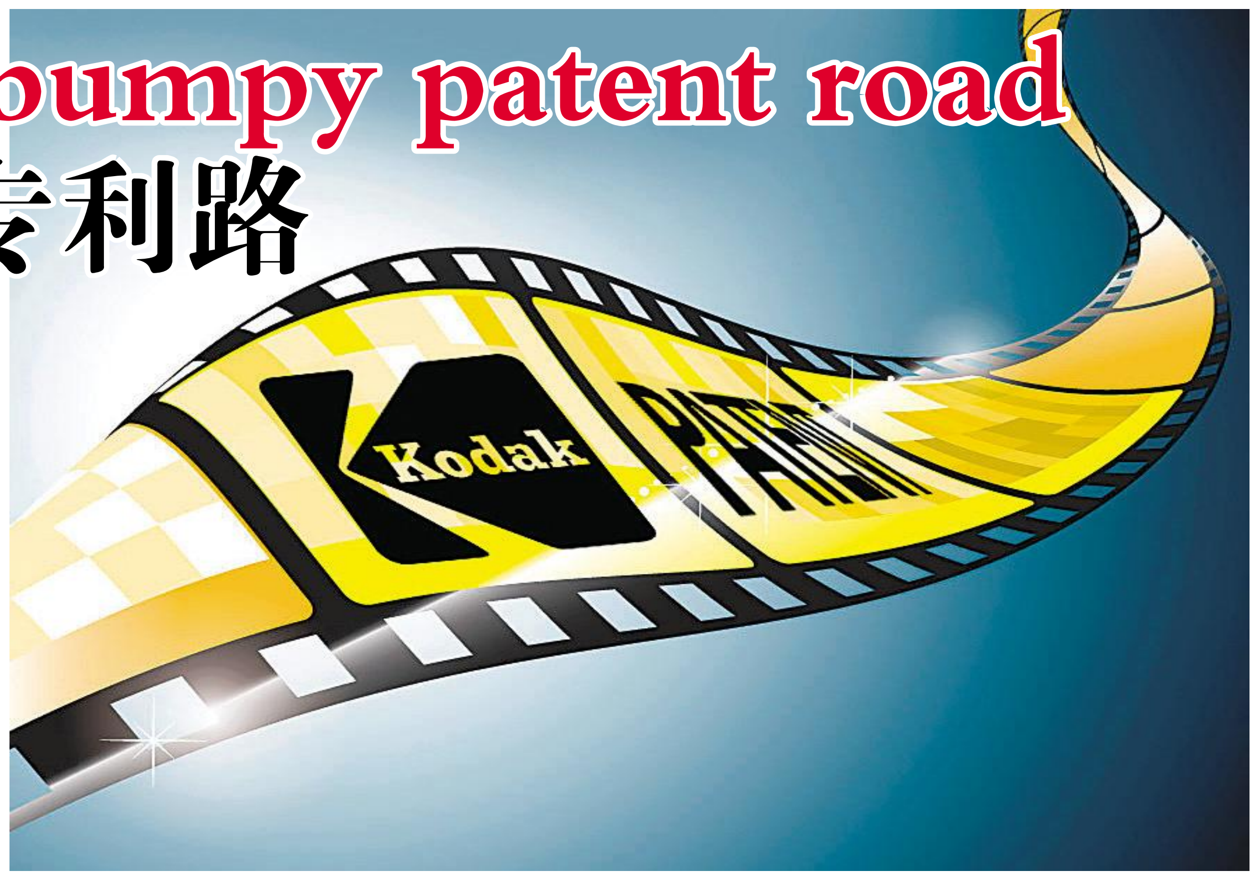
[双语]周刊 中国知识产权报

CHINA REPORT
INTELLECTUAL PROPERTY

2012年2月1日 February 1, 2012
星期三出版 Published on Wednesday
中文主编：吴 辉 Chinese Editor-in-Chief: Wu Hui
英文审校：崔卫国 English Reviser: Cui Weiguo

Kodak: a film giant's bumpy patent road

柯达：胶片帝国的坎坷专利路



Eastman Kodak Co. (EK), the photography pioneer that introduced its $1 Brownie Camera more than a century ago, filed for bankruptcy court protection from creditors after consumers worldwide transitioned from film to digital technology. Kodak said it had obtained a 950 million dollar credit facility from Citgroup to keep it going for 18 months. Due to innovation deficit and suffered from a variety of problems, Kodak has become the latest giant to falter in the face of advancing technology. However, the patents they hold might be its best hope to rise again.

Innovation deficit

Founded in 1880, Kodak was for a long time one of America's most notable companies, helping establish the market for camera film and then dominating the field. "As the camera giant, Kodak once dominated its industry and they had numerous leading invention patents. But it failed to quickly embrace more modern technologies such as the digital camera. All enterprises should learn the lessons from Kodak and make appropriate adjustments in ever-changing circumstances." said Dr. Li Shunde from Chinese Academy of Sciences.

Kodak has been advanced in research and patents, and the company invented the first digital camera in 1975. But, the invention was shelved because Kodak worried that it would threaten its lucrative film business and failed to seize the opportunity in the digital age. "Realizing the vital importance of the advancing technology, its competitors such as Canon, Nikon and Olympus strived to make efforts on innovation. In some ways, it is innovation created the wonders of Kodak and the innovation deficit destroyed its miracles." A representative from a Beijing-based image technology company.

Patents might help its resurrection

Kodak is currently at crossroads, and there could only be two results: never make a comeback after bankruptcy or rise again. Some experts said the sale of part of the business and patents might be wise. Chicago restructuring consulting firm Development Specialists CEO Bill Brent said that Kodak's only hope is to reorganize as an intellectual property company. First, the Kodak patent consignment must be ready, and then decide whether to sell these products under the patent, or to retain them in the next few years remodeling company. At the same time, some experts do not feel optimistic about the restructuring and the buyers are not sure about the security and authority of the patents they purchased.

"Whether or not Kodak would rise again by selling patents, it tells people that IPR is an important fortune and asset to make money for the companies. If they could rise again, patents might help. Kodak's story gave a vivid lesson on the Chinese companies that they should keep crisis awareness and innovative spirit. Innovation and patents might be a life-saving straw for the companies in difficulty some day." Dr. Li Shunde said.

(by Chen Jianming)

本报实习记者 陈建明

三十年河东，三十年河西。1月19日，曾经在摄影、胶卷领域独步全球的美国伊士曼柯达公司（下称柯达）正式宣布，公司已根据美国破产法第11章向法院提交破产保护申请，同时获得了花旗集团提供的9.5亿美元，为期18个月期的"债务人持有破产资产融资"方案，以期通过业务重组扭亏为盈。

由于缺乏创新，柯达在数码相机领域未能占有优势，这是其走向没落的原因之一。但在其破产保护期间，昔日辉煌时期拥有的专利又可能成为柯达手中的救命稻草。

创新乏力 错失转型良机

柯达，曾经缔造了一个举世瞩目的胶片帝国。在胶片相机时代，柯达曾占据全球2/3的市场份额。"作为感光技术的龙头老大，柯达手中曾握有无数引领时代的发明专利，然而它未能及时跟进数码照相领域的新技术。随着经济快速发展，企业如果不能紧跟时代的步伐作出适时的调整，就会被市场所淘汰，这也是柯达走到今天的根本原因。"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做了上述表述。

逆水行舟，不进则退。其实柯达进入数字照相行业并不晚，甚至可以说是数字摄影技术的发明者。早在1975年，柯达就发明了全球第一台数码相机。但是，柯达却未能及时抓住数码相机这个良好的转型机遇。由于担心胶片业务受影响，柯达仍把主要精力放在传统模拟相机胶卷生意上。北京祥升行影像技术有限公司相关负责人在接受中国知识产权报记者采访时谈到。"与柯达相反，一些积极转型数字摄影领域，不断开发研制新技术的企业，如佳能、尼康、奥林巴斯等抓住了新的机遇。如果说，当年的创新成就了柯达，那么今天的创新乏力则断送了柯达的前程。"该负责人表示。

专利救市 创新才是王道

对于柯达在破产保护期间，能否通过业务重组起死回生，业内人士表示，选择性地出售经营业务和专利，以及投注于有限几种新科技产品将可能维持柯达的生存。芝加哥重组咨询公司Development Specialists的CEO比尔·布兰德（Bill Brandt）表示，柯达现在唯一的希望就是转型为一家知识产权公司。在此之前，柯达应先将旗下的专利产品组合待售，根据竞购方的出价来决定是否出售，抑或是保留着这些专利，几年之后再试图重振公司。但也有业内人士指出，柯达出售专利组合计划实施也比较困难，因为购买者会担心从这家濒临破产的公司手中收购专利的安全性和权威性。

"无论柯达依靠出售专利，断臂自救这条路能否行得通，它起码反映了一个事实，知识产权是一种重要的资产和财富，是企业进行投资经营的重要资本。虽然柯达出售专利实属无奈之举，但若能借此东山再起，也无可厚非。这也说明企业拥有的专利能转化为财富，在关键时刻可能挽救企业于生死之间。"李顺德对记者谈到，"这也给我们国内企业敲响了警钟，连柯达这种百年老品牌都会这样，更何况是正在转型创新、谋求发展的中国企业？国内企业必须时刻保持危机感和创新意识。只有创新才是王道，只有拥有了专利，才能在今后的市场竞争中抢占先机。"

China's IP in foreign eyes

China's economic success in the past 30 years has in the main been regarded as a consequence of the country's ability to produce manufactured goods at low cost. It is only of late that the dragon has appeared to be catching up - and catching up quickly - in terms of scientific and technological innovation. Between 1999 and 2006 the average annual growth rate of patents filed with China's State Intellectual Property Office was 32 per cent. The number in the US was just 6.5 per cent. (Is the dragon catching up in the race for innovation? by www.FtAdviser.com)

近30年来中国经济的发展成就主要被视为是得益于低成本生产制造能力。这条"迟到的龙"正在科技创新方面急起直追。1999年至2006年，中国国家知识产权局受理的专利申请年均增长率高达32%，而这个数字的美国版本仅为6.5%。（"中国龙，在创新竞赛中急起直追？"，金融与税务顾问网站）

Comment:

China, who achieved its rapid economic rise through low-costs, now is in the great change of building an innovative country. In scientific and technological innovation, the dragon has been trying to catch up from the new starting line.

点评：

依靠低成本比较优势实现经济迅速崛起的中国，如今正在积极投入创新型国家建设中。在科技创新方面，这条中国龙正在新的起跑线上奋起追赶。

China's prescription drug market, set to be the world's second largest by 2020, is estimated to be worth more than $110 billion by 2015, from $50 billion in 2010, according to various industry researchers. While much attention is paid to what Western drug makers are doing in China, insiders say significant resources are quietly being directed to Traditional Chinese Medicine (TCM) research and the best TCM drugs will eventually figure among the world's prescription medicines. (China seeks to unlock secrets of herbs, roots, by Reuters)

多项行业研究显示，中国处方药市场价值估计将从2010年的50亿美元增加到2015年的110多亿美元，并将在2020年成为世界第二。西方制药公司在中国的活动一直备受关注，有业内人士称，大量的资源正在悄悄地流向中医药研究，最好的中医药最终将跻身世界处方药之林。（"中国追寻草本根茎之谜"，路透社）

Comment:

Although TCM has been used for thousands of years, it is far less understood and accepted outside of China. In order to develop TCM resources and sell TCM into foreign markets successfully, Chinese medicine experts and companies are committed to the modernization and intellectual property protection of TCM.

点评：

中医药虽然已被使用了几千年，但在中国之外却极少被理解和接受。为了开发利用传统中医药资源，将中医药成功推向世界市场，中国的医药专家和企业正致力于中药现代化和专利等知识产权保护。

（本报通讯员汪玮玮发自加拿大多伦多）

Why are Chinese companies keen on acquiring European companies?

中国企业为何热衷于并购欧洲企业？

Chinese companies seem to become frequent participants in overseas merger and acquisition activities these days.

It is the latest move by Shandong Heavy Industry Group to acquire Italian luxury-yacht builder Ferretti yachts that seals a hectic year of shopping European companies by Chinese companies in 2011.

"We now own some hundreds of patents and rights to use eight brands of Ferretti, which is very helpful for improving our capacity in making general-purpose motors", said a principal of Shandong Heavy Industry Group. Why did the Shandong company spend 350 million euros on Ferretti? Ferretti's IPRs are the only answer.

European companies' patents, brands and distribution channels are central in Chinese companies' M&A decision-making, which is confirmed by several Chinese companies which are about to start their own incursion.

Latest statistics showed, more than 300 M&A transactions involving Chinese buyer materialized in 2011, and both sides win big via patent or trademark transactions. For instance, Lepu Medical Technology Company purchased 70% of Netherlands Kemaidi Company, Zhejiang Wolong Holding Company acquired 97.4% of Austria-based ATB Group, one of the three electric motor manufacturers in Europe, Dalian Rubber and Plastic Machinery Company purchased Buzuluke Company of Czech Republic, the leading rubber and machinery company in Europe.

(by Zhao Jianguo)

本报记者 赵建国

近年来，中国企业海外并购持续升温。近日，随着山东重工集团有限公司成功并购意大利法拉帝公司，为2011年的中国企业欧洲并购划上了一个圆满的句号。

"拥有法拉帝公司数百件专利和8个品牌的使用权，对于增强我们在先进的通用发动机等方面的制造能力十分有益。"据山东重工有关负责人透露，山东重工此次收购花费3.5亿欧元，看重的就是法拉帝的知识产权实力。

"专利、品牌及销售渠道是中国企业在欧洲并购的主要目标。"几家已完成或正在筹备欧洲并购的中国企业有着这样的共识。回首2011年的欧洲并购，中国企业其实看重的正是欧洲企业的知识产权。

权威部门的统计数据表明，这一年中，中国企业欧洲并购案不下300余例。在这些并购中，乐普医疗器械有限公司并购荷兰可迈迪公司70%股权，浙江卧龙控股集团有限公司完成了对欧洲三大电机制造商之一的奥地利ATB集团97.94%股权的收购兼并，大连橡胶塑料机械股份有限公司并购欧洲龙头橡胶机械企业捷克巴泽罗克公司等较大的一些案例，无不是以获得专利许可或品牌使用权实现双赢的。

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