

CHINA **REPORT** INTELLECTUAL PROPERTY

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INUMBERS

3,600

Thanks to the first Chinese Overseas Scholars Start-Up Week, more than 2,400 overseas scholars have returned to China and set up over 1,600 companies, owned cumulative 3,600 patents, 900 of which were inventions.

3600 件

据统计,首届中国海外学子 创业周活动开展至今,已经有 2400 多名海外学子归国创业,共 创办企业 1600 多家,累计获得专 利权 3600 件,其中 900 多件为发 明专利。

Since the China IP distance learning platform put into operation in October 2002, it has offered over 20 courses of IP Legal Basics, Patent Documentation Information and Search, Copyright which benefited over 5,000 talents at different levels.

5000 多名

据了解,中国知识产权远程 教育平台自 2002 年 10 月投入使 用以来, 先后开发出知识产权法 律基础、专利文献信息与检索、著 作权等20余门课程,培养了5000多 名不同层次的知识产权人才。

As of now, Shanghai Custom has handled 5 IPR infringement cases and seized over 60,000 pieces of infringing goods with a total value of 70,000 yuan.

6万余件

据了解,截至目前,上海海关 共查获侵犯世博知识产权案件 5起, 查获侵权货物6万余件,案 值人民币近7万元。

Guangdong Province announced a new list of IPR models and pilot enterprises. As of now, Guangdong Province had 60 and 353 models and pilot enterprises, respectively.

60 家

近日,广东省公布了最新认 定的一批知识产权示范企业和优 势企业。截至目前,广东省拥有的 省级知识产权示范企业和优势企 业分别达到60家和353家。

1,348

Some 30 companies with high quality IPRs in Henan province filed 1,348 patent applications in 2009. 17 districts filed 3,964 patent applications.

1348 件

据统计,2009年河南省30家 知识产权优势企业共申请专利 1348件,17个知识产权优势区域 共申请专利3964件。

27,000

As of now, Xiamen has owned 27,000 registered trademarks, 32 of which were well-known trademarks, 329 of which were famous trademarks, topping in Fujian Province in per thousand companies' trademarks combined.

2.7 万多件

据统计,截至目前,厦门市注 册商标 2.7 万多件,拥有驰名商标 32件、著名商标329件,每千家企 业拥有的驰著名商标数量均居福 建省第一。

Liu Peng

IP protection highlighted in cross-strait ECFA

海峡两岸签署知识产权保护合作协议

n June 29,Chen Yunlin, the president of the Beijing-based Association for Relations Across the Taiwan Straits (ARATS), and chairman of Taiwan's Straits Exchange Foundation (SEF) Jiang Bingkun held the fifth meeting in Chongqing. The two sides signed the cross-strait Economic Cooperation Framework Agreement (ECFA) and an agreement on intellectual property protection. Chen highlighted that the agreement on IPR protection will effectively solve the pressing problems of trademark squat, fake patent and piracy on Internet between the two sides.

According to the ECFA, the two sides, based on the principle of equality and mutual benefit, will deepen the cross-strait exchanges and cooperation in IPR protection including patent, trademark, copyright and new varieties of plants, enhance capability of creation, application, management and protection of IPR. In addition, the two sides also reached an agreement on protection of varieties of plants, co-operation, authentication service, communication and plan. (by Xiao Xiao)

本报讯 6月29日,海峡两岸 关系协会会长陈云林与海峡交流基 金会董事长江丙坤在重庆举行两会

领导人第五次会谈。双方签署了《海 峡两岸经济合作框架协议》和《海峡 两岸知识产权保护合作协议》。陈云 林表示,两岸知识产权保护合作协 议的签署将有效解决两岸间的商标 抢注、专利仿冒、网络盗版等急需解

据悉,根据两岸知识产权保护 合作协议,双方同意本着平等互惠 原则,加强专利、商标、著作权及植 物新品种权(植物品种权)等两岸知 识产权保护方面的交流与合作,协 商解决相关问题,提升两岸知识产 权的创新、应用、管理及保护。此外, 协议还就保护品种、业界合作、认证 服务、业务交流、工作规划等方面达 成了一致。





EXPRESS

Teletubbies triggers the trademark slugfest

"天线宝宝"商标案在京开庭

he case lodged by Quanzhou Tianxian Baobao Food Co., Ltd (Tianxian Baobao), to challenge a decision of the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce (SAIC) was heard by Beijing No.1 Intermediate Court on June 25.

Tianxian Baobao applied for "天线宝宝" as a registered trademark on 2002, certified to be used on Class 29,the good of milk and drinks, and obtained the registration in 2003. Ragdoll challenged the disputed mark at the TRAB on the ground of infringing prior right and the improper trademark registration in 2004. The TRAB revoked the Tianxian Baobao's trademarks in

Tianxian Baobao claimed that the registration of "天线宝宝"did not generate ill impact on society. TRAB took the view that Teletubbies cartoon character had distinctiveness and high reputation in the public. While, the plaintiff took advantage of the Teletubbies's reputation to harvest inequitable interests. Such acts ran counter to the principles of good faith.

As of now, the court has not

yet rendered a ruling. We will follow the development of the case. (by Yang Qiang)

本报讯 6月25日,北京市第一 中级人民法院开庭审理了泉州市天线 宝宝食品有限公司(以下简称天线宝 宝公司) 诉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) "天线宝宝"商标争议行政纠纷一案。

据了解,天线宝宝公司于 2002年 向国家工商行政管理总局商标局提 出在第29类牛奶饮料等商品上注册 "天线宝宝"商标的申请。该商标于 2003 年被核准注册后,2004 年,英国 拉格道尔公司以该商标的注册侵犯 了其享有的在先权利、属不当注册为 由,向商评委提出撤销申请。2009 年,商评委作出裁定,撤销天线宝宝 公司的该注册商标。

天线宝宝公司诉称,该商标的注 册不属于会"造成不良社会影响"的 情形。对此,商评委表示,"天线宝宝" 节目及其卡通形象在相关公众中已 经具有一定的影响力和较高的知名 度。该案原告明知或应知"天线宝宝" 为他人所创作,并具有较强独创性和 显著性, 仍将其作为商标申请注册, 明显具有不正当借用他人知名作品 声誉的故意,其行为违背了诚实信用

截至发稿时,该案尚在进一步审 理当中,本报将继续予以关注。

(杨 强)

Expo IPR work delivers

上海世博会知识产权工作取得阶段性成果

两岸经济合作框架协议》和《海峡两岸知识产权保护合作协议》。图为签字仪式现场。

On June 29, Chen Yunlin, the president of ARATS and Jiang Bingkun, the chairman of SEF held talks in

6月29日,海峡两岸关系协会会长陈云林与海峡交流基金会董事长江丙坤在重庆举行会谈。双方签署了《海峡

Chongqing and jointly signed the cross-strait Economic Cooperation Framework Agreement (ECFA) and an agree-

significant results have been achieved in IPR protection and service by Shanghai's relevant administration for IPR and the Coordinating Bureau of Shanghai Expo.

ment on IP protection.

As of June 22, Shanghai IP service center has received 113 consultations by E-mail and telephone and other ways, and 44 requests for exhibition from Germany pavilion, Czech pavilion, Mexico pavilion and other participates, 11

of which have been granted. Since the Expo opened to the public, the Bureau has handled 359 infringement cases. As of June 20, 12330 has totally processed 208 calls and rolled 16 cases into the next phase of proceedings, including 5 trademark cases, 2 patent cases, 1 copyright case and 7 cases on Expo symbols.

(by Kong Yuanzhong) 本报讯 截至目前,上海世博 会开园已两个月。自5月1日开园 以来, 上海知识产权相关管理部门 以及上海世博会事务协调局围绕涉

世博知识产权保护与服务两条主线

开展工作,取得阶段性成果。 截至6月22日,设在世博园区

务中心通过电子邮箱及电话等途径 接受参展者知识产权咨询 113 件;累 计受理德国馆、捷克馆、墨西哥馆 等参展者提出的参展证明申请计 44份,其中已发证 11份。

(by XinHua)

新华社 供图

自开园以来,上海世博局通过 行政执法部门已经处理涉嫌世博 会标志侵权案件 359 件。截至 6 月 20 日, "12330" 共接收来电 208 人 次,受理符合立案条件的举报投诉 16件,其中涉及商标的5件、涉及专 利的2件、涉及版权的1件以及涉 嫌构成对上海世博会标志知识产权 侵犯的7件。

(孔元中)

CSRC requires GEM listed companies to disclose **IPR** information

中国证监会要求上市公司披露知识产权信息

n an effort to regulate disclosure of Growth Enterprise Market (GEM) listed companies, on June 30, China Securities Regulatory Commission (CSRC) released the Rules of the Disclosure of Semi-annual Report of GEM Listed Companies, first demanding the listed companies to disclose IPR information accurately and

Compared with the rule of the Main Stock Exchange Market (MSEM), this rule strengthens the disclosure of information that may have a great impact on core competitiveness of companies, intangible assets, management risks and continuous inspection. Since the companies mainly achieve competitive advantages through brand and technical innovation, the rule demands the companies to disclose their intangible assets condition including trademark, patent and non-patented technology and main influential factors, according to the principal of CSRC.

(by Zhao Jianguo) 本报讯 为进一步规范创业板 上市公司半年度报告披露工作,6月 30日,中国证券监督管理委员会(以

下简称证监会) 发布创业板上市公 司半年报披露准则中,首次要求准 确、及时披露专利等知识产权信息。

据证监会有关负责人介绍,与 主板上市公司半年报规则相比,创 业板半年报规则增加了体现创业板 上市公司特点的披露要求,强化可 能对公司核心竞争能力产生重大不 利影响事项、无形资产情况、经营风 险和持续督导机构的披露。由于创 业板公司更多地依靠品牌、技术创 新等获得竞争优势,因此,创业板上 市公司半年报准则要求公司披露商 标、专利、非专利技术等无形资产的 变化情况及产生变化的主要影响因 素。 (赵建国) IP CHINR'S IP MANUAL

Several opinions on Providing Judicial Safeguard and Service for Accelerating the Transformation of Economic Growth

《关于为加快经济发展方式转变提供 司法保障和服务的若干意见》

he Supreme People's Court (SPC),on July 1, released Several Opinions on Providing Judicial Safeguard and Service for Accelerating the Transformation of Economic Growth, requiring the courts at all levels to beef up IPR judicial protection to promote strategic industrial development.

Under the opinion, calling for proper trial of IPR cases to safeguard the innovative spirits and capabilities of the society, step up protection of well-known trademark, new varieties of plants, the trademark right of strategic, beef up copyright protection including publishing, radio, film and art, crack down on various IPR violations, facilitate the sound development of cultural innovation.

7月1日,中国最高人民法院在京 发布了《关于为加快经济发展方式转 变提供司法保障和服务的若干意见》 (以下简称《意见》)。《意见》要求各级人 民法院加强对重点领域知识产权的司 法保护,促进战略性产业发展。

《意见》指出,人民法院要妥善审 理各类知识产权案件,保障和服务推 动自主创新。要加强对驰名商标、农 产品地理标志以及战略性新兴产业 和现代服务业商标权的保护。《意见》 还要求加强对新闻出版、广播影视、 文学艺术等领域的著作权保护,依法 惩处假冒商标、专利和侵犯著作权等 侵犯知识产权的犯罪行为,促进文化 创新,繁荣文化市场。

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