



China's IP in foreign eyes

China's first moon rover has touched the lunar surface and left deep traces on its loose soil, state media reported Sunday. "They are making good strides, and I think over the next 10-20 years they'll certainly be rivalling Russia and America in this area and maybe overtaking them in some areas," said Peter Bond, consultant editor for Jane's Space Systems and Industry. (China's moon rover leaves traces on lunar soil, by CBC News)

近日,中国在近40年来成功实现了世界上首个太空探测器在月球上的软着陆。"他们正在取得良好的进展,我认为在未来10年到20年中,他们肯定会在这方面与俄罗斯和美国相媲美,也许还会在某些方面超越他们。"简氏空间系统和工业的顾问编辑彼得·邦德表示。"中国月球探测器在月球上留下痕迹",加拿大广播公司)

Comments:

Sending its first astronaut into space in 2003, then its first probe to the moon in 2006, planning to open a space station around 2020 and send an astronaut to the moon after... China is taking solid steps to explore the space. Even though it still lags behind the U.S. and Russia in technology and experience, China's space program has made huge progress in a relatively short time.

点评:

2003年将首个宇航员送入太空,2006年发射首个月球探测器,2020年左右将建立空间站,之后实现宇航员登陆月球...中国正在采取坚实的步骤探索太空。虽然在技术和经验上仍与美国和俄罗斯存在一定差距,但中国的太空计划已在一个相对短的时间内实现了巨大的进步。



Lenovo heads the BrandZ China Brands Ranking for Chinese companies pulling in overseas revenues, with 57% of the tech firm's sales coming from non-domestic sales. The brand is now number one in PC sales worldwide and a leader in mobile devices. (Lenovo leads China international, by Brand-e)

在最新的BrandZ中国品牌海外收入排名中,联想位居榜首。这家高科技公司57%的销售收入来自海外销售。该品牌如今已成为全球最大的个人电脑销售商及移动设备的领导者。"联想引领中国品牌国际化",品牌参与网站)

Comments:

According to a study, only 20% of consumers worldwide can name a Chinese brand. Especially in the U.S., the awareness of Chinese brands is as low as 6%. Expanding internationally, Chinese brands have to tackle two fundamental challenges - building awareness and consideration of Chinese brands among overseas consumers, and changing the overseas perception of Brand China.

点评:

研究显示,目前全球仅有20%的消费者能识别中国品牌。尤其是在美国,中国品牌的认知度低至6%。要实现"走出去"的目标,中国品牌必须解决两个基本挑战:在海外消费者心中建立品牌认知和关注,以及改变其对中国品牌的固有观念。

PFTZ: IPR protection and management system take into shape

上海自贸区:知识产权保护与管理体系统轮廓初现

In early December, after China (Shanghai) Pilot Free Trade Zone (PFTZ) operating for more than two months, the IPR protection and management system in the zone has taken shape initially. The administration and enforcement of patent and copyright will be covered by the Management Committee of PFTZ, the trademark administration and enforcement will be covered by the industry and commerce administration which was established in the zone. In terms of IP protection, the zone has attempted to resolve IP dispute via judicial, administration and the third party.

On September 18, the State Council issued an overall plan for the China (Shanghai) Pilot Free Trade Zone, clarifying that a joint supervision and enforcement system will be implemented to cover the areas of intellectual property, industry and commerce administration, and tax administration to enhance efficiency. In addition, an intellectual property related dispute resolution and assistance system would be established.

On September 29, China (Shanghai) Pilot Free Trade Zone was formally established. The Measures for the Administration of the China (Shanghai) Pilot Free Trade Zone was formulated by the Shanghai Municipal People's Government that day. The measures put forward to establish a management committee to coordinate the relevant administrative matters of the zone. Its responsibilities include investment, trade, IPR and other fields. The Article 8 of the measure defines



the Customs, industry and commerce administration, quality inspection administration and public security organ to set up offices in the zone.

In terms of institution setting, the measures put forward that management committee exercise the power of administrative punishment, administrative inspections and so

on. The IP office in the zone exercises the power of administrative punishment on copyright and patent violations according to laws and regulations. The measure also supports Shanghai arbitration organizations to improve arbitration rules and enhance their professional level and internationalization degree.

The IPR matters covered by

the committee are mainly patent dispute resolution and registration of foreign publishing etc. The Shanghai Industry and Commerce Administration takes responsibility for the trademark matters in the zone. The joint enforcement administration would also be established to exercise the power of punishment and inspection, according to the Shanghai IP Office commissioner Lv Guoqing.

"The IPR protection in the zone reflects in judicial and administration protection, and the IP dispute resolved by the third party would also be encouraged," said Lv. "We should make efforts to innovate administrative enforcement system, judicial protection system and decide whether to strengthen IPR protection stricter than out-zone." Lv added.

(by Xiang Li/Nie Li)

本报记者 向利 通讯员 聂莉

12月初,在中国(上海)自由贸易试验区(下称上海自贸区)正式挂牌两个多月之后,经过各方努力,目前上海自贸区知识产权保护和管理体系已经初显轮廓:专利和版权方面的行政管理和执法由自贸区管委会统一行使,商标的行政管理、行政执法则由设在自贸区里的工商局行使;在加强知识产权保护方面,上海自贸区已经尝试从司法保护、行政保护以及通过第三方多元化的机制去解决知识产权纠纷。

今年9月18日,国务院颁布了《中国(上海)自由贸易区的总体方案》,其中明确指出,要建立集中统一的市场监管综合执法体系,在知识产权等管理领域,实现高效监管,并建立知识产权纠纷调解、援助等

解决机制。

9月29日,中国(上海)自由贸易试验区正式挂牌。当日,上海市政府公布的《中国(上海)自由贸易试验区管理办法》(下称《办法》)将这一思路具体落实,其中明确提出,成立上海自贸区管委会,作为上海市政府派出机构,统筹协调上海自贸区有关行政事务,其职责包括负责上海自贸区内投资、贸易及知识产权等10多个方面的行政管理工作。《办法》的第八条也规定了海关、工商、质检、公安等部门设立自贸区的办事机构。

在执法机构的设置上,《办法》明确规定,由管委会综合执法机构依法集中行使行政处罚权、行政强制措施权和行政检查权,其中包括知识产权管理部门依据法律、法规和规章,对著作权、专利权方面的违法行为行使的行政处罚权。《办法》还指出,支持上海市仲裁机构依据法律、法规和惯例,完善仲裁规则,提高上海自贸区商事纠纷仲裁专业水平和国际化程度等。

据上海市知识产权局局长吕国强介绍,目前在上海自贸区由管委会管理的知识产权事务主要包括专利纠纷的行政调解与处理、境外图书出版登记等;涉及商标的业务则由市工商局处理。同时,在自贸区里还将成立综合执法机构,其中包含知识产权行政执法,代表着政府集中行使行政的处罚权、行政的检查权等。

在加强上海自贸区知识产权保护方面,吕国强表示,这个保护既包括司法保护,也包含行政保护,当然也鼓励通过第三方多元化的机制去解决知识产权纠纷。对于上海自贸区知识产权工作的下一步发展,吕国强说:"我们还需要研究的问题主要涉及3个方面,即自贸区行政执法体制如何创新;自贸区市场监管综合执法体系,在知识产权等管理领域,实现高效监管,并建立知识产权纠纷调解、援助等

3,812 passed 2013 China patent bar exam

3812人通过2013年中国专利代理人资格考试

On December 18, 3,812 examinees passed the 2013 China patent bar exam, up 28.52%.

It is the 15th exam organized by SIPO, and some 21,689 examinees registered for the exam, up 29.26% over last year. In the 2013

patent bar exam, some 11,429 examinees participated in patent law exam, 5,107 of whom were passed, with the passing rate of 44.71%. Some 12,699 participated in the patent attorney practice exam, 4,088 of whom were passed, with the passing rate of 32.19%.

According to the regulation, the qualified Candidates may directly apply for certification.

(by Zhao Jianguo)

本报讯 12月18日,中国国家知识产权局专利代理人考核委员会当日公布了2013年全国专利代理人资格考试合格分数线,全国共有

3812人通过专利代理人资格考试,同比增长28.52%。

据介绍,此次考试是国家知识产权局举办的第15次全国专利代理人资格考试,参加考试的人数达2.1689万人,与去年相比增长29.26%,继续刷新纪录。在2013年全国专利代理人资格考试中,有

1.1423万人参加了法律知识部分的考试,通过人数为5107人,通过率为44.71%;有1.2699万人参加了专利代理实务科目的考试,通过人数为4088人,通过率为32.19%。根据规定,通过全国专利代理人资格考试者可以直接申请获得专利代理人资格证书。(赵建国)

ANZ Banking prevails in a trademark battle in first-instance

“澳新”商标侵权案一审有果

As one of the four largest banks in Australia, Australia & New Zealand Banking (ANZ Banking) was challenged in a court as it is suspected of infringing a trademark of Ningbo Yinzhou Xiaying Aoxin Investment Advisory Service Agency (Aoxin Agency). Recently, Shanghai Pudong People's Court ruled in favor of ANZ Banking.

The No.5487111 and 6630585 "澳新" trademark was registered by the Aoxin Agency in January and September 2010, certified to be used in Class 36 goods including insurance, banking, capital investment and financial services.

The principal of the Aoxin Agency sur-named Chen said that as the trademark owner of "澳新", it enjoys the exclusive right to use the trademark, and ANZ Banking's

action of using unauthorized trademark as its bank name has constituted trademark infringement. So he requires ANZ Banking and its branch banks stop using 澳新银行 on business site and website.

ANZ Banking held that it enjoys the priority right of 澳新, and the bank also enjoys a high reputation in the industry. Meanwhile, ANZ Banking has not use 澳新 in the service and not intend to mislead the consumers.

The court held that the 澳新 is visible and famous in the financial industry after it was used by ANZ Banking and its branches in Chinese market, and the relevant consumers are also able to distinguish between them in the services. So the court rejected the demands of the Aoxin Agency. (by Yang Liu)

本报讯 作为澳大利亚四大银行之一,澳新银行(中国)有限公司(下称澳新银行)因被指将他人注册商标用作企业字号,构成商标侵权而被诉诸法院。日前上海市浦东新区人民法院作出一审判决,认定其商业标识及企业名称的使用属正当行为,不构成对浙江省宁波市鄞州区澳新投资咨询服务部(下称澳新服务部)"澳新"商标的侵权。

据了解,第5487111号、第6630585号"澳新"文字商标由澳新服务部分别于2010年1月、9月获取商标专用权,均指定使用在第36类保险、银行、资本投资、金融服务等服务类别上。

澳新服务部负责人陈某诉称,其作为上述两商标的权利人,享有商标专用权,澳新银行及其多家分行在未经同意的情况下,擅自将"澳新"作为企业字号进行使用,并广泛开展业务,已经构成商标侵权,诉请要求澳新银行及其相关支行停止在营业场



所及官方网站上使用"澳新银行"字样。

澳新银行对此表示,澳新银行对"澳新"字样享有在先企业名称权,并非对澳新服务部商标的擅用,"澳新银行"在业内享有较高市场知名度,应作为企业名称进行保护,澳新银行并未将"澳新"字样作为商标进行单独、突出使用,亦无造成公众误认的主观意图。

法院在一审判决中认定,"澳新"文字经过澳新银行及其分支机构在

中国境内的使用,具有识别性和知名度,在金融服务中,相关公众已经能够将"澳新"文字与澳新银行提供的服务相联系,不会对服务来源产生混淆误认。据此,法院驳回了澳新服务部方面的诉求。(杨柳)

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