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China witnesses fruits of campaign against IP inftingement China witnesses iruits of Carripoles of China witnesses iruits of Carripoles of Carrinoles of Carripoles of Carrinoles of Carri

A the inter-immediate Meeting for the implementary Meeting for the impleme tation of the National Intellectual Property Strategy (the Office of the Inter-Ministerial Joint Meeting), China had further strengthened the campaign against Intellectual Property (IP) infringement, established a long-term mechanism for IP protection, and made remarkable progress in IP field, with 2,510 patent disputes handled and 6,512 patent infringement cracked down in 2012.

According to the data, the courts all over the country received a total of 87,419 and 2,928 first-instance IP civil cases as well as administrative cases, and concluded 12,794 IP criminal cases. The first-instance IP civil cases were up 45.99% . Meanwhile, the procura-

20.3%. During the same period, the polices investigated 44,000 cases of counterfeiting which involved goods worth of 11.314 billion yuan, while the customs officials recorded 4,138 IP applications and confiscated over 15,000 batches of infringing goods with more than 90 million goods involved. Moreover, the industry and commerce administrations nationwide tackled 120,400 cases of counterfeiting worth an estimated 851 million yuan in value and 112,000 cases of fake name-brands with a value of 274 million yuan. Besides, the state copyright authorities also handled 282 cases and shut down 183 websites last year in a campaign against online IPR infringement and piracy.

Joint Meeting, IP protection should be placed as the top priority of the implementation of the National IP Strategy. There are 84 specific measures in the Promotion Plan for the implementation of the National Intellectual Property Strategy in 2013, 30 of which are about strengthening IP protection. China will further improve its IP-related laws as well as regulations, and improve the long-term mechanism to combat IP infringement in accordance with the

(by Cui Jingsi) 本报讯 日前,记者从中国国家 知识产权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,建 立完善知识产权保护长效机制,取得

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,共 审结涉及知识产权侵权的刑事案件 1.2794 万件;全国检察机关受理提请 批准逮捕的涉及侵犯知识产权犯罪 案件 5256 件,同比增长 20.3%;全国 公安机关组织开展"破案会战",全年 共破获假冒伪劣犯罪案件 4.4 万起, 涉案总价值达 113.14 亿元,总体战 果成倍增长;全国海关共扣留侵权货 物 1.5 万多批次,涉及货物 9000 余万 件,核准知识产权备案申请 4138 件; 全国工商系统立案查处侵权假冒案 件 12.04 万件, 涉案金额 8.51 亿元, 查处"傍名牌"案件 11.2 万件,案值 2.74亿元;全国版权系统在打击网络 侵权盗版专项治理行动中共查处案

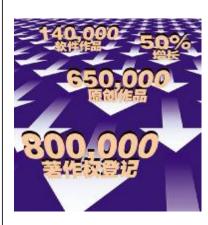
件 282 件,关闭网站 183 家。

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,知识产权保护是当前中国国 家知识产权战略实施工作的重中之 重,《2013年国家知识产权战略实施

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, 健全依法打击侵犯 知识产权的长效机制。

(崔静思)





has received over 800,000 copyright registra-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. Copyright registration last year covered a total of 687,700 original works including those on photography, literature, arts, movie, television, sound and video recording, increasing by 49.05% on a year-on-year basis, of which Beijing owned the most. (2012: 800,000 copyright registered in China, by Lexology)

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。根据中国国家版权局 公布的信息,版权质押融资贷款 27.51 亿元, 涉及 773 件软件作品和 原创作品。去年版权登记涵盖了 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。(《2012年中国著作权登记达 80 万件》, Lexology 网站)

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, the increased public awareness and the enhanced protection and management capacity of enterprises.

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 加。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。

hina had 1.1 billion mobile 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. (Smartphones Lift Chinese Tech Stocks in Best ETF Advance, by Bloomberg)

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,根据经济合作与发 展组织的预测,到 2030 年中国将有 多达3亿人从农村迁移到城市。(《智 能手机提升中国科技股交易基金最 佳表现》,彭博新闻社)

Comment:

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. Smartphones made by Chinese firms are gobbling up market share.

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,与智能手机行业的巨 头悄然展开竞争。中国本土智能手 机正在不断"吞噬"着越来越大的市

(by Correspondent 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

ith 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 together with the venue rental company Wuhan Sanjiang Economic Development Co., Ltd. Finally, they reached the agreement that the vendors cease sales of counterfeit goods and compensate Puma over 0.3 million yuan.

Vendors are sued due to infringe-

Hanzheng Street, located in the downtown area of Hankou district in Wuhan City, is renowned since ancient times. The street now becomes a well-known distribution center for brand commodities at home and abroad. However, IP infringement gradually arises in recent years, which casts an ugly shadow over the commercial street with a long history.

Several months ago, Puma found that the marks of some products sold by some vendors in Hanzheng Street were quite similar to its own trademark "PUMA", and some of the marks were even as same as its. Subsequently, Puma required some notaries to preserve the evidence on the scene, sent a lawyer's letter to over 30 vendors together with the venue rental company Wuhan Sanjiang Economic Development Co., Ltd, and

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, "Now both parties are quite satisfied with the result."

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, lack of awareness of law, strong resentment as well as low affordability. To mediate these cases and relieve the pressure of the trial, Wuhan Intermediate People's Court actively worked out a "four-step"

strategy and got good results. 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 lavs 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 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 (by Zhang Di) mediation.

本报记者 张 娣

被诉方缴纳赔偿金后原 告现场撤诉,这是武汉市中级 、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户给汉

正街这条有着几百年历 史商业街的发展蒙上了 据悉,此前彪马欧洲

公司发现汉正街上一些 经营户销售的产品的标 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

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。

停止侵权、销毁相关侵权商品并赔偿

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 售被诉产品、向彪马欧洲公司支付赔 偿金的调解协议。"武汉中院知识产 权庭商标组审判长魏大海在接受中 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

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 庭积极摸索,特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。

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