

NUMBERS

76,000 As of the end of 2009, central enterprises in China had owned cumulative 76,138 live patents, 2 times of those in 2006. Among which, 21,266 are live invention, representing 27.7% of the total.

7.6 万件 据悉,截至2009年底,中国中央企业已累计拥有有效专利7.6138万件,为2006年的两倍,其中,有效发明专利2.1266万件,占总量的27.7%。

63 As the end of May 2009, 63 Shanghai Expo symbols are put on records in Trademark Office under the State Administration for Industry and Commerce, Shanghai expo mascot graphic have gained trademark registration certificates in 27 classes, letters of "海宝"以及"海宝 haibao" have been granted certificates in 6 classes.

63 件 截至2010年5月底,在中国国家工商行政管理总局商标局备案的世博会标志达63件。此外,上海世博会吉祥物图形已获得27个类别的商标注册证,"海宝"以及"海宝 haibao"文字获得6个类别的商标注册证。

100 The Nanjing government in Jiangsu Province issued the Nanjing's Intellectual Property Strategy lately, and Nanjing will commercialize more than 100 patents achievements and implement more than 100 key patent industrialization projects annually by 2015.

100 项 日前,江苏省南京市颁布实施《南京市知识产权战略纲要》。根据该纲要规定,到2015年,南京市每年转化的专利技术成果和实施的重大专利技术产业化项目均将超过100项。

344 According to the latest statistics, Sichuan province has organized 344 training courses, special lectures and public lectures in 2009, have trained 4,135 party and leaders, given lectures for 84,000 technicians and managers from public and private entities.

344 期 据不完全统计,2009年四川省共举办各类培训班、专题讲座、报告会344期(个),培训党政领导干部4135人(次),培训企事业单位专业技术人员、管理人员8.4万人(次)。

7,000 As of this year's first quarter, China Datang Corporation has filed 7,000 patents applications in accumulation, 90% of which are invention, and more than half are mainly focused on TD-SCDMA and TD-LTE technology.

7000 件 截至2010年1季度,中国大唐电信集团已累计申请中国专利超过7000件,90%以上为发明专利申请,其中近半数专利围绕TD-SCDMA、TD-LTE及后续演进技术与标准申请。

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First Expo IPR criminal case concluded

中国首例涉世博知识产权刑事案件审结

Shanghai Pudong District Court concluded the first criminal IPR case relating to Shanghai Expo, a good attempt to concentrate trial of IPR criminal, civil and administrative case under one roof. The one-stop modality is designed by the court for specifically for the Expo.

In June 2008, Shanghai Changzheng Material Company and Shanghai Construction Engineering Company reached a letter of intent on the supply of materials for Shanghai Expo. Since November 2008, Mr. Tan, Manager of Changzheng Material Company, had

purchased 8 types of faked galvanized steel pipe significantly below normal market prices, involving 456,000 yuan. The materials were then sold to and used in the Expo garden construction. Later, Mr. Tan surrendered himself to the law and would later be sentenced to two years in prison and 100,000 yuan in penalty. The court penalized his company another 180,000 yuan and seized all faked steel tubes.

(by Hu Man/Liu Ren) 本报讯 为更好地服务和保障上海世博会,上海市浦东新区人民法院运用"三合一"审判模式,妥善审理涉世博知识产权纠纷案件。日

前,浦东法院已经审结首例涉世博知识产权刑事案件。

据了解,2008年7月,上海长正物资有限公司与上海安装工程公司签订《物资供应意向书》,成为世博工程的供应商。2008年11月起,长正物资公司总经理谭某以明显低于市场价的价格购进8种规格型号的假冒"金洲"牌镀锌钢管,并先后多次销售用于世博园区的工程建设,涉及金额为45.6万元。后谭某主动投案,并供认了上述事实。浦东法院判决谭某有期徒刑2年并处罚金10万元,同时判处长正物资公司罚金18万元,对假冒"金洲"商标镀锌钢管全部没收。

(胡媛 刘仁)



Shanghai light industry R&D institution's oxidation cyclic cooling water treatment technology is applied in Shanghai Expo's theme pavilions and 4 invention patent applications have been filed. (by Yang Shen) 图为采用高级氧化循环冷却水处理技术的上海世博会主题馆。据了解,由上海市轻工研究所有限公司研发的此项创新成果已经提交了4件发明专利申请。 本报记者 杨申 摄影报道

Judges, experts discuss new IPR trial model

中国探讨知识产权司法保护“三审合一”模式

On June 22, IPR judges from national court system and IPR experts gathered in Wuhan to discuss a new model of trial for IPR cases, which combines trial of criminal, civil and administrative in one tribunal.

According to the new model, the intellectual property tribunal has the jurisdiction over any IPR case. Judges and scholars held that the current separate trial model has caused inconsistency of trial standard, unreasonable jurisdiction, and waste of judicial resources due to fast growth of IPR cases and the

sophisticated, technical nature of these cases. The new trial model may bring more consistency trial standard, integrate judicial resources and to improve judicial efficiency.

As of end of 2009, 5 high courts, 44 intermediates and 29 grassroots across China had implemented the pilot projects.

(by Wei Xiaomao) 本报讯 6月22日,来自中国各地法院的知识产权领域的法官、专家学者齐聚武汉,共同研讨交流知识产权司法保护“三审合一”模式。

据了解,知识产权民事、刑事和行政案件统一由知识产权庭审理,被

称为知识产权司法保护“三审合一”。与会的知识产权法官、专家学者认为,随着近年来中国知识产权案件数量的快速增长,由于知识产权案件具有很强的专业性、技术性,现行三大诉讼分立的格局造成知识产权案件审判中裁判标准不统一,审判管辖不合理、专业审判资源浪费等弊端,从而影响了知识产权司法保护水平整体的提升。实现知识产权司法保护“三审合一”,有利于统一裁判标准,整合审判资源,提高司法效率。

据悉,截至2009年12月底,中国已有5个高级法院,44个中级法院和29个基层法院开展了相关试点。

(魏小毛)

Yunnan steps up punishment for faking patents

云南省加大假冒专利行为处罚力度

According to the rules on administrative penalty criterion on counterfeiting patents by Yunnan government, administrative law enforcement agencies in Yunnan increased punishment for patents counterfeiting since June 1.

The rules explicitly stipulate conditions of heavier or aggravated punishment for administrative penalty, further restraining discretion. The rules define that illegal earning will be confiscated when business value reach 5,000 yuan to 50,000

yuan, and will also be fined 1 to 3 times of the earnings. Penalty of 5,000 yuan to 100,000 will be imposed when no earnings is made. Illegal business value amounted more than 50,000 yuan will be confiscated the illegal earnings and be penalized 3 to 4 times of the earning, also 100,000 yuan to 200,000 yuan penalty will be imposed if no earnings is generated.

(by Liang Dandan) 本报讯 近日,云南省出台了《云南省查处假冒专利实施行政处

罚基准制度》(以下称《制度》)。自6月1日起,云南省各级专利行政执法机构将按照《制度》加大查处假冒专利实施的行政处罚力度。

《制度》规定,非法经营数额在5000元以上5万元以下的,将没收违法所得,并处违法所得1倍到3倍的处罚,没有违法所得的处5000元以上10万元以下的罚款;非法经营数额在5万元以上的,没收违法所得,并处违法所得3倍以上4倍以下的罚款,没有违法所得的处10万元以上20万元以下的罚款。

(梁丹丹)



EXPRESS

Honda seeks reversal of TRAB ruling

本田为“广本”商标上法庭

The Beijing No. 1 Intermediate People's Court takes Honda Technology Research & Development (China) Investment Co., Ltd.'s suit against the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce and the third party Mr. Li from Wenling City, Zhejiang Province over the trademark of Guangben, pronouncing Guangzhou Honda in Chinese. Honda seeks reversal of TRAB's ruling over the disputed trademark.

Mr. Li applied Guangben for trademark registration on motor and engine starter on August 2003, he claimed the Guangben trademark originating from the Chinese phrase Guang Da Ben Yuan, means bright and origin, thus the trademark is of originality. Honda held that as a famous car maker, Guangzhou Honda Motor is generally called GuangBen for short, registration of Guangben will mislead the public and injure the trade name right of Guangzhou Honda Motor Company.

The TRAB argues that Honda indeed enjoys the prior right of the trade name of Guangben, however Honda's delivered materials didn't

refer to the usage of Guangben on motor and engine starter in Class 7, and can not prove the Honda's popularity in Class 7, so they approved Mr. Li's application.

We will follow the development of the case.

(by Che Wenqiu/ Chang Ming)

本报讯 浙江省温岭市的李某申请注册“广本”商标,被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)核准注册。为此,本田技研工业(中国)投资有限公司(以下简称本田公司)将商评委诉至法院,请求撤销商评委的裁决。6月17日,北京市第一中级人民法院开庭审理此案。

本案第三人李某于2003年8月申请在马达、引擎启动器等商品上注册“广本”商标,李某称“广本”源于“广大本源”,该商标具有独创性。本田公司认为,作为知名的汽车生产商,“广州本田汽车”被普遍称为“广本”已经为人们所熟知,将“广本”注册为商标是在误导公众,并损害“广州本田汽车有限公司”的商号权。

对此,商评委答辩称,本田公司对于商号“广本”二字应当享有在先权利,但是在商标异议复审中,本田公司提交的证据均未涉及该商号在第7类马达、引擎启动器等商品上的使用情况,不能证明该商号在第7类商品上的知名度。

此案没有当庭宣判,本报将继续关注。

(车文秋 常鸣)

CHINA'S IP MANUAL

Circular on regional planning for Yangtze River Delta

《关于印发长江三角洲地区区域规划的通知》

The National Development and Reform Commission recently promulgated the Circular on regional planning for Yangtze River Delta. The circular identifies that national policies and measures to encourage independent innovation should be fully implemented, so as to establish a market-oriented science and technology financing system led by government investment and the enterprise and public investment are the mainstay.

The circular indicates that efforts should be striven to increase fiscal support for the industrial generic technology R&D, technology import and re-innovation, small and medium sized technical enterprises. A number of venture capital investment institutions be set up in accordance with industry devel-

opment and strengthen government's role in fund guidance. Encourage issuance companies to develop new issuance for science and technology, explore the property mortgages registration for high-tech enterprises, give support for these companies to be listed.

日前,中国国家发展和改革委员会印发《关于印发长江三角洲地区区域规划的通知》。通知要求,落实国家鼓励自主创新的有关政策措施,建立以政府科技投入为引导,企业、社会投入为主体的市场化科技创新投融资体系。

通知指出,要加大财政对共性技术研发、引进技术消化吸收再创新、初创型科技中小企业的支持力度。研究制定鼓励创业投资发展政策,完善退出、收益保障和风险承担机制。鼓励保险机构开发科技保险险种,积极探索科技型中小企业开展股权出质登记,支持符合条件的科技型上市。