

China, Japan ties IPR cooperation after economic dialogue

中日签署知识产权保护交流合作备忘录

NUMBERS

510,000 From January to May, Trademark Office under the State Administration for Industry and Commerce examined 510,000 trademark applications, up 300,000; ruled on 8,000 opposition disputes, up 4,000.

51 万件 今年1月至5月,中国国家工商总局商标局共审查商标注册申请51万件,同比增长30余万件;共裁决商标异议案件8000多件,同比增长4000多件。

10,219 As of May 31, 10,219 people owned licenses of patent attorney, 6,017 of them were practicing in 716 firms. Among the 5.03 million patent applications ever received by SIPO, 71.1% had professional representation.

1.0219 万人 截至今年5月31日,中国取得专利代理人资格证书的已有1.0219万人,批准设立的专利代理机构共716家,执业专利代理人6017人。在国家知识产权局共受理的503万件专利申请中,有71.1%经过专利代理人代理。

42 State Patent Commercialization Pilot Base (Dongfeng Electric Vehicle Park) was unveiled in Wuhan. The base has already boasted 42 patent applications or patents in electric vehicle, pacing all domestic competitors.

42 件 近日,国家专利产业化(东风电动汽车产业园)试点基地在武汉揭牌成立。目前,在有关电动汽车项目中,该产业园已经拥有中国专利42件,在国内同行业居领先地位。

2 Pudong Branch of Shanghai Administration for Industry and Commerce checked merchandises such as gifts, garments and handicrafts, suspected of infringing rights of Shanghai expo symbols and uncovered two violations. In addition, it handled 12 cases of infringing famous international trademarks and seized 7,406 counterfeit goods.

130 In 2009, Guangdong is about to deliver its catalogue of innovative products. The 130 products belong to five categories, medical equipment, industrial equipment and automation system, new energy and energy saving, telecom and software.

130 个 2009年广东省自主创新产品目录即将出台。该目录包括医疗器械、工业装备与自动化系统、新能源与高效节能、通信产品和软件等五大方面的130个产品。

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Second China-Japan economic high-level dialogue was held in Tokyo on June 7. Chinese Vice Premier Wang Qishan and Japanese Foreign Minister Hirofumi Nakasone, co-chaired the dialogue. With the conclusion of the Memorandum on Intellectual Property Protection and Cooperation, one of the eight documents signed, the two countries will establish an IPR working group, communicate more frequently on IPR legislation and enforcement, conduct training and technical assistance.

The first such dialogue was held in December 2007 in Beijing. A press release after the second di-

alogue highlighted IPR cooperation, such as continuation of visit of high-level Japanese official and business delegation to China, cooperation in the process of amendment to major IPR legislations, training, enforcement, exchange of IPR infringement information, cooperation with local authorities under the guidance of central government, participation of a plant variety forum in East Asia for cooperation in this area. (by Wang Weiwei)

本报讯 6月7日,由中国国务院副总理王岐山和日本外务大臣中曾根弘文共同主持的第二次中日经济高层对话在日本东京举行。双方签署了《关于知识产权保护交流与合作的备忘录》等8个文件,将成立

中日知识产权工作组,加强知识产权立法和执法经验交流,开展人才交流与培训及技术援助等工作。

据了解,首次中日经济高层对话于2007年12月在北京举行。会后发表的《首次中日经济高层对话新闻公报》称,双方同意继续派遣知识产权官员联合访华团,并在此基础上加强合作,将在修改主要知识产权法规过程中开展合作,继续开展知识产权领域人才培养合作;加强知识产权执法方面的合作,同意就提供涉嫌侵犯知识产权相关信息、在中央行政机关指导下推动地方知识产权交流与合作继续协商;双方确认将积极参与东亚植物新品种保护论坛,以协调和加强植物新品种保护制度。

(汪玮玮)



The China's Forth Culture Heritage Day was held on June 13. The Miao nationality silver jewellery making skills was added to the list of China Intangible Cultural Heritage as unique folk handicraft. Long Migu, the heritor of silver jewelry making is showing Miao's traditional jewelry. (by Zhang Zhong)

6月13日,中国迎来了第四个文化遗产日。苗族银饰锻制技艺作为苗族民间独有的技艺被列入中国非物质文化遗产目录。图为苗族银饰锻制技艺传承人龙米谷向记者展示传统的苗族银饰。本报记者 张子弘 摄影

SIPO adds substance to collaboration with UK counterpart

中英加强知识产权领域合作

Meeting with the visiting Chief Executive of the United Kingdom Intellectual Property Office, Ian Fletcher recently, SIPO Commissioner Tian Lipu lauded the established ties between the two offices and stressed SIPO's intent to further such ties. Fletcher said the UK office has made cooperation with SIPO one of its key tasks in external cooperation in view of IPR's increasing role in global economic environment and echoed Tian's comment on further cooperation.

Both sides also updated each other on their own developments, discussed details of cooperation items in 2009 and shared comments on important developments in the international IPR system, fast track for green tech patent applications and impact of the financial crisis on IPR. (by Wu Rui)

本报讯 日前,中国国家知识产权局局长田力普在北京会见了英国知识产权局局长伊恩·弗莱彻,双方就关心的知识产权议题深入交换了意见。田力普高度评价了两局的长期

友好合作关系,并表示国家知识产权局重视与英方在知识产权领域的合作。伊恩·弗莱彻表示,随着知识产权在全球经济发展中起着越来越重要的作用,英国知识产权局将双方合作列为对外合作的重点工作,并希望继续加强这种关系。

随后,双方通报了各自的最新发展,并就2009年双边合作行动框架协议工作计划建议的内容进行了磋商。双方还就国际知识产权制度的重大发展、绿色专利技术快速处理通道及国际金融危机对知识产权的影响等问题深入交换了意见。(吴锐)

China expected to have 10,000 patent attorneys in 2015

中国专利代理行业发展规划发布

到2015年形成万人规模代理人队伍

SIPO, June 3, announced its development plan for patent representation service from 2009 to 2015, designing objectives, basic principles, key tasks, specific jobs and policy support measures of patent representation business in the next seven years.

Under the plan, patent representation service shall be greatly upgraded in 2015 with 10,000 patent attorneys in practice, 1,000

of which are high caliber, multi-discipline talent with international vision. Agencies housing them shall be greatly improved as well with 100 of them having unique specialty and top quality. (by Liu Yangzi)

本报讯 6月3日,中国国家知识产权局正式发布《专利代理行业发展规划(2009年—2015年)》(以下简称《规划》)。《规划》明确了未来7年专利代理行业的发展目标,基本

原则、主要任务、专项工作以及政策保障措施等。

《规划》提出,到2015年要确保专利代理服务的能力和水平有较大幅度提高;专利代理人队伍规模大幅度增加,达到1万人左右,其中高素质、复合型、国际化的专利代理人才达到上千人;专利代理机构发展水平大幅度提升,特色突出,专业化水平较高的优秀专利代理机构达到100家以上等。(刘阳子)

EXPRESS

Southwest Pharma defends right to Sanlietong after 10-year dispute

西南药业 10年苦战赢下“散列通”

The Supreme People's Court sealed the 10-year legal battle between Swiss pharmaceutical giant F. Hoffmann-La Roche AG and Southwest Pharmaceutical Co. Ltd., affirming Southwest Pharma's trademark right to Sanlietong. (by Yang Qiang)

Roche licensed the manufacture of Saridon painkillers to Southwest Pharma in 1987. After the partnership expired in 1992, Southwest Pharma filed a trademark application for Sanlietong to the Trademark Office (TMO) under the State Administration for Industry and Commerce (SAIC) and then applied for Sanlietong (identical Chinese characters with Saridon). Roche challenged the registrations.

Followed by both an intermediate court and high court in Beijing affirming invalid trademark right Southwest Pharma petitioned the Supreme Court to hear the case. The Supreme Court held that when Southwest Pharma applied for registration of Sanlietong and at the time it was approved for registration, Sanlietong was not a registered trademark. The two parties marking Sanlietong on their joint Saridon painkillers, they should be deemed to mark the generic name

on products rather than using of an unregistered trademark. Roche has no ground to challenge the trademark right. Southwest Pharma practiced properly when registering Sanlietong.

近日,随着最高人民法院的一纸判决,西南药业股份有限公司(以下简称西南药业)与瑞士豪夫迈·罗须控股公司(以下简称罗须公司)持续10余年的“散列通”商标专用权之争划上句号,西南药业最终保住了“散列通”。

据了解,1987年,罗须公司与西南药业签订了包括“Saridon 散利痛”标识许可使用内容在内的合作生产协议,生产“散利痛片”等药品。双方合作期满后,西南药业向国家工商行政管理局商标局提交了“散列通”商标的注册申请,随后又申请注册了“散利痛”商标的注册,罗须公司随即提出异议。

在经历了北京市中级人民法院和北京市高级人民法院作出的商标权无效的裁决之后,西南药业向最高人民法院提交了再审申请。最高法院认为,西南药业公司申请注册“散列通”商标及该商标被核准注册之时,“散列通”并非未注册商标,且双方在合作生产“散利痛片”上使用“散利痛”的行为,是对药品通用名称的标注,亦不能认定是对未注册商标的使用。因此,罗须公司并不具备提交商标争议的权利基础,西南药业注册“散列通”商标并无不当。(杨强)

IP CHINA'S IP MANUAL

Opinions on Implementing the National IP Strategy and Promoting Trademark Strategy

《关于贯彻落实〈国家知识产权战略纲要〉大力推进商标战略实施的意见》

In an effort to implement the National IP Strategy, the State Administration for Industry and Commerce (SAIC) promulgated the Opinions on Implementing the National IP Strategy and Promoting Trademark Strategy, establishing the objective of enabling China to be an advanced country in registration, use, protection and administration of trademarks in 2020.

The Opinions lay out specific tasks for implementing trademark strategy in 11 aspects: Improve trademark legislations, construct policy framework, innovate and improve trademark registration system, direct and support businesses to im-

plement trademark strategy, step protection of rights and interests of right holders and consumers.

本报讯 为深入贯彻落实《国家知识产权战略纲要》,日前,国家工商总局正式出台《关于贯彻落实〈国家知识产权战略纲要〉大力推进商标战略实施的意见》,提出力争到2020年,使我国成为商标注册、运用、保护和管理水平达到国际先进水平的国家。

该意见从11个方面确定了实施商标战略的具体任务,即全面完善商标法律法规体系,大力推进全方位商标政策体系构建,创新和完善商标注册管理体制机制,分类指导和支持市场主体实施商标战略,加强对商标权利人和消费者合法权益的保护等。