

China's IP in foreign eyes



The proportion of China's personal computers with pirated software installed fell to 77 percent in 2011, a new record low and a decrease of 15 percentage points since 2003, according to 2011 BSA Global Software Piracy Study released by the Business Software Alliance (BSA) on Tuesday.



The Chinese government has dealt a strong blow against intellectual property crime, penalizing counterfeiter Shang Yajun for copyright infringement and the sale of illegally manufactured registered trademarks.

中国日前做出了一项打击知识产权犯罪强有力的举动:严厉惩处侵

2011 年全球软件盗版研究报告, 2011 年中国个人电脑软件盗版率下降到 77%, 比 2003 年下降了 15 个百分点, 并创自该年以来的新低。

Comment:

China aims to strengthen the protection of intellectual property rights and have reaped fruits over the years. The BSA report recognized China's progress in promoting software legalization initiatives.

点评:

近些年, 中国致力于加强知识产权保护并已取得了明显的成效。商业软件联盟的报告承认了中国在推动软件正版化方面的进步。

侵犯权并销售非法制造的注册商标标识的造假者商亚军。根据微软公司发布的新闻稿, 北京市第一中级人民法院维持了北京市海淀区法院对商亚军做出的 7 年零 6 个月刑期的判决。

Comment:

This case has set a precedent and an exemplary role for similar cases, demonstrating the fact that judicial authorities in China have been increasing the penalties for piracy, and reflecting the full-fledged efforts of Chinese dedicated IPR crime prosecutors.

点评:

这个案例为类似案件的审理树立了一个可供参照的先例, 证明了中国司法部门已加大对盗版的刑事处罚力度, 也反映了中国为打击知识产权犯罪所做出的积极有效的努力。

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

Rehau polymers prevails in a trademark dispute "瑞好" 商标之争 德国瑞好如愿

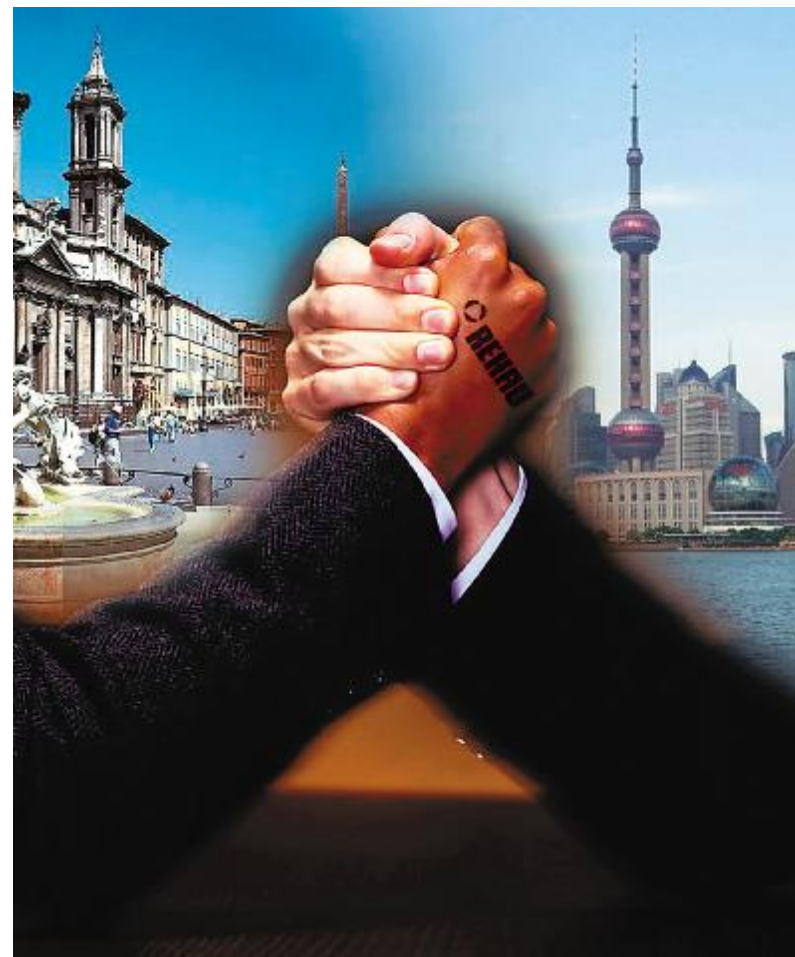
The Shanghai No. 1 Intermediate People's Court recently entered the final decision for a trademark dispute raised by Rehau China, ordering the defendant Shanghai Ruihao Pipeline Co., Ltd. to indemnify 380,000 yuan in damages.

Established in August 2002, Rehau China is a leading system and service provider for polymer-based solutions and its main products cover polyethylene floor heating pipes. The company made itself known as REHAU, Rehau floor heating systems and German Rehau floor heating systems.

In 2008, Rehau discovered that Shanghai Ruihao spread a great deal of advertisements on their website, which highlighted RUIHAO (same pronunciation as the Rehau in Chinese) and the figures similar to their registered trademarks. On July 29 the same year, Shanghai Administration for Industry and Commerce Jiading Office seized a batch of plastic pipeline and cardboard for packaging printed with trademark of RUIHAO.

Rehau Company then brought the case to the Shanghai Minhang District People's Court and sought injunction.

The court entered into the first-instance judgment on this trademark dispute, ordering the defendant to cease infringement and indemnify 380,000 yuan in damages.



Disgruntled Shanghai Ruihao then appealed to the Shanghai No. 1 Intermediate People's Court.

The court held that the case is a trademark usage dispute. Despite Shanghai Ruihao registered the RUIHAO and its figure on Class 11 commodities, but not in the class concerning floor heating pipeline which Rehau has registered its trademark in.

Based on the affirmation

above, the Shanghai No. 1 Intermediate People's Court affirm the original judgment.

(by Wen Hang)

本报记者 温航

日前, 随着上海市第一中级人民法院(下称上海一中院)终审判决的作出, 德国瑞好在中国的关联公司(下称德国瑞好中国公司)与上海瑞好管业有限公司(下称上海瑞好公司)关于"REHAU"与"瑞好"之间历经 4 年的商标纠纷终于尘埃落定。

据介绍, 德国瑞好公司于 2002 年 8 月成立了德国瑞好中国公司。公司主营聚乙烯为主的地暖塑料管, 并以突出"REHAU"、"瑞好地板采暖系统"、"德国瑞好地板采暖系统"等字样进行宣传。

家以管材、管件、电线电缆、水循环设备、五金电器等为经营范围的本地企业。

2008 年 5 月, 德国瑞好中国公司发现上海瑞好公司在其网站页面上发布大量不实宣传信息, 且其在一些媒体上刊登的宣传内容与德国瑞好中国公司网站上发布的宣传内容相同, 突显了"瑞好+RUIHAO"上下组合结构的图形商标以及"瑞好 RUIHAO"商标。

在通过行政程序追究上海瑞好公司责任的同时, 德国瑞好中国公司还通过司法程序来维护自身权利。2011 年 4 月, 德国瑞好中国公司向上海市闵行区人民法院提起民事诉讼, 要求上海瑞好公司停止侵害其商标享有的独占使用权等侵权行为。

上海市闵行区人民法院一审判决令上海瑞好公司赔偿德国瑞好中国公司经济损失 38 万元, 并停止对德国瑞好中国公司享有的注册商标独占使用权的侵害。

上海瑞好公司不服, 于 2011 年年底向上海一中院提起上诉。

上海一中院经审理认为: 上海瑞好公司虽在第 11 类商品上注册使用了"瑞好+RUIHAO"上下组合结构的图形商标, 但其注册后在地暖管上的使用并未超越自身核定使用商品的类别, 也落入了德国瑞好中国公司相关商标独占使用权的范围, 故不存在提出抗辩的权利基础; 上海瑞好公司认为其并未在地暖管上使用"瑞好+RUIHAO"上下组合结构的图形商标的主张, 法院不予支持。

基于对上述争议的认定, 上海一中院近日作出终审判决, 驳回上海瑞好公司的上诉, 维持原判。

14TH China patent award candidates for public scrutiny 第十四届中国专利奖初审合格项目进入公示期

When the applications for the 14th China patent award first started on February this year, the event has attracted extensive attention and the award review office has evaluated and pre-examined 620 patent projects.

of SIPO or on the CIP News. The review is from May 25 to June 8.

The award review office has finished an overall and comprehensive inspection on legal status and authorization announcement date of the patent projects, completeness and effectiveness of the materials, qualification of recommend units

and the quota etc. The pre-examined projects are on the list to be reviewed by the public.

As of now, China has successfully hosted 13 awards. And the event started to be held annually from every two-year since 2010 and the gold medals for gold was added. Right now, the China patent award

is playing an active role in inspiring innovation and taking a lead in enhancing capacity for independent innovation.

本报讯 记者从中国专利奖评审办公室获悉, 第十四届中国专利奖评选活动自今年 2 月启动以来, 得到了社会各界的广泛关注, 目前已经通过初审的专利项目为 620 个。自

2012 年 5 月 25 日起, 这 620 个专利项目在国家知识产权局政府网站以及《中国知识产权报》等媒体上进行公示, 公示期截止至 2012 年 6 月 8 日。

中国专利奖评审办公室根据《关于评选第十四届中国专利奖的通知》的要求, 对申报项目的法律状态和授权公告日、申报材料的完备性和有效性、推荐单位资格及分配的名额数量

等信息进行了全面的审查。通过初审的项目目前进入公示环节。

据介绍, 自 2010 年起, 中国专利奖评选工作由原来的两年一届调整为每年一届, 并增设了"中国外观设计金奖"。历经此前 13 届评选的沉淀和积累, 中国专利奖对于激发全社会的创新热情, 增强我国自主创新能力起到了重要的示范和导向作用。(陈建明)

Using of licensed software soared in 2011

《2011 年度中国软件盗版率报告》发布, 报告显示

去年中国正版软件的使用数量明显增加

The year 2011 witnessed a remarkable advancement in using licensed software with the amount of licensed software installed on the computer increase by the annual rate of 20%, according to the 2011 China Software Piracy Survey issued recently and all these

achievements were attributed to Chinese government's concentrated efforts to advance the special campaign against IPR infringement and counterfeiting.

The survey shows that the amount-based piracy rate dropped to 11.8%, less than that of 2010. The charged software-based piracy rate dropped from 41% in 2010 to 38% in 2011. Piracy rate of all types of software dropped to varying degrees. Piracy rates of applications for information security, offices and

operating system dropped from 45%, 59% and 25% in 2010 to 39%, 55% and 24% in 2011 respectively.

With the downward trend of piracy rate, the survey group offered proposals to promote healthy development of software industry that policies to be formulated to encourage and popularize usage of authorized software, price strategy to be drawn up to promote applications upgrading, effective measures to be adopted to support developing

novel business model, promoting domestic software industry development and the healthy competition among the industry, propaganda and education to enhance IPR awareness among the public should be strengthened.

(by Wang Kang and Feng Fei) 本报讯 近日, 互联网实验室发布《2011 年中国软件盗版率调查报告》。报告显示, 由于软件正版化工作的不断推进及打击侵犯知识产权和制售假冒伪劣商品专项行动的深入开展, 去年中国正版软件的使用数量

明显增加, 年内平均每台电脑安装的正版软件套数增加了近 20%。

研究结果显示, 按全部安装计算机软件计算, 2011 年中国数量盗版率为 11.8%, 比 2010 年略有下降; 按应付费软件计算, 数量盗版率由 2010 年的 41% 下降至 38%。各类软件的数量盗版率均保持不同程度的下降趋势, 其中, 信息安全类软件由 45% 下降为 39%, 办公软件由 59% 下降为 55%, 操作系统由 25% 下降为 24%。

针对软件盗版行为的变化趋势, 课题组提出以下建议: 制定推广使用正版通用应用程序的针对性政



策: 引导常用软件升级换代产品的提价策略; 采取有效措施支持软件运营服务等新型商业模式; 扶持国产软件企业, 促进良性竞争; 加强针对软件用户知识产权保护的宣传教育。(王康 冯飞)

Table with 2 columns: Role and Name. Includes Executive Editor Xiang Li, English Translator Jiang Xu, etc.