

China's software protection delivers palpable achievements 中国推动软件正版化取得显著成效

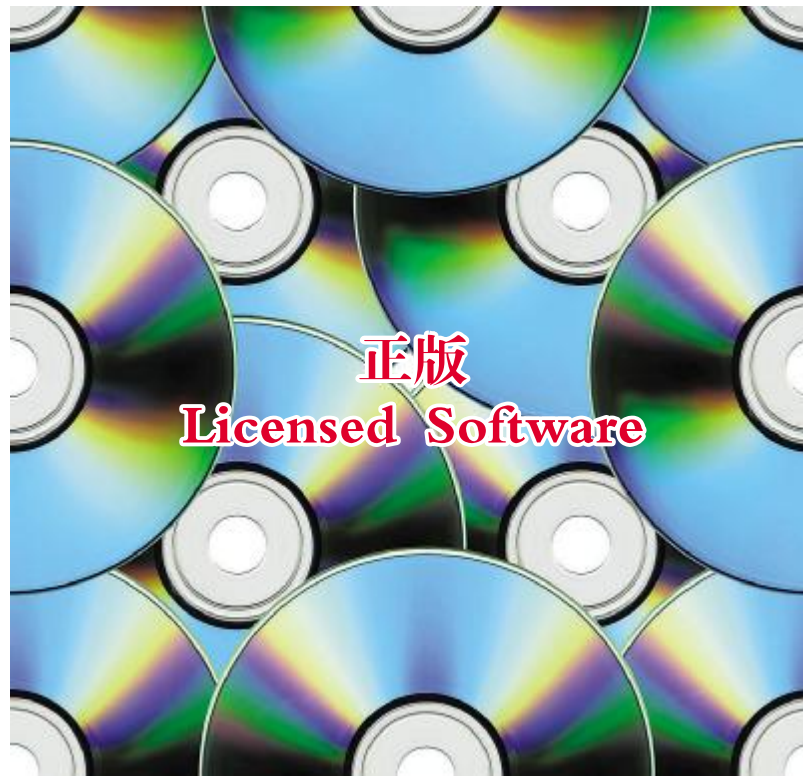
The Joint Office of Ministerial Meetings for Promoting Software protection held a press conference in Beijing recently, opened its exhibition of Software Legalization in China and issued the report of China's Promotion on Using of Licensed Software. According to the report, as of now, 26,280 companies fared well in running only licensed software on their computers, 17,782 of which went legitimate in software use, conducted 1,494 various training programs for over 42,900 companies and 84,100 persons since the year of 2006.

In May 2011, 135 national-level agencies successfully concluded the remediation campaign for use of authorized software and developed an effective long-term policy for software use and inspections to ensure software copyright protection being institutionalized and normalized. China had spent about 130 million yuan buying 150,700 copies of operation systems, office and anti-virus licensed software for use in its central and provincial govern-

ment offices in 2012.

All 31 Provinces (autonomous regions and municipalities) had completed the tasks of inspection and software legalization in June of 2012. Beijing, Shanghai, Zhejiang, Guangdong, Sichun and Jiangsu were completed the investigating and correcting uncopyrighted software in provincial-level, city-level and county-level government departments. Hainan, Anhui, Guangdong, Guizhou and Hubei were completed the investigating and correcting uncopyrighted software in provincial level and city-level government departments. As of the end of March of 2013, 59.11% of city-level and 32.28% of county-level government departments had finished the investigating and correcting uncopyrighted software. During the remediation campaign, agencies at all levels have spent 1,940 million yuan in purchasing 3,066,200 sets of authorized software, 1,8225 million (1,190 million yuan) of which are office softwares.

State-owned companies and



subsidiaries, policy banks, large commercial banks, stock commercial banks, postal savings banks, large and medium-sized insurance compa-

nies, enterprise group headquarters of publication and distribution industry cleared for compliance, the industries of coal, tourist hotel, in-

ternet bar, publication and distribution achieve notable results in licensed software application. Over 423 enterprises were granted the title as "National Demonstration entity of Legal Software Application".

The Joint Office of Ministerial Meetings for Promoting Software Protection, together with other relevant departments, basically completed the pilot project for 23 enterprises till now closed to finishing stage. (by Jiang Xu)

本报讯 日前, 推进使用正版软件部际联席会议在京举行新闻发布会, 为其举办的“软件正版化在中国”展览揭幕, 并发布了《中国推进使用正版软件工作状况》报告。报告显示, 从2006年中国政府全面启动企业软件正版化工作以来, 全国累计列入年度完成工作目标企业2.6280万家, 累计完成软件正版化企业1.7782万家, 累计举办培训班1494次, 参训企业4.29万家(次), 培训人员8.41万人(次)。

据了解, 2011年5月, 135个中央国家机关按期完成软件正版化检查整改, 并不断完善软件使用日常监管、软件资产管理等长效机制, 确保软件正版化工作制度化、常态化。

2012年各部门新采购操作系统、办公及杀毒3类软件15.07万套, 采购金额1.3亿元。

2012年6月, 31个省(区、市)省级政府机关按期完成检查整改, 北京、上海、浙江、广西、山东、四川、江苏7省(区、市)完成省、市、县三级政府机关检查整改, 海南、安徽、广东、贵州、湖北5省完成省、地、市、县四级政府机关检查整改。截至2013年3月底, 59.11%的地市级政府和32.28%的县级政府完成检查整改。中央及地方政府机关检查整改期间共采购操作系统、办公及杀毒三类软件306.62万套(许可数)、采购金额19.4亿元, 其中办公软件的采购套数和金额分别为182.25万套、11.9亿元。

中央企业三级以上企业、政策性银行、大型商业银行、股份制商业银行、邮储银行、大中型保险企业、新闻出版行业企业集团总部全部实现软件正版化, 煤炭、旅游饭店、网吧、新闻出版等重点行业取得突破性进展。423家企业获得“全国软件正版化工作示范单位”称号。同时, 部际联席会议办公室会同有关部门, 指导企业软件资产管理试点项目工作组, 基本完成对23家企业的试点工作, 正准备收尾验收。(姜旭)

China's IP in foreign eyes

China's Chinese patent medicine industry has been running in good condition, with the revenue increasing from RMB 142 billion in 2008 to RMB 360 billion in 2012 at a CAGR of 26.2%. Over the same period, the total profit maintained a CAGR of 26.6%, and the gross margin remained higher than the average level of the overall pharmaceutical industry. China's Chinese patent medicine market demand is expected to grow rapidly in the next five

years. (China Chinese Patent Medicine Industry Expected To Grow 33% to 39%, by SBWire)

中国的专利药运行状况一直良好, 其收入从2008年的1420亿元人民币增加至2012年的3600亿元人民币, 年复合增长率达26.2%。在同一时期, 该行业利润总额保持了26.6%的年复合增长率, 毛利率高于整个医药行业的平均水平。中国的专利药市场需求预计在未来5年内将迅速增长。《中国专利药行业预计将增长33%至39%》, SB-Wire网站)

Comment:

Thanks to the improvement of R&D and intellectual property pro-

tection, Chinese patent medicine is gaining international recognition and higher profit. Tackling the bottleneck of the chemical pharmaceutical industry has also progressed. While foreign enterprises start setting foot in the Chinese patent medicine, Chinese medicinal industry is facing more opportunities.

点评:

得益于对研发和知识产权保护投入, 中国的专利药逐渐获得国际认可和更大的利润空间。化学制药行业的技术瓶颈也正在改善。随着外国制药巨头纷纷涉足中国专利药市场, 中国医药行业将迎来更多的发展机遇。

General Motors, Nissan and Hyundai are among the foreign carmakers creating Chinese brands in order to compete with cheaper models made by local companies. At the same time as foreign makers are creating local brands, a Chinese car brand is seeking to be accepted internationally. Qoros, a joint venture between an Israeli industrialist and Chery Automobile has focused on producing a car suited to urban life. (Foreign carmakers build Chinese brands, by Warc)

为了与中国本土汽车厂商生产的更便宜的车型相竞争, 通用、日产

和现代等外国汽车制造商纷纷在中国创建本土品牌。而就在国外制造商热衷于打造“中国品牌”的同时, 中国汽车品牌正在努力寻求国际认可。观致——中国奇瑞汽车与以色列的合资企业, 专注于生产适合城市生活的车型。《外国汽车制造商打造中国品牌》, WARC网站)

Comment:

Chinese auto industry is rapidly developing and increasingly gaining local market. Even though Chinese customers tend to distrust Chinese auto brands and perceive international brands to be of superior quality, there are opportunities to create something different. We

need more and more game-changers like Qoros, to build the perception of quality for "Made in China".

点评:

中国汽车业近年来发展迅速并赢得了越来越多的国内市场份额。尽管仍有中国消费者易于看轻中国本土品牌汽车并认为国际品牌汽车拥有更高的品质, 但是本土品牌还是有可能会自我改变。我们需要更多的企业, 为锻造“中国制造”的卓越品质而努力。

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

Extra bogged down in namesake trademark dispute “益达”口香糖遭遇“益达”牙膏

The Trademark Office under the State Administration for Industry & Commerce (SAIC) determined “益达” as well-known mark used on non-medical gum owned by The Wm Wrigley Jr Company (Wrigley) in April 2012. However, Wrigley lost the fight against the reversal of the ruling by the Trademark Review and Adjudication Board (TRAB) under SAIC.

TRAB affirmed the registration of “YiDa 益达” trademark used on toothpaste owned by Guangdong Qiancai Cosmetics Co., Ltd (Qiancai) in June 2012. The disgruntled Wrigley brought the case to the TRAB. TRAB maintained that Wrigley failed to prove the trademark of “益达” enjoyed high reputation and was familiar among Chinese customers before the trademark in question was registered in October 2004.

Lingering scuffle

In October of 2004, a natural person, Chen applied for the registration of trademark of “YiDa 益达” used on toothpaste and cleanser. In the announcement

period, Wrigley lodged a request for remark opposition to TRAB on the ground of similarity with “益达” in the same goods. Wrigley held that the trademark in question constituted an imitation on purpose which would cause confusion among consumers.

The Trademark Office and TRAB both held the dispute trademark did not lead confusion to the public and no similarity is constituted. TRAB also maintained Wrigley failed to prove the trademark of “益达” enjoyed high reputation and was familiar among Chinese customers before the trademark in question was registered in October 2004.

Continuous dispute

The disgruntled Wrigley brought the case to the Beijing No. 1 Intermediate People's Court. Wrigley held that the defendant took advantage of the well-known trademark “益达”'s reputation on purpose to gain visibility. Such acts ran counter to the principles of good faith. Unfair competition was in place too.

“Both xylitol sugar-free gum and toothpaste have functions of cleaning and protecting teeth and the same consumer groups. Qiancai

used “益达” on the product which mislead the public. The packing of toothpaste was similar with their registered trademark which would also lead confusion to the public,” the Wrigley principal told our reporter recently.

Qiancai said that the main selling point for the “益达” toothpaste was that Xylitol could provide the comprehensive protection of the teeth. The toothpaste had been recognized and well received by consumers since October 2010 which maintained competitive advantage in the cleaning and oral care market industry.

We will follow the development of the case. (by Yang Qiang)

本报记者 杨强

2012年4月, 美国箭牌糖果有限公司(下称箭牌公司)的“益达”注册商标被中国国家工商行政管理总局商标局(下称商标局)认定为非医用品口香糖产品上的驰名商标, 却在2012年6月, 商评委作出裁定, 核准广州市倩采化妆品有限公司(下称倩采公司)申请在牙膏等商品上的“YiDa 益达”商标注册。该案的异议

复审申请人正是箭牌公司, 其涉案引证商标包含上述被认定地名的“益达”。据箭牌公司方面介绍, 商评委在复审后认为其引证的“益达”商标在2004年之前, 即倩采公司申请被异议商标日之前的知名度证据不足, 其复审请求因此被驳回。针对该复审结果, 箭牌公司随后提起行政诉讼, 该案将于近日开庭审理。

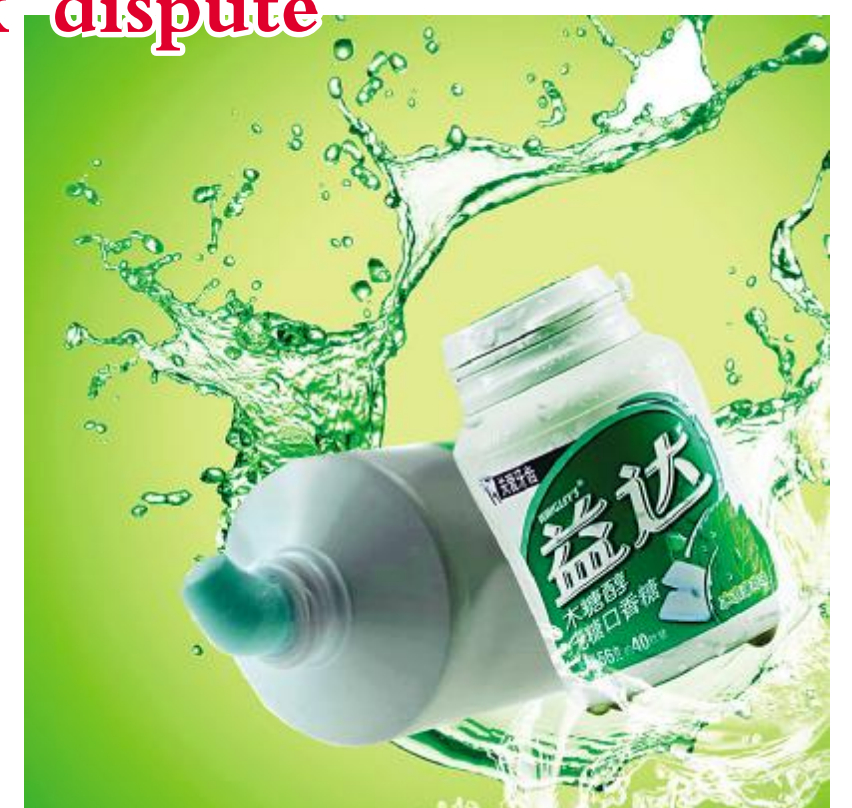
案件由来

2004年10月, 自然人陈某向商标局申请被异议商标“YiDa 益达”的注册, 指定使用商品包括牙膏、清洁制剂等。该商标申请经商标局初步审定并公告后, 箭牌公司向商标局提出异议申请, 称该商标指定使用商品与其在先注册的“益达”商标核定使用商品构成类似, 而且是对“益达”驰名商标的抄袭和复制, 被异议商标的注册, 将会导致市场混乱, 并带来不良影响。

据了解, 商标局和商评委先后均裁定核准倩采公司被异议商标的注册。其中, 商评委裁定认为, 双方商标指定使用商品在功能用途和生产工艺等方面具有明显区别, 不属于类似商品。对于箭牌公司所称的2004年10月前, 其引证商标已构成驰名商标, 商评委以其提供证据不足为由, 未予主张。

纠纷未断

商评委裁定作出后, 箭牌公司向北京市第一中级人民法院提起行政



诉讼。箭牌公司认为被异议商标的申请是在知晓或应知其“益达”地名商标的情况下, 违反诚实信用原则, 基于不正当竞争、牟取非法利益的目的而进行的。

箭牌公司方面相关人员日前接受中国知识产权报记者采访时表示, 木糖醇无糖口香糖与牙膏产品均具有洁齿护齿功能, 其消费群体均为普通消费者。倩采公司在其生产销售的牙膏产品上使用“益达”字样, 会导致广大消费者误认为该产品与箭牌公司的“益达”品牌有关。另外, 益达牙膏的包装与益达口香糖产品的包装近似, 进

一步导致了消费者的误认误购。

另据倩采公司对其“益达”牙膏的介绍称, 该品牌牙膏以“木糖醇防蛀”为主要功能卖点, 自2010年10月份正式上市以来, 已得到市场的认可欢迎, 奠定其“益达”品牌在口腔护理用品市场的竞争地位。

本报将进一步关注此案的进展。

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