

CHINA REPORT INTELLECTUAL PROPERTY

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China's IP in foreign eyes



hina is pressing forward on its human space exploration plans, intent on establishing an international space station and, experts say, harnessing the technological muscle to launch its astronauts to the moon. "Around 2020, China is going to build its own space station and to carry out space science research of larger scale," said Yidong Gu, an Academician of the Chinese Academy of Sciences and leader of the science planning group for China's space station. "That will undoubtedly give the Chinese an edge on the international space stage," an expert from India said. (China started late, but could zoom ahead to lead space race, by NBC News)



oogle Inc.'s vice president in charge of Android will join Xiaomi Corp., a little-known Chinese smartphone startup, in a sign of the growing influence of China's device makers. Hugo Barra will help with a new push by Xiaomi to develop its international business and be responsible for its strategic cooperation with Google, Xiaomi said. In a news release accompanying Mr. Barra's hiring, a Xiaomi spokeswoman wrote: "After Hugo joins the team, it's possible we will take another step in expanding the territory of our international business." (Google's Android Chief Joins Chinese Startup, by The Wall

Street Journal) 谷歌公司负责安卓业务的副总 裁雨果,巴拉将加盟小米公司—— 一家名不见经传的中国新兴智能手

中国正在推进其人类太空探索 计划,旨在通过技术力量将其字航员 送人太空并建立国际空间站。中国科 学院院士、中国空间站科学规划组负 责人顾逸东表示:"2020年左右,中国 将建立自己的太空空间站,并开展更 大规模的空间科学研究。""这无疑将 中国推上太空领域的国际舞台,"来 自印度的一位专家认为。(《起步虽晚 但中国太空探索或将领跑世界》, NBC 新闻)

Comment

As John Hickman writes for the journal Foreign Policy recently, a professor of political science at Berry College in Georgia, "there are unmistakable warning signs that China may surpass the United States and Russia to become the world's pre-eminent spacefaring power". It is also a signal of hope to the Chinese people that China is regaining some of its past glory.

中国空间科学的发展, 正如乔 治亚州贝里学院的政治学教授约 翰·希克曼在不久前名为《外交政 策》杂志中所言,"这是一个明确无 误的迹象, 中国将极有可能超越美 国和俄罗斯, 成为世界上超级空间 大国。"同时,这也是中国向世界发 出的一个信号:随着自主创新水平 的不断提升, 中国将再现往日的辉

机制造商, 这表明中国手机设备制 造商在世界上的影响力越来越强。 雨果将助力小米公司发展其国际业 务,并负责其与谷歌公司的战略合 作。小米公司的发言人称,"随着雨 果加入小米团队,公司将进一步采 取措施,扩展其国际业务领地"。 (《谷歌安卓首席加盟中国新兴公

Xiaomi has grown quickly in domestic market by offering delow prices. Used to be unknown outside of China, the hiring of Mr. Barra shows Xiaomi has ambitions to grow beyond China. It also shows Chinese companies ' growing value in the domestic market—the world's smartphone market.

以低价格提供顶级硬件设备著 称的小米公司, 国内业务增势迅猛, 不过,其在国外的知名度并不高。巴 拉副总裁的加入,显示了小米公司拓 展国际市场的决心,同时也表明中国 公司在世界上最大的智能手机市 场——中国市场占据着越来越重要

Correspondent Wang Weiwei from Canada) (本报通讯员汪玮玮发自加拿大)

the State Intellectual Property Of-

fice released, in the first half of

this year, Xi'an filed 9,036 patent

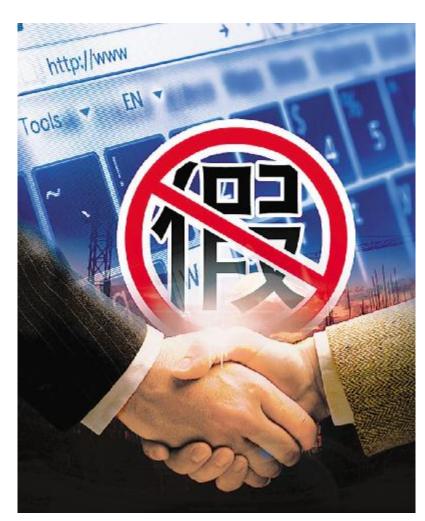
Taobao join hands with IACC fighting against counterfeits 淘宝携手国际反假联盟打击网络侵权

aobao, China's largest consumer C2C shopping platform, signed a memorandum of understanding with the International Anti-Counterfeiting Coalition (IACC) recently to curb the counterfeit goods sold online. It should be noted that the memorandum is an important result of a dozen of consultations between IACC and Taobao over one year.

Taobao has started the dialogue with IACC since 2012, seeking to reduce the counterfeit goods sold online. The sign of memorandum is a new breakthrough following the successful cross-industry cooperation with finance payment. The collaboration between Taobao and IACC includes utilizing available technologies to improve the efficiency of identifying and reporting fake goods sold online as well as assisting law enforcement agencies in stepping up following investigation to attack offline IPR infringement.

"The efforts in promoting cooperation have created a triple-win for our members, Taobao and online buyers," chairman of IACC said. John Spelich, vice president of Alibaba Group also expressed that they hoped Taobao could become an emblem for trust and value among the customers.

IACC, constituted by a cross section of business and industry



well-known international brands, engages in substantive dialogue with governments in the United States and abroad, providing law enforcement officials with information and training to identify

counterfeit and pirated products as well as product security to prevent IPR infringement and improve IP enforcement standards. Taobao was established in 2003. As of June 2012, Taobao has housed over 800

million items information and 500 million registered users, ranking one of the top 20 high-traffic web-sites in the world.

(by Dou Xinying) 本报讯 记者从淘宝网获悉,近 日,国际反假联盟与淘宝网签订合作 谅解备忘录,达成协议共同解决在线 假冒商品问题。据悉,此次协议是全 球最大反假组织与中国最大的 C2C 购物平台历经一年多商讨的成果。

据介绍,淘宝网与国际反假联盟 早在 2012 年就开始对话, 主动出击 处理线上假冒商品。这份新协议也是 继国际反假联盟和支付业跨行业合 作之后的又一次突破。签署谅解备忘 录之后,国际反假联盟及其成员公司 将会协助淘宝辨别在其网上出售的 侵权商品,倘发现重复售假或售假数 量众多的卖家,将加快清除程序。协 议双方也将协助执法机构开展后续 调查及线下打假行动。

国际反假联盟主席表示:"此次 合作对我们的成员公司、对淘宝以及 消费者都是有利的,可谓是三赢的局 面。"阿里巴巴集团副总裁约翰·斯佩 里奇表示,淘宝网希望能在消费者心 目中成为信任与价值的代名词。

据悉,国际反假联盟的成员公司 囊括了各个领域里的国际知名品牌, 致力于与各国的政府机构及行业伙 伴合作,通过鼓励完善相关法规、提 升人们对侵权后果的认识等途径来 加强知识产权保护。淘宝网成立于 2003年,截至2012年6月,淘宝网 已拥有8亿多条产品讯息和超过 5亿名注册用户,是全球浏览量最高 的 20 个网站之一。 (窦新颖)

Shanghai Court rejects Philips' appeal 飞利浦诉争"无油炸锅"专利一



hilips' lawsuit against the Shanghai Lock & Lock Trade Co., Ltd (Lock & Lock) and Cixi Hongbang Electric Co., Ltd (Hongbang) on the ground of invention patent infringement was rejected by the court recently. "Thanks to Philips to make our company much stronger!" said Hou Shaoyong, one of the company's principal, to CIP News journalist recently.

In 2012, Philips filed a lawsuit against Lock & Lock and Hongbang on the ground that some electric ovens marked with Lock & Lock infringed its Airfryer's invention patent in Shanghai No. 1 Intermediate People's Court. The court denied Philips' claim at first-instance recently.

Airfryer triggers the patent slugfest

On June 18, 2007, Holland Kavaring Cooking Systems Co., Ltd invented "a new apparatus for preparing food and air guide member", and filed an invention application, which was granted by SIPO on January 25, 2012. Philips obtained an exclusive license right of the patent on February 27, 2012, with its Airfryer enjoyed high reputation in the market.

Philips then found the defendants sold the electric ovens with Lock & Lock's marks in store and

online shop manufactured by Hongbang. Philips sued the two companies to the court and requested to cease manufacturing, distributing such ovens as the products infringed its patent right and claimed for over three million yuan in com-

pensation for its loss. The defendant Lock & Lock took the view that the questioned products were used by their own patent technology which did not in-

fringe Philips' patent right. "We drew lessons from European patents of its kind, improved technique and filed the utility model patent application on October 2011, which was granted in July 2012," Hou said.

Meanwhile, Hongbang brought actions to SIPO's Patent Reexamination Board (PRB) to invalidate Philips' patent. PRB affirmed the validity of the patent on July 4,

Comparing to the characteristics

"There is no technical characteristic of upper part of preparing food section and upper air exits. Moreover, the air fan, air guide and bottom of the electric ovens are different from those of Philips, which do not constitute patent infringement," Hou pointed out.

The court maintained that the focus of disputes was whether the products should be brought into the

protection scope or not. Hongbang's products only had half bottom interior which lacked the technical characteristics. When the fans worked, the device could not realize the functions that the patent depicts. So the court decided Hongbang's products did not bring into the legal protection

The court then denied Philips' request. (by Hu Man)

本报记者 胡 嫚

scope.

"感谢飞利浦公司,是他们让我 们更加强大!"近日,飞利浦优质生活 有限公司(下称飞利浦公司)诉上海 乐扣乐扣贸易有限公司(下称上海乐 扣乐扣公司)、慈溪市宏邦电器有限 公司(下称宏邦公司)侵犯发明专利 权案一审被驳,上海乐扣乐扣公司的 代理人之一、宏邦公司技术开发总监 侯昭勇在接受中国知识产权报记者 采访时激动地表示。

2012年,因认为上海乐扣乐扣 公司专卖店出售的标有"乐扣乐扣" 商标的电烤炉产品侵犯了其无油空 气炸锅相关专利权,飞利浦公司将上 海乐扣乐扣公司、宏邦公司诉至上海 市第一中级人民法院。近日,法院一 审驳回了原告的诉讼请求。

空气炸锅引发专利大战

2007年6月18日,荷兰卡瓦林 烹饪系统有限公司向中国国家知识 产权局提交了名为"制备食品的设备 和用于该设备的空气导向件"的发明 专利申请,2012年1月25日,该申请 获得授权。2012年2月27日,飞利浦 公司获得涉案专利在中国的独占许 可权。依据该专利,飞利浦率先制造 的无油空气炸锅在市场上颇受欢迎。

随后飞利浦公司发现上海乐扣 乐扣公司在实体经营店以及网上商 店销售一款类似空气炸锅的电烤炉 产品,该产品贴有"乐扣乐扣"商标, 其制造商为宏邦公司。飞利浦公司认 为,该款产品落入了涉案专利的保护 范围,构成对其专利权的侵犯,遂诉 至法院,请求判令两被告立即停止制 造、销售、许诺销售侵权产品,并赔偿 经济损失等共计300万元。

上海乐扣乐扣公司在庭审中表 示,涉案的电炸锅产品是宏邦公司采 用自己的技术制造,未落入涉案专利 的保护范围。

"涉案电烤炉的技术方案是我们 在参考欧洲专利方案的基础上改进 形成的,并已经提交实用新型专利申 请, 名称为'一种螺旋风的新型炸 锅',申请日为 2011 年 10 月,授权日 为 2012 年 7 月。"侯昭勇表示。

与此同时,宏邦公司针对涉案专 利提出专利权无效宣告请求。 2013年7月4日,中国国家知识产 权局专利复审委员会就该无效宣告 请求作出审查决定书,决定维持该专 利权有效。

法院当庭比对技术特征

"宏邦公司的电烤炉中,没有'食 品制备室的上半部分'的技术特征, 不具有上方空气排出口;与原告产品 相比,风扇作用不同;也不具有空气 导向装置;凸底壁作用不同,因此不 构成专利侵权。"侯昭勇认为。

法院认为,本案首要的争议焦点 在于被告的涉案电烤炉产品是否落 入涉案专利权的保护范围。经比对, 宏邦公司的产品只有下半部分内壁, 而无上半部分内壁,故缺少"带上方 空气排出开口的内壁"这一技术特 征。由于这一技术特征的缺失,当风 扇工作时,无法实现"使热空气顺次 地移动穿过底部壁、食品制备室以及 排出开口"的功能,故根据中国法律 的有关规定,被控侵权产品未落入涉 案专利的保护范围。

据此,法院驳回了飞利浦公司的 诉讼请求。

英文翻译	茹 果
Translator	Ru Guo
编辑	孟逸君
Editor	Meng Yijun

INUMBERS

16,716

According to the report Shanghai Education Committee released, in 2012, Shanghai universities filed a total of 8,670 patent applications, up 9.7%, and obtained 6,228 patents, up 33.5%. As of the end of 2012, Shanghai universities have owned 16,716 patents, up 19.3% than that of last year.

1.6716 万

日前,上海市教育委员会发布 的报告显示,2012年,上海高校共提 交专利申请8670件,同比增长 9.7%; 专利授权 6228 件, 同比增长 33.5%;截至 2012 年底,上海高校专 利拥有量为 1.6716 万件,同比增长 19.3%_o

11,123

According to latest statistics

applications, up 19% than that of last year. Among the patent applications, there were 4,455 inventions, 3,960 utility models and 621 designs. Meanwhile, 9,869 patents were granted, 1,842 of which were inventions, up 6% than that of last year. As of the end of June, Xi'an had housed cumulatively 11,123 valid invention patents, up 35% than that of last 1.1123 万

日前,中国国家知识产权局最 新统计数据显示,今年上半年,西安 市专利申请量为 9036 件, 同比增长 19%;发明、实用新型、外观设计专利 申请量分别为 4455 件、3960 件、 621 件; 专利授权量达 9869 件,其 中,发明专利授权量 1842 件,同比增 长 6%。截至今年 6 月底,西安市有效 发明专利拥有量已达 1.1123 万件, 同比增长 35%。

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:82034385