

CHINA REPORT INTELLECTUAL PROPERTY

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China's IP in foreign eyes

he UK's aerospace industry must be more innovative to protect itself from increasing competition from China, according to the president of the Royal Academy of Engineering. "From China, there is no question that we will be facing huge competition so we have to be ahead with our innovations and technological advances." he said at the Innovation in Aerospace conference. (UK aerospace must innovate to fend off China, by the Tele-

英国皇家工程学院院长认为, 英国航空航天业必须加强创新,以 应对来自中国的日趋激烈的竞争。 他在一次航天创新会议上表示:"毫 无疑问的是, 我们将面临来自中国 的激烈的竞争, 因此我们必须保持 创新和技术进步。"("英国航空必须 创新以抵御中国竞争",每日电讯

Comment:

Innovation is the key to competition, particularly with an increasing number of businesses in Asia entering the market and looking forward to take business from the existing developed e conomies. In a bid to protect their market status, the developed countries should not underestimate China's innovation ability.

越来越多的亚洲企业正在 进入市场并试图在市场竞争中 占据一席之地。对每一个想要 保护其市场地位的发达国家而 言,中国的创新实力都不容小



uawei is one of a number of homegrown Chitechnology companies that are rapidly outgrowing their home market and are now seeking or already achieving dominance in the rest of the world. These are the companies set to become the biggest business brands of the future. (The Chinese technology companies poised to dominate the world, by the Guardian)

作为中国本土高科技公司之 一, 华为正在迅速完成对国内市场 的主导,并正在全球寻求更多话语 权。在中国,像华为这样有望成为未 来最大商业品牌的公司并不在少 数。("中国的科技公司有望主宰世 界",卫报)

Comment

Huawei is just one of many Chinese firms seeking to expand its presence around the world. From PCs to smartphones, from Lenovo and Xiaomi to Tencent, Baidu and Alibaba, Chinese firms are outgrowing their home market and making their mark internationally, with large ambi-

点评:

华为只是众多走出去的中国企 业之一。从个人电脑到智能手机,从 联想、小米到腾讯、百度和阿里巴 巴,中国企业怀抱远大的理想,在国 内市场已获得胜利的同时, 正奋力 征战国际市场。

(by Correspondent Wang Weiwei from Canada)

(本报通讯员汪玮玮发自加拿大)

Foxconn sells communication patents to Google 富士康为何能向谷歌转让专利?

gadgets for companies such as Apple, said it has sold a number of its communication technology patents to Google for an undisclosed sum.

Taiwan-based company Foxconn, officially known as Hon Hai Precision Industry Co., made a name for itself in contracts manu facturing by making Apple's iPhones. But few know the electronics manufacturer has been developing new technologies and has a sizable patent portfolio. "In the highly competitive technology industry, IPR has covered each part of the value chain, including R&D, manufacturing, marketing, investment, merger and acquisition, etc. To win out, traditional manufacturing industries should achieve industrial upgrading by all means, such as attaching great importance to R&D and marketing." Said Yuan Zhenfu, professor from IPR college under Shanghai University.

Transfer from fabrication to cre-

Foxconn has sold some head-mounted display technology patents to Google for an unspecified amount last year. In a statement, Foxconn said it has applied for 128,400 patents and obtained more than 64,300 patents world-wide as of the end of the first quarter of 2014. In 2010, it has filed 1,438 patent applications in USA, making itself the 13th world-wide. In 2013, the rank went up to the 8th.

"Right now, it is the patent that helped Foxconn gain the name



of patent seller than a mere OEM manufacturer. Honestly, to be a qualified contractor, a company should not only respect its business partner's IPR, but also, be more innovative to provide better processing technique and outstanding quality. Patents and business secrets should be its strength to be a qualified contractor." said Professor

Focus on both manufacture and innovation

According to the inside watcher, selling patents to Google is part of Foxconn's plan to pursue its

transformation. But, they should notice that the profit is limited now and IPR is the key to pursue industrial upgrading.

According to Yuan, in the age of the information economy, as an effort to improve and strengthen enterprises' core competence, they should attach great importance to R&D or innovation. Yuan thinks that the both ends of Smiling Curve in the value chain, R&D and marketing are making the most profits and potential value, while the middle part of the chain, fabrication is making the least. As a result, traditional industries should

transfer from fabrication to innovation and invest more on R&D and marketing.

For many years, Foxconn has developed itself as a giant manufacturer. Now, it's said that it would continue to invest in technology research and development, transform such investments into valuable IP assets. Yuan says that Foxconn will serve as a template for other traditional companies pursuing industrial (by Ding Tao) upgrading.

本报记者 丁涛

受让方是成名已久的科技巨头, 转让方却是以提供电子产品代工业务 而著称的企业,这看上去有些让人意 外的事却真实发生了。据华尔街日报 报道,前不久,富士康向谷歌转让大量 通信技术专利,引起了业界关注。

富士康的专利为何赢得谷歌的 青睐?在上海大学知识产权学院副院 长袁真富看来,富士康虽然以代工著 称,但其历来重视自主研发,注重知 识产权。在知识产权已经全面渗透到 企业研发、生产、销售,乃至投资、并 购等业务环节的背景下,传统制造业 必须逐步向研发和营销这两个高附 加值的领域延伸和拓展,才能实现产 业升级的自我突破。

摒弃有"制造"无"创造"

事实上,这并不是富士康第一次 对谷歌转让专利。2013年,可穿戴设 备在全球掀起热潮。出于巩固可穿戴 设备市场领先地位的需求,2013年 9月,谷歌从富士康购买了1件与头 戴式显示设备有关的专利,富士康的 知识产权实力可见一斑。

据了解,2010年,富士康全年在 美提交 1438 件核心技术专利申请, 名列全球第13位;2013年,富士康 的排名再度提升,名列第8位。截至 2014年第一季度,富士康在全球累 积提交 12.84 万件专利申请,获权的 数量超过 6.43 万件。

"正因为有了这样的积累,当富 士康将其部分专利转让给谷歌时,业 内并没有感到意外。"袁真富表示,面 对激烈的市场竞争,即便是代工企 业,知识产权也至关重要。代工企业 必须具有尊重委托厂商知识产权的 意识和文化,才能增强委托厂商将其 核心产品委托代工的信心;要想为委 托厂商提供更好的生产工艺和质量 水准,就必须持续创新,并以专利和 技术秘密等知识产权强化自己的代 工优势。

改变只"制造"不"智造"

富士康对科技巨头转让专利,也 引发业内对富士康正在谋求转型,希 望摘掉简单代工帽子的猜测。在利润 空间越来越小的大背景下,传统制造 业如何依靠知识产权实现产业升级 的自我突破,成为摆在富士康面前的 一道难题。

对此,袁真富认为:"在经济时 代,企业核心竞争力的打造和强化, 越来越依赖于研发和创新。"他表示, 从"微笑曲线"来看,研发与营销两端 的利润最高,制造端的利润最低,因 此,传统制造业必须改变有"制造"无 "创造",只"制造"不"智造"的格局, 逐步向研发和营销这两个高附加值 的领域延伸和拓展。传统制造业需要 依靠创新和知识产权,来增加自己的 竞争优势。

历经多年发展,富士康已累积了 大量具备竞争优势的核心和关键技 术。袁真富坦言,富士康作为代工巨 头,能够打破常规,突破传统,向互联 网的巨擘谷歌公司转让专利,本身就 是一个标志性的事件。"相信此次事 件会触动传统制造业,尤其是代工行 业的神经,有助于中国制造业的转型 发展。'

Hero Dojo's four stripes doesn't infring Adidas's three stripes "四条杠"不侵犯"三条杠"商标权

didas alleged Sanya Hero Dojo's four-stripe logo infringing its registered trademark, the three-stripe. By inspection, the court held that the four-stripe logo didn't infring Adidas, then Adidas dropped the case. Adidas claims that the

four-stripe logo used on the sport shoes by Sanya Hero Dojo was suspected of infringing its registered trademark, the three-stripe logo. Adidas then brought the case to the Sanya Intermediate People's Court for ceasing infringement and seeking 50,000 Yuan in damages.

The court held that the logo Sanya Dojo used on their shoes products was different from Adidas's three stripes. Besides, Sanya Dojo has printed Chinese character "道" and the Taiji figure on their products for taekwondo students. The public would not get confused by the logo. No similarity is constituted.

Adidas then withdraw the case.

(by Mao Liguo) 本报讯 近日,中国海南省三亚 英雄道场因在运动鞋上使用"四条 杠"标识,被德国阿迪达斯公司以商 标侵权为由诉至三亚市中级人民法 院。经调查,法院认定三亚英雄道场 不构成商标侵权。该案最终以阿迪达 斯公司主动撤诉而结束。

在案件中, 阿迪达斯公司称,其 于 2010 年发现三亚英雄道场销售的 带有"四条杠"标识的运动鞋,与其 "三条杠"商标在视觉上差别较小,极 易造成相关公众的混淆误认,遂以三 亚英雄道场构成商标侵权为由,请求 三亚市中级人民法院判令三亚英雄 道场停止侵权行为并赔偿其经济损

三亚市中级人民法院经审理后 认为,三亚英雄道场的运动鞋上使用 的"四条杠"标识,除斜杠数量比"三 条杠"图形商标的标识多一杠外,其 舌部醒目地标注有汉字"道"、鞋后跟 标有太极标志,该鞋系跆拳道学员运 动用鞋,三亚英雄道场作为跆拳道馆 应属合理使用。而阿迪达斯公司的

"三条杠"图形商标与三亚英雄道场 运动鞋上的"四条杠"标识,无论是从 整体还是主要部分进行对比,都不足 以造成混淆误认。

经过法院的释明,阿迪达斯公司 鉴于其请求依法不能成立,向法院申 请撤回该案诉讼。日前,三亚市中级 人民法院经审查后裁定予以准许。 (毛立国)





014 marked the 12th year for Zhang Liya, a senior researcher from Shanghai Botanical Garden, devoting to plant varieties protection and researching. To Zhang, this is his Chinese dream.

In 2002, Zhang was admitted to Beijing Forestry University majoring in plant varieties studying. Five years later, she joined in Shanghai Botanical Garden, the largest municipal botanic garden in China. "Working with the pioneers in the field of camellias innovation, such as the renowned Zhuang Maochang, Huang Delin, Xu Lindi, leading me into a vast ocean of knowledge." recalls Zhang.

Together with his colleagues, Zhang has established an innovation system for camellias varieties resources. Several new varieties of camellias plants have been applied and granted for country's new vari-

ety rights.

As of now, Shanghai Botanical Garden has filed a total of 7 new varieties of camellias plants for China's new variety rights, with 5 granted. In 2013, they filed China's first patent application in USA in the field of camellias plants researching. It is worth mentioning that the garden has conducted practice of industrializing the 5 granted varieties with enterprises. Up to now, 5 million plants have been cultivated; 100 million Yuan worth of economic benefit is expected to be yield.

Zhang Liya attributed these achievements to his hard-working colleagues and government support. According to the State Forestry Administration, Shanghai Botanical Garden was listed as one of Chinese forest IPR pilot units. To Zhang, his plant dream is coming (by Wang Yu)

本报记者 王 宇

"怀胎十月,就可以看到自己的 宝贝。可是,育种十年,或许才能培育 出理想的茶花新品种。"从事园林植 物种质资源保存与创新 10 余年来, 张亚利与土地为伴,与花草相依,感 知着植物的美丽与神奇。在这位充满 激情的植物工作者心中,怀揣着一个 美丽的"中国梦"

2002年,张亚利考入北京林业大 学园林学院,从此正式踏入了梦想之 门。2007年进入上海植物园工作后, 从发展初期的老前辈庄茂长、黄德 邻、徐林娣,到现今的老师傅费建国,

他们为茶花种质创新倾注的心血,让 张亚利真正寻找到了梦想的支点。

近5年的时间里, 张亚利和同事 们在前辈们奋斗的基础上,构建起了 束花茶花种质资源创新体系,"小粉玉" "玫瑰春""俏佳人"等一系列创新成果 相继获得植物新品种授权,一举奠定 了其在茶花研究领域的特色与地位。

截至目前,上海植物园已向中国 国家林业局提交7件山茶属植物新 品种保护申请,授权5件。2013年, 该园还提交了1件美国专利申请,这 在束花茶花研究领域还是首次。上海 植物园也通过与企业合作对5个授 权新品种进行产业化生产,已繁殖苗 木 500 万余株,预期将产生直接经济 效益1亿元。

"我感觉自己就像一根线,而前辈 和同事们都是线上的珍珠, 把大家的 创新成果串在一起之后, 才有了我们 今天看到的美丽绽放。随着全国第三



批林业知识产权试点单位在上海植物 园落户, 我们要让植物新品种真正成 为创新力、生产力及竞争力,为'美丽中 国'奉献更多的观赏植物资源。"张亚利 的梦想之路,从未如此清晰。

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梦想像花儿一样绽放