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China's IP in foreign eyes



ll over China, a growing number of small and medium enterprises, experimenting in entrepreneurship sponsored by the government, are blazing a uniquely Chinese growth path. Not content with the management systems espoused by western business schools, they are determined to blend the latest thinking with traditional Chinese values to not only catch up with, but race ahead of western multinationals. (Three ways ordinary Chinese companies are driving innovation, by Forbes)

中国越来越多的中小型企业在 政府的帮助下,走出了一条独具中 国特色的成长之路。不满足于西方 商学院所信奉的管理系统, 他们决 心融会贯通最新的思想与中国传统 价值观,其下决心不仅要赶上,还要 超越西方的跨国公司。("普通中国 企业创新的3条路",福布斯杂志)

Comment:

By gaining an initial foothold in a market, developing a uniquely Chinese management system, small and medium-sized companies are driving innovation in China, although it might take years before it can truly become a knowledge-driven economy.

也许还需要再等待数年时间, 中国才能真正向知识驱动型经济转 变, 但中国的中小型企业已经初步 站稳脚跟,以独特的中国式管理体 制等方式,推动着中国的创新。



66 Transformation of China's innovation system has been successful." said German economist Philipp Boing at an economic forum lately, "China is trying hard to become a key technological player and this ambition is about to be realized." At two percent of GDP, China already invests more in research and development than the EU average, according to Boing. (The Chinese copycat turns innovator, by Deutsche Welle)

"中国创新体系的转型已经取 得成功,"德国经济学家菲利普·波 音在近日举办的一场经济论坛上表 示,"中国正努力成为一个关键的技 术主力,这种决心也即将成为现 实。"根据波音透露,中国的研发投 入达到本国 GDP 的 2%,已经高于 欧盟的平均水平。("中国:从山寨到 创新",德国之音)

Comment:

For years China has served as the workshop of the world. However, relying on independent innovation, Chinese creation is on the rise. Now China is set to become the main driver of innovation.

多年来,中国一直担任着世界 工厂的角色,但依靠自主创新,"中 国创造"正在崛起。如今,中国正在 成为世界创新新的主要动力源。

(by Correspondent Wang Weiwei from Canada)

(本报通讯员汪玮玮发自加拿大)

WIPO Chinese agency opened in Beijing 世界知识产权组织中国办事处在京启用

ceremony of the World Intellectual Property Organization (WIPO) Chinese agency was held in Beijing, which is the 5th of its kind to be opened worldwide after offices in Brazil, Japan, the United States and Singapore. Dr. Francis Gurry, Director General of WIPO, Wang Anshun, Mayor of Beijing and Shen Changyu, the Commissioner of the State Intellectual Property Office of China (SIPO) attended the opening ceremony and gave speeches. Zhang Mao, the Commissioner of the State Administration for Industry and Commerce of China, Wang Chao, Deputy Foreign Minister of China and Yan Xiaohong, Vice Commissioner of National Copyright Administration of China also attended the opening ceremony.

Francis Gurry spoke highly of the opening of WIPO China Office. In his speech, he expected that the office would play an important role in enhancing WIPO's cooperation with China. Gurry highly praised China's achievement of intellectual property since it joined WIPO in 1980, and expressed gratitude to the Ministry of Foreign Affairs of China, SIPO, the State Administration for Industry and Commerce of China, National Copyright Administration of China and Beijing Government.

Shen Changyu gave an overview of China's achievement of intellectual property since the reform and opening to outside, especially since the Outline of the National Intellectual Property Strategy implemented in 2008. In Shen's introduction, China has been a large intellectual property country based on the patent and trademark quanti-



ty, and China joined in 19 international treaties under WIPO and has a series of cooperation with WIPO. Shen regarded the Office as a new connection and a communication flatform between China and WIPO, and a great way for Chinese enterprises and innovators participating in international cooperation and communication.

Wang Anshun said that the Office would be a helping hand to push the developing of China and Beijing's intellectual property community. As the center of national technological innovation, Beijing should increase the power of innovation and accelerate the development of intellectual property to build an advanced economic structure. In a bid to facilitate economic development and construction of innovative country, Beijing will make concrete efforts to fully implement the IP strategy and improve the creation, utilization, protection and management of IPR.

He Zhimin, the Vice Commissioner of SIPO, Dai Junliang, Vice Mayor of Beijing and Wang Binying, Deputy Director General of WIPO attended the opening ceremony as

(by Xiang Li/Liu Peng) 本报讯 7月10日,世界知识 产权组织(WIPO)中国办事处在北 京举行揭幕暨启用仪式。这是继美 国、日本、新加坡、巴西之后,世界知 识产权组织设立的第5个驻外办事 处。世界知识产权组织总干事弗朗西 斯·高锐、北京市市长王安顺、中国国 家知识产权局局长申长雨出席揭幕 仪式并致辞,还与中国国家工商行政 管理总局局长张茅、中国外交部副部 长王超、中国国家版权局副局长阎晓 宏共同为世界知识产权组织中国办

事处启用揭幕。 高锐在致辞中表示,世界知识产 权组织中国办事处的设立,将进一步 加深中国各相关知识产权部门与世 界知识产权组织业已深厚的合作关 系。自从1980年中国加入世界知识 产权组织以来,短短30多年间,中国 在知识产权事业发展方面取得了令 人瞩目的成绩。同时,他还对中国外 交部、中国国家知识产权局、中国国 家工商行政管理总局、中国国家版权 局、北京市政府给予的大力支持表示 感谢,他期待中国各相关知识产权部 门与世界知识产权组织的合作更上

申长雨表示,改革开放30多年 来,特别是 2008 年《国家知识产权战 略纲要》颁布实施以来,中国的知识 产权事业取得了举世公认的巨大成 就。从专利、商标等知识产权数量上 讲,中国已经成为知识产权大国。中 国知识产权相关部门与世界知识产 权组织始终保持着密切合作,参加了 其管辖的19个国际条约,双方在知 识产权保护和战略性运用、人员培训 与交流、知识产权研究等方面的合作 取得了丰硕成果。他表示,世界知识 产权组织中国办事处的设立,为中国 与世界知识产权组织之间合作交流 提供了一个新的纽带和重要平台。同 时,也将为中国企业和创新者提供知 识产权国际服务,帮助中国更好地参 与知识产权国际合作与交流。

王安顺表示,世界知识产权组织 中国办事处的设立对加深中国与世 界知识产权组织的合作,推动中国知 识产权事业的发展,提升北京市的知 识产权工作水平,都具有重要的意 义。北京是全国科技创新的中心,做 强做大创新事业,构建高精尖的经济 结构, 也必须增强自主创新的能力, 加快发展知识产权事业。北京将深入 实施知识产权战略,着力推进知识产 权的创造和运用,加强保护和管理, 更好地服务知识经济的发展,服务经 济增效升级,服务创新型国家建设。

中国国家知识产权局副局长何 志敏、北京市副市长戴均良、世界知 识产权组织副总干事王彬颖等出席 (向利 柳鹏) 揭幕仪式。

图为阎晓宏、申长雨、张茅、高 锐、王安顺、王超(从左至右)共同为 世界知识产权组织中国办事处启用

本报记者 张子弘 摄 Yan Xiaohong, Shen Changyu, Zhang Mao, Francis Gurry, Wang Anshun and Wang Chao (from left to right) unveiled the artwork together for the opening of the

WIPO Chinese agency. (Photo by Zhang Zihong)

Simon wins trademark dispute VS. Smodavi 西蒙电气阻击西蒙大卫

s a worldwide famous manufacturer of electric appliances and related systems, Simon Holding S. L. set up Simon electric (China) co., Ltd (hereinafter referred to as Simon) in 2008. A trademark of "Smondavi and image" from Wenzhou Smondavi electric co., Ltd (hereinafter referred to as Smondavi) causes a controversy of Simon. Recently, Beijing No.1 Intermediate People's Court made a decision of revoking the trademark above.

"Smondavi and image" was applied for registration in 2009 by Smondavi, and was approved in 2010, certified on commodities of Class 9, electric switches, sockets, electric bells and lighting ballasts.

The two reference trademarks

of Simon are both about its core products. One is No. 1522093 "simtone", registered in February, 2001, certified on commodities of Class 9, distribution consoles, sockets, transformers, brake chambers (electric) and visual telephones; the other is No. 4241088 "smitone", registered in January, 2007, certified on commodities of Class 9, cables, electrical switches, high and low voltage switch boards and control boards (electric).

The Trademark Review and Adjudication Board (TRAB) under the state administration for industry and commerce approved the objection of "Smondavi and image" and dismissed it.

Smondavi appealed to Beijing

No.1 Intermediate People's Court, asking for overruling the decision of TRAB. The Court held that, "Smondavi and image" looked similar to the two reference trademarks in design, and were used on the same or similar kinds of commodities, would lead to customers' confusion. According to this, the court affirmed the decision of TRAB.

(by Zhang Xiyu) 本报讯 温州西蒙大卫电器有 限公司(下称西蒙大卫)申请注册的 一件"Smondavi 及图"商标,引发了 西蒙电气(中国)有限公司(下称西蒙 (中国)公司)的争议。该案日前已进 入司法程序,北京市第一中级人民法 院一审判决维持了对上述商标予以 撤销的裁定。

据了解,作为国际知名的电器及

相关系统生产商西班牙西蒙电气,其 于 2008 年在中国成立西蒙(中国)公 司。温州西蒙大卫公司的"Smondavi 及图"商标(下称争议商标)是该公司 于 2009 年提出注册申请,2010 年该 商标获核准注册,使用在电开关、插 座、电门铃、照明设备用镇流器等第 9类商品上。

西蒙(中国)公司在该案中引证 的两件商标均与其核心产品有关。引 证商标一系第 1522093 号"simtone" 商标,于 2001年 2月被核准注册,核 定使用于配电控制台、插座、变压器、 闸盒(电)、可视电话等第9类商品。 引证商标二为第 4241088 号英文商 标 "smitone",2007年1月被核准注 册,核定使用商品包括电缆、电开关、 高低压开关板、控制板(电)等。

在西蒙(中国)公司针对争议商 标提起争议申请后,中国国家工商行



政管理总局商标评审委员会(下称商 评委)就争议商标作出争议裁定,对 争议商标予以撤销。

西蒙大卫不服商评委裁定,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,争议商标与两 引证商标文字组成、整体外观等方面 相似,使用在相同、或者类似、或关联 紧密的商品上容易使相关公众混淆。 据此, 法院一审维持了商评委裁定。



INUMBERS

According to the data provided by Chinese Anti-Counterfeiting Infringement Meeting, from January to April this year, the National administrative executives in the whole country have investigated and dealt with over 40,000 cases of counterfeiting infringement in total. The public security organs nationwide have uncovered more than 3,700 counterfeiting infringement cases, capturing about 6,000 suspects.

4万

据中国打击侵权假冒工作会议数 据,今年1月至4月,中国行政执法机 关共查处侵权假冒违法案件4万余件; 公安机关破获假冒侵权案件 3700 多 件,抓获犯罪嫌疑人近6000人。

16,227

In 2013, the patent administrative system all over China has dealt with 16,227 cases in total, demonstrating a 79.8% year on year increase, including 5,056 patent dispute cases with year on year increase of 101.4%. In the meantime, the growth rate of newly acfirst instance trial at the magistrate's courts has dropped from 45.99% to 1.33% in 2013.

cepted intellectual property cases of

1.6227 万

2013年,全国专利管理系统执 法办案总量达 1.6227 万件, 同比增 长 79.8%, 其中包括专利纠纷案 5056件,同比增长101.4%。与此同 时,2013年,全国地方法院新收知识 产权民事一审案件增幅由上年的 45.99%下降至 1.33%。

By the end of 2013, over 1600 products has been approved as the China Certificate of Origin Geographical Indication Products.

截至 2013 年底,正式获批受到 保护的中国原产地地理标志产品共 有 1600 余个。

Recently, the 2013 Annual Report of Public Satisfaction Concerning Chinese Patent examination Quality has been released. The report indicates that the index of public satisfaction concerning Chinese patent examination has increased over years. The satisfaction

index in 2013 reaches 81.8, superior than 81.6 in 2012.

81.8

近日,2013年度中国专利审查 质量社会公众满意度调查报告出炉。 报告显示, 自 2008年至 2013年,中 国专利审查质量社会公众满意指数 逐年上升,2013年达到81.8,优于 2012年度的81.6。

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