

CHINA REPORT INTELLECTUAL PROPERTY

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China's IP in foreign eyes

hipmaker Intel is scaling up investments in China's tech scene, chief executive Brian Krzanich announced recently. "The China technology ecosystem will be instrumental in the transformation of computing," Krzanich said. (Intel ramps up investment in China's tech scene, by The Washington Post)

芯片制造商英特尔公司首席执 行官布赖恩科再奇宣布,该公司正 在扩大对中国的高科技投资。科再 奇认为,"中国的技术生态系统将有 助于计算机的转型。("英特尔加大 在华高科技投资",华盛顿邮报)

Since 1998, Intel Capital has invested two funds with over 670 millions dollars to support more than 110 Chinese tech companies. This time, Intel taking the hand with China shows Intel's confidence in China as the global innovation centre, and it connects more innovative resources to local innovative power.

自1998年以来,英特尔投资公 司已设立过两只技术基金,向 110 多家中国技术公司投资了超过 6.7 亿美元。英特尔此次对中国投 资,证明了英特尔对中国正在成为 全球智能设备创新基地的信心。双 方的联手,将使英特尔更多的创新 资源更贴近本地创新力量。



eely Automobile Holdings Ltd , whose parent company owns Swedish carmaker Volvo, announced a plan to phase out its three brands and consolidate them under the Geely name as part of a restructuring effort to shore up sales and cut costs.Under the new structure, future products will be marketed under the Geely brand name. (China's Geely to consolidate branding, sales, by Reuters)

吉利汽车控股有限公司, 日前 宣布了一项计划,将逐步削弱旗下 三大品牌,将其整合在"吉利"品牌 之下,以通过重组巩固其销售并削 减开支。在这一新结构下,未来的产 品将以"吉利"为品牌在市场上销 售。("中国吉利致力于品牌巩固和 销售",路透社)

Comment:

Geely's situation is similar to the plight other indigenous Chinese car brands. While China's automobile market, the world's biggest, is rebounding with about 10 percent growth expected this year. Geely is on the right track of rebuilding stronger brand.

点评:

吉利的多个品牌的运营更像 是面临类似困境的中国本土汽车 品牌的一个缩影。中国汽车市场 是世界上最大的汽车市场, 预计 今年将实现10%的增长。如今我 们欣喜地看到, 吉利正回到品牌 重建的正确轨道上。

(by Correspondent Wang Weiwei

(本报通讯员汪玮玮发自加拿大)

China launches 2014 national IPR publicity week

保护•运用•发展

2014年中国知识产权宣传周活动。

n April 21, the 2014 national IPR publicity week. jointly held by SIPO, Ministry of Commerce and other 22 departments was launched on people.com.cn. SIPO Commissioner Shen Changyu and WIPO Director General Francis Gurry gave a video speech respectively.

According to Shen, China's IPR undertaking has achieved a remarkable result in 2013. SIPO received 825,000 invention patent applications, ranking the first in the world. The number of valid invention patents per 10,000 heads reached 4.02. China ranked the third position in PCT filing. China received 1.8815 million applications for trademark registrations, ranking the first in the world for 12 consecutive years. China registered 845,000 works and 164,000 software copyrights, and received 1,333 and 1,200 applications for new varieties of agricultural plants and forestry plants respectively, all climbed to its highest level ever.

Shen also said that China's IPR undertaking is faced with a rare opportunity. The 18th CPC national congress, 18th CPC central committee and this year's government report all stressed to step up IPR using and protection. In a bid to implement the decisions of the central government, the 2014 national IPR publicity week is themed on protection, using and development. The protection is core link of IPR works, the using is the fundamental goal of IPR system and development is an eternal theme of IPR undertaking.

Gurry said in his speech that China has made outstanding achievements in IPR undertaking. On behalf of WIPO, he would like to take this opportunity to express gratitude to Chinese government and IPR-related agencies. (by Wang Yu)

本报讯 4月21日,由中国国家 知识产权局、中国商务部等24个部 门联合主办的 2014 年全国知识产权 宣传周活动在人民网启动。中国国家 知识产权局局长申长雨代表组委会 发表了视频致辞。世界知识产权组织 (WIPO) 总干事弗朗西斯·高锐发来

申长雨在致辞中介绍,2013年 我国知识产权事业取得了新的成绩: 发明专利申请受理量达到 82.5 万 件,稳居世界首位;每万人口发明专 利拥有量达到 4.02 件, 提前两年完 成了"十二五"规划目标;通过《专利 合作条约》(PCT)途径提交的国际专 利申请量在全球的排名又上升一位, 位居全球第三位;受理商标注册申请 **188.15** 万件,连续 **12** 年居世界首位; 作品登记84.5万件; 计算机软件著 作权登记16.4万件;农业植物新品 种申请量达到1333件,林业植物新 品种申请量累计突破 1200 件,都包 下了历史新高。

申长雨还指出,当前,中国的知



识产权事业正面临着难得的发展机 遇。党的十八大、十八届三中全会和 今年的政府工作报告都明确强调,要 加强知识产权运用和保护,对知识产 权工作提出了新的要求。为了把中央 的决策部署贯彻好、落实好,今年的 知识产权宣传周活动主题确定为 "保护·运用·发展"。"保护"是知识产

权工作的核心环节,"运用"是建立知 识产权制度的根本目的,"发展"是知 识产权事业的永恒主题。

高锐表示,中国在知识产权各领 域都取得了突出成绩。希望借此机会 代表世界知识产权组织向中国政府 及中国的知识产权相关工作机构表 示衷心的感谢。



GUCCI trademark infringed by a bar 福州酒吧擅用"GUCCI"构成侵权被判赔偿

UCCIO GUCCI S.P.A, Italy, filed a trademark infringement case against Kuqi Bar in Fujian Province in the

year of 2013. Fuzhou Intermediate People's court held that Kuqi's action of using "GUCCI"& "GUC-CLL" infringed trademark rights and ordered Kuqi to indemnify 200,000 Yuan in economic damages. GUCCIO GUCCI challenged the court's decision and requested more losses, then appealed to Fujian Higher People's Court. Recent-

ly, the second instance court made a final judgment ordering Kuqi to add an indemnify 30,000 Yuan as "reasonable costs".

The first instance decision ordered Kuqi to indemnify 200,000 Yuan for trademark infringement and unfair competition. The court didn't order reasonable costs as indemnify since GUCCIO GUCCI hadn't claimed about it.

The Higher Court held that GUCCIP GUCCI did show its request of reasonable costs for pre-

venting infringement in the reason and facts parts of indictment, as well as the GUCCIO GUCCI's attorney showed evidence of the principal-agent relationship of the two parties to the court. Based on these facts, the court ordered Kuqi to indemnify 30,000 Yuan for "reasonable costs" without agency contract.

(by Zhang Qianyu) 本报讯 位于福建省福州市鼓 楼区的酷奇酒吧因使用"GUCCI"和 "GUCCLL"标识,去年被意大利古乔 古希股份有限公司(下称古乔古希公

司)以侵犯其注册商标专用权为由诉 至法院。前不久,福建省福州市中级 人民法院一审判决认定酷奇酒吧构 成商标侵权,判令其赔偿古乔古希公 司经济损失 20 万元。此后古乔古希 公司因对赔偿金额有异议,向福建省 高级人民法院提出上诉。二审法院近 日作出终审判决,酷奇酒吧向古乔古 希公司支付的经济赔偿增加"合理支

一审法院认为酷奇酒吧的行为 对古乔古希公司构成商标侵权及不 正当竞争, 判决酷奇酒吧赔偿古乔 古希公司 20 万元。因古乔古希公司

在一审的起诉书中并未明确提出让 酷奇酒吧承担相关的合理费用,一 审法院没有将相关合理费用纳入赔 偿金额的考虑范围。二审法院则认 为, 古乔古希公司在起诉书中陈述 的起诉理由和事实能够表明该公司 要求酷奇酒吧承担其为制止侵权行 为而支付的合理支出,且古乔古希 公司代理律师的出庭证实了双方达 成代理关系, 故法院在古乔古希公 司未能提交代理合同的情况下酌情 判定酷奇酒吧承担相关"合理支出"

(张茜妤)

TDIA establishes the first communication patent company

中国移动通信领域成立首家专利公司

atent operation, is an important sign of patent strength. On April 11, China's first communication patent company was officially established by TD Industry Alliance (TDIA), filling the blank of patent operation organizations in China's mobile communication field.

"Mobile communication industry, the focus of today's global industries competition, is oriented by patents, assembled with patents and based on patents." says Pro. Cao Xinming, Executive Deputy Director of Intellectual Property Center, Zhongnan University of Economics and Law. "Patent operation is an important basis for the development of the industry; a professional patent operation organization plays an important role for Chinese companies competing in the global 3G & 4G industries and making overseas acquisitions." Cao adds.

"TDIA's action of incorporating patent business with the core companies in the whole TD industry chain is made for industry competition. It will promote the development of China's mobile communication technology and market, while facilitating China's 4G industry." Says Yang Hua, Secretary General of TDIA. It would lead to patent corporations in mobile communication industry under market

mechanism, reduce barrier to entry for 4G technology, and to speed up commercial development of TD-LTE (standard of 4G communication technology) leading by China, especially to a lower patent fee of multimode 4G terminal around 1,000 Yuan. It will help China building a mobile communication industry patent system, dealing with possible patent disputes in the future, and developing international market.

In recent years, there has been more and more mobile communication patent disputes in mobile communication technology fields, such as Huawei Technologies Co. Ltd. (Huawei) vs. MOTOROLA Inc. in the US and ZTE Corp. (ZTE) vs. Telefonaktiebolaget LM Ericsson in Sweden. Patent war becomes a common tool in the competition between Chinese and foreign communication companies. It intensifies the needs of patents of Chinese com-

munication companies. After the top three communication operators obtained operating licenses in early 2014, China decided to invest 100 billion Yuan to develop 4G industry. Facing such a broad market, all the domestic and international communication giants pay close attention to patent portfolio to gain more advantage by patents.

"What patent company solved

are the practical problems of developing the competitiveness of Chinese companies and industries."Says Yang Hua. In Yang's introduction, establishing patent companies to gain more market advantages by patent operation is becoming more and more important, based on the fact that 4G industry developing so fast both domestically and interna-

As of now, TDIA has 90 Chinese companies as members, including many organizations contributing to China's TD industry such as Huawei, ZTE, Lenovo Group Ltd., and Beijing University of Posts and Telecommunications. An industryuniversity-research cooperation of patents creation, operation, protection and administration system has been developed and plays an important role in China's communication industry development. The newly established patent company will help Chinese company-owned patents playing a more important role in the communication technolo-

(by Zhao Jianguo) 本报记者 赵建国

专利运营,是体现专利能力的重

要标志。4月11日,由TD产业联盟 (TDIA)组建的中国移动通信领域的 首家专利公司正式成立,填补了中国 移动通信产业专利运营机构的空白。

"通信产业是专利先导、专利密 集、专利支撑的产业,也是当今世界 产业竞争的焦点。"中南财经政法大 学知识产权研究中心常务副主任曹 新明教授在接受中国知识产权报记 者采访时表示,专利运营是产业健康 发展的重要基础,有了专门的专利运 营机构,对于中国在 3G 和 4G 产业 参与国际竞争、加快"走出去"步伐、 决胜产业竞争未来都是重要的依托。

"TD产业联盟联合国内 TD产 业链上下游核心企业, 组建专利公 司,是出于产业竞争的迫切需要,可 以推动我国移动通信技术与市场的 发展,为4G产业加快发展奠定基 础。"正如 TD 产业联盟秘书长杨骅 所言,成立专利公司,可以用市场化 运作机制推动移动通信技术领域的 专利合作,降低 4G 产业技术准入门 槛,加速中国主导的TD-LTE(4G 通信技术标准)商用发展步伐。尤其 是降低千元多模 4G 终端的专利费, 对于构建中国移动通信产业专利体 系,防御和应对未来可能的专利纠 纷,加大中国 4G 产业"走出去"拓展 海外市场的力度具有积极意义。

近年来, 在移动通信技术领域 华为技术有限公司(下称华为公司) 与美国摩托罗拉公司、中兴通讯股份

有限公司(下称中兴通讯)与瑞典爱 立信公司等中外企业之间的移动通 信专利纠纷接连不断,专利战已经成 为中外通信企业间竞争的一种常态 化手段。这样的情况也使中国通信企 业对于专利的需求与日俱增。

2014年初,继国内三大通信商领 取运营牌照之后,中国决定 2014年 将投资 1000 亿元发展 4G 产业,面对 如此巨大的市场,国内外通信产业巨 头纷纷虎视耽耽,加快了专利布局的 脚步,力图以专利赢得市场优势。

"专利公司解决的正是提升中国 企业和产业竞争力的实际问题。"杨 骅介绍,面临国内外 4G 产业飞速发 展的实际,以专利运营赢得更多的市 场竞争优势已经刻不容缓。在这样的 背景下,专利公司的成立就显得更加 必要和重要。

目前,TD产业联盟已经拥有 90家国内企业,华为公司、中兴通 讯、联想集团有限公司、北京邮电大 学等为中国 TD 产业做出重要贡献 的单位均在其中,已经形成了产学研 用的专利创造、运用、保护和管理体 系,在中国通信产业发展中具有举足 轻重的作用。专利公司的成立,为中 国企业拥有通信产业技术专利在市 场中体现价值、发挥更大的作用提供 了便利的渠道和条件。

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