

# Tian: Chinese government's attitude towards IP protection is firm

田力普在十八大新闻中心接受记者集体采访时表示

## 中国政府打击侵犯知识产权态度坚定

“Though cracking down on IP infringement is a complex and long-term task, the Chinese government's attitude towards the campaign is firm, and in the future China will continue to strengthen the campaign.” SIPO Commissioner Tian Lipu, also a delegate of the 18th National Congress of the Communist Party of China, said firmly when meeting the press.

With the development of economic globalization, IP has become a sensitive political and diplomatic topic as well as a hot economic, technological and cultural issue. During the 18th CPC, IP also gathered serious attention from delegates and the press. In the interview, Tian Lipu on one hand introduced the achievements China has made through data and fact, and on the other hand highlighted China's unwavering position on IP protection.

### Great achievements in IP Cause

According to Tian Lipu, SIPO received 526,000 invention patent applications in 2011, enabling China to overtake the U.S. for the first time in invention patent applications, ranking the first in the world and accounting for 25% of the world total. Of the 526,000, 416,000 are from home, representing 20% of the world's total. “In stark contrast, in 2001, less than 40,000 invention patent applications were from home, accounting for less than 5% of the global total.” said Tian Lipu.

From piling up quantity of IPRs to highlight IP quality, Chinese innovators' IP awareness is increasingly mature. According to

Tian Lipu, in recent years, SIPO has taken a series of measures to enhance independent innovation capacity, for instance, to develop normative guidance for patent financing with other units and provide guidance on local patent incentive measures. Meanwhile, the national IP system also actively assists innovators in making a change from IP quantity to IP quality and structure.

Due to the ever improving IP system, China has successfully protected the interests of right-holders at home and abroad. “China is one of the countries which pay the most royalties for copyright, trademarks, franchise. On one hand, Chinese enterprises buy foreign books, music, movies, TV shows through copyright business, and on the other hand, foreign companies gain high added value through the OEM trade in China.” said Tian Lipu. “It is obvious that China's IP protection has brought much benefit for other countries in the world.”

### China's attitude on IPR protection is firm

IP protection has attracted more and more attention in a transitional China. In response to the question raised by Reuters stating that the Europe and America do not trust Chinese promise on combating piracy, Tian argued that the piracy does not merely exist in China, but happens in many places of the world and could not be completely eliminated. China has developed a comprehensive IP legal system and combating IPR infringement is a long-term task, China's attitude is firm.

In fact, IP protection mechanism has improved and intensified constantly, which has been high on China's IP agenda since the 16th CPC, in particular after the 17th. “China has gradually intensified IP protection in both administration and judicial measures, and the two tracks meshes very well together over the past decade,” according to Tian.

“Targeting on circulation and production chains, China launched a national-wide IP enforcement campaign, and it has increased the pressure on IP infringement concerning livelihoods and key projects and meted out stern punishment to the massive, repeatedly, malicious patent infringement and frauds, and it delivers.” said Tian. According to statistics, from January to July this year, IP authorities across the nation received 894 IP infringement cases, 27 patent dispute cases, seized 1,327 piracy cases, dispatched 18,810 law enforcement officials/times, checked 601,633 products, transferred 9 cases to police, carried out 275 inter-agency and 295 inter-regional joint operations.

“The party's report requires implementation of IPR strategy. In order to reinforce IPR strategy and step up IPR protection, we need to make concerted efforts to strengthen enforcement and crack down on IPR infringement. China's attitude on this point is firm.” Tian stressed.

(by Cui Jingsi)

“打击侵犯知识产权行为是一个长期的、复杂的任务,中国政府的立场是坚定的,未来将继续强化。”11月11日,中国共产党第十八次全国代表

大会代表、中国国家知识产权局局长田力普在十八大新闻中心接受记者集体采访时做出了肯定的表示。

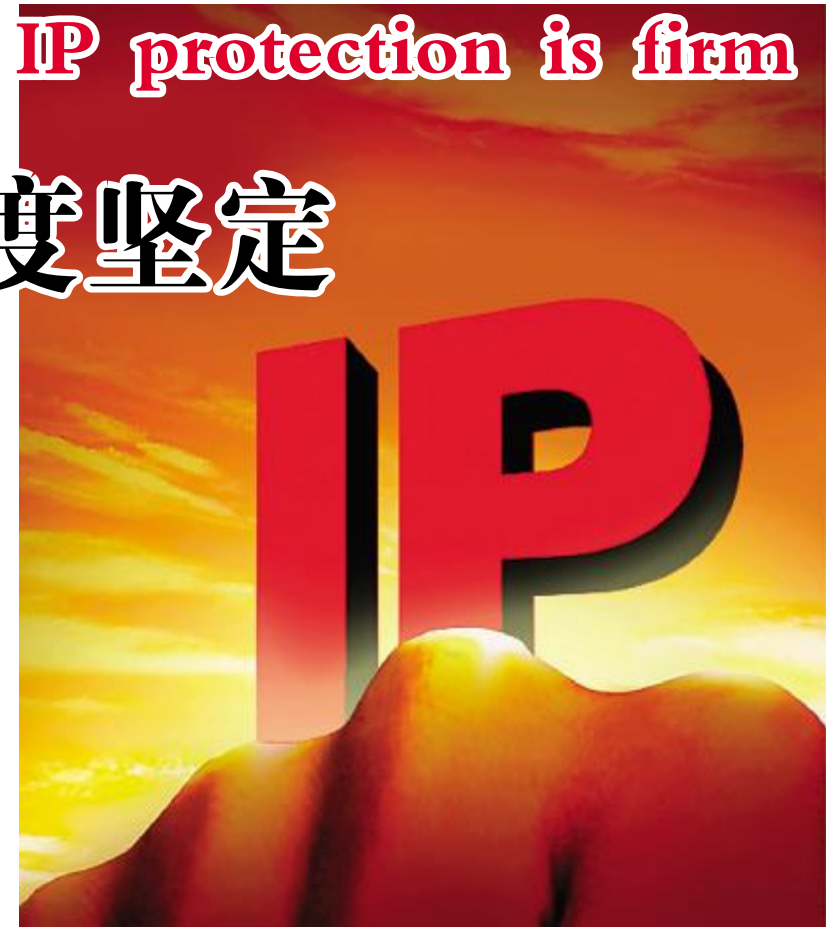
在经济全球化日趋发展的今天,知识产权已成为敏感的政治、外交话题,成为中国对外经济、技术、文化交流与合作的焦点和热点问题。在党的十八大召开期间,知识产权同样成为了参会代表和媒体记者关注的焦点话题之一。在接受记者集体采访的过程中,田力普翔实的数据和有利的的事实介绍了我国在知识产权事业所取得的成就,也着重表明了我国政府在加强知识产权保护方面一贯的立场和做法。

### 知识产权事业成绩斐然

据田力普介绍,2011年,中国国家知识产权局共受理国内外发明专利申请52.6万件,首次超过美国,居世界首位,占到全球总量的1/4。其中,国内申请人提交的发明专利申请达41.6万件,占全球总量的1/5。“与之前形成鲜明对比的是,在2001年时,国内申请人提交的发明专利申请不到4万件,占全球总量不到1/20。”田力普说。

事实上,从关注知识产权数量积累向关注知识产权质量提升转变,这不仅是中国政府机构着力推动知识产权创造能力提升的核心工作之一,也反映了中国创新主体知识产权意识的日趋成熟。田力普表示,近年来,国家知识产权局就采取了一系列鼓励和推进措施,如联合相关部门制定规范专利资助工作的若干意见,引导地方专利奖励及资助政策调整,全国知识产权系统也积极引导各地创新主体从关注专利数量向关注专利质量和结构转变,推动我国自主创新能力显著增强。

另一方面,田力普认为,中国知识产权制度的日臻完善,使国内外权利人的权益在中国得到了保护。“中



### 国是世界上支付版权费、商标使用费、特许经营费最多的国家之一。

中国企业通过版权贸易购买国外的图书、音乐、电影、电视节目,外国公司通过在中国贴牌的加工贸易获得了高额的附加值。”田力普说,“可以说,中国的知识产权保护工作为各国带来了实实在在的效益。”

### 知识产权保护立场坚定

处于转型期的中国,知识产权保护问题尤其受到各方关注。针对路透社提出的“欧美不相信中国所做出的打击盗版问题的承诺”的问题时,田力普回应称:“盗版不仅在中国,在全世界都有不同程度的存在,无法百分之百杜绝。中国有完备的知识产权法律体系,打击侵犯知识产权是长期的任务,我国政府的立场是坚定的。”

实际上,知识产权保护工作机制不断完善,保护力度不断加大,正是党的十六大、特别是党的十七大以来我国知识产权事业发展的重点工作之一。据田力普介绍,十年来,中国坚持行政保护和司法保护“两条途径、

并行运作”的知识产权保护模式,不断加大知识产权保护力度。

“今年,全国知识产权系统开展了知识产权执法维权‘护航’专项行动,重点针对流通环节、生产环节开展专利执法专项整治工作,加大对涉及民生、重大项目等领域的侵权假冒行为的打击力度,大力查处群体侵权、反复侵权、假冒专利及涉及专利的诈骗行为,取得显著成效。”田力普说。据统计,今年1月至7月,全国知识产权系统已受理专利侵权纠纷案件894件,其他专利纠纷27件,查处假冒专利案件1327件,共出动执法人员1.8810万次,检查商品60.1633万件,向公安部门移交案件90件,跨部门行政执法275次,跨地区行政执法295次。

“十八大报告提出,要实施知识产权战略。深入贯彻落实知识产权战略,加强知识产权保护,其含义就是要加强执法、加大打击侵犯知识产权行为的力度。在这一点上,我国政府态度坚定。”田力普强调。

(崔静思)

## China's IP in foreign eyes

For decades, the world's companies have been tempted by the sheer size of China's market. But increasingly, multinationals have been moving R&D closer to the target market, to get nearer not just to shoppers but also to the country's pool of research talent. McKinsey, in a recent report on pharmaceutical R&D in China, says that multinational drug companies have invested more than \$2bn in R&D in the country in the past five years. “Chinese R&D sites are opening or growing almost as quickly as European and US sites are closing or shrinking,” the report says. (China offers a taste of R&D to come, by Financial Times)

几十年来,世界上的大公司仅仅被中国庞大的市场规模所吸引。近来,越来越多的跨国公司正在转移其研发中心,使其更贴近目标市场,贴近消费者以及目标市场国的智力资源库。在一份关于中国医药研发的报告显示,过去5年来,跨国制药公司在中国制药领域的研发投资超过了20亿美元。“中国研发点的增长速度几乎与欧洲和美国研发点的萎缩速度相当。”(《中国R&D时代的来临》,金融时报)

### Comment:

Multinationals have been enhancing R&D investment and frequently building R&D centers in China in the past few years. All they want is to hit the shelves as soon as possible and to compete with homegrown competitors. However, China is not the cheapest place to manufacture products, nor is it the cheapest place to invent them. With the local talent pool

growing, multinationals have to pay a price to keep good Chinese people.

### 点评:

近年来,跨国公司不断增加在中国的投入并频繁建立研发中心,他们的目的无非是想尽可能地让自己的产品“爬上”货架并与本土企业展开竞争。然而,中国既不再是廉价的产品制造国,也不再是廉价的产品创造地。随着本地智力人才库的壮大,跨国公司已经不得不付出高价以吸引住优秀的中国人才。



For several decades, China's billion-plus population was a premier source of cheap labor. Now that's changing. Why? It's simple - because China is developing its own brands. Chinese companies reap higher profits, keep them in-country, and use them to create higher levels of technological innovation, education, industrial productivity, and economic power. In the last 10 years, both U.S. imports from China and trademark applications from Chinese companies have turned sharply upward, with the number of trademark applications filed each year increasing ten-fold - 1000% - between 2002 and 2011,

while imports in 2012 will exceed \$400 billion. (Lessons in growing a brand: The Chinese are coming, from Forbes)

几十年来,中国十几亿人口一直是世界上首屈一指的廉价劳动力来源。但现在情况正在发生变化。为什么呢?这很简单——因为中国正在发展自己的品牌。中国公司努力获取更高的利润,注重国内发展,并创建高水平的科技创新、教育、工业生产力和经济实力。在过去的10年中,在美国来自中国的进口和来自中国企业的商标注册申请双双大幅上升。商标注册申请量在2002年至2011年间以每年十倍的速度增长;而进口量在2012年将超过4000亿美元。(《品牌成长的经验:中国人来了》,福布斯杂志网站)

### Comment:

Some expert points out that the clearest indication of China's growing economic power is not its raw GDP or import figures but the strength of the brands Chinese companies are building. Besides technologies and patents, Chinese companies understand the power of brands. They are learning to protect their brands in the U.S. and other countries. The day is fast approaching that many Chinese brands will be well-known in the world.

### 点评:

一些专家指出,中国不断增长的现实实力的最明显迹象,并非GDP或进口数值,而是中国公司正在注重品牌实力的建设。除了关注技术和专利,中国企业已经了解了品牌的力量。他们学着在美国及其他国家保护自己的品牌。我们深信,中国品牌将闻名于世界,这一天的到来并不遥远。

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

## Service Inventor Remuneration Regulations opens for public comment

### 中国《职务发明条例草案》正式征求意见

On November 12, SIPO made publicly available a draft of the proposed Service Invention Remuneration Regulations.

The draft consists of 46 articles in 7 chapters. The contents include the legislative aim, the supervision and regulation departments and its responsibility, applicable scope of the Regulations, definition of an inventor, ownership of the

rights to an invention.

The service invention system is a basic system for adjusting the ownership of the rights and profit distribution, which is closely related to innovation enthusiasm of inventor and enterprise, and constitutes an important part of a country's innovation policy as well. (by Zhao Jianguo)

本报讯 11月12日,中国国家知识产权局发出关于征求对《职务发明条

例草案(征求意见稿)的意见的通知,从即日起面向社会公开征求意见。

据介绍,该征求意见稿内容共分7章46条,总则部分规定了立法宗旨、监督管理部门及其职责,条例适用的范围和地域,发明人的定义。

据了解,职务发明制度是调整职务发明的归属和利益分配的一项基本制度,直接关系到发明人及其所在单位的创新积极性,是一个国家创新政策的重要内容。(赵建国)



## Apple appeals verdict of copyright payment

中国大百科公司诉苹果公司一案有新进展

### 苹果不服一审判决提起上诉

Apple Inc has appealed against Beijing No.2 Intermediate Court ruling which ordered the U.S. electronics giant to pay 520,000 yuan compensation to the Encyclopedia of China Publishing House for copyright infringements.

Apple held that it is not operator of iTunes, but just a technology provider. Besides, the compensation is too high.

In October 2010, Encyclopedia of China Publishing House found the digital version of Encyclopedia of China was available via its App Store. The publishing house then requested the court to order the de-

fendant to stop infringement and pay compensation of 535,200 yuan.

The case is in trial. We will follow the development of the case. (by Jiang Xu)

本报讯 因擅自将苹果应用商店中提供《中国大百科全书》电子版付费下载,苹果公司被中国大百科全书出版社有限公司(下称中国大百科公司)诉至北京市第二中级人民法院判决侵权一案又有了新进展。日前,记者获悉,因认为52万元的判决赔偿数额过高,苹果公司已向北京市高级人民法院提起上诉。

据悉,苹果公司认为,其并非iTunes软件实际经营者,而只是技术提供者。此外,法院判决的赔偿数额

太高。

据了解,2010年10月,中国大百科公司发现用户下载安装苹果公司经营的iTunes软件后,即可访问苹果公司的App Store购买和下载《中国大百科全书》应用程序。中国大百科公司请求法院判令被告立即停止侵害信息网络传播权的行为,赔偿经济损失及合理支出总计53.52万元。

目前,此案正在二审中。本报将继续关注。(姜旭)

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