

China's IP in foreign eyes

China has produced a supercomputer capable of 54.9 petaflops, more than twice the speed of any system in the U.S., according to a U.S. researcher who was in China last week. China's latest system was built with Intel chips, but includes indigenously produced Chinese technologies as well. (China surpassing U.S. with 54.9 petaflop supercomputer, by Computer World)

据上周在中国访问的一位美国研究人员称,中国已经制造出一台具有每秒54.9千万亿次浮点计算能力的超级计算机,比美国最快超级计算机的速度快一倍。中国最新的超级计算机是采用英特尔芯片制造的,但同时也运用了自主技术。(《中国54.9千万亿次超级计算机超越美国》,计算机世界)

China has been developing its own chip technology and has been mixing and matching homegrown tech with imported components. As China keeps focusing on technology development, researchers believe China is heading in the direction of building a supercomputer made entirely of indigenously produced components, including chips.

中国一直在开发自己的芯片技术并且使国产技术与进口组件相匹配。随着中国对技术开发的逐步重视,研究人员相信,中国正朝着建造完全由自己生产的组件(包括芯片)组成的超级计算机的方向发展。



Guo Ping, deputy chairman of Huawei Technologies Co Ltd, the world's fifth-largest smartphone maker, reckons the Chinese firm's phones are unbeatable in terms of hardware, and pours water on market distinctions between high- and low-end models. "In some ways, (designing) a smartphone is in the middle of Silicon Valley and Hollywood," he said. "Silicon Valley represents technology - and smartphones need strong technology - and the Hollywood aspect is about experience and perception." (Huawei smartphones: where Hollywood meets Silicon Valley, by Reuters)

华为副董事长郭平认为,身为全球第五大智能手机制造商,该公司的手机在硬件方面无懈可击,但他反对简单地用高端和低端来区分手机市场。"从某种意义上讲,设计智能手机是一项介于硅谷和好莱坞之间的业务。"他说,"硅谷代表技术,智能手机需要强大的技术后盾,而好莱坞则更看重体验和观念。"(《华为智能手机:好莱坞与硅谷的融合》,路透社)

To get a bigger slice of the market, Huawei needs to improve its brand image, shifting from focusing on the technology in its devices to better understanding consumers' tastes and perceptions.

为了获得更大的市场份额,华为需要提高其品牌形象,将精力从关注单纯的技术进步转向更好地理解消费者的品味和观念。

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

China IP development significantly improved

《2012年全国知识产权发展状况报告》发布

中国知识产权综合发展水平显著提升

On June 5, China issued its national Intellectual Property (IP) development report on Wednesday, which marked the fifth anniversary of the introduction of the National IP Strategy. The study, conducted by the IP Development and Research Center under SIPO, shows that China's IP cause develops fast since 2007, especially after 2008, the year of the implementation of the National IP Strategy.

According to the report, Guangdong, Shanghai, Beijing, Zhejiang, Jiangsu, Shandong, Fujian, Hubei, Anhui, and Sichuan were the 10 most developed regions in China in terms of IP last year. The report also states that Jiangsu, Hubei, Anhui, Shaanxi, Liaoning, Zhejiang, Chongqing, Shanghai, Sichuan and Henan have developed at the fastest pace in the past five years. In accordance with the economic development level, the IP index fell from the eastern region to the central and western regions. Figures also show that the average index of eastern region reached 73.25 last year, much higher than that of the western region (51.73).



spective of IP protection, China has been paying great attention to IP protection, especially the coastal and developed areas.

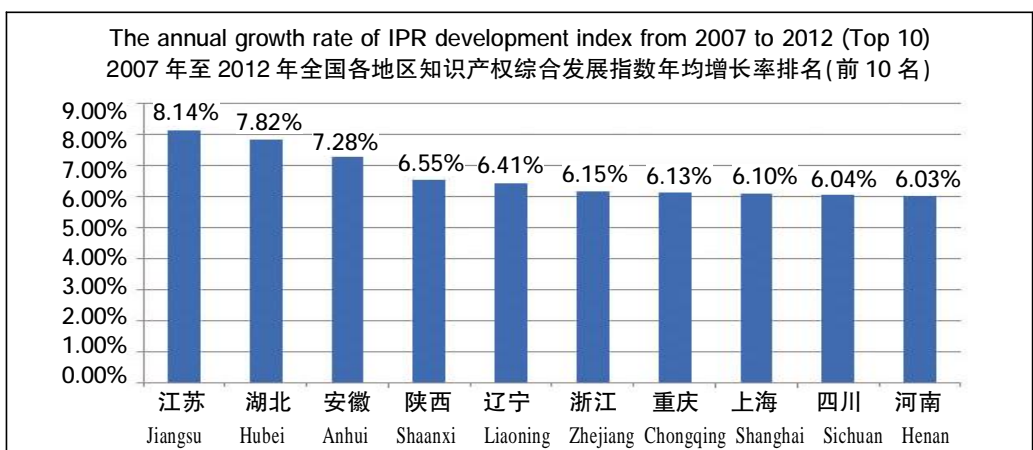
(by Wu Hui / Xiang Li) 本报讯 6月5日,在《国家知识产权战略纲要》(下称《纲要》)颁布实施5周年之际,中国国家知识产权局知识产权发展研究中心在京发布了《2012年全国知识产权发展状况报告》,这是首份全面反映中国各地区知识产权发展水平的综合性评价报告。报告显示,2007年以来,中国知识产权综合发展水平逐年提升,特别是2008年实施《纲要》以后,提升速度明显加快。

报告指出,2012年知识产权综合发展指数位列全国前10位的依次是广东、上海、北京、浙江、江苏、山东、福建、湖北、安徽和四川。从发展



速度来看,2007年至2012年,综合发展指数年均增长率位居全国前10位的省市分别是江苏、湖北、安徽、陕西、辽宁、浙江、重庆、上海、四川和河南。从经济区域来看,中国知识产权综合发展指数呈现出东、中、西部地区逐级递减的趋势,区域差别显著。东部地区知识产权综合发展指数年均值达到73.25,远高于西部地区51.73的平均值。

有关负责人表示,从知识产权创造以及运用方面来看,中国正处于数量效率型向质量效益型发展的过程中,知识产权数量增长和效率提升是当前推动中国知识产权创造及运用发展的主要动力。从知识产权保护方面来看,中国对知识产权保护的内在需求逐步显现,沿海地区和经济发达地区对知识产权保护需求更为旺盛。(吴辉 向利)



Translation version of "Kiehl's" encounters disputes "Kiehl's"中文译名引发纷争

"Kiehl's", a cosmetics brand of French L'Oreal Group, was translated as "契尔氏" when entering the Chinese market. However, the Chinese characters "契尔氏" have already been registered as a trademark by a natural person before "Kiehl's" entered, certified to be used on Class 3, cosmetics, ect. Recently, the right-holder of "契尔氏" filed a lawsuit against a company which sells cosmetics on Tmall over the use of "契尔氏". Meanwhile, "KIEHL'S", the trademark of "Kiehl's", also meets disputes.

Disputes over "契尔氏" Recently, the Beijing Fengtai District People's Court heard a trademark case involving "契尔氏" and its figure. The focus of the case is whether the Chinese characters "契尔氏" are a registered trademark or the translation version of "Kiehl's". The plaintiff Li Yuwu, the general manager of Guangzhou Wangsha Fine Chemical Company (Wangsha company), is the right-holder of the trademark "契尔氏" as well as its figure. According to Li Yuwu, Beijing Fa Lisha Trading Co., Ltd. (Fa Lisha company) used the trademark "契尔氏" and its figure on Tmall, and claimed "契尔氏" as its own brand, which misled consumers. As a peer competitor, Fa Lisha company's behavior had infringed its trademark right, and constituted unfair competition. Zhejiang Tmall, as the mall operator, which facilitated the infringement, also constituted infringement. Fa Lisha company argued that both "契尔氏" and "科颜氏" were translation versions of "Kiehl's",

which can be seen on Kiehl's' official website. The brand of products it sold on Tmall was "Kiehl's". Hence, it did not infringe Wangsha company's trademark right, let alone unfair competition. Up to now, the case is on trial. "契尔氏" is not "Kiehl's" Back in 2010, Zhe jiang Ningbo Zhengping Trading Company (Zhengping company) launched a cooperation with Wangsha company, and began to sell cosmetics with the brand of "契尔氏 QIERSHI". However, its behavior was questioned by consumers. Yu Yaolu, the general manger of Zhengping company, said they had examined related documents of Wangsha company before the cooperation, and found Wangsha company had got the authorization of the U.S. Kiehl (International) Holdings Ltd (the U.S. Kiehl). What's more, their cooperation was carried out in accordance with the law. However, the registered name of the U.S. Kiehl was not "Kiehl's" but "QIERSHI". Zheng Haojie, the vice manager of Wangsha company, said the U.S. Kiehl was a company that Wangsha registered in Hong Kong, which had no relationship with "Kiehl's". Moreover, "契尔氏" was Wangsha's own brand as well as its legal trademark.

Disputes over "KIEHL'S" Recently, Beijing No. 1 Intermediate People's Court rendered its decision on the dispute over "KIEHL'S". According to the decision, "KIEHL'S" may be registered on goods of glasses, ect. The No. 1500253 trademark "KIEHL'S" was applied for registration in 1999, and approved in 2001, certified to be used on Class 3,

cosmetics, ect. In 2002, it was transferred to the L'Oreal Group, with its renewal to January 2011. The No. 5543574 trademark that the L'Oreal Group filed objection to was applied for registration in 2006, certified to be used on Class 9, by a natural person named Li Laibing who lived in Linhai City, Zhejiang Province. During the publication, L'Oreal Group had raised objections. Rejected, it filed an application for review, alleging that its trademark "KIEHL'S" had constituted a well-known trademark in cosmetics and Li's application constituted malicious copy as well as imitation. When rejected again, L'Oreal Group made an appeal to court. The court held that the two trademarks differ greatly in function, purpose, and marketing channel, which are not easily confused by the public. Hence, no similarity is constituted. The court also held the evidence L'Oreal Group provided was insufficient to prove its trademark had been a well-known trademark before Li's application. So ordered. (by Yang Liu)

本案记者 杨柳 法国欧莱雅集团旗下的化妆品品牌"Kiehl's"进入中国市场后,曾被译称为"契尔氏"。然而汉字"契尔氏"早在"Kiehl's"品牌进入中国市场之前就被他人在第3类化妆品类商品上注册为商标。近期,因涉嫌擅自使用"契尔氏"商标,在天猫商城上销售化妆品的"契尔氏"公司被"契尔氏"商标权利人诉至法庭;另一方面,"Kiehl's"的外文商标"KIEHL'S"也遭遇了跨类之争。

"契尔氏"天猫维权 日前,北京市丰台区人民法院受理了一起"契尔氏及图"商标维权案。"契尔氏"是注册商标还是对"Kiehl's"



"KIEHL'S"跨类相争

虽改称"科颜氏",但"Kiehl's"的商标争议却不平静。随着北京市第一中级人民法院对"KIEHL'S"英文商标跨类诉讼案做出一审判决,"KIEHL'S"在眼镜类商品上或将被他人在注册为商标。第1500253号"KIEHL'S"文字商标(引证商标)于1999年申请注册,2001年被核准注册在第3类洁肤霜等商品上。2002年引证商标经核准转让给欧莱雅集团,商标专用权期限续展至2011年1月。

此次欧莱雅集团提出异议的是第5543574号"KIEHL'S"商标(下称被异议商标),由浙江省临海市的自然人李来兵在2006年提出注册申请,指定使用在第9类眼镜等商品上。被异议商标初审公告后,欧莱雅集团提出了异议申请但被驳回,随后欧莱雅集团提起复审申请,并提出引证商标已经构成在化妆品类别商品上的驰名商标,被异议商标的申请注册构成对其已注册驰名商标的恶意复制、摹仿。

在异议复审未被支持的情况下,欧莱雅集团向法院提起了行政诉讼。法院经审理认为,被异议商标与引证商标在功能、用途、销售渠道方面存在较大差异,相关公众不易混淆,两者不构成在类似商品上的近似商标。对于欧莱雅集团提出的驰名商标法院表示,其提供的证据不足以证明在被异议商标申请注册前,引证商标已经构成洁肤霜等商品上的驰名商标。基于此,法院一审维持了复审裁定。

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