

NUMBERS

306% According to a survey over 22 plant agricultural products by the State Administration for Industry and Commerce, prices of agricultural products hike drastically after registration of geographical indications (GIs), up 306% on average with the highest at 2,900%.

306% 近日, 中国国家工商行政管理总局对22个种植类地理标志农产品样本的调查统计显示, 地理标志农产品价格比注册前有了较大幅度提高, 平均增长了306%, 最高涨幅为2900%。

18.33 billion According to the General Press and Publication Administration, the sales revenue of the online gaming market in China scored 18.33 billion yuan in 2008, up 76.6% over 2007. Online gaming also brought 47.84 billion yuan to telecommunication and IT industry.

183.3 亿元 新闻出版总署日前公布的数据显示, 去年中国网络游戏市场实际销售收入为183.3亿元, 比2007年增长76.6%, 并为电信业、IT业等带来直接收入478.4亿元人民币。

70% As of the end of 2008, Yunnan owned 36 new flower varieties, ranking No.1 in the nation. In parallel, 70% of new varieties of fresh flowers were from the province, supporting an industry with the size of 17.6 billion yuan. The seeds of these IPR-boosting flowers were exported for the first time.

70% 截至2008年底, 云南省花卉新品种授权量达36个, 居全国第一位。同时, 云南省拥有自主知识产权的鲜切花新品种占全国总量的70%以上, 科技支撑花卉产业实现总产量达176亿元, 并首次实现花卉自主知识产权新品种种苗出口“零”的突破。

781 In 2008, 781 works were registered, 80% of which were taken by four types of works, cartoon or animation, original music, literature and audio-visual works featuring northeastern two-people show.

781 件 2008年, 辽宁省作品著作权登记781件。其中, 动漫形象类美术作品、原创音乐、文字作品、东北二人转音像类等四大类作品占80%以上。

3.14 million Nanjing (Jiangsu) infused 3.14 million yuan to 63 IPR model startups. In 2008, companies in the city filed 4,195 patent applications, up 40.1%; obtained 2,202 patents, up 37.3% and accounting for 45.7% of the city total.

314 万元 近日, 江苏省南京市面向全市63家知识产权示范培育企业“输血”314万元。据悉, 2008年, 南京市企业专利申请量为4195件, 同比增长40.1%; 获权专利2202件, 同比增长37.3%, 占全市授权专利总量的45.7%。

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WTO rejects most U.S. complaints on China IPR protection

中美知识产权 WTO 争端案终结

专家组报告驳回美方绝大部分主张, 肯定中国知识产权制度

The World Trade Organization (WTO) rejected most U.S. complaints about IPR protection in China on March 20, concluding the two year strife between the two trade powers.

The dispute involved three measures in contention. The panel rendered rulings to all of them. In terms of criminal threshold, the panel held U.S. fails to prove that China's criminal threshold is inconsistent with the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). In terms of custom measures, though the practice of mere removal of illegal labels from imported counterfeit goods is inconsistent with TRIPS, U.S. fails to

prove that donation to social services or sales to right holders is inconsistent with TRIPS. U.S. also fails to prove that Chinese legal provisions on auction impacts customs' power on destroying goods. In terms of copyright law, the panel held that U.S. fails to prove that Chinese practice in not protecting works that never submits for approval, pending for approval and does not change according to approval, is inconsistent with TRIPS.

(by Zhang Haizhi/Xue Fei) 本报讯 日内瓦当地时间3月20日, 世界贸易组织争端解决机构会议审议通过了中美知识产权WTO争端案专家组报告, 历时2年的中美知识产权WTO争端案最终

尘埃落定。据悉, 中美知识产权WTO争端案共涉及3项争议措施, 专家组的裁决结果是: 关于刑事门槛, 专家组裁定美国没能证明中国有关刑事门槛的规定不符合WTO(与贸易有关的知识产权协议)(TRIPS协议); 关于海关措施, 专家组认为, 虽然海关对进口冒牌货仅摘除非法标志的处置方式不符合TRIPS协议, 但美国没能证明捐赠给社会公益机构、卖给权利人等处置方式不符合TRIPS协议, 美国也没能证明中国有关拍卖的规定影响了海关销毁货物的权力; 关于著作权法, 专家组认为, 美国未能证明从未提交审查的作品、在等待审查结果的作品、通过审查作品之未修改版本等不符合TRIPS协议。(张涛志 薛飞)



At the 2009 China International Exposition on Energy Saving, Emission Reduction and New Energy Technologies, wind-and-wave-resistant deep water net cage, developed by Nanhai Ocean Institute of the Chinese Academy of Sciences made a star appearance. (by Yang Shen) 近日, 2009中国国际节能减排和新能源科技博览会在北京展出。图为中国水产科学研究院南海水产研究所自主研发的深水抗风浪网箱。本报记者 杨申 摄影报道

Strategy implementation plan announced

中国推出知识产权战略实施推进计划

The inter-agency meeting secretariat for implementation of the national IPR strategy announced the National IPR Strategy Implementation Plan.

The Plan was divided into two parts, including working requirements of this year's IPR strategy implementation work and the specific measures. The working requirements cover enhancing IPR legal situation, administrative management capacity and publicity and education. And the specific measures with 240 items range from promoting IPR creative ability, en-

couraging IPR transformation and utilization, quickening IPR legal system construction and elevating IPR law enforcement level to developing IPR agent service, impelling IPR cultural construction, enlarging foreign exchange and co-operation.

(by Liu Yang/Liang Xinjin) 本报讯 近日, 由中国国家知识产权战略实施工作部际联席会议办公室牵头制定了《2009年国家知识产权战略实施推进计划》正式印发实施。

据了解, 该计划分为两大部分。第一部分是工作重点, 结合中央部

署和2009年经济形势, 明确提出今年知识产权战略实施工作要点和总体要求, 主要包括: 加强以知识产权法治环境、行政管理能力和宣传教育为主要内容的基础建设和积极采取应对措施应对国际金融危机。第二部分是具体措施, 从提升知识产权创造能力, 鼓励知识产权转化运用, 加快知识产权法制建设、提高知识产权执法水平、加强知识产权行政管理、发展知识产权中介服务、加强知识产权人才队伍建设、推进知识产权文化建设、扩大知识产权对外交流合作等方面, 提出了240条具体举措。(刘洋 梁心新)

IPR assistance hotline will be operated

中国知识产权维权援助热线即将开通

According to SIPO, the nationwide toll-free number to assist IPR right enforcement 12330 will be in play on April 25 during the national IPR publicity week.

In November 2008, SIPO applied for the use of the number to the Ministry of Industry and Information Technology (MIIT), which would approve on January 20, 2009. The right enforcement assistance centers using the number are to take tips or complaints on IPR infringement and other violation

from any organization or individual directly and those tips or complaints transferred from other agencies. After taking them, the center will distribute the cases to responsible IPR administrative enforcement agencies or police and convey the results to informants or complainants. (by Yang Jia/Ji Jie) 本报讯 日前从中国国家知识产权局获悉, 全国知识产权维权援助公益热线“12330”将于今年全国知识产权宣传周期间开通, 开通日期为4月25日。

据了解, 2008年11月, 中国国

家知识产权局向工业和信息化部申请设置全国统一的知识产权维权援助公益电话号码。2009年1月20日, 工信部复函核配“12330”作为全国统一知识产权维权援助公益服务专用号码。据介绍, 知识产权维权援助中心将接收任何单位或个人对知识产权侵权、知识产权违法案件的举报或投诉, 以及接收转送的举报或投诉案件。维权援助中心接收举报或投诉案件后, 将及时向有关知识产权行政执法机关或公安机关转送, 并向举报人或投诉人反馈案件处理情况和结果。(杨甲 季节)

EXPRESS

Chinese batteries prevail in marathon 337 investigation

中国电池企业赢得337调查最终胜利

The Supreme Court of the United States rejected the re-examination petition of battery giant Energizer and its subsidiary Eveready over Court of Appeals for the Federal Circuit (CAFC) decision in invalidating its patent for zero-mercury-added alkaline batteries, and terminated the 337 investigation.

On April 28, 2003, Energizer Holdings, Inc. claimed that nine Chinese manufacturers of zero-mercury-added alkaline batteries, and two dozens of American and Japanese companies, infringed its U.S. Patent No. 5,464,709 patent (the "709 patent"). Energizer then filed a complaint with the International Trade Commission (ITC) in the U.S. to conduct a Section 337 investigation on their claims.

In October 2004, ITC terminated the investigation by declaring the patent invalid in its final determination. After that, Energizer appealed 4 times in total. In October 2008, CAFC made its

final decision, declaring the 709 patent invalid. Energizer then appealed again to the Supreme Court of the United States. On March 23, 2009, the Supreme Court denied the petition and upheld the CAFC decision. (by Zhuo Ma/Liu Peng) 本报讯 美国当地时间3月23日, 美国联邦最高法院驳回了美国劲量公司及其附属公司永备电池公司要求对美国联邦巡回上诉法院做出的无效汞碱锰电池专利权无效的裁定进行复审的请求, 维持了美国联邦最高法院的终审判决, 即维持美国国际贸易委员会(ITC)裁定, 判决劲量公司无效汞碱锰电池专利权无效, 终止337调查。

2003年4月28日, 劲量公司和永备公司以侵犯了其无汞碱锰电池专利权为由, 将中国的南孚、双鹿、虎头、长虹、高力、豹王、正龙、金力、三特9家企业及其他20多家美国、日本企业一并诉上ITC, 要求ITC就此展开337调查。

2004年10月, ITC 最终裁定原告专利权无效, 并终止调查。此后, 劲量公司和永备公司共提出4次上诉。2008年10月, 美国联邦巡回上诉法院做出终审判决。之后, 劲量公司向美国联邦最高法院提起上诉。2009年3月23日, 美国联邦最高法院驳回了劲量公司和永备公司的复审请求, 从而维持了美国联邦巡回上诉法院的裁定。(卓玛 柳鹏)

CHINA'S IP MANUAL

State Council Opinions on Implementing Allocation of Key Duties Prescribed in the Report of the Work of the Government

《国务院关于落实〈政府工作报告〉重点工作部门分工的意见》

On March 22, the State Council announced its Opinions on Implementing Allocation of Key Duties Prescribed in the Report of the Work of the Government, including continue implementing IPR strategy into the key duties of the year and appointing SIPO as the commanding agency.

The fourth part of the Opinions, accelerate transformation of development methods and promote strategic adjustment of economic structure, announces several IPR-related tasks: continue implementing IPR strategy, refine IPR legislations, enhance construction of IPR public service system, increase quality and efficiency of IPR examination, con-

tinue campaigns of IPR protection, intensify public education, promote international communication and co-operation.

3月22日, 《国务院关于落实〈政府工作报告〉重点工作部门分工的意见》(以下简称《意见》)发布。《意见》将“继续实施知识产权战略”列入今年的重点工作, 并明确该项工作由国家知识产权局牵头。

《意见》在第四部分“加快转变发展方式, 大力推进经济结构战略性调整”中明确, 继续实施知识产权战略。完善知识产权法律法规体系; 加强知识产权公共服务体系建设, 提高知识产权审查质量和效率; 继续开展保护知识产权专项行动。加大知识产权宣传教育力度; 推进知识产权对外交流与合作。