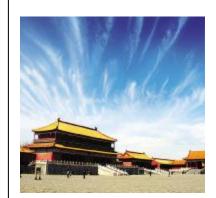
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# IP Brief



#### Beijin

According to the 2013 Beijing International Publishing Forum, the revenue of Chinese digital publishing industry in recent years hits a new record. The income of digital publishing industry in 2012 was 193.549 billion yuan, up 40.47%, accounting for 11.72% of the total publication industry revenue.

#### 化量

据 2013 北京国际出版论坛数据显示,近年来,中国数字出版产业收入连创新高。据悉,2012 年中国数字出版产业总收入达到 1935.49 亿元,同比增长 40.47%,占新闻出版业全年总收入的 11.72%。



Tianjin

China's AC311 helicopter performed at an air show in the Second Tianjin International Helicopter Fair recently. AC311 is a two-ton single rotor civil helicopter with tail, which is designed to fly at 241 kilometers per hour with a range of 590 kilometers. It has the nickname of "air elf".

## 天津

中国拥有自主知识产权的直升机 AC311,在第二届天津国际直升机博览会举办期间参展,并进行了飞行表演。该机型是 2 吨级单发单旋翼、带尾桨式多用途民用直升机,最大巡航速度为每小时 241 公里,航程590 公里,被誉为"空中小精灵"。



Shanghai

The international symposium

on Beijing Treaty on Audiovisual Performances jointly hosted by the National Copyright Administration and the World Intellectual Property Organization was held in Shanghai recently. The 16 delegations from Europe, Africa, Asia, and America attended the conference and shared the experience in the protection for audiovisual performers.

#### 上海

近日,中国国家版权局和世界知识产权组织在上海举行视听表演保护和《视听表演北京条约》国际研讨会。会上,来自欧洲、非洲、亚洲以及美洲等地区 16 个国家版权部门的代表,分享了各国在视听表演保护方面的经验。

#### Guangdong

The 5th China International Film and Animation Copyright Protection and Trade Fair came to a close recently. In the five-day fair, a total of 3.35 billion yuan transaction was made, up 19.6% over the previous year, and 197 animation works got free copyright registrations.

#### 广东

日前,为期 5 天的第五届中国国际影视动漫版权保护和贸易博览会在广东东莞落下帷幕。据悉,此届漫博会成交金额达 33.5 亿元,同比增长 19.6%。其间,共为 197 件动漫作品进行著作权免费登记。

#### Shandong

The Interim Measures on Strengthening Technological Innovation and IP Technological Management was issued by Shandong IP Office recently, clearly stipulating a series of rules of strengthening technological innovation and regarding IP as its important goal of innavation.

## 山东

日前,山东省知识产权局等部门 联合印发《关于加强科技创新和科技 管理中知识产权工作的暂行办法》, 明确规定把知识产权作为科技创新 和科技管理的重要内容,贯穿于科技 活动的各个环节,并且把获得知识产 权作为科技创新的重要目标。

## Sichuan

Hosted by Chengdu High-tech Zone Management Committee, 2013 China Automotive Electronics International Forum on Automotive Semiconductor Applications was held in Chengdu recently. The forum focused on latest car technologies especially in the field of entertainment systems, multimedia technologies as well as new energy automobile, and unveiled a group of automotive electronic products with independent IPRs.

# 四川

日前,由成都高新区管理委员会 主办的 2013 中国汽车电子国际论坛 暨汽车半导体应用峰会在四川成都 举行。据悉,论坛以汽车电子的最新 技术、产品及方案为主线,重点关注 车载娱乐系统、多媒体技术、新能源 汽车开发 3 大领域,并展示了一批 拥有自主知识产权的汽车电子产 品。

# ZTE and Huawei win Section 337 investigation 中兴华为"337 调查"初裁获胜意义不凡

hinese telecom equipment suppliers ZTE Corp. and Huawei Technologies Co. Ltd. have scored a victory in the Section 337 investigation, which claimed they infringed patent rights in the United States. The US International Trade Commission (USITC) ruled recently that ZTE and Huawei did not infringe the patent rights of the three American companies. This victory is symbolic that Chinese companies are now eyeing on oversea markets and patenting abroad through strengthening their capabilities in independent innovation in order to improve their core competitiveness in the international market. Chinese enterprises are speeding up to enhance their intellectual property (IP) capability, according to analysts.

It marked ZTE and Huawei's second victory in four months. Three American companies asked the USITC to start the Section 337 investigation on Huawei and ZTE's wireless devices for patent infringement on July 24, 2012. Then the USITC initiated the Section 337 investigation into ZTE and Huawei on the ground of patent infringement on August 24, 2012.

"ZTE attaches great importance to patent layout and houses patent rights in many countries and regions. ZTE are also ranking the top on the list of international patent applications under the Patent Cooperation Treaty (PCT). We have been aware of the Section 337 investigation and are preparing to respond," a ZTE principal told to a CIP News journalist recently. Meanwhile, Huawei also responds actively to the investigation and expresses that the company has a history of respect for the IPRs of others as well as the protection of its own. What is more, Huawei is willing to adhere to the international IP rules to settle patent disputes with an open mind.

The tips of the two venturing out companies' success are their considerable IPRs both in quality and quantity. According to SIPO, Huawei obtained 898 invention patents ranking the top of enterprises in the invention patents granted in the first half of this year, followed by ZTE with 846 invention patents. IPR is not only the core competitiveness but also the key to hurdling IPR disputes. The patents ZTE and Huawei obtained in the new generation mobile communication LTE, cloud computing and advanced communication server impose pressure on American companies. Therefore, it is no surprise that ZTE and Huawei respond actively in the legal action.



More and more enterprises have been given increased access to compete on the international markets since China entered the World Trade Organization. However, many Chinese enterprises have suffered a lot from inadequate patent layout and lack of IP capacity. Section 337 investigation has become a tool for American enterprises to set up barriers between the markets. As of the end of 2012, the number of investigation that Chinese enterprises were involved in has been the largest for consecutive eleven years. Some Chinese enterprises were not familiar with the international competition rules and lack of the awareness of patent layout as well as IP. Once encountering the Section 337 investigation, they were hesitated to make response, often lost the foreign markets, and some small and medium-size enterprises were even closed down.

Five years after the implementation of the national IP strategy, Chinese enterprises' IP capability has been rapidly and significantly enhanced. More Chinese companies have gained perfect victory in the Section 337 investigations.

"Chinese enterprises are not only able to handle the international IP disputes but also respond freely in the complicate circum-

stances," said Cao Xinming, executive deputy director of the IPR research center of Zhongnan University of Economics and Law. Although it is just a preliminary victory for ZTE and Huawei, it reflects the competitiveness of Chinese enterprises as well as their IP capability are significantly enhanced, and shows the courage as well as the confidence of developing international market.

## nternational market. (by Zhao Jianguo)

"这是我们继今年6月份在无线3G设备'337调查'案中初裁获胜后的又一次胜诉。"中兴通讯有关人士向记者介绍,2012年7月24日,美国科技资产有限公司等3家美国企业向美国国际贸易委员会提出"337调查"申请,指称美国进口以及美国国内市场销售的部分无线消费

电子设备及其组件侵犯了其拥有的 美国专利权。2012年8月24日,美 国国际贸易委员会正式立案开始 "337调查",中兴通讯和华为公司成 为此次"337调查"的对象。

"中兴通讯不仅已具有良好的专利布局,而且拥有在多个国家和地区获得的专利权,还有大量通过《专利合作条约》(PCT)途径提交的国际专利申请,因此可以基于公平合理的原则积极应诉。"面对"337调查",中兴通讯并未惊慌失措,而是理智地拿出证据予以应对。华为公司也对此积极回应称,公司一贯尊重他人的知识产权,并积极保护自己的知识产权,多年来一直以开放的心态,按照国际知识产权规则来解决专利问题。

事实上,这两家率先"走出去"的 中国企业,成功的"秘诀"就是拥有高 质量的知识产权。在中国国家知识产 权局发布的今年上半年国内企业发 明专利授权量排名前十的企业名单 中,华为公司以898件发明专利授权 量保持领先地位,中兴通讯以846件 发明专利授权量位居第二名。"专利 就是实力和竞争力,也是企业在面临 纠纷之时的'靠山'。"一位业界专家 认为,在诸如新一代移动通信 LTE、 云计算、高性能通信服务器等通信技 术前沿领域,中兴通讯和华为公司的 专利在全球范围内都位居前列,由此 带来了企业较为强大的市场竞争实 力,因此,在遭遇知识产权纠纷时也 能充满自信,主动应诉,努力赢得胜

中国加入世界贸易组织以来,国 内企业有了更多"走出去"参与国际 市场竞争的机会,但是也有过"吃亏" 的经历,这其中,拥有知识产权数量、 质量的多寡使企业"走出去"的市场 竞争力存在明显差异。一直以来, "337调查"作为美国企业以知识产 权来阻挠他国市场竞争对手的一种 工具,曾经一度让很多企业"很受 伤"。据了解,截至2012年底,中国已 经连续 11 年成为遭受该调查最多的 国家,并曾有相当一部分国内企业败 诉。这其中,最主要的原因就是这些 企业的知识产权能力不强,在遭遇纠 纷时望而却步,不主动应诉。因为按 照"337调查"的规则,不应诉即意味 着败诉。这样的结局不仅是失去了国 外市场,有的中小企业甚至就此销声

值得欣慰的是,近年来特别是 2008年《国家知识产权战略纲要》颁 布实施以来,在有关各方的共同努力 下,企业知识产权工作不断得到加 强,中国企业的知识产权意识与知识 产权能力不断提升,数家中国企业都 在遭遇美国企业提起的"337调查" 中书写了中国企业完胜的历史。

"这表明中国企业不仅应对国外知识产权纠纷的能力迅速提高,而且也能在复杂多变的国际市场竞争环境中应对自如。"中南财经政法大学知识产权研究中心常务副主任曹新明认为,虽然此次中兴通讯与华为公司只是初裁胜利,最终的结局尚难预料,但是这客观反映了中国企业不断提升的知识产权水平和竞争实力,同时也给更多的企业增添了"走出去"开拓国际市场的勇气和信心。

# China's IP in foreign eyes



Peaking to a tech site, Hugo Barra, Xiaomi's first non-Chinese hire, said Xiaomi wants its customers to see it as a "robust operating system for their digital life". "The aspiration for the founders is that Xiaomi will be-

come a global company that happens to be in China," said Barra. "If I do my job right, in a few years, the world will be talking about Xiaomi in the same way that they talk about Google and Apple today," he said. (Xiaomi: Aiming to be the Apple—and Google—of China, by The Guardian)

作为小米公司第一位非中国籍掌门人,雨果·巴拉日前向一家科技网站透露,小米公司希望消费者视之为"为数字化生活服务的一个强大操作系统"。他说:"正立志将小米公司打造成为一家全球性公司。""如果工作顺利的话,未来几年,世界将像今天谈论谷歌和苹果一样谈论小米公司。"(《小米手机:志在打造中国的苹果和谷歌》,卫报)

## Comments:

Xiaomi is valued at \$10 billion, sold 7 million devices last year and is on track to sell 20 million in 2013. High technological capacity is what Barra brought to Xiaomi as a head. It is obvious that Xiaomi has a promising future with constant innovation.

## 点评:

市场分析显示,小米公司的市值 已达 100 亿美元,其去年共销售了 700 万部手机,并有望在今年销售 2000 万部手机。雨果·巴拉的加盟将 进一步提升小米公司的创新能力。相 信在创新的引领下,小米公司的未来 之路会越走越宽。



n many ways the developing world will come up with new monumental inventions and the world will move to a model of innovation that comes from cross-border collaborations, rather than from a particular country. Out of China you have companies like Huawei, who come up with actually very innovative technologies. China's abili-

# ty to innovate cannot be underrated. (China's innovation ability cannot be underrated, by CKGSB Knowledge)

日新月异的世界将在许多领域产生新的重大发明,与此同时,世界将产生一种以跨国合作而不是以单独某个国家为主的创新模式。中国有华为这样非常具有创新性的企业。越来越多的事实已证明:中国的创新能力不容低估。(《中国的创新能力不容低估》,长江商学院网站)

## Comments:

China was famous for the four great inventions. As time goes by, technological breakthroughs like that can barely be seen. Now, China is making a change. Its progress in innovation makes people believe

that it can produce great innovations again.

# 点评:

历史上,中国曾以四大发明闻名世界。然而随着时间的流逝,突破性技术在中国逐渐成为稀缺品。如今,中国正在不遗余力地改变这一现状。中国技术进步之迅速足以让人们相信其有能力再度成为创新大国。

(by Correspondent Wang Weiwei from Canada)
(本报诵讯员汪玮玮发自加拿大)

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