

NUMBERS

50 billion

According to a report investigating impact of foreign technical measures to trade on Chinese export by the General Administration of Quality Supervision, Inspection and Quarantine, Chinese companies suffered direct loss of 50 billion USD due to the measures in 2008.

500 亿美元

根据中国国家质检总局公布的2008年国外技术性贸易措施对中国出口企业影响调查的报告显示,2008年,中国出口贸易直接损失超过500亿美元。

29,804

In the first half of 2009, software registrations grew rapidly. The China Copyright Protection Center received 29,804 applications for registration, up 112.9%; approved 28,748, up 100.4%.

2.9804 万件

2009年上半年,中国软件著作权登记量继续呈现快速增长态势。中国版权保护中心共受理软件著作权登记申请2.9804万件,同比增长112.9%;批准软件著作权登记2.8748万件,同比增长100.4%。

65 million

Jinan Jicheng Electric Company signed an agreement with Qilu Bank to pledge its 25 software copyrights as collateral and obtained 65 million yuan in loan.

6500 万元

日前,济南积成电子股份有限公司与齐鲁银行签署协议,以其拥有的25件软件著作权作为质押物,获得贷款6500万元。

40.25 million

In 2008, Pudong Branch of Shanghai Police took 38 IPR violations worth 40.25 million yuan, recovered 50.97 million yuan of proceeds, apprehended 27 criminal suspects and handed 20 over for prosecution.

4025 万元

2008年,上海市公安局浦东分局共受理侵犯知识产权类案件38起,涉案总值达4025万元,追缴金额5097万元,共抓获犯罪嫌疑人27人,目前已移送起诉20人。

17

The molecular immune pharmacology lab of Kunming Institute of Zoology of the Chinese Academy of Sciences made breakthrough progress in essential technology for anti HIV agents. From 2004 to 2008, the project group solely and jointly filed 17 Chinese or foreign applications and obtained 5 invention patents, 1 of which had successfully been assigned at the price of 15 million yuan.

17 件

近日,从中国科学院昆明动物研究所传来喜讯,该所分子免疫药理学实验室的“抗HIV药物研发关键技术建立及应用”的项目取得了突破性进展。2004年至2008年,该项目组独立和合作申请国内外发明专利17件,获权5件发明专利。其中1件发明专利以1500万元成功转让。

责任编辑:才让卓玛
Executive Editor: Cairang Zhuoma
实习编辑:柳 鹏
Practice Editor: Liu Peng

Shanghai courts step up IPR protection for Expo

上海法院将加大涉世博知识产权司法保护

Shanghai High People's Court released the Several Opinions on Shanghai Courts' Service and Support to 2010 Expo in Beijing on July 7. Court Vice President Shen Zhixian said, Shanghai court system has established a special proceeding, an Expo tribunal in Pudong New District Court and designated the same court to hear IPR cases during and after the Expo.

Shanghai courts vow to serve and support the 2010 Expo with dedication to all details, according to Shen. The Expo organizers and participants' marks, derivative products, exhibition halls design, cre-

ativity, display technology, exhibits, label and promotional documents are among the issues in their crosshairs. Those Expo-related franchising contract disputes and unauthorized sponsorship are also among the issues. Legitimate interests of IPR holders will be upheld.

(by Huang Wei)

本报讯 7月7日上午,上海市高级人民法院在京发布了《上海法院服务保障2010年世博会若干意见》。上海市高级人民法院副院长沈志先在新闻发布会上表示,为更好地服务和保障世博会,上海法院建立了专项审理制度,在浦东新区法院成立世博法庭,并指定浦东新区法院管辖

举办和撤展期间园区内发生的知识产权等案件。

沈志先表示,上海将服务保障2010年世博会,要依法认真受理、裁判、执行好世博会筹办、举办和撤展期间因世博事项发生的知识产权等案件。要依法采取证据保全、财产保全、证据调查、现场勘查等措施,有效保护世博会组织者、参展者的标志标识、衍生产品、展馆设计、布展创意、展示技术、展品、包装标示、宣传文件等知识产权。要依法妥善处理与世博相关的特许经营合同纠纷,加强对构成侵权的假冒赞助商营销行为的司法规制,有效保障涉世博案件相关利益主体的知识产权等。

(黄伟)



The Sevan Driller, the world's first cylinder-shaped deep sea water crude oil rig and bulky storage platform, which is constructed by the Nantong Shipyard under China Ocean Shipping (Group) Company (COSCO), is unveiled during a launching ceremony in Nantong on June 28. It will be put into use in August.

(Courtesy: China Daily)

6月28日,中国建造的世界最先进首座圆筒型超深水海洋钻探储油平台在南通中远船务工程有限公司命名,并将于8月交付使用。

Users satisfy with patent examination quality

2008年度专利审查质量满意度调查结果发布

中国公众对专利审查质量较为满意

SIPO users acknowledging the national patent authority's performance by giving 77.3 points to its patent examination quality, according to a SIPO survey for 2008.

In early 2009, SIPO hired a survey agency to invite patent applicants, right holders, professionals and invalidation petitioners to comment on its patent examination quality in 2008. The survey drew in 2,576 interviews via face-to-face dialogue, telephone and email.

Results show users are satisfied with the comfort, security and

accuracy of patent examination and demands improvements in time, cost and consistency. When segmenting different stages of examination, they recognize the quality of PCT international search and international examination, patent reception and procedure management.

(by Zhuo Ma)

本报讯 近日,中国国家知识产权局2008年度专利审查质量满意度调查结果发布。调查结果显示,公众对中国国家知识产权局的专利审查工作十分关注,对当前的审查质量较为满意,满意度指数为77.3。

(卓玛)

Financial crisis shrinks trademark international filings

金融危机致商标国际注册申请量下降

According to the Trademark Office (TMO) under the State Administration for Industry and Commerce, applications for international registration of trademarks sank between January and May 2009 compared with the same period last year. Chinese users filed 712 applications for international registration via the TMO, down 11.2% from 802 of the same period in 2008. Foreign users filed 6,018 applications for territorial extension of international

registration via the World Intellectual Property Organization, down 5.8% from 6,391.

Financial crisis is the most direct factor causing the drop. If the situation does not improve, it is inevitable that major countries across the world will see negative growth in 2009.

(by Che Wenqiu)

本报讯 近日,记者从中国国家工商行政管理总局商标局获悉,2009年1月至5月,商标国际注册申请量与去年同期相比出现了下

降。其中,中国国内申请人通过商标局提出的国际注册申请为712件,比去年同期(802件)下降11.2%;国外申请人通过世界知识产权组织国际局转交的马德里商标国际注册领土延伸申请为6018件,比去年同期(6391件)下降5.8%。

有关专家表示,金融危机是影响商标国际注册申请量下降的最直接因素。如果这种趋势在下半年没有根本改观,2009年全年各主要国家的商标国际注册申请量与去年同期相比出现负增长将在所难免。

(李文秋)



EXPRESS

PEPSI confronts Henan free rider

百事可乐状告河南百事“傍名牌”

Zhengzhou (Henan) Intermediate People's Court heard PEPSI's trademark infringement and unfair competition allegation against Henan 百事 (pronounces Bai-shi, PEPSI in Chinese).

PEPSI claims the registration of 百事 as a trade name by the defendant constitutes unfair competition. The defendant's substantial use of 百事 in its website, packaging and promotional materials also infringes PEPSI's trademark right. PEPSI sought injunction and 500,000 yuan in damages.

The defendant argues it legally registered its trade name with Zhengzhou Administration for Industry and Commerce. The trademark on the packaging and bottle label of its beverage products is 百事 in heart. On some products, even when 百事 in heart and 百事 in small font are used, the two words 百事 are used in smaller font to minimize presence. No trademark infringement or unfair competition is constituted.

We will follow the developments of the case. (by Li Jianwei)

本报讯 7月2日,河南省郑州市中级人民法院开庭审理了美国百事公司(以下简称美国百事)状告河南百事饮料有限公司(以下简称河南百事)商标侵权及不正当竞争案。

原告代理人认为,被告使用“百事”作为企业字号登记,构成不正当竞争,还在其网站、包装物、广告宣传品上大量使用“百事”标志,侵犯了原告“百事可乐”的商标专用权。原告请求法院判令被告河南百事立即停止商标侵权行为,停止使用含有“百事”字样的企业名称,赔偿原告经济损失人民币50万元。

被告辩称,其公司名称是在郑州市工商行政管理局合法登记注册的。其生产的饮品包装箱、瓶贴图案等使用的商标为“甜在心”,个别品种上使用了“百事甜在心”,“百事”字样,也是特意将“百事”二字字体尽量缩小,并未突出使用,根本不会构成商标侵权和不正当竞争。法院未当庭宣判此案。

本报将持续关注案件的进展。(李建伟)

IP CHINA'S IP MANUAL

Principles of Asset Appraisal-Intangible Asset effective from July

《资产评估准则——无形资产》7月起正式实施

The new principles for appraisal of IP assets- Principles of Asset Appraisal-Intangible Asset became effective from July.

It defines intangible assets which include recognizable ones, such as patent right, trademark right, copyright, know-how, sales network, client list, franchising right, contract interests, and unrecognizable ones such as business reputation. Among them, sales network and client list are newly added. The new principles require evaluators to choose one or several methods of evaluation (analysis of return, market or cost) based on objective of evaluation, objects of evaluation, types of value and collected materials.

The two aforementioned provisions of China's Anti-monopoly Law, the Procedural Provisions for Industrial and Commercial Authorities Handling Cases Involving Monopoly Agreements or the Abuse of a Dominant Position and the

Procedural Provisions for Industrial and Commercial Authorities Restricting Activities that Limit Free Competition by Abusing Their Powers, have become effective since July 1.

7月1日,涉及中国知识产权资产评估的新准则——《资产评估准则——无形资产》正式实施。

《资产评估准则——无形资产》科学界定了无形资产内涵,既包括专利权、商标权、著作权、专有技术、销售网络、客户关系、特许经营权、合同权益等可辨认无形资产,又包括商誉等不可辨认无形资产,同时将销售网络、客户关系等新型无形资产纳入规范范围。该准则要求自测资产评估师执行无形资产评估业务,应当根据评估目的、评估对象、价值类型、资料收集情况等相关条件,分析收益法、市场法和成本法的实用性,恰当选择一种或者多种资产评估方法。

此外,中国反垄断法两个配套规章《工商行政管理机关查处垄断协议、滥用市场支配地位案件程序规定》和《工商行政管理机关制止滥用行政权力排除、限制竞争行为程序规定》已于7月1日起施行。