

China witnesses fruits of campaign against IP infringement 中国去年打击侵犯知识产权行动成效显著

According to the Office of the Inter-Ministerial Joint Meeting for the implementation of the National Intellectual Property Strategy...

torates nationwide approved arrests of suspects in 5,256 cases, up 20.3%. During the same period, the polices investigated 44,000 cases of counterfeiting...

According to a principal from the Office of the Inter-Ministerial Joint Meeting, IP protection should be placed as the top priority of the implementation of the National IP Strategy...

本报讯 日前,记者从中国国家知识产权局战略实施工作部际联席会议办公室了解到,2012年,中国加大对侵犯知识产权行为的打击力度...

显著成效。其中,全国知识产权系统受理专利纠纷案件 2510 件,查处假冒专利案件 6512 件。

据统计,2012年,全国地方法院新收知识产权民事一审案件 8.7419 万件,同比增长 45.99%,新收一审知识产权行政案件 2928 件...



件 282 件,关闭网站 183 家。中国国家知识产权战略实施工作部际联席会议办公室有关负责人表示...

推进计划》中的 84 项具体措施中涉及加强知识产权保护的措施达 30 项。中国将进一步完善知识产权相关法律法规...

(崔静思)



China has received over 800,000 copyright registrations in 2012, in which 680,000 are for original works, up 50%, and 140,000 are for software.

Copyright pledged financing secured 2.751 billion yuan worth of loans, involving 773 software works and original works, according to information released by the National Copyright Administration...

2012年,中国收到超过 80 万件著作权登记申请。其中,68 万件为作品登记,同比增长 50%;14 万件为软件著作权登记...

68.77 万件作品,涉及摄影、文学、艺术、电影、电视以及声像记录,比上年增加了 49.05%,其中北京占了主要份额。

Along with the increasing numbers of patents and trademarks, China's copyright registration increases fast too. The significant growth comes from and also indicates the strengthened creativity in the country...

在中国专利和商标数量迅速增长的同时,中国版权登记也在快速增长。这些数量的攀升,表明了中国不



断提升的创新力、不断提高的公众意识和企业不断强化的知识产权保护水平和管理能力。

China had 1.1 billion mobile subscribers through January, up 52 percent from 2010, data compiled by Bloomberg show.

The country has pledged to support greater urbanization, with as many as 300 million people to move from the countryside by 2030, Organization for Economic Cooperation and Development estimates show.

统计显示,截至今年 1 月中国手机用户数达 11 亿,自 2010 年以来增长了 52%。中国已承诺将支持更大规模的城市化进程...

Smartphones made by Samsung and Apple might remain consumers' top choices - if they can

afford them. But a wave of low-cost competing devices are attracting more and more buyers, as local newcomers start quietly competing with the giants of the smartphone industry...

如果消费得起,三星和苹果的智能手机恐怕仍然是消费者的首要选择。但中国本土公司以其成本低同时性能又不错的产品吸引了越来越多的买家...

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

Court's successful mediation on Puma's trademark disputes 武汉中院成功调解“彪马”商标侵权案

With the respondents willing to pay for compensation and the plaintiff withdraw the case, Wuhan Intermediate People's Court recently successfully mediated the trademark disputes between Puma and over 30 vendors in Hanzheng Street...

asked them to cease infringement. After unsuccessful negotiations, Puma sued them for the sales of infringing products in Wuhan Intermediate People's Court at the end of December, 2012, and asked them to pay nearly 2 million yuan for damage.

"Four-step" strategy is developed in mediation

"Via dialogue with both parties, the vendors agreed to cease sales of counterfeit goods and compensate Puma for the loss," Wei Dahai, a presiding judge of the IP court of Wuhan Intermediate People's Court, said to a journalist in China IP News...

According to Wei Dahai, individual business accounts for half of the trademark infringement disputes in recent years. Usually, these cases, whose number is huge with wide range, are hard to tackle due to the right-holders' high expectation and the infringers' poor education...

The "four-step" strategy is known as following. Firstly, to listen patiently and eliminate the antagonism of both sides, which cre-

ates a good atmosphere for the next mediation. Secondly, to show a positive attitude and clarify the misunderstanding between the two parties, which lays a solid foundation for mediation...

Thirdly, to narrow the gap of both sides' expectations in order to achieve successful mediation and professional guide...

Fourthly, to give suggestions and make both parties satisfied. Hence, cases are concluded more reasonably and quickly with this strategy, through which judges should probe deeply into the case and communications with both parties are strengthened.

"Up to now, Wuhan Intermediate People's Court has handled nearly 300 trademark infringement cases filed by Puma, which greatly reduced the number of fake goods in Wuhan market," said Wei Dahai. According to him, the defendants involving in the nearly 400 trademark infringement cases that Wuhan Intermediate People's Court heard in 2012 were mostly individual business, whose business operating capacity was quite limited. Hence, the court often

determines the amount of compensation after considering their economic condition and corresponding affordability. Nowadays, there are a large number of cases that end in mediation in Wuhan Intermediate People's Court every year. Not only were satisfactory results achieved, the court also saved much time through mediation.

(by Zhang Di) 本报记者 张 迪

被告方缴纳赔偿金后原告现场撤诉,这是武汉市中级人民法院(下称武汉中院)调

解彪马欧洲公司诉武汉市汉正街 30 余名经营户销售侵犯商标权服装的庭审现场。近日,30 余位经营户、连同场地出租方武汉市三江经济发展有限公司因销售侵犯彪马商标权服装而被彪马欧洲公司推上被告席,在武汉中院知识产权庭的调解下,双方达成被诉经营户停止销售侵权产品、赔偿损失共计 30 余万元的调解协议。

售侵权服装,多家商户同被诉

汉正街,位于武汉市汉口的繁华地带,自古就有“天下第一街”的美

誉,如今更是成为了全国知名的商品集散地,汇集了国内外多个品牌。由于是享誉国内的知名市场,近年来,一些侵犯知识产权的行为也不断滋生,很多销售侵权商品的经营者给汉正街这条有着几百年历史商业街的发展蒙上了阴影。

据悉,此前彪马欧洲公司发现汉正街一些经营户销售的产品标识与其持有的商标近似,若不仔细对比难以辨别。甚至有一部分产品标识与彪马欧洲公司的“PUMA”标识完全相同。随后,彪马欧洲公司委托相关公证人员,对汉正街浙江鞋城内多家销售印有“彪马”商标的商品进行了现场证据保全,随后委托律师向涉嫌侵权的 30 余位经营户、连同场地出租方武汉市三江经济发展有限公司寄发律师函,要求其停止侵权、销毁相关侵权商品并赔偿损失。

在交涉未果后,2012 年 12 月底,彪马欧洲公司将上述人员及单位诉至武汉中院,要求涉嫌侵权的商户赔偿损失近 200 万元。

助握手言和,唱响调解“四步曲”

“通过我们与涉案双方的多次交流,最终使得双方达成经营户停止销售侵权产品、向彪马欧洲公司支付赔偿金的调解协议。”武汉中院知识产权庭商判庭庭长魏大海在接受中国知识产权报记者采访时表示,“对于调解的结果,双方都表示相当满意。”

据魏大海介绍,近年来,个体工商户销售假冒产品在商标侵权纠纷案中始终占据半壁江山。由于此类案

件数量大、涉及面广,权利人期望值高,侵权人文化层次低、法律意识不强,抵触情绪大,经济承受能力有限,使得案件处理异常棘手。为了有效调解此类案件,减轻审判压力,实现“三个效果”的统一,武汉中院知识产权庭积极探索,针对此类案件创新调解方式,摸索出一套“四步”方略,取得了良好社会效果。

据悉,“四步”方略分别是“耐心倾听:消除对立情绪,为调解营造良好氛围;明确态度:澄清法律误解,为调解树立基调;调适预期:拉近差距,成功实现调解和专业引导;提供建议,让当事人心悦诚服”四个部分。从多个角度协助办案法官深入了解案情,加强与双方当事人沟通,更合理、快捷地审结案件。

“加上此次成功调解的销售侵权‘彪马’服装案,武汉中院已经审理了彪马欧洲公司提起的商标侵权案件近 300 起,有效地肃清了武汉市场上假冒‘彪马’商标的不法行为。”魏大海对记者说。据介绍,2012 年武汉中院共审理商标侵权案件近 400 件,很多被告是个体户,其经营能力有限,法官在审理案件的时候也会综合考虑他们的经济能力,衡量相应承受能力后再确定赔偿数额。如今,武汉中院每年都有大量的案件以调解结案,不仅使案件当事人取得了满意结果,更节省了案件审理时间。

Table with 2 columns: Role and Name. Includes: 责任编辑 柳 鹏, Executive Editor Liu Peng, 英文翻译 孟逸君, Translator Meng Yijun.