

China's IP in foreign eyes



Chinese mobile phone manufacturers—led by ZTE, Huawei, etc.—increased their share in smartphone market to 29 percent in the first quarter of 2013 from 13.2 percent a year ago.

为等公司龙头的中国手机制造商,在全球智能手机市场的份额增加至29%,比去年同期增长15.8个百分点。

Comment:

By offering affordable devices with optimum features, Chinese local manufacturers are gaining the game in the increasing competition.

点评:

通过提供价格适中并具有最优功能的智能手机产品,中国智能手机制造商在日益激烈的竞争中不断赢得筹码。



One of China's top movie download Web site, Siluhd.com, has been shut down and the CEO and over 30 other employees detained by Chinese law enforcement authorities on suspicion of infringing intellectual property rights.

思路网近日被关闭,其首席执行官及30多名员工被中国执法机关以涉嫌侵犯知识产权为由拘留。

Comment:

The overall intellectual property protection environment has been improving with large video websites such as Youku, Tudou and Sohu and TV spending large amounts of fund to purchase film broadcast rights both domestically and abroad.

点评:

随着优酷、土豆和搜狐视频等大型视频网站纷纷斥资在国内外购买电影播放版权,中国知识产权保护的整体环境得到很大改善。



China's ZTE Corp, one of the world's largest smartphone makers, has agreed to pay Microsoft Corp a royalty for devices it makes using Android and Chrome operating systems.

专利使用费用,以生产使用安卓及Chrome操作系统的产品。与中兴通讯达成的协议意味着微软公司已与全球五大安卓制造商中的4家达成协议。

Comment:

If every company respects the value created by others, then most of the patent issues and lawsuits can be avoided. As China is merging into the global economy, more and more Chinese enterprises are more active in international patent licensing, which will help avoid intellectual property litigation and also effectively enhance the ability of international technical cooperation.

点评:

如果企业都能够尊重他人创造的劳动成果,那么目前大部分的专利诉讼都是可以避免的。随着中国经济深度融入世界经济,我们会看到更多的中国企业签署专利许可协议。

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

Table with 2 columns: Role and Name. Includes English translation (柳鹏), Translator (Liu Peng), Practice Editor (孟逸君), and Practise Editor (Meng Yijun).

Swarovski wins trademark dispute case 施华洛世奇“剥掉”施华洛侵权外衣

Recently, Shanghai No. 2 Intermediate People's Court rendered its first-instance decision on the trademark infringement and unfair competition case between Swarovski and Shanghai Swalro Wedding Dress Company.

Swarovski VS Shanghai Swalro

Swarovski was born in 1895, and the birth of this brand has made Austria a world famous crystal country. Registered in the Principality of Liechtenstein, Swarovski company was founded in 1968.

Shanghai Swalro Wedding Dress Company was established in August 2004, which specializes in various kinds of dresses. Swarovski held that the Shanghai company used 施华洛, 施華洛, SWALRO labels in its wedding dress, promotional materials, website, company decoration, and also established a home page with a domine name of www.swalroweb.com.

The court held that since Swarovski Company entered in China in the 1990s, it has made extensive advertising by using SWAROVSKI and 施华洛世奇, and occupied sizable market share in China. It ranks the top in sales volume among other products of its kind.

The court also held that SWAROVSKI crystal entered the Chinese market early, and as a wedding dress manufacturer, Shanghai Swalro shall be aware of the visibility and influence of SWAROVSKI. Swalro Company, however, still registered the similarity 施华洛 as its company name.

The court's decision has safeguarded the trademark right of 施华洛世奇, said a relevant IPR expert. In this case, the defendant is a wedding dress manufacturer, which will be somewhat different from subjects in other SWAROVSKI infringement cases.



Swarovski safeguards trademark right

CIP News reporter notices that Swarovski Company has registered 67 trademarks, including SWAROVSKI, 施华洛世奇, 施華洛, 施華洛世奇, SWAROVSKI, Shanghai Swalro registered No. 4633889 SWALRO trademark and No. 4633890 施华洛 trademark.

In fact, Swarovski is not a stranger in such cases. In 2008, the company filed a trademark infringement lawsuit similar to this one in Beijing. Beijing No. 2 Intermediate People's Court then rendered its first-instance rule on the defendant Beijing Swanrov Wedding Photo Company not allowed to use 施華洛, 施華洛, SWAROV in its services.

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本报记者 张 婕 通讯员 刁效林

近日,上海市第二中级人民法院对施华洛世奇股份有限公司(下称施华洛世奇公司)诉上海施华洛礼服有限公司(下称施华洛礼服公司)侵害商标权及不正当竞争纠纷一案作出一审判决。

婚纱礼服“撞名”水晶品牌

施华洛世奇(SWAROVSKI)品牌诞生于1895年,也正是因为这个品牌名的出现,让奥地利成为了享誉国际的“水晶之国”。

施华洛礼服公司成立于2004年8月,主要生产经营各类服装服饰。施华洛世奇公司认为,施华洛礼服公司在其公司婚纱礼服产品、宣传材料、网页宣传、公司装潢上,使用“施华洛”“施華洛”“SWALRO”等文字标识。

法院经审理查明,施华洛世奇公司自上世纪90年代进入中国市场以后,一直使用“SWAROVSKI”及“施华洛世奇”进行广泛宣传,占有相当大的市场份额。

法院认为,“施华洛世奇”水晶及相关产品投放中国市场较早,施华洛礼服公司作为主要生产婚纱礼服产品的企业,应该知晓该商标作为驰名商标所具有的知名度和影响力。

“施華洛”、“SWALRO”文字,以及通过使用域名为“www.swalroweb.com”的网站进行商业宣传,虽存在文字上的简、繁之分,但难免会使相关公众对展销商品来源产生误认。

认定侵权维护商标权利

记者通过查询了解到,目前,施华洛世奇公司共申请注册了67件商标,其中包括“SWAROVSKI”“施华洛世奇”“施華洛世奇”“SWAROVSKI”等商标。

另据记者了解,早在2008年,施华洛世奇公司就曾在北京就类似现象提起过商标侵权诉讼,当时案件的主审法院北京市第二中级人民法院作出一审判决,判令当时案件被告北京施华洛婚纱摄影有限公司在提供婚纱摄影等服务中(包括在其网站上),不得单独或突出使用“施華洛”、“施華洛”、“SWAROV”文字。

“该案的判决有效维护了‘施华洛世奇’品牌的商标权。”相关知识产权专家在谈及此案时对中国知识产权报记者表示。该专家认为,在本案中,侵权企业是礼服生产企业,与一般假冒“施华洛世奇”水晶的案件有所不同。

该公司不仅使用与“施华洛世奇”品牌相近的企业名称,更是在企业宣传中突出使用“施华洛世奇”和“施华洛世奇”品牌,让奥地利成为了享誉国际的“水晶之国”。

Facing the fierce market competition, the value of a brand name has taken deep roots in the heart of many entrepreneurs.

编辑点评:

面对激烈的市场竞争,“品牌溢价”已深入人心。凭借品牌追求利润无可厚非,但借他人品牌为自己脸上贴金的“傍名牌”行为,既欺骗了消费者,也扰乱了市场竞争秩序。