



China's IP in foreign eyes

The report, the Global Innovation Index 2012 (GII), notes a need for the BRIC countries to invest further in their innovation capabilities to live up to their expected potential.

2012年全球创新指数(GII)报告指出,“金砖四国”仍然需要加大投入提高其创新能力以实现预期的发展潜力。

A significant number of high-level technology executives appear to believe Silicon Valley's days as the world's innovation hub are numbered.

日前,在一项由审计、税务和咨询公司(即毕马威公司)所做的调查中,44%的受访者认为,在未来4年中,“世界技术创新中心”很可能从目前的硅谷转移到另一个国家,而中国

Currently, the newly revised Measures for the Compulsory Licensing for Patent Implementation entering into force, which has become a concern of overseas pharmaceutical companies.

日前,中国最新修订的《专利实施强制许可办法》正式施行,此举备受国外企业的关注。

Table with 2 columns: Role (e.g., 责任编辑, Executive Editor) and Name (e.g., 曹可欣, Cao Kexin).

目前前十位的第一和第二。(《2012年全球创新指数发布:瑞士继续居创新绩效排名首位》,全球知识产权专业新闻)

Comment:

The report that ranks 141 countries/economies on the basis of their innovation capabilities and results is a reminder that innovation is becoming critical of competition and a sustainable economic growth.

点评:

全球创新指数报告以创新能力与成果为指出,对全球141个国家和经济体进行了排名,再次表明了创新正在成为竞争和实现经济持续增长的关键。

成为受访者最多的选择。中国日益增长的高科技能力已成为美国首都华盛顿的主要关注点,其为提升创新能力所做的努力曾是今年5月美中经

Comment:

The survey proved that Chinese no longer sleep on dominance of just cost-based commodity production. They are here to grab a piece from innovation-based economic competition.

点评:

这项调查表明了中国不再仅仅满足于主导低成本商品生产,同时也希望在以创新为基础的经济竞争中赢得先机。

完全在《与贸易有关的知识产权协议》(TRIPS协议)的限制内,“这是非常令人鼓舞的,中国正在寻求途径确保强制许可符合知识产权法律度。”

Comment:

China's move is very important for the public health. The aim of patent law is to encourage innovation and facilitate public technology progress.

点评:

中国这一举动对公共健康很重要。专利的立法宗旨在于鼓励创新,促进社会技术进步。

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

Apple settles iPad trademark case with \$60m iPad 商标之争尘埃落定

苹果向唯冠支付6000万美元

US technology giant Apple Inc (Apple) has settled a lingering dispute with a local technology company concerning the use of the iPad trademark for the California-based tech giant's popular tablets computers in the Chinese mainland.

According to Guangdong High People's Court, Apple has ended their long-running iPad name dispute in China with Proview with a \$60 million settlement.

Long-running dispute

US technology giant Apple Inc (Apple), IP Application Development Limited and Shenzhen Proview S&T company have been entangled in a drawn-out legal battle for many years.

IP Application Development Limited intended to buy Proview's worldwide rights to the trademark for the iPad name in different countries in August 2009 from British Proview Company.

The Proview Taiwan unit eventually signed a trademark transfer agreement on December 23 2009 that IP Company obtained ten registrations of the "iPad" trademarks through assignment, including the trademarks for the Chinese market for 35,000 pounds.

IP Application Development Limited then sold the ten trademarks for "iPad name" to Apple for 10 pounds in February 2010.

However, Proview Technology (Shenzhen) says the sale did not cover the trademark's use in China, where it owns the iPad name. Apple then asked Shenzhen Proview to change the two ownership registration and encountered brush-off.

The case was heard by Shenzhen Intermediate Court in



May 2010. The court held the Taiwan Proview could not represent the Proview Shenzhen to sign the agreement and Apple also could not furnish the new evidence to proof. The case was rejected by the court in its first-instance decision.

Guangdong High People's Court heard the case on February 29 of this year. The two sides launched out into a violent debate over the case. After careful investigation and analysis, the collegial panel maintained the settlement is the best way for both sides to achieve maximum mutual benefit.

Win-win outcome

The settlement is unsurprising. Apple will be soon to obtain the "iPad" trademarks in China's mainland. It's a good news for Apple because the settlement cleared the last obstacle for the new iPad entering the mainland market and the money will be used to pay Proview's debts.

For Apple, the settlement with 60 million USD can help it seize huge market opportunities in China. Otherwise, Apple might not have been able to sell its new popular tablet computers in the Chinese mainland which contributed over 20% of Apple's revenues.

The settlement with 60 million

USD also helps Proview Shenzhen use the money to cover its debts and the interests of its creditors to be better protected.

Many IPR experts conclude that the settlement with 60 million USD embodied the values of trademark of iPad. The settlement allowed Apple to get on with selling its popular tablet computers in one of its most important markets which showed the importance of trademark in competing for enterprises.

(by Xiang Li)

本报记者 向利

沸沸扬扬持续了两年的唯冠科技(深圳)有限公司(下称唯冠)和苹果公司(下称苹果)iPad商标纠纷日前以和解收场。

根据广东省高级人民法院的通报,在法院的调解下,唯冠与苹果达成协议,苹果支付6000万美元一揽子解决iPad商标纠纷。

持续的纠纷

在中国市场,iPad商标到底归苹果还是唯冠?这个问题苹果、英国IP申请发展有限公司(下称IP公司)与唯冠已经纠缠了多年。

2009年8月,英国IP公司向唯冠公司提出收购唯冠在各国家登记注册的所有iPad商标的意愿。

约定转让标的为10件iPad商标,其中包括深圳唯冠公司在中國大陸注册的涉案的商标,转让对价为3.5万英镑。

2010年2月,IP发展公司又以10英镑的价格将上述10件iPad商标转让给苹果公司。之后,苹果公司要求深圳唯冠公司变更涉案两个商标权属的注册登记时遭到拒绝。

2010年5月,苹果公司率先起诉深圳唯冠,要求确认iPad商标在中国大陆的所有权。双方正式诉诸深圳市中级人民法院。深圳市中级人民法院一审认为,订立转让合同的台湾唯冠公司无法代表深圳唯冠公司,苹果公司也无法提供证据证明上述表面代理成立,并以此为由驳回IP公司、苹果的诉讼请求。

广东省高级人民法院今年2月29日公开开庭审理了此案。双方庭审辩论十分激烈。庭后,承办案件的合议庭经过认真严谨的分析合议认为,为使纠纷双方利益最大化,调解为最佳选择。

双赢的结局

和解的结果并不出人意料。若执行顺利,苹果不用多久就可以在中国大陆将iPad商标收拢旗下。和解似乎是个双方都能接受的结果,苹果扫清了在中国销售iPad的商标障碍,唯冠则获得了一大笔收入以偿还其债务。

分析此次苹果付出的6000万美元,舆论认为从商业利益上看,苹果仍将获得不错的回报。此前,由于iPad商标争议迟迟不决,导致苹果在中国这个占其全球收入20%的地区投放新一代iPad产品处于尴尬的两难境地。

对唯冠来说,6000万美元对其解决债务危机作用明显。同时,其债权人利益也因此而得到保障。

知识产权业内人士认为,此案中6000万美元的和解费用体现了iPad商标的价值,苹果用6000万美元换市场也意味着商标等知识产权在企业经营中的重要性。

Beijing

China's patent documentation (invention) was incorporated into PCT minimum documentation on July 1. As of June 27, China has cumulatively issued 3.5 million invention patent documentations since China issued its first one in September 10, 1985.

北京

7月1日,中国专利文献(发明专利)正式纳入《专利合作条约》(PCT)最低限度文献。据悉,自1985年9月10日中国出版第1件专利文献以来,截至2012年6月27日,中国发明专利公开和授权文献量已累计约350万件。

Fujian

The fourth group of CEO IP training delegation of Fujian High-tech companies went to Taiwan for training and exchange re-

IP Brief



cently. Some relevant experts of Taiwan introduced the IP operation and competition.

福建

日前,福建省第四期高新技术企业CEO知识产权培训考察团赴中国台湾地区开展知识产权培训及交流活动。其间,中国台湾地区有关专

家介绍了知识产权的运营自由、优势竞争等。

Shandong

The third Asian Beach Games came to a close in Haiyang, Shandong province recently. During the game, the province formulated special protection regulations to step

up IPR protection.

山东

近日,第三届亚洲沙滩运动会在山东省海阳市闭幕。在亚沙会举办期间,山东省制定了专门的保护条例,加强了对知识产权的保护力度。

Sichuan

The Sichuan government recently issued a guide opinion on stepping up innovat and facilitating S&T commercialization, requiring to contribute 50% to the province's economic growth and generate more than 1.5 trillion yuan in High-tech industries.

四川

近日,四川省出台《四川省人民政府关于加强自主创新促进科技成果转化实施意见》,提出到2015年,科技进步对经济增长的贡献率力争达到50%,全省高新技术产业实现总产值1.5万亿元以上。