

CHINA REPORT INTELLECTUAL PROPERTY

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NUMBERS

805

As of November 30, 805 of 871 patent agencies had E-fillings records, the E-fillings were accounted for 90% within 622 patent agencies in China.

805 家

据统计,截至 2011 年 11 月 30 日,中国共有 871 家专利代理 机构,提交专利电子申请的有 805 家,电子申请比例达 90%以上的有 622 家。

10,600

As of the end of June of 2011, Huawei cumulatively filed 33,000 Chinese patents and 10,600 PCT patent applications and obtained 20,000 patents.

1.06 万件

截至 2011 年 6 月底, 华为公司累计提交中国专利申请 3.3 万多件,通过《专利合作条约》(PCT) 途径提交国际专利申请 1.06 万件,已拥有授权专利近 2 万件。

5

Recently, as one of IP model companies, Zoomlion was among the top 50 companies of 2011 annual global construction machinery.

50 强

近日,2011 年度全球工程机械 50强企业榜单发布,中联重科股份有限公司等知识产权示范企业榜上有名。

63

Recently, 63 non-material cultural heritage of song and dance programs appeared in the 7th Yunnan folk dance music performance in Pu'er (Yunnan province), more than 1,100 inheritors and folk artists participated in performance.

63 个

近日,云南省第七届民族民间歌舞乐展演在云南省普洱市开幕,云南民族村的63个非物质文化遗产歌舞乐节目亮相,共计1100多名传承人、民间艺人参加

883

Recently, a total of 883 entries from 21 colleges and universities were participated in the 6th Industry Design Competition in Shaanxi province.

883 件

日前,第六届"知识产权杯" 陕西省大学生工业设计大赛颁奖 典礼举行。据了解,本届大赛共有 来自该省 21 所高校的 883 件作 品参加角逐。

56

Recently, Ganzhou Industrial and Commercial Administration in Jiangxi province investigated 56 cases of infringement of registered trademarks with a value of 300,000 yuan and fined more than 70,000 yuan during the special campaign against counterfeiting and privacy.

56 件

近日,江西省赣州市工商局在全市范围内开展了打击侵犯知识产权和制售假冒伪劣商品专项行动,共查处侵犯注册商标专用权案56件;案值30余万元;罚没款7万余元。

责任编辑 肖 潇 Executive Editor Xiao Xiao

China, UK elevates IPR ties

英中知识产权研讨会在伦敦召开,双方高层希望

进一步加强两国知识产权合作和交流

Property (IP) Symposium, the first of its kind between the two countries, opened in London on December 8 to improve British and Chinese businesses' mutual understanding of the two countries' intellectual property environments. Parliamentary Under-Secretary for Business, Innovation and Skills Baronees Wilcox and SIPO Commissioner Tian Lipu stressed the cooperation and exchange of information in IP protection between the two countries when addressing the symposium.

In his speech titled The Cre-

ation, Utilization and Protection of IPR—— Practice and Experience of China, Tian said since the beginning of the 21st Century, IPR has become one of the most important pillars for the progress of science and technology, the prosperity of culture and the growth of economy China. Therefore, the implementation of IP culture in China have raised IP awareness of the 1.3 billion Chinese people, this is a new contribution that China has made to the international community. Tian said that the implementation of IP system has brought and is bringing tangible profits to companies of dif-

The 11th Trilateral

ogue Meeting Among

ferent countries. They not only profit from royalty fees for patent, trademark and copyright, but also obtain enormous additional profits from branding and technology added-value by producing in China and exporting back to their home countries.

The symposium, jointly organized by China's State Intellectual Property Office (SIPO), Britain's Intellectual Property Office (IPO), UK Trade & Investment (UKTI), and China-Britain Business Council (CBBC), attracted over 200 participants including government officials, non-governmental organizations and companies

from the two countries. (Xinhua) 本报综合新华社消息 12 月

8日,英国-中国知识产权研讨会在 伦敦召开,这是中英双方首次举行有 关知识产权的研讨会。英国商务、创 新和技术部政务次官威尔科克斯和 中国国家知识产权局局长田力普在 研讨会上发表讲话,双方希望进一步 加强两国在知识产权领域的合作和 交流,同时强调知识产权对于贸易、 创新和经济具有重要价值。

田力普在研讨会上作了题为《知识产权的创造、运用与保护——中国的实践和经验》的发言。他指出,进入21世纪以来,知识产权逐渐成为中国科技进步、文化繁荣和经济增长的重要支撑。因此,在中国实施知

识产权制度、传播知识产权文化,使 13 亿中国人具有知识产权意识,这 是对国际社会作出的新贡献。田力普 表示,知识产权制度在中国的实施已 经和正在为来自各国的公司带来实 实在在的利益。这些公司不仅通过直 接收取专利、商标、版权费从中国获 得巨额收益,还通过在中国生产产品 再销往本国得到大量额外的品牌收 益和技术增值。

研讨会由英中贸易协会、英国贸易投资总署、英国知识产权局和中国国家知识产权局共同举办,近200人参加。在研讨会上,中英知识产权的官员、专家和企业代表就两国知识产权的保护、改善推动技术转移和执法方式进行了讨论,并且提出了有关建议。

China to maintain high pressure on fighting against IPR infringement

中国将保持打击侵权和假冒伪劣的高压态势

symposium on protection of IPR for foreign companies and institutions co-hosted by SIPO and other agencies was recently held in Shenzhen, this year's theme is innovation, protection and development. According to the symposium, the government will continue to strengthen law enforcement by administrative authorities and criminal justice, improve the working mechanism and law system, make the campaign normalized and always maintain high pressure on fighting against infringement.

More than 100 companies of the Fortune 500 corporations sent their representatives attending the event. The representatives from the foreign companies and institutions appreciated Chinese governments' efforts in fighting against IPR infringement, and give their advices and suggestions on improving IPR legislation, strengthen cohesion of administrative enforcement and criminal justice, building collaborative mechanism against IPR infringement crime and IPR infringement on the Internet.

The Chinese governmen

launched a nationwide special operation against IPR infringement and counterfeiting, great achievements have been made and attracted worldwide attention.

(By Cui Jingsi) 本报讯 日前,中国国家知识 产权局联合相关部门在深圳市举办了主题为"创新·保护·发展"的2011年全国外商机构保护知识产权座谈会。记者从座谈会上获悉,中国有关部门将继续加强行政执法和刑事司法,不断完善工作机制和法律制度,把专项行动期间的有效做法常态化、机制化,始终保持打击侵权和假冒伪劣的高压态势。

会上,100余家世界500强外商投资企业的负责人与中国有关部门代表进行了有效沟通。外商机构代表充分肯定了中国政府在知识产权保护方面做出的努力和取得的成效,并从完善知识产权立法、加强行政执法与刑事司法衔接、建立完善打击防范知识产权犯罪的协作机制、有效打击网络知识产权侵权行为等方面提出了意见和建议。

据了解, 去年 10 月至今年 6 月, 中国在全国范围内开展了打击侵犯知识产权和制售假冒伪劣商品专项行动, 查处了一批侵权假冒大案要案, 在国内外产生了良好反响。 (崔静思)

EXPRESS

同签署了《中日韩三局关于加强知识产权领域合作的共同声明》及会议纪要。

Coea-cola attempts to strike local company registration of a trademark

On December 26, A Chinese delegation led by SIPO Commissioner Tian Lian attended the 11th policy dia-

logue among SIPO, Japan Patent Office (JPO) and Korean Intellectual Property Office (KIPO). The representatives

reviewed the IPR protection cooperation between the three sides and reached a consensus on and got through a

roadmap of the future cooperation. A joint statement on IPR cooperation signed by SIPO Commissioner Tian Lipu

(L1), JPO Commissioner Yoshiyuki Iwai (R1) and KIPO Commissioner Lee Soo-Won and the meeting minutes were

会。会议审议通过了经修订的三边合作路线图,田力普(左一)与日本特许厅长官岩井良行(右一)、韩国特许厅厅长李秀元共

12月16日,第11届中日韩三国知识产权局局长政策对话会在韩国庆州举行,中国国家知识产权局局长田力普率团参

"酷儿"注册皮具商标 可口可乐引发行政案

isgruntled with the ruling by the Trademark Review and Adjudication Board (TRAB) under the Administration for Industry and Commerce (SAIC) over the registration of "酷儿" trademark on leather products by the third party Zhang Huaying, Coca-cola then brought TRAB and Zhang to the court and sought reversal of the ruling. The Beijing No.1 Intermediate Court recently made the first instance judgment and reversed TRAB's decision on the trademark in question.

released on the meeting.

The Kale Trading Company in Sanxiang Town in Zhongshan City owned by Zhang applied for No. 3154096 trademark "酷兒" and figure (Disputed trademark) to be used on Class 18, schoolbags, luggage, cowhide etc. Coca-cola challenged the trademark to the Trademark Office (TMO) under SAIC. However, the TMO denied Coca-cola's claim and registered the disputed trademark.

Then Coca-cola lodged a reexamination of trademark opposition to TRAB. TRAB held that the disputed trademark is



Coca Cola

disparity in function, use, making methods and distribution channels, class and consumer group with the three reference trademarks of "QOO"、"酷儿" and the figure by Coca-cola, which can not lead confusion to the public and no similarity is constituted.

The disgruntled Coca-cola brought the case to the court. The court held the disputed trademark infringed Coca-cola's prior copyright and violated the ruling of trademark laws that no one should damage others' existing prior right.

(By Zhangdi)

本报讯 因不满国家工商行政管理总局商标评审委员会(以下简称商评委)作出的异议复审裁定核准"酷儿"皮具商标核准注册,可口可乐公司将商评委及第三人张英华诉至法院。近日,北京市第一中级人民法院对此案作出一

审判决,撤销了商评委作出的商评字 [2010]第11182号《关于第3154096号"酷兒及图"商标异议复审裁定书》,判令其重新对被异议商标作出裁定。

本报通讯员 许晓昕 摄影报道

(BY Xu Xiaoxin)

据了解,2002年4月22日,张 英华经营的中山市三乡镇卡乐贸易 部向国家工商行政管理总局商标局 (以下简称商标局)申请注册了第 3154096号"酷兒及图"商标(以下简 称被异议商标),指定使用在第18类 书包、旅行袋、牛皮、动物(皮)等商品 上。可口可乐公司针对被异议商标向 商标局提出了异议申请。随后,商标 局作出裁定,核准被异议商标注册。

可口可乐公司针对商标局裁定 向商评委提出异议复审申请。商评委 经审理后认为,被异议商标指定使用 的牛皮、动物(皮)等商品与可口可乐 公司的"QOO"、"酷儿"、和酷儿图形 3件引证商标核定使用的水(饮料) 等商品在功能用途、制作方式、销售 途径等方面明显不同,且分属不同的 类别,不属于类似商品。被异议商标 与各引证商标共存于市场上,不会导 致消费者混淆误认,未构成使用在同

一种或类似商品上的近似商标。 可口可乐公司不服商评委裁定,诉 至北京市第一中级人民法院。法院经审 理认为,被异议商标的注册侵犯了可口 可乐公司的在先著作权,违反了商标法 中关于"不得损害他人现有的在先权利" 的规定,不应予以核准注册。(张 娣)

Living invention patents amount to 680,000

中国国内有效发明专利占比首次超过国外

ccording to the latest statistics from SIPO, living invention patents granted by SIPO had amounted to 684,163 by the end of November. Among them, 342,466 were from home, accounting 50.1% of the total while the rest 341,697 were from abroad. The living inventions from home surpassed those from abroad for the first time.

Numbers showed that living invention patents remained steady growth these years. By the end of November, domestic enterprises held 180,273 inventions, representing 52.6% of the all living inventions from home, up 36.8% and 1.5% than those in the end of 2010 respectively.

Growth of invention creation activity strongly accelerated transformation of economic development mode. By the end of November, inventions per 10,000 were 2.3, 0.6 more than those in the last year. Inventions per 10,000 in Beijing were 26.1 and those in Shanghai were 13.2.

(By Cui Jingsi and Li Fengxin) 本报讯 12月14日,记者从中 国国家知识产权局获悉,截至今年 11月底,经国家知识产权局授权并维 持有效的发明专利共计68.4163万



件,其中国内拥有 34.2466 万件,高于国外拥有的 34.1697 万件,占总量的50.1%。据了解,这是国内有效发明专利拥有量首次超过国外。

据介绍,目前中国发明专利拥有量呈现喜人态势。截至今年11月底,中国国内企业拥有18.0273万件发明专利,比2010年底增长了36.8%;企业拥有的发明专利在国内有效发明专利中所占比重达到52.6%,较去年年底的51.1%提高了1.5个百分点。

截至今年11月底,中国每万人口发明专利拥有量已达2.3件,与2010年底的1.7件相比增加了0.6件,增幅超过四成,有力地推动了加快经济发展方式的转变。其中,北京市每万人口发明专利拥有量达26.1件,上海市每万人口发明专利拥有量达13.2件。(崔静思李风新)

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