

CHINA REPORT INTELLECTUAL PROPERTY

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China's IP in foreign eyes

hina could become the world's largest trade nation in a few years and the largest overall economy by 2030, according to the World Bank. If the United States is to retain economic dominance, it must aggressively promote entrepreneurship in order to bolster idea innovation, productivity and job creation. Unless America changes the status quo, China's surpassing of United States GDP is simply a matter of time. (Entrepreneurship: The Solution to Our Innovation Problem, by Forbes)

据世界银行预计,中国有望在未来几年内成为世界最大的贸易国,并在 2030年成为最大的经济体。如果美国想保持经济的主导地位,就必须

vice promised Apple Chief Executive Officer Tim Cook that the country would boost intellectual property protection, state media said, in Cook's second day of meetings in the company's biggest potential market. China is the world's largest mobile market and already Apple's second-biggest market overall, but its growth there is clouded by issues ranging from a contested iPad trademark to treatment of local labor. (China to boost intellectual property rights: Xinhua, by Reuters)

据中国主流媒体报道,美国苹果公司首席执行官蒂姆·库克在中国访问时称,中国政府表示将加大知识产权保护力度。中国是世界上最大的手机市场,并已成为美国苹果公司的第二大整体市场,也是其最大的潜在市场,但其增长一直受到饱受争议的 i-Pad 商标纠纷和本地劳工待遇问题的影响。("新华社:中国推动知识产权",路透社)

积极推动企业化,以加强观念创新、提升生产力并创造就业机会。除非美国努力改变现状,中国超越美国GDP将仅仅是一个时间问题。("企业化:我们的创新问题的解决方案",福布斯杂志)

Comment:

While China makes leaps and bounds, it is considered as the strongest competitor of the US. The US stresses to reinvigorate the nation with quality education, R&D and most of all, entrepreneurial competitiveness. It's a good point and also crucial to China.

点评:

随着中国突飞猛进的发展,中国被美国看作其最强大的竞争对手。美国强调要通过素质教育、科技研发和最重要的企业化竞争来振兴国家,这是一个值得借鉴的解决方案,对中国也同样至关重要。

Comment

Apple is in a long-running dispute with a local company in China. The legal battle is making its way through Chinese courts. But for international companies including Apple, there is no need to be worried about intellectual property issue, as "to be more open to the outside is a condition for China to transform its economic development, expand domestic demands and conduct technological innovation".

点评:

美国苹果公司与中国一家本土公司的纠纷由来已久,双方最终对簿公堂。但对包括美国苹果公司在内的在华跨国公司而言,大可不必担心知识产权问题,因为"进一步扩大对外开放是中国转变经济增长方式、扩大国内需求及倡导科技创新的重要条件"。

(by Correspondent Wang Weiwei from Canada)

om Canada) (本报通讯员汪玮玮发自加拿大)

China ranks 7th in international trademark filings in 2011

中国国际商标注册申请量去年排名第七位

tatistics from WIPO website show that 2011 saw the highest number of international trademark applications ever filed under WIPO's Madrid System for the International Registration of Marks (Madrid system). Applicants from China ranked 7th , filing 2,149 international applications, or 5.1% of the total. In 2010, China ranked 8th. In addition, China remained No.1 in designations.

"An increase in China's international trademark applications filed under Madrid system mirrors that Chinese enterprises have valued the IPR's rule in fostering economic and social development. Despite the recovery of the global economy has been slow, However, China is seeing a continuous growth in economy. Since China issued its National Intellectual Property Strategy Compendium in 2008, the IPR awareness and competitiveness among Chinese enterprises has been largely improved. As they now adopt the strategy of 'going out' and it becomes particularly important in strengthening IPR protection." said Dr. Li Shunde from Chinese Academy of Sciences.

Numbers show that China sees an 11.5% increase from 2010 in using the Madrid system, followed by the Russian Federation, the European Union and the United States of America. The top 10 most frequently designated members in 2011 remained the same as in 2010 with China pacing with 18,724 designations. "Not only we saw a rapid growth in submission of international applications for trademark registration overseas, but also registrations in China by other countries grow continuously. All of the above sufficiently show that the whole world is attaching great importance to the Chinese market as well as the implementation of IPR strategy by Chinese government and the 'going out' has come to frution." said Dr. Li.

(by Liu Peng/ Wang Lu) 本报讯 日前,记者从世界知识产权组织(WIPO)官方网站获悉,2011年,中国共向WIPO提交了2149件马德里体系商标国际注册申请,占总数量的5.1%,排名世界第七位,比2010年排名上升一位。此外,中国继续保持被指定商标保护领土延伸最多的国家。

"我国国际商标注册申请量从 2010年的第八位上升至2011年的 第七位,这反映了我国企业对知识 产权的重视。"中国科学院研究生院 法律与知识产权系主任李顺德在接 受中国知识产权报记者采访时表 示,尽管目前全球经济仍在缓慢复 苏,但中国的经济总体上在不断增 长,逆势而上。中国自2008年6月 颁布实施《国家知识产权战略纲要》 以来,企业知识产权意识、知识产权 能力不断提升,在中国企业大力实 施"走出去"战略之际,加强专利、商



标等知识产权的布局显得尤为重

2011年马德里体系商标国际注册申请的有关数据显示,中国以11.5%的申请增长率排名第四。此外,在被指定商标保护领土延伸国家方面,中国以1.8724万件排名第一,仍是商标保护指定最多的国家。"不仅

中国企业在国外提交国际商标注册申请增长明显,国外企业在中国提交的商标注册申请量也在不断增长,这说明世界对中国市场的重视,同时,这也与中国大力实施国家知识产权战略,企业实施'走出去'战略密不可分。"李顺德表示。

(柳 鹏 王 璐)

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(58) Conduct in-depth pilot assessment on IP contained in major local economic and science and technology activities, formulate guidelines on assessing IP in line with local situations. (SIPO, MOST)

(59) Formulate and promulgate the 12th Five-Year Special Plan on IP Work of Science and Technology Innovation. (MOST)

(60) Formulate specific regulations on IP management for each major project, taking into account the characteristics of each major project and also the Provisional Regulations on Intellectual Property Management of the Major National Scientific and Technological Projects. (MOST)

(61) Review and improve measures on managing IP in national science and technology projects. (MOST)

(62) Review the formulation of IP strategy plan in cultural system, give more guidance to national cultural system on IP. (MOC)

(63) Revise the Principles of Guiding IP Management in Medicine and Health by adding contents on how, in accordance with existing laws and regulations, to propel patent license upon public health emergency, so as to effectively protect public health and interests, etc. (MOH, SIPO)

(64) Promote IP strategy analysis in major science and technology projects, formulate IP work plans in line with characteristics of each specific major project, improve systems of major projects on the registration, collection and assessment of IP information, intensify supervision,

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Executive Editor Xiao Xiao

assessment and guidance on IP management in each major project. (MOST, MIIT, SIPO)

(65) Provide guidance to agricultural science and technology institutes on establishing and improving management regimes, management systems, and management collaboration networks surrounding agricultural IP, guide agricultural enterprises and public institutions on establishing and improving management regimes and organizations surrounding agricultural IP. (MOA)

(66) Provide guidance to copyright protection industries and organizations for radio, film and television industries on strengthening self-discipline and internal coordination, provide fair protection for radio and television stations and also copyright owners. (SARFT)

(67) Promote central state-owned enterprises to fully implement IP strategy, improve the system for IP management in enterprises. (SASAC, SIPO)

(68) Research the formulation of relevant regulations on IP management in colleges and universities, step up the management of research results and service invention in the course of employment in colleges and universities. (MOE, SIPO)

(69) Select major strategic pioneering projects under application category and major science and technology projects involving equipment R&D and manufacturing as pilot projects so as to conduct IP management throughout the projects and in formulating IP output targets and criteria of applying results.

VII. Develop IP Service Industry

Mission:

Formulate policies that will promote the development of IP ser-

vice industry, improve the management of IP service industry, promote the construction of establishment basic IP information resources, and provide access to the public, provide guidance to IP service agencies on innovating service model, promote centralized development of local IP service, accelerate the cultivation of high-end talents in IP service industry.

ice industry.

Measures:

Measures:

(70) Actively promote the implementation of the Guiding Opinions on Accelerating the Development of Hi-tech Service Industry, prioritize and support IP service industry in major hi-tech projects that are to be conducted in 2012.

(NDRC, SIPO)

(71) Formulate and promulgate the Guiding Opinions on Accelerating the Cultivation and Development of IP Service Industry with emphasis on the development of IP agent service, legal service, information service, consulting service, commercial service and training. (SIPO, NDRC)

(72) Expand access to basic IP information, innovate IP service model, step up capacity of handling foreign-related affairs in service agencies, accelerate the establishment of IP service system that meets diversified users. (SIPO, NDRC,

MOFCOM, SAIC, NCAC)

(73) Put technology market into full play, innovate model of technology transaction, strengthen IP service in intermediary agencies, such as technology markets, innovation incubators, science and technology parks in universities, productivity promotion centers, step up service capacity. (MOST)

(74) Research key technologies or generic technologies that may promote industry development, con-

duct patent analysis and prewarning, publish patent development trends regularly. (MIIT, SIPO)

(75) Give practical support and services within industry bases, such as tracing IP information and analyzing patent. (MIIT)

(76) Provide guidance to

lawyers in fully developing legal profession in conducting focus IP legal service to IP-intensive industries and enterprises such burgeoning industries or hi-tech enterprises to increase their IP protection level. (MOJ)

(77) Promote a nationally unified registration and management of IP judicial forensic, organize and carry out training on IP judicial forensic, provide guidance to IP forensic agencies for improved services. (MOJ, SPC)

(78) Support returned overseas students to startup hi-tech enterprises with IP through indigenous innovation, improve supporting policies for high-end returned overseas talents, highlight the introduction of high-end overseas talents who are essential for the implementation of IP strategy but in short supply. (MHRSS)

(79) Put the IPR Protection Center for Chinese Business Venturing Out into full play, strengthen guidance to enterprises on building capacity in responding to litigation in large and significant cases, enhance awareness and capability of overseas IP protection and enforcement; set up IP service stations in famous exhibitions abroad so as to provide consultation and conciliation service for Chinese exhibiters. (MOFCOM)

(80) Research the formulate a criteria system for IP service statistics, implement the IP Service Guiding And Fostering Project, cul-

tivate high-end talents in IP service, develop leading enterprises in IP service, promote centralized development of local IP service. (SIPO)

(81) Further improve policies of supporting patent commissioning, improve training system for patent agents, and enhance agencies' capability of operating business. (SIPO)

(82) Revise the Regulations on Patent Commissioning. (SCLAO, SIPO)

VIII. Foster IP culture

Mission:

Strengthen IP public outreach and training, foster an IP culture in which knowledge is respected, innovation is advocated, credibility is kept and law is observed, foster a favorable climate for IP, especially in terms of the implementation of IP strategy.

Measures:

(83) Conduct in-depth publicity of major decisions and deployments of the central government on fully promoting IPR protection, integrate IP public outreach into major publicity campaigns, such as the scientific outlook on development, and the transition of economic development model, launch full coverage on the significant achievements accomplished by implementing national IP strategy. (Publicity Department of CCCPC, SARFT)

SARFT)

(84) Conduct international communication and cooperation in IP field, communicate with major countries on IPR protection through high-level, bilateral and multilateral events. (Ministry of Foreign Affairs, MOFCOM, SIPO, SAIC, SAIC, NCAC)

(85) Revise textbooks of elementary and middle schools, supplement IP contents in accordance

with standards required by curriculums like the curriculum of virtue education; provide guidance to colleges and universities on providing IP-related minor courses; conduct IP protection outreach, raise IP awareness among the teenagers. (MOE)

(86) Take great effort to implement the Culture-Info. Sharing Project, as well as the Public Electronic and Digital Library Project, guarantee that the public have legitimate and reasonable access to innovative results and information in cultural activities. (MOC)

(87) Integrate high quality IP talents into the Plan on Education and Training of Excellent Legal Talents, set up several training bases. (MOE)

(88) Further implement the Opinions on the Implementation of the IP Strategy of Radio, Film and Television Programs, implement the Project Of Excellent Brands On Radio, Film And Television, increase capacity of creating original works in film, television, animation, documentary, develop emerging trends in radio, film, and television, promote IP marketization and commercialization in radio, film and television.

(SARFT)
(89) Implement the High-level
Talents Introduction Plan, the
Hundred and Thousands of IP
Talents Project and other trainings
and talent projects, e.g., the selection of 4 to 5 colleges and universities as national IP training
bases. (SIPO)

(90) Organize and carry out the National IP Publicity Week, strengthen dissemination of IP laws and regulations knowledge and science and technology information, enhance IP awareness of the public. (SIPO, Publicity Department of CCCPC, SARFT)

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