

NUMBERS

154

Shandong Haiyang Nuclear Power Plant, the largest of its kind in China, was kicked off on December 28. As of now, it has filed 154 domestic patent applications.

154件

2009年12月28日,中国最大的核电工程山东海阳核电站正式开工。截至目前,该工程已经申请中国专利154件。

2,000

Shenzhen National High-Tech Industry Model Park has become the first approved model park in China. The park now houses 2,000 electronic information companies, 36 R & D centers, etc.

2000家

日前,深圳国家高新技术产业标准化示范区成为我国首个通过验收的国家高新技术产业标准化示范区。据悉,该示范区聚集了近2000家电子信息企业,以及36家市级以上的企业研发中心。

400

More than 400 patent applications were filed in the 1,000 KV Jindongnan-Jingmen UHV AC transmission project, one of the national key model projects.

400件

近日,作为“国家重大工程标准化示范”项目之一的“1000KV晋东南至荆门特高压交流输电工程”共提交了400余件中国专利申请。

2,000

Shanghai Customs handled two cases infringing trademarks of 2010 South Africa World Cup, and seized 2,000 Norway and Mauritius-bound footballs exported by two companies in Guangdong.

2000只

近日,上海海关接连查处了两起侵犯2010南非世界杯足球赛商标专用权的案件,共查获深圳市某公司出口挪威和广东省某公司出口毛里求斯的侵权足球2000只。

80.8%

A technological research project of energy-saving recirculation aquaculture equipment was approved in Fujian recently. It could improve the recovery of aquaculture water to 80.8% and reduce the energy consumption by 64.7%

80.8%

近日,福建省省级科技计划项目“节能型循环水养殖装置技术研究”通过了专家验收。该技术获得了中国实用新型专利授权。据悉,该技术可使养殖用水回收利用率提高到80.8%,能耗降低64.7%。

200

The 2009 Top IT Inventions was released on December 28. Among that, some 200 domestic and foreign patent applications were filed in the commercialization project of organic light-emitting material and equipment, over 70 were granted.

200件

2009年12月28日,2009年信息产业重大技术发明出炉。其中,有机发光显示材料、器件及产业化项目目前已申请国内外专利200多件,获权70多件。

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SPC promulgates judicial interpretation for patent infringement

最高法院专利侵权新司法解释施行

The Supreme People's Court (SPC), on December 28, released an Interpretation on Several Issues of Concrete Application of Law in Handling Patent Infringement Case, which became effective on January 1, 2010. The interpretation includes, among other things, the determination of protection scope of invention and utility model patents, the principle of determining designs patent infringement, the application of prior art defense and prior use defense, and determination of the non-infringement action, providing a standard for trying patent infringement case. Article 7 of the interpretation

provides that the court would adopt the all elements rule to determine the infringement, that is, the people's court should first examine the technical elements in the claims when determining whether the alleged technical solution falls within the protection scope. In addition, the interpretation further improved the application of the doctrine of equivalents in judging patent infringement.

(By Wei Xiaomao)

本报讯 2009年12月28日,最高人民法院发布了《关于审理侵犯专利权纠纷案件应用法律若干问题的解释》(以下简称《解释》),于2010年1月1日起施行。《解释》涉

及当前专利侵权审判中的主要法律适用问题:发明、实用新型专利权保护范围的确定以及侵权判定原则,外观设计专利侵权的判定原则,现有技术抗辩以及先用权抗辩的适用,确认不侵权诉讼的受理等,为专利权侵权案件审判提供了统一的裁判依据。

据了解,《解释》第七条规定了专利侵权判定的基本方法,即专利法理论上的“全面覆盖原则”;人民法院判定被诉侵权技术方案是否落入专利权的保护范围,应当审查权利人主张的权利要求所记载的全部技术特征。此次司法解释对专利侵权案件审判中等同原则的适用规则又作了进一步的明确和完善。

(魏小毛)



Emperor Qin Shihuang's Terracotta Army Museum (Shannxi) repairs the terracotta via advanced technology including laser scanning to rejuvenate the once-multicolor warriors. (By Yang Shen)
陕西省秦始皇兵马俑博物馆采用计算机、激光扫描等技术进行彩陶辅助修复,让色彩鲜艳的彩陶俑“永葆青春”。
本报记者 杨申 摄影报道

Tort Liability Law takes IPR right holders on board

中国侵权责任法获通过

The Tort Liability Law of the People's Republic of China was passed during the 12th Session of the Standing Committee of the 11th National People's Congress on December 26. It elaborates that, as components of civil rights, copyright, patent right and trademark exclusive right fall into the protection scope of lawful rights and interests. The law also regulates remedies to tort liability: ceasing the infringing act, removal of hazards, restitution of property,

compensation, apology and restoration of reputation.

The law is a supplement to the relevant IPR laws, which can serve as a reference when IPR infringement occurs, according to Wang Shengmin, deputy director of the Commission of Legislative Affairs of National People's Congress. (By Cui Jingxi)

本报讯 2009年12月26日,中华人民共和国第十一届全国人民代表大会常务委员会第十二次会议审议并通过了《中华人民共和国侵权责

任法》。其中规定,著作权、专利权、商标专用权等作为民事权益的组成部分被纳入民事主体合法权益的保护范围内。在此次出台的侵权责任法中,明确规定了承担侵权责任的方式主要有:停止侵害、排除妨碍、消除危险、返还财产、恢复原状、赔偿损失、赔礼道歉和消除影响、恢复名誉。

全国人大常委会副主任王胜明在接受中国知识产权报记者采访时表示,侵权责任法是对知识产权相关法律的补充和完善,一旦知识产权侵权行为发生,侵权责任法可作为补充参考。(崔静思)

Trademark review pendency eases

中国商标评审案件积压明显缓解

According to the national working conference on administration for industry and commerce, the number of pending cases has dropped significantly in 2009.

As of November 18, 2009, the Trademark Review and Adjudication Board (TRAB) of State Administration for Industry and Commerce (SAIC) resolved 31,708 cases, 24,228 of which related to rejected applications. The period of pending was curtailed to 3 years from 13 years in early 2008, registering a 10-year slide.

As of the end of November

2009, SAIC examined 1.3006 million trademark applications, up 109.29% year on year; resolved 22,700 dispute cases, up 128.37%; registered a cumulative 4.1599 million trademarks, leading the world in trademark applications, examinations and living trademark registrations.

(By Zhang Haizhi)

本报讯 2009年12月24日,记者在全国工商行政管理工作会议上获悉,2009年,中国商标评审工作取得重大进展,审理商标评审案件3.3万件,商标评审案件积压问题得到明显缓解。

据了解,近年来,中国国家工商

总局采取一系列措施着力提高商标评审工作。截至2009年11月18日,中国国家工商总局商标评审委员会共受理3.1708万件商标评审案件,其中驳回复审案件2.4228万件。复杂案件积压周期由2008年年初的13年缩短为目前的3年,案件积压周期缩短了10年,审理周期过长的局面得到扭转。

截至2009年11月底,国家工商总局商标局共审查商标注册申请130.06万件,同比增长109.29%,裁定商标异议案件2.27万件,同比增长128.37%。据悉,中国累计注册商标总量415.99万件,商标申请量、审查量、有效商标注册量均位居世界第一。(张涛志)

EXPRESS

RealPlayer prevails in copyright assertion

瑞尔公司著作权侵权案尘埃落定

Beijing High People's Court entered into its final decision, denying the requests from Beijing Baofeng Company and upholding the first instance decision of the Beijing No.1 Intermediate People's Court.

In November 2007, RealPlayer found that Baofeng includes components with Real copyright in its own media player without its authorization. Such act constitutes copyright infringement. It then filed an infringement action before Beijing No.1 Intermediate People's Court. In its decision of first instance in December 2008, the court held Baofeng has infringed Real's software reproduction right, distribution right and issued an injunction and monetary damage of 200,000 yuan. The disgruntled Baofeng Company then appealed to the High Court, which would later make the

above decision. (By Qin Yun)

本报讯 日前,美国瑞尔数码公司(以下简称瑞尔公司)诉北京暴风网络科技有限公司(以下简称暴风公司)著作权侵权案尘埃落定。北京市高级人民法院作出终审判决,驳回暴风公司上诉,维持一审判决。

据了解,2007年11月,瑞尔公司发现暴风公司未经许可,擅自在其开发的暴风影音软件中使用瑞尔公司享有权利的RealPlayer相关程序组件,涉嫌侵犯了瑞尔公司的软件著作权。为维护公司的合法权益,瑞尔公司将暴风公司诉至法院。2008年12月,北京市第一中级人民法院作出一审判决,判令暴风公司的行为侵犯了瑞尔公司享有的计算机软件著作权、发行权、信息网络传播权,判决暴风公司立即停止侵权行为,并赔偿瑞尔公司经济损失20万元人民币。暴风公司不服一审判决,上诉至北京高院。北京高院近日作出终审判决,驳回上诉,维持原判。

(秦韵)

IP CHINA'S IP MANUAL

Circular on Stepping Up Measures on the Safety and Quality of Major Project

《关于加强重大工程安全质量保障措施的通知》

The National Development and Reform Commission, Ministry of Industry and Information and Technology, Ministry of Housing and Urban-Rural Development and other four authorities jointly released a Circular on Stepping Up Measures on the Safety and Quality of Major Project. The circular requires companies to remove the hidden danger of major project by improving the safeguarding capability, facilitating innovation and S & T advancement and applying standard management.

The Circular spelled out several tasks, promoting the safety and quality through S & T progress, encouraging and guiding company to increase fund in techniques for safety, encouraging the R & D and

application of advance technology, material, equipment and process in flavor of safeguarding safety and quality.

近日,中国国家发展和改革委员会、工业和信息化部、住房和城乡建设部等七部委联合发出《关于加强重大工程安全质量保障措施的通知》。其中提出消除重大工程安全质量隐患,根本在于提高基础保障能力,要从推动自主创新与科技进步、实行标准化管理等方面,全方位提高重大工程安全质量的基础保障能力。

《通知》指出,要通过科技进步促进工程安全质量,加大安全科学技术研究的投入和支持力度,鼓励和引导企业加大工程安全科技投入。鼓励有利于保障工程安全质量的新技术、新材料、新设备、新工艺的研发和推广应用。