

NUMBERS

435,151

At the end of 2012, China housed cumulatively 435,151 valid invention patents. In the first half of 2013, China granted 109,000 invention patents, 73,000 of which were domestic patents, accounting for 67% of the total.

43.5151 万件

截至2012年底,中国国内有效发明专利拥有量已达43.5151万件。今年上半年,中国发明专利授权量达到10.9万件,其中,国内授权发明专利7.3万件,占到总量的67%。

7.656 million

At the end of 2012, China received cumulatively 11.36 million trademark applications, 7.656 million of which were registered, and the number of valid trademark reached 6.4 million, ranking the first in the world.

765.6 万件

截至2012年底,中国商标累计申请量已达1136万件,累计注册量已达765.6万件,有效注册商标已达640万件,均居世界首位。

2,510

In recent years, the IP protection mechanism in China was improved. In 2012, the IP system all over the nation received 2,510 patent disputes and investigated 6,512 counterfeit cases.

2510 件

近年来,中国不断完善知识产权保护长效机制,连续组织开展对重点市场和重点领域的专项整治工作。2012年,全国知识产权系统受理专利纠纷案件2510件,查处假冒专利案件6512件。

40 billion

In recent years, China has constantly improved IPR commercialization system, and the registration of IPR pledging has maintained a rapid growth for 5 years. The pledge amount has reached 40 billion Yuan, with an annual average growth rate of 70%.

400 亿元

近年来,中国知识产权转移转化促进机制逐步完善。知识产权质押融资工作广泛开展,专利质押合同登记连续5年保持高速增长,质押金额平均增长率近70%,累计超过400亿元。

87,419

In 2012, the local courts received 87,419 IP civil cases of first-instance, 2,928 IP administration cases, and concluded 12,794 IP criminal cases.

8.7419 万件

2012年,中国各类知识产权案件数量均有了大幅增长,全国地方法院共新收知识产权民事一审案件8.7419万件,新收一审知识产权行政案件2928件,共审结设计知识产权侵权的刑事案件1.2794万件。

360 billion

Since the Beijing International Cultural & Creative Industry Expo first appeared in 2006, it has become a platform for international exchanges and cooperation of such activities. According to rough statistics, the first seven Expo has inked 365.4 billion Yuan.

3600 亿元

北京文博会自2006年创办以来,影响不断扩大,已成为中国文化创意产业国家级国际交流合作的标志性平台。据不完全统计,前七届文博会会议上签约的总额就已突破3600亿元大关,共计3654亿元。

ITC launches Section 337 Investigation against Chinese disc drives 中国光驱产品在美遭遇“337调查”

The USITC launched Section 337 Investigation of "certain optical disc drives, components thereof, and products containing the same" from seven companies in Asia to confirm whether these products violate patent rights of the U.S. companies.

In recent years, ITC has launched 337 investigation against several Chinese companies like Huawei, ZTE and SANY. How should Chinese company respond to the investigation?

Competition triggers 337 investigation

Products involved are mainly desktop computers, laptops, DVD, blue light players, CD players and game machines.

And the seven companies involved are China Lenovo, Mediatek, LG, Samsung, Nintendo, Panasonic and Toshiba. The investigation is based on a complaint filed by Optical Devices, LLC, of Peterborough, on NH, on September 3, 2013, and on products containing the same that infringe patents asserted by the complainant. The complainant requests that the USITC issue a limited exclusion order and desist orders.

At the end of 2012, Lenovo overtook HP in PC sales for the first time and became the largest PC manufacturer in the world. Then Lenovo was launched 337 investigation less than a year, which had very clear implications for the company's export arrangements. "Although the storage device are upgrading in recent years, the heat of disc drives seems lower than the previous years. As a big company, Lenovo, however, still enjoys high competitiveness and broad market prospect. Thanks to the advantages of low cost, Chinese companies including Lenovo keep breaking sales records, which will definitely impact overseas IT companies including the U.S. IT companies. That's the reason why the USITC launched 337 investigation against Chinese IT companies," said a relevant expert.

How to respond

According to the statistics, the

number of 337 investigations that China is involved in has been the largest in the world. Among the relevant ruled cases, 60% Chinese companies lose out in the cases, 26% higher than the world's average. Some Chinese companies even turn pale at the mere mention of 337 investigation.

Yu Guofu, Director of Beijing Shengfeng law firm, however, does not agree to attribute 337 investigation to a unhealthy competition. "From the design purpose of 337 investigation, it is not directly aimed at China. It just because China is the most important trade partner of the U. S., and the U.S. imported a large numbers of product from China. As a result, the conflict and friction over the trade is rising," according to Yu.

"All Chinese company have to do now is not to response or moan about the injustice of system design, but to actively use the system to safeguard their lawful right," said Yu.

With the development of Chinese company and S&T product trade, ITC begin to frequently raise difficult questions to Chinese companies by 337 investigation. Ma Zhiguo, Director of IP Research Center of Xi'an Jiaotong University, thought that it is a typical reflection of the U.S.'s trade protectionism in the law.

"It is a kind of trade battle between Lenovo and Optical Devices when Lenovo was subjected to 337 investigation," said Ma Zhiguo. On the back of IPR, the multinational firms which have IPRs in the U.S. use 337 investigation as a tool to limit competition, and curb our industry upgrade and product export. It created patent barriers and made the competitors hard to break through.

"China should take active law and policy measures to support and protect Chinese companies' participation in the international competition. Firstly, China should provide policy guidance for international trade, strengthen the system building of IP application and protection, establish a infringement warning mechanism. Secondly,



China should make full use of WTO dispute-settlement system and find a solution to trade discrimination with the U.S. government."

(by Hu Shuyang)

本报记者 胡殊阳

日前,美国国际贸易委员会(下称ITC)对中国联想集团(下称联想)、中国台湾联发科技股份有限公司(下称联发科)等7家企业生产的光驱产品发起"337调查",以确定这些产品是否侵犯美国光学设备公司的专利。

近年来,ITC已对中国多家公司发起"337调查",包括华为、中兴和三一重工在内的多家企业被指侵权。面对这样的出口"困境",中国企业又应如何面对?

市场竞争导致调查增多

据悉,此次事件源于ITC于10月21日对外发布的声明,其称此次发起"337调查"的涉案产品主要是台式机、笔记本电脑、DVD机、蓝光播放器、CD机和游戏机等含有光驱的产品,涉及企业包括中国的联想和联发科,韩国LG和三星,日本任天堂、松下和东芝等7家企业。该声明同时提到,美国光学设备公司今年9月3日提出申诉,指控美国进口及

在美国市场销售的上述含有光驱的产品侵犯了该公司专利,要求ITC启动"337调查",发布排除令和禁止进口令。

据了解,2012年年底,联想PC销售量首超惠普,成为全球最大的PC厂商。时隔不到1年,联想就被ITC提起"337调查",此番遭遇对联想产品出口布局的影响是不言而喻的。对此,业内人士表示,虽然近年来存储设备不断升级,光驱产品的热度相较前些年有所降温。但是,作为联想这样的企业,其产品在市场上还是具有较高的竞争力和广阔的市场前景。再加之,中国相较于其他国家,又存在着成本低等优势,这使得包括联想在内的中国IT企业在国际市场上近年来销售量不断刷新,这必然对包括美国在内的海外IT企业造成冲击,这也可能是美国ITC针对中国IT企业频频发起的"337调查"的原因之一。

面对"调查"需要积极应对

根据统计,目前中国已经成为遭受美国"337调查"最多的国家,在已判决的相关案件中,中国企业的败诉率高达60%,远高于世界平均值26%。有些中国企业在听闻"337调查"时甚至到了"谈虎色变"的地步。

然而,北京市盛峰律师事务所主任任国富并不太赞成将"337调查"归结为一种"恶性竞争"。他认为,"337调查"从其制度设计的目的来看,并非直接针对中国,只是由于中

国目前是美国的重要贸易伙伴,美国从中国进口的产品数量大、种类多,发生矛盾和摩擦的概率自然也就较大。"中国公司目前需要做的,不是被动应对,也不是抱怨制度设计不公,而是应该积极利用该制度,维护自身合法权益。"于国富说。

近年来,随着中国科技企业加快"走出去"步伐,科技产品贸易增加,ITC利用"337调查"对中国企业频频发难。对此,西安交通大学知识产权研究中心主任马治国教授认为:"这是美国典型贸易保护主义在法律上的反映。"

"涉案的联想等企业作为美国光学设备公司的竞争对手,被美国光学设备公司提起调查,事实上属于一种贸易战。"马治国表示,在美国拥有知识产权的跨国公司凭借其知识产权的优势,将"337调查"作为限制竞争、遏制我国产业升级和产品出口的手段,构成了专利壁垒,使竞争对手难以突破。

对此,马治国表示,我国应当采取积极法律与政策措施,支持和保护我国企业参与国际竞争。"首先,应当对国际贸易进行政策指导,加强知识产权运用、保护的规范制度建设,建立侵权预警机制。其次,我国应当充分利用WTO争端解决机制,与美国政府就贸易歧视问题寻求根本解决。"马治国同时强调:"我国应在不违背WTO规则前提下,制定有针对性的立法,以消减其负面影响。"

China's IP in foreign eyes



Chinese firms have proven their ability to design and implement clean technology projects with surprising speed and agility. Years ago, the Chinese government, through a variety of intentionally crafted policies, set out the explicit goal of becoming the world's leader in clean technology. Without question, China will be one of the most important forces

shaping the global biotech industry over the next several decades. (Could China achieve in biotech what it did in clean-tech? by Forbes)

中国公司已经证明了他们在设计和实施清洁技术项目方面拥有惊人的速度和敏捷度。多年前,中国政府通过一系列精心设计的政策,确立了成为世界清洁技术领导者的明确目标。毫无疑问,在未来几十年中中国也将成为塑造全球生物技术产业最重要的力量之一。("中国生物技术能做到清洁技术已做到的吗?"福布斯杂志)

Comments:

China will continue to work on making the country a leader in biotech. If China is as successful a disruptive force in biotech as it was in clean-tech, basic questions about globalization will become more difficult to answer, as we all see that the effect of economic transference take root in high-skill, knowledge-inten-

sive industries such as biotech.

点评:

中国将继续致力于成为世界生物技术的领导者。如果中国在生物技术领域成为与其在清洁技术领域同样成功的颠覆性力量,那么全球化的一些基本问题将变得更加难以回答,因为我们都清楚,经济转移的影响植根于生物技术等高技术含量的知识密集型行业。



China's state-owned GAC Motor scored above average in a closely watched quality survey, as home-grown brands narrowed the gap with the foreign

marques that dominate the world's biggest car market. Three other Chinese brands - Venucia, Roewe and Luxgen, also performed better than the industry average, compared with none last year when JD Power started ranking domestic brands in the survey. (Chinese carmakers narrow quality gap with global brands, by Reuters)

拥有自主品牌的中国广汽集团在一项严谨的质量调查中得分高于平均水平。这证明了在世界最大的汽车市场上,中国本土品牌与占主导地位的外国汽车品牌的差距正在缩小。与去年权威汽车质量调查机构JD Power开始将中国国产汽车品牌纳入调查排名相比,其他3个中国品牌——启辰、荣威和纳智捷也有优于行业平均水平的表现。("中国汽车制造商缩小与全球知名品牌的的质量差距",路透社)

Comments:

Even though foreign brands still grabbed the top spots, as ex-

perts claim, Chinese domestic brands achieve tremendous improvement in vehicle quality in 2013. Chinese companies have stepped up efforts to develop their own brands using technologies and skills they have learned or bought from foreign companies.

点评:

虽然国外汽车品牌仍然占据排名前列,但正如业内专家所称,中国本土品牌在2013年实现了整车质量的巨大改善。中国公司早已加紧了步伐,充分运用从外国公司所购买的技术和从合作者身上所学到的技能,努力发展自主品牌。

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