

NUMBERS

29.26%

In 2013, the number of examinees that took the National Qualification Examination for Patent Agents reached 21,689, up 29.26% than that of last year, hitting a record-high.

29.26%

2013年,中国专利代理人资格考试的人数达2.1689万人,与去年相比增长29.26%,为历年来最多的一次。

90,000

Recently, the 2012 China Innovative Enterprise Development Report was issued in Beijing. According to the report, as of the end of 2011, 542 innovative (pilot) enterprises had housed more than 90,000 valid invention patents, with main business revenue exceeding 21.5 trillion Yuan.

9万件

近日,《中国创新型企业发展报告2012》在京发布。报告指出,截至2011年底,542家创新型(试点)企业的有效发明专利拥有量超过9万件,主营业务收入总额21.5万亿元。

1,000

Since this year, SIPO has 39 training programs in the field of patent examination. 1000+ people of 200 patent bars from 22 provinces participated in the programs.

1000人

今年以来,中国国家知识产权局专利局审查业务管理部推动专利代理机构业务能力建设,共开展了39期次的培训,有22个省市、近200家代理机构的1000余名专利代理人接受了培训。

53.9%

According to the statistics, as of the end of September 2013, Anhui province housed 10,586 valid invention patents, and the number of that patent per 10,000 heads reached 1.77, up 53.9%.

53.9%

据统计,截至2013年9月底,安徽省拥有有效发明专利1.0586万件,每万人口发明专利拥有量达1.77件,较上年同期增长53.9%。

22

As of September of 2013, Pudong District of Shanghai housed 11,588 valid invention patents, and the number of invention patents per 10,000 heads reached 22.

22件

截至2013年9月,上海浦东新区有效发明专利数量达到1.1588万件,每万人口发明专利拥有量达到22件。

8 million yuan

Fujian Sanming Lianxing Renewable Resources Development Company is an environmental-friendly company engages in renewable resources development. It has secured a loan of 8 million Yuan by pledging six patents including a chum-dasher for recycling returned sodium silicate sand.

800万元

作为一家以再生资源业务为主的环保型高科技企业,福建省三明市联兴再生资源开发有限公司拥有“铸造水玻璃日砂回收用高效搅拌装置”等6件专利。近日,该公司以专利权质押方式获得800万元贷款。

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25 Patent gold medals generate 37.1 billion yuan in profit

第十五届中国专利奖颁奖大会举行

25项金奖项目新增利润371亿元

On November 11, Ceremony for the 15th WIPO-SIPO Award for Chinese Outstanding Invention and Industrial Design patents opened in Beijing. Francis Gurry, director-general of the World Intellectual Property Organization (WIPO), and Tian Lipu, Commissioner of the State Intellectual Property Office (SIPO), both attended the ceremony and delivered a speech respectively. The 25 gold medal items have generated 109.5 billion Yuan in combined sales revenue and 37.1 billion Yuan profit by the end of 2012, which brought significant economic benefit to the right-holders.

Francis Gurry said in his address that the meeting showed the close tie between WIPO and SIPO, which highlighted the power of innovation in socio-economic development as well. Gurry felt much delighted with the rapid development of China's patent cause as well as its great power in economic development.

Tian Lipu stressed in his speech that the award played a vital role in promoting China's IP development, especially in stimulating innovation and improving patent



quality. Tian said, under the background of the rapid growth of China's economy, society and IP cause, the credibility, authority as well as influence of the award have been increasingly improving with the common concern and efforts of the society. Tian stressed that the patents awarded were innovative,

well-designed, and practical, whose implementation have had and would continue to have a positive and significant impact on China's industrial upgrading as well as socio-economic development.

At the meeting, Francis Gurry, WIPO deputy director-general Wang Binying, Tian Lipu, SIPO Vice

Commissioner He Hua, and Xiao Xingwei, Head of Discipline Inspection Group of Central Commission for Discipline Inspection stationed in SIPO, together awarded the China patent gold prize and China design gold prize to the winners.

Out of some 800 entries, a record-high number for the annual event, 20 inventions and 5 industrial designs respectively were awarded patent gold medal and design gold medal; 336 patents and 53 industrial designs were awarded China patent award of excellence and China design award of excellence in the 15th WIPO-SIPO Award.

(by Xiang Li/Chen Jianming)

本报讯 11月11日,第十五届中国专利奖颁奖大会在北京举行。世界知识产权组织总干事弗朗西斯·高锐、国家知识产权局局长田力普出席大会并致辞。记者从颁奖大会上获悉,本届获奖的25项金奖项目自实施之日起至2012年底,新增销售额1095亿元,新增利润371亿元,为专利权人赢得显著的经济效益和市场竞争能力。

弗朗西斯·高锐在致辞中表示,这次大会展现了世界知识产权组织同中国国家知识产权局之间密切的友谊关系,并强调了创新对整个社会经济发展和所有企业发展的重要性,

同时对中国专利事业的迅速发展以及对经济的巨大推动作用感到欣喜。

田力普在讲话中强调,中国专利奖评选已成为推进我国知识产权事业发展的平台,对于激发全社会的创新热情、提升专利质量、促进知识产权工作,发挥了积极的导向作用和良好的示范作用。他指出,在中国经济社会和知识产权事业大发展的时代背景下,在社会各界的共同关心和努力下,中国专利奖的公信力、权威性、代表性和影响力日益增强。本届获奖项目的创新及设计水平高,实用性强,经济效益良好。这些项目的实施,对促进产业优化升级,以及对国家经济社会发展已经并将继续产生积极和重要的影响。

会上,弗朗西斯·高锐、世界知识产权组织副总干事王彬耀、田力普,以及中国国家知识产权局副局长贺化、中央纪委驻国家知识产权局纪检组组长肖兴威共同为2012年度中国专利金奖、中国外观设计金奖获奖代表颁奖。

据介绍,此届中国专利奖共推荐了近800个优秀项目,参评数量再创历史新高。经过国家知识产权局和世界知识产权组织的评审,第十五届中国专利奖共评出中国专利金奖项目20项,中国外观设计金奖项目5项,中国专利优秀奖项目336项,中国外观设计优秀奖项目53项。

(向利 陈建明)

Orion Company finally wins the 10-year trademark suit

好丽友®十年维权终有斩获

Recently, Liaoning Higher People's Court ruled that due to the use of the trademark "Orion", Jiangsu Orion Food Science and Technology Co. Ltd. (Jiangsu Orion) infringed the trademark right of Orion Food Co. Ltd. (Orion Company) and constituted unfair competition. The court ordered Jiangsu Orion to change its name, make an apology and compensation.

On October 11, Jiangsu Orion changed its company name into "Jiangsu Kawang Food Co. Ltd.", which marked the end of the ten-year trademark dispute.

Orion Company encountered trademark infringement

The food brand "Orion" was created by a Korean company. In 1995, the company established Orion Company in Langfang, Hebei province. From then on, the popularity and influence of the brand "Orion" were greatly promoted.

However, with the growing influence, Orion Company encountered trademark infringement. In April 2003, a natural person surnamed Xu (the actual manager of Jiangsu Orion) in Fujian province applied to the Trademark Office under the State Administration for Industry and Commerce (TMO) for the registration of the trademark "好丽友 HAOLIYOU" (No. 3543859), certified to be used on nori, etc. In August, 2004, the trademark was published by the TMO. During the publication, Orion Company raised objections.

To safeguard legal rights via lawsuits

In April, 2009, TMO rejected Xu's application, holding that "Ori-

on" had constituted a well-known trademark. Dissatisfied, Xu filed an application to the Trademark Appeal Board under the State Administration for Industry and Commerce (TRAB) for review.

During the review, Orion Company filed a lawsuit against Lian Yungang Orion (Later was known as Jiangsu Orion) in 2010. At the end of 2010, Liaoning Shenyang Intermediate People's Court ruled Jiangsu Orion constituted trademark infringement and ordered it to cease infringement and make compensation. The disgruntled Orion Company and Jiangsu Orion appealed to Liaoning Higher People's Court.

In June, 2011, TRAB approved Xu's registration of the trademark "好丽友 HAOLIYOU". Disgruntled, Orion Company made another lawsuit. Beijing No. 1 Intermediate People's Court heard the case and approved the registration, holding that the two trademarks did not constitute similarity due to the different goods certified to be used on. Both Orion Company and Xu were dissatisfied with ruling, and hence continued their appeal to

Beijing Higher People's Court.

Orion Company got the final victory

In May 2012, Beijing Higher People's Court ruled that the two trademarks constituted similarity on similar goods. In 2013, TRAB made another ruling, which rejected Xu's application for the registration of the trademark "好丽友 HAOLIYOU".

In addition to that, Liaoning Higher People's Court ordered Liaoning Shenyang Intermediate People's Court to retry the case. After the retrial, the Shenyang court ruled that, Jiangsu Orion constituted trademark infringement as well as unfair competition, and ordered it to stop infringement. Jiangsu Orion, dissatisfied, made another appeal. However, Liaoning Higher People's Court upheld the original judgment at second instance in May, 2013.

Professor Tao Xinliang, dean of the IP Institute of Shanghai University, said both the person and the enterprise should adopt proper measures to pursue profit in market. The cost of malicious copy and

plagiarism will be changing names with probably huge financial compensation like Jiangsu Orion.

(by Yang Qiang) 本报记者 杨强

日前,辽宁省高级人民法院(下称辽宁高院)判定,江苏好丽友食品科技有限公司(下称江苏好丽友)注册、使用"好丽友"商标和字号等行为,构成对知名休闲食品生产商好丽友食品有限公司(下称好丽友公司)的商标侵权及不正当竞争,并责令其变更企业名称、公开致歉并赔偿好丽友公司经济损失。

10月11日,江苏好丽友正式将企业名称变更为"江苏旺旺食品有限公司",至此双方近10年的纷争终于结束。

好丽友遭遇"傍名牌"

据了解,休闲食品品牌"好丽友"由韩国株式会社好丽友创立。1995年,该公司在河北省廊坊市设立好丽友公司。此后,"好丽友"品牌的知名度和影响力亦在国内市场上获得大幅提升。

然而,在喜获良好市场回馈的同时,好丽友公司却遭遇到他人的"傍名牌"行为。据介绍,2003年4月,福建省自然人许某(即江苏好丽友实际控制人)向国家工商行政管理总局商标局(下称商标局)申请第3543859号"好丽友 HAOLIYOU"商标,指定使用的商品包括紫菜等。2004年8月,商标局初步审定并公告该商标。公告期内,好丽友公司对许某的申请商标提出异议。

多措并举起维权权益

2009年4月,商标局异议裁定认为,好丽友公司引证的"好丽友"商标为驰名商标,许某申请的"好丽友 HAOLIYOU"商标,损害了好丽友公司的权益,不予核准注册。对此,许某不服,向国家工商行政管理总局商标评审委员会(下称商评委)申请异议复审。

在商标异议复审期间,好丽友公

司于2010年初将许某任法定代表人的连云港"好丽友"(后变更为江苏好丽友)诉至辽宁省沈阳市中级人民法院(下称沈阳中院)。2010年底,沈阳中院作出一审判决,认定江苏好丽友构成商标侵权,判令其停止侵权,并赔偿损失,后双方上诉至辽宁高院。

2011年6月,双方在辽宁高院的纠纷尚在审理,商评委裁定许某申请的"好丽友 HAOLIYOU"商标被核准注册。好丽友公司不服商评委裁定,将其诉至北京市第一中级人民法院(下称北京一中院)。北京一中院判决认为被异议商标指定使用的"紫菜"等与好丽友公司引证商标构成类似商品上的近似商标,但在"海带、泡菜"等商品上未构成类似,应予核准注册。对此,好丽友公司和许某均不满意,双双上诉至北京市高级人民法院。

破瓶颈打赢保卫战

2012年5月,北京市高级人民法院就双方商标异议复审行政案作出二审判决,认定双方商标构成类似商品上的近似商标。2013年,商评委据此重新作出裁定,对许某申请的"好丽友 HAOLIYOU"商标不予核准注册。

此外,辽宁省高级人民法院对好丽友公司的民事案件裁定发回重审。沈阳市中级人民法院重新审理后,判定江苏好丽友注册"好丽友"字号的行为构成商标侵权及不正当竞争,判令江苏好丽友停止侵权及不正当竞争行为。江苏好丽友不服该判决提出上诉。辽宁省高级人民法院于2013年5月作出二审判决,维持一审判决。

对于该案,上海大学知识产权学院院长陶鑫良呼吁,企业和个人在市场竞争中追求商誉和利益,应秉持持之有道的原则,如果一味恶意"搭便车""傍名牌",最终结果只能是与江苏好丽友相同,不仅更名,可能还会面临巨额经济赔偿。

