

NUMBERS

7 million Since the launch of campaign against low taste audio-visual products by General Administration of Press and Publication and National Office against Pornographic and Illegal Publications on April 12, important results for the current stage have been made by seizing 7 million products and sanctioning 10 violating publishers.

700多万张 自今年4月12日新闻出版总署、全国“扫黄打非”办在全国开展清查整治低俗音像制品专项行动以来,取得了重要阶段性成果。截至目前,该行动已收缴700多万张低俗和非法音像制品,查处10家违法违规的音像出版复制发行单位。

3 trillion New energy industry driven by domestic innovations is expected to be a new economic growth source for the nation, according to the National Development and Reform Commission. China will invest over 3 trillion yuan on new energy in the next 10 years.

3万亿元 中国国家发展和改革委员会透露,以自主创新为主的新能源产业有望成为中国新的经济增长点。未来10年,中国用于新能源的投资将超过3万亿元。

239,700 In the first half, China seized 239,700 pieces of counterfeit cigarettes, 56,935,200 pieces of tobacco leaves for the making of them, 132 machines; handled 2,693 cases of goods value over 50,000 yuan, raided 61 workshops.

23.97万件 今年上半年,中国共查获假烟23.97万件,制假用烟丝烟叶5693.52万件,收缴制假烟机132台,共查处案值5万元以上制售假烟案件2693起,打掉制假大型窝点61个,打假成效显著。

14 Administration for Industry and Commerce (AIC) in Ningxia Hui Autonomous Region organized a special check on use of trademark PetroChina without authorization and penalized 14 violating gas stations.

14家 日前,宁夏回族自治区工商行政管理局组织全区各地工商部门开展专项检查,集中整治侵犯“中国石油”注册商标专用权的行为,一举处罚了14家冒用“中国石油”注册商标的加油站。

461,200 In Microsoft vs Beijing Sichuang on installation of pirated software, Beijing No.1 Intermediate People's Court ruled infringement of Microsoft's copyright and ordered the defendant to indemnify 461,200 yuan in damages.

46.12余万元 日前,微软公司诉北京思创未来科技发展有限公司预装盗版软件一案,在北京市第一中级人民法院一审判决。法院认定被告行为侵犯了原告的著作权,判处被告赔偿原告人民币共计46.12余万元。

责任编辑 汪玮 执行编辑 Wang Weiwei

Reality of live patents revealed in new report

《2008 中国有效专利年度报告》发布

截至2008年底中国有效专利近120万件 有效发明专利数量占全球2%至2.5%

SIPO recently did a research on patents still valid as of the end of 2008 and further analyzed their situations and some innovator-related issues in a newly-released report.

As revealed in the report, as of the end of 2008, there were 1,195,196 valid patents, 923,797 or 77.3% were owned by Chinese and 271,399 or 22.7% were owned by foreigners. In another way of breakdown, there were 337,215 or 28.2% inventions, 469,729 or

39.3% utility models and 388,252 or 32.5% designs. It is preliminary estimated that Chinese live patents account for 2%-2.5% of the world's total while Chinese GDP represents 6% of the world total in parallel.

(by Wang Weiwei/Lin Juan) 本报讯 近日,中国国家知识产权局对截至2008年底所有处于有效状态的专利进行了统计,在此基础上研究分析了国内外有效专利的基本状况和创新主体在专利保护方面存在的问题,并发布了《2008中国有效发明专利数量占全球2%至2.5%》。

有效发明专利数量占全球2%至2.5%。报告显示,截至2008年底,中国有效专利共计119.5196万件。其中,国内92.3797万件,占77.3%;国外27.1399万件,占22.7%;有效发明专利33.7215万件,占28.2%;有效实用新型专利46.9729万件,占39.3%;有效外观设计专利38.8252万件,占32.5%。据初步推算,中国有效发明专利数量占全球有效发明专利总量的2%至2.5%,而同期中国经济总量约占世界经济总量的6%。

(汪玮 林娟)



Based on innovating on state-of-art technologies, Suzhou Yigao Electric Vehicle Manufacturing Company developed environment-friendly and popular tour cruiser, golf cart, truck, tow truck, Vehicle-mounted mobile elevating work platform and police vehicle.

苏州益高电动车辆制造有限公司自主研发出电动观光车、高尔夫车、货车、牵引车、高空作业车、警车等系列环保电动车,深受市场青睐。

(by Yang Shen) 本报记者 杨申 摄影报道

Deputy Commissioner Li speaks on climate change at WIPO public policy conference

WIPO 召开知识产权与公共政策大会

Dr. Li Yuguang, Deputy Commissioner of SIPO delivered a keynote speech at the WIPO Conference on Intellectual Property and Public Policy Issues in Geneva recently. As highlighted in his presentation, IP system shall give full play to its in-born advantage. The efficient application and active development of existing IP tools will promote the innovation and diffusion of adaptation and mitigation technologies.

Dr. Li also emphasized, Climate change has drawn increasing attention from the world and in-

voled profound impact on the human society. It is in the interests of the mankind to adopt positive actions to combat climate change. Science and technology plays a significant role in understanding climate change and effectively tackling it. It is of great significance to make joint efforts to study the climate change and challenges so as to explore and utilize IP system to their solution.

(by Sheng Li) 本报讯 世界知识产权组织(WIPO)近日在日内瓦召开知识产权与公共政策大会,中国国家知识产权局副局长李玉光出席并做主

旨发言。李玉光强调,知识产权制度应发挥其天然优势,通过有效运用和积极发展现有的知识产权工具,促进适应与减缓等技术的创新和推广。

李玉光在发言中指出,当前气候变化问题日益突显,将对人类社会的发展产生深刻影响,采取积极措施应对气候变化符合全人类的共同利益。科学技术在掌握气候变化规律、有效应对这一挑战中具有关键性的作用。各国共同研究面临的气候变化问题,探索利用知识产权制度应对和解决这一问题的有效途径具有重要意义。

(盛莉)

Over 100 Hong Kong citizens in patent bar exam

逾百名香港居民参加了中国内地代理人资格考试

According to the Eighth session of the Guangdong-Hong Kong IPR Protection Group on July 16, over 100 Hong Kong citizens had taken the Chinese patent bar exam since the exam was accessible to them in 2004.

Since 2004, seven Hong Kong citizens have passed the exam. As of July 16, 29 Hong Kong citizens had registered for the coming exam for this year. The number of registrations from Hong Kong is on the pace to exceed that of last

year. It is reported that both sides agreed to continue the project of building innovation system for Guangdong-Hong Kong SMEs and launch new projects such as Seminar on Patent Law Amendment and Implementation, in an effort to optimize climate for innovation and trade in the two areas.

(by Gu Qizhi/Guo Yaqing) 本报讯 7月16日,记者从粤港保护知识产权合作专责小组第八次会议上获悉,自2004年开放香港居民在中国内地参加全国专利代

理人资格考试以来,已经有超过100名香港居民参加了专利代理人考试。

据介绍,从2004年至今,共有7名香港居民通过了全国专利代理人资格考试。截止到今年7月16日,报名参加今年全国专利代理人资格考试的香港居民已经达到29人,有望超过去年。

据了解,在此次会议上,双方商定,下一阶段除继续开展“粤港中小企业创新机制建设”等项目外,还将推出“专利法修改与实施研讨会”等系列活动,继续推动粤港两地创新环境的优化和经贸的发展。

(顾奇志 郭亚青)

EXPRESS

Nantong company stands ground in 337 case

南通一公司在美赢得“337”案

In a recent determination, the U.S. International Trade Commission (ITC) permitted U.S. company Cargill Incorporated to withdraw case, marking a victory for respondent Nantong Foreign Trade Medicines & Health Products Co., Ltd. of China.

The investigation is based on a complaint filed by Cargill, Incorporated, of Wayzata, MN, on January 28, 2009. The complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States and sale of certain non-shellfish derived glucosamine and products containing same that infringe U.S. patent 7049433 owned by Cargill. The complainant requests that the ITC issue an exclusion order and a cease and desist orders. ITC voted to institute an investigation on February 26.

In early March, Nantong Medicines submitted non-infringement defense and invalidation of patent defense. In early June, parties were entering cross-examination. Respondent Nantong Medicines brought 300 sets of materials and 12 boxes of evidences to challenge the patent of the Complainant. On June 22, Cargill withdrew the case, which would be permitted by the ITC on July 7. The complainant also withdrew its patent infringe-

ment against the respondent at the Federal District Court in New Jersey. The ITC case takes only 4 months and \$500,000. The short time and low cost is really rare in those 337 investigations Chinese companies prevail these years.

(by Zhao Jianguo)

本报讯 近日,美国国际贸易委员会(ITC)发出裁定书,准予美国嘉吉公司撤诉,该案被告中国江苏南通外贸医药保健品有限公司赢得胜利。

据了解,今年1月28日,嘉吉公司向ITC提出“337调查”申请,指控南通医药保健公司在美国销售的非贝类D-氨基葡萄糖盐酸盐侵犯了其第7049433号美国专利权,请求ITC对被告公司启动“337调查”,并根据337条款对被告下发普遍排除令和有限排除令。2月26日,ITC正式立案调查。

3月初,南通医药保健公司在规定时间内向ITC提交了基于不侵权及专利权无效抗辩的答辩状。6月初,双方进入证人质询阶段。被告南通医药保健品带着300份材料和12箱证据,针对原告的专利提出质询。6月22日,嘉吉公司主动提出无条件撤诉。7月7日,ITC发出行政裁决书,准予原告撤诉。同时原告还主动撤回了其在美联邦法院新泽西州地区法院对南通医药保健品提起的专利侵权赔偿法律诉讼。整个应诉过程仅用4个月,诉讼费50多万美元。诉讼时间之短,费用之少,在近年来中国企业胜诉的“337调查”案例中实属罕见。(赵建国)

CHINA'S IP MANUAL

Circular on Improving Regulation of Investment Overseas

《关于完善境外投资项目有关问题的通知》

The National Development and Reform Commission (NDRC) released the Circular on Improving Regulation of Investment Overseas, requiring domestic companies' submission of project information report to it before acquiring brands and assets overseas.

When attempting to purchase and bid brands, other IPRs and assets, domestic companies shall take into account various factors, make elaborate working plan and prevent investment risk effectively. Before signing binding agreement, offering binding price, submitting application to related government agencies and bidding for project, companies shall submit project information report to NDRC. NDRC shall produce confirmation to the applicant within seven working days. If finding key

negative factors in the project, NDRC will make special note to alert possible risk.

中国国家发展和改革委员会近日下发《关于完善境外投资项目有关问题的通知》,要求国内企业在境外收购品牌及资产前,必须向国家发改委报送项目信息报告。

《通知》要求,国内企业在境外开展品牌等知识产权及资产的收购和竞标项目,要综合考虑各方面因素,制定完善的工作方案和计划,有效防范投资风险。企业境外收购项目在对外签署约束性协议、提出约束性报价以及向对方政府审查部门提出申请之前,境外竞标项目在对外正式投标之前,必须向国家发改委报送项目信息报告。国家发改委在收到项目信息报告后,7个工作日内向报送单位出具确认函,如发现项目存在明显的重大不利因素,发改委将在确认函中作出特别备注,进行风险提示。