

CHINA REPORT INTELLECTUAL PROPERTY

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INUMBERS

74 million

In 2013, China Customs officers impounded 74+ million trademark infringement goods, accounting for 98% of the total infringement goods. The Customs nationwide have investigated 1,746 cases, confiscated 67 million goods with a total value of 130 million

7400 万件

2013年中国海关扣留侵犯商标 专用权货物 7400 多万件,约占海关 扣留的侵权货物总数的98%。根据 扣留的侵权货物,全国海关共立案 查处假冒商标等严重侵犯知识产权 案件 1746 件, 没收侵权货物 6700 余万件, 价值逾 1.3 亿元人民

3,635

Approved by SIPO, Nantong Home Textile IP Protection Center, China's first IP protection center of this kind was on operation on Jan.19, 2013. As of now, the center received 3,635 complaints, mediated 1,526 cases, and saved the lose 128 million yuan.

3635 起

2013年1月19日,经过中国 国家知识产权局批准,中国首家家 纺产业快速维权机构——南通家纺 维权中心挂牌运行。截至目前,该中 心已累计接受投诉 3635 起,调解案 件 1526 起, 挽回经济损失 12.8 亿 元人民币。

300 million yuan

Recently, RuiChuang Patent Operation Fund, the first fund of its kind for patent operation and technology transfer, was established in Zhongguancun, Beijing. The Zhi gu Company takes responsibility for fund management and operation. The fund is split 20 million yuan between Management Committee of Zhongguancun and Haidian District Government. It is expected to collect fund of 300 million yuan and some high-quality invention patents within 5 years.

3 亿元

近日,中国首支专注于专利运 营和技术转移的基金——睿创专利 运营基金在北京中关村宣告成立。 专利运营机构智谷公司负责该基金 的管理投资策略与日常运营, 北京 中关村管委会和海淀区政府各出资 2000万元,预计募集基金3亿元, 计划在5年内储备大批高质量核心 技术的发明专利。

2,463

In the first quarter of this year, Guangxi Zhuang Autonomous Region filed 2,463 invention applications, ranking the 15th in the nation, up 60.67%.

2463 件

2014年第一季度,广西壮族自 治区提交发明专利申请 2463 件,排 全国第15位,同比增长60.67%,增 长率居全国首位。

In 2013, Shenyang representative office of SIPO received 30,517 patent applications, 30,356 of which were e-filings, accounting for 99.5% of the total. The e-filing rate of Liaoning province reached 88.3% since the event was promoted in January 2010.

3万件

2013年,中国国家知识产权局 专利局沈阳代办处共受理专利申请 3.0517万件,首次突破3万件大关。 其中,有 3.0356 万件为电子申请, 占受理总量的 99.5%。自 2010 年 1月大力推广电子申请以来,辽宁 省专利电子申请率已达88.33%。

A rise in public levels of satisfaction with Chinese IP protection

中国公布 2013 年度知识产权保护社会满意度调查结果

满意度:小幅增长仍有提升空间

n 2013, the public satisfaction index of chinese IP protection was 64.96, up 1.27 over 63.69 of 2012, according to a survey of Chinese IP protection conducted by Patent Protection Association of China, China Trademark Association, Copyright Society of China and Beijing Mainland Information Company. Although the levels of satisfaction increased, there is just much room for improvement.

"The improvement of satisfaction is an affirmation that China's IP protection is enhancing," said Li Shunde, Dean of Law and IP Department in the University of China Academy of Science. Although the levels of satisfaction increased, it reflected that the whole society have strong demand for stepping up IP protection, Li adds.

Local governments fared well in IP protection, especially the levels of satisfaction increased by 5.12 points over last year, reflecting their determination on strengthening IP protection. People also speak highly of IP publicity. "In recent years, IP publicity has created a sound environment for encouraging and pursuing innovation, which reinforced the confidence of IP holders," said Gong Qing, Director of Central Research Academy of BYD Company.

In fact, China has carried out effective works in IP enforcement. In 2013, SIPO launched a special campaign against patent infringement and counterfeit goods relating to people's livehood and major project, and effectively safeguarded the lawful rights and interests of right holders and innovation bodies. In 2013, the IP agencies nationwide received 5,056 patent dispute cases, up 101.4%; 4,684 of which are patent infringement cases. It investigated 11,171 patent counterfeiting cases, totalling to 16,227, up

"The figures reflects one side China's determination on fighting IP infringements, and IP enforcement need to be further improved," said Li Shunde. IP protection is a long-term task. We should make people feel better about IP protection by stepping up IP publicity and IP enforcement, Li added.

(by Li Qun/Jiang Boping)

本报记者 李群 姜伯平

日前,由中国专利保护协会、中 华商标协会、中国版权协会联合北京 美兰德信息公司组建的课题组,发布 了2013年度知识产权保护社会满意 度调查结果。数据显示,2013年,中 国知识产权保护社会满意度得分为 64.96 分,较 2012 年的 63.69 分提高 1.27分。虽然社会满意度有所提高, 但仍有很大的提升空间。

"满意度的提高是对中国知识产 权保护力度逐年加强的一种肯定,比 较符合当前现实。"中国科学院大学 法律与知识产权系主任李顺德在接 受本报记者采访时表示。但同时,他 也坦言:"知识产权保护总体满意度 '刚及格',也从另一个角度反映出全 社会对继续加强知识产权保护的强 烈诉求。"

此次满意度调查结果显示,地方 政府知识产权保护工作成效明显,特 别是地方政府对知识产权保护工作 重视程度的满意度比去年增长 5.12分,充分显示了各地加强知识产 权保护的意愿和决心。在知识产权宣 传教育方面,得分也较高。"近年来, 知识产权宣传工作开展良好,影响深 人人心,有效营造了鼓励发明、崇尚

新的激励,加大对研发中心的投入,引

进硅谷的发展模式,吸引更多的高端人

才, 孕育强大的创新文化……要想得

到中国未来是否能成为顶级创新者的

实际上,中国已经在知识产权 执法方面开展了大量卓有成效的工 作。据介绍,2013年,中国国家知识 产权局组织开展"护航"专项行动, 大力打击涉及民生、重大项目等领 域的专利侵权以及假冒专利行为, 积极维护权利人、市场主体与创新 主体的合法权益。全国知识产权系 统全年共受理专利纠纷 5056 件,同

比增长 101.4%, 其中专利侵权纠纷 4684件;共查处假冒专利案件 1.1171 万件,办案总量 1.6227 万件, 同比增长 79.8%。

"这些数字从一个方面说明了中 国打击侵权行为的决心,但也说明执 法工作还需加强。"李顺德说,"知识 产权保护有长期性也有复杂性,面临 着广泛的挑战。我们要在加大知识产 权宣传力度的同时,对执法中存在的 问题认真分析,吸取、消化经验教训, 加大执法人员队伍建设,使执法工作 真正在基层落地,让社会各界对知识 产权保护工作更为满意。'



China's IP in foreign eyes

rom the data that the WIPO presented, we know that China is becoming a top innovator in an absolute sense, particularly in digital communication and technology. However, it's still catching up in creating brands; and it has some serious work to do in the design field. Will China become a formidable innovation heavyweight in the future? The answer is there is a high likelihood that it just might. (Will China become a formidable innovation heavyweight in the future? By Money Morning)

从世界知识产权组织提供的数 据,我们知道中国已经走在成为一个 顶级创新者的路上,特别是在数字通 信和技术领域。尽管如此,中国仍然 需要在品牌塑造上加倍努力,同时在 设计领域也还有很长的一段路要走。 中国会在未来成为一个重量级的创 新者吗? 答案很可能只是"可能"。 ("中国会在未来成为一个重量级的 创新者吗?"钱晨网)

Comment:

Grants to institutions schools and individuals; an even higher focus on increasing R&D centre counts; introducing the Silicon Valley model; attract more high-end talents; and engender a stronger culture of innovation · · · · To get the "Yes" answer, what China needs to do is to improve the "software" to facilitate innovation.

点评:

加强对研究机构、学校及个人创



libaba's growth highlights the challenge for Chinese brands. Though several Chinese companies list on US exchanges without doing much business there, Alibaba has already made a name as an international business-to-business marketplace. If it is successful, it may just be the first of a new wave of international Chinese brands.? (Is the next big Chinese brand coming? by Managing Intellectual Property)

阿里巴巴的成长凸显了中国品 牌面临的机遇和挑战。虽然在美国 上市的几家中国公司还没有做出多 少惊人之举,阿里巴巴却已经成为 国际知名的B2B交易平台。如果阿 里巴巴继续取得成功,则很可能成 为中国品牌国际化新浪潮的领路 人。("下一个中国大品牌来了吗?", 知识产权管理)

Comment:

Building successful brands goes

far beyond just filing a lot of trademark applications. There is a certain logic to this quantity then quality pattern. As more Chinese companies file marks and start doing increasing business broad, certain brands like Alibaba will build a stronger reputation and eventually grow to be a global brand.

成功品牌的塑造不仅仅是提出 商标注册申请,还包括一个从数量 发展到质量模式的逻辑。随着越来 越多的中国企业, 注重知识产权保 护并不断拓展其业务, 类似阿里巴 巴一样的中国品牌必将获得越来越 好的声誉并最终成长为全球性的品

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



Gates combats brand free riding 盖茨公司阻击他人"傍名牌"

s a large manufacturer of power transmission belts and auto parts, Gates Corporation provides superior quality products to its customers in industrial and automotive fields. Gates Corporation pays high attention to its main trademarks No. 1065493 "GATER" trademark (hereinafter referred to as "GATER") and No. 1518931 "GATES" trademark (hereinafter referred to as "GATES"), and takes positive actions to protect the brand and customers' benefits.

Nevertheless, like other successful brands, Gates Corporation has been suffered from a lot of trademark confusion competitors, some of which even tried to register same or similar trademarks maliciously to make the infringing

trademarks seemed legally. In April 2011, Sanmensanzhu Adhesive Tape Manufacturer, Zhejiang Province, applied for registration of No. 8484631 "格雷科 GRE-CO" trademark certified to be used on automotive transmission belts (hereinafter referred to as opposed trademark). Gates Corporation found that the opposed trademark was visually similar to "GATER", then filed an objection to the Trademark Review and Adjudication Board (TRAB) in July, 2011. TRAB decided that the opposition is justified and disapproved the registration of the opposed trademark.

In 2013, Sanmensanzhu Adhesive Tape Manufacturer applied for a review to TRAB, claimed that the opposed trademark was designed originally and was not same or similar to "GATER"; the opposed trademark would not lead to consumer confusion, nor damage Gates Corporation's antecedent rights. In January 2014, TRAB made the decision that affirmed the ruling of disapproving.

TRAB held that, based on the opinions and evidences presented by Gates Corporation, the significant parts of the opposed trademark was visually similar to "GATER" (certified on Class 7 power transmission belts, not including vehicle engine transmission belts, July 1997) and "GATES" (certified on Class 7 couplings, February 2001); customers could not tell the differences under general care; the opposed trademark was certified on similar products with "GATER" and "GATES". Therefore, TRAB objected the application of Sanmensanzhu Adhesive Tape Manufacturer and disapproved the opposed trademark.

(by Wang Guohao)

本报记者 王国浩

作为大型动力传动带及汽车配 件制造商,美国盖茨公司向其在工业 和汽车领域的客户提供了品质卓越 的产品。盖茨公司非常重视商标保 护,第 1065493 号"GATER"商标(下 称"GATER"商标)和第 1518931 号 "GATES"商标(下称"GATES"商标) 是其主要商标。盖茨公司积极采取行 动维护其品牌和消费者的利益。

同其他成功品牌一样,盖茨公司 也遭遇不少针对其商标的"傍名牌" 行为,其中包括一些恶意注册相同或 近似商标,为其侵权商标披上"合法' 的外衣的行为。

2011年4月,浙江省三门三珠



异议商标不予核准注册。 随后,三门三珠胶带厂于 2013年初向国家工商行政管理总局 商标评审委员会(下称商评委)申请 复审。三门三珠胶带厂称,被异议商 标系由其独创设计而成,与盖茨公司 的"GATER"商标不构成相同或近似 商标,该商标的注册不会导致消费者 的混淆和误认,更不会对盖茨公司的 在先权利造成损失。

2014年1月,商评委针对三门 三珠胶带厂提出的复审申请作出异 议复审裁定,对被异议商标不予核准 注册。

商评委认为,根据盖茨公司提交 的意见和证据,被异议商标中显著识

别部分与盖茨公司于1997年7月注 册在第7类动力传送带(不包括陆地 车辆引擎传动带)等商品上的 "GATER"商标、盖茨公司于 2001 年 2月注册在第7类联轴节(发动机部 件)等商品上的"GATES"商标在设 计风格和视觉效果等方面存在相似 之处,消费者在施以一般注意力的情 况下难以将上述商标区分开来。同 时,商评委认为,被异议商标指定使 用的商品与盖茨公司引证的 "GATER"和"GATES"商标核定使用 商品在功能、用途等方面存在相同或 近似之处。据此,商评委认定三门三 珠胶带厂的主张不成立,对被异议商 标不予核准注册。

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