

China's IP in foreign eyes

German Chancellor Angela Merkel said China would increasingly come to share Western concerns over intellectual property as its own firms engaged more in research and development and became more innovative.

德国总理默克尔说,随着中国公司越来越多地投身于科研开发并更具创新性,中国社会将越来越关注知识产权。

Huawei Technologies Co. will increase its research-and-development spending nearly 20% this year to \$4.5 billion. The Chinese company said that it will look to increase its business in the faster-growing mobile-device and enterprise-network markets to meet a target of 15% to 20% revenue growth for this year.

华为技术有限公司今年的研发开支将增加近20%,达45亿美元。该公司表示将在增长更快的移动设备和企业网络市场增加其业务,以实现今年的收入增长15%至20%的目标。

EXPRESS

“慕司”identified as generic name “慕司”被认定为通用名称

The word Mousse's meaning in Chinese is custard and what is the translation of Mousse in Chinese? Beijing Higher People's Court rendered its final decision on trademark registration of "Mousse".

Fujian Jinjiang Weili food Co., Ltd (Weili) applied for "慕司" as a registered trademark, during the publication period, Dongguan Xuji food Co., Ltd (Xuji) took the view that "慕司" was the English transliteration of the mousse and the generic name of milk products, fruit salad and jelly.

Weili then sought legal remedy for reversal before the Trademark Review and Adjudication Board (TRAB), also under the State Administration for Industry and Commerce (SAIC). TRAB held the evidence of submitted by Xuji failed to prove the trademark of "慕司" enjoyed high reputation and was widely used on the jelly and other products.

Xuji brought the case to Beijing No.1 Intermediate Court Presented new evidences. The new evidence was admitted by the court for their value in offering con-

Table with 2 columns: Role (责任编辑, Executive Editor, 英文翻译, Translator) and Name (向利, Xiang Li, 茹果, Ru Guo)

处于领先地位。(《中德贸易推进中的机遇与挑战》,路透社)

Comment:

Although the German have affirmed the technological development and the progress of intellectual property protection in China, compared to "Made in Germany" that which is associated with high quality and highly technological products, "Made in China" generally still stands for lower-quality goods in the international market.

点评:

尽管德国人对中国科技发展和知识产权进步予以肯定,但与“德国制造”象征着高品质和高科技相比较,“中国制造”总体而言在国际市场上仍处于产业链低端。

Comment:

As one of China's dominant innovators, Huawei has become something or even a concern of western business world. However, we have to notice that Huawei is not a sole case. More and more Chinese entities are creating intellectual property of their own and becoming more willing to protect it.

点评:

作为中国占主导地位的创新者之一,华为已经成为备受西方商业世界关注的对象。华为并不是唯一的案例。越来越多的中国企业正在创造知识产权的奇迹。



sumers' understanding of the meaning of "慕司" the trademark, and the court identified "慕司" as generic name. So the trademark in was revoked.

据了解,该案源于福建省晋江市味力食品有限公司(下称味力公司)申请的一件“慕司”商标,在该商标公示期内,东莞徐记食品有限公司(下称徐记公司)对该商标提出异议,称该商标是英文“mousse”的音译,直接表示了其中请指定使用商品牛奶制品、水果色拉、果冻等的特点,系商品的通用名称。

味力公司随后向国家工商行政管理总局商标评审委员会(下称商评委)申请复审。商评委则裁定认为,涉案证据无法证明“慕司”一词已为行业内生产者或经营者在果冻等商品上广泛使用,难以认定“慕司”为行业内使用的通用名称,并裁定核准该商标注册。

徐记公司据此向北京市第一中级人民法院起诉商评委并提交了新的证据。据悉,一审法院审理后对这些证据予以了采信,并认为这些证据虽然未在评审阶段提交,但其均涉及相关消费者对“慕司”商标含义的理解,法院对此可以依职权进行判断。据此,一审法院认定“慕司”系通用名称,判决撤销商评委裁定。随后,商评委和味力公司均提出上诉。日前,该案已经北京市高级人民法院终审并判决“驳回上诉,维持原判”。(杨强)

Tian: China can't always dwell at the lower end of the global industrial chain

田力普回应美媒文章:

我们不能永远待在全球产业链低端

"China can't always dwell at the lower end of the global industrial chain", said SIPO Commissioner Tian Lipu. "We may settle for trading our own resources and labor force for a fraction processing fee. But that is not in the best interest of the country. In light of the challenges, how to materialize our objective in innovation with determination is a serious topic for every Chinese."

According to this article, before 2006, China actively encouraged foreign direct investment through a vast array of incentives, many of which could be labeled as mercantilism and lack of fairness. While the consequences of China's mercantilist policies might not have always been good for the U.S. economy, and especially for many production workers in traded sectors, U.S. multinational corporations benefited from access to a low-cost production platform.

"There is no sign that China would give up innovative mercantilist voluntarily. Although the successful U.S. administrations remained open in dialogues, no viable solution has ever been devised", according to the report. "Their quick fix is to smash Created in China and to rejuvenate the good old Made in China, welding China at the lower end of the global industrial chain. China, in the process of making cheap goods, suffers real environmental and resource consequences. We elect to compete by taking over knowledge vantage points through self-generated innovations. They say nay," said Tian.

日前,中国国家知识产权局局长田力普针对一篇名为《对重商主义的中国来硬的》美媒文章在2012年全国知识产权宣传周发表演讲时表示,“我们不能永远待在全球产业链的低

端。把自己的资源、劳动力拿出来去换取一些低廉的加工费用,也能发展,但最后算总账,对中国不是最有利的。面对这种挑战,我们如何坚定不移地把创新目标变为现实,这对每一个中国人来说都是一个严肃的问题。”

田力普同时表示,中国不能永远像发达国家希望的那样只搞出口加工,为他们打工,承接他们的产业结构调整和产业转移,而是要发挥自身的民族创造力,这就需要一个好的文化氛围和社会环境,需要一个良好的法律体制,更需要全社会各界的参与。

事实上,美国的国家政策是保护本国创新,在全球占据制高点,靠知识生产,知识贸易,高附加值的知识产品获取收入,这是其竞争优势。未来一段时间,美国要继续处在领先地位,必须保持这个优势地位,这是美国成为全世界最强大国家的原因。“知识产权创造、运用这个制高点实际是通过知识产权来体现出来的,所以可以看到美国的专利、商标,或者说著作权相关产业发展都是全球最发达的,而且影响着世界各国。”田力普指出。

文章同时也指出,没有迹象表明中国自动放弃创新重商主义,尽管美国历届政府都通过对话保持接触,但是没有利于问题的解决。田力普对此评说:“它的解决办法就是中国不去创新,回到过去美国人认为满意的

Major changes in national patent attorney examination

中国专利代理人资格考试作出较大调整

In its recently-issued notice on national patent attorney examination, SIPO makes an overhaul in the upcoming 2012 examination. Key changes include ease of qualification for registration, registration time, verification of diplomas and streamlined formalities for residents from Hong Kong, Macao and Taiwan.

I. Registration From 2012 onwards, current master candidates with a sci-tech major after two school years and current doctor candidates with a sci-tech major are deemed having two-year actual working experience in sci-tech. A This change opens door for graduate master or doctor candidates nearing graduation or graduated masters and doctors having worked for less than two years.

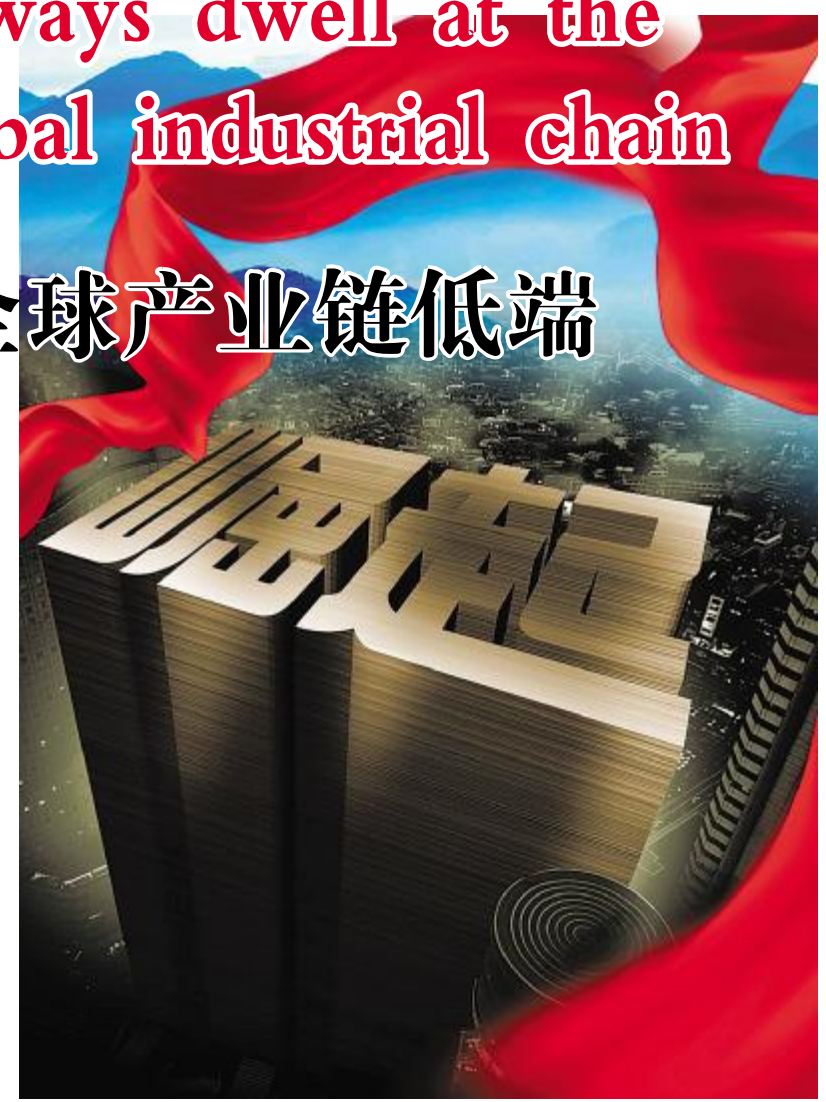
Under the notice, diploma can be used as educational qualifications. The candidates who apply for

application with diplomas issued by a Hong Kong, Macao, Taiwan or foreign university shall be verified by the designated center under the Ministry of Education.

III. Registration period The notice bring the registration period ahead from late June to June 4 and June 19. Meanwhile, screening of registration materials was also advanced to June 11-June 29 (July 6 for Beijing site).

IV. Facilitate for Hong Kong, Macao and Taiwan candidates

In a bid to facilitate Hong Kong, Macao and Taiwan candidates' application, relevant candidates may choose Beijing, Guangzhou and Fuzhou as their examination site through online registration and shall comply with relevant protocols. Candidates residing in Hong Kong or Macao may choose IPR offices in their regions and go through check there. In parallel, the notice explicitly allows



Hong Kong, Macao and Taiwan candidates to use traditional full-form Chinese characters when answering. (by Zhao Jianguo)

本报记者 赵建国

日前,中国国家知识产权局发布了《关于2012年全国专利代理人资格考试的有关事项公告》,对2012年全国专利代理人资格考试有关事项作出较大调整,调整内容包括报名条件放宽、报名时间提前、学历认证有新规定、港澳台居民报考更方便等。

调整一:报名条件放宽

从2012年起,全国专利代理人资格考试的报名条件新调整的重要内容:高等院校理工科专业在读硕士研究生学习期满2年的以及高等院校理工科专业在读博士研究生,视为从事过2年以上科学技术工作。在读硕士或博士研究生需提供就读院校的学籍证明。这标志着更多即将毕业的硕士或博士研究生以及理工科专业硕士或博士研究生毕业未满2年且有志

于从事专利代理工作的,均可报名参加考试。

调整二:学历认证有新规定

关于学历认证方面,新增了学位证书可以单独作为学历证明。持香港、澳门特区及台湾地区或者国外高等学校学历(学位)证书报名的,其学历(学位)证书须经教育部留学服务中心认证。

调整三:报名时间提前

报名时间由原来的6月下旬提前到6月4日至6月18日,报名材料查验时间也相应由原来的6月底提前到6月11日至6月29日(北京考点至7月6日)。

调整四:港澳台居民报考更方便

为了进一步方便香港、澳门特区及台湾地区居民报考,考生均可以通过网报选择北京、上海、广州或者福州考点报名并遵守相应的程序参加查验和考试,居住在港澳或澳门的考生可以选择就近到香港或澳门的相应知识产权管理机构接受查验。同时,还明确香港、澳门特区及台湾地区考生可以在考试中采用繁体汉字作答。