

NUMBERS

26 SIPO locks with 16 organizations as the second group of patent protection partners recently, making the total to 26.

26家 近日,中国国家知识产权局批准了第二批全国专利保护重点联系基地共16家。截至目前,全国专利保护重点联系基地已达26家。

650,000 Some 650,000 copies of documentation on the 3 types of patent were published in 2008, ranking in the lead pack in the world.

65万件 目前,中国3种专利文献的出版规模已经居世界前列,2008年共出版3种专利共65万件。

90 Guangdong presented its 90 high-tech projects with patents pending or patents granted during the 11th China High-tech Fair, representing 76.3% of all items.

90个 在第11届中国国际高新技术成果交易会上,广东省展出了已申请和获得专利的项目超过90个,占该省参展总项目的76.3%。

210,000 Chengdu Customs handled a case of shipping shoes and clothes infringing 13 famous international designer brands via post channel. The goods were estimated worth 210,000 yuan.

21万元 日前,成都海关查获一起利用邮递渠道侵犯知识产权的案件。该案涉嫌侵犯13个国际名牌的鞋类、服装等,涉案金额达21万元。

91% Among the 1,089 IPR civil cases taken by courts in Henan, 91% and 52% were withdrawn during the first and second instance respectively in first half 2009.

91% 河南省全省法院受理的1089件一审知识产权民事案件中,通过法院的调解,上半年一审撤诉率达到91%,二审撤诉率达到52%。

58 million Some 12 letters of intent on patent trade were sealed in Shenyang (Liaoning) during the Third China Patent Week, inking 58 million yuan.

5800万元 在第三届中国专利周期间,辽宁省暨沈阳市专利周分会场共举办交易8场,意向成交12个项目,意向成交总额达5800万元。

500 million Jianguo Longliqi Company secured a loan of 500 million yuan from Changshu Branch of Bank of Agriculture by pledging its registration trademark of Longliqi.

5亿元 日前,江苏省隆力奇集团有限公司以“隆力奇”注册商标专用权为质押,从中国农业银行常熟支行获得贷款5亿元。

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Measures to regulate remuneration for broadcasting released

中国公布《广播电台电视台播放录音制品支付报酬暂行办法》

明年起电台电视台播放音乐需付费

The State Council released the Interim Measures for Paying Remuneration for Broadcasting Sound Recordings by Radio Stations and Television Stations on November 17. Under the Measures being announced, it will become effective from January 1, 2010.

According to a principal of NCAC, broadcasters may pay royalty in three ways: a fixed annual fee agreed between user and copyright collective management organization, a certain proportion received from advertising income, payment priced on actual recording time. According to the Measures, royalty

should be paid in the first quarter of the year to compensate use in the previous year, and the title of the works, the copyright ownership and other details should be informed by the TV and radio stations.

(By Yao Wenping) 本报讯 11月17日,中国国务院公布了《广播电台电视台播放录音制品支付报酬暂行办法》(以下简称《付酬办法》),规定从2010年1月1日起,广播电台、电视台播放录音制品,将有3种付费方式供选择,作为约定或者协商支付报酬的基础。中国国家版权局有关负责人在接受中国知识产权报记者采访时表示,此办法的公布充分体现了既保

障著作权人依法行使权利,又方便广播电台、电视台依法播放节目的原则,是落实中国著作权法,保护权利人利益的具体举措。据了解,此次《付酬办法》规定了3种付费方式:按照广播电台、电视台与相关著作权集体管理组织的约定每年向著作权人支付固定数额的报酬;按广播电台、电视台广告收入的一定比例计酬;按广播电台、电视台播放录音制品的时间多少计酬。根据《付酬办法》,广播电台、电视台应当于每年度第一季度将其上年度应当支付的报酬交由著作权集体管理组织转付给著作权人,同时提供其播放作品的名称、著作权人姓名或者名称、播放时间等情况。

(姚文平)



Representatives from over 40 Fortune 500 companies and foreign chambers of commerce share experiences in IPR Protection at the 2009 IP Protection Symposium of Foreign Investment Institutions in Chongqing, November 18. (By Wang Wenyang) 11月18日,“2009全国外商机构保护知识产权座谈会”在重庆召开。会上,来自外商协会及40多家“世界500强”企业的代表分别介绍了各自的知识产权保护情况。图为会议现场。本报记者 王文扬 摄

EXPRESS

Consumer advertisement fraud claim denied

北京一消费者诉金士顿案一审被驳

A consumer case against the US company Kingston was rejected by Haidian district court recently. The consumer surnamed Li claimed he bought a USB flash memory product for 68 yuan. Li found that DataTraveler is not a registered trademark in China and also claimed its advertisement misleading. He sued Kingston and the retailer seeking a 68 yuan refund and another 68 yuan for compensation and a public apology.

The two defendants claimed that despite of the non-registration of the trademark in question in China, the trademark "DataTraveler" has been successfully registered in the US, thus the imported articles are eligible to be sold under the title of registered trademark. The two defendants also presented the relevant registration certificates to the court.

The court ruled Li's evidence

was insufficient to support his claim and rejected his claims.

(By Song Chunfeng) 本报讯 近日,北京市海淀区人民法院审理了消费者李某诉美国金士顿公司北京代表处及其经销商虚假宣传一案,一审驳回了李某的诉讼请求。原告李某诉称,其以68元人民币在被告经销商购买了“DataTraveler”优盘1个。但经查询后发现,截至2009年1月16日,“DataTraveler”商标还未被核准注册。李某认为,二被告将未注册的商标标注为注册商标“DataTraveler”属于虚假宣传,损害了原告的权益。李某要求法院判令被告返还购货款68元,同时支付一倍赔偿,并在相关媒体上公开道歉。

俩被告称,认可“DataTraveler”商标至今尚未在中国注册成功,但表示该商标已在美国注册成功,原装进口产品依法可在中国销售并使用注册商标的标识,并提供了相关证明。法院以李某的证据不足为由,作出了上述判决。(宋纯峰)

Compose the new canto of Chinese IP practice (copyright)

The international and domestic realities have changed drastically recently. How to elevate innovative capacity, build innovative country and fully implement the National IP Strategy all place copyright in a more prominent position. During the 30 years of reform and open-up, China has made great achievements in copyright legal system, enforcement, market order and creativeness. The overall strength of the content industry advanced significantly.

Build all around copyright legal system

Since the enactment of the Copyright Law in 1990, China promulgated the Implementing Regulations for the Copyright Law, Regulations on the Protection of Computer Software, Regulations on the Collective Management of Copyright and Regulations on the Protection of Information Network Distribution Right. China also acceded to the major international copyright conventions including the World Copyright Convention, Berne Convention for the Protection of Literary and Artistic Works, Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Beijing, Shang-

hai, Shandong, Henan, Anhui, Hubei, Jiangxi, Guangxi, Zhejiang and many other localities made their own rules, regulations and decrees. China has shaped a relatively fully functional copyright legal framework with one law, four regulations and six international conventions at the core and supplemented by agency decrees, local rules, regulations and decrees, offering basic systematic protection for the healthy development of the copyright system.

Copyright international cooperation and communication enhanced

Since its accession to the WIPO in June 1980, China actively participated in copyright cooperation and communication with the international community, constantly improved multilateral and bilateral cooperative relationship, established multilateral dialogue with WIPO and WTO, bilateral dialogue with developed countries/regions such as the United States, Europe, Japan and Australia and cooperation programs with developing countries such as the Republic of Korea, Peru, Viet Nam and Cuba. In international normative activities, China decisively upheld its national inter-

est and played a key role as a third world responsible country.

Since the establishment of Copyright Agency of China in 1988, a copyright representation service system supported by copyright associations, copyright collecting societies, works registration agencies, copyright agencies and law firms has taken shape. Copyright associations are now in place in all provinces and some cities. China Federation of Literary and Art Circles, China Writers Association and China Filmmakers Association established their in-house copyright services. Collecting societies such as the Music Copyright Society of China, China Audio-Video Copyright Association, China Written Works Copyright Society and China Photographers Copyright Society were established in succession.

Special campaigns secure development of copyright

The prosperous development of the content industry not only drives the growth of culture and technology, but also contributes to the development of national economy and society. From June 1 to September 30, 2008, National Copyright Administration of China (NCAC),

Ministry of Public Security (MPS), Ministry of Industry and Information Technology (MIIT) waged a four-month special campaign against piracy on Internet. During this campaign, authorities across the country handled 453 cases, shut down 192 websites engaging in piracy, ordered 173 websites to delete or block infringing contents, penalized 88 websites with serious violations by imposing fines, seizing servers, computer hardware equipments on top of the above measures (fine 1,079,853 yuan, seize 184 servers and computer hardware equipments).

Using of licensed software advanced

In 2008, NCAC made great progress in promoting use of licensed software in enterprises. On top of 1,500 large enterprises' use of licensed software in 2007, 6,100 of 7,600 enterprises required for legitimate software use within 2008 had been cleared. The central and local leader group for the task checked 3,900 enterprises and caught 570 wrongdoers. Some 300 training courses in this regard entertained 8,200 enterprises and 18,200 people. Use of licensed software achieved substantial

progress in central enterprises, large private enterprises, foreign-funded enterprises and key sectors such as finance, coal mining, printing, hotels, Internet cafes, design studios. The activity fared very smoothly.

Outline guides the bright direction

The Outline of National IP Strategy was issued on June 2008. It laid out specific tasks for copyright in some aspects: Support the relevant copyright industry like press, broadcasting, art, entertainment, advertisement, software and information network, facilitate creation of works with ethic and contemporary characteristics, promote the commercialization of copyright and combat the piracy more severely. Under the guidance of the outline and other IPR measures as well, the Copyright Protection Center of China received 29,804 software copyright registrations, 24,748 of which were granted in the first half 2009, up 112.9% and 100.4% respectively year on year.

(By Yao Wenping)



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