

China's IP in foreign eyes

Although most New Zealand businesses recognise China is critical to our economic future, many see China simply as "the factory of the world" or focus on its enormous, China's huge and burgeoning R&D capacity is producing more and more of the world's IP.

虽然大部分新西兰企业已意识到中国是自己未来经济的关键,但仍有许多人简单地认为中国只是“世界工厂”。中国不断提升的研发能力创



Chinese home appliance makers have become the most dominant players across the globe in the last decade, through acquisitions, brand promotion and innovation, a study said. A report published by the China Economic Weekly, said the country's production capacity of colour televisions accounted for 80% of the world's total.

根据一项研究结果,过去10年来,中国家电制造商通过在全球范围内的收购、品牌推广和创新,已成为



Swarovski launches trademark battle against namesake Shanghai Company "施华洛世奇"对抗"施華洛"

Swarovski, the Austria-based world-famous crystal manufacturer, filed a trademark lawsuit against a Shanghai-based wedding dress manufacturer, Shanghai Swalro Formal Dress Co. Ltd., alleging their registered trademark Swarovski violated by Shanghai Swalro's Swalro and "施華洛".

Swarovski held that the "施华洛世奇" trademark was derived from its founder's name, the "施華洛" trademark would cause confusion among consumers. However, the Shanghai Swalro argued that what "施华洛世奇" distinguished from other trademarks due to its entirety, not the single elements, even if "施華洛" trademark was partly similar in characteristics.

Meanwhile, Swarovski held that the two trademarks of Swalro and Swarovski were similar in words and would easily cause similarity among the consumers. But Shanghai Swalro argued that Swalro was created from the English word

造着越来越多的知识产权,实现着从“中国采购”向“中国制造”、“中国研发”和“中国设计”的转变。这给新西兰企业提供了巨大的发展机会。

Comment:

Chinese manufacturers and domestic distributors are hungry for intellectual properties and innovative technologies, advanced processes, cutting edge products or attractive brands. More and more foreign companies start realizing that in many cases the key to unlocking these opportunities lies in knowing how to leverage intellectual property with Chinese partners.

点评:

中国制造商以及国内分销商对知识产权、创新技术、先进工艺、尖端产品及具有吸引力的品牌充满了热切的渴望。越来越多的外国企业开始认识到,获得这些机会的关键,在于如何在知识产权方面与中国伙伴开展合作。

全球最有力的统治者之一。据《中国经济周刊》发布的一项报告称,中国彩电的生产力占世界总量的80%,空调、冰箱和洗衣机分别占世界总量的70%、50%和40%。去年中国家电出口总额超过460亿美元,而在2002年,这个数值只有87.5亿美元。

Comment:

As the report said, Chinese brands being fiercely rivaled overseas withstood the intense competition by making cost-effective products, seeking overseas acquisitions and promoting home-grown brands through creating overseas operations. Breakthrough innovations and intellectual property has been playing a key role and boosted more and more Chinese companies into globally-recognized brands.

点评:

正如报告所言,中国品牌通过寻求跨国并购、扩张本土品牌和发展海外业务,在激烈的竞争中经受住了严峻的考验。创新和知识产权保护在这其中一直扮演着重要的角色,并带动越来越多的中国公司步入全球知名品牌的行列。

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



SIPO Commissioner Tian Lipu's statement at the General Debate of the 50th General Assembly of WIPO Member States

第50届WIPO成员国大会中国政府代表团一般性发言(节选)

中国国家知识产权局局长田力普



Thank you, Mr. President.

At the outset, I wish to extend, on behalf of the Chinese delegation, congratulations to you on your election as the president of this General Assembly. I also wish to congratulate the two vice presidents on their election. I am confident that, under your able leadership, this General Assembly will deliver its expected results.

Mr. President,

Today is the National Day of China. It is truly an honor for me and my colleagues to celebrate this joyous festival in such a special way together with the delegates of WIPO member states here in Geneva. Please allow me to take this opportunity to give you a briefing about the progress of intellectual property development in China over the past year.

The implementation of the national intellectual property strategy, which was promulgated in China four years ago, has produced visible results. China's capability to create, use, protect and manage intellectual property is constantly improving. In 2011, the Chinese government published the Outline of the 12th Five-Year Plan for National Economic and Social Development, which, for the first time, included specific targets on patent.

本局近日,“SWAROVSKI”和“施华洛世奇”与“SWALRO”和“施華洛”之间的一场珠宝与婚纱的品牌之争在上海市第二中级人民法院民事审判庭拉开了序幕。

原告认为,“施华洛世奇”源于原告创始人的名字,被告将“施華洛”注册为商标使用容易对消费者造成误导。而被告则提出,“施华洛世奇”的整体区别性较强,如果单独其中一部分,则不具有显著性。

此外,对于“SWALRO”是否与“SWAROVSKI”构成近似,原告提出,被告使用的“SWALRO”与其“SWAROVSKI”的显著部分相似,易误导消费者。被告对此辩称,其作为婚纱礼服的经营者,其“SWALRO”商标是由礼服中的燕尾服的英语单词衍生而来,具有自身独特的创意来源,并未构成对原告商标的复制、模仿或翻译。

最终双方表示愿意进行庭下调解,法院没有当庭宣判。本报将持续予以关注。(杨柳)

mark Law and Copyright Law is also in progress.

In the first eight months of this year, we have received over 363,000 patent applications, including 287,000 domestic applications, up by 24.1% year-on-year, and 12,117 PCT applications, up by 13.5%. In 2011, 17,473 PCT applications were filed by Chinese nationals, 35.3% higher than the previous year. On trademark registration, we have handled 824,000 applications and reviewed 588,000 applications in the first half of 2012, up by 24.4% and 7.3% respectively.

As one of the most dynamic and important players in the IP field, China reaffirms its request for establishment of an external office by the WIPO in China. If the WIPO Secretariat takes an affirmative decision in this regard, China would provide the premise and related expenditure hereby incurred.

In the past year, with the personal commitment of Director General Francis Gurry, China has sustained and deepened its cooperation with WIPO. In June this year, the Diplomatic Conference on the Protection of Audiovisual Performances was successfully held in Beijing. The representatives of 154 WIPO member states and 49 international organizations attended the conference and signed the Beijing Treaty on Audiovisual Performances to ensure full protection of performer's rights. The conference is not only a major diplomatic event in the international copyright community, but also of important significance for the improvement of China's copyright protection regime.

Here, I wish to share with you a few observations on the following WIPO-related issues:

First, we need to further improve the three WIPO-administered international application and registration systems. China has been a member of the Madrid System and the PCT System for a long time, and we are now favorably considering joining the Hague System as well. China is a big country in in-

dustrial designs and represents over half of the world's applications in this field. However, the fact that there are only three working languages of the Hague System, i.e. English, French and Spanish, weakens the effect of its dissemination and application. We hope that WIPO will work to expand the linguistic scope of the Hague System in a way that is compatible with the existing language policy of the organization.

Second, we need to continue to support the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

Third, we hope that WIPO will provide adequate financial and human resources support for the implementation of the agreed proposals under the development agenda so as to bring real benefits to developing countries, the least developed countries in particular.

Mr. President, Before concluding my statement, I want to reassure you that as a responsible developing country, China will continue to support the work of the General Assembly conducted under your leadership and the work of other WIPO committees, and take an active part in the discussions on the agenda. In the meantime, China stands ready to enhance cooperation, share opportunities and tackle challenges together with other WIPO member states with an open and inclusive attitude, and contribute to the improvement of the international intellectual property regime and the common prosperity and development of all countries in the world.

Thank you.

感谢主席。

首先,请允许我代表中国政府代表团,对您当选为本届大会主席表示祝贺,也祝贺两位副主席的当选。相信在您的领导下,本届大会将取得预期成果。同时,中国代表团也感谢总干事和秘书处的辛勤工作,他们为本次会议编拟了为众多、内容全面的文件。

主席先生,今天是中国国庆节,我和我的同事们很荣幸能在日内瓦与各国代表在一起,以这样一种特殊的方式欢度佳节。借此机会,请允许我简要通报这一年来中国知识产权工作的情况。

中国颁布实施国家知识产权战略4年来,效果已日益显现,全社会知识产权创造、运用、保护、管理能力不断提升。2011年中国政府发布了《国民经济和社会发展第十二个五年规划纲要》,首次将专利指标确定为规划目标。随后,国家知识产权局等9个政府部门联合发布了《国家知识产权事业发展“十二五”规划》,明确

了到2015年知识产权战略各项具体发展目标。

为适应中国专利事业的快速发展,中国近期启动了专利法新一轮的修订,商标法和著作权法的修订也正在进行。

今年1月至8月,中国受理发明专利申请达36.3万余件,其中国内发明专利申请为28.7万件,同比增长24.1%。中国受理通过《专利合作条约》(PCT)途径提交的国际专利申请1.2117万件,同比增长13.5%。2011年中国国民通过《专利合作条约》(PCT)途径提交的国际专利申请为1.7473万件,同比增长35.3%。2012年上半年,中国共受理商标注册申请82.4万件,同比增长24.4%;审查商标注册申请58.8万件,同比增长7.3%。在推进正版软件方面,截至2012年6月底,中国四级政府机关共采购3类通用软件219万余套(许可数),采购金额超过15亿元,其中办公软件132万多套,采购金额逾9.7亿元。

作为知识产权领域最具活力同时也是最重要的成员之一,中国重申希望WIPO在华设立办事处的请求。如果WIPO秘书处就此做出肯定的决策,中国将提供必要的房舍及有关支出。

过去一年来,在高总干事的亲自推动下,中国与WIPO的合作持续深入发展。今年6月,WIPO保护音像表演外交会议在中国北京成功举办,来自WIPO 154个成员国、49个国际组织的代表参会,会议顺利签订了《视听表演北京条约》,对表演者权利给予全面保护,这不仅是国际版权界的重大外交盛事,也对中国完善现有的版权保护制度具有重大意义,在此我们呼吁各成员国早日批准或加入该条约,以使这一条约早日生效。

在此,我愿就WIPO框架下的有关事务提出以下几点看法:

第一,应不断完善由WIPO所管理的三大国际申请/注册体系。中国早已是马德里体系和PCT体系成员,正在积极考虑加入海牙体系。中国是一个外观设计大国,外观设计申请量占全球申请量的一半以上。但是,目前海牙体系的工作语言仅有英、法、西三种,这会对一定程度上影响这一体系的推广和应用,我们希望WIPO能够结合本组织现行语言政策,在扩展海牙体系的语制方面开展工作。

第二,继续积极推动知识产权与遗传资源、传统知识和民间文艺政府间委员会的工作。

第三,我们希望WIPO能够为发展议程各项议定提案的实施提供充足的财力和人力支持,以使广大发展中国家,特别是最不发达国家切实从中受益。

主席先生,在结束发言之前,我向您保证,作为负责任的发展中国家,中国将一如既往地支持您所领导的大会及其他WIPO委员会的工作,积极参与各项重要议程的讨论。同时,中国愿意以开放包容的态度,与本组织的各个成员一道,加强合作,分享机遇,共同应对挑战,为推进世界知识产权体系的完善,推动各国实现共同繁荣和发展贡献力量。

谢谢!

NUMBERS

5,000

Recently, the 2012 China Processing Trade Products Fair closed in Dongguan City, Guangdong Province. More than 1,300 exhibitors from 28 provinces attended the fair that drew nearly 5,000 procurement enterprises and more than

10,000 professional buyers making purchase.

5000

近日,2012中国加工贸易产品博览会在广东省东莞市闭幕。本届博览会共有来自中国28个省市的1300多家加工贸易企业参展,近5000家采购企业超万名专业采购商到会采购。

90%

According to the SIPO, the

2012 online inspection of patent agents and agencies has proceeded through the patent agency management system in an orderly manner since September 1. As of September 24, more than 90% of patent agents have completed the inspection, and most of the patent agencies have completed the reporting work of the inspection.

90%

中国国家知识产权局有关负责人

人表示,自9月1日起,2012年专利代理人和专利代理机构的网上年检工作通过专利代理管理系统有序开展。截至9月24日,全国90%以上的专利代理人完成了网上年检,大部分专利代理机构已完成网上年检申报工作。

Table with 2 columns: Role and Name. Includes: 责任编辑 曹可欣, Executive Editor Cao Kexin, 英文翻译 姜旭, Translator Jiang Xu.