

SAIC newly determines 599 well-known trademarks 中国新增 599 件驰名商标

The State Administration for Industry & Commerce (SAIC) recently approved 599 well-known trademarks, 410 of which were done through trademark administrative cases, 39 after trademark oppositions and 150 after review by Trademark Appeal Board under SAIC.

these efforts have been proved to effectively safeguard the rights and interests of consumers and thus establish a positive image in IPR protection in the world. (by Li Qun) 本报讯 日前,中国国家工商行政管理总局认定并公布 599 件驰名商标,包括中国国家工商总局商标局在商标管理案件中认定的 410 件驰名商标,在异议程序中认定的 39 件驰名商标,中国国家工商总局商标评审委员会在商标异议复审、争议案件中认定的 150 件驰名商标。

China's IP in foreign eyes

With China poised to become the world's biggest civil aviation market, many Western manufacturers are trying to figure out the best way to negotiate the country's complex business and political environment. Airplane makers are expected to establish a presence in the country and purchase supplies from the Chinese while exposing their engineering and technology to possible duplication by China's fledgling airplane manufacturing.

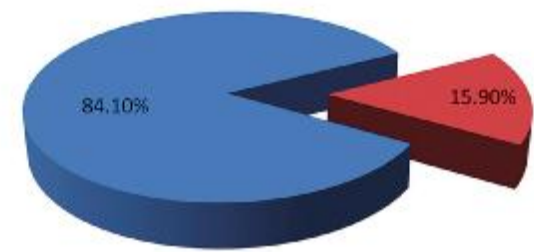
的最佳途径。飞机制造商将拓展其在中国的业务并从当地采购物资,其工程和技术也将在飞机制造业刚刚起步的中国得以展示和复制。"对于我们来说,与中国的合作不是一个简单的技术转让,我们希望双方能共同努力,共同开发新技术。"庞巴迪中国总裁张建伟表示。《中国挑战飞机制造商》,纽约时报

China houses 2.74 million valid patents 中国已拥有有效专利 274 万件

According to the Annual Report on China's Valid Patents in 2011 recently released by SIPO, as of the end of 2011, 2,740,000 SIPO-granted patents were current, 84.1% of which were belong to domestic users, continuing its upward journey of the past few years.

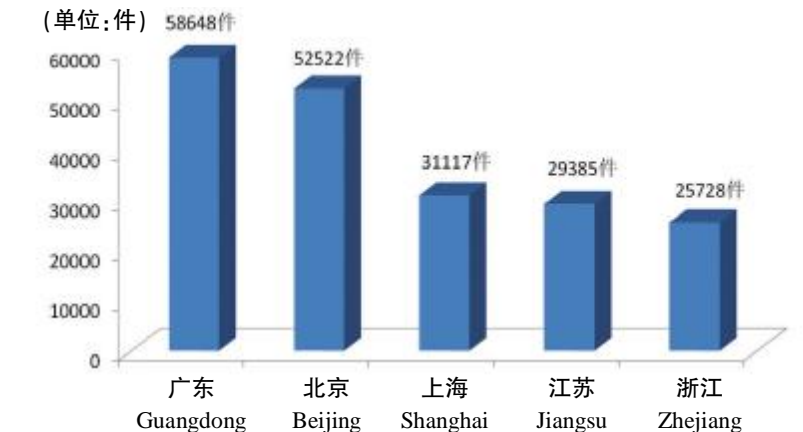
Statistics show as of the end of 2012, U.S. and Japan host 2.114 million and 1.542 million valid inventions respectively. "Although China is fast in growth, it is still visibly behind them," says the above expert. The report also indicates, although the momentum of domestic users is strong, there is a gap between China and other countries. While 32.8% of patents owned by foreign nations are alive for 10 plus years, only 8.2% of those with Chinese origin sees their 10th birthday.

中国有效专利国际、国内占比 the proportion of China's valid patent to foreign valid patent



中国国内有效专利(China's valid patents) 其他(others)

中国有效发明专利数量排名前五的省、市、自治区 China's top five regions in valid invention patents



王康 制图

效发明专利数量排名国内前五的省、市、自治区分别是广东(5.8648 万件)、北京(5.2522 万件)、上海(3.1117 万件)、江苏(2.9385 万件)和浙江(2.5728 万件),其中,北京每万人口发明专利拥有量达到 26.8 件。有关专家表示,充分发挥有效专利优势,促进知识经济驱动增长,将为地区平稳可持续发展提供有力支撑。

我国发明专利拥有量保持较快增长,但与美国、日本相比仍存在一定差距。《报告》还指出,尽管国内有效专利数量增长较快,但与国外相比仍存在差距。统计显示,国内发明专利中有 8.2% 维持时间在 10 年以上,而国外这一比例达到 32.8%;从数量上来看,国外维持 10 年以上的发明专利量是国内的近 4 倍,特别在部分高新技术领域,国外是国内的十几倍。



The Beijing auto show starts at a time when China's auto market has begun softening after a decade of breakneck growth. The days when car sales could surge 46 percent in one year - as they did in 2009 - are gone, say many industry executives and analysts. Most see growth falling off to an average of 7-8 percent this decade. To be sure, there is plenty of growth left. Even conservative forecasts have China's auto market surging to 30 million vehicles a year by 2020, from last year's 18 million.

销售增长率将平均下降 7%至 8%。但可以肯定的是,大量的增长空间仍然存在。据保守估计,中国汽车市场将从去年的 1800 万辆攀升至 2020 年的 3000 万辆,有些人甚至认为可以达到 4000 万辆。《汽车制造商迎战更硬的中国市场》,路透社

中国汽车市场在连续 10 年高速增长后开始减速,近日举办的北京车展正值这一时期。许多业内高管和分析人士认为,像 2009 年那样汽车销量在一年中激增 46% 的时代已经成为过去。多数人认为未来十年内汽车

随着中国市场的成熟,竞争的加剧和消费者变得更加理性,在中国销售汽车势必会越来越难。无论是本地汽车制造商还是跨国汽车企业,都必须想尽办法努力维持销量高增长,深入了解中国市场,掌握先进技术和建立值得信赖的品牌则是生存之道。

le coq sportif triumphs in a trademark dispute 乐卡克诉团购网站商标侵权一审获胜

The group buying websites now become the focus of attention due to selling counterfeit products these days. Several industry top dogs such as Ao Meimei, Accessories Group, 58 Group, Gaopeng and Dida make the infamous list. Discovering the Zouxu website under Shenzhen Zouxu Ltd. and Dida website under Beijing Jinridushi company selling the counterfeit products infringing their registered trademark, le coq sportif then brought the two defendants to the court.

then issued a statement announcing that the sportswear they sold were legit products manufactured in Argentina. The products were exported to Hong Kong and then distributed in China's mainland. They have all the necessary documents proving the goods were legally imported.

"The le coq sportif's triumph in this case tested the credibility of the group buying industry and sent a strong message to them while paving a path for companies defending their IP rights," One expert said. (by Xiao Feng)



去年,不少团购网站因涉嫌售假或违规操作被媒体曝光,噢美美、饰品团、58 团购、高朋网、嗨咯团等均榜有名。其中,深圳走秀网络科技有限公司(走秀网)、北京今日都市信息技术有限公司(嗨咯团)涉嫌侵害"le coq sportif"文字及公鸡图形商标专用权一案备受关注。日前,经过近一年时间的举证、质证和庭审,北京市第二中级人民法院(下称北京二中院)对该案作出了一审判决,判令被告停止侵权、消除影响并分别赔偿原告人民币 8 万元和 2 万元,支付原告为制止侵权的合理支出并承担此案的诉讼费用。

秀网对外发表声明称产品是百分之百的海外正品,该批货品是由阿根廷某工厂生产销售的,后由阿根廷出口至中国香港,最后运至内地销售,"拥有相关海外授权文件",属于合法的平行进口产品。

As a well-known sport brand, le coq sportif was established in France in 1882 and the brand means a rooster having deep love for sport. From 1948, the rooster image was used as the trademark. During 1990s, the trademark privileges in China was transferred to a Japan-based company from a European company and this Japan company is the right holder of the le coq sportif and the rooster image. In March 2011, the right holder was reported that the defendant Dida website was selling a pair of sport wear on the price of 99 yuan which would be affirmed as counterfeit later.

The right holder investigated and collected evidence and then brought the case to the Beijing No. 2 Intermediate Court on the ground of trademark infringement. "The group buying websites are developing rapidly, further development not only depends on the competition from outside, but also relies on self-regulation. Those who strictly operate in accordance with the law and regulations will be accepted by the consumers and those who act against the law will be inevitably abandoned," Wang Ke, CEO of le coq sportif company told CIP News.

记者了解到,"le coq sportif"(乐卡克)品牌于 1882 年在法国创建,其品牌含义为"一只热爱运动的公鸡"。1948 年"大公鸡"标志被起用为品牌形象。上世纪 90 年代,该品牌在中国的商标权由一家欧洲公司转让给日本企业株式会社迪桑特,该企业为"le coq sportif"文字及公鸡图形中国注册商标的商标专用权人。2011 年 3 月,"le coq sportif"文字及公鸡图形商标在中国的使用权人乐卡克公司接到消费者举报,询问其当时在嗨咯团以 99 元价格团购的"乐卡克"鞋是否为正品,经乐卡克公司工作人员调查后,确认该批参与团购的产品系假冒产品。

此案原告株式会社迪桑特的代理人——北京柳沈律师事务所杨凯律师表示,该案在网络销售引起的商标侵权案件中具有一定的代表性,涉案被告利用团购的形式以低价吸引消费者购买假冒产品,在受到质疑时又以平行进口和所谓的"海外正品"混淆视听,给权利人收集证据和主张权利带来了较大困难。最终,法院还是做出了公正的判决,维护了该中国注册商标专用权人株式会社迪桑特的合法权利。有关专家表示,乐卡克维权案一审胜诉,不仅是对团购行业的诚信考量机制和监督缺位的警示,也为其他行业的维权、打假之路树立了标杆。

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The defendant Zouxu website

interests of the right holders.