

China's IP in foreign eyes

If it is to keep growing fast, it must become more innovative. At present Chinese innovation is a mixed bag.

如果想保持快速增长, 中国必须更加具备创造性。目前中国有一批优秀的民营企业。

The World Intellectual Property Organization figures showed in 2011 the United States, Japan and Germany, the long-time leaders in total applications of international filings for patent protection.

世界知识产权组织数据表明, 2011年美国、日本和德国的国际专利申请占全球申请总量的58%。

NUMBERS

2,779 Recently, the Beijing IP Office and the Beijing Administration for Industry and Commerce established a credit information file system for 2,779 patent pilot entities and 120 patent model entities.

2779家 近日,北京市知识产权局与北京市工商行政管理局为2779家专利试点单位和120家专利示范单位建立诚信信息档案。

2,000 In 2011, only by commercializing 60 patents, Jiangsu province added 11.06 billion yuan in sales revenue.

2000件 2011年,江苏仅通过转化实施的60件专利,就新增销售额达到110.6亿元。

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社会网络服务商腾讯公司和电子商务公司阿里巴巴,都是引进西方商业模式并推动其本土化的天才。

Comment: From billions of dollars into research and development to the national plan that calls for "indigenous innovation", it's obvious that China is in the process of transforming from physical manufacturing to relying on brain power to create.

点评: 靠低成本取胜的时代已经一去不复返了。从每年数十亿美元的研发经费投入和提倡自主创新不难看出,中国正努力从靠体力制造向靠智力创造过渡。

际专利申请量最多的企业。中国另一主要的信息技术制造商华为公司以1831件申请位居第三。

China's innovation plays an increasingly important role in the world. In terms of international filings for patent protection, a key indicator of technological innovation in major economies, the growth in China and other middle-income countries drives an all-time record last year.

点评: 中国创造在世界上扮演着日益重要的角色。在PCT国际专利申请这一科技发展的关键指标上,中国及其他中等收入国家在2011年的增长,推动创立了历史记录的新高。

61 In 2011, around the construction of Yunnan Innovation Plan, Yunnan province organized and implemented 60 major projects, broke through 62 key technology, researched and developed 61 major new products with independent IPR.

61个 2011年,围绕建设创新型云南行动计划,云南省组织实施培育战略性新兴产业重大项目60项,突破关键核心技术62项,研究开发拥有自主知识产权的重大新产品61个。

40 million In 2011, based on their IPRs, 7 companies in Xiamen secured over 200 million yuan credit, 40 million yuan of which had already been granted.

4000万元 2011年,厦门市7家企业知识产权质押融资授信额度超过2亿元,已发放贷款近4000万元,成为知识产权质押融资工作中的一个亮点。

8,734 In 2011, Chengdu High-tech Zone filed 8,734 patent applications, up 28.31%. Invention applications accounted for 2,869, up 80.78%. Company applicants filed 6,507, up 111.47%.

8734件 据了解,成都高新区2011年共提交专利申请8734件,同比增长28.31%,其中发明专利申请2869件,同比增长80.78%;企业专利申请6507件,同比增长111.47%。

Michael Jordan sues Chinese company for improper use of his name

“飞人乔丹”过招“中国乔丹”胜算几何?

Former NBA basketball legend Michael Jordan has filed a suit against a Chinese sportswear and shoe manufacturer, Qiaodan Sports Company Limited for "unauthorized use" of his name and identity.

Michael Jordan: the company built business of my Chinese name without permission

In 1997, Jordan became its own brand under the Nike umbrella. The Bobcats owner Michael Jordan announced that he's suing Qiao Dan Sports, alleging that the company's name is a "well known" translation of Jordan's name.

"Inspired by Yao Ming's case here in China, we had filed suit in a Chinese court on February 21 against Qiaodan Sports," said Christine Kang, a partner of Jun He Law Offices.

Qiaodan Sports: we have exclusive right to the Qiaodan trademark

A Qiaodan Sports spokesman said it is keeping a close eye on Jordan's litigation. "The Chinese word 'Qiaodan' is a registered trademark of Qiaodan Sports.

As a matter of fact, Qiaodan Sports has long been questioned since it filed QIAODAN as a trademark. In 1997, Qiaodan Sports

first registered "乔丹" "QIAODAN" as trademarks, but was immediately challenged by Nike. Qiaodan Sports said at the time: "We just use a Chinese translation of a common foreign family name and it cannot be identified with Michael Jordan."

Although Michael Jordan said the lawsuit was not about money, but about "principle and protecting my name." Analysts say the action may hamper the Qiaodan Sports's goal of being listed on the Shanghai stock exchange.

Analysis: never be a free-rider

"In the aspect of laws, what Jordan claim is not only the naming right, but refers to the right of publicity or commercialization of personality right of celebrities in the other countries, which is the right of an individual, especially of the celebrities or the public figures, to control the commercial use of his or her name, image, likeness or other unequivocal aspects of one's identity.

"There's no doubt that Qiaodan Sports' hold the trademark legally, whether or not it violates Jordan's name right will be determined by the court. But, one thing should be noted that copying the names of famous sports players and other celebrities for product branding purposes will be discouraged and no one should be free-riders.

Microsoft awarded 410,000 yuan over copyright lawsuit

微软诉北京纽曼侵权案一审有果

Beijing No.1 Intermediate Court recently made its first-instance judgment over Microsoft's allegation against Beijing Newsmy, a renowned Chinese supplier of portable digital devices.

After finding Newsmy installing and using its unauthorized software in December 2009, Microsoft lodged a complaint to Beijing Executive Law Enforcement Department for Cultural Market.

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of Microsoft software, including Windows XP professional Chinese version, Windows7 Ultimate version, Office2003 and Office2007 professional Chinese version.

Learning that the Newsmy continued further infringement after the sanction was imposed, Microsoft then took the case to the court in January 2011.

"If the user purchase one set of genuine software, it means he can only use on one computer, otherwise, he violates license agreement and thus infringe the copyright," says Tan Ruiqiong, a legal



will know that Michael Jordan has nothing to do with this company and this will attract particular resentment among the consumers." Zhang Weijun said.

本报记者 祝文明

近日,美国NBA巨星迈克尔·乔丹发表公开信称,中国乔丹体育公司侵犯了其姓名权,并已向中国法院提起诉讼。

飞人乔丹:意欲维权

美国篮球传奇巨星迈克尔·乔丹创立的“AIR JORDAN”品牌为耐克旗下子品牌。日前,乔丹通过美联社向各国媒体发布了一封公开信,信中称已在中国对一家体育服饰生产商(即乔丹体育)提起法律诉讼。

乔丹的委托律师,北京君合律师事务所律师康又在接受中国知识产权报记者采访时表示,乔丹于2011年年底委托该事务所代理这起案件,经过充分准备,他们已于2月21日向法院正式提起诉讼。

乔丹体育:屡遭质疑

在乔丹发表声明的当天,乔丹体育即对该事件作出了回应。在给本报记者发来的一份公开声明称,“乔丹”商标为公司依法申请注册并享有专用权。

实际上,对乔丹体育“傍名人”的质疑一直存在。早在乔丹体育注册“乔

丹”“QIAODAN”等商标之时,来自美国的体育用品巨头耐克公司就曾先后对乔丹体育注册的商标提出异议。但是,耐克的异议申请经国家工商行政管理总局商标局和商标评审委员会先后审查,均被驳回。

据悉,这一次,乔丹亲自出手向乔丹体育“宣战”,正值乔丹体育准备上市之际,这一诉讼为乔丹体育的上市之路平添变数。

专家观点:莫傍名人

同济大学法学院知识产权与竞争法中心主任张伟君在接受中国知识产权报记者采访时表示,此案中乔丹主张的不是严格意义上的姓名权,而是国外法律中所指的名人的人格商品化权或公开权,是指个人,尤其是公众人物或知名人士对其与人身有密切关系的各种形象要素的商业价值所享有的权利,以控制或制止他人的盗用。

张伟君表示,目前乔丹体育持有的“乔丹”商标合法有效,是否构成对篮球巨星迈克尔·乔丹姓名权的侵权,这需要法院根据事实进行判定。但是,类似的“傍名人”的行为无疑是不值得提倡的。“傍名人”只能让企业获得一些短期利益,从长远来看会得不偿失。

然而,上海市第二中级人民法院已正式受理乔丹体育诉乔丹体育姓名权纠纷案。

微软、Office2003 中文专业版和 Office2007 中文专业版 4 种盗版软件,共计 42 套。2010 年 7 月,北京市文化市场行政执法总队对纽曼公司作出了行政处罚决定,责令其立即停止侵权行为,并处罚款 2.6 万元。

然而,纽曼公司仍然拒不整改其侵权行为,在多次磋商无效的情况下,微软公司于 2011 年 1 月向北京一中院提起民事诉讼。审理过程中,微软公司曾尝试与被告沟通,但纽曼公司拒绝通过协商方式解决侵权纠纷。最终,经过近 10 个月的审理,北京一中院于近日作出了上述一审判决。

微软(中国)有限公司法律及公司事务部知识产权总监张瑞琼在接受中国知识产权报记者采访时表示,用户购买一套正版软件,只是获得在一台电脑上使用软件的权利,如果用户同时在多台电脑上安装使用,该行为就违反了许可协议,构成了对软件著作权的侵权。(王康)