

China sees seismic shift in IPR

英国专家肯定中国知识产权的变化

Ian Harvey, the former Chairman of the UK government's Intellectual Property Advisory Committee recently published his latest report for International IP Strategists Association (INTIPSA): China's seismic shift in IP, attempting to show the world the real IPR development in China. According to the report, China is now becoming a major generator of intellectual property and it is becoming more committed to protecting IP and enforcing the law. Chinese companies and universities have attached importance to patents application. The misunderstanding outside China arises because most foreign observers look at the still imperfect state of patent enforcement in China and miss the profound changes that have taken place over the past 20 years.

In his report, he said that domestic patent applications have been growing at 25 to 40 per cent a year. For the first time in 2008, the 229,000 invention applications by domestic applicants in China exceeded the 225,000 patents in the US by US applicants. In 2011, China received 526,000 invention applications, increased by 34.6%. Meanwhile, Chinese universities now file almost four times the number of patents in China as US universities do in the US. This is over 20 times the number of UK filings by UK universities. In the eyes of Ian Harvey, China is on the

verge of becoming a major generator of technology and IPR. It is creating a tidal wave of patents that is likely to wash over the US and Europe's shores in the next two decades, enabling China to dominate significant technology areas. This stems from the recognition inside China, largely missed by foreign observers, of the fundamental importance of IP to economic growth as well as the natural creativity and inventiveness of the Chinese.

According to Professor Xu Chunming from Shanghai University, there is a prevailing understanding in the western world that IPR remains a key tool for economic development and market competition. As China's IPR strength increased and the country's ability participating in the competition of the global economy gradually enhanced. When the entire world is casted by the shadow of the financial crisis and Euro zone debt crisis, China's economy remains stable development, attracting the western world's attentions. They started to realize the importance of the huge market in China and knows that the important way to emerge from the crisis is to collaborate with China. Misunderstanding and distortion of facts only hurt themselves. Collaboration is the only right choice for win-win.

As a matter of fact, there are many examples of foreign compa-

nies that have been successful in China. Philips, for example, has a profitable €7 billion business with 35 companies, 15 research centers and 20,000 employees in China. About 15 per cent of its inventions now come from China.

Professor Xu said that we should always keep a clear head in the face of the pressure of opinion from outside and continuous improvement and development is what China must do now. In the earlier years, we can make objective analysis and put our feet down to promote the social and economic development in the face of false report on China's IPR from the western world. Now, the western media is changing their attitude to China's IPR development, and we should seize the opportunity to improve our work. However, we should not neglect that China is still lack of IPR management and operating experiences and the IPR environment remains to be optimized. What China should do now is to enhance national competitiveness.

(by Zhao Jianguo/Xiang Li)

本报记者 赵建国 向利

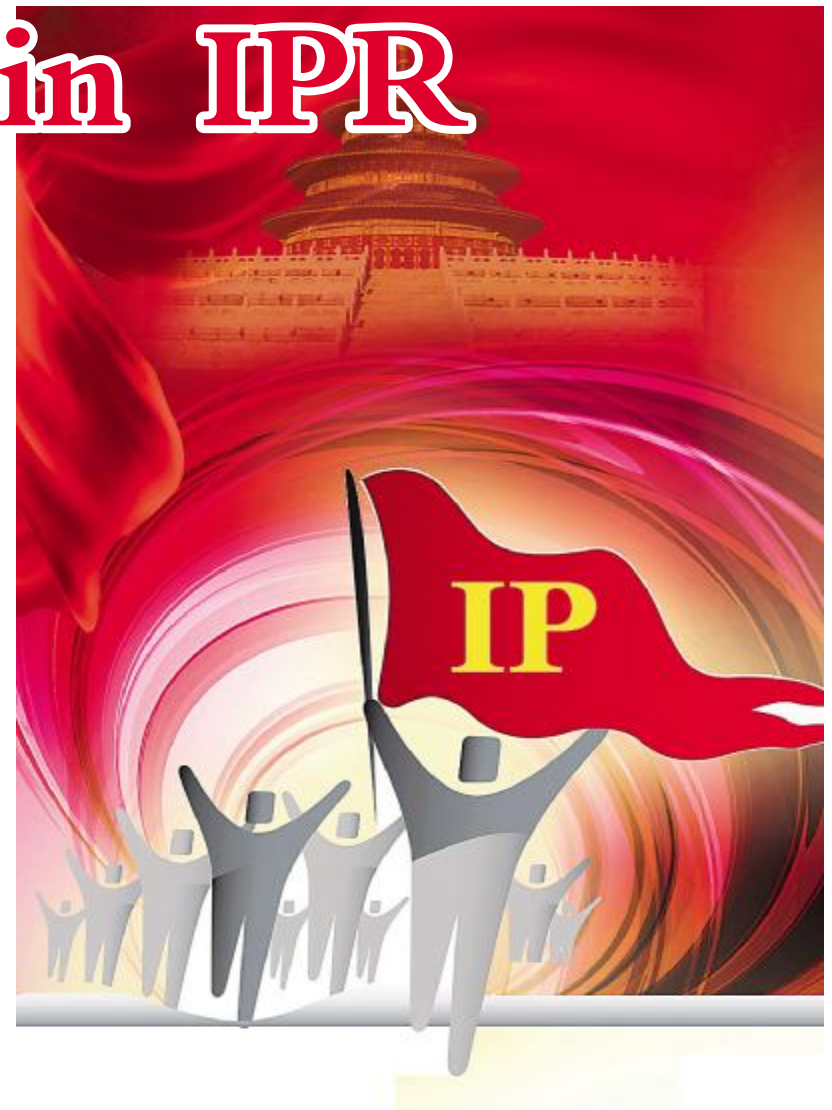
随着中国知识产权事业的不断进步,国外舆论对中国知识产权的看法也在悄悄发生变化。

近日,英国政府知识产权顾问委员会前主席伊恩·哈维发表了考察报告《中国知识产权的变化》,对中国知识产权领域很多被误解或者扭曲的

事实进行还原。伊恩·哈维在报告中写到,中国已成为知识产权大国,近年来中国的知识产权意识迅速增强,也越来越重视知识产权的保护和执法,中国的企业和大学开始注重专利申请。外界对中国的误解的产生,是因为大多数外国观察家忽视了过去20年间中国发生的深刻变化。

伊恩·哈维在报告中指出,近年来中国受理的国内发明专利申请以每年25%到40%的速度增长。2008年,中国受理的国内发明专利申请以22.9万件的数量,首次超过当年美国专利商标局受理的22.5万件;2011年中国受理的发明专利申请达到52.6万件,同比增长34.6%。目前,中国的高校每年提交的中国发明专利申请量是美国高校在本国提交发明专利申请量的4倍,同时相当于英国高校在本国提交发明专利申请量的20倍以上。他认为,中国即将成为技术和知识产权的主要生产国。中国正在掀起一股专利浪潮,很可能在未来20年超过美国和欧洲,成为一些重要技术领域的主导者。中国已经认识到知识产权对于经济增长重要的促进作用,以及中国人的创造力和创造性的重要性。

对此,上海大学知识产权学院副院长许春明教授在接受记者采访时表示,西方世界普遍认为,知识产权是经济发展和市场竞争的重要手段。随着中国知识产权实力的上升,参与世界经济竞争的能力也在逐步增强。特别是在近年来金融危机和欧元区债务危机阴云未散的情况下,中国知识产权支撑经济稳健发展的事实,也让西方有识之士认真审视和考察中国发展的道路,并清醒地认识到,面



对中国巨大的市场和创新能力,要走出危机的阴影,与中国的合作是一个不可忽视的重要途径。误解和扭曲首先导致的是自我伤害,合作才是双赢的正确选择。

事实上,一些进入中国的西方公司已经在中国良好的知识产权环境中取得创新与发展的巨大成功。如知名的跨国企业飞利浦公司至今在中国已建有15家研发中心,35家公司,拥有2万名员工,目前其每年全部发明专利约15%来自这15家研发机构,在中国获取的利润达70亿欧元。

许春明同时也表示,对于外来的舆论,我们应时刻保持清醒的头脑,不断完善与发展最为重要。在前些年西方大量出现对于我国知识产权的不实报道之时,我们客观分析,脚踏实地,着力实干;而如今,面对西方对我国知识产权态度的改变,我们同样应该理性认识,把握机遇,发展自己。我们应该认识到,与西方相比,我们还缺乏丰富的知识产权经营管理经验,完善的知识产权文化环境。为此,我们在得到西方肯定的同时,更重要的是真正提升中国的国家竞争力。

China's IP in foreign eyes

Even as foreign companies and the White House pressure China to crack down on fake products, consumers are showing the nation's growing taste for the real thing. A survey last year by China Market Research found that 95% of Chinese women between 28 and 35 said they would be embarrassed to carry counterfeit handbags. And demand for fakes has declined, with 15% of consumers willing to buy fake clothing and leather goods in 2010, down from 31% in 2008, according to a survey by consulting

firm McKinsey & Co. (Chinese Shoppers Lose Taste for Fakes, by The Wall Street Journal)

当外国公司和美国白宫一直对中国打击假冒伪劣产品施加压力时,中国消费者也越来越显示出这个国家对真货的品位。去年来自“中国市场研究”的调查发现,95%的28岁到35岁中国妇女表示她们会对购买冒牌手袋感到不好意思。同时,对假货的需求在下降,麦肯锡咨询公司调查显示,愿意购买假冒服装和皮革制品的消费者比例,从2008年的31%下降到2010年的15%。(“中国购物者不再对假货感兴趣”,华尔街日报)

Comment:

Western society has been critical on the Chinese intellectual property



parts in the Western world. 尽管西方社会对中国知识产权问题一直颇为挑剔,但他们自己也不得不承认中国所做出的努力。中国消费者态度的转变,刺激了外国公司在华的扩张计划。在他们眼里,中国消费者甚至比西方消费者更加挑剔。

While China hasn't yet experienced "a true innovation revolution," it will over time evolve from a country of incremental innovation based on technology transfers to one where breakthrough innovation is common. The government will play a powerful role in that process, but

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ultimately it will be the actions of domestic companies and multinationals that dictate the pace of change and determine who leads it, reports McKinsey in the latest issue of its business journal. (Chinese Innovation to Fuel Global Competition: McKinsey, by www.advisorone.com)

麦肯锡公司在其最新发布的商业杂志中说,虽然中国还没有经历过“一个真正的创新革命,”但随着时间的推移,它将从一个善于以技术转移为基础的增量创新的国家成长为一个突破性创新成为寻常的国家。政府将在这一进程中发挥强有力的作用,但最终这个任务将由国内外企业完成。企业将成为这一进程的主导。(“麦肯锡:中国创新推动全球创新”,顾问者网站)

Comment:

While the leader of China visits the U.S., McKinsey & Co. are taking note of a massive surge of innovation throughout Chinese companies and manufacturing plants. They have to remind the CEOs of those multinational companies make no mistake - competition from China will be fierce.

点评:

正当中国领导人访美之时,麦肯锡公司却在悄悄计算着来自中国的公司以及制造工厂大规模激增的创新。他们不得不提醒跨国公司,来自中国的竞争毫无疑问是激烈的。

(本报通讯员汪玮发自加拿大多伦多)

DuPont bogged down in a trademark dispute

“新胜龙杜邦”商标注册引纠纷



sion on DuPont Company's administrative litigation on the Xin shenglong DuPont trademark. The court held that the trademark Xin shenglong DuPont filed by the Shanghai Shenglong decorative material company is similar with DuPont's registered trademark and vacated the decision of upholding the trademark in question by the Trademark Review and Adjudication Board (TRAB) Under the State Administration for Industry and Commerce.

In September 2003, Shanghai Shenglong filed Xin shenglong DuPont and figure for registered trademark, certified to be used on products of artificial marble. The mark was approved in December 2005. In 2007, DuPont challenged the trademark and sought rejection of registration. However, the TRAB denied DuPont's claim, holding that

there's great disparity between the two marks on products materials, functions and consumers, and will not confuse the public and no similarity is constituted. Then the disgruntled DuPont brought the case to the court. The court held that it is almost the same in the products function and sales channel between the two marks and the trademark in question includes the registered trademark DuPont and similarity is constituted and make the above decision.

At press time, TRAB has made an appeal. (by Xie Huandong)

本报讯 建材行业备受关注的“新胜龙杜邦”商标争议行政纠纷一案有果。日前,北京市第一中级人民法院(下称北京一中院)对美国杜邦公司(下称杜邦公司)诉国家工商行政管理总局商标评审委员会(下称商评委)案作出一审判决。判决认为,

“新胜龙杜邦”与“杜邦”构成近似商标,并据此撤销商评委此前作出维持“新胜龙杜邦”注册的裁定。

2003年9月,上海胜龙装饰材料有限公司在人造大理石商品上提出“新胜龙杜邦及图”商标的申请。2005年12月被核准注册。2007年,杜邦公司对该商标提出撤销注册申请。2010年6月,商评委认为两商标核定使用商品原材料、功能用途、消费对象等方面存在较大差别,不属于类似商标等,裁定“新胜龙杜邦”予以维持。杜邦公司不服向北京一中院提起行政诉讼。北京一中院审理后认为,两商标使用的商品在功能用途以及销售渠道等方面大致相同,而且“新胜龙杜邦”商标完全包含“杜邦”。据此认定两商标构成近似,并作出上述判决。

截至发稿前,记者获悉,商评委已就此案一审判决提起上诉。(谢环东)

NUMBERS

23,100

As of now, 25.8%, 23% and 14% of respective government agencies at three levels (province, city and county) Have made sure only licensed software running on their computers. 23,100 companies were listed in the objective of using only licensed software, 15,300 of which had achieved the target.

2.31 万家

截至目前,中国省、市、县三级政府机关中完成正版化任务的比例分别为25.8%、23%、14%。中国累计列入年度完成使用正版软件工作目标企业达到2.31万家,累计完成软件正版化企业约1.53万家。

348,381

In 2011, Jiangsu filed 348,381 patent applications including 84,678 invention patent applications, up 47.69% and 68.35% respectively.

34.8381 万件

2011年,江苏省提交的专利申请达34.8381万件,比2010年增长

47.69%。发明专利申请量达8.4678万件,同比增长68.35%。

5,784

In 2011, Heilongjiang province filed 23,432 patent applications and obtained 12,236 patents, up 128% and 80.5% respectively. By the end of December 2011, Heilongjiang had housed 5,784 valid inventions, up 32.6%.

5784 件

2011年,黑龙江省提交的专利申请总计2.3432万件,同比增长128%,授权专利总计1.2236万件,同比增长80.5%。截至2011年12月,黑龙江省有效发明专利5784件,同比增长32.6%。

17,100

As of the end of December 2011, Yunan had filed 17,100 applications for trademark registration and added 10,200 registered trademarks to boost its total deposit to 54,800.

1.71 万件

截至2011年12月底,云南省共提交商标注册申请1.71万件,新增注册商标1.02万件,有效注册商标总数达5.48万件。

Beijing No.1 Intermediate People's Court recently entered the first-instance deci-

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