

Domestic invention patent filings soar in the first three quarters

前三季度中国受理发明专利申请 42.3 万件,国内申请占比近八成

中国国内发明专利申请比重逐步提高

According to the latest statistics from SIPO, patent filing and grants are still on the fast track in the first three quarters. SIPO received 423,000 invention patent applications, up 22.3%. 336,000 are from home, up 26.3% and representing 79.4% of the total. 87,000 are from abroad, up 8.8% and representing 20.6% of the total. The 336,000 are further broken down into 272,000 or 81.0% service ones (corporate) and 66,400 or 19.0% non-service ones (individual). "Giving the credit to the enterprises, patent filings from home are seeing continuous growth," said a staff from SIPO.

The share of the domestic invention filings of the total sees an almost 10% growth in the first three quarters over those in 2009. "It is just the growth gives a best example that the policy of building China into an innovational nation and enterprises being major innovators has been thoroughly carried out," said Professor Tao Xinliang from Shanghai University.

Statistics show that not only the domestic invention patent application structure is optimized; the patents granted also maintain a rapid growth. In the first three quarters, SIPO granted 164,000 invention patents, up 28.1%. 108,000 are from home, up 30.1% and representing 65.9%, 56,200 are from abroad, up 24.4% and representing 34.1%. The 108,000 are broken down into 94,000 or 87.0% service ones and 14,000 or 13.0% non-service ones.

Numbers also show that SIPO received a total number of 13,860 international applications under PCT, up 13.8%. As the end of September, each 10,000 civilians hold 3.02 invention patents, up 27.0% over those in the end of last year.

Professor Tao spoke highly of the achievement in patent filings and grants by China in recent years. He said that China is now entering the knowledge economy age, IPR development shadows economic development trend. "China is now seeing a fast growth in economy, continuous enhancement in innovation capacity, a better sense of patent awareness and sustainable growth in patent filings. Patent application structure has been optimized in recent years. Applicants are now attaching great importance to the invention patents on top of the utility model and design patents. China has witnessed steady advances in IPR examination and registration, new breakthroughs have been made in terms of quality and quantity."

According to the statistics, SIPO received a total number of 1.399 million patent applications in the first three quarters, up 28.6%. However, inside-watcher noticed that the growth rate slowed down and dropped 10.0%. "It's so natural and common that patent filing growth rate slowed down after years of blistering ascent, and it reflects filers attend more to patent quality right now. The ultimate goal is transferring from China-made to China-create," said Professor Tao.

(by Cui Jingsi)

本报记者 崔静思

近日,记者从中国国家知识产权局获悉,今年前三季度,中国专利申请量和授权量继续保持增长态势。尤其值得关注的是,今年1月至9月,中国国家知识产权局共受理发明专利申请 42.3 万件,同比增长 22.3%。其中,国内申请 33.6 万件,同比增长 26.3%,占发明专利申请总量的 79.4%;国外申请 8.7 万件,同比增长 8.8%,占发明专利申请总量的 20.6%。在发明专利申请中,职务申请 27.2 万件,占 81.0%;非职务申请 6.4 万件,占 19.0%。中国国家知识产权局有关负责人表示,从今年前三季度的数据统计可以看出,中国国内发明专利申请比重正在逐步提高,体现了产业界已从关心知识产权数量累积转向追求知识产权质量提升。

与 2009 年同期相比,今年前三季度中国国内发明专利申请占发明专利申请总量的比重增加了近一成。"不要小看了这一成的增长。"上海大学知识产权学院院长陶鑫良在接受中国知识产权报记者采访时表示,国内发明专利申请比重的逐步提高是一种重大的进步,它反映出中国建设创新型国家以及企业作为技术创新主体的这些国家基本政策,得到了深入、切实地贯彻。

实际上,除了发明专利申请结构的变化外,中国的发明专利授权量也呈现出持续快速增长的态势。数据显示,今年前三季度,中国国家知识产权局共授权发明专利 16.4 万件,同比增长 28.1%;其中国内授权 10.8 万件,同比增长 30.1%,高于总体增长率,占发明专利授权总量的比重也达到了 65.9%;国外授权 5.62 万件,同比增长 24.4%,占总量的 34.1%。国内发明专利授权中,职务授权 9.4 万件,占 87.0%;非职务授权 1.4 万件,

占 13.0%。

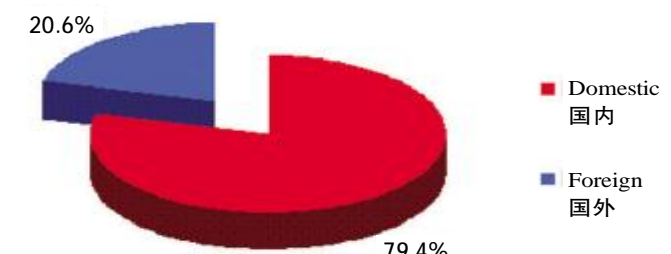
此外,今年前三季度,中国通过《专利合作条约》(PCT) 途径提交的国际专利申请量达 1.3860 万件,同比增长 13.8%。截至今年 9 月底,中国国内每万人口发明专利拥有量已达 3.02 件,较去年年底增长了 27.0%。

有关专家表示,进入知识经济时代,知识产权,特别是如发明专利这样的高质量知识产权的相关指标数据会在一定程度上反映经济发展动向。诚如陶鑫良所言,近年来,随着中国经济的快速增长、创新能力的持续增强,以及全社会专利意识的不断提高,中国的专利申请量持续增长。特别是权利人从主要集中在实用新型、外观设计专利申请,发展到如今的发明专利申请大幅度的提升,体现了产业界已从关心知识产权数量累积转向追求知识产权质量提升。

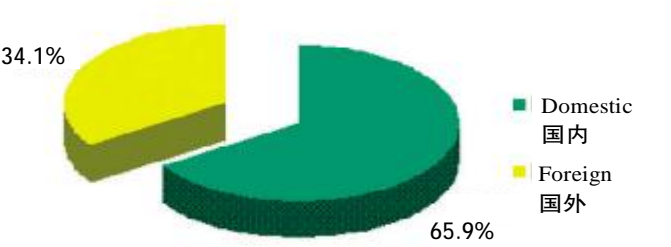
另一方面,此次统计数据显示出中国专利申请增速放缓的特点也较为引人关注。今年 1 月至 9 月,中国国家知识产权局共受理 3 种专利申请 139.9 万件,同比增长 28.6%,申请总量虽然继续保持高速增长,但较去年同期增速下降超过 10 个百分点,增速放缓态势明显。陶鑫良认为,在中国专利申请连续多年持续大幅度增长的历史周期状态下,今年前三季度的增速放缓现象是一种十分自然的系统调整效应。"一方面,表现了逐年持续增长的专利申请可能需要一个调节阶段;另一方面,如上所述,这反映了企事业单位从早期专利申请的数量化倾向转至如今开始更注重专利申请的质量化。"陶鑫良认为,这更说明申请和获得专利只是过程,有效运用专利,实现中国制造向中国创造转型才是目的。

制表:李群 (by Li Qun)

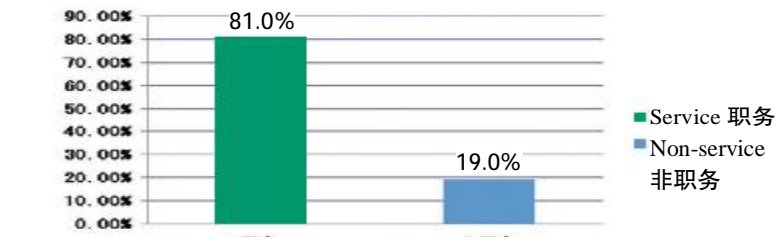
The portion of invention applications 国内外发明专利申请占比



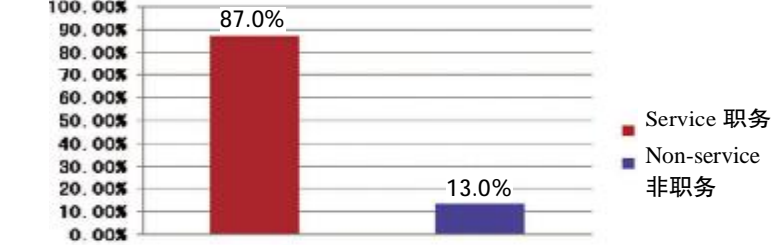
The portion of invention patents 国内外发明专利授权占比



The portion of domestic service and non-service invention applications 国内职务与非职务发明专利申请占比



The portion of domestic service and non-service invention patents 国内职务与非职务发明专利授权占比



China's IP in foreign eyes



Over 40 percent of technology leaders think that Silicon Valley will be supplanted by China as the world's leading tech innovation hub, according to a new report from PPMG. The consultancy interviewed hundreds of tech execs from start-ups to mul-

ti-nationals across the globe and found that 44 percent believe China will replace Silicon Valley, with the tipping point coming as early as 2016. However, one area where China is leading, and innovating, is cloud computing. (Move over Silicon Valley, the Chinese are coming, by The Register)

根据毕马威会计师事务所发布的一项最新调查报告,超过 40% 的技术领导者认为,美国硅谷作为世界领先的科技创新中心的位置将被中国取代。该项调查采访了全球新兴企业和跨国公司的数百名科技高管,发现 44% 的高管相信中国将在 2016 年取代美国硅谷。目前,中国依托自主创新领先全球的领域是云计算。(《硅谷让位,中国来了》,注册者)

Comment

Silicon Valley is not becoming

weaker, but other places of the world are becoming stronger. Besides China, India is considered as "most likely new Silicon Valley" followed by Japan and South Korea. Asia is leading the charge in many areas. The reason that China has emerged is the government's support for the nation's technology sector and intellectual property protection.

点评:

其实,硅谷的力量并未减弱,只不过是世界上其他地方的力量在增强。在此次调查中,除中国以外,印度也被视为是"最有可能的新硅谷",日本、韩国紧随其后。目前,亚洲在许多领域都居于全球领先地位。中国政府对技术创新、知识产权的有效保护是中国科技迅速崛起的重要原因。



Less than a third of Chinese firms think the strength of their brands and innovation capabilities will assist overseas expansion efforts, a study has found. Ernst & Young, the advisory network, surveyed 617 executives. This included 146 from China, just 23% of which agreed that "brand strength and reputation" would help

their organization to grow abroad. By contrast, some 47% thought product or service quality should exert a beneficial effect, while 40% cited the possession of leading technologies and 32% pointed to a global supply chain. (Chinese firms face brand building test, By Warc)

一项最新研究发现,近 1/3 的中国企业认为品牌实力和创新能力有助于拓展海外市场。日前,安永会计师事务所对来自全球的 617 名企业高管进行了调查。在来自中国的 146 名受访者中,约有 23% 的受访者认为品牌的实力和声誉能帮助企业向海外扩张。与此不同的是,大约 47% 的中国受访者认为产品或服务的质量在企业的海外扩张中很重要,40% 的人认为拥有领先的技术最重要,32% 的人认为全球供应链最重要。(《中国企业面临品牌建设的考验》,世界广告研究中心)

Comment

In order to gain consistent growth, on top of doing business in the domestic market, Chinese companies are looking for foreign markets to achieve revenue growth. They are eager to enhance their knowledge of international market. Innovation and technology will play a key role for them to succeed overseas.

点评:

为了实现持续的增长,中国企业除了在国内市场业务的基础上,不断寻求进入其他市场的机会。他们渴望增加关于国际市场的知识。可以肯定的是,创新和技术革新将在中国企业拓展海外市场中发挥关键的作用。

(by Correspondent Wang

Weiwei from Canada) (本报通讯员汪玮发自加拿大)

EXPRESS

Shanghai court legally protects foreign enterprises' name and trademarks

上海法院依法保护国外知名企业商标权和名称权

French Hennessy, a well-known brandy manufacturer, recently prevails in a trademark dispute. Shanghai No.1 Intermediate People's Court rules that the co-defendants, Hebei Changli Jinhai Wine Company, Shanghai Guangli Trade Company, Li Guofei, Guo Ziruo, commit infringement and unfair competition.

In 1995, French Hennessy set up an office in Beijing and started business in China with its registered trademarks Hennessy (both in Chinese and English), axe-shape and flat gourd shape bottle. In April 2011, Hennessy discovered that

Jinhai, etc used Hennessypt as trademark on their products and claimed that the brandy inside was made by French Hennessy Hongkong Company. Hennessy then brought Jinhai, etc to the court on the ground of trademark infringement and unfair competition.

The first instance decision ordered Guangli to indemnify 40,000 yuan, Jinhai indemnify 460,000 yuan in damages and cease infringement. Hennessy challenged the court's decision and requested the court add Li Guofei, Guo Ziruo as joint defendants, then it appealed to the Shanghai No.1 Intermediate

People's Court.

The court held that Li Guofei, Guo Ziruo and Jinhai Company had their hands on the manufacturing and sales of the counterfeits and should assume liability and the above decision was made.

(by Zhu Qiuchen)

本报讯 近日,上海市第一中级人民法院(下称上海一中院)审结了法国轩尼诗公司诉昌黎县金海葡萄酒业有限公司(下称金海公司)、李国飞、郭子若、上海光力贸易发展有限公司(下称光力公司)侵害商标权、擅自使用他人企业名称一案。该案历经两审,终审判决依法保护了国外知名企业在华的商标权和企业名称权。



法国轩尼诗公司是一家世界著名葡萄酒生产商,其于 1995 年注册设立"法国轩尼诗公司北京代表处",并开始在中国使用该名称从事商业活动,且于 1980 年至 2006 年陆

续注册了"轩尼诗"中英文、"斧头图形"及扁葫芦形酒标等商标。2011 年 4 月,法国轩尼诗公司以金海公司等未经许可,在生产、销售的葡萄酒产品上使用"Hennessypt"等标识侵犯其注册商标专用权,以及在红酒产品上标示"法国轩尼诗集团(香港)有限公司"中英文企业名称等构成不正当竞争为由,向一审法院提起诉讼。

一审法院判决光力公司赔偿法国轩尼诗公司 4 万元并消除影响,金海公司等共同赔偿 46 万元,并停止侵犯商标权及不正当竞争行为。法国轩尼诗公司不服,以一审未判决李国飞、郭子若承担共同侵权责任为由,向上海一中院提起上诉。

上海一中院经审理认为,李国飞、郭子若与金海公司就涉案葡萄酒产品的生产、销售,进行了一定的分工,具有共同的侵权故意,应承担共同侵权的民事责任。据此,上海一中院改判金海公司、李国飞、郭子若承担共同侵权责任。

(朱秋晨)

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