

Single year registrations of software copyrights roll over 100,000 in China

去年中国软件著作权登记首次突破10万件

According to the China Copyright Protection Center, China's computer software copyright registration came up to 109,342, surpassing 100,000 for the first time, up 33.40% and over 4.1 times more than 21,495 in 2006.

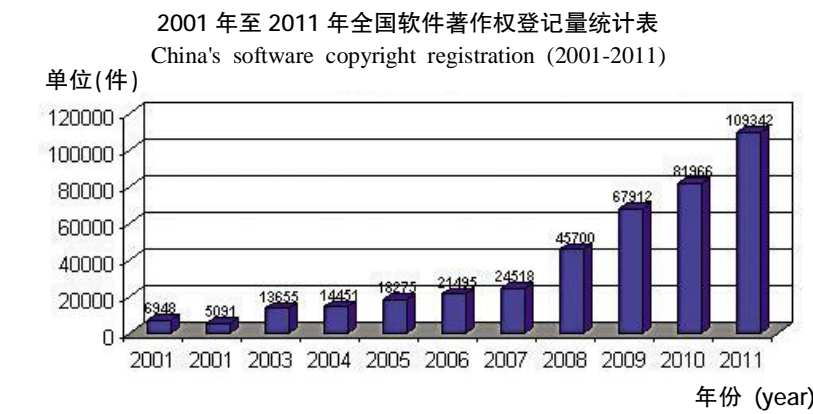
According to the statistics released by the China Copyright Protection Center, in 2011, the top three regions in software copyright registration were Beijing, Guangdong and Shanghai, accounting for 30,036 (27.47%), 19,572 (17.90%) and 10,181 (9.31%) respectively. Jiangsu and Zhejiang took the fourth and fifth places with 8,719 and 8,522. The top five combined for 77,030, representing over 70% of the nation's total. Among the registrations in the year, 5,447 pieces of gaming software were registered, up 106.09%. The top 3 provinces for gaming software registration were Beijing, Guangdong, Shanghai, accounting for 66.84% of the total.

The ever-rising registration indicates that copyright awareness and capability of innovation of Chinese companies have been enhanced. The total sales revenue of online gaming market reached 42.85 billion yuan, up 32.4%, among which, 63.4% were created at home. Moreover, 131 online games developed by 34 Chinese enterprises entered the

overseas market and brought home 360 million USD in revenue, up 56.5%.

Several factors contribute to the welcomed trend. First, since the Outline of National Intellectual Property Strategy was implemented, China has stepped up IPR protection, vigorously carry out publicity and education in IPR and strengthen IPR training for enterprises to heighten IPR awareness; Second, with the rapid development of new technology and cultural and creative industry, demand for software increases gradually; Third, the national authorities have issued a series of favorable policies especially in financing and taxation which greatly inspired enterprises' enthusiasm in software copyright registration, according to Li Shunde, the director of in Law and IP Research Institute of China Academy of Social Sciences.

In order to ease small and micro enterprises' burden and promote the enterprises to develop healthily, the Ministry of Finance and the National Development and Reform Commission jointly issued the Notice of Exemption of Administrative and Institutional Fees for Small and Micro Enterprises. According to the notice, during the period time from January 1, 2012 to December 31, 2014, temporary exemption of eight registration fees are applied to



small and micro enterprises.

(by Wang Kang)

本报讯 记者从中国国家版权局了解到,2011年中国软件著作权登记量首次突破10万件,达到10.9342万件,同比增长33.40%,较2006年的2.1495万件增长4.1倍。

据中国版权保护中心统计数据,在2011年软件著作权登记量按地区排名中,位列前三位的分别是北京市、广东省和上海市,登记量分别为3.0036万件、1.9572万件和1.0181万件,分别占全国登记总量的27.47%、17.90%、9.31%。此外,位于第四位和第五位的是江苏省和浙江省,登记量分别达到8719件和8522件。排名前五位的地区软件著作权登记量共计为7.7030万件,占全国登记总量的70.45%。其中,游戏类软件著作权登记数量增长较快,2011年游戏类软件著作权登记5447件,同比增长106.09%。北京市、广东省和上海市登记量位列全国前三,共占全国游戏软件登记量的

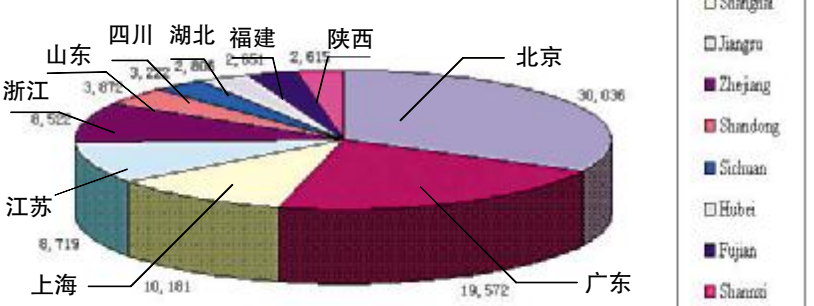
66.84%。

软件登记数量的激增,直接反映出软件企业版权意识的提升和自主创新能力的增强。据统计,2011年我国网络游戏市场销售收入达到428.5亿元,同比增长32.4%,其中民族原创网络游戏占63.4%,一些优秀的游戏软件走出国门,总计有34家中国企业自主研发的131款网络游戏进入海外市场,销售收入3.6亿美元,同比增长56.5%。

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从3个方面分析了软件著作权登记量快速增长的原因。他认为,首先,2008年6月,中国颁布实施国家知识产权战略以来,中国加大了知识产权的保护力度,大力宣传、普及知识产权,强化了企业知识产权意识。此外,随着中国大力发展高新技术和文化创意产业,相关产业对软件的需求量不断增大。另一方面,国家有关部门出台了一系列鼓励政策,对企业在获得软件著作权登



2011年软件著作权登记量前十省份



制表 王康

记之后,给予金融、财税方面的优惠扶持,极大地激发了企业开展软件登记的积极性。

据了解,为了减轻小型微型企业负担,促进小型微型企业健康发展。近日,中国财政部、中国国家发展和改革委员会下发《关于免征小型微型

企业部分行政事业性收费的通知》,自2012年1月1日起至2014年12月31日止,在计算机软件著作权登记环节暂免征收小型微型企业计算机软件著作权登记费、软件著作权合同登记费等8项费用。(王康)

China's IP in foreign eyes

Pharmaceuticals giant Pfizer Inc is exploring partnerships with more Chinese drug companies as it pushes ahead with plans to sell more of its off-patent drugs in the Chinese market, after clinching a deal with a Shanghai-listed drugmaker. Apart from Pfizer, drugmakers like AstraZeneca Plc, Abbott Laboratories and Novartis AG are making big investments in R&D in China in recent years.

(Pfizer eyes tie-ups with more Chinese drugmakers, by Reuters)

在获得与上海一家制药公司合作的机会后,全球制药巨头辉瑞公司正在探索与更多中国制药商建立伙伴关系,以推动其在中国市场销售非专利药的未来计划。除了辉瑞公司,阿斯利康、雅培和诺华等其他制药公司近年来也在扩大在中国市场的研发投入。(《辉瑞着眼结盟更多中国制药商》,路透社)

Comment:

Any partnership should come with a win-win arrangement. Giant Western drugmakers are expanding their presence in China in the hope

of cutting costs and lifting sales with top-selling drugs losing patent protection in Western markets. For their Chinese counterparts, it should be the prestige of working with the largest, leading pharma company in the world, as well as the chance to gain technological and management know-how.

点评:

任何合作伙伴关系都旨在双赢。西方制药公司巨头正在扩大他们在中国的市场空间,并希望通过削减成本的方式来扩大销售在西方市场最畅销的非专利药物。而对他们的中国同行而言,最重要的是借鉴全球领先

的制药公司的信誉、技术以及管理诀窍。

A few Chinese telecom and internet companies have made attempts to expand overseas. If current trends continue, China will effectively become the principal market driver in many sectors, including telecom, on the basis of consumption, production, and innovation. (China Mobile Internet Co To Invest in U.S., by Forbes)

几家中国电信和互联网公司已经试图向海外扩张。如果照目前的趋势继续发展下去,中国将凭借其在消费、生产及创新方面的优势,成为电

信等领域的主要市场驱动力。(《中国移动互联网投资走向美国》,福布斯杂志)

Comment:

For China's domestic telecom Internet companies, to achieve success in the definitely new market the United States market, it matters not only to be perfect in technology, but also to focus on product designs, consumer habits, marketing as well as many other factors. Even though some of the successful Chinese enterprises have invested considerably in overseas markets, the process of internationalization is still

in its infancy. The future for them can be a great challenge.

点评: 对于中国本土电信互联网公司而言,要想在美国这个全新的市场上获胜,除了技术过硬,还要注重产品设计、消费习惯、市场营销等诸多因素。尽管一些成功的中国企业已在海外市场投入了巨额资金,但在“走出去”的过程仍然处于初始阶段,摆在未来的巨大的挑战。

(by Correspondent Wang Weiwei from Toronto, Canada)
(本报通讯员汪玮发自加拿大多伦多)

NUMBERS

17,000
According to the statistics, customs nationwide seized 17,000 batches of suspected infringing goods, examined and approved 3,532 IPR applications for recordation in 2011, 1,684 of which were from domestic IPR holders.

1.7万
据中国海关总署统计,中国海关2011年共扣留涉嫌侵权货物1.7万批。同时,2011年海关总署累计核准知识产权备案3532项,其中核准国内权利人备案总量为1684项。

26
As of the end of December of 2011, Patent Protection Regulation was issued in 26 provinces and 11 cities, 2 provinces and 3 vice-provincial cities issued patent protection measures.

26个
截至2011年12月底,中国已有26个省、市、自治区出台了专利保护办法。

26个省(区、市)、11个城市颁布了专利保护条例,2个省(区、市)、3个副省级城市出台了专利保护办法。

150
In 2011, SIPO carried out the 10 batches of nearly 150 student trainings for Vietnam, Cambodia, DPRK, the African Regional Industrial Property Organization and other developing countries and regional organizations.

150名
2011年,中国国家知识产权局共为来自越南、柬埔寨、朝鲜、非洲知识产权组织等发展中国家和地区性组织开展了10批次近150名学员的培训。

43,900
By the end of December of 2011, China Patent Electronic Approval System was available for 32 departments of SIPO and 28 receiving branches with 43,900 registered users.

4.39万人
截至2011年12月底,中国专利电子审批系统已覆盖中国国家知识产权局32个部门和28个专利代办处,注册用户达4.39万人。

JIA DE FU setback in Beijing

“家得福”商标不予核准注册

The case lodged by Zhu Jianpeng, to challenge the decision by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) was rendered by Beijing Higher People's Court recently, upholding the first-instance decision on affirming disapproval of the registration of dispute trademark “家得福 JIA DE FU and figure”.

Zhu Jianpeng applied for “家得福 JIA DE FU and figure” as a registered trademark on December 22, 2003, certified to be used on Class 35.

In the period announced, a natural person, Kong Lingling then lodged a request for emark opposition to TRAB on the ground of similarity with three registered trademarks of Carrefour. The

Trademark Office then held the dispute trademark did not lead confusion to the public and no similarity is constituted.

The disgruntled Kong brought the case to the TRAB. TRAB held that the disputed trademark was used in similar services which would cause confusion among consumers. Therefore, TRAB denied the disputed trademark registration on April 6, 2011.

Zhu Jianpeng then brought the case to the Beijing No.1 Intermediate Court. The court rejected the appeal and sustained the original judgment.

The disgruntled Zhu then appealed to Beijing Higher People's Court. The court held that disputed trademark was similar with cited trademark in pronunciation, visual recognition and meaning which would cause confusion

among consumers. So ordered.

(by Wang Junjie)
本报讯 北京市高级人民法院(下称北京高院)日前对朱建朋诉国家工商行政管理总局商标评审委员会(下称商标评审委)一案作出终审判决。“家得福 JIA DE FU 及图”商标(下称被异议商标)在经过异议、异议复审、一审和二审等程序后,北京高院最后维持了一审判决,被异议商标不予核准注册。

据了解,2003年12月22日,朱建朋向中国国家工商行政管理总局商标局(下称商标局)申请注册第3854566号“家得福 JIA DE FU 及图”商标,指定使用服务为第35类。

在公告期间内,自然人孔令玲向商标局提出注册异议申请。孔令玲认为,被异议商标与家乐福股份有限公司拥有的3件已核准注册的商标构成近似。商标局经审查后被异议商标与引证商标未构成近似为由,于2009年9月2日作出被异议商标

核准注册的裁定。

孔令玲对该裁定表示不服,向商评委提出注册异议复审的申请。商评委认为被异议商标与引证商标同时使用在类似服务上时,易使公众对服务的来源产生混淆误认,已构成类似服务上的近似商标。因此,2011年4月6日,商评委作出不予核准注册的裁定。

朱建朋不服该裁定,向北京市第一中级人民法院(下称北京一中院)提起上诉。北京一中院经审理维持了商评委的裁定。

对于一审判决结果,朱建朋仍表示不服,因此向北京高院提出上诉,请求撤销原审判决,判令商评委核准被异议商标的注册。北京高院认为,判断两商标是否相同近似,主要从商标的文字字形、读音、含义相似等方面判断。被异议商标与引证商标在整体视觉效果上近似,同时使用在同一种或类似服务上,容易导致消费者产生混淆误认,遂作出上述终审判决。(王俊杰)

