

2014年4月18日April 18, 2014

星期五出版 Published on Friday

主 编:吴 辉Editor-in-Chief: Wu Hui

副主编:柳鹏 Deputy Editor-in-Chief: Liu Peng 英文审校:崔卫国 English Reviser: Cui Weiguo

### China's IP in foreign eyes

hinese investment in U.S. technology is having a breakthrough year, topping \$6 billion in the first quarter of 2014 alone, and instead of stripping U.S. companies' intellectual property Chinese investors appear to be sustaining and adding more U.S.-based jobs, according to a newly released study from Asia Society and Rhodium Group, "High Tech: The Next Wave of Chinese Investment in America". (Chinese Surge In U.S. Tech Investment; Supports 25,000 U.S. Jobs, by Forbes)

今年中国对美国的高科技投资取得突破性进展,仅第一季度即达到60亿美元。根据亚洲社会与美国荣鼎咨询机构新发布的一项名为"高科技:中国对美投资新浪潮"的研究表明,中国投资者不仅没有掠夺美国公司的知识产权,还增加了美国的就业机会,。("中国扩大对美科技投资;支持2.5万就业机会",福布斯)

#### Comment:

The primary value proposition for most Chinese investors is intangible and non-removable assets such as the skills and know-how of staffs, management experience, brands. Promoting competitiveness by improving IPR abilities is what Chinese entrepreneurs are looking for.

### 点评

绝大多数中国投资者的主要目标在于无形的资产,如有技能和知识的工作人员、管理经验、品牌等。通过提升知识产权能力打造核心竞争力,才是如今的中国企业家正在寻找的。



n the race to make a car that connects with smartphones and other gadgets, Chinese auto makers are right on their global competitors' bumpers. Broadcom Corp. Chief Executive Scott McGregor said "Chinese car companies are very eager to embrace this technology and we see them moving rapidly." (Chinese Auto Makers Want to Go High-Tech, by The Wall Street Journal)

在连接汽车与智能手机的小配件的竞争中,中国汽车制造商正紧盯其跨国竞争对手。博通公司首席执行官斯科特·麦格雷格认为,"中国汽车企业非常渴望拥有这类技术,我们看到他们正在取得迅速的进步。"("中国汽车制造商渴望高科技",华尔街日报)

### Comment:

Chinese auto makers are struggling in the domestic market against popular foreign brands. In the first two months of this year, market share for domestic brands was 23%, down from around 30% last year. In order to boost its influence, a "real revolution" is now taking place.

### 点评:

在国内市场上,中国汽车制造商正在与跨国大品牌的竞争中奋力前行。今年前两个月,国产品牌的市场份额为23%,比去年同期的30%左右有所下降。为了提高中国汽车的影响力,我们正期待一场"真正的革命"的到来。

(by Correspondent Wang Weiwei

om Canada) (本报通讯员汪玮玮发自加拿大)

# China has established PPH cooperation network

# 中国 PPH 对外合作网络已初步形成

he Patent Prosecution Highway, a set of initiatives for providing accelerated patent prosecution procedures by sharing information between some patent offices. On November 1st 2011, SIPO launched the first pilot PPH program. Up to now, SIPO has reached cooperation with 16 patent offices from Japan, USA, South Korea, Canada etc. A network for PPH cooperation has been developed.

According to a representative from SIPO, SIPO has expended great energy to accelerate PPH cooperation since the pilot program began. Right now, applicants from China can submit PPH request to SIPO's 15 cooperators. From this July 1st, PPH cooperation between SIPO and UKIPO will be effective.

According to this representative, as of the end of 2013, Chinese applicants have submitted 836 PPH requests overseas, 205 of



which are regular requests, 631 are PCT-PPH requests. SIPO has accepted 5,602 PPH requests in total, 4,386 of which are regular requests, 1,216 are PCT-PPH requests.

On January 2014, SIPO, European Patent Office, United States
Patent and Trademark Office ,
Japan Patent Office, Korean Intel-

lectual Property Office jointly launched a PPH cooperation program. Under the agreement framework, patent prosecution conclusions are mutually recognized.

"Understandings of PPH projects will be upgraded each two years. Without a doubt, this pilot program enables to fast-track patent examination procedures for PCT applications and it also permits be each participating patent office to be benefit from the work previously done by the other patent offices.

### (By He Yanfang) 本报记者 贺延芳

自 2011 年 11 月 1 日中国国家知识产权局启动首个 PPH 试点以来,截至目前,其已与日本、美国、韩国、俄罗斯、加拿大等 16 个国家和地区的专利审查机构达成 PPH 试点合作协议,中国 PPH 对外合作网络已初步形成。

据中国国家知识产权局专利局审查业务管理部(下称审查业务管理部)有关负责人向中国知识产权报记者介绍,近年来,国家知识产权局积极推进 PPH 相关工作,自 2011 年开展首个试点以来,已与国外 16 个专利审查机构达成 PPH 试点合作协议,这些试点项目进展顺利。目前中国申请人可以向日本、美国等 15 个与中国有合作协议的专利审查机构

提出 PPH 请求,中英 PPH 试点也将 于今年 7 月 1 日启动。

据统计,截至 2013 年底,中国申请人在海外提出 PPH 请求共计836件,其中常规 PPH 请求 205件,PCT—PPH请求 631件。截至 2013年底,国家知识产权局共计受理了5602件 PPH请求,其中,常规 PPH请求 4386件,PCT—PPH请求 1216件,多数请求来自美国和日本的申请人。

2014年1月,国家知识产权局与欧洲专利局、美国专利商标局、日本特许厅、韩国特许厅共同启动了"中欧美日韩5局联合PPH试点",这意味着,申请人向5局中的任何一方提出PPH请求,都可基于5局已经得出的审查结论。

"PPH 项目的概念每隔一两年就会得到充实和更新,从仅参考利用首次申请局的审查结果,到参考利用PCT国际阶段审查结果,再发展到参考利用相关同族申请的审查结果,PPH项目日益成为各国专利审查机构之间共享审查成果的桥梁。"审查业务管理部有关负责人表示。

# A possible boom for Chinese-made phones 专利布局:让中国手机闪耀世界舞台

hina's first lady Peng
Liyuan was once spotted
taking pictures with a
home-made smart phone during the
official visit to Germany with her
husband President Xi Jinping.
Peng's Nubia Z5Mini, a darling
work of Shenzhen, Guangdong-based ZTE Group, immediately aroused attention among Chinese
consumers. Latest numbers showed
that the sales of Z5S mini doubled
than the previous day after the
photo was posted, driving up share
price of ZTE.

"ZTE's phones doesn't rise to fame overnight. ZTE attached great importance to quality and innovation since it started the business and has abundant experiences on patent utilization in oversea markets." says Shen Jianfeng, senior manager from IPR department of ZTE.

According to Shen, ZTE invests 10% of the total revenue into R&D and talent cultivation, all these factors contribute to ZTE's fast growth and rising.

ZTE's efforts on innovation are far beyond what mentioned

above. As of the end of 2013, they have owned more than 52,000 patents worldwide, 90% of which are inventions, In 2013 alone, ZTE has sold out more than 3.5 million mobile phones, ranking the fourth in the world.

Days ago, the Ministry of Industry and Information Technology releases an announcement on accelerating home-made mobile phone brands development, suggesting that Chinese manufacturers should explore more the international markets and strive to promote home-made brands' influence internationally.

"Enjoying the favorable external environment, Chinese enterprises should seize the opportunities for self-improvement, enhancing abilities to innovate and reinforcing patent portfolio overseas. ZTE, for instance, will work hard to become high-end handsets and improve the patent layout in European and American markets and in the emerging markets." says Shen.

Shen says that more and more Chinese companies are now encountering 337 Investigations when they access to the American

market. ZTE has won several 337 Investigations against TPL IDCC and Flashpoint. "Like ZTE, more Chinese companies have the abilities to solve IPR disputes in the international markets, and they will become much stronger with their daily-growing IPR abilities." Says Shen. (By Ding Tao)

### 本报记者 丁 涛

近日,彭丽媛在陪同国家主席习近平出访欧洲期间用手机拍照的图片在网上掀起一股支持国货的热潮。照片中彭丽媛所使用的手机是中国手机厂商中兴通讯股份有限公司(下称中兴通讯)旗下品牌努比亚 nubia Z5 mini 手机,该款产品随之一夜爆红。数据显示,截至3月31日,该款手机的升级版 Z5S mini 的日销售量相比前一天翻了一番,中兴通讯的股价也随之上涨。

中兴通讯知识产权部部长沈剑锋在接受中国知识产权报记者采访时表示,中兴通讯能够受到这样的关注,源自其对品质一如既往的追求,这是中兴通讯多年来一直注重自主创新的结果。只有不断提升自主创新能力,才能提升品牌核心竞争力;只有不断增强企业海外专利布局,国产手机才能在更大的舞台闪耀。



nubia Z5 mini 的走红,非一日之功。"我们的手机受到这样的关注,这是对我们产品品质和自主创新能力的肯定。"沈剑锋表示,长期以来,中兴通讯一直把创新视为打造企业核心竞争力的重要途径,并坚持将营收的10%投入研发,强大的研发团队为中兴终端创造了领先行业的技术优势。

据介绍,截至 2013 年底,中兴通 讯在全球专利拥有量超过 5.2 万件, 其中超过 90%为发明专利。2013 年, 中兴通讯的智能手机在全球的出货 量达到 3500 万部,位居世界第 4 位。 前不久,中国工业和信息化部发 布的《关于加快中国手机行业品牌建 设的指导意见》指出,要大力拓展海外

布的《关于加快中国手机行业品牌建设的指导意见》指出,要大力拓展海外市场,提升自主品牌国际影响力。如何抓住国家加大对自主品牌和自主知识产权产品支持力度的战略机遇,成为中国通信企业面前的新课题。

对此,沈剑锋表示:"中国手机正面临全新的发展机遇,进一步提升中国手机的技术水平,增强自主创新能力,提高品牌影响力、增强企业海外专利布局是当务之急。"他表示,"在确保产品品质的前提下,中兴通讯希望通过差异化需求分析,打造中国手机的高端品牌。与此同时,中兴通讯还将积极拓展海外市场,进一步完善在欧美市场和新兴国家市场的专利布局,扩大中兴通讯在海外的品牌影响力。"

据沈剑锋介绍,从 2013 年 12 月至 2014 年 3 月,中兴通讯在美国已经连续赢得与 TPL、IDCC、Flashpoint "337 调查"的终裁诉讼。沈剑锋表示,赢得"337 调查"案,充分展示了中兴通讯知识产权风控体系卓有成效。

"目前,中兴通讯已经具备了在 国际市场环境中运用国际知识产权 规则解决知识产权纠纷的能力。随着 企业知识产权能力的不断提升,中兴 通讯期待在更大的舞台闪耀光芒。" 面对未来,沈剑锋充满了信心。

# Mitsui encounters a domain name dispute

## "mitsui"域名引发争议

he Beijing No. 3 Intermediate People's Court recently handled a domain name dispute filed by a natural person surnamed Liao, safeguarding his domain name <a href="https://www.mitsui-tech.com">www.mitsui-tech.com</a>, which was once challenged by Japanese company Mitsui Chemical Group.

Liao registered the domain name in question on July 27, 2012. One year later, Mitsui Chemicals challenged Liao's registration on October 8, 2013. On December 9 in the same year, the Asia Domain Name Dispute Resolution Center (ADNDRC) ruled in favor of Mitsui Group on grounds of unfair competition and trademark violations.

Liao brought the case to the court and alleged that the domain name

legally belongs to his company Mitsui New Materials Tech Limited, and it is not similar with Mitsui Chemical's No. 3678565 trademark MITSUI POLYPRO and the No. 4252451 trademark "MITSUI CHEMICALS". The products he sold are not similar with Mitsui Chemicals', no similarity is constituted. Mitsui Chemicals is not widely familiar with Chinese consumers and they should not get cross-sector protection. Meanwhile, the mitsui trademark on rubber products was registered by MITSUI & CO., LTD, rather than by Mitsui Chemicals.

Mitsui Chemicals held that Liao's registration is intend to imitate their website cn.mitsuichem.com and will cause confusion among consumers.

As a result, unfair competition and trademark violations are constituted.

The court has not yet rendered a ruling. We will follow the development of the case.

(By Zhu Wenming/Pan Yuanyuan) 本报讯 近日,北京市第三中级 人民法院开庭审理了一起请求确认 域名不侵权案:自然人廖某因其注册 的域名被裁定转移,向法院提起诉 讼,请求确认该域名不侵犯他人商标 权并归自己所有。

自然人廖某于 2012 年 7 月 27 日注册了涉案域名"www.mitsuitech.com"。2013 年 10 月 8 日,日本著名企业"三井集团"旗下的化学公司三井化学株式会社(下称三井化学)向亚洲域名争议解决中心北京秘书处(下称亚洲域名中心)提交投诉书。2013 年 12 月 9 日,亚洲域名争

议解决中心北京秘书处专家组以廖 某注册、使用涉案域名的行为侵犯商 标权并构成不正当竞争为由,裁定将 涉案域名转给三井化学。

廖某不认可上述裁决,向北京市第

三中级人民法院提起诉讼。廖某认为,自己依法成立了 Mitsui New Materials Tech Limited (三井新林料技术有限公司),注册,使用涉案域名属于合法行为;涉案域名与三井化学注册的第3678565号"MITSUI POLYPRO"商标、第4252451号"MITSUI CHEMICALS"商标并不近似,自己所销售的商品与上述两注册商标核定的商品亦不类似,并未侵犯对方商标专用权;三井化学的商标在中国没有知名度,不能取得跨类保护;"mitsui"橡胶类商标在1990年即被三井物产株式会社申请注册,三井化学对"mitsui"文字不享有专用权,无权禁止他人使用。



三井化学辩称,廖某使用涉案域名所指向的网站故意模仿三井化学子公司上海三井化学的网站"cn. mitsuichem.com",误导消费者,构成不正当竞争。廖某通过涉案域名销售双面胶等行为侵犯三井化学对第3678565号商标、第4252451号商标享有的专用权。三井化学请求法院驳回廖某的诉讼请求。

2014 年 4 月 3 日,该案在北京三中院开庭审理,法庭未当庭作出判决。本报将继续关注此案进展。

大任此来近成。 (祝文明 潘园园)

英文翻译	姜 旭
Translator	Jiang Xu
编辑	丁涛
Editor	Ding Tao

社址:北京市海淀区蓟门桥西土城路 6 号 邮编:100088 电邮:cipnews@vip.sina.com 编辑中心:82803936 采访中心:82803956 办公室:82803009 发行部:82034385 广告部:82034358 印刷:解放军报印刷厂