

China's IP  
in foreign eyes

In the coming decade, Chinese brands are going to become increasingly ubiquitous in the Western world. Brand building takes time - sometimes generations - but the pace is accelerating in China and other emerging markets. Ultimately, many emerging market brands will be so well known in the West that names like Huawei and Lenovo will be as familiar as Coca-Cola, Apple and Adidas. (China's Future In Brand Awareness, by Forbes)

在未来的十年中,中国品牌将在西方世界日益普及。品牌建设需要时间,有的甚至需要几代人的努力,但中国等新兴市场的发展步伐正在加快。华为和联想这样的中国名字将会变得和可口可乐、苹果、阿迪达斯等世界品牌一样众所周知。“品牌意识中的中国未来”,福布斯杂志

Comment:

Some westerners generally associate "Made in China" with cheap, poor-quality goods. They are surrounded by Chinese products but have not much awareness of Chinese brands. However, it's clear that China has started taking crucial steps to become a household name in the West. We believe that Chinese brands will become known to western family soon.

点评:

一些西方人往往将“中国制造”与廉价劣质产品联系起来。尽管中国产品比比皆是,却鲜有西方人能够深入认识和了解中国品牌。中国品牌在西方的知名度正在扩大。我们相信,中国品牌变得家喻户晓的一天不会太遥远。



China's fast-growing handset maker Xiaomi says it has sold more than 26m smartphones during the first half of the year, almost four times the 7m it sold in the same period a year ago. The increase in sales means Xiaomi devices outsold Samsung in China for the second time in April. It already outsells Apple in China, and two of its handsets are among the world's top 10 bestselling smartphones in April. (China's Xiaomi quadruples smartphone shipments in a year, by Reuters)

中国快速增长的手机制造商小米表示,其今年上半年的智能手机销量超过2600万台,几乎是上年同期700万台销售量的4倍。销量的增加意味着小米在中国市场上超过了苹果公司并第二次超过了三星。小米公司有两款手机已进入世界十大畅销智能手机之列。“中国小米智能手机销量一年内翻4倍”,路透社

Comment:

Chinese consumers are in favor of those mobiles which combine Hi-tech and convenience. Companies that provide these features are beginning to find significant success. Analysts suggest that Xiaomi has the potential to compete with both Apple and Samsung in China.

点评:

中国消费者越来越青睐能够将技术性和便利性结合得更好的手机,而能够提供这些功能和服务的公司正在取得成功。分析家认为,小米已具备在中国市场与苹果和三星较量的潜力。

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

China-US dialogue: Accumulate the common grounds while resolving differences to promote the IP Issues

中美对话:“聚同化异”推动知识产权磋商

Recently, the 6th China-US Strategic & Economic Dialogue closed in Beijing, both parties exchanged ideas frankly and achieved broad consensus on many topics including bilateral, regional and global issues. And the exchange and cooperation between both parties in many IP issues including business secret protection would be the highlight of the dialogue.

Liu Haibo, the researcher of the Institute of Science & Technology Policy and Management Science, Chinese Academy of Science, said, in 2013, labor-extensive products remained dominant in China's exporting to US, while intellectual-property-extensive products importing from US appeared to increase. For the trade of products, China's trade surplus to the United States declined, because intellectual-property-extensive products played the role of "pioneer". "Even for China's mobile communications products, the fastest increasingly exporting products to US, the core technology patents are controlled in advanced technology research and development enterprises such as Qualcomm. If we cannot upgrade the competitiveness of our own IP reliant products fast and significantly, we cannot realize the transformation from the trade giant to trade power."

During the dialogue, China and the U.S. both confirmed that, both parties disagreed to gain the commercial advantage through theft of trade secrets, and trade secrets protection and law enforcement are crucial to the maintaining of fair play and innova-



tion of economic development. Both parties would take penal code and other measures according to the law to prevent the theft of trade secrets, and the movement will be made known to the public.

According to the statistics, the US's lawsuit to China's enterprises on trade secrets infringement and business spy issues increases about 10%, far more rapidly than the patent infringement cases. Li Shunde, the Dean of Legal and Intellectual Property Department, University of Chinese Academy of Sciences, held that China's enterprises, especially Hi-technology enterprises, often confront the trade se-

crets dispute when going out recently, and this shows their competitiveness has gained the attention from the foreign rivals. "It appears to be the trade secret competition, actually, it's market competition." Li indicates, when going out, China's innovative enterprises cannot be careless in trade secret protection. The cooperation on administrative and judicial protection of intellectual property is the key point of China-US Strategic & Economic Dialogue. During this dialogue, both parties indicated, on the base of successful communication of IP Work Group in China-US Joint Commission on Commerce and Trade, China and the U.S.

will continue to promote the exchange on law enforcement, transparency and IP court between both IP related departments including judicial and administrative departments.

He Lianhong, the Executive President of Institute of Intellectual Property, Central South University, said, "Differences in history, culture, economic development and political views between China and the United States lead to the dispute on IP administrative and judicial protection. The U.S. pays attention to China's intellectual property policy, focusing on trade-related IP enforcement. But for China, strengthening the law enforcement is the method, while encouraging creation and promoting the utilization is the target."

(by Wang Yu/ Sun Di)

本报记者 王宇  
实习记者 孙迪

近日,第六轮中美战略与经济对话在北京闭幕。双方在双边、地区和全球层面众多议题达成了广泛共识。其中,商业秘密保护等多项知识产权议题尤为引人关注。

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,2013年,我国对美出口仍以劳动密集型产品为主,进口则出现了知识产权密集型产品上升的势头。就产品贸易而言,中国对美国的贸易顺差出现缩小的趋势,原因就在于知识产权密集型产品在其中发挥了“急先锋”的作用。“即便是我国对美出口增长最快的移动通信产品,其核心技术专利也大都掌握在高通等技术研发型企业手中。如果不能快速、大幅度地提升自主知识产权产品的竞争力,我国就难以

在短期内实现从贸易大国到贸易强国的转变。”刘海波说。

在此次对话中,中美双方确认,不赞成通过窃取商业秘密获得商业优势,商业秘密的保护和执法对维护公平竞争和促进创新经济发展至关重要。双方将依法采取刑事和其他手段制止窃取商业秘密的行为,并对采取的行动进行公开。

相关数据显示,目前,美国对中国企业的商业秘密侵权和经济间谍案件每年增加约10%,远远超过专利案件的增长速度。对此,中国科学院大学法律与知识产权系主任李顺德在接受本报记者采访时认为,近年来,中国企业,尤其是高科技企业在走出国门时不断遭遇商业秘密纠纷,这是企业的竞争力受到国外竞争对手重视的表现。“表面是商业秘密的竞争,实质上是市场的竞争。”李顺德表示,中国创新型“走出去”,在商业秘密保护方面不可掉以轻心。

知识产权行政司法保护领域的合作一直是中美战略与经济对话中的重点。在此次对话中,双方表示,基于中美两国先前在中美商贸联委会知识产权工作组以及双方相关部门间会议的成功交流,中美双方将继续促进双方知识产权相关部门,包括司法和行政部门之间就双方共同关心的执法、透明度和专门的知识产权法院等议题进行交流。

“中美两国在历史、文化、经济发展水平和政治主张等方面都存在差异,这也必然导致两国在知识产权行政司法保护领域存在分歧。”中南大学知识产权研究院执行院长何炼红向本报记者坦言,“美方对中国知识产权政策关注的重点在与贸易有关的知识产权的执法。但对中国而言,加强执法只是手段,激励创造和有效运用才是目的。”

Dongfeng challenges with Dongfeng Yueda Kia

东风 异议 东风悦达·起亚

In 2002, the joint venture, Dongfeng Yueda Kia Automobile Company was jointly established by Dongfeng Motor Company, Jiangsu Yueda Investment Company and South Korea Kia Motors Company. In 2008, Yueda Kia planed to file a trademark registration of 东风悦达·起亚, while was challenged by Dongfeng Motor. Recently, Beijing No.1 Intermediate People's Court rendered its first instance rule and requested the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce to revoke the registration of the trademark.

The trademark in question is No.6715913 东风悦达·起亚, which

was filed by Yueda Kia Company in May 2008 and certified to be used on Class 21 goods like car windows and daily glassware. The No.110702 trademark is 东风, certified to be used on Class 12 goods.

TRAB held that the evidence is not sufficient to prove 东风 trademark has become a famous one before the trademark in question filed for registration. In parallel, although the 东风悦达·起亚 trademark is similar with the trade name of Dongfeng Motor, no similarity is constituted. So TRAB approved the registration of 东风.

Dongfeng Motor held that the trademark in question is similar with 东风 trademark used in the same or similar goods, and it also injured the

trade name right, which should not be registered.

The court held that the trademark 东风悦达·起亚 contains the words of 东风, which could cause public confusion. So the trademark in question is similar with 东风. In parallel, the trademark in question constituted similar trademark with 东风 when used on car windows. So ordered.

(by Mao Ligu)

本报讯 2002年,由东风汽车公司、江苏悦达投资股份有限公司、韩国起亚汽车株式会社共同组建的中外合资轿车制造企业东风悦达起亚汽车有限公司(下称悦达起亚公司)正式成立。2008年,悦达起亚公司欲申请注册“东风悦达·起亚”商标,却遭遇股东东风汽车公司的异

议。日前,北京市第一中级人民法院作出一审判决,判令撤销国家工商行政管理总局商标评审委员会(下称商评委)核准被异议商标注册的复审裁定,并要求商评委重新作出裁定。

据了解,被异议商标为第6715913号“东风悦达·起亚”商标,由悦达起亚公司于2008年5月提出注册申请,指定使用在第21类车窗玻璃(半成品)、日用玻璃器皿等商品上。而引证商标为第110702号“东风”文字商标,核定使用商品为第12类的汽车商品。

商评委认为,在案证据不足以证明在被异议商标申请注册日之前,引证商标经过使用已构成驰名商标。被异议商标与东风公司商号相近,但未构成相同或基本相同的情形。据此,商评委裁定被异议商标予以核准

注册。

东风汽车公司表示,被异议商标与引证商标构成使用在相同或类似商品上的近似商标,同时侵犯了其在先商号权,不应被核准注册。

法院经审理认为,被异议商标“东风悦达·起亚”完整包含了引证商标“东风”,相关公众容易认为被异议商标与引证商标具有某种联系,故被异议商标与引证商标构成近似商标。被异议商标在“车窗玻璃(半成品)”商品上与引证商标构成使用在类似商品上的近似商标。

据此,法院作出上述一审判决。

(毛立国)



NUMBERS

95.05 million yuan

As of the end of June this year, the patent execution insurance has been carried out in 34 cities in the nation and the guarantee amount reached 95.05 million yuan.

9505 万元

截至今年6月底,专利执行保险已在全国34个地市实现业务落地,累计提供风险保障金额达9505万元。

5,000

As of June this year, there were above 1,100 SMEs filed cumulatively more than 5,000 patent applications in Tianjin.

5000 件

截至今年6月份,天津市已有1100余家中小企业实现专利申请零的突破,这些企业已累计提交专利申请超过5000件。

1.6 million

As of the end of 2013, Guang-

dong Province filed cumulatively 1.6 million patent applications. The number of valid invention patents totaled 95,474, ranking the top in the nation for consecutive four years.

160 万件

截至2013年底,广东省累计专利申请量已突破160万件大关;有效发明专利量为9.5474万件,连续4年领跑全国。

1.323 billion yuan

Five companies in Guizhou Province have secured a loan of 63 million

yuan by pledging their IPRs, during 2011 to 2013, Guizhou making the total to 46 loans of 1.323 billion yuan.

13.23 亿元

2011年至2013年,贵州省共实现专利权质押贷款46笔,累计贷款金额13.23亿元。最近又有5家企业利用专利权质押获得银行贷款共计6300万元。

1.96 million

From 2009 to 2013, Nanning Customs, Guangxi Zhuang Autonomous Region seized 750 patches of

1.96 million infringement goods, with a value of 41.18 million yuan.

196 万件

从2009年至2013年,广西南宁海关共查处并没收各类侵犯知识产权货物750批次,货物数量196万件,案值人民币4118万元。

英文翻译	柳 鹏
Translator	Liu Peng
编 辑	丁 涛
Editor	Ding Tao