

China's IP in foreign eyes

Following China's accession to the WTO, China is in the process of revising its legal regime and updating a comprehensive set of laws and regulations aimed at protecting the intellectual property rights of domestic and foreign entities in China.

随着中国加入世界贸易组织,中国正处于努力修订其法律制度和更新旨在保护国内外知识产权主体的法律法规的全面进程中。

The report, statutorily mandated by the U.S. Congress, highlights the status of China's ongoing work in areas such as intellectual property rights, industrial policy, agriculture, services and transparency.

点评:

在知识产权问题上,由美国国会法定授权的这份报告在对中国知识产权保护成果进行肯定的同时,对中国知识产权执法格外关注——这或将成为中国未来面临的一项挑战。



Unilever wins namesake trademark registration battle "丽仕"受制"力士"遭撤销



However, before Ma, the trademark holder of "丽仕", made his move, Unilever had lodged an opposition to the TRAB on the ground of similarity to its registered trademark of "力士" in April 2010.

Based on the evidences furnished by Unilever, TRAB held that the two trademarks were similar in appearance and pronunciation and used on the same products.

马继辉的权利依据系一件商标注册分类第3类洗发液等商品上的"丽仕"商标,该商标申请于2006年,于2009年9月确权。

据介绍,2010年8月,马继辉以侵犯其"丽仕"商标专用权为由,将联合利华公司及其经销商诉至广东省广州市白云区人民法院。

The case between Unilever and a natural person Ma Jihui has made new progress recently. Unilever told us that the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) revoked Ma's registration of No. 5210730 trademark "丽仕" recently.

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而在联合利华公司在被推上被告席之前,2010年4月,该公司亦凭其在先注册的"力士"商标,对马继辉所有的"丽仕"商标提出撤销争议申请。

近日,商评委就该案做出裁定认为:依据联合利华公司提交的相关证据,在"丽仕"商标申请之前,"力士"商标已有一定知名度,并且"丽仕"和"力士"商标文字呼叫相同,指定商品相同或近似,"丽仕"商标的申请注册容易引起相关消费者的混淆和误认。据此,裁定撤销"丽仕"商标。

1.633 million patent applications received in 2011

2011年中国受理专利申请逾163万件

According to the latest statistics, SIPO received a total of 1.633 million applications in 2011, up 33.6% year on year. Among the patent applications received in 2011, there were 526,000 inventions, up 34.5%; 585,000 utility models and 522,000 designs.

As of the end of 2011, China had housed cumulatively 2.74 million valid patents, up 23.6%. In terms of types of valid patents, there are 697,000 inventions (up 23.4%), 1.121 million utility models and 922,000 designs.

What is noticeable is that in 2011, as a receiving office of the PCT, SIPO received 17,473 PCT applications, up 35.3%. With rapid growth of PCT filings, more Chinese companies are now eyeing on overseas markets and patenting abroad through strengthening their capabilities in independent innovation to improve core competitiveness in the international market competition, according to analysts.

"Chinese patents received and granted in 2011 maintain rapid growth. The structure of the three types of patent applications optimized significantly, in particular inventions. All the promising trend benefited from implementing the National IP Strategy successfully, being highly concerned and vigorously supported from gov-

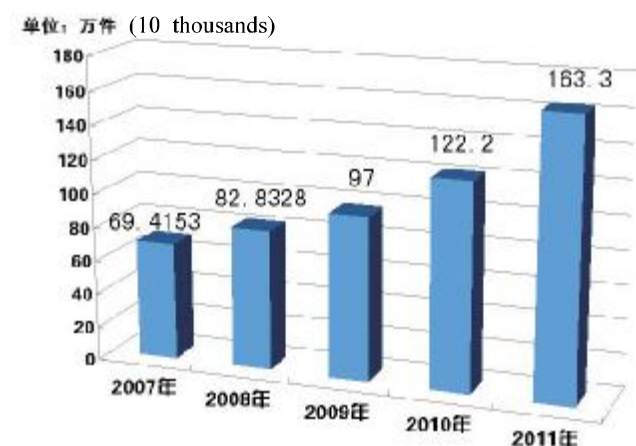
ernment, developing and announcing effective policy measures, providing reward for local organizations and individuals filing patents and IP awareness being enhanced. China overcame a handful of difficulties and negative impact of international financial crisis. China made palpable achievement in various lines of work which provided a good basis for patent filings", according to Li Shunde, the director of Law and IP Institute of China Academy of Social Sciences.

本报讯 163.3万件! 2011年,中国受理的三种专利申请量定格在这一数字上,同比增长33.6%。其中,发明专利申请52.6万件,同比增长34.5%;实用新型专利申请58.5万件,外观设计专利申请52.2万件;三种专利授权量共96.1万件,同比增长17.9%。

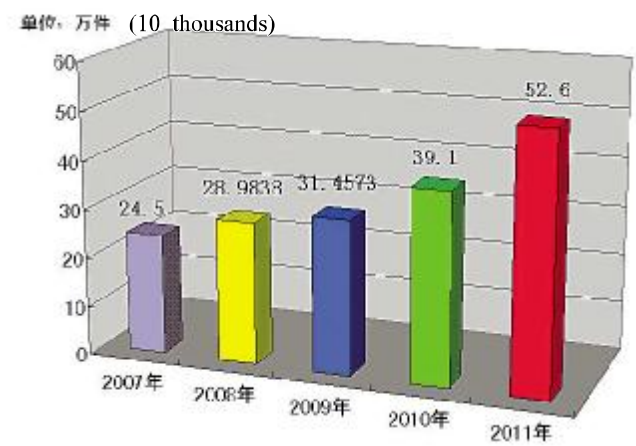
据中国国家知识产权局最新统计数据显示,截至2011年年底,中国有效专利共计274.0万件,同比增长23.6%,其中,有效发明专利69.7万件,同比增长23.4%,有效实用新型专利112.1万件,有效外观设计专利92.2万件。

值得关注的是,2011年,中国受理的通过《专利合作条约》(PCT)途径提交的国际专利申请1.7473万件,同比增长35.3%。有关专家认为,中国受理的PCT国际专利申请增长迅速,位居世界前列,这体现出在实施"走出去"战略中,依靠自主知识产权提升核心

Patent applications of three kinds received by China from 2007 to 2011 2007年至2011年中国受理的3种专利申请量



Invention Patent application received by China from 2007 to 2011 2007年至2011年中国受理的发明专利申请量



曹可欣 制图

竞争力已成为中国企业的共识。

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,2011年,中国专利申请与授权量继续保持快速增长的态势,三种专利申请结构更加优化,尤其是发明专利申请增速明显。这些喜人态势的出现,得益于中国国家知识产权战略的深入实施;得

益于各级政府的大力支持,出台各种政策措施,对于专利申请给予资助和奖励;得益于中国企业知识产权意识的提升与知识产权战略的实施。同时,在国际金融危机持续动荡的形势下,中国经济仍保持向上发展态势,实现了稳步增长,这也为中国专利申请量的增长打下了良好的基础。(肖潇 李凤新 田崎)

China's examination pendency for trademark shortened to 10 months

中国商标申请审查周期缩至10个月

Since 2011, the Chinese Trademark Office has improved trademark examination efficiency and nowadays, examination period for trademark has been shortened to 10 months. Duration for processing disputes dropped below 18 months, according to a system-wide meeting of administrations for industry and commerce.

Back in 2008, the State Administration for Industry and Commerce

(SAIC) applied a series of measures to quicken trademark examination. By the end of the year 2010, the period was shortened to one year and the backlog problem was history. In 2011, SAIC also consummated trademark examination system and enhanced online application work.

It is informed that the examination period for trademark in the developed countries like the United States and Japan is around 10

months.

(by Zhang Haizhi)

本报讯 日前,记者从在北京召开的中国工商行政管理工作会议上获悉,2011年以来,中国工商部门继续提高商标审查效率,商标申请审查周期进一步缩短至10个月,异议和争议案件审理周期控制在18个月以内,达到国际水平。

据了解,面对商标审查积压问题,2008年,中国国家工商行政管理总局商标局采取一系列措施加

快商标审查。到2010年底,中国商标审查周期已缩短至1年之内,彻底解决了国内外广泛关注的商标审查积压问题。而2011年以来,中国国家工商行政管理总局商标局进一步采取措施提高商标审查效率,除继续加快审查外,还着手建立完善商标审查体系,做好网上商标申请工作。

据悉,目前美国、日本等发达国家的商标审查周期一般在10个月左右。(张海志)

NUMBERS

2.37

As of the end of 2011, China housed 351,000 domestic invention patents, accounting for 50.4% of the total. China's mainland has 2.37 invention patents per ten thousand populations.

2.37 件

截至2011年底,中国拥有国内发明专利35.1万件,占总有效量的50.4%;国内(不含港澳台)每万人口发明专利拥有量达到2.37件。

136.4

As of the first half of 2011, China had received a total of 1.364 million-patent applications in the IT field.

136.4 万件

据统计,截至2011年上半年,在信息技术领域提交的中国专利申请总量达到136.4万件。

15,695

In 2011, Patent Reexamination Board under SIPO received 15,695 cases for reexamination and invalidation, 12,946 of which were for reexamination and 2,749 were for invalidation.

1.5695 万件

2011年,国家知识产权局专利复审委员会共受理复审及无效案件1.5695万件,其中复审案件有1.2946万件,无效案件受理量达到2749件。

1.0749 million

As of the end of November 2011, Trademark Office under The State Administration for Industry and Commerce had examined 1.0749 million trademark registration applications and processed 30,400 trademark cases.

107.49 万件

据统计,截至2011年11月底,中国国家工商行政管理总局商标局共审查商标注册申请107.49万件,审理商标评审案件3.04万件。

104,815

From January to October of 2011s, Guangdong province obtained 104,815 patents, 14,841 of which are invention patents, up 4.28% and 29.41% respectively, retaining its top position in the nation.

10.4815 万件

据统计,2011年1月至10月,广东省的专利授权量达10.4815万件,同比增长4.28%;其中发明专利授权量达1.4841万件,同比增长29.41%,继续位居全国第一。

50%

From January to November of 2011, patent applications from Guangxi increased by 50%. Invention patent applications rose by 62%. The two growth rates dwarfed the nation average by 4% and 22% respectively.

50%

据统计,2011年1月至11月,广西专利申请总量同比增长50%,其中发明专利申请同比增长62%,分别高于全国平均水平14个和22个百分点。