

IP Brief



Shandong

According to the enforcement counsel on accelerating the development of high technology service industry put forward by Shandong province, 9 industries including IPR service will be given support.

The counsel put forward that efforts should be made in accelerating development of IPR service industry, implementation of IPR strategy, promoting progress of IPR creation, utilization, protection, management and commercialization.

山东

近日,山东省政府发布《关于加快发展高技术服务业的实施意见》,提出要加快发展包括知识产权服务等9个领域的高技术服务业。

据了解,意见提出,要重点推进知识产权服务加快发展,实施知识产权带动战略,积极发展知识产权创造、运用、保护和管理等环节的服务,推进知识产权服务的市场化等。



Henan

Henan IP Office recently published the program for 2013 IPR campaign in industrial agglomerations.

According to the program, Henan province has regarded 2 to 3 new industrial agglomerations with IPR advantages in 2013. By the end of 2013, more than 70% of the enterprises in 20 industrial agglomerations will obtain at least one patent and more than 60% of the enterprises in 2 to 3 industrial agglomerations will obtain at least one invention patent.

河南

日前,河南省知识产权局印发了2013年度产业集聚区知识产权专项行动方案,在全省继续开展产业集聚区知识产权专项行动。

据了解,方案确定了2013年认定2至3个知识产权优势产业集聚

区,力争到年底参加专项行动的20个产业集聚区70%以上的工业企业消除“零”专利,其中2至3个产业集聚区60%以上工业企业消除“零”发明专利的专项行动目标。

Hubei

Hubei Wuhan IP Office recently held a conference on Wuhan IPR Complaint and Assistance. In 2012, Wuhan IP Office has received 74 IPR complaints via 12330 hotline and 15 aid applications.

湖北

近日,湖北省武汉市知识产权局召开“武汉市知识产权举报投诉与维权援助工作会”,会上通报了2012年武汉市知识产权举报投诉与维权援助工作情况。

据悉,2012年,武汉市12330中心向市有关知识产权部门转交举报投诉74件,接受援助申请15件。

Hunan

Recently, the Changsha branches of Beijing Yuhong IP Law Firm and Shenzhen ZKD IP Law Firm were established, which indicates the increase of patent agencies in Changsha.

Up to now, the patent agencies in Hunan (including branches) have reached 31, up 70% in three years. The city's patent agencies are growing stronger and stronger, with 83 persons passing the Patent Agent Qualification Examination in 2012.

湖南

近日,北京聿宏知识产权代理有限公司长沙办事处、深圳兴利达知识产权代理有限公司长沙分公司两家专利代理分支机构获批成立,湖南近年促进专利代理事业发展初显成效。

据悉,目前,湖南全省的专利代理机构(含分支机构)已达到31家,3年增长70%,仅2012年长沙考点一次通过专利代理人资格考试83人,专利代理队伍不断壮大。

Sichuan

Chengdu High-tech Zone in Sichuan province has recently been affirmed as National IPR Model Park from 2013 to 2015.

In 2012, Chengdu High-tech Zone filed 11,155 patents, 4,042 of which were inventions and 9,645 were filed by enterprises, up 40.9% and 48.2% respectively; 6,621 were granted, 1,095 of which were inventions, up 40.4%.

四川

日前,经中国国家知识产权局批准,成都高新区被确定为“国家知识产权示范园区”,示范时限为2013年到2015年。

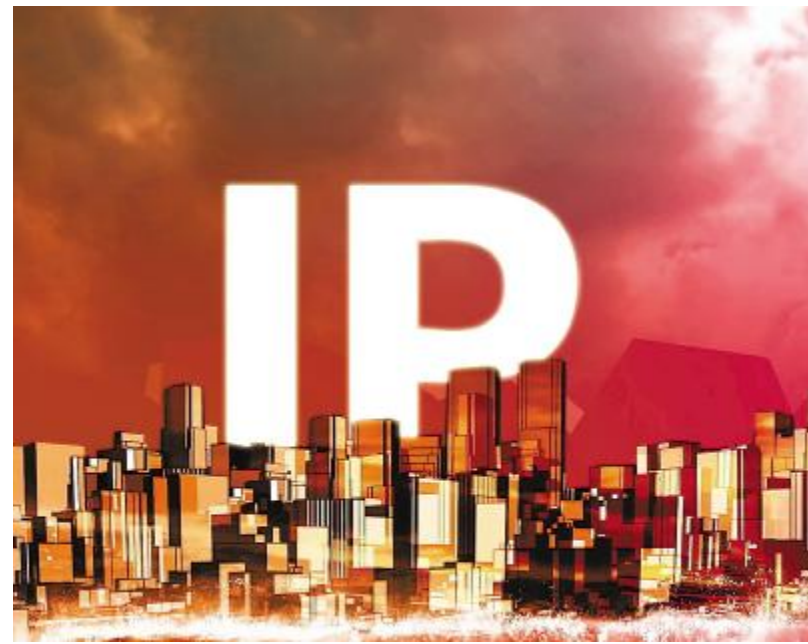
据了解,2012年成都高新区专利申请总量达到1.1155万件,其中发明专利申请4042件,企业专利申请9645件,同比增长40.9%和48.2%;获得专利授权6621件,其中发明专利授权1095件,同比增长40.4%。

SIPO launched new round evaluation of IPR model city 新一轮知识产权示范城市评定工作启动

According to a principal of SIPO, the new round evaluation of national IPR model city introduces the government investment as the standard and further specifies detailed requirements such as relevant document submission, application form filling out etc.

The evaluation will closely follow the procedure as following: qualified cities apply first with cities recommended by provincial IP offices, SIPO will make the final decision and complete the evaluation by the end of June. Deadline of the recommendation period will be April 12. As of now, 52 cities are qualified for application, 26 of which are national IPR work model cities including Yichang in Hubei province, Changchun in Jilin province, 25 are national IPR pilot cities including Taizhou in Zhejiang province, Nanyang in Henan province, the last city Anyang in Henan is IPR cultivation city.

According to this principal of SIPO, the 2013 evaluation introduces the government investment, IPR creation, utilization, protection, commercialization of IPR, establishment of IPR mechanism etc. as the assessment indicators.



"It's worth noting that county-level cities are qualified to apply for the IPR pilot cities, SIPO and local IP offices will provide specific guidance to the cities at different levels in line with the administrative ranks. The evaluation will be more scientific and complete."

On April 27, 2012, SIPO announced the 2012 national IPR model cities, 23 cities including Zhengzhou, Jinan, Qingdao and

Wuhan were credited this honor.

(by Chen Jianming)

本报讯 日前,中国国家知识产权局印发了《关于开展2013年度国家知识产权示范城市评定工作的通知》,此举标志着2013年国家知识产权示范城市评定工作正式启动。

“在总结首批示范城市评定工作经验基础上,新一轮示范城市的评定进一步明确了政府投入等考核指标,而且对每项指标的填报格式、填写要求和相关证明材料都做出了明确要求。”中国国家知识产权局相关人士

在接受中国知识产权报记者采访时表示。

据了解,2013年度示范城市的评定工作将按照城市自愿申报、省知识产权局择优推荐、中国国家知识产权局集中评定的方式进行。省局推荐工作将于4月12日前完成,全部评定工作拟于今年6月完成。今年共有湖北宜昌、吉林长春等26个国家知识产权工作示范城市,浙江台州、河南南阳等25个国家知识产权示范创建市和河南安阳1个示范培育到期城市具备申报资格。

据介绍,今年示范城市的评定工作将依据《国家知识产权试点示范城市考核指标》,对政府投入、知识产权产出、知识产权运用、知识产权保护、知识产权环境、机构建设、创新举措及突出成效等内容进行具体评价。

“特别需要关注的是,为了突出不同类别城市的特点和优势,今年中国国家知识产权局将县级市纳入试点示范城市申报范围,在试点示范城市中按照副省级、地级、县级实施分层推进,加强分类指导。同时,此次评审过程在总结去年评定工作经验的基础上,将更加科学和完善,后期指导工作也将更有针对性。”该人士表示。

据了解,首批国家知识产权示范城市名单于2012年4月27日出炉,包括郑州、济南、青岛、武汉等在内的23个城市获此殊荣。

(陈建明)



AUPRES encounters a namesake trademark

“欧珀莱”深陷同名商标之争

A cosmetics brand Shiseido Liyuan Cosmetics Company's challenge to the trademark 欧珀莱 filed by a person named Fang Yuyou in March 2004 failed in the first-instance judgment by the court and the trademark in question was eventually approved registration. Disgruntled Shiseido then brought the case to Beijing High People's Court and the court took the case recently.

In 1993, Shiseido Liyuan filed 欧珀莱 AUPRES and its figure as trademarks on Class 3 and other classes. The No. 3950767 欧珀莱 trademark in question was filed for registration to the Trademark Office (TMO) under the State Administration for Industry and Commerce by Fang Yuyou in March 2004, which was used on Class 35 services of word processing in fields of advertising and business management. Shiseido Liyuan then challenged the mark and put forward objection during the suspension period, but later was rejected. Disgruntled Shiseido Liyuan then filed an administrative suit.

Shiseido Liyuan held that as the Chinese translation of AUPRES, 欧珀莱 is of a true original. Despite the trademark in question was authorized on different classes with their registered marks, 欧珀莱 and AUPRES have gained popularity among the consumers and should be regarded as the well-known trademark. The mark in question has caused damage to the brand image. Besides, the trademark in question would also harm the benefits of Shiseido Liyuan.

The court held that although 欧珀莱 and AUPRES enjoy good reputation, they are not well-known marks. In parallel, the differences between writing processing services and cosmetics are obvious in function and use, so the registration is allowed.

The third party Fang Yuyou didn't show up from the beginning. We will follow the development of the case.

(by Yang Liu)

本报讯 作为旗下拥有“欧珀莱”“俊士”等知名化妆品品牌的资生堂丽源化妆品有限公司(下称资生堂公司)

最近深陷商标保卫战的诉讼之中。在“欧珀莱”商标未被认定为驰名商标而败诉的情况下,资生堂公司提起了上诉,日前北京市高级人民法院开庭审理了此案。

据了解,早在1993年资生堂公司就分别在包括第3类等多类商品上分别注册了“欧珀莱”和“AUPRES”商标,并对“欧珀莱”品牌的化妆品进行了广泛宣传和推广。该案中被异议商标为第3950767号“欧珀莱”文字商标,由该第三人方玉友于2004年3月向中国国家工商行政管理总局商标局(下称商标局)提出注册申请,后经初步审定予以公告,指定使用在第35类张贴广告、商业管理文字处理等服务上。在法定异议期内资生堂公司提出了异议申请,随后商标局作出核准被异议商标注册的裁定。在复审裁定维持了被异议商标的注册后,资生堂公司提起了行政诉讼。

资生堂公司认为,“欧珀莱”为该“公司“AUPRES”品牌的中文音译,具有独创性。被异议商标指定使用的第35类服务与其引证的“欧珀莱”商标核定使用的化妆品等第3类商品虽不属于同一类,但鉴于“欧珀莱”和“AUPRES”商标已经具有较高知名度,已构成驰名商标,被异议商标的

注册和使用易导致消费者的混淆误认,不仅侵犯了资生堂公司的在先权利,更会误导消费者。

对此,一审法院虽然肯定了其“欧珀莱”和“AUPRES”商标在第3类化妆品等商品上已具有较高知名度,但并不认可其在被异议商标申请注册日前已为中国相关公众熟知并达到了驰名商标的程度。为此法院一审维持了裁定。在复审裁定维持了被异议商标的注册后,资生堂公司提起了行政诉讼。

而此案重要参与人方玉友却一直不曾露面。在异议复审期间方玉友未在规定期限内进行答辩,而在诉讼阶段方玉友一方也未出庭。

目前该案还在进一步审理中,本报将继续关注该案进展。(杨柳)



China's IP in foreign eyes



International patent filings increased by 6.6 percent in 2012 from the previous year, with China, Japan and South Korea posting double-digit growth, the World Intellectual Property Organization (WIPO) said Tuesday. China, meanwhile, was a whisker behind third-ranked Germany, the source of an unchanged 18,855 filings. Chinese PCT filings rose by 13.6 percent in

2012, the figures showed. Chinese telecommunications group ZTE was the largest individual patent filer last year, with 3,906 applications, ahead of the Japanese conglomerates Panasonic and Sharp and China's Huawei. (Global patent filings rose 6.6% in 2012: WIPO, by AFP)

世界知识产权组织日前透露,2012年,随着中国、日本和韩国申请量呈两位数增长,国际专利申请总量比上年增长6.6%。与此同时,中国以微小的差距落后于排名第三位的德国。德国通过《专利合作条约》(PCT)途径提交的国际专利申请量为1.8855万件,与上年持平。数据显示,2012年,中国的PCT专利申请量增长了13.6%;中国电信设备巨头中兴通讯以3906件PCT专利申请,成为全球最大专利申请人,领先于日本的松下和夏普以及中国的华为。(WIPO:2012年全球专利申请同比增长6.6%,法新社)

Comment:

The figures are good indicators of economic activity starting to pick up. The continued growth in PCT filings of China, Japan and South Korea is described as “remarkable”. By last year, the three countries' share of the global PCT filings topped 38 percent. Chinese high-tech companies are also gradually cutting a figure in the global patent world.

点评:

这些数字被认为是经济开始回暖的良好信号。中国、日本和韩国通过《专利合作条约》(PCT)途径提交的国际专利申请的持续增长引人注目。截至去年,这3个国家的申请量已占全球PCT申请总量的38%。中国高科技公司也日渐在世界专利舞台上崭露头角。



Chinese engineers are well equipped to produce the kind of innovative work that their more illustrious American rivals are renowned for, said Ya-Qin Zhang, chairman of Microsoft's Asia Pacific research and development group. “The scale of innovators and the scale of the market will converge and eventually make China a key [innovation] center in the region.” Mr. Zhang said Wednesday at The Wall Street Journal's Unleashing In-

novation conference in Singapore. (Microsoft's Zhang Sees China as Asia's Innovation Center, by The Wall Street Journal)

在华尔街日报近日于新加坡举行的释放创新大会上,微软亚太研发集团主席张亚勤认为,中国工程师已具有充分的能力开展其美国竞争对手最在行的创新工作。“创新者的规模和市场的规模将产生合力,最终使中国成为亚洲重要创新中心。”(《微软张亚勤视中国为亚洲创新中心》,华尔街日报)

Comment:

Looking back in the past few years, China has heavily invested in R&D expense, produced a large amount of high-quality patents. As the expert foresees, China could shed its image as a global workshop and become a bastion of inno-

vation, if its innovators find ways to make cultural adjustments to facilitate greater discussion and debate on how to tackle problems.

点评:

回顾过去的几年,中国在研发上进行了巨大的投入并产生了大量优质专利。正如业内人士所言,如果中国创新者能够在文化上做出调整,并对如何解决难题展开更多的讨论,中国完全能够摆脱世界工厂的形象,而成为一个创新堡垒。

(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. Rows include: 英文翻译 (姜旭), Translator (Jiang Xu), 实习编辑 (孟逸君), Practice Editor (Meng Yijun).