

China's IP in foreign eyes

China's Patent Attracts World-wide Attention 中国专利受关注

The U.N. patent agency says the U.S. and China led a strong comeback in the number of patent and trademark filings worldwide...

The country that invented the compass, gunpowder and printing is challenging America in the innovation stakes. We estimate that in 2011 more patents were granted to residents in China than in America...

It is found from a study that over half of the 21 indicators of economic power, such as steel consumption, fixed investment and number of patents granted to residents, China has already overtaken America...

Comment:

Because of the global economic recession, patent and trademark filings fell in 2009, the first such downturn since 1978, but followed by a rebound in 2010. Here, we can see that China is developing itself into an innovation-oriented country.

世界知识产权组织表示,在美国和中国引领下,全球的专利和商标申请量迅速回升,这表明企业在全世界金融风暴的阴霾中仍然保持了向上发展的势头...

点评:

受世界经济衰退的影响,全球专利和商标申请在2009年出现1978年以来首次下滑,但在2010年强势回升...

the leading economic power, 43% of US respondents answered "China".

发明指南针、火药和印刷术的"中国正在挑战美国的创新地位。我们估计,在2011年,中国的专利授权量将多于美国...

点评:

研究发现,在钢铁消费量、固定资产投资额、专利授权量等21项衡量指标中,中国已在半数以上超过美国,并将在未来十年中全部领先...

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

tion under the approval of Trademark Office (TMO) under SAIC.

McDonald then challenged the trademark in question to TRAB on the ground of similarity with their registered No. 769369 trademark of M figure and MCDONALD'S. McDonald seek reversal from TRAB, however was denied by TRAB.

McDonald then brought the case the court and requested reversal of the TRAB's decision. The court held that combination of the M, the appearance and pronunciation of the marks are in disparity, so no similarity is constituted and no violation of the trademark law is formed...

(By Zhang Di)

本报讯 因不服中国国家工商行政管理总局商标评审委员会(以下简称商评委)作出的争议裁定,维持"MILLIONAIRE 米力乃及图"商标注册,麦当劳公司将商评委诉至法院...

据了解,"MILLIONAIRE 米力乃及图"商标(以下简称争议商标)于1996年2月21日核准注册使用在第42类的餐馆、自助餐馆、咖啡馆上...

随后,麦当劳公司针对该商标向商评委提出争议,认为争议商标与其在先获准注册的、核定使用服务项目为第42类第769369号"M图形+MCDONALD'S"商标(以下简称引证商标)构成近似...

对此,麦当劳公司不服,向北京市第一中级人民法院提起行政诉讼。法院经审理认为,争议商标与引证商标二者字母组合不同,均无含义,呼叫不同,两商标外形差异明显,且呼叫不同,应判定为不相似的商标...

(张 斌)

IP figure

IPR cooperation between China and Europe is always win-win

An exclusive interview to Manuel Desantes, Former Vice President of EPO

中欧知识产权合作实现双赢

——访欧洲专利局前任副局长德桑提斯

"I do believe that the cooperation between China and Europe is and will be always win-win. When the two sides started cooperating thirty years ago, we had already understood this principle".

Desantes, Former Vice President of the Europe Patent Office (EPO) and Professor of the University of Alicante (Spain) said in an exclusive interview to CIP news.

"At the beginning, it could look like that the EPO has given lots of supports to SIPO, including information tools, technical tools and training. But gradually we learned that SIPO was growing up very rapidly and was going to be one day even bigger than EPO. Today SIPO works with the EPO on a complete equal basis, and I am very satisfied to have been able to participate in this evolution", he said.

Back to 1980, the then China Patent Office sent a delegation to Munich in Germany to get training and to learn from the experience of the EPO. On June 11, 1985, both offices signed an official cooperation agreement and since then conduct cooperation in an all-round way.

"It's worth noting that when an agreement on strategic cooperation partnership was signed in 2007, SIPO and the EPO moved from technical to strategic cooperation".

"We all share the view that IPR is a strategic tool for promoting development, a tool for stimulating innovation and creation. We all know that our duty is to provide maximum quality of services to our societies. Also, we share the profound understanding that we are living in a global world and that we are not at

all isolated", Professor Desantes told the CIP News reporter.

"IPR cooperation constitutes an important part of economic and trade relations between China and Europe. For instance, SIPO and the EPO have similar training mechanism for IPR officials, and a very similar IPR law system which combine each other very well. All these should have consequences: so, it should be much easier for Chinese enterprises to invest in Europe and for European enterprises to invest in China. I am more than convinced that close IPR cooperation between the two sides is already playing a positive role to strengthen China-EU economic ties and innovation", he pointed out.

For many years, Desantes was one of the leaders designing the cooperation strategy and witnessed the fast development of IPR in China. He is deeply confident in China's future IPR development: "In the past ten years, China has made an enormous effort in IPR and got great achievements, probably like never before in the history of humanity. Chinese government has brought IPR as one of its full priorities, has formulated detailed IPR strategy and has taken remarkable efforts in implementing this strategy. Leaders as Mr. Tian Lipu are a treasure not only for China, but for all of us. I am deeply convinced that China will be pretty soon at the top of the rankings in the fulfillment of its obligations in WTO, especially in fields related to IPR."

What struck him most about his last visit is the development of



patent agencies in China. "I am so glad to have had the chance to know directly about how the IPR firms work in China. I have visited many of them with my firm and can testify not only that they are outstanding but, above all, that they have so many highly-educated IPR professionals!"

(by Xiao Xiao/Jiang Xu) (Photo by Yang Jia)

本报记者 肖潇 姜旭

"我深深相信,中欧两局的合作是双赢的。两局自合作开始,就意识到两者的合作必然是双赢的。前不久,记者专访了欧洲专利局前任副局长德桑提斯先生,在谈及中欧两局合作时,德桑提斯用的最多的一个词便是"双赢"。

“两局合作之初,欧洲专利局为中国专利事业发展提供了很多帮助。但随着中国国家知识产权局的日益成熟,我们也意识到,在战略合作方面,中国国家知识产权局最终会在完全平等的基础上,同欧洲专利局进行

commercialization

Flowers of War flourish in copyright operation

金陵十三钗 书写版权运营传奇

The Flowers of War, previously called Nanjing Heroes and 13 Flowers of Nanjing, is a 2011 Chinese historical drama war film directed by Zhang Yimou, starring Hollywood favorite Christian Bale. The film, which is based on the novel The 13 Women of Nanjing by Geling Yan, has been selected to compete for 13 individual awards at the Oscar in 2012, including the Best Foreign Language Film, Best Director, and Best Screen Play on top of being nominated for the 69th Golden Globe Awards. It's worth noting that copyright protection and marketing of this film is also doing wonders.

"Just like the Hollywood blockbusters, we can't find anything about this film on the internet but the two-minute trailer before it was released in the theaters, which reflects the great efforts the team experts to the copyright protection." One audience told CIP News.

The film with investment of 600 million yuan is considered the biggest project ever investment-wise in the Chinese film industry. With the support of China Minsheng Banking Corp., LTD., the film received a pledge loan of 150 million yuan with copyright as collateral, also a record in its own right.

Not only the producers and the distributors of the film created a remarkable story, but also they made a new attempt in culture industry operation. On December 13, the movie book titled The Flowers of War—the days we spent together was published before the film was released to the public, attracting attention of a wide range of audience.

ful to the HFPA for the recognition among so many films around."

In recent years, copyright awareness among the public is strengthening, and as a result, annual revenue of cinemas is on the rise, hitting 10.1 billion yuan in 2010 and on track to 13 billion in 2011, which makes the film industry an important component of Chinese culture industry.

(by Zhao Jianguo)

近日,关于《金陵十三钗》的好消息不断传来,先是成功入围第69届全美电影电视金球奖,后又代表中国内地影片参加2012年初颁发的奥斯卡最佳外语片的角逐,并同时向奥斯卡奖评委递交了角逐最佳影片、最佳导演、最佳编剧等13个单项奖名单。尤其令人欣赏的是,《金陵十三钗》的著作权保护工作也如同电影情节一样有条不紊地进行,在影片之外打造了一个新的传奇。

“与其他大片不同,《金陵十三钗》在首映之前,除了统一发行的两分钟预告片,无论是在互联网还是其他地方,根本找不到这部影片。”几位刚刚看过影片《金陵十三钗》的观众告诉中国知识产权报记者。从各界的反映中,不难看出该片创作团队对于



影片著作权保护的力度之大。

影片《金陵十三钗》根据作家严歌苓的同名小说改编,总投资6亿元人民币,是中国电影史上同类影片中投资最高的一部影片。而且,在民生银行的支持下,获得了1.5亿元人民币的著作权质押贷款,创下国内单本影片著作权质押贷款的最高纪录。

围绕《金陵十三钗》,影片的制作、发行方也在相关文化产业运作方面作出了新的尝试。12月13日,国内业界第一部真正意义上的电影书《金陵十三钗——我们一起走过》在北京首发,这是近年来国内电影界首次在影片公映前夕发行电影衍生出版物。

在《金陵十三钗》的海外版权许可方面,不仅已经与美国的院线签订合同,而且将中国、美国及亚洲以外的版权许可给了电影国度公司,据此从中收获应得的市场利益。值得一提的是,该片导演张艺谋和制片人张伟平用英文向金球奖评委发表感谢,称《金陵十三钗》是一个由24个国家、600多人参与的国际性合作作品,真诚地感谢他们的贡献。

近年来,中国电影人的著作权保护意识在不断增强。在这样的基础上,中国内地院线收入逐年提高,2010年达101亿元,今年将达130亿元,成为中国文化产业的一个重要组成部分。

EXPRESS



McDonald defeated in a trademark dispute

不是每个“M”都代表麦当劳

Disgruntled with the ruling by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) over the registration of 'MILLIONAIRE 米力乃 and the figure' trademark by the third party Wang Kangsheng, McDonald's Corporation then brought TRAB and Wang to the court and sought reversal of the ruling. The Beijing No.1 Intermediate Court recently made the first instance judgment and upheld TRAB's decision on the trademark in question.

On February 21 1996, the trademark, 'MILLIONAIRE 米力乃 and the figure was certified to be used in services of restaurants, cafeterias and coffee bars of Class 42. On December 27, 2006, Wang transferred the trademark in ques-

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