

REPORT CHINA INTELLECTUAL PROPERTY

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INUMBERS

Nine Chinese provinces, Beijing, Shanghai, Guangdong, Guizhou, Shandong, Henan, Liaoning, Shanxi and Jiangsu have enacted and implemented their own IP strategies. According to an incomplete statistics, 27 provincial leaders have inked their instructions on the implementation since the promulgation of the national IP strategy in June 2008.

截至目前,中国已有北京、上 海、广东、贵州、山东、河南、辽宁、 陕西、江苏9个省市先后颁布实施 地方知识产权战略。据不完全统 计,自2008年6月《国家知识产权 战略纲要》颁布实施后,全国27个 省区市政府领导对贯彻落实纲要 做出了重要批示。

11 billion

According to an investigative report of the Chinese gaming industry in 2008 and a report on originality of the industry, homemade online gaming generated 11.01 billion yuan in 2008, up 60% and representing 59.9% of the entire market.

110 亿元

近日发布的《2008年中国游 戏产业调查报告》和《中国游戏产 业原创力量调查报告》显示,2008 年中国自主研发的民族网络游戏 市场实际销售收入达110.1亿元, 同比增长了6成,占全国网络游戏 市场实际销售收入的59.9%。

1,757

Courts in Shanghai took 1,757 IP civil cases in 2008 and concluded 1,634, up 43.1% and 33.2% respectively. them, some 600 first instance cases related to IP disputes on the Internet, representing 40% of all first instance cases. Some 231 cases involved foreign, Hong Kong, Macao and Taiwanese parties, accounting for 15.2% of all cases.

1757 件

上海市法院 2008 年共受理知 识产权民事案件 1757 件, 审结 1634件, 同比分别上升了43.1%和 33.2%。其中,受理一审涉及计算机 网络的知识产权案件600余件,占 一审收案总数的4成多;受理涉外 和涉港澳台的知识产权案件 231 件,占受理案件总数的15.2%。

Some 727 public reading rooms are established in rural areas of Beijing. Beijing rated 44 star establishments to encourage better management of these places.

44 家

目前,北京郊区农村已建成 727 家益民书屋。为建好、管好、用 好这些书屋,北京市新闻出版局评 出 44 家星级书屋。

300 million

As of December 31, 2008, the first group of nine patent commercialization projects in Wuhan, Hubei had generated 300 million yuan in turnover and contributed 18.046 million yuan

3 亿元

有关数据显示,截至2008年 12月31日,湖北省武汉市首批9 项专利技术转化项目,共计实现产 值 3 亿多元,税收 1804.6 万元。

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Premier links IPR with competitiveness

温家宝在英国参观华为英国分公司时指出

利标准知识产权就是竞争力

Wen Jiabao toured Chinese company Huawei Technologies' UK branch during his official visit to the country. In discussion, he defines competitiveness as IPR, patent and standard.

Wen said, refine quality and service is to create a brand image. What is competitiveness? Competitiveness is IPR, patent and standard. In China, real economy suffers most during the current financial crisis. Those manufacture and export-dense areas, OEM and labor-intensive industries in particular feel the pain. Taking on the challenge, first we boost

domestic demand. Second, revamp current technologies. Those having higher quality will have fatter profits. High quality and unique products create winners. Third, mitigate oversupply. One measure to solve this problem is to encourage merger and acquisition. Second is to explore international market. But those outdated supply shall not go global. Only the advanced productivity has the chance to prevail internationally.

(by Zhuo Ma) 本报讯 日前,中国国务院总 理温家宝在英国访问期间,参观了 华为技术有限公司英国分公司,并 听取了中资企业"走出去"情况汇

报。在与企业座谈时,他指出,竞争 力就是知识产权,是专利,是标准。

温家宝指出,要提高产品质量, 服务水平,最终打出品牌。什么是竞 争力? 竞争力就是知识产权,是专利, 是标准。他说,这次金融危机对中国 的影响主要是实体经济,具体来说主 要是工业、出口密集的地区、加工贸 易和劳动密集型产业受到的影响最 大。面对这一挑战,我们一要扩大内 需。二要实施技术改造,看谁的质量 高,谁的效益好,以人无我有、人有我 优的产品站稳国际市场。三要解决产 能过剩。解决这一问题的途径,一是 企业兼并重组,结构调整;二是走出 去,开辟国外市场。但是落后产能一 定不能"走出去",只有用先进的生产 力才能占领市场。



On February 9, an exhibition of Chinese intangible cultural heritages is held in Beijing and will last for 14 days. As the concentration display of the achievements of traditional Chinese craftsmanship protection in 60 years, the exhibition will involve 108 state heritages, 1176 craftsmen and 2322 precious article.

(by Zhang Zihong) 2月9日,为期14天的中国非物质文化遗产传统技艺展在北京举办,这是中国60年传统技术保护工作成果的 集中展示。此次有 108 项国家级非遗项目、1176 名民间艺人参展,展出 2322 件珍贵实物。 本报记者 张子弘 摄

Shanghai Expo steps up IPR protection

上海世博会加大知识产权保护力度

n executive meeting of the State Council chaired by Premier Wen Jiabao on February 11 debriefed the preparation of 2010 Shanghai World Expo. The organizer is required to expedite promotion of new technologies by incorporating the use of latest scientific innovations in the building, operation and exhibition of the Expo. The IPRs of participants and organizers shall be properly protected.

The Expo organizer has enacted multiple measures to protect IPRs and fend off infringement. The Regulations on the Protection of Expo Symbols was officially included in the State Council's legislative plan in 2004. The organizer launched protection of the licensed products in 2008.

(by Hu Man) 本报讯 2月11日,中国国务 院总理温家宝主持召开国务院常务 会议,听取了2010年上海世界博览

会筹办情况汇报。会议认为,要加快 推进世博科技各项工作,加强最新 科技成果在世博会建设、运营和展 览展示中的应用,加大对参展者、组 织者等的知识产权保护力度。

截至目前,上海世博会已经出 台多项知识产权保护措施, 打击知 识产权侵权,实现对世博会全方位 知识产权保护。2004年,《世界博览 会标志保护条例》正式纳入国务院 的立法计划。2008年,世博局全面启 动特许产品的知识产权保护。

(胡 嫚)

Technology standard system planned for China railway

中国铁路将建自主技术标准体系

n 2009, China will continue innovation in essential areas of railway technologies such as high speed railway, locomotive and information management, aiming to establish a technological standard system supported by arrays of self-reliant IPRs.

On the basis of analyzing the innovations created in recent years, China will continue to refine its railway technology structure and intensify IPR management and protection. Measures include establishment of a standard system for design, manufacture, operation and

upkeep of high speed train and high-powered locomotive while making partial standard an international one; rules to manage technologies for dedicated passenger routes of 200km to 250km and 300km to 350km. Build a package system for passenger route, high speed train and operation management; develop technology for heavy duty trains and its technology standard system.

(by Liu Ren) 本报讯 2009 年中国铁路将继 续推进高速铁路、机车车辆、铁路信 息化等关键领域技术创新,实现对

众多技术创新成果的集成,建立健 全具有自主知识产权的技术标准体 系,加强知识产权管理和保护工作。

据介绍,在对近年铁路技术创 新成果进行系统总结基础上,我国 将进一步完善铁路技术标准体系, 加强知识产权管理和保护工作:建 立动车组和大功率机车设计、制造 和运营维护标准体系,推动部分标 准成为国际标准;组织制定时速 200 公里至 250 公里、300 公里至 350 公 里客运专线技术管理办法,建立完 善客运专线、高速铁路建设和运营 管理成套技术体系;继续深入开展 重载列车技术研究, 完善我国重载 运输技术标准体系。 (刘 仁)





P&G seeks reversal of TRAB ruling "护士宝"商标起纠纷

he Beijing No.1 Intermediate People's Court takes P&G's suit against the Trademark Review and Adjudication Board (TRAB) under the State Administration for Industry and Commerce and the third party Guangzhou Yaman Cosmetics Factory over the trademark of 护士宝 HUSHIBAO.

P&G filed its opposition with the Trademark Office under the State Administration for Industry and Commerce against the registration of trademark No.1410456, 护 \pm \equiv HUSHIBAO on June 20, 2000. After denial, it sough review by the TRAB on November 29, 2001 and was denied again on July 16, 2008. P&G objected to the judgement and then brought administrative prosecution to the Beijing No.1 Intermediate People's Court.

The TRAB argues the trademark in question 护士宝 HUSHIBAO is evidently different from P&G's trademarks HUSHUBAO in terms of word elements, pronunciation and meaning. The relevant part may distinguish them with an ordinary attention in an isolated status. It does not qualify for similar trademark requirement under the Trademark Law. Nothing shows HUSHIBAO is an imitation of HUSHUBAO in bad faith. The TRAB seeks affirmation of its decision. (by Yuan Wei)

本报讯 近日,北京市第一中级 人民法院受理了原告美国宝洁公司 诉被告国家工商行政管理总局商标 评审委员会(以下简称商评委),第三 人广州市白云区雅曼化妆品厂商标 异议行政纠纷案。这是一起涉及"护 士宝 HUSHIBAO"商标的行政纠纷, 法院即将对该案公开开庭进行审理。

宝洁公司诉称,2000年6月20 日,其向中国国家工商总局商标局提 出对第 1410456 号"护士宝 HUSHIBAO"商标的异议,未获支 持,遂于2001年11月29日向商评 委申请异议复审。2008年7月16 日,商评委裁定宝洁所提异议理由不 成立,"护士宝 HUSHIBAO"商标予 以注册。宝洁不服,遂向北京市一中 院提起行政诉讼。

商评委认为,"护士宝 HUSHIBAO"商标与宝洁公司的"护 舒宝"系列商标在文字读音和含以上 均有明显差别,相关公众在隔离状态 下施以一般注意力可以区分,未构成 类似商标上近似商标的情形,也不能 认定"护士宝 HUSHIBAO"商标是对 "护舒宝"系列商标的恶意模仿,请求 法院判决维持被诉裁定。 (袁 伟)

IP CHINR'S IP MANUAL

China-UK Memorandum of Understanding on Trademark Strategic Cooperation 中英商标战略合作谅解备忘录

hina State Administration for Industry and Commerce and the United Kingdom Intellectual Property Office signed the Memorandum of Understanding (MOU) on Trademark Strategic Cooperation, marking the establishment of a framework for trademark strategic cooperation between the two countries. The two sides will commence cooperation in all trademark aspects.

Under the MOU, China and the United Kingdom will continue discussion of trademark examination procedure, opposition, dispute, geographical indication and other similar issues; exchange and share common understanding of trademark laws, regulations, procedures, rules and procedural documents; seek mutual training and development opportunities in the above trademark fields including relevant legal areas; share best practice in all trademark procedural management

and office automation; conduct activities in mutually concerned international trademark issues, including protection of geographical indications within the trademark system; educate trademark owners in respective countries on enforcement procedures.

日前,中国国家工商行政管理总局 与英国知识产权局在北京签署了商标 战略合作谅解备忘录。这标志着中英商 标战略双边合作总体框架建立,双方将 在所有商标事务方面持续合作。

根据备忘录,中英双方将继续讨 论商标审查程序、异议和争议、地理 标志以及其他类似问题;交流、共享 对商标法律、法规、执行程序、规则和 程序性文件的共同考虑;寻求在上述 商标领域,包括相关法律制度领域, 互相提供培训和发展机会;共享所有 商标程序管理和办公自动化的最佳 实践;对双方关注的国际商标问题联 合开展活动,包括通过商标体系保护 地理标志等;开展合作,在各自国家 充分告知商标权人有关商标保护包 括执法程序运用等问题的相关信息。