

China's IP
in foreign eyes



This has been a whirlwind year for Chinese tech companies. Some taken aback by China's sudden presence in the U.S. aren't quite sure how to handle the newcomer. Is China a threat or a boon? The way I see it, China is an asset. China's New York IPOs benefit the U.S. economy. In the wake of these investments and acquisitions, there's an additional added benefit. Chinese acquisitions are spurring job growth. (The US Market Will Benefit From China's Tech Growth, by Tech Crunch)

对中国高科技公司而言,这的确是如旋风般的一年。对中国在美国的突然出现感到惊讶的人们,还不太确定该如何对待这个后来者。中国到底是一个威胁还是福音?就我所看到的,中国是一个资产。中国企业在纽约的首次公开募股有利于美国经济。不仅如此,在这些所有的投资和收购之外,还有一个额外的好处:中国的并购正在刺激就业增长。(“美国市场将受益于中国科技增长”,科技教室网站)

Comment:

A few years ago, "Alibaba" and "Tencent" were names few would have recognized. But now as their expanding into international markets, the world are benefitting. It's always better to embrace change than to ignore it. Amid China's globalization efforts, it's a great time to ride the wave on new opportunities.

点评:

几年前,“阿里巴巴”和“腾讯”这些名字在国际上还鲜为人知。而如今他们在国际市场上的扩张正在令世界各国受益。拥抱变化总是比忽略它要好。中国的全球化进程,正在成为其他国家攫取新机遇的良好时机。

A rapidly-modernizing country with more than a billion people is a great laboratory for new ideas. Some of the country's brands have gone global. A truly innovative Chinese tech company is only a matter of time. (When China stops copying Western tech giants is when they should start worrying, by Quarts)

一个拥有10亿人口的高速现代化的国家无疑是产生新想法的绝佳的实验室。一些中国品牌已经成功打入国际市场。在中国产生真正的创新型高科技企业,只是时间问题。“中国停止抄袭西方科技巨头才是我们担心的开始”,石英网)

Comment:

Having moved up the manufacturing value chain, from supplying basic parts, to high-tech components, to selling the final products to the public, Chinese brands are becoming increasingly known for innovating. With more and more Chinese entrepreneurs get engaged in innovation, as the world has seen, this is just a beginning.

点评:

制造业价值链,从提供基本配件到高科技组件,再到直接向公众销售终端产品,不断向制造业价值链高端移动的中国品牌正在创新能力上变得越来越广为人知。正如世界所看到的,随着越来越多的中国企业家投身于创新,这一切仅仅只是个开始。

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

Chinese patent portfolio goes overseas

中国企业“走出去”要更加注重专利布局

According to the latest data from the State Intellectual Property Office of China(SIPO), in the first half of the year, China received 11,243 patent applications through the Patent Cooperation Treaty (PCT), representing an increase of 20.5% from the year earlier. 10,283 applications are from domestic users, accounting for 91.5%, with an increase of 23.0%. Experts believe that the number of PCT application is closely related to the regional economic development. As the main innovators Chinese enterprises should pay more attention to PCT application portfolio while going overseas.

Data from SIPO shows that there were 10 provinces filing over 100 PCT applications in the first half of the year. Among them, Guangdong, Beijing Jiangsu Shanghai and Zhejiang ranked the top five, which totally accounting for over 80%.

As to the applicant ranking, Huawei, ZTE and BOE Technology Group were the most active ones. In addition to some of the Communication and Electronic Manufacturing Industry giants, in the top ten there are also technical enterprises with the internet background, such as Tencent fifth and Xiaomi ninth.

“Looking at the provincial ranking, PCT application is strongly related to the level of regional economic development.” Liu Haibo, researcher



from Science Policy and Management Research Institute of the Chinese Academy of Science said. “In general, where the innovation ability is stronger, the level of economic development is higher and the number of patent applications is larger. Patent application is naturally closely associated to regional economic development. The correlation appears more obviously in PCT international patent applications. Compared to domestic application, international application requires much more costs and energy input. Without real and effective needs, few companies are willing to file PCT applications.”

As to the tendency of PCT application relative concentrated, Liu Haibo said: “In fact, for the real effective patent application, there is always the polarization distribution of most of the application being concentrated in a small number of applicants, no matter it's in countries, regions or corporations.” Liu Haibo believed that “the Matthew Effect of PCT application exists not only domestically, but also internationally. For example, South Korea's Samsung Electronics is a PCT application giant and also a late-comer of intellectual property competitor, whose fast progress is really worth learning from.” Liu Haibo re-

minded that to thrive an enterprise by intellectual property, it starts from a real combat, to establish the fundamental consciousness that patents are the essential tool for modern business competition, and to understand PCT application from a perspective of the weapon is required by the competition. This may be the only way to win the initiative of “going overseas”.

(by Wang Yu/Liu Lei)

本报记者 王 宇
通讯员 刘 磊

据中国国家知识产权局最新统计数据,2014年上半年,中国共受理通过《专利合作条约》(PCT)途径提交的国际专利申请1.1243万件,较去年同期增长20.5%。其中,1.0283万件来自中国国内,占91.5%,同比增长23.0%。有关专家认为,PCT国际专利申请与区域经济发展水平密切相关。作为创新主体,中国企业在“走出去”的过程中,要更加注重PCT国际专利申请的布局。

数据显示,上半年,中国国家知识产权局受理的PCT国际专利申请超过100件的省(区、市)达到10个。其中,广东、北京、江苏、上海、浙江依次名列前五,这五省市的申请量占全国申请总量的八成以上。

在PCT国际专利申请排名方面,华为技术有限公司、中兴通讯股份有限公司和京东方科技集团有限公司位列前三。除了一些通信和电子制造业申请大户外,在去年的前十

位申请人中也不乏互联网背景的科技型企业身影,如腾讯科技(深圳)有限公司位列第五,小米科技有限责任公司排名第九。

“从各省市排名来看,PCT国际专利申请量与区域经济发展水平呈现出较强的相关性。”中国科学院科技政策与管理科学研究所研究员刘海波表示,“一般而言,创新能力强的地方,经济发展水平高、专利申请数量多。专利申请量自然和区域经济发展水平密切相关。这种关联性在PCT国际专利申请方面体现的更为充分。相对于国内申请,国际申请的成本更高、投入精力大,申请人没有真实有效的需求,鲜有勇气按下提交PCT国际专利申请的按钮。”

对于PCT国际专利申请相对集中的倾向,刘海波认为:“实际上,真实有效的专利申请,始终存在大多数申请集中在少数申请人的极化现象。申请人的国家分布是这样,区域分布是这样,企业分布也是这样。”刘海波表示,“PCT国际专利申请中的这种‘马太效应’不仅在国内存在,放眼国际市场亦是如此。如韩国三星电子,也是PCT国际专利申请的大户,同时也是知识产权强企的后来者。其进步之快,值得我国知识产权强企建设认真学习。”刘海波表示,知识产权强企就是从实战出发,首先要树立专利是现代商战的必备武器的根本意识,其次是从战争对武器的要求的角度来认识和理解PCT国际专利申请,这样才能赢得“走出去”的主动权。

Jaguar Land Rover won trademark dispute

“捷豹”赢得商标异议诉讼

Recently, Beijing No.1 Intermediate People's Court made a judgment about the administrative processing filed by Jaguar Land Rover Public Ltd. (Jaguar Land Rover) and revoked the registration of the trademark in question that was approved by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce of China.

The trademark in dispute is No. 6280133 JAGUAR, which was filed by Zhejiang Xiling Electric Co., Ltd. in September 2007 and certified to be used on Class 11 goods including beverage cooling equipment, freezers and refrigerators. Within the legal objection period, Jaguar Land Rover submitted the objection application, claiming that the trademark in dispute was the copy of its previously filed trademark No. 1352142 JAGUAR

and should not be approved for registration. After the objection was rejected, Jaguar Land Rover applied for review of the trademark objection.

In October 2013, TRAB made the decision that the two trademarks were certified to be used on different goods and there were obvious differences in terms of functions, consumers, sales channels, etc. without confusing the public. Therefore the trademark in dispute was approved for registration.

Jaguar Land Rover refused to accept the result and filed an administrative proceeding to the courts. The court held that the characters and image of the cited trademark had been respectively identified as China Famous Trademark in 2004 on Class 12 goods including motor vehicles and parts. Considering the existing evidence, the cited trademark had consti-

tuted the China Famous Trademark on automobile products. The trademark in dispute contained the completely same characters as the cited trademark and its targeted market overlapped with the cited trademarks. Coexisting of the two trademarks may mislead relative public to connect the trademark in dispute with Jaguar Land Rover, which may cause the situation of improper use of famous trademark. If the trademark in dispute had been registered, it would weaken the significance of the cited trademark. Thus, the court revoked the trademark in dispute.

(by Li Qian)

本报讯 日前,北京市第一中级人民法院就英国捷豹路虎有限公司(下称捷豹路虎公司)提出的商标异议复审行政诉讼请求作出一审判决,撤销了对被异议商标予以核准注册的复审裁定。

据了解,被异议商标为第6280133号“JAGUAR”商标,由浙江西冷电器有限公司于2007年9月申请注册,指定使用在第11类饮料冷却设备、冰柜、冰箱商品上。法定异议期内,捷豹路虎公司提出异议申请,认为被异议商标对其在先申请的注册的第1352142号“JAGUAR”商标的摹仿,不应予以核准注册。但申请并未得到支持。随后,捷豹路虎公司提起异议复审申请。

2013年10月,中国国家工商行政管理总局商标评审委员会(下称商标评审委)作出复审裁定,认为被异议商标指定使用的商品与引证商标核定使用的商品在功能用途、消费对象、销售渠道等方面相差甚远,相关公众一般不会在上述商品之间建立产源联系,两者共存市场不会造成混淆误认,据此裁定被异议商标予以核准注册。

捷豹路虎公司不服,向法院提起诉讼。法院经审理认为,引证商

标的文字和图案曾于2004年分别被认定为第12类汽车及汽车零部件商品上的驰名商标,结合在案证据,足以认定引证商标已构成汽车商品上的驰名商标。被异议商标与引证商标的文字部分完全相同,被异议商标指定使用商品的相关公众与引证商品核定使用商品的相关公众存在一定交叉,两商标若共存于市场,易使相关公众认为被异议商标的商品提供者与捷豹路虎公司在特定联系,从而构成不正当利用驰名商标市场声誉的情形。同时,由于“JAGUAR”作为英文单词的显著性较强,加之长期宣传使用,中国相关公众已将“JAGUAR”与捷豹路虎公司之间建立起对应关系,若被异议商标核准注册无疑将会削弱捷豹路虎公司所持有驰名商标的显著性。据此,法院一审认定被异议商标不应予以核准注册,判决撤销商标评审委作出的被诉裁定。

(李 茜)

IP Brief

Zhejiang

In the first half of the year, the invention patent applications and authorization respectively hit 21,800 and 5,997 in Zhejiang province. The percentage of invention patent application and authorization to the total amount reached a new record in the history.

浙江

今年前6个月,浙江全省发明专利申请量和授权量分别达到2.18万件和5997件,发明专利申请量和授权量占专利申请总量和授权总量的比重分别创新历史新高。

Sichuan

Recently, the city of Chengdu published the “Management of Chengdu Science Dissemination Base”. In the future, the public will get the access to closely feel the new innovative products and patents on low-carbon energy, environmental protection and modern agriculture, etc.

四川

近日,成都市出台了《成都市科普基地管理办法》。今后,成都市的社会公众将就近感受低碳节能、生态环保、现代农业等方面的专利产品。

Yunnan

Recently, China (Yunnan) IPR

Aid Centre set up workstations in Yunnan Province Software Development Research Centre (Kunming SME Service Centre) and Yunnan Returnees Pioneer Park Science and Technology Development Co., Ltd., which became the first workstations of its kind in the province.

云南

近日,中国(云南)知识产权维权援助中心工作站分别在云南省软件技术开发研究中心(昆明市中小企业服务中心)、云南海归创业园科技发展有限公司挂牌成立,成为首批中国(云南)知识产权维权援助中心工作站。

Guangxi

In the first half of the year,

the growth rate of invention patent authorization and the growth rate of invention patent ownership per 10,000 populations in Guangxi both ranked the second in China. Every 10,000 population in this region has 0.96 invention patent, which is 3.3 times of the number by the end of the 11th “Five-Year Plan”.

广西

2014年广西上半年发明专利授权量增长率和每万人口发明专利拥有量增长率居全国第二,每万人口发明专利拥有量达0.96件,是“十一五”期末的3.3倍。

Xinjiang

Recently, Xinjiang's first intellectual property aid workstations

was founded in the city of Karamay, signing that Xinjiang patent agents “going into the enterprise” action officially started.

新疆

近日,新疆首个知识产权帮扶工作站在克拉玛依市挂牌,标志着新疆专利代理人“入园进企”行动正式启动。

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