

China's IP in foreign eyes

According to a new survey from General Electric Co., China has become much more open to partnering with other companies over the last couple years. This year, China moved ahead of Japan for the first time in the innovation ranking. About 35% of the survey respondents said the US is the most innovative country. Germany followed with 15% of the vote, followed by China at 12% and Japan at 11%. (GE Survey: Protectionism at Odds with Innovation, by The Wall Street Journal)

根据通用电气公司的一项最新调查,在过去的几年中,中国变得更加开放,更加乐于与国外公司建立伙伴关系。2013年,中国在全球创新趋势调查排名中首次超过日本。大约35%的调查者认为,美国是最具创新性的国家,其次是德国(15%),然后是中国(12%)和日本(11%)。(《GE调查:贸易保护主义与创新背道而驰》,华尔街日报)

As the improvement of IP protection, China's environment is more conducive to innovation. Diversified business models, strong government support, flexible talent strategy and openness to international collaboration are four advantages of China's innovation, which are also a key to more and more international partners.

随着中国知识产权保护状况的改善,中国的整体环境正变得越来越有利于创新。多样的商业模式、政府的大力支持、灵活的人才战略和开放的国际合作是中国创新的4大优势,也是中国吸引越来越多国际合作者的关键。

Chinese search engine Baidu said on Jan. 14 that it has struck an agreement with France Telecom to install Baidu's browser on low-end smartphones to sell in Africa and the Middle East, where the French telco has 81 million subscribers. The deal is the largest Baidu has signed with a global operator, and it's just the latest example of Chinese technology firms pushing into developing Asian, Latin American and African markets. (China's Baidu and other technology titans push into emerging markets, by Quartz)

中国搜索引擎巨头百度公司日前表示,其已与法国电信签订了一项协议。按照该协议,法国电信将在销往非洲和中东地区的8100万低端智能手机上安装百度浏览器。这是迄今为止,百度与全球运营商签署的一笔最大的交易,折射出中国技术型公司挺进亚洲、拉丁美洲和非洲等发展中国家市场的事实。(《中国百度及其他技术巨头大举进军新兴市场》,石英网)

Baidu's CEO Robin Li once said that his goal was to make the Chinese search engine a household name in at least half the world within the next decade. In order to achieve the aim, Baidu and other Chinese tech firms are on the right way by focusing on the emerging markets.

百度创始人李彦宏曾经表示,其目标是在未来10年内,使中国的搜索引擎在全球一半以上的市场上家喻户晓。为了实现这一目标,百度及其他中国科技公司,正把目光瞄向非洲等新兴市场,走上了一条快速发展之路。

SIPO received 14% more PCT filings in 2012 去年中国 PCT 国际专利申请受理量增长 14%

According to the latest statistics released by SIPO, SIPO received 19,926 PCT applications in 2012, up 14.0% over the previous year, 18,145 of which were from domestic applicants, representing 91.1% of the total and up 12.8%; 1,781 of which were from abroad, up 28.7%. The steady fast growth in PCT filings reflects that Chinese companies are now eyeing on enhancing the international competitiveness in inspiring innovation and venturing out, according to analysts.

With a rapid development of PCT filings, more Chinese companies increasingly focus on strengthening their capabilities in independent innovation and improving their IPR awareness and especially think highly of IPR in the international market competition, according to Li Shunde, the director of Law and IP Department of the Graduate University of Chinese Academy of Sciences.

All these encouraging trends of PCT applications benefited from being highly concerned and vigorous support from government. Departments at all levels have taken a series of effective policy measures on providing reward for PCT filings since the national 11th Five-Year Plan was implemented, which provided a sound policy environment for enterprises, local organizations and individuals.

There are 16 provinces (municipalities) filed more than 100 PCT applications in 2012. The top 3 for PCT applications are Guangdong, Beijing and Shanghai, with 9,211, 2,705 and 1,024 respectively; Jiangsu (915), Zhejiang (639), Shandong (531), Hunan (448), Taiwan (370), Tianjin (304) and Fujian (266) followed suit from fourth to tenth. Guangdong, Beijing, Shanghai, Jiangsu and Zhejiang contributed over 80% of the total domestic PCT filings.



"From a PCT filing perspective, it reflects a graded distribution of IPR strategy development in China's provinces (municipalities)," said Tao Xinliang, Director of IP School of Shanghai University. "On one hand, it is directly proportional to the creativeness of different regions, while the top ten provinces (municipalities) are mostly developed and innovative areas. On the other hand, it also reflects that innovation activities and economic operation of these areas intend to venture out, which put more value on patent filing and brand expansion."

(by Chen Jianming/Liu Lei) 本报记者 陈建明 通讯员 刘磊 据中国国家知识产权局最新统计数据显示,2012年,中国国家知识产权局共受理通过《专利合作条约》(PCT)途径提交的国际专利申请1.9926万件,较上年增长14.0%。其中,1.8145万件来自国内,占91.1%,同比增长12.8%;1781件来自国外,同比增长28.7%。有关专家表示,中国受理的PCT国际专利申请增长迅速,这表明中国企业在实施“走出去”战略的过程中,依靠自主创新与自主知识产权打造核心竞争力已成为企业的共识。

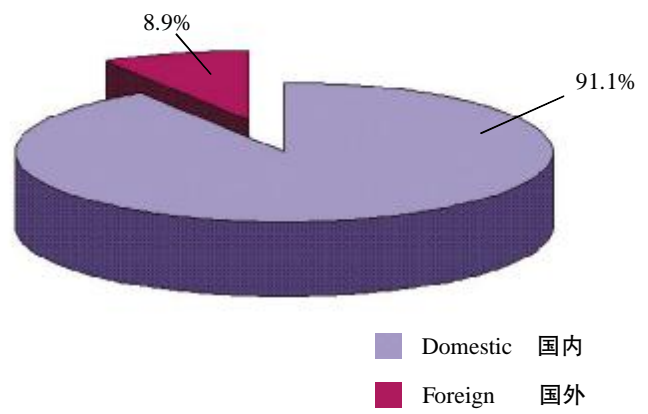
"PCT国际专利申请量快速增长的背后是企业自主创新能力的大幅提升和知识产权意识的不断提高。企业在走出国门、开拓海外市场的同时,越来越注重利用知识产权参与到市场竞争中。"对此,中国科学院研究生院法律与知识产权系主任李顺德在接受中国知识产权报记者采访时表示。

"国家和政府的推动也是PCT国际专利申请量增长的重要原因。"中国社会科学院知识产权中心研究员张玉瑞对记者表示,“十一五”以来,中国各级政府部门出台和实施的一系列激励PCT国际专利申请的政策起了很大的推动作用,为企业和地方的发明创造营造了良好的政策

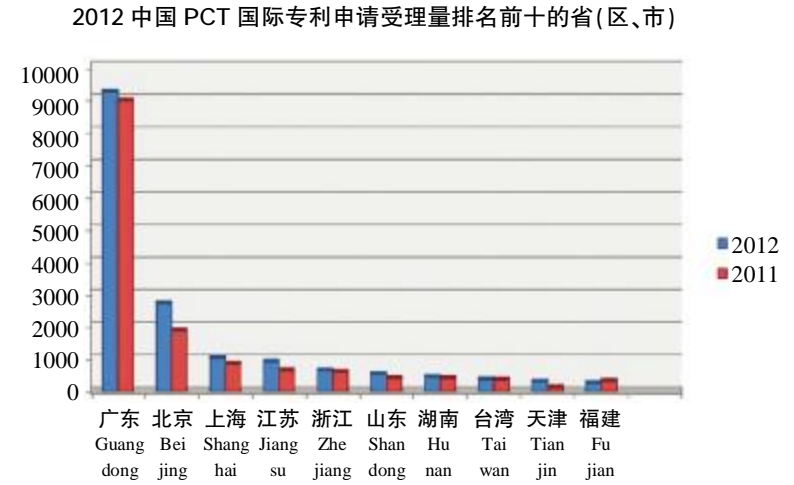
环境和创新土壤。此外,中国国家知识产权局还公布了这样一组数据:2012年,PCT国际专利申请超过100件的省(区、市)达到16个,其中,广东申请9211件,排名第一。北京、上海依次以2705件、1024件,分列第二、三位。江苏(915件)、浙江(639件)、山东(531件)、湖南(448件)、台湾(370件)、天津(304件)、福建(266件)依次名列第四至十位。广东、北京、上海、江苏、浙江五省市的PCT申请量占全国申请总量的八成。

“从PCT国际专利申请的视角上看,这反映了我国各省、市、区知识产权战略发展的梯度分布及其国际专利申请的不平衡性。”对此,上海大学知识产权学院院长陶鑫良表示,一方面这与各地区发明创造产出的梯度格局基本成正比,名列前十位的多为经济较发达、创新较活跃的地区。另一方面,也说明这些地区的创新活动和经济运作具有更强的外向性,其注重实施以专利申请、品牌拓展等知识产权运作为特征的外向型知识产权战略的作用正逐渐凸显。

2012年国内外中国PCT国际专利申请占比 The portion of China PCT applications in 2012



The top 10 Chinese provinces (municipalities) in PCT filings in 2012



制表:陈建明 孟逸君 (by Chen Jianming/Meng Yijun)

Apple's 412,000 yuan compensation fails to satisfy WRL

不满苹果案赔偿数额过低

中国作家维权联盟欲提起上诉

The Beijing No.2 Intermediate People's Court rendered the first-instance judgment on a high-profile case recently, ordering the defendant the U.S. electronics giant Apple Inc (Apple) to cease infringement and indemnify 412,000 yuan in compensation and 18,000 yuan in legal cost to the eight Chinese famous writers including Li Chengpeng, Murong Xuecun. However, the disgruntled plaintiff, the Writers Rights League (WRL), was not satisfied with the compensation and will appeal to higher court.

The court held that the defendant Apple, without the plaintiff's permission, uploaded the works in question to the App Store, allowing the public to download while profiting from such actions and causing significant economic loss to the plaintiff. The court comprehensively considered the difficulty of creation, market value, the acting of Apple, the actual



download number, the scope of infringement and the degree of Apple's subjective fault and ordered.

The executive of WRL Bei Zhicheng who had sought 10 million yuan in damages were disappointed with the fine levied by the court. "The compensation was far below our expectations. The case was heard as a class action and the average lawsuit cost per book amounted to 30,000 yuan. If the

writer sued individually, the cost was at least 100,000 yuan. WRL was sure to appeal to higher court," He said.

"We sought at least 70,000 to 80,000 yuan in damages on Murong Xuecun's work but only got 7,000 yuan in the verdict which was too low to accept. Previously, the court ordered Baidu website to pay compensation of 27,700 yuan and a reasonable fee 4,000 yuan to Murong Xuecun on the same work," Bei Zhicheng added.

(by Jiang Xu) 本报讯 近日,北京市第二中级人民法院(下称北京二中院)对中国作家维权联盟诉美国苹果公司侵犯著作权案作出一审判决,判令苹果公司停止侵权,赔偿慕容雪村、李承鹏等8位中国作家经济损失41.2万元及因诉讼支出的合理费用1.8万元。但中国作家维权联盟认为判决金额过低,将提起上诉,并启动对苹果第二轮侵权诉讼。北京二中院认定苹果在其经营的应用软件商店(APP Store)上提

供了涉嫌侵权的应用程序,供网络用户付费后下载,构成了对涉案作品信息网络传播权的侵害,根据具体案情,综合考虑涉案作品的创作难度、市场价值、苹果公司具体的行为方式、侵权字数、侵权范围和主观过错程度等因素,作出了上述判决。

中国作家维权联盟执行人贝志城在接受中国知识产权报记者采访时表示,判决认定了苹果公司的侵权责任,作家维权联盟表示欢迎,但40余万元的赔偿金额太低。“作家维权联盟是集体的诉讼,一本书的平均诉讼成本将近3万元,如果是作家个人起诉,成本至少在10万元,中国作家维权联盟一定要提起上诉。”贝志城表示。

“以慕容雪村的作品《天堂向左深圳向右》为例,我们认为,罚金至少是7万元至8万元,但法院判决只赔偿7000元,少得难以让人接受。”据贝志城介绍,此前,在中国作家维权联盟诉百度文库侵权一案中,同样是慕容雪村的作品《天堂向左深圳向右》,获赔经济损失2.77万元,合理费用4000元,共计3.17万元。(姜旭)

NUMBERS

282 According to a news conference of a special campaign against online piracy held by the National Copyright Administration (NCA), Ministry of Public Security, Ministry of Industry and Information Technology and other government organs, from July to October in 2012, 282 online piracy cases were handled by local copyright administrative organs and 183 illegal websites were closed.

282 日前,中国国家版权局、公安部、工业和信息化部等在京联合召开2012年打击网络侵权盗版专项治理“剑网行动”新闻通气会。据悉,在2012年7月初至10月底的行动中,共接到各地版权行政执法部门报送查办的网络侵权盗版案件282件,关闭违法网站183家。

Table with 2 columns: Role and Name. Roles include Executive Editor, Practice Editor, and Translator. Names include Liu Peng, Meng Yijun, and Ru Guo.