

CHINA REPORT

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INTELLECTUAL PROPERTY

NUMBERS

5 million

As of March 16, patent applications filed in China surpassed the 5 million mark. In 2008, China received 698,000 applications for trademark registration and examined 750,000. This was the first time the annual number of trademark registration applications examined in excess of applications filed. Registrations of software were 49,000. Registrations of copyright contract were 12,000.

500 万件

据悉,截至今年 3 月 16 日,中 国累计受理专利申请突破 500 万件;共受理商标注册申请 69.8 万件,审查商标注册申请 75 万件, 商标注册申请年审查量首次超过 了当年的申请量;中国软件登记总 量约 4.9 万件,版权合同登记量约 1.2 万件。

15.458 million

During the first phase of actions against pornographic and illegal publications, year to date, authorities nationwide have seized 15.458 million pieces of pirated publications and investigated 2,024 cases.

1545.8 万件

据悉,今年以来,在中国深入 开展的"扫黄打非"第一阶段集中 行动中,中国已收缴侵权盗版出版 物 1545.8 万件,查处侵权盗版出 版物案件 2024 起。

1,600

Customs in Ningbo, Zhejiang conducted a collective destruction of 1,600 cartons of infringing goods with the value of 640,000 yuan, including Nike sandals, Armani belts and LV bags.

1600 多箱

近日,浙江省宁波市海关对近期查获的1600多箱侵犯知识产权的货物依法集中予以销毁,其中包括"耐克"凉鞋、"阿玛尼"皮带和"LV"包等,货值64万元。

150

The 13th China East Meets West Investment and Trade Fair was held in Xi'an. As one of the organizers, Shaanxi IP Office gathered 150 patented technologies on display in the hall of science, technology and patent.

150 余项

日前,第十三届中国东西部合作与投资贸易洽谈会在西安开幕。陕西省知识产权局首次作为执委会牵头单位之一,组织了150余项专利技术在科技成果专利技术交易馆进行了集中展示交易。

100 million

On April 22, Silk Street Market in Beijing organized an activity attending to the issue of IPR protection and change of consuming habits, added 100 million yuan to the current 30 million yuan IPR protection fund, invoked a series of measures to help shops to offset the impact of economic downturn.

1 亿元

4月22日,北京市秀水街举行"关注知识产权保护与消费转型—4·26秀水知识产权国际活动日"活动,在3000万元知识产权保护专项基金的基础上又追加1亿元,并推出了一系列"扶商惠客"的措施,帮助商户应对国际金融危机。

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Wen highlights innovation and connects with dignity

"创新不仅可以创造财富,增强竞争力,还可以赢得中国企业和中国人民的尊严"

温家宝赴粤考察畅谈自主创新

hinese Premier Wen Jiabao toured companies of Shenzhen and Guangzhou in Guangdong Province from April 19 to 21, trying to have a good read on impact of international financial crisis and role of innovation in tackling it.

During visit to ZTE, Wen said, the current economic downturn presents an opportunity for high-end Chinese companies to take on the world. Innovative and competitive products could always gain their edge regardless of the intensity of competition. Companies could only prosper and stay through taking on the international

古侵权盗版 保护自主创新

market. Wen also added: "High tech companies are in highly innovative business. ZTE boasts 18,000 domestic patents and 2,500 international ones. The numbers represent innovation of our companies. Innovation could not only generate wealth and competitiveness, but also earn dignity for Chinese companies and people. Chinese people could certainly be leaders in world-class innovation competition."

本报综合新华社消息 4月19日至21日,中共中央政治局常委、国务院总理温家宝在广东省考察工作,走访深圳、广州等地企业,主持召开座谈会,并就应对国际金融危

机、增强企业自主创新能力等问题 深入调查研究。

在考察中兴通讯股份有限公司 时,温家宝表示,当前经济发展遇到 的困难,对于我国高端行业走向世 界是个机遇。无论多么激烈的竞争, 都阻挡不住创新的产品与有竞争力 的产品。只有创新才能抓住机遇,占 领国际市场,企业才能更加兴旺发 达。温家宝还指出:"高科技企业是 一个高度创新的行业。中兴通讯国 内专利达到 1.8 万项,国外专利达到 2500 项,这个数字象征着我们企 业的创新。创新不仅可以创造财 富,增强竞争力,还可以赢得中国 企业和中国人民的尊严。在世界 级的创新竞争中,中国人是可以走 在前列的。"





EXPRESS

Bayer allegation over Huaxing unsupported

拜尔诉华星专利侵权案终审败诉

ianjin High People's Court put a closure to the six-year patent dispute between French firms Bayer Agricultural Science, Bayer Corp Science (China) and Anhui firm Huaxing Chemical, upholding the trial court decision, which denied Bayer's allegation

In June 1988, another French firm Rhdne-poulenc S.A. filed a patent application of a pesticide by the name of Fipronil with SIPO and would obtain a patent in October 1994. Rhdne-poulenc also filed for administrative protection of chemicals of pesticide with the then-Ministry of Chemical Industry in February 1994 and would acquire the approval within the same year. The patent and administrative protection would then be assigned to Bayer Agricultural Science later in the year.

In September 2003, Bayer A-gricultural Science and Bayer Corp Science discovered Fipronil in a Tianjin warehouse. Huaxing sold the goods to Shenzhen Food & Oil. Bayer then downloaded Huaxing's advertisement on Fipronil and had the content notarized before filing a case to Tianjin No.1 Intermediate People's Court.

In July 2008, Tianjin No.1 Intermediate Court found that there

was insuffcient evidence to support any Bayer's claims. The two Bayer companies then appealed to the High Court and sought 20 million yuan in damages. (by Zhao Jianguo)

本报讯 近日,长达6年之久的 "氟虫腈"专利权侵权案在天津市高级 人民法院终审判决。天津市高院审理 认为,原审法院判决驳回原告法国拜 尔农科股份有限公司(下称拜尔农科 公司),拜耳作物科学(中国)有限公司 (下称拜耳作物公司)诉讼请求认定事 实清楚,适用法律正确,因此做出驳回 上诉、维持原判的终审判决。

正环、维持原并的终审判决。 据了解,1988年6月,法国罗纳普朗克公司向国家知识产权局提交了名称为"N-苯基吡唑衍生物(氟虫腈)杀虫剂"的专利申请,于1994年10月获权。同时,法国罗纳普朗克公司于1994年2月向原中国化工部申请农药化学物质行政保护,于同年得批准。拜尔农科公司已在上述专利权与行政保护获得当年受让成为权利人。

2003 年 9 月,拜尔农科公司与拜耳作物公司在天津某物流仓库内发现了安徽华星化工股份有限公司向深圳市粮油食品有限公司出售的"氟虫腈",并在华星公司网站上以公证方式下载了华星公司关于氟虫腈原药招商的广告内容,认为上述行为皆构成侵犯专利权,于是以此为由,向天津市第一中级人民法院提起法律诉讼。

2008年7月,天津市一中院一审以证据不足为由,驳回原告诉讼请求。两原告遂向天津市高院提起上诉,索赔2000万元。 (赵建国)

4月22日,全国"扫黄打非"工作小组组织全国 31个省、区、市同时举行了 2009 年全国侵权盗版制品及其他非法出版物集中销毁活动,共销毁盗版音像制品、盗版软件、盗版图书以及其他非法出版物 4685 万件。图为北京主会场销毁活动现场。 Linaugural survey on public understanding of IPR concluded 首次"中国公众知识产权文化素养"调查揭晓

On April 22, National Working Group against Pornographic and Illegal Publications organized 2009 central-

ized destruction of these publications at once in 31 provinces, destroying 46.85 million pirated audio-video disks,

software, books and other illegal publications. Destruction is underway in the central venue in Beijing.

he outcome of the inaugural nationwide survey on public understanding of IPR was revealed on April 22 in Beijing. Chinese citizens score 42.1 on average of tests of their IPR knowledge, which is in the category of below medium. Results vary drastically from province to province with Guangdong and Beijing in the lead with 51 and 49.6 respectively.

The public perform best in recognition of patent among all tested contents with the rate of

85.9%, followed by copyright and trademark at 75.7% and 70%. Few are aware of geographical indication and unfair competition, which register at 9.3% and 9% respectively. Some 48.2% of the public knew IPR is a property right; 35.2% of netizens understand copyright issue of sharing others' works on the Internet correctly; 61.4% of the public are against piracy. (by Hu Man)

本报讯 4月22日,首次"中国公众知识产权文化素养"调查结果在京揭晓。调查结果显示,中国公众

总体的知识产权文化素养指数为 42.1,绝对值属于中等偏低。不同地 区间的差异较大,广东和北京列居 前两位,指数值分别为51和49.6。 据了解,在所有被认知的知识产

(by Yang Shen)

权内容中,公众对专利的认知率最高,比例为 85.9%,其次为著作权与商标权,比例分别为 75.7%与 70%;地理标志与反不正当竞争的选择率则仅为 9.3%与 9%;另有 48.2%的公众了解知识产权是财产权;35.2%的网民对在互联网上使用他人享有著作权作品行为有正确的认知;61.4%公众坚决反对盗版等。 (胡 嫚)

GAC releases top 10 IPR protection cases in 2008

海关总署公布 2008 年知识产权十佳案例

eneral Administration of Customs (GAC) released the 2008 TOP 10 IPR Protection Cases of Chinese Customs recently with more domestic companies benefiting from the protective measures at borders.

The 10 cases all involve exported counterfeits of: SUNWATT and its figure (trademarks) batteries, Shanghai; Huawei network cards, Shenzhen; Olympic IPRs, Beijing, Qingdao and Ningbo; JINCHENG motorbike parts, Chongqing; Midea television sets, Guangzhou; Tiger

Head light torches, Huangzhou; Uniliver products, Huangpu; fake drugs via express mail, Fuzhou; Diesel jeans, Xiamen; EPSON printer ribbons, Gong Bei.

(by Wei Xiaomao) 本报讯 近日,海关总署公布了中国海关 2008 年保护知识产权十佳案例。上海海关查获出口侵犯"SUNWATT 及图形"商标电池案等位列其中。保护国内企业自主知识产权的案例增多成为最大亮点。

据介绍,这十佳案例分别是:上海海关查获出口侵犯"SUNWATT及图形"商标电池案,深圳海关查获

出口假冒"HUAWEI"商标上网卡案,北京、青岛、宁波海关保护奥林匹克标志专有权案,重庆海关查获出口假冒"JINCHENG"商标摩托车零部件案,广州海关查获出口假冒"Midea"商标电视机案,杭州海关查获出口假冒"虎头牌"手电筒系列案,黄埔海关查获侵犯联合利华有限公司品牌系列案,福州海关在出境快件渠道查获侵权药品系列案,厦门海关查获出口假冒"DIESEL"商标牛仔裤系列案,拱北海关查获出口侵犯"EPSON"商标专用权打印机色带案。

(魏小毛)

IP CHINR'S IP MANUAL

Supreme Court releases its first annual report of IPR cases

最高法发布首个知识产权案件年度报告

he Supreme People's Court released its 2008 Annual Report of IPR Cases on April 23, disclosing abstract of its holdings of 23 typical IPR cases it tried in 2008. The 16 civil and 7 administrative cases cover all types of IPR disputes, which usually involve emerging and difficult legal issues in current judicial practice.

In 2008, IPR Tribunal of the Supreme People's Court took 277 cases with disputes over various natures, such as patent, copyright, trademark infringement, unfair competition, IPR contract and patent, trademark validity; tried 329 cases, up 103.9%; concluded 184.

4月23日,最高人民法院正式

发布了《最高人民法院知识产权案件年度报告(2008)》,这是该院首次发布知识产权案件年度报告。报告集中公开了最高人民法院2008年度审结的23件知识产权典型案件的判理摘要。报告包括16件知识产权民事案件和7件知识产权行政案件;选取的案件涵盖各类型知识产权纠纷。案件涉及的法律问题多是目前司法实践中的热点和难点问题。

2008年,最高人民法院知识产权庭共新收包括侵犯专利权纠纷、侵犯著作权纠纷、侵犯商标权纠纷、不正当竞争纠纷和各类知识产权合同纠纷以及专利、商标授权确权纠纷等知识产权案件 277件,全年共审理各类案件 329件,同比增长 103.9%,其中审结 184件。