

# **CHINA** REPORT INTELLECTUAL PROPERTY

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#### **LINUMBERS**

According to the latest statistics, Zhongguancun achieved more than 30% average annual growth rate of patent applications in 6 major technical areas during the Eleventh Five-Year Plan, which are, advanced manufacturing (30.5%), new materials (31.3%), environmental protection (34.1%), new energy (59.9%), modern agriculture (67.6%) and aerospace (89.2%).

据有关最新统计显示,"十一 五"期间,中关村有6大技术领域 实现了专利申请年平均增长率超 过 30%,分别是先进制造(30.5%)、 新材料 (31.3%)、环境保护 (34.1%)、新能源(59.9%)、现代农 业(67.6%)和航空航天(89.2%)。

#### 10,308

As of the end of April, public security organs nationwide have uncovered 10,308 cases, destroyed 7,529 counterfeit dens and weeded off 2,633 wholesale groups, involving total proceeds of 8.999 billion yuan in the special action.

#### 1.0308 万起

截至今年4月底,全国公安机 关在"亮剑"专项行动中已破获案 件 1.0308 万起, 捣毁制假窝点 7529个,打掉批发销售团伙 2633个, 涉案总值达89.99亿元。

#### 5 billion yuan

A ccording to statistics, the Chengdu Hi-tech Zone has helped more than 1,300 SME access to more than 5 billion yuan secured loans and 140 million yuan IP pledge loans.

#### 50 亿元

据统计,成都高新区近年来已 累计帮助 1300 多家(次)中小企业 获得担保贷款50多亿元,知识产权 质押贷款 1.4 亿元。

According to statistics, China Publishing Group Corporation has exported 404 copyrighted products, up 86.49%, ranking the first in China.

据中国出版集团公司统计,去 年,中国出版集团公司"走出去"工作 取得了新成绩,共输出版权404项,同 比增长86.49%,全国排名首位。

As of the first quarter of 2011, Haikou (Hainan Province) maintained a growth trend of patent applications and granted patents. 247 patent applications were filed and 107 patents were granted, respectively up 37.2% and 138%.

#### 247

2011年第一季度,海南省海口 市专利申请量和授权量继续保持 增长趋势, 专利申请量为 247 件, 同比增长37.2%,专利授权总量为 107件,同比增长138%。

#### 7,590

From 2008 to 2010, companies in the six earthquake-devastated areas, Chengdu, Deyang, Mianyang, Ya'an, Guangyuan and Aba in Sichuan Province commercialized 7,590 new patents, generated 87.69 billion yuan.

#### 7590 项

从 2008 年到 2010 年,四川省 成都、德阳、绵阳、雅安、广元和阿 坝6个重灾市(州)企业新实施专 利 7590 项,新增产值 876.9 亿元。

Liu Peng

## National IPR enforcement campaign nails 60,000 cases 中国专项行动已结案逾6万趣

ince China launched the special campaign against infringement and counterfeiting and piracy in October 2010, as of May 13, administrative law-enforcement departments at different levels have put 114,280 cases on file, 65, 868 of which were concluded and 1,119 transferred to judicial organs, all these cases involve 3.733 billion yuan. Also, 7,359 illicit dens were swept during this period.

Statistics show that national IP system, public security organs, procuratorial organs, courts across the nation have yearned substantial fruits during this period. IP system across China have handled 1,671

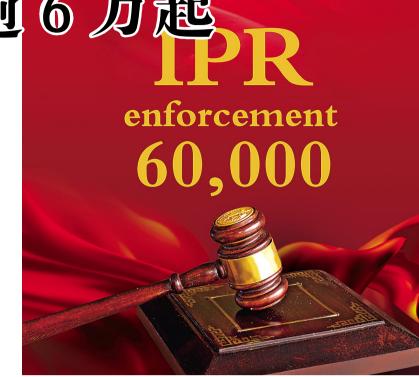
involved), 1,180 of which were concluded (30.743 million yuan involved). As of April 29, national public security organs have solved 8,810 IPR cases, destroyed 5,463 underground production dens, cracked down on 2,041 wholesale criminal gangs, seized 14,614 criminal suspects and arrested 4,205 criminals. All these cases involve proceeds of 6.8566 billion yuan. The procuratorial organs have approved 1,788 arrests, examined, prosecuted 1,612 cases, and arrested 3,152 criminal suspects. The courts across the nation handled 568 criminal cases and concluded 690. (By Li Qun)

本报讯 5月17日,记者从相

知识产权和制售假冒伪劣商品专 项行动(以下简称专项行动)以来 至5月13日,各级行政执法部门 共立案 11.428 万起, 办结案件 6.5868 万起,移送司法机关 1119 起, 涉案金额 37.33 亿元,捣毁造假窝点 **7359** 个。

截至5月13日,全国知识产权 局系统共立案 1671 起, 涉案金额 6793.4 万元;办结案件 1180 起,涉案 金额 3074.3 万元。截至 4 月 29 日,公 安机关破案8810起,打掉生产窝点 5463个,摧毁批发销售犯罪团伙 2041个,抓获犯罪嫌疑人 1.4614万人, 涉案金额 68.566 亿元, 逮捕 4205 人; 检察机关共批捕案件 1788 起,审查起 诉案件 1612 起,批准逮捕 3152人;法 院受理相关刑事案件568起,判决 690起。

(李 群)





### Little people trademark granted

### "little people"被核准注册

eijing High People's Court recently entered into its final decision, reversing the decisions by the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC), upholding the first instance decision and authorized registration of the trademark little people in dispute.

In September 2006, toy giant Mattel filed the trademark little people to be used in commodities packsack and umbrella. However, the filing was denied by TRAB on the ground that meanings of the little people in Chinese is 精 灵 and is similar with the

trademark 小精灵 in the same class. Mattel then brought the case to the court. In its decision of first instance, the court held that the little people is not similar among the Chinese consumers and the trademark in dispute will not lead confusions among the public, then revered TRAB's decisions. The

disgruntled TRAB then appealed to the High Court, which would later make the above decision.

(By Xie Huandong) 本报讯 日前,随着北京市高级 人民法院(一下简称北京高院)作出的 终审判决,"little people"商标被确认 可与"小精灵"在同一类商品上使用。

据悉,2006年9月,美国美泰有 限公司在华向国家工商行政管理总 局商标局提出在背包、伞等商品上申 请注册"little people"商标,但被商标 局驳回。美泰公司据此向商评委提出 复审,商评委原裁定曾认为,美泰有限 公司在提起此案诉讼时已承认"the little people"的主要中文含义为"小精 灵","the"是否存在不影响对申请商标 具有"小精灵"中文含义的理解,美泰公 司不服,遂向北京中院提起行政诉讼。

在此后的行政诉讼中, 法院一审 认为,由于"the little people"这一专有 名词并不为公众熟悉,相关公众一般根 据其字面的普通含义理解,与"小精 灵"差别较大。据此,法院作出撤销简 称商评委复审裁定的判决。随后商评 委提起上诉。最终,北京高院作出驳回 上诉、维持原判的判决。 (谢环东)



CHINR'S IP MANUAL

Several Opinions of the State Council on Encouraging the Healthy Development of Rare Earth Industry

### 《国务院关于促进稀土行业持续健康 发展的若干意见》

ecently, the State Council announced its Opinion of the State Council on Encouraging the Healthy Development of Rare Earth Industry, declaring that as an important nonrenewable strategic resource, the rare earth is widely used in the fields of new energy, new material, energy conservation and environmental protection, electronic information. Effective protection and optimal using of the rare earth is crucial to protecting the environment, accelerating fostering strategic emerging industries, upgrading of conventional industries and promoting of the continuous healthy development of the rare earth industry.

Under the opinion, efforts should be exerted to quicken the R&D and industrialization of key technology of the rare earth industry on encouraging and guiding the

comprehensive utilization technology conducted by related enterprises, R&D institutes, colleges and universities. Industrialization of S&T fruits with dependent IPR will be advanced to promote development of strategic emerging industries.

日前,中国国务院办公厅下发了 《国务院关于促进稀土行业持续健康 发展的若干意见》。该意见指出,稀土 是不可再生的重要战略资源, 在新能 源、新材料、节能环保、航空航天、电子 信息等领域的应用日益广泛。有效保 护和合理利用稀土资源, 对于保护环 境,加快培育发展战略性新兴产业,改 造提升传统产业,促进稀土行业持续 健康发展,具有十分重要的意义。

该意见提出,要加快稀土关键应 用技术研发和产业化。按照发展战略 性新兴产业总体要求,引导和组织稀 土生产应用企业、研发机构和高等院 校,大力开发深加工和综合利用技 术,推动拥有自主知识产权的科技成 果产业化,为发展战略性新兴产业提



SIPO Deputy Commissioner Dr. Li Yuguang recently paid a visit to Mongolia at the invitation of Mongolia IP Office. Glmgyhezu. Mongolia's Deputy Prime Minister meets with Dr. Li(R).

(Provided by International Cooperation Department of SIPO) 日前,应蒙古国知识产权局的邀请,中国国家知识产权局副局长李玉光率团赴蒙访问。其间,蒙古国第一副总理 纳·阿勒坦呼雅格会见了李玉光一行。图为纳·阿勒坦呼雅格会见李玉光(右)。 国家知识产权局国际合作司 供图

#### WIPO makes Dehua county model of copyright protection

### 福建德化县成为 WIPO 在华版权保护优秀示范点

Cooperation Agreement of recognizing Dehua County (Fujian) as model for copyright protection by WIPO was officially signed between WIPO and National Copyright Administration on May 17. The research on impact of copyright protection on the development of ceramics market was begun. The first model for copyright protection recognized by WIPO is Nantong in Jiangsu in 2009. An official from WIPO said they would like to deepen theoretical study on Dehua's experiences of promoting development of ceramics industry via

copyright protection and then introduce the successful experiences to other parts of China and to the whole world.

Statistics show that the copyright administrations in Dehua have granted cumulative 6,800 copyright registrations for ceramics enterprises, since 2001 when they started the copyright registration. The copyright registrations grow at an annual rate of 20%.

(By Wang Kang) 本报讯 5月17日,世界知识 产权组织(WIPO)与中国国家版权 局正式签署"世界知识产权组织版

权保护优秀案例德化示范点调研项 目合作协议",并启动"关于版权保 护对中国德化陶瓷产业发展的影响 的研究"项目调研。福建省德化县成 为继江苏南通之后,WIPO 在中国开 展的第2个版权保护优秀案例示 范点调研项目。WIPO 有关官员表 示,希望把德化在运用版权保护,推 动陶瓷产业发展上的成功经验上升 到深度的理论研究,以便推荐给中

国及世界其他国家和地区。 据统计,德化县自2001年开展 版权登记以来,已累计为全县陶瓷 企业办理作品版权登记 6800 多件, 版权作品登记量每年以 20%以上的 速度增长。

《深圳市版权产业发展状况》白皮书

### Shenzhen issues nation's first white paper on copyright industry

### 深圳发布国内首个版权产业发展状况白皮书

henzhen released China's first white paper entitled Copyright Industry Development in Shenzhen on May 13. According to the document, the copyright industry in Shenzhen accounts for 15.39% of the city's GDP, surpassing the percentage of 11.2% in America and is now ranking the top place in China.

According to the white paper, China's new media industry develops rapidly in recent years. Size of internet industry in 2009 was about 22.5 billion yuan and this number is expected to hit 80 billion yuan in 2012. With more than 100,000 employees in fields of industrial design, graphic design and interior design, the city's creative design industry is now taking the lead in the country's industry. Copyright industry such as culture industry, internet and creative design are now the pillar and strategic industries in Shenzhen and plays an important role in the city's industrial (By Dou Xinying) structure.

本报讯 5月13日,中国国家

版权局版权管理司相关负责人在

发布会上表示,深圳核心版权产业 增加值占深圳生产总值(GDP)的比 重达 15.39%, 这已超过美国 11.2% 的比重。深圳的版权产业已经达到 全国一流、世界领先的水平。 此外,新媒体产业异军突起,初 具规模,2009年互联网产业规模约为

225亿元,预计到 2012年将达到 800亿 元。创意设计产业领先全国,工业设 计、平面设计以及室内设计从业人员 超过10万人。文化、互联网、创意设 计等版权产业已经成为深圳的支柱 产业或战略性新兴产业,在深圳产业 结构中具有重要地位。

(窦新颖) development of deep processing and 供支撑。