

NUMBERS

85.04% According to the SPC's statistics, the conclusion rate of first-instance IPR civil cases of Chinese local courts increased from 81.73% in 2008 to 85.04% in 2009, appellate cases, decreased from 49.32% in 2008 to 48.82% in 2009.

85.04% 统计显示,中国地方法院知识产权民事案件一审结案率从2008年的81.73%上升到2009年的85.04%;上诉率从2008年的49.32%下降到2009年的48.82%。

92 As of the end of 2009, the number of courts with jurisdiction over patent, new varieties of plants, layout design of integrated circuit and famous brand determination reached 76, 41, 46 and 40 respectively while local courts with IPR jurisdiction amounted to 92.

92个 截至2009年底,中国具有专利、植物新品种、集成电路布图设计案件和涉及驰名商标认定案件管辖权的中级人民法院分别为76个、41个、46个和40个,可以审理一般知识产权民事案件的基层法院已达92个。

70,000 In 2009, China's software registration logged at 70,965, up 49.75%. Among that, registrations of software copyright were 67,912, up 48.6%, representing 95.7% of the total.

7万件 2009年中国软件登记申请总量为7.0965万件,同比增长49.75%,其中,软件著作权登记量为6.7912万件,同比增长48.6%,占软件登记总量的95.7%。

210% In a campaign targeting infringing goods via post and express channel waged by Guangzhou Customs in 2009, the customs handled 2,100 infringement cases, up 210%.

210% 最新统计数据,广州海关在2009年专项打击以快递及快件渠道藏匿“李鬼”的行动中,共查处涉嫌侵权案件2100宗,比往年增加210%。

95.73% Jiangsu obtained 87,286 patents in 2009, up 95.73%, topping the nation for the first time. The province filed 174,327 applications, up 36.19%, ranking No.1 in the nation after 2008.

95.73% 2009年,江苏省专利授权量达8.7286万件,同比增长95.73%,首次位列全国首位;专利申请量达17.4327万件,同比增长36.19%,继2008年之后再次位居全国第一。

39,000 Ningbo Customs seized 39,000 clothes and suitcases infringing Armani, Dior, LV, Gucci and Prada, with a total value of 370,000 yuan.

3.9万件 日前,宁波海关查获3.9万件涉嫌假冒阿玛尼、迪奥、路易威登、古琦、普拉达等国际名牌服装和箱包。经初步估算,这批涉嫌假冒的货物价值为37万元人民币。

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IPR in spotlight at NPC, CPPCC

知识产权成为中国两会热点

At the third session of 11th National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC), Chinese President Hu Jintao reiterated that it is indispensable to grasp the opportunity brought by the new round of world's technological revolution, work hard to make breakthroughs in core technology, acquire more IPRs and provide a strong support for accelerating the transformation of economic development and economic restructuring. Chinese Premier Wen Jiabao in his government work report said,

great efforts would be made to implement innovation measures, build an innovative country and accelerate implementation of important projects of essential technologies while implementing IPR strategy and beefing up IP creation, application and protection. Both Supreme Court Chief Justice Wang Shengjun and Supreme Procuratorate President Cao Jianming promised to step up IPR judicial protection. (by Wang Weiwei) 本报讯 日前,十一届全国政协三次会议和十一届全国人大三次会议相继闭幕。会议期间,中共中央总书记、国家主席、中央军委主席胡

锦涛在参加江苏代表团审议时指出,要紧紧抓住新一轮世界科技革命带来的战略机遇,坚定不移走中国特色自主创新道路,努力突破更多核心技术,获得更多自主知识产权,为加快经济发展方式转变和经济结构调整提供强有力的科技支撑。 国务院总理温家宝在今年的政府工作报告中指出,要认真贯彻自主创新方针,全面推进创新型国家建设,加快实施科学技术重大专项。要大力实施知识产权战略,加强知识产权创造、应用和保护。 最高人民法院院长王胜俊和最高人民检察院检察长曹建明分别在政府工作报告中强调,将进一步加大知识产权保护力度。(汪玮)



SIPO commissioner Tian Lipu (L) and John Marshall Law School (JMLS) dean John Cokery (M) confer diplomas to Class 2009 under JMLS' joint program with SIPO's China Intellectual Property Training Center. (by Yang Shen) 3月10日,中国知识产权培训中心与马歇尔法学院联合培养硕士研究生毕业典礼在京隆重举行。中国国家知识产权局局长田力普与美国马歇尔法学院院长约翰·考克利共同出席典礼,并为学员颁发毕业证书。图为田力普(左)与约翰·考克利(中)共同为学员颁发毕业证书。 本报记者 杨申 摄

Beijing Court takes CARTIER trademark infringement claim

北京法院受理“CARTIER”案

Beijing No.2 Intermediate People's Court recently took Cartier International N.V.'s complaint on Foshan Yinuo Ceramics Company and Beijing Yulong Yinuo Company's infringement of its trademark. Cartier Company registered some CARTIER trademarks in the class of jewelry and other varieties in China. Cartier claimed that the two defendants used 卡地亚, CARTIER and 卡地亚 symbols on ceramics, and placed several articles on their website, which would cause public confusion and violates the principle of good faith. Cartier then filed suit to the court on the ground of trademark infringement and unfair competition, and sought injunction, eliminated negative effects and 800,000 yuan in damages. We will follow the develop-

ments of the case. (by Yang Qiang/Zhou Duo) 本报讯 近日,北京市第二中级人民法院受理了卡地亚国际有限公司诉佛山市依诺陶瓷有限公司和北京裕隆依诺经贸有限公司侵犯注册商标专用权案。 据了解,卡地亚公司目前在华注册有“CARTIER”商标,涉及到多个商品类别,其产品主要为珠宝首饰,在国内市场上具有一定的知名度。卡地亚公司诉称,上述两被告则在其生产并销售的瓷砖等产品上使用了“卡地亚”、“CARTIER”和“卡地亚”等字样及标识;还在其公司主页上刊登了多篇文章,让人误以为其与卡地亚公司有关联,其行为违背了诚实信用原则。卡地亚以被告已构成了侵犯了卡地亚公司的注册商标专用权并构成不正当竞争为由向法院提起诉讼,要求两被告停止侵害,消除影响,并赔偿经济损失共计80万元。 本报将对本案继续关注。(杨强 周多)

'Why we can trust the Chinese': By inventor Trevor Bayliss

中国知识产权保护为世界树立典范

A court in Beijing today fined two Chinese manufacturers for infringing the patent on a British company's kettle design. The ruling was welcomed by Trevor Bayliss, who thanked the Chinese judicial system for standing up for British inventors. Mr Baylis who is best known for inventing the wind-up radio, this week wrote to Madam Fu Ying, the Chinese ambassador to the UK, to thank the country for the court's decision. The 72-year-old, who champions the rights of inventors, said patenting ideas can be costly and it is important that those patents are respected. His letter to Fu Ying follows the case involving Isle of Man-based Strix Ltd, which manufactures electric kettle controls, who took legal action against two Chinese manufacturers for patent infringements. Strix said a court in Beijing ruled in December that its patent was valid. The court fined Zhejiang Jiatai

Electrical Appliance Manufacture Co Ltd and Leqing FaDa Electrical Appliance Co Ltd and ordered both companies to stop producing the kettle controls. Strix said two kettle manufacturers, Zhongshan WeiLing Electrical Appliance Co Ltd and Zhongshan Shunlong Century Electrical Appliance Co Ltd, were also ordered to stop the production and sale of two models containing those controls. The Chinese court's decision to back the British firm rather than its own businesses was a positive sign for future relations, Bayliss said. 'It means that we can trust the Chinese,' he said. 'I want to make sure that the UK economy doesn't suffer as a result of people stealing ideas and that the lone inventor, he or she, can have their day in court and be treated with respect.' Mr Baylis's letter to Madam Fu Ying expressed his "thanks and gratitude for the Beijing court's recent award of 9.1 Million RMB (about £800,000) in damages in favour of Isle of Man-based Strix Ltd".

It added: 'Effective enforcement of intellectual property rights in China is a key concern of the many small UK businesses and there is a widespread belief that enforcing intellectual property rights in China is a challenge for foreign companies. This decision demonstrates that this is not so and it will be welcomed by small businesses in the UK who wish to operate within your country.' Mr Baylis added that it was "a very important ruling and other countries would do well in following China's lead" in recognising and enforcing intellectual property rights. He told the ambassador: 'I would like to thank you for standing alongside those ordinary people who have the ability to change all our lives both socially and commercially.' Paul Hussey, CEO of Strix Ltd, said the case highlighted the importance the Chinese judiciary placed on protecting the intellectual property rights of companies no matter where they are based. 'Higher standards of intellectual

property protection will encourage new innovation and support China's bid to further enhance its position as a global design centre, not just a manufacturing hub,' he said. 'It is equally important for other countries to respect the intellectual property rights of Chinese companies so that Chinese innovators are also protected when their technologies are exported and introduced in other parts of the world.' 日前,英国《每日邮报》刊登了《我们为什么可以相信中国》一文,高度评价了中国在知识产权保护方面所做出的努力,并表示,中国在知识产权保护方面为世界其他国家树立了典范。 文章说,北京一法院近日判决两家中国制造企业侵犯了英国一电水壶温控器生产商的专利权。曾经发明了发条式收音机的著名发明家特雷弗·贝利斯对这一判决表示支持,并感谢中国司法机关对英国发明者的支持。 72岁的贝利斯表示,专利权理应得到尊重。此前,英国斯特里克斯有限公司以两家中国制造企业侵犯了其专利权为由,起诉至北京一家法院。该法院于日前判决浙江嘉泰电器制造有限公司和乐清市发达电

器有限公司侵权成立,判令两家公司对斯特里克斯公司进行赔偿,并停止生产这种水壶温控器。 贝利斯说,中国法院对英国公司而不是中国的企业予以支持,这是一个积极的迹象。他说:"这意味着我们可以信任中国人。" 贝利斯日前致信即将卸任的中国驻英国大使博尊,对中国法院的判决表示感谢。他在信中指出,许多英国小企业都非常关注在中国能否有效地保护知识产权。外国公司普遍认为,在中国能否有效地受到知识产权保护是一种挑战,但中国法院的判决表明,情况并非如此。这一判决将令在中国开展业务的英国小企业深受鼓舞。此外,他还表示,这是一个非常重要的判决,其他国家也会效仿中国,承认并保护知识产权。 斯特里克斯首席执行官保罗·赫西说,该案凸显了中国司法机关对保护知识产权的重视。他说,知识产权保护力度的提高将会激励创新,从而支持中国成为全球设计中心,而不仅仅是一个生产中心。对他国家来说,尊重中国企业的知识产权也同样重要。这样,中国发明者的技术在出口或被推广到世界其他国家时也应受到保护。(本报记者 柳鹏 编译)