

# CHINA REPORT

# INTELLECTUAL PROPERTY

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Ī	中文主编:吴 辉	Chinese Editor-in-Chief: Wu Hui
	英文翻译:胡玉章	English Translator: Hu Yuzhang
Ī	英文宙校 : 吴 殷	English Reviser: Wu Yin

### **NUMBERS**

#### 153,400

In 2008, Beijing published 153,400 types of books, up 22.4%; 948 million copies of journals, up 3.4%; 7.672 billion copies of newspapers, up 5%.

#### 15.34 万种

据统计,2008 年北京地区共出版图书 15.34 万种,同比增长22.4%;出版期刊 9.48 亿册,同比增长3.4%;出版报纸 76.72 亿份,同比增长5%。

#### 100,000

As of the end of 2008, Tianjin filed 100,000 patent applications, 35,000 of which were for invention.

#### 10 万件

截至 2008 年底,天津市中国 专利申请量累计突破 10 万件,其 中发明专利申请量超过 3.5 万件。

#### 2,200

On February 24, IPR heads within Sichuan identified the province's IPR tasks for 2009: 12% increase of patent applications; 15% for invention; growth rate of companies higher than the province's average; 2,200 patented technologies commercialized

#### 2200 項

2月24日召开的四川省知识 产权局局长会确定了2009年四川 省知识产权工作目标:全省年度专 利申请量增长12%,发明专利申 请量增长15%,企业专利申请增 长率继续高于全省平均增幅,新增 专利技术实施转化项目2200项。

#### 11,898

Shannxi filed 11,898 patent applications in 2008, 3,775 of which were for invention, 3,961 for utility model and 4,162 for design. Patent applications from industrial and mining companies exceeded 4,000 while universities filed 2,406 and research institutes enjoyed 47.2% growth.

#### 1.1898 万件

据统计,2008年,陕西省共申请中国专利1.1898万件,其中,发明专利申请3775件,实用新型专利申请3961件,外观设计专利申请4162件。全省工矿企业专利申请量突破4000件,大专院校共申请专利2406件,科研单位申请量增幅为47.2%。

#### 14

#### 14 项

据悉,在 2008 年度中国国家 科技奖励大会上,河南省 14 个项 目获殊荣。

## 277,000

Nanjing (Jiangsu) disbursed 277,000 yuan rewards to 44 patents for their contribution to economy and society. This was the first group of rewards materialized since the city enacted rules for it in March 2007.

#### 27.7 万元

近日,江苏省南京市对44项取得突出经济效益和社会效益的优秀专利奖项目给予了共计27.7万元的奖励。这是南京市自2007年3月出台《南京市优秀专利奖评选办法》以来,首次对获得优秀专利奖的专利权人给予政策奖励。

责任编辑 才让卓玛

Executive Editor Cairang Zhuoma

# Enforcement campaigns Thunderstorm, Skynet deliver

# "雷雨""天网"行动显成数

aging the two enforcement campaigns codenamed Thunderstorm and Skynet in 2008, IPR administrations nationwide stepped up actions in offering assistance to right enforcement, handling patent disputes and processing cases of passing off patent identity, according to SIPO. From January to December 2008, local administrations received 1,126 patent disputes and handled 59 cases of faking other's patent and 601 of faking patent identity.

Patent enforcement in 2008 may be summarized as follows: faster growth of cases; more joint

operations; patent infringement disputes accounting for most disputes; utility model and design accounting for most infringements; most complainants are Chinese nationals; most rest of disputes involve ownership; few cases of faking other's patent; more frequent enforcement activities.

#### (by Lei Ruobing)

本报讯 日前,从中国国家知识产权局获悉,2008年,中国知识产权局系统深入开展"雷雨"、"天网"知识产权执法专项行动,积极推进知识产权维权援助工作,加大专利纠纷案件调处力度,严厉查处假冒冒充专利案件,各项执法工作取得

了新的成绩。据了解,2008年1月至12月,各地方局共受理专利纠纷案件1126件,查处假冒他人专利案件59件,查处冒充专利案件601件。

据了解,2008 年中国专利执法 工作具有以下特点:案件量与往年 相比呈上升趋势;执法协作增多;专 利侵权纠纷案件占专利纠纷案件的 绝大部分;专利侵权纠纷案件以涉 及实用新型和外观设计专利案件为 主;专利侵权纠纷的请求人基本为 国内请求人,涉外专利侵权纠纷案 件所占比例很低;专利侵权之外其 他专利纠纷案件以权属纠纷为主; 假冒他人专利案件数量较少;执法 活动更加活跃。

(雷若冰)



China's first 220 ton AC drive motorized wheel dump truck with self-reliant IPRs rolled off the assembly line in Xiangtan, Hunan, marking China joining the elite of making large transportation vehicle used in open-air

mines.
近日,中国自主研制的第一台拥有自主知识产权的 220 吨交流传动电动轮自卸车在湖南湘潭成功下线。这标志着中国大型露天矿运输设备制造技术已达到国际领先水平。

#### IPR arbitration grows in number and size in 2008

# 去年中国涉及知识产权的贸易仲裁案增多

R evealed by the China International Economic and Trade Arbitration Commission on February 25, the total size of disputes received by the Commission registered at 20.918 billion yuan along with drastic growth of IPR cases.

The Commission and its branches received 1,230 cases for arbitration in 2008 and conclude 1,097 involving parties from 45 countries and regions. Average monetary size of dispute soared

70% year-on-year while the number of cases skyrocketed 27.74%. In parallel, IPR cases grew in both number and size. The highly diversified cases were very complex and all involved foreign parties. An increasing number of them were resolved with settlement.

(by Zhao Jianguo) 本报讯 2月25日,记者从中 国国际经济贸易仲裁委员会获悉,该 委员会 2008年受理的案件争议标的 额达 209.18亿元人民币,并出现了涉 及知识产权案件增多等趋势。 据介绍,2008年,仲裁委员会及 其分会共受理经贸仲裁案件1230件, 审结案件1097件,案件当事人涉及 45个国家和地区。其中,个案平均争 议金额同比增长70%,案件数量同 比增长27.74%。同时,与以往相比, 这些案件呈现出涉及知识产权案件 增多,争议金额显著增长,涉外案件 数量增多,争议类型进一步多样化, 案件复杂程度进一步提高,当事人 均为境外企业、自然人的案件增多, 通过协商达成的和解协议的案件增 多等特点。

(赵建国)

# Shanghai S&T projects file 1,300 patents

# 上海重大产业科技攻关申请专利近 1300 件

hanghai's 56 key cutting-edge science and technology projects filed 1,291 patent applications, 74% of which were for invention; obtained 359 patents, 228 of which were invention. In addition, the projects also registered 160 copyrights and 102

Since July 2004, Shanghai has launched two groups of 56 projects to make the city prosper by advanced technologies, concentrating on electrical information, key e-

quipments, biomedicine, new material, new energy, aeronautics/astronautics and public platform. With the assemble of 4,000 high-end talents, 3.15 billion yuan dedicated fund and 13.43 billion yuan outside fund, the projects generated 35.027 billion yuan in contract revenue and 530 million yuan in profit.

(by Kong Yuanzhong) 本报讯 最新统计显示,截至目前,上海市 56 个科教兴市重大产业科 技攻关项目共申请中国专利 1291 件, 其中发明专利申请占 74%;获权专利 359件,其中发明专利228件。此外,登记著作权160件,注册商标102件。

据了解,自2004年7月以来,上海先后启动实施了两批共56个科教兴市重大产业科技攻关项目,这些项目重点聚集在电子信息、重大装备、生物医药、新材料新能源、航空航天等领域以及公共平台建设方面。据介绍,这些项目汇聚了4000多名高端创新人才,累计获专项资金支持31.5亿元,带动了各方资金投入134.3亿元,实现合同销售额达350.27亿元,利润逾5.3亿元。

.3 亿元。 (孔元中)





#### EXPRESS

# UK firm Cummings knocks out free rider in Wuxi

## "HOLSET"纠纷案在无锡审结

英国康明斯公司获赔8万元

n its decision on the infringement dispute of trademarks owned by UK Firm Cummings Turbo Technology, Wuxi (Jiangsu) Intermediate People's Court enjoined defendant, Jiangsu Tongtai Turbo Factory from manufacturing and distributing products with the registered marks in question and issued 80,000 yuan in damages.

Cummings is the owner of the marks, 'Breathing Life into the Machine" and "Holset". In 2006, after finding trademark infringement by Tongtai, co-owned by Yang and Sun, Cummings alleged in the Court. After identifying both marks on turbo chargers and housings manufactured by Tongtai, the Court rendered the above decision.

Neither party opted to appeal after the announcement of the

first-instance decision.

(by Wu Ming) 本报讯 近日,江苏省无锡市中级人民法院依法审结了英国康明斯涡轮增压技术公司(下称康明斯公司)商标纠纷案,判令被告江苏同泰增压厂杨某、孙某立即停止生产、销售侵犯涉案注册商标专用权的产品,并赔偿康明斯公司8万元。

据了解,原告康明斯公司为 "Breathing Life into the Machine" 商标及"HOLSET"商标权人。2006年,康明斯公司发现被告杨某、孙某共同经营的同泰增压器厂存在商标侵权行为,遂起诉至无锡市中院。法院经调查审理认为,两被告共同经营的同泰增压器厂生产标有"Breathing Life into the Machine" 的增压器和标有"HOLSET"字样的增压器涡壳等,侵犯了康明斯公司的商标专用权。

据了解,该案一审宣判后,双方当事人均未提起上诉。

(吴明)



# Selection of Second Group of Top 100 Elites

# 《关于开展第二批"百千万知识 产权人才工程"百名高层次人才 培养人选推荐工作的通知》

IPO announced its plan to select the second group of top 100 elites with specific emphasis on its linkage with propelling the Outline of the National IP Strategy.

Most of the 100 will be chosen from IP administrations, other agencies' IPR units, research institutes, companies, non-profit organizations, universities, IPR agencies and other relevant organizations. Local IP administrations are responsible for recommendation of talents.

Proper exams and evaluation shall be conducted. Then the evaluation committee will make the final selection. Those chosen will be put into the information database for the high end IPR talents.

近日,中国国家知识产权局印发了《关于开展第二批"百千万知识产

权人才工程"百名高层次人才培养人选推荐工作的通知》。通知指出,继续开展百名高层次知识产权人才培养人选推荐工作,是推进《国家知识产权战略纲要》,加快高层次知识产权人才培养的需要。

通知指出,第二批百名高层次知识产权人才培养人选将主要在全国知识产权局系统,管理其他知识产权工作的政府部门,有关研究机构、企事业单位、高等学校、知识产权中介机构等单位中组织推荐。推荐选拔工作将以各省级知识产权局为推荐单位,各单位将结合本地实际,在认真考核的基础上,拟定重点培养对象,组织人选推荐。

通知指出,"百千万知识产权人才工程"高层次人才评审委员会将会对推荐人选进行评审,审核后符合条件的人选,作为第二批百名高层次人才培养人选,进入"百千万知识产权人才工程"高层次人才培养人选信息库。