

NUMBERS

16 The Supreme People's Court recently released the third group of 5 typical cases of IP infringements and counterfeiting. The court has announced a total of 16 cases in three separate occasions since last October.

16 近日,中国最高人民法院发布了第三批共5件侵犯知识产权和制假伪劣商品的典型案例。至此,自去年10月以来,中国最高法院已先后三次公布了16件典型案例。

47 The West-East gas transmission project has obtained 47 core technology patents during the 11th Five Year Plan, according to a report released by the National Development and Reform Commission.

47 件 近日,中国国家发展和改革委员会公布的报告显示,规模宏大的西气东输工程在“十一五”期间依靠自主创新,打破国外技术垄断,形成一批创新成果,其中已有核心技术专利47件。

10 Thanks to the joint efforts made by China and the EU, 10 products of each side will be under mutual protection, Administration of Quality Supervision, Inspection and Quarantine said recently.

10 个 从中国质量监督检验检疫总局获悉,经中欧双方共同努力,中欧双方在互保试点产品方面取得了新的进展,双方即将实现各自10个产品的互认互保。

16 During 11th Five Year Plan, the Antifloxacin Hydrochloride, H1N1 influenza vaccine and other 14 products have obtained Chinese new drug certificates; 24 new drugs have filed for registration; 18 varieties have completed the research work and 36 ones are in clinical phase III.

16 个 “十一五”期间,中国已有安妥沙星、甲型H1N1流感疫苗等16个产品获得新药证书,24个品种提交新药注册申请,18个品种已完成全部研究工作,36个品种处于临床三期研究阶段。

58,000 During the 11th Five Year Plan, companies in Zhongguancun National Innovation Model Area fared well in innovation by filing more than 58,000 patents and obtaining some 25,000 patents.

5.8 万件 “十一五”期间,中关村国家自主创新示范区企业专利数量持续增长,专利企业规模继续扩大,“十一五”期间中关村企业专利申请量逾5.8万件,授权专利近2.5万件。

62.21% Some 62.21% items of the Beijing 5th invention and innovation contest filed patent application, and the invention patent applications accounted for 46.85% of the total.

62.21% 在日前揭晓的第五届北京发明创新大赛结果中,有62.21%的参赛作品围绕其核心技术提交了专利申请,其中提交过发明专利申请的项目占专利申请项目总数的46.85%。

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Patent index included into the 12th Five-Year Plan

专利指标写入中国“十二五”规划纲要

发明专利拥有量已成为国民经济与社会发展综合考核指标体系重要组成部分

As indicated in the section of the major objectives in the Outline of the Twelfth Five-Year Plan for National Economic and Social Development of the People's Republic of China approved at the 4th session of the 11th National People's Congress (NPC), an index requiring 3.3 invention patents owned by per 10,000 heads is fixed. This patent target, included in the country's top development plan for the first time ever, aims to place strong impact on implementing the National IPR Strategy, accelerating transformation of the mode of economic development and building an inno-

vation-oriented country. A representative from the Planning and Development Department under SIPO said that SIPO commenced a study on valid patents in 2005, which had been officially brought into the SIPO Statistics Reports two years later in 2007. In 2009, the National Bureau of Statistics enrolled valid patents in the Communiqué on National Economic and Social Development as new index to evaluate the quality of the patent. (By Zhao Jianguo/Wang Xiaohu) 本报讯 近日,经十一届全国人大四次会议审议通过的《中华人民共和国国民经济和社会发

第十二个五年规划纲要》(以下简称“十二五”规划纲要)的主要目标部分,首次写入了每万人口发明专利拥有量提高到3.3件的指标。此举对于实施国家知识产权战略、加快转变经济发展方式和建设创新型国家意义深远。 据中国国家知识产权局规划发展司有关负责人介绍,2005年,国家知识产权局开始对有效专利进行研究,2007年,有效专利正式纳入《国家知识产权局统计年报》。2009年,中国国家统计局将有效专利作为衡量专利水平的新指标列入《国民经济和社会发展公报》。2010年,有效专利指标首次在中国统计年鉴中体现。(赵建国 王晓娟)



SIPO Deputy Commissioner Gan Shaoning (R1), March 21, in Beijing, met Michel Barnier (L1), Committee Member of Internal Market and Service Department under European Commission to share comments on IPR protection of the two sides. (By Liu Peng/Yang Shen) 3月21日,中国国家知识产权局副局长甘绍宁(右一)在京会见了来访的欧盟委员会内部市场与服务委员米歇尔·巴尼耶(左一)一行,双方就中欧知识产权保护等议题交换了意见。图为会见现场。本报记者 柳鹏 杨申 摄影报道

S&T projects file 2,247 patents during 11th Five-Year Plan

“十一五”核心电子器件等专项提交专利申请逾 2000 件

The National Development and Reform Commission announced on March 23 that China has organized important projects to create core and essential technologies and now sees fruitful achievements that a group of innovations with proprietary IPRs were produced during the Eleventh Five-Year Plan period. Research projects on core electronics device, general-purpose chips for high-end usage and basic software in particular have filed 2,247 patents in total.

In a bid to develop strategic new industries, high and new technologies, China launched the research on development of important projects of core and essential technologies represented by core electronics device, general-purpose chips for high-end usage and basic softwares. As of December 2010, the budget funds for these projects amounted to 19.6 billion yuan and 2,247 patents had been filed, 2,123 of which were inventions while 220 patents were granted. (By Zhao Jianguo) 本报讯 3月23日,记者从中国国家发展和改革委员会获悉,“十

一五”期间,中国有组织、有重点地开展了重大科技专项攻关活动,形成一批拥有自主知识产权的创新成果,其中核心电子器件、高端通用芯片及基础软件的研究项目已提交了中国专利申请 2247 件。 据介绍,针对发展战略性新兴产业和高新技术的需要,中国部署了“核心电子器件、高端通用芯片及基础软件”的重大专项研究。据悉,截至2010年12月,这些重大专项投入预算总经费196亿多元,已提交中国专利申请 2247 件,其中含发明专利申请 2123 件,已获权的发明专利 220 件。(赵建国)

Customs, culture authorities deliver serious outcome in campaign

中国查获价值 2.8 亿元侵权货物

The General Administration of Customs (GAC) recently announced their substantial results since China launched a nationwide campaign on combating IPR violations and on the production and distribution of fake and shoddy products in October 2010. As of March 15, Customs of all levels had totally launched 9,581 IPR actions, seized 70 million infringing goods worthy of 280 million yuan.

In addition, Ministry of Culture also announced their recent progress. As of now, the culture authorities and their enforcement arms have handled 3,646 IPR cases involving proceeds of 20.88 million yuan. (By Wei Xiaomao/Liu Shan) 本报讯 近日,记者从中国海关总署获悉,中国海关系统开展打击侵犯知识产权和制售假冒伪劣商品专项行动已取得阶段性成效,自2010年10月专项行动开始到2011年

3月15日,全国海关共采取知识产权保护措施9581次,查获侵权货物数量7000余万件,价值2.8亿元。 此外,日前,文化部通报了各地文化部门开展打击侵犯知识产权和制售假冒伪劣商品专项行动的最新情况。自专项行动开展以来,各地文化行政管理部门和文化市场综合执法机构共立案查处涉及侵犯知识产权案件3646起,涉案金额2088万余元,专项行动取得了显著成效。(魏小毛 刘娟)

EXPRESS

P&G attack on namesake trademark denied by court

“伊卡路”商标起纷争

Shampoo manufacturer Procter & Gamble Company's challenge to the trademark 伊卡路 filed by a person named He in September 2002 was denied by the court and the trademark in question was eventually approved registration. In September 2002, Hong Kong resident Ho filed for registration of 伊卡路 (the same character of P&G's shampoo brand Clairol in Chinese) to be used in commodities of stationery. Then P&G challenged the trademark during the publication period and sought rejection on the ground of malicious copying and similarity with their registered trademark Clairol. However, P&G's claim was denied in the review of adjudication on opposition on the ground of insufficiency of evidence. Then, P&G brought the case to the court. The Beijing No.1 Intermediate Court affirmed the original decision and held that P&G's claim was lack of sufficient evi-

dence. P&G lodged an appeal to the higher court, we will follow the development of the case. (By Zhang Di) 本报讯 日前,洗发水品牌“伊卡路”商标起纷争。因认为一件申请注册在文具商品上的“伊卡路”商标系对自己旗下洗发水品牌“伊卡路”的抄袭,美国宝洁公司针对该商标提起异议后,在行政裁定和行政诉讼一审程序中接连落败。 据介绍,文具类商品商标“伊卡路”由中国香港地区的自然人贺某于2002年9月提出注册申请,该商标进入公告期后被宝洁公司提起异议。宝洁公司认为,被异议商标是对其极具知名度的“伊卡路”商标的恶意抄袭,侵犯了其驰名商标权。在此后的商标异议和异议复审程序中,商评委认为宝洁公司异议理由证据不足,均未获支持。 随后,该公司提起行政诉讼,该案一审已于日前审结。北京市第一中级人民法院经审理认为,宝洁公司的异议理由缺乏证据支撑,原行政裁定结果应予维持。据悉,目前宝洁公司已提出上诉。本报将继续关注该案进展。(张迪)

IP CHINA'S IP MANUAL

Decisions on Revising the Regulations on Cause of Action of Civil Case

《关于修改〈民事案件案由规定〉的决定》

In an effort to ensure a smooth implementation of the Tort Liability Law of the People's Republic China, Supreme Court published the Decisions on Revising the Regulations on Cause of Action of Civil Case. According to the paper, the cause of the action of tort liability disputes were promoted to the first level, the same legal validity as right of personality, real right, contract and IPR etc. In accordance with the Tort Liability Law, the decisions added specified cause of the action of tort liability disputes. The revised regulations explicitly stipulate that courts at different levels must not turn down or reject a complaint in the excuse of no matching cause of the action can be referred in the regulations. Taking effect in 2008, the Regulations on Cause of Action of Civil Case has encountered new types of civil cases with the implementation of Mediation and Arbitration Law on disputes over contracted manage-

ment of rural land, Insurance Law, Patent Law and the Tort Liability Law, the urgency are especially great in revising the regulations to adapt the latest situations. 近日,中国最高人民法院公布了《关于修改〈民事案件案由规定〉的决定》,这是最高人民法院为保证侵权责任法顺利实施的一项重要措施。为适应侵权责任法施行后审判实践的需要,《决定》将“侵权责任纠纷”案由提升为第一级案由,与人格权、物权、合同、知识产权等案由并列。按照侵权责任法相关规定,增加了具体侵权责任纠纷案由。 修改后的《民事案件案由规定》明确规定,各级法院不得以当事人的诉请在《民事案件案由规定》中没有相应案由可以适用为由,裁定不予受理或者驳回起诉,影响当事人行使诉权。《民事案件案由规定》自2008年施行,但近3年来,随着农村土地承包经营纠纷调解仲裁法、保险法、专利法等法律的施行或修订,审判实践中出现了许多新类型民事案件,特别是侵权责任法已于去年7月1日起施行,迫切需要增补侵权责任纠纷案由。