by using Astro Boy's image on its production and promotion without permission. According to this, the Court made the judgment mentioned above. AB Sports appealed to Beijing Higher People's Court, and was rejected.

(by Zhu Wenming)

本报讯 近日,北京市高级人民法院作出终审判决,驳回阿童木体育用品公司的上诉请求,并维持了要求阿童木体育用品公司立即停止侵权行为,赔偿手冢株式会社经济损失及合理费用共计人民币21万元的一审

判决。至此,这起涉及“铁臂阿童木”著作权的案件宣告结束。

《铁臂阿童木》诞生于1951年,它的作者是被称为日本“漫画之神”的手冢治。1989年,手冢治去世后,在其妻子、儿女签署的遗产分割协议中,约定由手冢治的妻子手冢悦子取得其作者著作权,其中包含《铁臂阿童木》。手冢悦子将这些作品的著作权信托转让至手冢株式会社,手冢株式会社因此取得了在中国发生的关于《铁臂阿童木》侵权行为采取法律行动的权利。2006年,手冢株式会社对“阿童木”等卡通形象在中国进行了著作权登记。

阿童木体育用品公司成立于2000年,该公司发起人是中国福建省泉州市菲克体育用品有限公司。该公司以儿童鞋、服装为主导产品。阿童木体育用品公司经转让获得了国内注册的第232855号“阿童木及图”商标,该商标在2008年还被认定为驰名商标。据了解,在阿童木体育用品公司的产品宣传中,多处使用了与手冢株式会社版权登记作品高度相似的图案,由此引发了侵权纠纷。

据了解,手冢株式会社于2013年初向北京市第二中级人民法院提起诉讼,状告阿童木体育用品公司侵犯著作权,请求法院判令阿童木体育用品公司立即停止侵权行为。

北京二中院经审理认为,中国和日本同为《保护文学艺术作品伯尔尼公约》成员国,手冢株式会社主张的相关作品受中国著作权法的保护。阿童木体育用品公司未经许可,以商业经营为目的,将“阿童木”等人物形象的美术作品用于产品以及互联网宣传活动中,侵犯了手冢株式会社对这些作品享有的复制权、发行权、信息网络传播权以及获得报酬的权利。北京二中院据此作出上述一审判决。一审判决后,阿童木体育用品公司向北京市高级人民法院提起上诉,但并未获得支持。

(祝文明)

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