

CHINA REPORT INTELLECTUAL PROPERTY

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SAIC newly determines 599 well-known trademarks

中国新增 599 件驰名商标

he State Administration for Industry & Commerce (SA-IC) 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.

A representative from SAIC says that trademark administrations at different levels across the nation handle the well-known trademark proceedings timely and strictly in line with related regulations. The department involved takes advantage of sound trademark administrative law enforcement network and simple procedure and high efficiency, regarding the well-known trademarks as the key task in regular supervision and special campaigns. All

China's IP

in foreign eyes

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 engi-

neering and technology to possible

duplication by China's fledgling

airplane manufacturing. Jianwei

Zhang, president of Bombardier

China said, "For us, with working

with China, it's not a simple tech-

nology transfer. We want to work

together to co-develop the technolo-

gy." (China Market Challenges Plane

的民用航空市场,许多西方制造商正

在试图寻求应付其复杂的商业环境

随着中国即将成为世界上最大

Makers, by The New York Times)

ith China poised to be-

come the world's biggest

civil aviation market,

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。

中国国家工商总局有关负责人表 示,全国各级商标监管机构在认真、规 范、及时地做好驰名商标案件处理工 作的同时, 充分发挥商标行政执法网 络健全、程序简便、快捷高效的优势, 将驰名商标作为日常监管和专项整治 的重点予以保护, 切实维护了消费者 的合法权益, 树立了我国保护知识产 权的良好国际形象。

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 裁张建伟表示。(《中国市场挑战飞机 制造商》,纽约时报)

market and this is their opportunity. 点评:

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 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

Aviation manufacturers will be coming into China without doubt, and making up their own minds about how to deal with the challenges and the opportunities. As advisors say, they are willing to give up everything to go for China because China is a hugely important

毫无疑问,国外航空制造商将涌入 中国,但他们也要想办法来应对中国市 场的机遇与挑战。正如许多商业观察家 所言,这些跨国企业愿意放弃一切来到 中国,因为中国是一个及其重要的市场, 也是他们新一轮的机会所在。



he 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. Some think volume could even reach 40 million. (Car makers gear up for a tougher China market, byReuters)

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

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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 万辆骤升至 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 更强硬的中国市场》,路透社)

Comment:

As China's market matures, competition increases and customers become more and more sophisticated, there's no doubt it will get harder to sell cars in China. Both local and global auto makers have struggled to sustain high growth. Surviving requires understanding Chinese market, advanced technology and reliable brand.

点评:

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。

(by Correspondent Wang Weiwei from Canada)

(本报通讯员汪玮玮发自加拿大)

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

ccording 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.

The report says that valid patents in China has been growing at a high tempo in recent years with composition of sorts optimized along with way. As of the end of 2011, there were 697,000 invention patents (up 23.4%), 351,000 of which were owned by Chinese right holders, edging their foreign counterparts for the first time. The report reveals that patents held by each 10,000 citizens reached 2.4. In recent years, Chinese enter-

prises have been continuously building up their innovation capacity and solidifying their position as the main force of innovation. By the end of 2011, domestic enterprises held 1.23 million valid patents or 53.4%, exceeding half of the total for the first time. With regard to the domestic valid patents for invention, 52.8% were owned by enterprises, a solid year-on-year hike of 1.7%.

According to the report, Guangdong, Beijing, Shanghai, Jiangsu and Zhejiang are the top 5 provinces and cities in the department of valid patents while Beijing paces all localities with 26.8 patents per 10,000 heads. "Taking the advantage of patent resources and promoting knowledge-driven economy advancing a steady and smooth development, "quoting one expert.

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. When high tech areas become the subject, the 4:1 ratio soon magnifies where it could be north of 1,000%. Among the patents nulled in 2011, the shelf life of the Chinese ones was less than 7 years on average as opposed to 10 plus years of foreign (by Liu Lei/Li Fengxin)

本报讯 近日,中国国家知识产 权局发布了《2011年中国有效专利 年度报告》(以下简称《报告》)。《报 告》显示,截至 2011 年底,中国有效 专利共计 274.0 万件,其中国内所占 比重连年提高,已达84.1%。

《报告》指出,近年来中国有效专 利保持快速增长,结构持续优化。截 至 2011 年底,中国有效发明专利数 量达到 69.7 万件, 同比增长 23.4%, 其中,国内拥有35.1万件,所占比重 首次超过国外拥有量;中国每万人口 发明专利拥有量达到 2.4 件。

《报告》显示,中国企业创新能力 不断提高,创新主体地位日益巩固。 截至2011年底,国内企业拥有有效 专利 123.0 万件,占国内有效专利量 的比重首次超过半数,达到53.4%,其 中,企业在国内有效发明专利中所占 比例达到 52.8%,比上年提升 1.7 个百 分点,继续保持稳步增长态势。

《报告》显示,截至2011年底,有

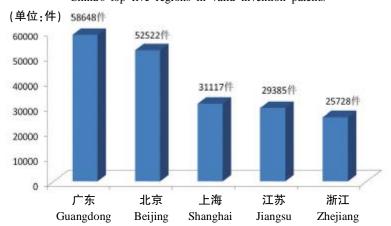
中国有效专利国际、国内占比 the proportion of China's valid patent to foreign valid patent



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5位的 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。

据初步统计数据显示, 截至 2011年底,美国有效发明专利共计 211.4 万件,日本有效发明专利共计 154.2 万件。对此,有关专家表示,虽然 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。 2011年失效的发明专利中,国内平 均维持年限不足7年, 国外则超过

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

he group buying websites now become the focus of attention due to selling counterfeits these days. Several industry top dogs such as Ao Meimei, Accessories Group, 58 Group, Gaopeng and Dida make the infamous list. Discovering the Zouxiu website under Shenzhen Zouxiu 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. Beijing No.2 Intermediate Court recent entered a first-instance judgment on this case to conclude the one-year dispute, ordering the two defendants to cease infringement and indemnify 80,000 yuan and 20,000 yuan respectively in damages to the plaintiff.

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 coun-

The defendant Zouxiu website

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 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.

The le coq sportif's attorney Yang Kai from Beijing IP firm Liushen & Associates told CIP News that the case is a typical trademark infringement case following the massive boom of group-on websites, the two defendants sold counterfeit products at an extremely low price and attempted to hide away from troubles on the ground of qualified products from overseas and made it difficult to collect evidence and right claim. The court's decision secures the rights and interests of the right holders.

"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 (by Xiao Feng)

本报记者 肖峰

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、嘀嗒团等均 被点名。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(嘀嗒团)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,判令俩 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。 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 时在嘀嗒团以 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。 面对质疑,该批产品的提供商走



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。

此后,株式会社迪桑特在经过调 查取证以及必要的公证程序后,以商 标侵权为由,将走秀网和嘀嗒团诉至

北京二中院。 乐卡克公司总经理王可在日前 接受中国知识产权报记者采访时表 示,目前团购网站正处于高速发展 期,这个行业的生存和发展不仅取决 于外部的竞争,同时还依赖于其内部 的自律。因为越是自律的网站越会受 到消费者的认可,售假卖假必然会被

消费者所抛弃。 本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 案俩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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