

# CHINA REPORT

INTELLECTUAL PROPERTY

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# UNUMBERS

## 4.6 million

As of the end of 2010, China housed 4.6 million live trademarks, 670,000 of which were from 177 countries.

### 460 万

截至2010年底,中国累计拥 有有效注册商标达 460 万多件,其 中来自 177 个国家和地区的注册 商标有67万多件。

### 52,900

As of the first 9 months this year, Beijing had filed 52,900 patent applications and obtained 30,200 patents, up 37.1% and 25.4% respectively.

### 5.29 万件

今年前9个月,北京市提交中 国专利申请 5.29 万件, 同比增长 37.1%; 专利授权量达 3.02 万件, 同比增长 25.4%。

### 13,616

According to statistics, 13,616 candidates participated in the 2011 China Patent Agent Qualification Exam (China's patent bar exam), up 14.89%.

### 1.3616 万人

据统计,参加2011年中国专 利代理人资格考试的内地考生有 1.3616 万人, 比 2010 年增长了 14.89%。

Recently, Chongqing IP Office and Chongqing Customs carried out law enforcement campaign and seized 479 generators worth 905,000 yuan that are suspected to infringe the patents and trademarks of "Long Xin"

# 90.5 万元

近日,重庆市知识产权局与重 庆海关协同开展行政执法,查扣涉 嫌侵犯"隆鑫"专利权和商标权的 发电机组 479 台,货值折合人民币 90.5 万元。

# 22,500

As of October 2011, Sinopec Group filed 22,500 domestic and foreign patent applications and obtained 10,000+ patents.

# 2.25 万件

截至 2011 年 10 月,中国石油 化工集团公司累计提交国内外专 利申请量已达 2.25 万件, 专利授 权量已超过1万件。

As of December 2010, Datang Telecom filed 9,000 domestic and foreign patent applications, 90% of which are invention patent applications, ranking among the elite of central state-owned enterprises.

# 9000 件

截至 2010年 12 月,大唐电信 集团累计提交国内外专利申请超 过9000件, 其中发明专利申请占 90%, 专利申请总量位居央企前 列。

# 4,056

As of October 2011, patent applications filed by Chinese microwave oven manufactures had reached 4,056, 2,585 of which are invention patent applications.

# 4056 件

截至 2011 年 10 月底,中国已 受理的微波炉中国专利申请达 4056件,其中发明专利申请达 2585 件。

责任编辑

柳鹏 Liu Peng

据介绍,"济公系列"漫画作品全 the series contain30 volumes, of

### which, 18 are long tale comics and 12 are humorous yonkoma. In an effort to promote this book, the company adopts the interdisciplinary and cross media strategy overseas and they will publish this series in seven languages including simplified

patent area by launching a

one-year pilot project for the

Patent Prosecution Highway (PPH)

知识产权局与韩国特许厅第17次

局长会谈在京举行。中国国家知识

产权局局长田力普与韩国特许厅厅

长李秀元率团出席会议,双方共同

代表中韩两局共同签署了《第17次

中韩知识产权两局局长会议会谈纪

要》和《中华人民共和国国家知识产

权局与韩国特许厅关于专利审查高

Comic book Legend of Monk Ji Gong sold to Southeast Asia market

漫画图书《济公传奇》打开东南亚市场

会谈后, 田力普与李秀元分别

总结了今年两局的合作状况。

本报讯 11月2日,中国国家

(by Liu Peng)

on March 1, 2012.

and traditional Chinese. (by Dou Xinying) 本报讯 记者从天津神界漫画 有限公司获悉,10月25日,由天津神 界漫画有限公司、村人(天津)漫画有 限公司创作的"济公系列"单行本之 《济公传奇》在武汉举行首发仪式,中 文简体版与越南版同时登陆中国与越 南市场。另外,韩文版、泰文版及中文 繁体版也即将于2011年底及 2012年出版,进一步打开市场。

速路合作谅解备忘录》。谅解备忘录

中确定,中韩两局将于2012年3月

1日正式启动中韩专利审查高速路

(PPH)试点项目,为期1年。双方希

望通过合作进一步发挥两局在专利

Tian Lipu (L) and Lee

图为田力普 (前左) 与李秀元

(by Yang Shen)

本报记者 杨 申 摄

Soo-won confirms the two offices'

intent to commence cooperation in

(前右) 共同签署会谈纪要及 PPH

领域的重要作用。

合作备忘录后合影。

集共计 30 册,包括长篇故事漫画《济 公传奇》18 册及幽默四格漫画《济公 Q传》12册。"济公系列"总编创、天津 神界漫画有限公司董事长陈维东介 绍,公司对该系列作品进行跨领域跨 媒介全方位推广,推广授权领域涉平 面图书等八大领域, 平面图书国内及 海外授权包括中文简体版、中文繁体 版等7种不同语言版本。 (窦新颖)

# OECD report reflects China's raising importance in global innovation activities

经济合作与发展组织相关报告显示

# 中国在全球创新活动中的重要性日益提升

quality of some major countries decreased by 20% compared with that of 1990 to 2000, while that of some Asian countries like China, India and South Korea is on the opposite track, according to a report of Science, Technology and Industry Scoreboard 2011: Innovation and Growth in Knowledge Economies issued by The Organization for Economic Co-operation and Development (OECD). In the past 10 years, China, which had no technology advantage then in any field, has become one of the top three innovators in the communication field. "This report show that China is becoming increasingly important in global innovation activi-

SIPO, KIPO lock ties for 17th time

IPO Commissioner Tian

Lipu hosted his counterpart

of the Korea Intellectual

Property Office (KIPO), Lee

Soo-won, in the 17th meeting be-

tween the heads of the two of-

fices on November 2. Both sides

summarized their cooperation this

relevant polices, the two sides

signed the Minutes of Talks and a

Joint Statement of Intent on Patent

Examination Cooperation. Accord-

ing to the Statement, the two sides

would further exert their role in

onk Ji Gong is an immor-

tal in Chinese legend who

mingled with ordinary

people, humorously depicted as a

scruffy monk, has long retained his

place as part of Chinese traditional

culture. The comic book Legend of

Monk Ji Gong tells tales of marvels

of this figure, created by two Tian-

jin companies recently published in

Chinese and Vietnamese. The com-

panies say that the book will also

be published in Korean, Thai lan-

guage and Chinese Traditional at

the end of this year and next year.

editor in chief and president of

Tianjin Shenjie Cartoon Company,

According to Chen Weidong,

After sharing comments on

extricably tied with development of China's IP community", said an expert.

A trend analysis of innovation and knowledge in OECD member states economies is presented in this paper, but some non-OECD economies like China, Brazil, India and Russia are also included.

In investment on R&D activities, 26 governments of 34 OECD member states have adopted the incentive measures to encourage companies to increase their investment on R&D. At present, most of these countries' investments on R&D have returned to the pre-crisis level. The U.S. remains the most active country on R&D, while some non

第 17 次中韩知识产权局长会谈在京举行

creasingly important in global R&D activities, and both saw a larger growth in researcher numbers and investment on R&D. In 2009, China directed 154 billion U.S. dollars to R&D, ranking No.2 in the

The Paris-based OECD, founded in 1961, is an international economic organization with 34 members to collectively promote economic, social progress and world (by Xiao Xiao/Sheng Li)

本报讯 日前,经济合作与发展 组织(OECD)发布了《2011年科学、技 术与产业计分榜:知识经济中的创新与 增长》报告。报告显示,2000年至 2010年,全球主要国家的专利质量比 1990年至2000年平均下降了20%,但

的专利质量正显著提升。

值得一提的是, 在过去 10 年中, 中国从不具备任何优势技术领域成长 为信息通信技术创新三强之一。有关 知识产权专家在接受中国知识产权报 记者采访时表示,报告从一个侧面显示 了中国在全球创新活动中的重要性日 益提升,这些创新成绩的取得与中国知 识产权事业的迅速发展密不可分。

据了解,该报告对当前 OECD 成员国经济中知识与创新的主要发 展趋势进行了分析,其中也包含了中 国、巴西、印度、俄罗斯等主要非 OECD 经济体的统计分析数据。报告 显示,在 2000 年至 2010 年,全球主 要国家的专利质量比 1990 年至 2000年平均下降了20%,但各国均 倾向于向国外提交更高质量的专利 申请。一些亚洲国家,如中国、印度和

在研发活动与投入方面,报告显 示,目前,在34个OECD成员国中, 共有26个国家的政府采取了财政激 励措施来鼓励企业增加研发支出,大 多数国家的研发投入已经恢复至全 球金融危机前的水平。美国依然是全 球研发活动最活跃的国家,但非 OECD 经济体在全球研发活动中的 重要性日益提升,无论在研究员的数 量还是研发的投入上都有了较大的 增长。2009年,中国成为世界第二大 研发投入国,共支出 1540 亿美元。

据了解,OECD 是由 30 多个市 场经济国家组成的政府间国际经济 组织,旨在共同应对全球化带来的经 济、社会和政府治理等方面的挑战, 并把握全球化带来的机遇。该组织成 立于 1961 年, 目前拥有 34 个成员 国,总部设在巴黎。(肖潇盛莉)

## SIPO, JPO PPH pilot project operational

# 中日启动专利审查高速路试点

ollowing the signing of the SIPO-JPO (Japan Patent Office) Joint Statement of Intent on Patent Examination Cooperation on October 18, the pilot project "Patent Prosecution Highway" was launched on November 1, 2011.

Patent applicants may file a PPH request with SIPO or JPO under PPH pilot project from November 1. The pilot project is scheduled to end on October 31, 2012, according to a principal of SIPO.

(by Zhao Jianguo) 本报讯 近日,记者从中国国家 知识产权局获悉,根据中日两国签署的 《中华人民共和国国家知识产权局与日 本特许厅关于专利审查合作意向的联 合声明》,中日专利审查高速路(PPH)试 点已于2011年11月1日启动。

据中国国家知识产权局有关负责



人介绍,11月1日起,专利申请人可以 按照《在中日专利审查高速路试点项 目下向中国国家知识产权局提出 PPH 请求的流程》向中国国家知识产权局 提出"专利审查高速路"请求,或者按 照《在日中专利审查高速路试点项目 下向日本特许厅提出 PPH 请求的流 程》向日本特许厅提出"专利审查高速 路"请求。该项目试点为期1年,至 2012年10月31日结束。 (赵建国)

# **EXPRESS**

Apple unable to sweep domestic namesake company in trademark dispute

# "苹果"图形商标案一审有果

No.1 Intermediate People's Court recently entered the first-instance judgment over the dispute between Apple Inc. and Apple (China) Company, a domestic clothes maker, affirming the registration of defendant's trademarks in cell phone, telephone and other eight products.

The plaintiff is Apple Inc., one of the world's largest companies in terms of market value. As the Chinese Apple company filed a trademark Apple and relevant figure on Class 9 goods, commodities of cell phone, PC and other eleven goods in September 2000, the U.S. Apple then challenged the trademark in October 2001, and held that the trademark in question used in PC goods constituted similarity.

During reexamination, the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) held that the trademark in question is not similar with the U.S. Apple in graphic design, and the plaintiff has enjoyed reputation in PC and other goods. So TRAB denied the registration of Chinese Apple trademark used on PC, PC software and copy machine, while the registration on cell phone, telephone and other eight goods is approved.

The disgruntled U.S. Apple

company then filed a case to Beijing No.1 Intermediate People's Court. After hearing, the court rejected the appeal and sustained the original judgment.(by Yang Qiang)

本报讯 北京市第一中级人民 法院(以下简称北京一中院)日前就 涉及手机等商品的"苹果"图形商标 异议行政诉讼案作出一审判决,维持 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)的裁定, 核准以生产服饰、鞋类产品为主的苹 果(中国)有限公司在手机等商品上 的商标注册申请。

据介绍,原告正是目前全球市值 最高的企业之一美国苹果公司,针对 苹果(中国)有限公司于2000年9月 在商标注册国际分类第9类手机、计 算机器等 13 项商品上申请注册的"苹 果"图形商标之后,该公司在2001年 10 月提出异议。美国苹果公司认为被 异议商标的注册与其在先在计算机等 商品上注册并使用的"苹果"图形商标 构成类似商品近似商标。

该异议案进入异议复审阶段后,商 评委于2010年4月做出裁定,认为被 异议商标与美国苹果公司引证的"苹 果"图形商标在外观上并不完全相同, 但鉴于美国苹果公司引证商标在计算 机等商品上已经具有一定知名度,苹果 有限公司"苹果"图形商标不予核准在 计算机器、计算机软件、复印机等3件 商品上注册,但在手机、电话机等其余 10件商品上的注册申请予以核准。

美国苹果公司不服,遂上诉至北京一 中院。近日,法院通过审理后作出一审判 决,维持商评委的原裁定结果。(杨强)

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