

China's IP in foreign eyes

Microsoft founder Bill Gates has highlighted the innovations China is adept at that can benefit the world. "The breakthrough through science and technology that's happening here in China can help the poorest people in the world lead healthier, more productive lives," said Gates...

微软创始人比尔·盖茨强调,中国擅长的创新将使全球受益。"中国在科学技术方面的突破性进展可以帮助世界上最贫穷的人过上更健康、更富有创造性的生活。"他表示,在过去的30年中,中国已成功使6亿人口摆脱了贫困...

Comment:

In the past 30 years, China has lifted 600 million people out of poverty by innovation and improving agricultural productivity, which is really a great miracle. The speed is amazing. The world is starting feeling the power of Chinese innovation.

点评:

中国以创新改变农业生产方式,30年来让6亿人口脱贫,这是个了不起的奇迹。中国的进步速度让人惊叹,与此同时,中国的创新力量,正在全世界发挥着作用。



Like Apple, the tech company that it aspires to be, China's Xiaomi Corp likes to launch new products to fanboys. As for Xiaomi, its smartphones are priced at RMB 1,999 (\$322), which is considerably cheaper than an iPhone or Galaxy S4.

立志成为像苹果那样的高科技公司的中国小米公司喜欢为其粉丝推出新产品。小米智能手机的售价仅为1999元人民币(约合322美元),这比iPhone或三星银河S4要便宜很多。中国公司能够在全球最大的智能手机市场上与跨国科技巨头相抗衡,这让很多中国人引以为自豪。

Comment:

The move shows that the company has eventually managed to expand its footprint. We are happy to see that there is an Apple-like competitor in China. However, while prices will always be attractive to local customers, we hope local smartphones can be more competitive in technologies.

点评:

小米公司的这一举动表明,其"走出去"计划最终得以实现。我们很高兴地看到,中国能有一个与苹果公司相抗衡的竞争对手。不过,在价格仍然是客户最大吸引力的同时,我们希望中国本土智能手机可以在技术上具有更强的竞争力。

China and Indonesia signs MOU 中国印尼签署知识产权合作谅解备忘录

On April 9, Commissioner of State Intellectual Property Office of the People's Republic of China Tian Lipu met the Indonesian delegation of IPR led by their Minister of Ministry of Justice and Human Rights of Indonesia, Amir Syamsudin. After the meeting, a memorandum of understanding (MOU) on IPR cooperation was concluded.

During the meeting, Tian Lipu points out that IPR system reflects the wisdom of people and is playing a crucial role in national economic prosperity as well as scientific and technological progress. Though created by industrialized countries, IPR system can be utilized in developing countries as well and is positive in promoting cooperation in different countries, in which China is a good example.

"The MOU on IPR cooperation between China and ASEAN signed in 2009 is now playing a positive role in promoting IPR cooperation between China and ASEAN. SIPO is glad to make contributions to promoting IPR exchange and cooperation between China and ASEAN countries, particularly Indonesia," says Tian Lipu.

According to Tian Lipu, Amir Syamsudin's visit indicates that Indonesian government is paying great attention to the IPR cooperation between the two sides. "I warmly congratulate on the achievements Indonesia has made in IPR system establishment and international IPR system building. I do expect a further cooperation in



Commissioner of State Intellectual Property Office of the People's Republic of China Tian Lipu (L) is exchanging the MOU with Minister of Ministry of Justice and Human Rights of Indonesia Amir Syamsudin. (by Jiang Wenjie) 中国国家知识产权局局长田力普(左)与印度尼西亚法律人权部部长阿米尔·山苏丁交换合作谅解备忘录文本。 本报记者 蒋文杰 摄

different fields to realize common development," says Tian Lipu.

Amir Syamsudin says that China established the IPR system 30 years ago. In the past three decades, Chinese government had adopted effective measures to encourage creativity and protect IPR, which makes China one of the best nations in the world in

developing IPR and worthy of learning. "The two countries share a great deal in common in traditional knowledge and genetic resources, and I do hope that the two sides will further strengthen IPR cooperation and exchanges in the future," says Amir Syamsudin.

The two sides also exchanged opinions on IPR system, IPR

information database etc. (by Liu Peng)

本报讯(记者柳 鸣北京报道)4月9日,中国国家知识产权局局长田力普在京会见了印度尼西亚法律人权部部长阿米尔·山苏丁率领的知识产权代表团一行。双方签署了《中国国家知识产权局与印尼法律人权部关于知识产权保护的合作谅解备忘录》。

田力普表示,知识产权与国家的经济繁荣和科技进步密切相关,知识产权制度虽然是工业化国家伟大的发明,但它同时也是人类智慧的结晶,适用于世界上所有的国家。中国实施知识产权制度30年来的经验充分表明,知识产权制度虽然来源于发达国家,但完全可以服务于发展中国家,也会促进发展中国家之间的合作。

田力普指出,2009年《中国—东盟知识产权领域合作谅解备忘录》的签署极大地推进了中国与东盟各国在知识产权领域的合作进程。中国国家知识产权局愿在该备忘录的框架下,积极地推动与东盟各国,尤其是与印度尼西亚的知识产权合作。此次山苏丁部长亲自率团访华释放出一个强烈的信号,表明印度尼西亚政府对中国与印度尼西亚知识产权合作的高度重视。他对印度尼西亚积极参与知识产权国际体系建设,和在知识产权法律与制度方面取得的成就表示祝贺,并希望双方今后不断加强合作,拓展合作领域,分享经验,共同发展。

阿米尔·山苏丁表示,中国在知识产权方面取得的成就以及在知识产权保护方面采取的措施使中国成为世界上最为成功的国家之一,中国在保护创新和知识产权方面所采取的各项措施值得印度尼西亚虚心学习。他对中国国家知识产权战略得到很好落实,公众知识产权意识日益提升等表示赞赏,并指出中国与印度尼西亚两国在传统知识和遗传资源方面有很多相似之处,希望双方今后加强信息交流,就共同关心的知识产权事务交换意见、协调立场,促进双方更为紧密的合作。

双方还就两国知识产权制度、知识产权数据库等议题交换了意见和看法。

WOWO encounters a trademark similarity case 成都 WOWO“撞衫”泰国国旗

A Chinese local convenience store WOWO, which is located in Chengdu, Sichuan province, recently encounters a trademark similarity case. The three-color stripe WOWO trademark was challenged by Thailand IP Office on the ground of similarity with their national flag.

WOWO was revoked

The three-color stripe logo was first used in commercial activities in October 2005 and was registered as trademark in June 2010.

Two years later, on February 27, Thailand IP Office challenged the trademark and requested the Trademark Office (TMO) under the State Administration for Industry and Commerce (SAIC) to revoke the registration of the WOWO trademark on ground of similarity with Thailand national flag.

One month after the complaint, TMO ruled out that the WOWO trademark should be revoked. TMO held that the color of the orange, blue and white is designed similarly with the Thailand national flag, which has violated the trademark law and should be rejected.

TMO's decision gained the favor of Trademark Review and Adjudication Board (TRAB), which is also under SAIC. Disgruntled WOWO brought the case to Beijing

No.1 Intermediate People's Court. The court recently heard the case.

According to the founder of WOWO Tang Yaohua, the WOWO sounds like the rooster crow and represents his determination to offer 24-hour service to the customers. The orange, blue and white colors are very common and popular in convenience stores worldwide.

WOWO filed a lawsuit

According to Tang Yaohua, the registered trademark has not violated the trademark law and is not similar with Thailand national flag. "Firstly, there's no orange color in the Thailand national flag. Secondly, the sequence of the colors in our trademark and the flag are disparate. Thirdly, we have specific meanings in our trademark and are coincidence with the international trade practice," says Tang Yaohua.

According to WOWO's attorney, whether or not a trademark is similar with a national flag should be based on whether it will cause confusion among the public. "Chinese customers are not familiar with the Thailand national flag and the trademark in question will not cause confusion. Besides, according to Supreme People's Court's related regulations, it should be cautious to revoke registration of a trademark with a good reputation, a certain usage history, and the administrative order should also respect the

market practice," says this attorney. We will follow the development of the case.

(by Cui Wenyu/Yi Penghua)

WOWO:“躺着中枪”

据了解,“WOWO”与七色条组合而成的商业标识自2005年10月正式启用,在2010年6月通过商标注册程序确认为注册商标。

2012年3月27日,中国国家工商行政管理总局商标局(下称商标局)向“WOWO”便利店发出关于拟撤销涉及“橘、蓝、白”七色条图形的两件注册商标的通知,理由在于该两件商标所指定颜色及在实际使用中的样式与泰国国旗近似,违反了商标法的相关规定。

据介绍,2012年2月27日,来自泰国知识产权厅向商标局反映有关情形的致函,商标局作出拟撤销注册商标注册通知书的决定。2012年12月,经中国国家工商行政管理总局商标评审委员会复审后,商标局撤销决定获得维持。此后,“WOWO”便利店提起行政诉讼,该案已于4月1日在北京市第一中级人民法院开庭审理。

有关“WOWO”品牌的由来,“WOWO”品牌创始人汤耀华告诉记者,其取意于“雄鸡唱晓”,寓意该品牌为百姓提供24小时服务的宗旨



以及锐意进取的雄心;关于对橘、蓝、白3种色条商业标识的选取,则遵从了24小时便利店这一业态的行业惯例。

WOWO:挺身面对

有关是否近似这一问题,“WOWO”便利店认为相关行政撤销决定有待商榷。

从颜色来看,在争议商标图案中,3种色条之一为橘红色,而在泰国国旗图案中没有橘红色;从色条排列结构来看,争议商标图案与泰国国旗图案的色彩排列结构存在差别;从商标图案含义来看,争议商标遵循行业惯例并固有特定商业逻辑,不能与作为象征一个国家、民族精神的国旗图案相提并论。

针对于此,“WOWO”便利店代理律师表示,根据商标审查标准有关规定,判断是否与外国国旗图案构成近似的标准在于“足以使公众将其与

外国国旗相联系”。然而普遍事实情况却是,在当前中国公众之中,对于泰国国旗的认知度相对有限,消费者很难在消费场景中会将争议商标与泰国国旗产生联系。

该律师还认为,根据中国最高人民法院的相关精神,“对于注册使用时间较长、已建立较高市场声誉和形成自身的相关公众群体的商标,不能轻易地予以撤销,在依法保护在先权利的同时,尊重相关公众已在客观上将相关商标区别开来的市场实际”。据此,“WOWO”便利店两件争议商标不应被撤销。

有关该事件后续进展,本报将继续予以关注。

Table with 2 columns: Role and Name. Includes Translator Jiang Xu, Practice Editor Meng Yijun.