**20**13 年 9 月 18 日 September 18, **20**13

星期三出版 Published on Wednesday

中文主编:吴 辉 Chinese Editor-in-Chief: Wu Hui 英文审校:崔卫国 English Reviser: Cui Weiguo

英文审校:柳 鹏 English Reviser: Liu Peng

China's IP in foreign eyes



hina is pumping money into research and development so that Chinese brands can compete with foreign rivals in a burgeoning domestic market. A number of Chinese companies have delivered high-quality products abroad, mainly through combining with other international conglomerates. (China's quest for world -beating brand held back by regime, by The Guardian)

中国正在大规模地投资于研发,使得中国品牌能够在蓬勃发展的国内市场与国外对手竞争。一些中国公司已经通过与其他跨国集团合作向海外输送了高品质的产品。(《中国追求创立世界一流品牌》,卫报)

#### Comments:

More and more Chinese companies are running towards foreign markets, with the hope that global success will result. As the world's second-largest economy, China has to develop the breakthrough global brand that will consolidate its status as a true commercial superpower.

点评:

越来越多的中国企业走向海外市场,希望赢得全球性的成功。作为世界第二大经济体,中国必须培育具有突破性的全球品牌,以巩固其真正的商业超级大国的地位。



oday's Chinese market is glutted with alternatives from Samsung to bargain-priced local brands. Now, Apple faces increasing competition. Besides Samsung, newcomers such as China's Xiaomi offer smartphones that run Google's Android system for as little as 799 yuan (\$125). (Apple's newest iPhone fails to create excitement in China, by The Associated Press)

从韩国三星到价格低廉的本土 手机品牌,如今的中国市场充满了苹果的"替代品"。现在,苹果面临着日益激烈的竞争。除三星以外,中国新秀,如运行谷歌安卓系统的小米手机,其价格更为亲民,只需 799 元人民币。("苹果最新 iPhone 难掀中国市场追风狂潮",美联社)

### Comments:

Apple's share of China's smartphone market fell by nearly half, from 9.1% to 4.8% over the past year. Chinese customers are much calmer when they face the new iPhone lineup. Some iPhone admirers even complain the latest products offer too few technical advances. No wonder more and more customers switch to local brands.

占评.

调查显示,在过去一年中,苹果公司在中国智能手机市场的份额下降了近一半。面对新 iPhone 的阵容,中国消费者变得更加理智。一些 i-Phone 的崇拜者甚至抱怨苹果手机的最新产品提供的技术进步太少。难怪越来越多的中国消费者开始"回归"本土品牌。

(by Correspondent Wang Weiwei

om Canada) (本报通讯员汪玮玮发自加拿大)

# Long way ahead for Chinese digital publishing going abroad

# 中国数字出版"走出去"任重道远

ays ago, during 2013 BIBF, the Chinese publisher giant China National Publications Import & Export (Group) Corporation (CNPIEC) launched its eBooks acquisition platform CNPereading. Through cooperation with the world's renowned publishers and integrators, namely John Wiley & Sons Ltd, Overdrive, De Gryuter, CNPereading now has integrated huge amounts of foreign language e-book resources and provided innovative e-resources solutions for more than 40,000 library customers and more than 1 million end-users. The CNPereading is regarded as useful attempts for Chinese publishers to make digital publishing globalization.

Efforts making digital publishing globalization

Chinese publishers are now taking on the recent digital boom with ease and eagerness. They are expending great energy to output the digital publishing. Chen Jian, director of Digital Development Center under China Renmin University Press Co, Ltd., an experienced licensing manager, told CIP news that producing e-resources of high quality is the first step for Chinese publisher going abroad. What non-Chinese language readers can get overseas are mainly academic e-resources, such as journals, thesis and yearbooks, they are keen to get more types of books concerning Chinese culture, history etc. He suggests that Chinese publishers should expand varieties of books exported. "Publication exportation is not only translation from one language to another, it also needs to localize while continuing to produce more publications. "He says.

Except for the customer-oriented productions, Chinese publishers should establish their own oversea distribution channels, according to Ke Chunxiao, a senior manager from China Knowledge Resource Integrated Database, a leading digital publisher in China. Due to lack of oversea distribution channels, Chinese publishers is tardy to enter oversea markets. "A cost-effective way to address this problem is to cooperate with experienced digital publishing platforms. After years' of development, they are of broad experiences in oversea distributions and sales, and have established good relationship with libraries,

publishers, end-users from home and abroad." Says Mr. Ke.

Contracts should be treated with

The pace of change to digital publishing is quickening, and the momentum seems unstoppable. However, digital publishing industry is facing several letdowns, such as lack of e-book quality evaluation standards. Meanwhile, due to complicated definition of subject of copyright, there are legal risks in the deal. As a result, parties involved should be prudent in signing the contracts.

Obtaining licensing is of crucial importance to the digital publishers. Generally speaking, the publishers generally get authorization from writers, publishers or the agencies. But there are legal risks in this procedure, according to Zhang Hongbo, secretary-general of China Written Works Copyright Society. "Digital publishing is an emerging industry, the writers and the publishers usually have different understandings of this new industry, unlicensed usage first, then seek licensing later is commonly seen in the deal." Says Mr. Zhang.

To solve problems mentioned

above, Chen Jian suggests that the parties involved should be more cautious in detailed clauses in the contracts. Occasions in the following should be treated with special attentions. Firstly, grantee must ensure that the franchisors have the network information communication right and the copyright holders have legally authorized the franchisors. Secondly, when reaching a digital publishing contract concerning physical books, the grantee should clarify the ownership of the copyrights; check the contracts between the publishers and the writers are necessary. Thirdly, if possible, the grantee signs the contracts directly with the writers. If the grantee signs the contracts with the third party but the writers themselves, they should check relevant papers signed by the writers and the third party. Besides these, Li Lingling, an oversea business manager from the Foreign Language Teaching and Research Press, says that the parties to the contracts should also focus on the details, such as intended usage, payment mode, taxation, licensing period.

(by Jiang Xu/Yan Ru)



#### Link 相关链接

As an important part of copyright industry, digital publishing covers e-books, e-newspapers, e-journals, network literature, digital music, network game and network animation etc.

China's digital publishing industry is booming. In 2006, the value of digital publications was Y 21.3 billion. Four six years later, in 2012, this number hit Y 193.549 billion, up 40.47%, represent 11.72% of the then annual income of press and publication industry.

According to the five-year plan for digital publishing industry between 2011 and 2015, digital publishing is the strategic emerging industry, China will strive its efforts to step up devel-

opment of digital publication industry.

数字出版产业的核心是版权 内容,产品形态包括电子图书、数 字报纸、数字期刊、网络原创文学、 数字音乐、网络动漫、网络游戏等。

近年来,我国的数字出版发展呈现出迅猛的发展势头。2006年我国数字出版产业产值仅为213亿元,2012年我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%。

数字出版"十二五"规划指出,数字出版已经成为新闻出版业的战略性新兴产业和出版业发展的主要方向,也是国民经济和社会信息化的重要组成部分,大力发展数字出版产业,已成为中国实现向新闻出版强国迈进的重要战略任务。

## 本报记者 姜 旭 实习记者 晏 如

日前,由中国图书进出口(集团) 总公司(下称中图公司)打造的国际 数字资源交易与服务平台——"易阅 通"正式启动运营。通过该平台,中国 读者可以在第一时间内阅读到来自 美国约翰·威立、美国超阅、德国德古 意特等多家国际知名出版机构的优 质内容资源。值得一提的是,签约的 国内出版机构还可将自己的数字资源输出到国外 4 万多家图书馆等机构用户和 100 多万个人用户手中。这一平台刚一上线,就吸引了国内外众多出版机构的注意。

### 三方面下功夫促输出

"优质的内容无疑是数字出版'走出去'的核心。"中国人民大学出版社数字出版中心主任陈健表示,目前输出到海外的数字出版资源大多

是期刊、论文、年鉴等学术型资源,大众类图书相对较少。要推动数字出版真正"走出去",各家出版机构应在内容源头上下大力气,多输出不同类型的作品。此外,在语言、文化差异较大的欧美地区,"走出去"的出版物内容更需要本土化设计,不断推出符合当地读者阅读习惯的数字产品。

有了以用户需求为导向的产品, 数字出版输出还需要有健全的海外销 售渠道。"缺乏海外发行渠道是制约数 字出版输出的重要因素。"同方知网(北 京)技术有限公司(下称同方知网)国际 出版分社社长柯春晓对本报记者分 析,传统出版社积累了丰富的优质出 版资源,但苦于没有海外发行渠道,数 字出版输出进展缓慢。要解决这一问 题,他认为,国内出版机构可与国内外 知名的数字出版平台合作, 因为这些 平台在海外已经形成了相对稳定的发 行体系。这些数字出版平台或采用本 地化代理、或选择区域合作伙伴、或采 取国际发行平台和直销相结合的渠道 营销模式。传统出版机构借助数字出 版平台的营销网络和团队,可有效推 动数字出版的输出。

#### 签订合同谨防版权风险

作为数字出版"引进和输出"的重要环节,签订数字出版合同的重要性不言而喻。尤其面对电子书质量评估标准缺乏,电子书出版业务主体复杂、版权权利主体不明确等问题时,如何在签订合同时,既兼顾合同各方利益,又防止侵权行为发生,正成为数字出版"走出去"过程中的重大考验。

目前,所有数字出版商都在面临准确获得数字版权授权这一问题。据悉,他们获得数字版权的方式主要分为同作者一对一签约、同出版社一对多签约、从版权代理机构购买版权3种。然而,这一环节中存在一些版权纠纷隐患。"比如,作者与出版机构对数字版权理解有偏差,授权链条不规范,存在先违规使用后寻求授权等现象。"中国文字著作权协会总干事张洪波在接受中国知识产权报记者采访时表示。

要解决上述问题,中国人民大学 出版社数字出版中心主任陈健建议, 在签订数字出版合同时, 要明确授权 人是否拥有信息网络传播权及转授 权,同时与著作权人是否存在合法的 授权关系;如作品为已出版的实体书, 签署数字权利时应该查看权利人与出 版社的图书出版合同,明晰该书的权 利情况:最好与原著作权人签署协议, 如为原著作权人授权他人行使的,要 追溯被授权人与原著作权人的授权关 系文件。对此,外语教学研究出版社 事业发展部业务拓展经理李玲玲深 有感触:"外研社在签订数字出版合 同时就对使用形式、费用支付、税款 缴纳、使用年限等多个要点进行了明 确规定,具体条款还根据使用主体不 同进行相应调整。"李玲玲表示。

## Microsoft buys Nokia's device business in deal worth \$7.17 Billion

## 专利运营:没落公司的财富新发现

n a surprise move, Microsoft announced on September 3, that it has inked a deal with Nokia to buy the majority of Nokia's cellphone unit for 3.79 billion euros, and spending another 1.65 billion euros to license Nokia's patent portfolio, for a total of 5.44 billion euros (\$7.17 billion).

The deal allows Microsoft make use of more than 8,500 Nokia patents. As part of the deal, Nokia will grant Microsoft a 10-year non-exclusive license to its patents. For Nokia, it is an important moment of reinvention, and

from a position of financial strength, it will reduce the patent-related cost.

The move is a clear sign that Microsoft believes it can succeed in the phone business. After the news released, share price of Nokia rose to \$5.39, up 38.33% by 21:50 on September 3 Beijing time, a new record in the last 52 weeks. To be clear, Nokia is keeping most of its patent portfolio as part of the deal and the company started a new pattern of patent operation.

Inside watchers analyzed that such deals can be lucrative in the long-term, giving technology companies not only protection, but an additional source of revenue from other companies that buy licenses. For Chinese companies, there's a

(by Xiang Li/Ding Tao)

## 本报记者 向利 实习记者 丁涛

北京时间 9 月 3 日,微软宣布将以 37.9 亿欧元收购诺基亚的设备与服务业务,同时以 16.5 亿欧元获得诺基亚的专利许可,收购交易总值 54.4 亿欧元,约合 71.7 亿美

值得一提的是,据相关媒体报道,收购后的微软可从诺基亚处获

得 8500 件专利的许可使用。而作为另一方的诺基亚,不仅可以继续拥有大量专利的所有权,还可以依靠知识产权运营来摆脱困境。据了解,在此次收购中,诺基亚将向微软提供 10 年期非排他性专利许可,微软将向诺基亚提供与位置技术相关的专利许可,微软未来有权延长这一专利合作,并因此减少专利方面的开支。

作为被收购的一方,诺基亚显然也大有受益。自微软发布收购消息,截至北京时间9月3日21点50分,诺基亚股价涨幅为38.33%,报5.39美元,股价创52周新高。在业内人士看来,诺基亚获得的最大好处莫过于保全了其大量专利的所有权,提

供了出售专利所有权之外的另一种

专利运营模式。 有知识产权业内专家认为,在当下日益激烈的国际竞争中,诺基亚将知识产权的运营从幕后推到了台前。在过去的企业竞争与并购中,往往聚焦在产品与技术上。而今,随着竞争的加剧,娴熟地运用知识产权运营之道,是企业发展的关键一环。对中国企业而言,补上专利运营这一课,已刻不容缓。

ᅷᆠᅍ	<del>*</del> - In
英文翻译	姜 旭
Translator	Jiang Xu
责任编辑	柳鵬
Executive Editor	Liu Peng

社址:北京市海淀区蓟门桥西土城路 6 号 邮编:100088 电邮:cipnews@vip.sina.com 编辑中心:82803936 采访中心:82803956 办公室:82803009 发行部:82034385 广告部:82034358 印刷:解放军报印刷厂