

# CHINA REPORT INTELLECTUAL PROPERTY

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# **INUMBERS**

#### 48,215

Shanghai obtained 48,215 patents and 6,867 invention patents in 2010, up 38.1% and 14.5% respectively over 2009. If calculated by the resident population of 23 million in Shanghai, the number of invention patents per million population reached 299.

#### 4.8215 万件

据统计,2010年上海市的专利授 权量达 4.8215 万件, 比 2009 年增长 38.1%;发明专利授权量达 6867 件,比 2009 年增长 14.5%。按照常住人口 2300万计算,2010年上海每百万人 口国内发明专利授权量达299件。

Sichuan plans to drive its patent application up by 15%+ and invention application by 18% + in 2011, according to the provincial meeting of IP directors on April 8. 18%

4月8日,四川省召开全省知识 产权局局长会议,提出2011年全省 专利申请量增长15%以上的目标,其 中发明专利申请将增长18%以上。

#### 30,000

In 2010, Liaoning filed 34,218 patent applications, hitting the 30,000 plateau for the first time, up 32.6%, ranking N0.9 among provinces. The 9,884 inventions were up 38.7% and ranked No.7.

#### 3 万件

2010年, 辽宁省3种专利申请 达到 3.4218 万件,首次突破 3 万件, 比上年同期增长32.6%,位居全国第 9。其中,发明专利申请为9884件,比 上年同期增长38.7%,位居全国第7。

# 1,800

In recent years 1,800 enterprises in Jiangsu have established their patent database and a handful of them filed 500 patents or more annually. Some of these enterprises actively responded "337 investigation" and other foreign IP litigation and sanctions to get win by using the legal system.

# 1800 家

近年来,江苏省约有1800家企 业建立了专利数据库, 涌现出一批 运用法律制度积极应对"337调查" 等境外知识产权诉讼、制裁并获胜的 优势企业,并出现了部分年专利申请 量达 500 件的知识产权大户企业。

# 2,776

The top 10 China's companies in granted invention patents are Huawei Technologies (2,776). ZTE Corporation (2,434), Foxonn Technology Group (Shenzhen) (819), AU Optronics Corporation (551), Sinopec Corporation (516), H3C Technologies Co., Limited (442), BYD Company Limited (395 ), Semiconductor Manufacturing International (Shanghai) Co., Ltd. (372), Tencent Technology (Shenzhen) Co., Ltd. (335) and Datang Mobile Communications Equipment Co., Ltd. (240).

# 2,776 件

2010年,我国发明专利授权量 前 10 位的国内企业分别是华为技 术有限公司(2776件)、中兴通讯股 份有限公司(2434件)、鸿富锦精密 工业(深圳)有限公司(台资)(819 件)、友达光电股份有限公司(台资) (551件)、中国石油化工股份有限公 司(516件)、杭州华三通信技术有限 公司(442件)、比亚迪股份有限公司 (395件)、中芯国际集成电路制造 (上海)有限公司(372件)、腾讯科技 (深圳)有限公司(335件)以及大唐 移动通讯设备有限公司(240件)。

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# WIPO Director General addresses at the 11th World IP Day

# WIPO 总干事致辞第 11 个世界知识产

he theme of this year's World IP Day is designing the future. "Design touches every aspect of human creativity. It shapes the things we appreciate from traditional crafts to consumer electronics; from buildings and bicycles to fashion and furniture. Design has been called 'intelligence made visible", WIPO Director General Francis Gurry said in his message for the coming IP day.

"This year's World Intellectual Property Day celebrates the role of design in the market-place, in society and in shaping the innovations of the future", said Gurry. He also points out the actively role of design and IP system in environmental protection. "With today's increasing emphasis on ecologically sound living, 'designing out waste' is now an aspiration shared by many creators. Sustainable design processes can help lower production costs and reduce environmental impact. The designs of the future will necessarily be green, and the intellectual property system will encourage designers to produce them, by helping to protect original designs against unauthorized copying and imitation." according to Gurry.

(by Liu Peng) 本报讯 今年世界知识产权日 的主题为"设计未来"。在第11个世 界知识产权日来临之际,世界知识 产权组织总干事弗朗西斯·高锐发

PUZZLES

Uwe Meffert the Germany patentee of many magic-cuberelated patents including gear, arc pyramid 7X4, visited

近日,"齿轮"、"弧形金字塔 7X4"等系列魔方专利的专利权人乌尔·麦菲特(德国)一行来到广东省知识产权局赠

Guangdong IP Office and showed his appreciation to their efforts in protecting his IPRs.(by Gu Qizhi/Zeng Yanging)

感谢面

表了致辞:"设计渗透在人类生活的 每一个角落。从传统手工艺品到电 子产品,从建筑、自行车到时装与家 具,它塑造了我们所赏鉴的种种物 品。设计被称之为'有形的智慧'。"

高锐在致辞中表示,今年的世 界知识产权日将赞赏设计在市场、 社会乃至塑造未来的创新中所发挥 的重要作用。此外,高锐还强调了设 计和知识产权制度对环境保护产生 的积极作用。他说,当今世界更加注 重营造生态友好型的生活方式,"设 计变废为宝"活动激发了众多设计 者的创作灵感,可持续的设计进程 将降低生产成本并减少环境影响。 未来的设计必将是绿色的,而知识 产权制度将通过保护原创设计不受 抄袭与模仿的侵害来鼓励设计者的 绿色创作。





# Adidas three stripes setback in Beijing

# "三道杠"商标注册案二审宣判

he Beijing High People's Court recently rendered its final decision on the registration of Three Stripes in question, upholding the ruling of the Beijing No.1 Intermediate People's Court which held Adidas failed to prove the trademark in question has distinctiveness, and cancelled the registration by the Review Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC).

Disgruntled with the ruling by TRAB over the registration of the Three Stripes on Class 25 goods including trousers, swimming trunks and T-shirt, Jinjiang Textile Association brought TRAB to the Beijing No.1 People's Court. The court held that Adidas failed to prove the trademark in question has distinctiveness as a whole after massive usage, and cancelled the decision by TRAB.

The TRAB and the third party Adidas appealed to Beijing High People's Court, and it was rejected by the court on the ground of lacking factual evidence

and legal basis.

(by Liu Shan) 本报讯 近日,北京市高级人 民法院对"三道杠"商标(以下简称 被异议商标)异议复审行政纠纷作 出二审判决,维持了北京市第一中 级人民法院作出的一审判决,即认 定阿迪达斯有限公司提供的证据 不足以证明被异议商标经过使用 获得显著性,撤销商评委作出的准 予被异议商标注册的商标异议复审

据悉,此前,因不服商评委作出 的准予阿迪达斯有限公司在第25 类"裤子、游泳裤"以及"T恤衫"商 品上注册被异议商标的商标异议复 审裁定,晋江市纺织服装协会将商 评委诉至北京市一中院。北京市一 中院审理后, 认定阿迪达斯公司提 供的证据不足以证明被异议商标经 过使用获得显著性,作出撤销商评 委异议复审裁定的一审判决。

由于不服北京市一中院的一 审判决,被告商评委和第三人阿迪 达斯公司向北京市高院提起上诉。 北京市高院审理后认定,商评委和 阿迪达斯公司关于被异议商标经 过使用获得显著特征因而应予注 册的上诉主张,缺乏事实和法律依 据,不予支持。判决驳回上诉,维持 (刘 珊)



# 81.1% users grins at patent examination quality

中国国家知识产权局专利审查质量满意度调查结果显示

送感谢函,对该局依法保护其知识产权合法权益表示感谢。

# 2010年度社会公众满意指数升至81.1

IPO users acknowledger the national patent authority's performance by giving 81.1 points to its patent examination quality, up 1.7 points over 2009, according to a SIPO survey for 2010.

Results show users are satisfied with the comfort and accuracy of patent examination, and the service attitude and awareness of examiners as well. Besides their performance in checking documents, patent examination and law application, they also recognize the accuracy and consistency of patent reception and hotline efficiency.

(by He Yanfang) 本报讯 近日,中国国家知识 产权局 2010 年度专利审查质量满 意度调查结果出炉,2010年度社会 公众对专利审查质量的满意指数为 81.1,比 2009 年的 79.4 上升了 1.7,

满意度逐年提升。

本报记者 顾奇志 通讯员 曾彦青 摄影报道

调查结果显示, 受访者对中国 国家知识产权局专利审查业务的舒 适性和正确性满意度评价相对较高, 对审查员的整体服务态度和服务意 识感到满意。另外,受访者认为审查 员在查找对比文件、审查文本正确 性、法律条款适用合理等正确性指标 上表现良好,对受理通知书的准确性 和一致性、客户服务中心咨询热线解 决问题效率等评分较高。 (贺延芳)

# SIPO offers leeway to Japanese-earthquake-inflicted users

# 《因日本地震而延误专利期限的救济通知》下发

n March 11, 2011, a major earthquake and tsunami hit the northeast area of Japan, which made a significant impact on some applicants, patentee and other parties concerned. For the smooth running of patent procedure, On April 13 SIPO released a circular on parties failing to perform relevant formalities in time.

According to the circular, the Article 6 (1) of Implementing Regulations of the Patent Law may apply to the parties failing to perform relevant formalities in time provided by patent law and its implementation regulations or within the period specified by SIPO due to

the impact of disasters. Parties may perform within two months from the date of clearness of the obstacles or in two years.

The Article 6 (4) may apply to parties who failing to finish particular action or procedure due to impact of disasters. Parties may require to extend the deadline within expiry, except those specified by implementing regulations of patent

(by Liu Peng) 本报讯 2011年3月11日,日 本东北地区发生强烈地震和海啸, 给专利申请人、专利权人及相关当 事人造成巨大影响。4月13日,中国 国家知识产权局充分考虑日本目前 的情况,下发了《因日本地震而延误

通知规定,当事人因地震、海啸 以及由此引发的次生灾害延误专利 法及其实施细则规定的期限或者国 家知识产权局专利局指定的期限, 导致其权利丧失的,适用专利法实 施细则第六条一款的规定。当事人 可以自障碍消除之日起2个月内, 最迟自期限届满之日起2年内,请 求恢复权利。

通知还规定, 当事人因上述灾 难的发生不能在指定期限内完成某 一行为或程序的,适用专利法实施 细则第六条四款的规定。当事人可 以在指定期限届满前请求延长期 限,专利法实施细则明确规定不得 延长的期限除外。

(柳 鹏)



#### Plan on Introducing International **Advancing Agricultural Technologies** (948 Plan)

# 《"十二五"引进国际先进农业科 学技术计划(948 计划)》

he Ministry of Agriculture recently released a Plan on Introducing International Advancing Agricultural Technologies (948 Plan), requiring to combine technology introduction with self-innovation and develop self-reliant IPRs in the coming 5 years.

Under the plan, great emphasis would be place on combining the core technologies, key parts and vital theory introduced from overseas with domestic technologies, and master self-reliant IPRs. The plan also requires keeping pace with international advanced technology, improving domestic agricultural innovation and R&D capability and introducing advanced S&T achievements from overseas to meet China's immediate needs.

日前,中国农业部启动了"十二五" 引进国际先进农业科学技术计划 (948 计划)。该计划确定,未来 5年,948计划将坚持技术引进与自 主创新相结合,目标是拥有自主知

该计划指出,重点要在引进的 核心技术、关键部件、重要理念等基 础上,结合国内科技和产业基础进 行消化吸收,用于改进、集成或再创 新,关键是掌握自主知识产权。坚持 瞄准国际农业先进技术发展前沿, 提升我国农业科技自主创新与研发 能力、及时引进国外先进和我国急 需的科研成果。

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