

2014年5月28日May 28, 2014

星期三出版 Published on Wednesday

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英文审校:崔卫国English Reviser: Cui Weiguo

China's IP in foreign eyes

ceptics have scoffed that most of Chinese patents are "utility model" patents short-term ones granted for relatively trivial ideas, as opposed to proper "invention" patents - and that few Chinese inventors have won patents in countries where standards are higher. Not quite, argues the UN's World Intellectual Property Organization (WIPO). A new study scrutinizes Chinese patents and concludes that a small but rapidly growing proportion are up to world standards. (Chinese patents: Ever more inventive, by The Economist)

怀疑论者曾对大多数的中国专 利是期限较短的"实用新型"而非"发 明"专利持有异议,且认为鲜有中国 发明人在标准更高的国家获得专利。 然而, 联合国世界知识产权组织 (WIPO)对此种说法予以了否定。一 项新的研究审视了中国专利并得出 结论:一小部分中国专利正在达到世 界标准,而且这个比例增长迅速。("中 国专利:更具创造性",经济学人)

Comment:

Now it has been proved that no matter it's "utility model" or "invention", these patents are solid, not a sham. After many years' hard working, China's patent undergoing is on a path of large quantity and high quality.

如今事实已证明,无论是实用新 型专利还是发明专利,中国的专利并 非虚张声势, 而是实实在在的创新。 经过多年的积累,中国的专利事业正 走在量大、质优的高速路上。



hina's purchase of a controlling stake in Israel's largest food maker reflects a broader surge in Chinese investment in an economy largely tethered to Western markets.

While China has become the manufacturing centre of the world, it has not made such progress in innovation and technology. The deal gives China access to Israel's high tech expertise, cachet among consumers. (Israel welcomes tech-hungry Chinese investors, by Reuters)

中国购买以色列最大食品制造 商的控股权,反映了中国对与西方 市场紧密相连的经济体投资的增 长。中国已成为世界制造中心,但在 科技创新上还未达到同等的水平。 这笔交易将使中国获得以色列的技 术并重塑其消费者美誉度。("以色 列欢迎渴望高科技的中国投资者", 路透社)

Comment:

China was the second last year after the United States in terms of joint projects between Israel and foreign countries and in 2014 it's believed to become the number one. By offering a large market and source of fund, China gets the high tech expertise in return, which is strengthening the base of long term development.

点评:

在去年以色列与外国的项目合 作中,中国成为仅次于美国的第二 大合作国,并有望在2014年跃居第 一。通过提供广阔的市场和资金,中 国获得高科技的回报, 众多高新技 术的积累,将不断牢固其长远发展 的根基。

(by Correspondent Wang Weiwei

from Canada) (本报通讯员汪玮玮发自加拿大)

Francis Gurry: Facing new challenge for IP

高锐:面对知识产权新的挑战

t the 53rd series meeting of the World Intellectual Property Organization (WIPO), Francis Gurry was reappointed for a second six-vear term as Director General of WIPO. The second term will run from October 1, 2014, through September 30, 2020.

How to meet the increasing demand for patent service and how to deal with the growing counterfeiting as well as piracy? Since his first term, Mr. Gurry and WIPO have faced both constant opportunity and challenge. In his last term, Mr. Gurry has led all member staffs in WIPO to make contributions to innovation as well as the development of knowledge-based economy. What is worthy to mention is that the cooperation between WIPO and China is much closer during the process and Mr. Gurry has become China's "old pal". Mr. Gurry was born in 1951.

He is an Australian national who has a good command of both English and French. He was qualified as a lawyer when he was studying for his master degree in University of Melbourne. After got his doctor degree, he served as a lawyer, a lecturer, and visiting professor, ect. In 1985, he started to work in WIPO and took various positions in WIPO hence, including Legal Counsel, Assistant Director General and Deputy Director General, ect.

Since his first term, Mr. Gurry have faced urgent challenge for IP in today's rapidly changing environment. To equip WIPO to meet these evolving challenges, Mr. Gurry has led a comprehensive program of organizational adjustment, realigning WIPO's programs, re-

sources and structures with re-defined strategic goals which were adopted in 2009. The nine strategic goals, which include the balanced evolution of the international normative framework, reflect WIPO's determination of transformation.

Under Gurry's leadership, WIPO, as a special IP department of the United Nations, has been dedicating to the improvement as well as development of the global IP system, and made significant achievements. The successful conclusion of Beijing Treaty on Audiovisual Performances and Marrakesh Treaties are two of them. Moreover, the patent applications under the Patent Cooperation Treaty (PCT) as well as the international trademark filings under WIPO's Madrid System for the International Registration

of Trademark frequently set a new record, and the applications under the Hague System for the International Registration of Industrial Designs also increase year by year.

With the development of China's IP community, Mr. Gurry's visit to China becomes much more often. During his tours, Mr. Gurry speaks highly of China's IP community. Meanwhile, China becomes more and more familiar with the tall director-general.

In April, 2009, China's former premier Wen Jiabao met Mr. Gurry in Beijing. During the meeting, Mr. Gurry expressed high appreciation of China's achievements in



strengthening IP protection and implementing IP strategy, wishing both WIPO and China could make contributions to the development of global IP protection together.

Just like the situation during his last term, Mr. Gurry and WIPO also face the fundamental challenge of achieving a shared understanding of the contribution and value of IP to economic, social and cultural development. As what he said in his speech, "the politics of IP are, in my view, becoming more, rather than less, challenging. I hope that I shall be able to count on the support and charitable disposition of both the Member States and the

staffs. I very much look forward to working with you

(by Cui Jingsi) 本报实习记者 崔静思

在前不久召开的世界知 识产权组织(WIPO)成员国 大会第53次系列会议上,弗 朗西斯・高锐被任命为 WIPO 新一任总干事, 任期 自 2014 年 10 月 1 日 至 2020年9月30日, 为期 6年。在新一任总干事的任期 里,高锐和 WIPO 将继续致 力于全球知识产权事业的发

怎样才能满足全世界不 断增长的专利服务需求?如 何处理日益严重的假冒和盗 版行为?实际上,在始自 2008年的第一个6年任期以 来,高锐和 WIPO 始终面临 着不断而来的机遇和挑战。 6年来,高锐带领 WIPO 致 力于让所有成员国积极为创 新与知识经济发展做出贡 献。值得一提的是,在这一过 程中,WIPO与中国的合作日益密 切,而高锐也成为了中国知识产权工

作者的"老朋友"。 能熟练使用英语和法语的澳大利 亚人高锐生于1951年,在墨尔本大学 攻读硕士学位期间,他就取得了澳大利 亚的法律执业资格。他博士毕业后历 经律师、讲师、客座教授等工作。自 1985年始,高锐进入了 WIPO 工作, 并先后任职法律顾问、助理总干事和副 总干事等多个职位。

上任总干事伊始,面对知识产权 工作在 21 世纪全新发展形势下如何 发展问题,高锐对 WIPO 的发展方 向和工作模式进行了全面的战略调 整。2009年,WIPO 通过了经全面战 略调整后的9项战略目标,其中以兼 顾各方利益的方式发展国际规范性

框架等目标均体现出了 WIPO 进一 步调整的决心。

随后的工作中,在高锐的卓越领 导下,WIPO 作为联合国知识产权专 门机构,始终致力于推动全球知识产 权体系的完善与发展,取得了令人瞩 目的成绩。其中,《视听表演北京条 约》和《马拉喀什条约》的成功缔结可 以说是 WIPO 近年来取得的一系列 成绩的集中体现。与此同时,多年来, 全球通过《专利合作条约》(PCT)途 径提交的国际专利申请量屡创新高, 商标国际注册马德里体系下提交的 国际商标注册量不断翻新,国际外观 设计注册海牙体系的申请量也逐年

伴随着近年来中国知识产权事 业的发展,高锐访问中国的行程也愈 发密集起来。在一次次的接触中,高 锐对中国的知识产权工作赞赏有加, 而中国也越发熟悉了这个高个子的

2009年4月,时任中国国务院 总理的温家宝在京会见了高锐。对于 中国政府不断加强知识产权保护工 作、实施知识产权战略的做法,高锐 给予了高度评价,并表示 WIPO 愿 与中国一道为推动全球知识产权保 护做出贡献。去年11月,中国国务委 员王勇在会见高锐时对 WIPO 给予 中国知识产权事业发展的支持和帮 助表示感谢,高锐又一次高度评价了 中国在知识产权领域取得的成绩,表 示愿与中国加强合作,共同推动世界

知识产权体系的发展。 如同上一次任期中面临的挑战-样,站在新的起点上,高锐和 WIPO 也 将面对着要在知识产权对经济、社会和 文化发展的贡献与价值上取得共识的 根本挑战。就像高锐在任命时的发言 中所说:"在我看来,知识产权变得更具 挑战性,而非有所缓解。我希望能够依 靠你们的支持和善意,不论是来自成员 国,还是来自工作人员,我期待与你们 每个人共同工作。"

Keihin awarded 4.84 million yuan for car condenser pater 一起汽车冷凝器专利侵权案一审有果 n a first instance decision renviolated their patent. They then made the decision above.

dered by Beijing No. 2 intermediate People's Court in a car condenser patent case, two local companies, Valeo and Beijing Huayi, which are an automotive supplier and motor sales company respectively, were ordered to indemnify 4.84 million yuan in damages to Keihin Corporation, a Japan-based integrated systems manufacturer.

Keihin alleged that it own the No. ZL200380107672.2 invention patent, a technique applied on car condenser. However, they found that the same accessories manufactured by Valeo, which was used on the New Bora motor series, have

brought Valeo to the court for sought injunction and 11.26 million yuan in damages, and the Beijing Huayi, the car seller, should bear the legal liability as the co-defendant. Valeo argued that the patent was based on the existing technology, which would not constitute infringement, and therefore required the court to reject the defendant's

The court held that the defendant's acts and their products have infringed Keihin's patent. On the ground of New Bora sales volumes between January 2010 and December 2012, and based on the license fees by Keihin, the court then

As of now, The disgruntled Valeo appealed to the higher peo-

(by Hu Shuyang/Huang Shan) 本报讯 日前,北京市第二中级 人民法院对株式会社京滨冷暖科技 (下称京滨株式会社) 诉一汽法雷奥 汽车空调有限公司 (下称一汽法雷 奥)、北京北方华驿车辆销售服务有 限公司(下称北方华驿公司)侵犯发 明专利权一案作出一审判决,判令一 汽法雷奥赔偿京滨株式会社经济损 失 480 万元及合理诉讼支出 4 万元。

京滨株式会社诉称, 其拥有专利 号为 ZL200380107672.2, 名称为"制冷 循环储存罐、带有储存罐的热交换器 以及制冷循环用冷凝装置"的发明专 利权,该专利权现合法有效。京滨株式 会社调查发现, 北方华驿公司所销售 的,新宝来汽车上搭载的冷凝器部件 的生产者为"一汽法雷奥公司",经分析 比较,该冷凝器部件侵犯了京滨株式 会社的专利权,故诉至法院,请求判令 一汽法雷奥与北方华驿公司立即停止 侵权行为并赔偿京滨株式会社经济损 失 1100 余万元和合理支出 26 万余 元。对此,一汽法雷奥答辩称,涉案专利 属于现有技术,其行为不构成侵权,故

请求法院驳回原告诉求。 北京二中院经审理认为,被诉侵 权产品落入涉案专利权利要求 110、12-31的保护范围,其制造、销售 涉案产品的行为构成侵权。北京二中 院参考 2010 年 1 月至 2012 年 12 月 新宝来汽车的销售数量、涉案专利的 许可使用费率等因素,酌情确定京滨 株式会社因被侵权所受到的实际损 失数额,从而作出上述一审判决。

据悉,日前一汽法雷奥不服一审 判决,已提起了上诉。



INUMBERS

According to a latest survey by Thomson Reuters, international trademark applications by enterprises from China mainland have risen by 84%. As of the end of 2013, the figures have hit 35,000.

日前,汤森路透的报告称,中国品 牌正以惊人的速度在全球扩张。在过去 5年中,来自中国大陆企业提交的国际 商标申请总量增长了84%,到2013年底 国际商标申请的总量超过3.5万件。

54.9%

Recent years, the national technical innovation project, lunched by 15 ministerial departments including NDRC, Ministry of Science and Technology and Ministry of Finance, has yielded fruitful achievements. Invention patents granted to domestic enterprises has accounted 54.9% of the total.

54.9%

近年来,由中国国家发展和改革 委员会、科技部、财政部等 15 个部门 和单位联合实施的国家技术创新工 程取得初步成效,中国国内企业发明 专利授权量已占国内总量的 54.9%。

Sources from the just concluded 115th Canton Fair said that, the reception center for IPR complaint received 490 IP infringement complaints. The number decreased by 2% over the last fair.

2%

在前不久结束的第 115 届中国 进出口商品交易会(广交会)上,广交 会投诉接待站共受理知识产权投诉 490 宗。与上届同期相比,受理案件 总数下降 2.00%。

100,869

As of the end of April, Guang-

dong province has owned 100,869 living inventions, breaching the threshold of 100,000.

10.0869 万件

截至今年4月底,中国广东省有 效发明专利拥有量在全国率先突破 10万件,达到10.0869万件。

The annual IPR report on Chinese forestry 2013, complied by State Forestry Bureau, has been released recently. According to the report, as the end of 2013, SIPO has received 154,315 forestry-related patents applications, 73,531 of which are inventions.

15.4315 万件

日前, 国家林业局编纂的 《2013中国林业知识产权年度报告》 正式发布。报告显示,截至2013年 底,中国已受理的林业相关专利申请 超过 15.4315 万件,其中发明专利申 请 7.3531 万件。

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