

SIPO issues a report on invention patent application and grants in 2013 H1

今年上半年中国内地发明专利申请量和授权量数据显示——

苏京粤保持领先 中西部稳步增长

According to the latest statistics released by SIPO, China received a total of 256,000 invention applications from home and granted 73,000 invention applications, up 27.6% and 4.3% respectively.

In the first half of 2013, the top five provinces in invention patent filings are Jiangsu (49,756), Guangdong (29,833), Beijing (27,655), Zhejiang (18,949) and Shandong (18,533).

The provinces in China hold on to last year's higher rankings. The first-tier of the province are from east-coastal developed area like Jiangsu, Guangdong and Beijing which reflects the patent the

regions owned are directly proportional to regional economic development; in the second tier, Sichuan, Hubei and Shanxi the provinces in the Midwest of China maintains a rapid development in patent application and grants.

Most of the cities in China also remained in positions in the ranking of patent filings and grants. Beijing paces all cities in patent application and grants followed by Shanghai which shows that the more innovation companies the region owned, the higher ranking the cities held.

All rankings of the provinces and municipalities of patent application and grants in China nearly remained the same in recent years. The 12th Five-Year Plan clearly defines the main objectives for China's patent development in the next five years that the main target is to increase every 10,000 people to 3.3 invention patents.

municipalities now are attaching more importance to patent quality. The steady fast growth in invention filings from home reflects that China are now eyeing on enhancing patent quality, according to analysts.

(by Xiang Li) 本报讯 近日,今年上半年中国各省市专利数据出炉。根据该数据,上半年,中国国家知识产权局共受理国内发明专利申请 25.6 万件,授权国内发明专利 7.3 万件,较去年同期分别增长 27.4% 和 4.3%。

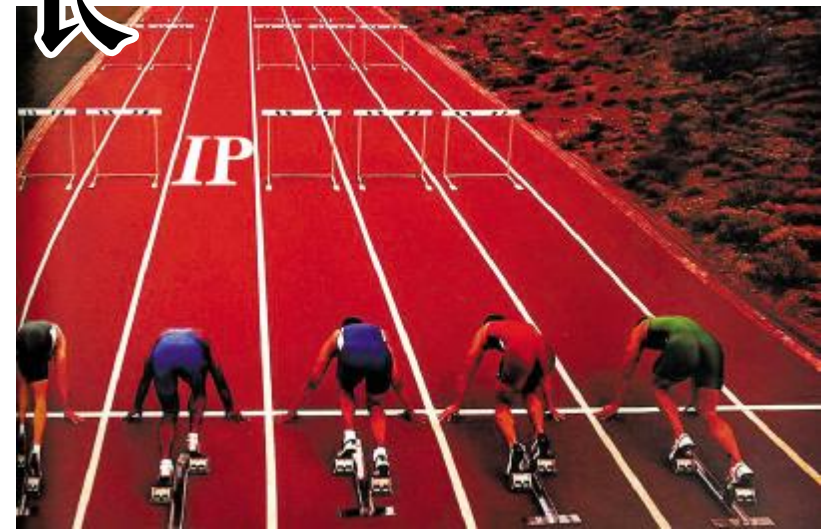
在各省市区发明专利申请受理量排名中,江苏省以 4.9756 万件的申请量继续保持领先,广东省和北京市以 2.9833 万件和 2.7655 万件紧随其后,浙江省和山东省则以 1.8949 万件和 1.8533 万件进入前五;在专利授权量排名中,北京市以 1.0726 万件位居第一,广东省、江苏省、上海市、浙江省则分别以 1.0148 万件、8499 件、5614 件、5437 件进入前五。

从总体上看,此次半年专利申请和授权排名顺序与去年同期相比变动不大,这说明传统专利申请强省、市仍然保持优势。在第一梯队,

仍然是江苏省、广东省和北京市这些沿海省市,这可看出地区专利拥有量和地区经济发展成正比例关系。在第二梯队,主要是中西部经济发展较快的省份,如四川省、湖北省、陕西省等,这些省份凭借各自区位优势,在专利申请量和授权量上保持稳定增长趋势。

此外,排名表上大部分省市区的专利申请量和授权量排名基本保持一致。北京市和上海市的专利授权量排名与专利申请受理量相比,则均高出两个位置。这也表明,北京、上海在经济结构上具有一定优势,区域内技术含量较高的企业较多,而这也是北京此次专利授权量排名提升的原因之一。

专家表示,纵观近几年中国内地各省市发明专利申请和授权量排名,整体变化并不是很大。同时,在“每万人口发明专利拥有量提高到 3.3 件”写入“十二五”规划之后,特别是党的十八大明确提出实施创新驱动发展战略后,各省市对实施知识产权战略,提高专利质量等的重视程度也随之加深,这使得中国专利申请呈现出“专利申请总量中发明专利申请比例增大、发明专利申请总量中发明专利申请比例增大”的形势和局面。(向利)



2013 年上半年中国内地发明专利申请量、授权量前十(不含港澳台) The top 10 provinces (municipalities, districts) in patent application and grants in 2013 H1 (excluding Hong Kong, Macao and Taiwan)

Table with 5 columns: Rank (排名), Province (省/市), Application Volume (申请量), Province (省/市), and Grant Volume (授权量). It lists the top 10 provinces for patent applications and grants in H1 2013.



Haagen-Dazs triggers the trademark slugfest 哈根达斯异议近似商标



Haagen-Dazs as an American ice cream brand, is successfully developed by one of the world's largest food General Mills company (General Mills). However, after discovering counterfeit clothes marked with "Haagen-Dasz" trademark for sale, General Mills brought the case to the court on the ground of trademark infringement.

The natural person Yin Xing applied for "Haager-Dasz" as a registered trademark in June 2003, certified to be used on Class 25, the good of clothes and shoes. In the period announced, General Mills challenged the trademark to the Trademark Office (TMO) under SA-IC. However, the TMO denied General Mills's claim and registered the disputed trademark. Then General Mills lodged a reexamination of trademark opposition to the Trademark Review and Adjudication Board (TRAB) but failed.

General Mills held that the two cited trademarks of "哈根达斯" and "Haagen-Dasz" were certified to be used on Class 30 in April 1997

and November 1986 respectively. General Mills maintained that the two cited trademark had become well-known mark among the public with high reputation. "Haagen-Dasz" was a term coined created by General Mills. The questioned trademark constituted malicious copy and plagiarism due to nearly the same character design of the trademark "Haagen-Dasz". Yin also took advantage of the Haagen-Dasz's reputation to harvest inequitable interests.

In the trial, the court took the view that the cited trademarks had been a well-known brands in food as well as well-known trademarks and the questioned trademark might take advantage of the Haagen-Dasz's reputation on purpose to gain visi-

bility. The logo function of Haagen-Dazs may significantly decrease. The questioned trademark was revoked.

The disgruntled TRAB then appealed to the Beijing Higher People's Court, which would later make the decision above. We will continue to follow it.

(by Bai Ou) 本报讯 作为美国通用磨坊公司(下称通用磨坊公司)旗下知名冰淇淋品牌,“哈根达斯(Haagen-Dazs)”为众多年轻人所钟爱。日前哈根达斯却遭遇了一场商标纠纷,因本人在服装等商品上申请注册“Haager-Dasz”商标,通用磨坊公司在华展开了商标维权。

据了解,2003年6月,广东省惠州市自然人殷星提出第3601603号“Haager-Dasz”文字商标(下称被异

议商标)注册申请,指定使用在第25类服装、内衣、鞋、帽等商品上。

被异议商标通过初审并公告后,通用磨坊公司提出异议,但未获支持。随后,通用磨坊公司向中国国家工商行政管理总局商标评审委员会(下称商评委)申请复审,在商评委裁定维持被异议商标的注册后,其提起了行政诉讼。

通用磨坊公司据以引证的商标分别为核定使用在第30类冰淇淋等商品上的第993504号“哈根达斯”商标(1997年4月获准注册,下称引证商标一)和第269217号“Haagen-Dazs”商标(1986年11月获准注册,下称引证商标二)。

通用磨坊公司认为,经过多年的使用和宣传,两件引证商标在消费者中具有极高的知名度和声誉,已构成驰名商标。并且引证商标一的标识为臆造词汇,被异议商标与引证商标二

标识仅存在“r”与“n”以及“sz”与“zs”的区别,整体外观非常近似。被异议商标明显是对其驰名商标的摹仿和抄袭,被异议商标的申请注册具有明显恶意,其意图是借助其知名度,造成消费者的混淆误认,以牟取不正当利益。

对此一审法院认为,引证商标一在被异议商标申请注册日前已构成驰名商标,被异议商标与引证商标二有相当程度的联系,易导致相关公众对商品来源产生混淆误认,损害通用磨坊公司利益,并削弱其驰名商标的显著性。据此,法院判决撤销商评委的裁定,判令商评委重新作出裁定。

商评委不服一审判决,向北京市高级人民法院提起上诉。日前,北京市高级人民法院开庭审理了该案,并未当庭宣判。本报将继续关注该案的进展。(白鸥)



The United States and China have joined forces in a combined operation to crack down on counterfeit goods, seizing more than 243,000 fake electronics products, including popular consumer items made by Apple, Samsung, Dr.

Dre and Blackberry. The two countries agreed in recent high-level talks that they would work together to try to stem the large quantities of fake goods flowing between China and the United States. (U.S., China team up to seize counterfeit goods in joint operation, by Reuters)

美国和中国在最近一次知识产权联合执法行动中,共缴获了超过24.3万件假冒电子产品,其中包括时下流行的苹果、三星、德瑞博士和黑莓等品牌。在最近的中美高级别会谈中,两国达成共识,将一起努力,以阻止大量流通于中国和美国之间的知识产权侵权假冒产品。(《美中联合行动打击假冒伪劣产品》,路透社)

China has been responsible to protect Intellectual Property from

both domestic and overseas, and prevents Intellectual Property infringement. Intellectual Property infringement is a global issue and cross-border efforts are needed to fight it. Here, both China the U.S. need to work together to effectively curb the movement of counterfeit products.

中国一直在保护国内外知识产权方面采取负责任的态度并努力遏制知识产权侵权。知识产权侵权是一个全球性的问题,它需要跨境合作来寻求解决。中美需要联合起来,采取行动,以有效打击侵权假冒行为。

The UK is investing less in research and development in technological innovation than the United States and China, a recent survey by Accenture has



found. Of the 275 UK executives interviewed for the survey, 56% shared the view that the UK is behind on spending in technology, which is slowing down the rate of innovation. More than two thirds of participants believed that China would either pull ahead or match Europe's innovation levels by 2023.

(UK investing less in technological innovation than the US and China, by Business Technology)

根据埃森哲公司最近的一项调查显示,英国在技术创新研发上的投资少于美国和中国。在275名受访的英国企业高管中,有56%的人认为英国在技术研发支出上是落后的,这直接导致了创新速度放缓。超过2/3的受访者认为,中国将在2023年追上或超越欧洲的创新水平。(《英国技术创新投资少于美国和中国》,商业技术网站)

Comment:

China is hugely investing in technology and conducting more and more innovation. However, the majority of participants in the survey took the view that breakthrough technologies that have the potential to change the way businesses oper-

ate are not being produced. Becoming an innovation leading, China needs to keep going forward.

中国在推动技术发展方面投入巨资并促进了越来越多的创新活动。尽管如此,大多数调查受访者认为,有望改变商业运营方式的突破性技术还没有产生。要想成为真正全球创新领袖,中国还需要不断努力。

(by Correspondent Wang Weiwei from Canada)

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