

NUMBERS

659,900

According to the statistics announced by China's State Administration for Industry and Commerce (SAIC), in the first half of 2013, SAIC have examined 659,900 trademark applications and 21,300 trademark assessment cases; investigated and punished 22,800 trademark infringements, with a total value of 230 million yuan.

65.99 万件

中国国家工商行政管理总局公布的最新数据显示,今年上半年,共审查商标注册申请 65.99 万件、审理商标评审案件 2.13 万件;共立案查处商标侵权案件 2.28 万件,案值 2.3 亿元。

17,970

As of the end of June in 2013, a total of 17,970 have become qualified patent agents; 8,595 have been granted licenses and work in 946 patent agencies.

1.7970 万人

截至 2013 年 6 月底,中国共有 1.7970 万人取得了专利代理资质,8595 人获得专利代理人执业证,在 946 家专利代理机构执业。

21,689

As of June 24th, a total of 21,689 examinees had signed up for the China Patent Agent Qualification Exam. The number of candidates who have registered for exam increased by 29.26%.

2.1689 万人

截至 6 月 24 日,今年共有 2.1689 万名考生报考中国专利代理人资格考试,报名人数同比增长 29.26%。

35

Recently, the World Intellectual Property Organization (WIPO) released the 2013 Global Innovation Index, in which Switzerland, Sweden, The United Kingdom, The Netherlands, and the United States obtained the top 5 rankings respectively; China ranked the 35th.

35 位

日前,世界知识产权组织发布了《2013 年全球创新指数报告》,瑞士、瑞典、英国、荷兰和美国分列前 5 位,中国排名为 35 位。

92.3%

From January to April in 2013, the monthly rate of E-filings for patent application of Yunnan province has reached 92.3%; E-filings has been popularized among all patent agents in the province.

92.3%

2013 年 1 月至 4 月,云南省专利月电子申请率达 92.3%,代理机构电子申请率达 100%。

16

National Science and Technology Major Projects for "Major New Drugs Innovation and Development" filed around a hundred patent applications in China; 16 products have obtained Chinese new drug certificates; 24 products have filed for new drugs registration.

16

据统计,“重大新药创制”科技重大专项已提交中国专利申请近百件,16 个品种获得新药证书;24 个品种提交新药注册申请。

ITC launches Section 337 investigations into SANY product

三一重工在美遭遇“337 调查”

After the Chinese heavy-equipment maker Sany Group (SANY) sued the U.S. President Obama for blocking their purchase last year, the United States International Trade Commission (ITC) announced a Section 337 investigation into SANY for patent infringement on July 11. Although SANY has not received the official paper yet, they have been preparing to respond to the suit lawfully.

Scrambling for market share

The investigation is based on a complaint filed by Manitowoc Cranes, LLC, of Manitowoc, Wisconsin (Manitowoc) on June 12. The complaint alleges SANY's SCC8500 crawler crane infringed its patent right of variable position counterweight and asked the ITC to start the Section 337 investigation to issue an exclusion order as well as restraining orders on the product. In addition, Manitowoc requests SANY to destroy all crawler cranes and related molds, tooling and other equipments that make use of Manitowoc Cranes' misappropriated trade secrets. The complaint also asks that SANY release documents and items in its possession relating to the trade secrets. The data shows that the variable position counterweight system is used on the Manitowoc Model 31000 which Manitowoc has plans to introduce on smaller crane models.

SANY company's main products in the US market are mobile crawler crane and cross-country crane with technical challenges. SANY SCC8500 model with 500 ton lifting capacity is a medium tonnage crawler crane. Before started to search and develop SCC8500 model crane, SANY had made deep patent forewarning analysis.

Analyst points out that SANY seeks to expand their overseas market share which contributing over 40% of its total revenue, while the U.S. market accounts for the vast majority of that market share. SANY'S crawler crane in the U.S. market share has reached about 8%, ranking the third position. Given the circumstances, it comes as no surprise to SANY to

encounter the "337 investigation".

Responding actively in legal action

It will set a timetable within 45 days for completing the investigation and one year for to render a verdict. If the ITC finds a violation of Section 337, it will issue an exclusion order and restraining orders, which mean the exclusion of articles from the U.S. market.

SANY now has two lawyer teams from the U.S. and china preparing to respond to the suit lawfully. As a giant leader of mechanical engineering enterprises, SANY has attached a great importance to IPR protection for many years. SANY always shows respect for competitors' IPR and factors patent infringement into a risk analysis before started to develop a new product, especially the product oriented to overseas market. In a bid to avoid patent infringement effectively, SANY also established the first IP information platform in mechanical engineering industry which provide patent analysis and patent warning system for product research and development and product exported.

According to the statistics, as of the end of 2012, SANY has filed cumulatively a total of 6,000 patent applications 300 of which are international patent applications and owned over 3,000 patents. SANY not only maintains rapid growth in patent applications but also establishes an IP management system including the patent committee of the group, IP department, business division, and implemented the whole process of patent strategy.

Compared with the early day that Chinese enterprises were not familiar with international competition rules and hesitate to make response and often lost foreign markets, more and more companies like SANY start to be aggressive in legal action which shows that the enterprise strength are rapidly and significantly enhanced and IP is a good means for Chinese enterprises to cope with Section 337 investigations and other international IP disputes. (by Xiang Li)

本报记者 向利

三一集团起诉美国总统奥巴马案尘埃未定,7月11日,美国国际贸易委员会(ITC)宣布,对中国三一重工及三一美国公司的履带式起重机产品启动“337 调查”,以确定这些产品是否侵犯美国公司专利权。记者日前从三一集团获悉,目前,集团总部尚未收到正式书面文件,但已经做好积极应诉的准备。

缘起市场之争

今年 6 月 12 日,美国威斯康辛州的马尼托瓦克起重机公司(下称马尼托瓦克)向 ITC 提出申请,声称三一美国公司所销售的型号为 SCC8500 的履带式起重机侵犯了该公司“可变位置配重技术”专利权,要求启动“337 调查”,并发布有限排除令和禁止进口令。除此之外,其还要求三一集团销毁所有使用从马尼托瓦克获得的商业机密而制造的履带式起重机和相关模具、机床及其它设备,并公布其与商业机密相关的文件和物品。资料显示,“可变位置配重技术”专利主要用于马尼托瓦克生产的 31000 型履带式起重机。该起重机最大起重能力达 2300 吨,是马尼托瓦克目前最大起重量的履带式起重机。在 31000 型取得成功之后,马尼托瓦克又计划将该技术应用于小型起重机。

目前,三一集团在美国的主营产品是履带式起重机和越野式起重机等技术难度较高的产品。三一美国公司生产的 SCC8500 型履带式起重机,最大吊重为 500 吨,属于中吨位履带式。据悉,三一集团在研发 SCC8500 履带式起重机时,就已经进行了深入的专利预警分析。

分析人士认为,近年来,三一集团一直积极谋求扩大海外市场份额,其海外销售额已经占到公司销售总额的三成,这其中,美国市场又占到绝大多数。三一重工的履带式起重机产品 2012 年在美国市场的占有率已经达到 8%,排名进入前三。在这种海外策略下,在美遭遇“337 调查”不让人感到意外。

着手积极应对

根据规定,启动“337 调查”后,必须在 45 日内确定终裁的目标时间并尽快完成调查。通常案件需要在一年内作出裁决。如果涉案企业被裁定违反了第 337 条款,美国国际贸易委员会将发布相关产品的排除令和禁止令。如果败诉,这意味着涉案产品将彻底丧失在美国市场销售的资格。



据悉,三一集团目前已经有美国和中国两个律师团队在准备应诉。事实上,作为机械工程领军企业,三一集团近些年在知识产权保护方面下了很大功夫。据集团有关人士称,三一集团一直尊重竞争对手的知识产权,在研制针对海外市场销售的产品时,通常设计初期就会考虑到规避专利侵权的风险。为有效规避专利侵权风险,企业还建立了工程机械行业第一家知识产权信息平台——科技资讯港。该平台的重要作用就是为新产品研发和产品出口提供专利分析和专利预警。

资料显示,截至 2012 年底,三一集团累计提交中国专利申请 6000 多

件,获权 3000 多件。针对海外市场的提交的国际专利申请近 300 件。三一集团不仅在专利申请数量上保持了较快的增长,而且还建立了包括集团专利委员会、知识产权部、各事业部在内的 3 个层级的知识产权管理体系,对知识产权进行了有效管理,并在集团内部实施了全方位和全流程的知识产权战略。

有专家表示,与初期我国企业遭遇“337 调查”,大部分企业放弃应诉相比,现在,像三一集团这样选择应诉的企业越来越多。这一方面说明我国企业实力的增强,同时,也与越来越多的企业重视知识产权,一旦遭遇诉讼时能有备无患有关。

China's IP in foreign eyes



Technology executives worldwide believe that the United States and China are the top two countries with the greatest potential to drive technology breakthroughs that will have a global impact in the next four years, according to the Global Technology Innovation survey by KPMG LLP, the audit, tax and advisory firm. In a change from last year's survey, 37 percent of the respondents said the United States shows the most promise for disruptive breakthroughs, while 24 percent cited

China, and 10 percent predicted India. (U.S. and China Most Promising Tech Innovators in Next Four Years: KPMG Survey, by The Wall Street Journal)

根据毕马威会计师事务所最近一项关于全球技术创新的调查显示,全球技术高管认为,美国和中国是在未来 4 年中实现具有全球性影响力技术突破的最有潜力的两个国家。与去年的调查有所不同,37%的受访者表示美国显示了具备颠覆性突破的最大潜力,其次是中国(24%)和印度(10%)。《毕马威调查:美国和中国成未来 4 年最有前途科技创新者》,华尔街日报)

Comment:

China continues to innovate at impressive speed. We see Chinese organizations increasingly establishing innovation hubs where their research and development can thrive. It's believed that domestic consumption is the major motivator and Chinese smart consumers are driving the desire for new innovations. China is innovating for China's sake.

点评:

中国以惊人的速度在持续创新。我们看到越来越多的中国企业设立创新中心,大力提升其研发水平。其间,中国精明的消费者对创新需求的欲望正在不断增强,国内消费成为推动创新的重要力量。中国在为谋求自身发展而不懈创新。



The tracker of emerging technologies says China is poised to surpass Japan as the second-largest spender on biomedical R&D, behind the U.S., as it sets far-ranging targets for

new drug development as part of its 12th Five-Year Plan. The country's total R&D investments reached a cumulative \$160 billion last year and are said to be paying off with exponential increases in pharmaceutical-related patent filings, according to a report issued by Lux Research. (China Investing Billions in Pharma Sector, Says Lux, by Investor.com)

对新兴技术的跟踪调查显示,随着中国将新药研发这个深远目标列入其第十二个“五年计划”,中国有望超越日本成为仅次于美国的全球第二大生物医药研发投入国。根据勒克斯研究公司的一份报告显示,中国去年的研发投入累计达到 1600 亿美元,与医药相关的专利申请呈增加趋势被认为是其显著成效之一。《勒克斯报告:中国在制药领域投资数十亿美元》,投资者网站)

Comment:

Sustained investment has proved the key to rapid growth in China's biomedical sector while the government's Major New Drug Innovation Program has

emerged as an engine of innovation, producing thousands of patents and new products. The improvement of Chinese patent and related laws are also spurring drug development.

点评:

在持续的投资已被证明是中国生物医药行业快速增长的关键的同时,政府的重大新药创新项目也已成为该领域创新的重要引擎,并已产生了大量的专利和新产品。此外,中国专利及其相关法律制度的进一步完善也激励了新药的研发。

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

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