

# CHINA REPORT INTELLECTUAL PROPERTY

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# **INUMBERS**

#### 6.892999 million

As of now, China cumulatively filed 10 million+ trademark registrations, and 6.892999 million of which were registered, both ranking the first position in the world.

### 689.2999 万件

日前,从中国国家工商行政管 理总局获悉,截至目前,中国累计商 标注册申请量已突破千万件大关, 累计商标注册量 689.2999 万件,均 居世界第一位。

#### 78.08%

At present, the E-filing rate of Jiangsu province reached 78.08%, up 4.08 percentage points than the average in 2011, according to Jiangsu IP Office.

#### 78.08%

日前,从江苏省知识产权局传 来消息, 江苏专利电子申请率达到 78.08%,超过2011年专利电子申请 率平均水平 4.08 个百分点。

Henan cracked 185 infringement cases, with a total value of 130 million yuan, and avoid economic losses of 80 million yuan during the special campaigning on cracking down IPR infringement launched by Henan public security organs in 2011.

#### 185起

2011年,河南省公安机关开展 了声势浩大的打击侵犯知识产权 "亮剑"行动,共破获各类侵权制假 案件 185 起,涉案金额达 1.3 亿元。

### 17,100

In 2011, all levels courts in Guangdong province concluded 17.100 first-instance and second-instance IPR cases, accounting for 28% of the total in the nation.

## 1.71 万件

2011年,广东法院充分发挥了 司法保护知识产权主导作用, 审结 一、二审知识产权案件 1.71 万件, 占全国比例的 28%。

## 57,688

During the 11th Five-Year Plan, Wuhan filed 57,688 patent applications and obtained 29,246

# 5.7688 万件

"十一五"期间,湖北省武汉市 知识产权拥有量大幅增长,全市提 交专利申请 5.7688 万件, 授权 2.9246 万件。

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# 2012 national IPR publicity week launches 2012 年中国知识产权宣传周活动拉开帷幕

主题确定为"培育知识产权文化,促进社会创新发展"

he April 26 boasts the 12th World IP Day. On April 20, China launches its annual national IPR publicity week. This vear's event is themed of fostering IPR culture and facilitating public innovation development. During the week from April 20 to 27, the organizing committee and member units would highlight the achievements made across the country since the implementing of national IPR Strategy through a series of activities including fora, seminars, inquiries, open-house days and lectures.

SIPO Commissioner Tian Lipu said in his speech that in the past one year, under the strong leadership of the Central Party and the State Council, the implementation of IPR strategy and building of innovative country is proceeding solidly, and domestic companies' technological innovation became more active. In the new year, we should fully understand the requirements of economic and social development for IPR community, give high priority to integrating IPR with economic development, emphasis on fostering IPR culture, and step up IPR system construction.

At the opening ceremony, WIPO Director General Francis Gurry sent a message. "this year the theme of World IP Day is Visionary Innovators, China boasts of many visionary innovators, and it has also achieved remarkable records over the past three decades after joining WIPO. For instance, China's PCT international filing ranked the 4th position in the

world, and the Madrid International TM filing at the 7th place with its subsequent designation of TM registration on top of the global records. In the field of copyright, the copyright based industries has reached more than 10% of the national GDP at some city level. "

The 25 central authorities, which form the organizing committee, will launch a series of activities during the week. For instance, on April 24, SIPO, National Copyright Administration (NCA), State Administration for Industry and Commerce (SAIC), Information Office of the State Council will jointly hold a press conference on China's IPR development. Ministry of Public Security will launch a special nationwide campaign on combating IPR crimes. Ministry of Justice will provide lectures on IPR laws for the public and issue IPR-related promotional materials. SAIC will formulated an annual development report on China's trademark strategy. NCA will hold a launching ceremony on Green Bookmark 2012, and destroy piracy manufactures on the scene. In parallel, SIPO will continue to hold its Open-House Day on April 27, offering an interactive Q & A session (by Cui Jingsi)

本报讯 4月20日,一年一度 的中国知识产权宣传周活动也拉开 序幕。据了解,今年中国知识产权宣 传周活动的主题确定为"培育知识产 权文化,促进社会创新发展"。在4月 20 日至 27 日为期一周的时间里,宣 传周组委会和各成员单位将通过举 九论坛 进应 次治 开放日和报告会



This is the launching ceremony of 2012 China IPR Publicity Week. 图为 2012 年中国知识产权宣传周启动仪式现场。

(by Jiang Wenjie) 本报记者 蒋文杰 摄

等形式,重点宣传国家知识产权战略 实施以来,全国各地在知识产权事业 发展中取得的显著成效。

在宣传周启动仪式上, 中国国家 知识产权局局长田力普在致辞中说,过 去的一年里,在党中央、国务院的坚强 领导下,知识产权战略的实施与创新型 国家建设稳步推进,国内企业的技术创 新日趋活跃。在新的一年里,我们要准 确把握经济社会发展对知识产权工作 的新要求,坚持把促进知识产权与经济 融合作为主攻方向,把培育知识产权文 化作为关键环节,把加强知识产权制度 建设作为着力点。

世界知识产权组织总干事弗朗西 **直**给出向公任由国的知识产权宣传

周活动发来致辞。高锐说,今年世界知 识产权日的主题是"天才创新家",中国 拥有许多天才创新家,特别是在加入 世界知识产权组织的近30年来,中国 在知识产权领域取得了骄人的成绩。 其中,中国去年通过《专利合作条约》 (PCT)途径提交的国际专利申请量位 居全球第四位; 中国国内申请人通过 马德里商标国际注册体系提交的商标 注册申请量位居全球第七位;同时,中 国部分城市的版权产业相关产值已超 讨城市 GDP 产值的 10%。

据了解,今年,中央和国家共计 25个部门组成了宣传周组委会,各部 委将在宣传周期间结合各自工作领 域的特点,联合开展多项特色活动。

其中,4月24日,国家知识产权局、国 家版权局、国家工商行政管理总局和 中国国务院新闻办公室将联合主办 "中国知识产权发展状况"新闻发布 会;同时,在宣传周期间,公安部将在 全国范围内开展打击假冒伪劣犯罪 "破案会战";司法部将开展宣教活动, 为公众提供知识产权法律实务辅导 并发放相关知识产权宣传品:国家工 商总局将公布《中国商标战略年度发 展报告》;国家版权局将举办"绿书签 行动 2012" 启动仪式并现场销毁侵权 盗版制品;此外,国家知识产权局将 在 4 月 27 日继续举办开放日活动, 并首次安排了现场观众可以参与互

# Supreme Court issues top ten IPR cases for 2011 最高法发布去年中国知识产权司法保护十大案件

n April 17, the Supreme Court issued the top ten IPR case and 50 typical cases for 2011. The ten cases include seven civil cases, two administrative cases and one criminal case, according to the press conference held by the court in Suzhou, Jiangsu Province.

The seven civil cases are: Taobao trademark infringement case, Lafite trademark dispute case, Dayun and JVC automobile trademark dispute case, air conditioner Sleep Mode patent infringement

case, Baidu MP3 search copyright dispute case, 360 and OO unfair competition case, Kaixin unfair competition case. Two administrative cases are: CASTEL trademark administrative dispute case as it was revoke due to three years unused, the invention patent anti-beta-lactamase antibiotic composition invention invalid case. One criminal case is concerning illegal copying and distribution of piracy software.

The top ten cases covers the major IPR fields, for there are two patent infringement cases, four trademark dispute cases, two copyright cases and two unfair competition cases. With the rapid development of Internet industry in recent years, Internet-related cases are gradually approaching the center stage of all IPR cases, which is clearly reflected in this event.

Among the 50 typical cases, 35 are civil cases, which include 9 patent infringement cases. The rest are ten IPR administrative cases and five criminal cases. (by Wei Xiaomao)

本报讯 4月17日,中国最高人 民法院在江苏省苏州市召开新闻发布

会,发布 2011 年中国法院知识产权司 法保护十大案件和50个典型案例。在 这十大案件中,包括7件知识产权民事 案件、2件行政案件和1件刑事案件。

这十大案件中的7件民事案件 分别为:淘宝网商标侵权纠纷案、"拉 菲"商标纠纷案、"大运"与"江淮"汽 车商标纠纷案、空调器"舒睡模式"专 利侵权纠纷案、百度 MP3 搜索著作 权纠纷案、"3Q"之争引发的不正当 竞争纠纷案、"开心网"不正当竞争纠 纷案;2件行政案件为:"卡斯特"商 标 3 年不使用撤销行政纠纷案与"抗 β-内酰胺酶抗菌素复合物"发明专 利无效案;1件刑事案件为非法复制

发行计算机软件侵犯著作权罪案。

据介绍,在这十大案件中,涵盖 了主要知识产权领域,其中涉及2件 专利侵权案、4件商标纠纷案、2件著 作权案及2件不正当竞争案。由于近 年来互联网行业的快速发展,与网络 有关的案件在知识产权案件中占据 了越来越大的比重,这个特点在此次 公布的十大案件中体现得十分鲜明。

中国最高法同时发布的 50 个典 型案例中,知识产权民事案件35件,其 中侵犯专利权纠纷案件为9件。50个典 型案例还包括 10 件知识产权行政案 件及5件知识产权刑事案件。

(魏小毛)

