

NUMBERS

1,800 China's Ministry of Industry and Information Technology recently released a paper encouraging promoting IPR development among industrial firms, medium and small business. SIPO actively coordinate and jointly promote implementation of related policies with other ministries. Up to now, more than 1,800 enterprises have been involved standards effectuating.

1800家 日前,中国工业和信息化部分别针对工业企业和中小企业发文,指导和帮助企业开展知识产权工作,促进企业增强创新能力和核心竞争力。中国国家知识产权局积极会同有关部门推动相关政策实施,同时指导各省市积极推动贯标工作。据不完全统计,截至目前,全国已有约1800家企业开展知识产权贯标工作。

6,666 Days ago, Changsha County in Hunan province was selected with other 21 counties as the IPR model county. From March 2009 until now, 6,666 patents with an annual growth rate of 46.47% have been filed in Changsha. Patent applications and invention applications both remain the top in the province.

6666件 日前,中国国家知识产权局印发了《关于确定国家知识产权强县工程示范县(区)的通知》,确定了包括长沙县在内的全国22个知识产权强县工程示范县(区)。长沙县自2009年3月以来,全县共提交专利申请6666件,年均增长46.47%,专利申请量和发明专利申请量均列全省县级第一。

49.66% Latest statistics from SIPO reveals that, 5,398 inventions have been filed in Guangxi province in the past eight months this year, up 88.02%. 877 inventions have been granted, up 49.66%, the fastest growth in China.

49.66% 日前,中国国家知识产权局最新统计数据显示,2013年1月至8月,广西提交发明专利申请5398件,同比增长88.02%,增长率居全国第一位;2013年1至8月获得发明专利授权877件,同比增长49.66%,增长率居全国第一位。

100,000 According to a conference for distance IPR education held in Hubei province, 100,000 people have registered as the students, and 77.36% of them have passed the examination.

10万 日前,湖北省知识产权远程教育推进会会在孝感召开。截至目前,湖北省注册学员人数已突破10万人,考试合格率为77.36%。

10,829 As of the end of 2012, each 10,000 citizens in Suzhou High-Tech Zone hold 16.44 patents. 10,829 patents have been filed and 5,767 were granted. Invention application and granting witnessed an increased of 48.79% and 39.41% respectively.

1.0829万 截至2012年底,苏州高新区每万人口发明专利拥有量达到16.44件。全年共提交专利申请1.0829万件,专利授权5767件;其中发明专利申请量、授权量分别同比增长48.79%和39.41%。

Patent examination cooperation Sichuan center founded

中国国家知识产权局与四川省政府、成都市政府签署共建协议

专利审查协作四川中心落户成都



Sichuan Governor Wei Hong (L) exchanges agreement with SIPO Commissioner Tian Lipu. Photo by Jiang Wenjie 图为四川省省长魏宏(左)与国家知识产权局局长田力普出席签约仪式。本报记者 蒋文杰 摄

China's 6th patent examination cooperation center, following by Beijing center, Guangdong center, Jiangsu center etc., the Sichuan center was recently set up in Chengdu, capital of Sichuan province. On October 9, SIPO, Sichuan government and Chengdu government jointly signed an agreement in building this patent examination cooperation center. According to the Framework Agreement on building the Patent Examination Cooperation Sichuan Center of the Patent Office, SIPO and Sichuan province will join hands in promoting the project construction. At the same day, representatives from SIPO, Sichuan province and Chengdu, jointly signed another agreement on job assignment in the project. The Sichuan center is the first one of its kind in Western China. By the end of 2018, the Sichuan center will have 2,000 employees

and 110,000 invention applications will be examined each year. (by Zhou Yuli) 本报讯 10月9日,由中国国家知识产权局、四川省人民政府、成都市人民政府共建的国家知识产权局专利局专利审查协作四川中心(下称四川中心)签约仪式在成都举行。四川省省长魏宏、中国国家知识产权局局长田力普等出席签约仪式。在签约仪式上,中国国家知识产权局和四川省人民政府签署了《国家知识产权局、四川省人民政府关于共建国家知识产权局专利局专利审查协作四川中心的合作框架协议》,中国国家知识产权局、四川省政府、成都市政府还共同签署了《关于共建国家知识产权局专利局专利审查协作四川中心任务分工协议书》。据悉,位于成都市天府新区核心区的四川中心目前是中国国家知识产权局在西部地区设立的唯一一个专利审查协作中心。到2018年底,四川中心工作人员规模将达2000人左右,年审发明专利申请能力将达11万件。(周渝利)

Susino triumphs in a trademark case 梅花伞业海外维权最终告捷



To Susino Umbrella Inc., they might never forget the day when Spanish judges ruled in favor of them in a trademark dispute started 3 years ago. Susino was once registered as a trademark by a Spanish named Ricardo Arroyo Martinez for his own three years ago. The court finally supported Susino Umbrella's appeals and Martinez's registration was voided. Without doubt, Susino's Victory gives a hand to this China's leading manufacturer and exporter of umbrella to further explore EU market. Trademark was registered by others

Huang Xiaoyuan, a legal manager for Susino Umbrella's lawsuit, has participated in this lawsuit since they decided to sue. According to Huang, the Susino Umbrella was founded in September 1995. Since then, Susino Umbrella has engaged in the design, manufacturing and distribution of various types of umbrellas. Up to now, Susino Umbrella has produced more than 10 million umbrellas each year, which were exported to more than 100 countries and regions. In 2003, Susino Umbrella broke into the EU market. In the following three years, the Susino Umbrella and their products have gained recognition and popularity among customers in EU market. Unexpectedly their business has conquered a trademark squatting. Martinez filed Susino as a trademark on class 18 for products of leather goods and umbrella, class 22 for fibre textile materials, class 25 for clothes, shoes and hats. According to Huang, Martinez owns an umbrella factory in Spain and sells his umbrellas mainly to customers in EU. To Martinez, Susino Umbrella's arising is a real blow, and he decided to set a barrier to Susino Umbrella from entering EU market. Since then, Susino Umbrella initiated the suit against Martinez. A costly victory In January 2010, Susino Umbrella hired a France law firm to challenge the trademark Susino filed by Martinez on products of umbrella and sunshade. In November 2011, Susino Umbrella hired a British based law firm to challenge the dispute trademark on the Class-25 mentioned above. Huang says that Martinez is familiar with the EU law system and has tried his best to keep this trademark for him own. On one hand, he challenged the evidences presented by Susino Umbrella, and on the other hand, he tried to solve this case in a peaceful way on the condition of being Susino's sole agency in EU market. "We won't easily give up and comprise, we

have to stand up to fight for this dispute," says Huang. In December 2011, The Office for Harmonization in the Internal Market (OHIM) revoked Martinez's registration. Martinez then sought reexamination and tried to challenge OHIM's decision, but denied by the Reexamination Board. In consideration of Martinez's no attempt to appeal, the trademark was finally given back to Susino Umbrella. In Huang's eyes, it is a costly victory. Susino Umbrella has spent more than 1 million yuan to the lawyers, let alone the other expenditures and the potential economic loss due to the lawsuit. The Martinez's case is not the first one Susino Umbrella has conquered. In December 2007, Susino Umbrella's American business partner registered Susino as a trademark for their own in the U.S. That case lasted for four years and ended up with a settlement that the trademark was returned to Susino Umbrella and will never interfere or defame Susino Umbrella's business in the U.S. "These two cases have taught us profound lessons. Chinese companies must file trademarks before they decide to develop overseas markets. In the last two years, Susino Umbrella has spent more than 1 million yuan on trademark registration in more than 120 countries, including Spain, the U.S., Russia and Albania," says Huang. Huang Hui, a researcher from Chinese Academy of Social Sciences and an IPR expert, pays close attention to the development of the case. He told CIP news that most countries in the world adopt the first-to-file system in protecting trademarks. "In that case, it will cost a lot for the original right holders to win back the trademarks. As a result, the companies aiming to explore the international markets should file the trademarks first and the parties involved should define trademark ownership when concluding the contracts." Huang Hui says. (by Mao Liguo) 位于素有“中国伞都”之称的福

建省晋江市东石镇的梅花伞业股份有限公司(下称梅花伞业),日前终于长舒了一口气。历时3年,其在西班牙终于赢得了“SUSINO”商标跨国保卫战。 “赢的不仅是商标之争,更是至关重要的欧盟市场。”梅花伞业法务部经理黄小源坦言。 半路杀出“程咬金” 据黄小源介绍,梅花伞业成立于1995年9月,2007年成为中国国内首家上市的晴雨伞企业。目前,梅花伞业年产自有品牌阳伞1000多万把,“梅花SUSINO”系列产品不仅畅销国内各地,而且远销俄罗斯、美国、西班牙等100多个国家和地区。 “2003年梅花伞业开始进军欧盟市场,2006年梅花伞业在国际市场推广的自主品牌已取得一定成绩,“SUSINO”品牌系列产品在欧盟多个国家获得市场的认可,品牌已颇具影响力。”黄小源说。然而,就在梅花伞业在欧盟打算大显身手之际,却未料到“半路杀出程咬金”——“SUSINO”商标被他人注册。 2006年5月,西班牙人Ricardo Arroyo Martinez(下称抢注人)在欧盟提出第18类皮具产品和伞类产品、第22类纤维纺织原料产品、第25类服装、鞋、帽商品上“SUSINO”商标的注册申请。 黄小源表示,抢注人系西班牙一雨伞生产企业的董事长,其主要经营范围为欧盟地区。梅花伞业的“SUSINO”品牌在欧盟市场日益走俏,已经影响到抢注人的产品在欧盟市场的销量,所以其抢注“SUSINO”商标并非为了高价转让给梅花伞业,而是为了阻碍梅花伞业在欧盟市场发展。 此后,梅花伞业便在异国他乡展开了一场“商标保卫战”。 斥资百万打“李鬼” 2010年1月,梅花伞业委托法国一家律师事务所,对已被抢注的商标在伞和阳伞类别上提出撤销申请。2011年11月,梅花伞业又聘请英国律师团队对抢注商标“SUSINO”在3个类别上提出撤销申请。 黄小源向记者表示:“抢注人深谙欧盟法律,在撤销审理期间,一边以各种理由对梅花伞业的证据提出质疑,想通过质证手段拖垮我们;一

边多次联系梅花伞业,提出以成为梅花伞业在欧盟的独家代理为条件的协商解决办法。”然而梅花伞业却顶着重重压力,最终赢得了这场跨国商标保卫战的胜利。 2011年12月,欧洲内部市场协调局撤销了抢注人的“SUSINO”商标在伞和阳伞商品上的注册,随后抢注人对该撤销裁定提出复审请求,美国复审委员会维持了撤销裁定。日前,抢注人的上诉期限已过且未提起上诉,至此梅花伞业欧盟维权之争终于尘埃落定。 黄小源向记者表示:“此次为了保卫‘SUSINO’商标,梅花伞业至少付出了几百万元的代价,仅聘请律师的费用就多达100多万元,同时3年多的时间使得梅花伞业开拓欧盟市场的计划受阻带来的损失更加难以计算。” 据了解,此次并非梅花伞业首次海外维权,2007年12月梅花伞业“SUSINO”品牌在美国就曾借助其开拓美国市场的中间人(下称美国抢注人)以自己的名义抢注“SUSINO”商标。经过4年时间的努力,美国抢注人最终与梅花伞业达成和解,将“SUSINO”商标转让给梅花伞业,并且承诺不再对梅花伞业在美国市场的经销行为进行干扰。 “防患于未然,进军国际市场,一定要商标先行”,黄小源表示,梅花伞业从这两起案件中吸取教训,近两年先后投入100余万元,在西班牙、美国、俄罗斯、阿尔巴尼亚等120多个国家和地区进行商标国际注册。 对此,中国社会科学院知识产权中心兼职研究员黄晖表示,大多数国家在商标保护上都是实行申请在先原则,如果企业未申请注册商标,而是被他人抢先注册,即使能证明他人是在知晓其商标的情况下申请注册的,企业也需要投入大量的人力物力去诉讼。在企业无法证明其在先使用及对方恶意抢注的情况下,往往只能承担败诉的结果。因此,企业应在目标市场尽早申请商标注册,至少在签订销售代理时要对商标归属进行明确约定,提前进行商标的战略布局。(毛立国)

Table with 2 columns: Role and Name. 英文翻译: 姜旭; Translator: Jiang Xu; 责任编辑: 向利; Executive Editor: Xiang Li