

NUMBERS

946 At the end of September 30, there are 946 patent agencies and 8,595 patent agents in China. Quantity of patent agents has increased from 2,573 in 2009, with an annual increase of 41%.

946 截至2013年9月30日,中国专利代理机构达946家,专利代理人达8595人。与2009年底相比,专利代理人增加了2573人,年均增长率约为41%。

8% At the end of 2012, China has owned 8% of the patents for new-energy automobiles worldwide, ranking third with Germany and Korea, following Japan's 60% and America's 22%.

8% 截至2012年底,中国在混合动力汽车、燃料电池汽车等新能源汽车领域获得专利数量占全球专利总数的8%,与德国、韩国并列世界第三。该专利数量位居第一,第二的分别为日本和美国,所占比例分别为60%和22%。

883 With the 2013 winning list of Ho Leung Ho Lee Foundation being unveiled, professor Pan Jianwei has been honored with the Science and Technology Achievement Award. 46 prizewinners have been granted 883 invention patents.

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3.3 billion The 8th EU-China Business and Technology Fair was concluded in Chengdu (Sichuan province) on October 23. Companies from two sides have reached 3.3 billion Yuan worth agreements of intention for investment cooperation.

33 亿元 10月23日,以“科技创新与产业合作”为主题的第八届中国—东盟投资贸易科技合作洽谈会在成都闭幕。中欧企业达成包括知识产权合作在内的合作意向协议金额33亿元。

161 On October 25, a training session on checking legal software promotion project in Beijing state-owned enterprises was held. 30,000 computers of 161 enterprises been checked at the end of October.

161 家 10月25日,从2013年北京市市属国有企业软件正版化检查验收工作培训会上获悉,为期1个月的2013年北京市市属国有企业软件正版化检查验收工作于10月底启动,受检的企业共161家,涉及计算机近3万台。

43,787 At the end of June of 2013, 43,787 patents have been filed on LED technologies and products in Guangdong province, representing 26.29% nationwide. 9,684 of which are inventions, representing 22.12%.

4.3787 万件 截至2013年6月底,广东省LED专利申请量共计4.3787万件,占今年中国LED专利申请总量的26.29%。其中,发明专利申请达到9684件,占比达22.12%。

Cetis prevails in trademark dispute case

昔日贴牌代理生产加工注册商标引发争议——

“美爵信达”追索商标权首战告捷

An IPR dispute triggered by a trademark TELEMATRIX recently came to an end with Cetis, Inc.'s success over its OEM company Shandong Bittel Electronics Co., Ltd. The Trademark Review and Adjudication Board under the State Administration for Industry and Commerce (SAIC) officially revoked TELEMATRIX as a trademark filed from Bittel, on products like telephones.

A 3-year battle

Established in 1993 by Dr. Bing N.Sun, Cetis (formerly Jisc Cetis) specializes in providing network communications and wireless local area network (LAN) solution for hotels, hospitals, Colleges and universities, governments etc. Cetis had purchased TeleMatrix in 2006, and merged Teledex in 2009, it designed and manufactured a broad range of analog, and VoIP telephone and high-speed Internet products. In 2009, Cetis set up their Beijing office, trying to open up Chinese markets.

Cetis telephones are always preferred by major hotel brands, namely Hilton, Inter Continental etc. Up to now, Cetis telephones have been installed in more than 20 million guest rooms for 150,000 hotels.

In 1998, the Yankuang Shandong Bittel Electronics started their business with Cetis as an OEM manufacturer. One year after the contracts expired, Bittel filed TELEMATRIX as a trademark on telephones in 2004, in May 2007, the trademark was registered.

In June 2006, Bittel sued Beijing Cetis to Beijing Chaoyang People's court on the ground because Cetis has produced and sold telephones with the TELEMATRIX trademark without authorization.

Beijing Cetis fought back. It held that all the dispute trademark have been legally authorized from their parent company, Beijing Cetis highlighted that all these phones had been made by American TeleMatrix, Inc. or by Scitec Teledex & TeleMatrix, Inc., no infringement had been constituted.

Cetis alleged that Bittel was the real infringer. Up to now, TELEMATRIX has gained popularity and awareness among the consumers globally; Bittel's behavior

should be deemed squatting. In September 2010, Cetis appealed to the Trademark Review and Adjudication Board and sought rejection.

No one compromises

Cetis held that as a hotel phone supplier, Cetis and the TELEMATRIX have gained awareness among consumers even before Bittel's filings. In its promotions, Bittel had admitted the fact that TELEMATRIX was a real world-known trademark. Taking into consideration of these factors, Bittel's filings should be affirmed squatting.

Meanwhile, Cetis tried to reverse the battle on the ground of unfair competition. Cetis has been regarded as Bittel's strong competitor in the Chinese market, Bittel attempted to disturb or restrict Cetis' s business by registered TELEMATRIX as a trademark on the similar products.

Public information from Chinese Trademark Online under SAIC shows that Bittel has filed TELEDEx as a trademark on telephones on Class 9 and filed TELEDEx as a trademark on fax machines on Class 9. These two trademarks are pending. Earlier than Bittel's filings, TELEMATRIX has filed TELEMATRIX as a trademark in EU and America etc.

The Trademark Review and Adjudication Board ruled in favor of Cetis's appealing and rejected Bittel's trademark. The Trademark Review and Adjudication Board held the trademark TELEMATRIX had won popularity among consumers globally even before it entered into Chinese market. Being aware of this, Bittel filed TELEMATRIX as a trademark on same products, unfair competition has been affirmed.

Disgruntled Bittel brought this case to Beijing No.1 Intermediate People's Court. We will keep close attention to the development of the case. (by Wang Guohao)

本报记者 王国浩

继商标侵权诉讼对决后,近期美国美爵信达公司(CETIS, INC., 下称美爵信达公司)与其昔日贴牌代理生产加工商——山东比特电子工业有限公司(下称比特电子公司)之间围绕“TELEMATRIX”商标引发了一场争议并再次对簿京城。日前,中国



国家工商行政管理总局商标评审委员会(下称商评委)支持了美爵信达公司提出的争议申请,裁定撤销比特电子公司在电话机等商品上“TELEMATRIX”商标的注册。

双方纠纷溯源

1993年,美籍华人孙炳南在美国创立了美爵信达公司的前身——赛德电子通信技术股份有限公司(下称赛德公司),致力于为全球范围内的酒店、医院、高校、政府以及大中型企业提供网络通信和无线局域网解决方案,设计并制造相关商用通信设备。2006年,赛德公司并购酒店电话机行业内的第二大品牌“TELEMATRIX”;2009年,赛德公司兼并行业内第一大品牌“TELEDEx”,并更名为美爵信达公司,同年美爵信达公司进军中国市场并成立了北京美爵信达科技有限公司(下称北京美爵信达)。

据了解,美爵信达公司的酒店专用电话机多年来一直是希尔顿、洲际、凯悦等国际知名五星酒店管理集团指定的客房电话机的标准,目前全球有超过15万家星级酒店,2000多万间客房使用美爵信达公司的产品。

1998年,赛德集团山东比特电子公司(比特电子公司前身)成为了赛德公司原低端品牌的贴牌代理生产加工商,2003年双方代理关系终止。2004年11月,比特电子公司提出电话机等商品上“TELEMATRIX”商标的注册申请,2007年5月获准注册。

在“TELEMATRIX”商标获准注册后,比特电子公司于2010年6月

以北京美爵信达未经其许可,擅自将“TELEMATRIX”作为其商号和电话机品牌名称在网站宣传及销售活动中使用,侵犯其“TELEMATRIX”商标专用权为由,将其诉至北京市朝阳区人民法院。

北京美爵信达则认为,其使用“TELEMATRIX”商标得到了美爵信达公司的合法授权,且使用时都是以“BY 美国 TeleMatrix, Inc. 公司”或“Scitec Teledex & TeleMatrix, Inc.”等商号形式出现,均指向与自身关联的美爵信达公司,因此不构成商标侵权。

纷争仍在持续

美爵信达公司认为,在比特电子公司“TELEMATRIX”商标申请注册日前,“TELEMATRIX”商标已经在酒店专用电话机行业长期使用并具有较高知名度,且酒店专用电话机行业具有特定的相关公众,比特电子公司在对外宣传中也曾经承认“TELEMATRIX”是相关产品的国际知名品牌。因此,比特电子公司在相同或类似商品上申请注册“TELEMATRIX”商标,系对其在先使用并有一定影响的商标的抢注。

同时,比特电子公司在

“TELEMATRIX”商标获准注册后,对美爵信达公司及相关企业进行诉讼,美爵信达公司认为比特电子公司目的在于限制美爵信达公司“TELEMATRIX”品牌在中国的发展,属于不正当竞争行为,同时比特电子公司“TELEMATRIX”商标的注册具有不正当性。

记者日前通过中国商标网查询获悉,除了该案系争商标外,比特电子公司还在第9类电话机等商品上申请注册了“TELEDEx”商标,在第9类传真机商品上申请注册了“TELEDEx 德利达”商标,目前两件商标分别处于异议复审及争议状态。另外记者了解到,在比特电子公司申请注册“TELEMATRIX”商标之前,美国 TELEMATRIX, INC. 已在欧盟等地区在电话机等商品上申请注册了“TELEMATRIX”商标。

经审理,商评委认为比特电子公司与美爵信达公司作为同行企业,考虑到“TELEMATRIX”商标的独创性及其在国际上的知名度,以及“TELEMATRIX”品牌已进入中国市场的事实,比特电子公司在电话机等相同或类似商品上申请与之英文字母构成完全相同的商标,难谓善意,构成以不正当手段抢注美爵信达公司已经使用并具有一定影响的商标。据此,商评委作出对比特电子公司“TELEMATRIX”商标予以撤销的裁定。

据悉,比特电子公司不服商评委裁定提起行政诉讼,北京市第一中级人民法院日前已受理该案并将择日开庭审理。本报将继续关注该案进展。

China's IP in foreign eyes



The US is still the world leader in science and technology, but as a new NESTA report and others have noted, Chinese capabilities are developing rapidly. China is on track to pass the US in terms of spending on research and development (R&D) in 10 years, and the share of scientific papers published by Chinese scientists in journals rose to 9.5% in 2011. Over the past five years, China has adopted a range of poli-

cies designed to create “indigenous innovation” and reduce dependence on the west for advanced technologies and on the US in particular. (The challenge of China as a science and technology superpower, by The Guardian)

美国目前仍然是世界科技领域的领先者,但正如最新的内斯塔报告及其他研究结果所指出,中国的研发能力正在迅速提升。在未来10年,中国有望在R&D支出方面超越美国;中国科学家在全球期刊上发表的科技论文的比例已在2011年上升至9.5%。在过去的5年里,中国采取了一系列政策,致力于“自主创新”并减少对西方国家尤其是美国在先进技术上的依赖。(“中国作为科技超级大国面临的挑战”,英国卫报)

Comment:

Chinese policymakers are unhappy with the country being factory to the world and want to move from “Made in China” to “Innovated in China.” That's the key to un-

derstand Chinese innovation and technology policies. As a competitor and collaborator, the US must compete with China, but it also needs to get its own house in order.

点评:

中国不再满足于仅仅做一个世界工厂,而是希望“中国制造”能够真正地迈向“中国创造”。这是了解中国创新和科技政策的关键。作为中国的竞争对手和合作者,美国在与中国竞争的同时,也需要进一步提升自己的创新能力。



The one bright spot for the carbon-capture industry, a recent report from the Glob-

al CCS Institute notes, is China: “China now has 12 projects spread across all stages of development planning compared to five in 2010, ranking second behind the U.S. China is well positioned to influence the future success of carbon-capture.” Unlike the rest of the world, China is planning to double its budget for carbon-capture projects, hoping to attract some \$380 million in investment over the next five years. (Is China the last hope for carbon capture technology? by The Washington Post)

全球碳捕获研究所在新近发布的一份报告中指出,中国将是碳捕获行业的一个亮点。“与2010年仅有5个项目相比,中国目前已有12个项目,覆盖了发展规划的各个阶段,位居全球第二,仅次于美国。中国被普遍认为将会对碳捕获行业未来的成功产生重要影响。”与世界其他地区不同,中国正计划倍增其碳捕获项目的预算,希望在未来5年中吸引大约3.8亿美元的投资。(“中国是碳捕

获技术最后的希望吗?”华盛顿邮报) Comment:

While the number of operational CCS plants increased 50 per cent since 2012, no new projects have been proposed outside of China. An urgent policy response is required to ensure the successful global large-scale demonstration of CCS. China is stepping out in front of the world.

点评:

虽然运营中的碳捕获工厂的数量自2012年来增加了50%,但在中国以外却还没有一个新项目被提上日程。为了确保全球大型碳捕获示范的成功,有效的政策支持迫在眉睫。中国在这一方面正走在世界的前列。

Table with 2 columns: Role and Name. Roles include 英文翻译, Translator, 责任编辑, Executive Editor. Names include 姜旭, Jiang Xu, 柳鹏, Liu Peng.