

IP protection: road to Hilon's successful transformation

海龙电子城的

完美蜕变

依靠知识产权保护
走上转型发展之路



Beijing Hilon, one of the electronics malls emerging in Zhongguancun more than a decade ago, is still of great influence in China now. On the path of development, Hilon suffered a lot from IP infringement, especially from the pirated software and counterfeit trademarks, which inflicted a severe impact on its market share. However, by taking vigorous measures, Hilon enhanced its capacity of IP protection, increased the use of legitimate software, improved its IP administration and protection system, and successfully achieved transformation as well as upgrading in recent years.

Hilon: taking measures to build brands

In the early days, the electronics malls like Hilon were only in charge of property management and shop lease. When faced with pirated software and counterfeit trademarks, they had nothing to do but persuade and guide. Lu Ruiqing, chairman of the board of Beijing Hilon Group, said frankly, "This phenomenon is closely associated with the popularity of China's IP culture, and is an inevitable phase of the development of Chinese market."

In 2006, Hilon began its first rectification and cleared out some vendors involving IP infringement. With the number of shops decreasing from 1000 to 600, IP infringement in Hilon was greatly reduced.

In 2010, Hilon made its second rectification. By signing the agreement "protect copyright and promote authentic versions" with some well-known software manufacturers, Hilon called on all Zhongguancun vendors to respect IPRs, protect copyright and encourage innovation. Targeting IP infringement products especially the counterfeit goods, Hilon terminated contracts with all vendors, and specially invited some branded and IPR advantageous enterprises to the mall.

It is worth mentioning that Hilon was on the notorious list of the 2010 Special 301 Report released by the Office of the U.S. Trade Representative due to IP infringement. However, benefitting from the successful transformation, Hilon's IP protection won praise from the right holders around the world, and hence was removed from the list in 2011.

Vendors: being self-disciplined to assist with management

Li Fusheng, a representative from the purchasing section of Beijing Xinyue S&T Co., Ltd., said the number of vendors in Hilon peaked around 2005, when Hilon was a leader in Zhongguancun with the number of daily customers over 50,000, annual customers more than 10 million and annual sales near 2 billion yuan. "However, there were some short-sighted vendors who blindly pursued profit. They sold

pirated versions to consumers and were denounced hence." said him, "At that time, there were about 200 booths on the fifth floor (less than 3,000 square meters), and pirated software as well as fake brands could be found everywhere."

From 2008, products involving IP infringement were boycotted in the market. To combat piracy, Microsoft firstly announced the screen would be completely black if the Windows XP operating system was not authentic, which triggered a chain reaction and gave a heavy blow to part of the vendors. Due to the pirated operating system, dozens of vendors were filed complaints and conflicts even arose in some cases.

The serious consequences caused by IP infringement plus the double blow from e-commerce and home appliance retail chains make the vendors realize that IP protection is not only the norms for them, but also a impetus to the development of electronics industry, hence they are active to be self-disciplined and start to assist the mall in IP protection in recent years.

From 2010, vendors began to sign IP protection commitment with Hilon every year. They take precautions in purchasing and selling, and protect IPRs on their own initiative. Except the campaign against hawkers as well as counterfeit goods, they actively participate in using price tag, establishing a unified pay system and providing high-quality service, which Hilon advocates. With delivery channels renewed, they build up stable customer groups.

Nowadays, there are over 300 vendors selling products in Hilon, with IP inspectors making inspections at any time. IP protection has not only been an agreement that must be signed but also an obligation that vendors are willing to fulfill.

Right-holders: seeking cooperation to optimize product channels

A representative from Hewlett-Packard Co Ltd said Hilon was once a big headache for IP rights holders which he felt reluctant to mention. After years of development, problems arose in the business model based on assembled computers. "One of the prominent problems was that IP infringement such as OEM, counterfeit goods and piracy emerged due to the multi-source of products, which made the right-holders suffer a great loss," said him.

Against the background of China's promotion of IP protection, right holders begin to make more efforts to protect their interests, and many of them choose to seek cooperation rather than make complaints and accusations when dealing with the IP infringement in Hilon. On one hand, they try to reduce the occurrence of infringement in Hilon, and on the one

hand do their utmost to expand the influence of the authentic versions. During the process, "brand stores", as the core of the business model, become the first choice for right holders.

With the right holders' efforts, Hilon brings in a large number of foreign and domestic brands as well as the "experience stores", supports vendors with good reputation, draws in more vendors recommended by brand enterprises, and establishes business files, which include the copies of business licenses and brand certificates. These measures ensure the interests of brand enterprises and reduce the occurrence of IP infringement significantly.

In addition, such software enterprises as Microsoft, devoted to the promotion of software legalization, have deepened the cooperation with Hilon in recent years. In April 2011, Microsoft participated in the activity of selling legitimate software and protecting copyright initiated by Hilon. Wu Haitao, director of the IP department of Microsoft, said Microsoft invested \$9 billion on software development annually whose sustainable development and innovation would be impossible if the investment was not paid by IP protection.

In the interview, the reporter also learned that the Chamber of Beijing Zhongguancun Electronic Trade is strengthening cooperation with large enterprises like Microsoft while promoting the way "from enterprises to vendors", in which the trade chamber firstly purchases the products installed with legitimate software from the enterprises and then sells to vendors in order to guarantee a reliable source of products and get rid of piracy.

Consumers: starting with myself to reject IP infringement

As far as Lu Ruiqing is concerned, demand is another key factor in Hilon's early IP infringement except profit and poor management.

From 1999 to 2005, the business of assembled PC boomed in Hilon, accounting for nearly 70% of its total sales. At that time, consumers were mostly from small and medium-sized enterprises, universities and high schools located near Zhongguancun and Xue Yuan Road, who considered price the top priority, pointed out by Li Fusheng.

However, due to the price drop of brand computers, the number of assembled PC at Zhongguancun decreases by 50,000-100,000 annually, accounting for 20% of Zhongguancun's total sales. "With the environment of China's IP protection increasingly improving and consumers' IP awareness enhanced, the number of IP infringement has greatly dropped. Meanwhile, as problems like computer crash arise from pirated software, consumers become more inclined to legitimate software turned out by brand enterprises. Particularly, the price decline

makes IP infringement products lose revenue advantage," said Lu Ruiqing.

Hilon's long-term consumer Li Yining, also known as a "World of Warcraft" player, once suffered a lot from pirated software. In 2012, he participated in the activity "You report and I reward" initiated by Hilon, during which he reported two vendors selling pirated software to Hilon. After verification under thorough investigation, Hilon imposed tough penalties on the vendors and offered rewards to Li Yining. "This activity greatly enhanced consumers' awareness of IP protection," said him.

Thanks to IP protection, Hilon, from being criticized to being welcomed by consumers, opens a new page. (by Cui Jingsi)

本报记者 崔静思

十几年来,以北京海龙电子城为代表的电子卖场在中关村地区兴起,至今仍是中国最有影响力的专业卖场之一。多年来,海龙电子城在其发展过程中也曾屡遭知识产权侵权困扰,特别是盗版软件和假冒商标问题使海龙电子城的市场经济一度受到了严重冲击。但近年来海龙电子城积极采取整改措施,进一步提升知识产权保护能力,特别是在提升预装软件正版率、完善知识产权管理和保护模式等方面逐步探索出了一条有效的途径,成功实现了转型升级。

电子城:多管齐下 塑造品牌

海龙电子城的母公司、北京海龙资产经营集团有限公司董事长鲁瑞清坦言,在我国电子卖场早期的发展形态上,像海龙电子城这样的卖场实际上仅仅只能履行物业管理者、店铺租赁者的职责。对于盗版软件和假冒商标的问题更多采取的是劝阻和引导。“这与我国的知识产权文化尚未完全普及有直接的联系。”鲁瑞清说,“但从根本原因来看,这是中国专业市场发展进程中一个必经的阶段,是由多方面因素决定的。”

2006年,海龙电子城开始了自营业后的第一次大型整顿清理,部分涉嫌侵犯知识产权的商户被取缔,商户数量由原来1000家降至600家左右,侵犯知识产权的问题在一定程度上得到了缓解。

2010年前后,海龙电子城开始了新一轮的大调整,海龙电子城与部分知名软件生产厂家签订了“保护版权,推广正版”的倡议书,并号召中关村经销商尊重知识产权,保护版权鼓励创新。在对商户的管理方面,海龙电子城在推动“卖场商场化”的过程中,进一步筛选出品牌商户,知识产权优势商户进驻。为了彻底杜绝写字楼内非法销售侵犯知识产权的产品,截至2012年8月,海龙已经与其名下物业中的所有电子产品经销商终止了租赁合同,从源头上解决了内部上下拉客、侵犯知识产权、销售假冒伪劣产品的问题。

值得一提的是,2010年,由于涉嫌知识产权侵权,海龙电子城在美国贸易代表办公室公布的《特别301报告》中被列入了“恶名市场”名单。但是,受益于海龙自身的积极转型,2011年,海龙电子城成功摘掉了这顶被冠以“恶名”的帽子,得到了

全球权利人的认可。

经销商:提升自律 协助管理

在北京鑫跃科技发展有限公司采购部负责人李福晟的印象中,2005年前后,海龙电子城的商户数量一度达到顶峰。在采访中记者了解到,这一时期,海龙电子城日客流量超过5万人次,平均年客流量超过千万人次,年销售额近20亿元,一直是中关村电子卖场的领军者。“但是,个别商户一味追求眼前利益,私下出售盗版侵权商品的行为,一度为受害的消费者所诟病。”李福晟说,“在电子城5层不到3000平方米的面积里,大大小小挤下了近200个摊位,盗版软件、假冒名牌的行为比比皆是。”

但从2008年起,经销商侵犯知识产权的行为遭到了市场的抵制。特别是在这一年,微软公司首先宣布,如未通过正版验证的Windows XP操作系统,电脑桌面背景将会变为纯黑色,进而帮助打击盗版。由“微软黑屏事件”引发的连锁反应对海龙电子城的部分经销商造成了较大冲击,数十家经销商因配置盗版操作系统遭遇了消费者的投诉,部分矛盾甚至还演化为买卖双方冲突。

由于侵犯知识产权引发的严重后果,再加上电子商务和家电连锁业的双重冲击,海龙电子城内的经销商逐渐认识到了提升知识产权保护力度不仅是对自身经营模式的规范,更是对整个行业发展的重要支撑。近年来,海龙电子城的经销商开始逐步提升自律能力,并协助卖场经营者参与了保护知识产权的管理工作中。

从2010年起,经销商每年都会与海龙电子城签署保护知识产权的承诺书,同时从进货渠道和销售过程中严防死守,自觉地保护知识产权。在具体工作中,经销商除了共同抵制盗版外,还主动参与了电子城提倡的明码标价、集中收银、标准化服务,在重新打造了成熟的供货渠道的同时,也拥有了稳定的客户群体。

如今,海龙电子城内经过层层筛选的300余家商户秩序井然地进行销售活动,知识产权巡视员随时可以对商户突击抽查,尊重知识产权成为了每个商户必须签订的协议和乐于履行的义务。

权利人:寻求合作 优化渠道

惠普公司有关负责人在接受本报记者采访时表示,“海龙电子城”曾经是他最不愿提起,也最令知识产权权利人头疼的卖场之一。经过多年发展,以小商户组装个人计算机为主的经营模式逐步暴露出一些问题。“其中较为突出的是,由于产品和部分软硬件源头多、渠道杂,一些贴牌、假冒以及盗版等侵犯知识产权的产品也混于其中,这让权利人蒙受了较大的损失。”该负责人说。

近年来,在中国大力加强保护知识产权的背景下,品牌商等权利人对自身利益的保护手段逐步丰富,力度也逐步加强。在处理海龙电子城存在的侵犯知识产权问题时,许多权利人选择的并非一味地指责甚至控诉,而是通过寻求良好的合作模式,一方面帮助海龙电子城逐步消除侵权行为,另一方面也借此不断扩大正版软件的影响力。在这一过程中,以“品牌专营店”为核心的经营模式成为权利人的首选。

通过权利人的斡旋,近年来,海龙电子城大力吸纳了国际国内品牌,

引入了厂商品牌形象及售后服务为一体新型模式体验店,同时扶持长期在中关村诚信经营的商户,引进品牌厂商推荐的有经营实力的诚信商户,并建立了商家经营档案,其中包括营业执照复印件,以及品牌登记证复印件等。这些措施,最大限度保障了品牌商的利益,也有效减少侵权假冒以及盗版等现象的发生。

此外,近年来一直致力于推广软件正版化的微软公司等软件厂商也与海龙电子城逐步深化了合作。2011年的4月,微软公司参加了海龙电子城组织的销售正版,保护版权的活动,对于类似的保护知识产权的活动,微软公司知识产权保护总监吴海涛表示,微软每年用于软件开发的投入高达90亿美元,如果没有知识产权保护使投入得到回报,微软不可能存在并持续发展和创新。

在采访中记者还了解到,目前中关村电子产品贸易商会正在积极推进与微软等大厂商的合作,推广“行业到卖场”的方式,即,由商会首先出面购买预装了正版软件的产品,然后再推荐给各经销商,以此保证产品来源,彻底挤掉盗版产品的生存市场。

消费者:拒绝侵权 从我做起

鲁瑞清认为,除去商户因为利益的驱使和卖场管理方面的一些疏漏,海龙电子城早期之所以面临较为严重的侵犯知识产权问题,还有关键的一点在于市场需求。

据了解,自1999年海龙电子城开始营业起至2005年前后,电子城内的私营店铺组装个人计算机的业务十分兴隆,一度占据了海龙电子城总销量总额的近70%。李福晟在接受本报记者采访时表示,这一时期,海龙电子城的消费群体定位于北京中关村、学院路地区的中小企业和大学生在校生,这类消费群体在购买个人电脑时首先考虑的消费要素是价格。

近年来,由于品牌整机售价下调,中关村地区的IT卖场组装个人计算机的业务量平均每年要下降5万台到10万台,只占个人电脑总体业务量的20%左右。“一方面是中国保护知识产权的大环境愈发优化,消费者的尊重知识产权的意识得到了显著提升;另一方面由于产品性能的提升,盗版软件面临着死机、不能升级等问题,消费者自然更加青睐品牌厂商预装了正版软件的产品,特别是品牌计算机价格的下降,更让侵犯知识产权的行为失去了收益优势。”鲁瑞清告诉本报记者。

作为海龙电子城的长期消费者之一,网络游戏“魔兽世界”玩家李益宁曾经因为在海龙电子城购买了盗版软件而深受其害。2012年,他主动参与了海龙电子城的“您举报,我奖励”活动中。在活动期间,李益宁向海龙电子城管理部实名举报了两家使用盗版等侵犯知识产权的经销商,经市场管理中心查实,海龙电子城不仅对商户进行了有力处罚,还对李益宁进行了奖励。“这更激励了消费者保护知识产权从我做起的意识。”李益宁说。

自觉保护知识产权,从为人诟病到成为消费者愿意去的商场,海龙电子城的改变翻开了具有历史意义的一页。

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