

China to open 100 centers assisting IPR holders

中国将设立百个知识产权维权援助中心

NUMBERS

100 On November 17, the Supreme People's Court (SPC) published 100 typical IPR cases in the 30-year span after reform and opening-up, 50 of which were adjudicated by the SPC while the rest were done by local courts.

100件 11月17日,最高人民法院公布了改革开放30年来我国法院审理的100件知识产权典型案例,其中50件为最高人民法院审理的案件,50件为各地方法院审理的案件。

92 From 2002 to 2007, SIPO supported patent strategy promotion projects in 26 provinces, autonomous regions and municipalities. The completed 92 projects blanketed 15 industries, 27 key areas and 74 key technologies.

92个 据悉,2002年至2007年,国家知识产权局支持的专利战略推进工程项目遍布全国26个省、自治区、直辖市,共完成92个专项课题,课题研究涉及15个行业、27个重点领域、74项重大技术。

9,765 Since establishing IPR tribunals in 1994, courts in Shanghai had heard 9,765 civil cases and concluded 9,121 with a perfect record of no reversal in second instance or retrial by the Supreme People's Court. Another 681 criminal cases of first or second instance were heard while 680 were concluded.

9765件 据悉,自1994年成立知识产权审判庭以来,上海各级法院共审结9765件知识产权民事案件,审结9121件,无一被最高人民法院二审或再审改判;受理知识产权一、二审刑事案件681件,审结680件。

927 To the year's end, Beijing plans to build 927 community libraries (754 in rural areas), which houses 1.3 million donated books, 18,200 units of AV products, 927 TVs and DVDs. The network will span across the entire city.

927家 据悉,到今年年底,北京市将完成927家社区书屋的建设工作(其中农家书屋达754家),累计捐赠图书达130万余册,音像制品1.82万余套,电视机、DVD机927台,初步建立起覆盖全市的书屋网络体系。

50,000 Shenyang (Liaoning) Police raided two underground shops making and selling pornographic disks hidden in a residential complex, seizing 1 DVD-R/RW driver and 50,000 pornographic disks.

5万余盘 近日,辽宁省沈阳市公安局治安警察支队一举端掉了两个隐藏在居民区里的淫秽光盘制作、销售窝点,现场缴获刻录机1台、淫秽光盘5万余盘。

责任编辑 才让卓玛 Executive Editor Cairang Zhuoma

SIPO has already approved operation of 44 IPR enforcement assistance centers nationwide since the launch of the program in November 2007, revealed by SIPO Deputy Commissioner Zhang Qin in Chongqing at the November 19 roundtable on the subject. The plan is to open a total 100 such centers in the near future.

Zhang lauded the program, calling it conducive to improvement of IPR legal environment, efficient operation of IPR system, easier access for companies, in particular those export-oriented ones to protect their rights and become more

competitive. According to the November 2007 SIPO document regulating the program, Guiding Opinion on Developing Assistance in Enforcing IPRs, any qualifying Chinese citizen, legal person or other organization may request for assistance from a center subject to the prescribed conditions and protocols.

(by Wei Xiaomao) 本报讯 11月19日,在重庆召开的全国知识产权维权援助工作座谈会上,中国国家知识产权局副局长张勤表示,自2007年11月部署开展知识产权维权援助工作以来,截至目前,国家知识产权局已在全国批准设立了44个知识产权维权

援助中心。今后一段时期内,将在全国设立100个左右的国家级知识产权维权援助中心。

张勤表示,建立知识产权维权援助机制有利于改善我国的知识产权法治环境,促进知识产权制度的有效运行;同时也有利于提高我国企业特别是外向型企业保护和运用知识产权的能力,提高企业的核心竞争力。据悉,2007年11月,国家知识产权局下发了《关于开展知识产权维权援助工作的指导意见》,其中指出,符合条件的中国公民、法人或者其他组织,可以根据规定的条件和程序向知识产权维权援助中心申请援助。

(魏小毛)



Guangzhou OKs IPR legislation for Asian Games

广州亚运会知识产权保护规定获通过

The Executive Meeting of the Guangzhou Government approves the Guangzhou Regulations on the IPR Protection for the Asian Games. Mayor Zhang Guangning urges awareness of IPR protection for the sporting event and makes note of the legislative effort as well as publicity and enforcement to support the Games.

The Regulations contains 20 articles. Define IPRs of the Asian Games and acts infringing the rights. In principle, any act of using the IPRs without authorization

constitutes wrongdoing. Identify missions of administrative agencies; establish an inter-agency coordination system and a first called, first responsible mechanism. Prescribe avenue for settling disputes, enforcement actions and legal consequences of infringement.

(by Gu Qizhi/Liu Kai) 本报讯 近日,广州市政府常务会议审议并原则通过了《广州市亚运会知识产权保护规定》(以下简称《规定》)。广州市市长张广宁在会议上强调,要充分认识到亚运会知识产权保护的重要性,在加

强亚运会知识产权保护立法的同时,还要重视宣传以及执法保护工作。

据悉,《规定》共20条,主要内容:针对亚运会知识产权的特殊性,明确了亚运会知识产权的概念;界定了禁止侵犯亚运会知识产权的行为,任何未经授权以营利为目的使用亚运会知识产权的行为,都在被禁止之列;规定了相关行政管理机关的职责,并建立了部门之间的沟通协调机制和首办责任制;还规定了亚运会知识产权侵权纠纷的解决途径、对侵权行为的查处以及法律责任等。(顾奇志 刘凯)

AICs see foreign-related trademark cases surge in Q3

三季度中国查处涉外商标违法案件数量大幅增长

In the third quarter of 2008, a total of 3,162 foreign-related trademark cases were handled by administrations for industry and commerce (AICs) at all levels across the country, up 574 cases or 22.18%. These cases also occupied a slightly bigger slice of all trademark cases, up 0.86% from 21.06% to 21.92%.

Cases involving counterfeit

trademarks dominated these foreign-related cases with 3,133 or 99.08% of all the 3,162 cases, up 566 or 22.05% while the rest 29 cases of the other natures only accounted for 0.92%. (by Li Zhuo)

本报讯 2008年第三季度,全国各级工商行政管理机关共查处涉外商标违法案件3162件,比上年同期增加574件,增长22.18%;在商标违法案件中的比重也呈现稳步扩

大趋势,由上年同期的21.06%上升到21.92%,增加0.86个百分点。

其中,查处的涉外商标侵权假冒案件继续占据涉外商标案件的主体地位。2008年第三季度,全国各级工商行政管理机关共查处涉外商标侵权假冒案件数为3133件,比上年同期增加566件,同比增长22.05%,占涉外商标案件的99.08%;涉外商标一般违法案件29件,占涉外商标案件的0.92%。(李卓)



EXPRESS

Nikon seeks deep damages from namesake bike maker

日本尼康沪上开打商标侵权案

Japan's Nikon Corporation filed an action against Zhejiang Nikang (尼康) E-Bike Company and its Shanghai distributor, seeking injunction against the bike maker for use of the mark 尼康 (Chinese translation of the Nikon trademark, pronounced nikang in Chinese) on products and its trade name as well 2 million yuan in damages and a sales ban of Nikang bikes against the distributor.

The Zhejiang company acquired registration of the No. 1,977,805 trademark 尼康 and figure thereof on December 2002, certified for use on Class 12 goods, E-bike. Nikon obtained registration of the No.243,268 word mark 尼康 in 1986 for use on Class 9 goods, camera. In 2003, the Japanese company filed for across-class registration of the word mark 尼康 to the Trademark Office under the State Administration for Industry and Commerce. While the mark is approved for registration in many classes as of today, registration for Class 12 is rejected.

Nikon, in December 2007, challenged the No.1,977,805 mark at the Trademark Review and Ad-

judication Board (TRAB), which is also under SAIC. TRAB has not yet rendered a ruling.

(by Yang Qiang)

本报讯 日前,日本尼康株式会社以侵犯商标权为由将浙江尼康电动车业有限公司和上海某车行诉至法院,请求法院判令浙江尼康公司停止使用带有“尼康”文字的商标,停止使用含有“尼康”字样的企业名称,并赔偿经济损失200万元,同时上海车行不得再销售“尼康”电动车。

据了解,浙江尼康公司2002年12月获得了第1977805号“尼康及图”注册商标专用权,该商标被核准使用在第12类电动自行车等商品上。而尼康公司于1986年在华取得了第243268号“尼康”文字商标的专用权,被核准使用在第9类照相机等商品上。2003年,该会社又向国家工商行政管理总局商标局提交了“尼康”商标的全类注册申请。截至目前,该会社的“尼康”文字商标已经被核准注册在多个类别上,但在第12类上的“尼康”文字商标注册申请则被驳回。

尼康公司于2007年12月向国家工商行政管理总局商标评审委员会提交了商标争议申请,请求撤销浙江尼康公司的第1977805号“尼康及图”注册商标。至今,商评委尚未就该争议做出裁定。(杨强)

IP CHINA'S IP MANUAL

National Framework for Medium-to-Long-Term Food Security (2008-2020)

《国家粮食安全中长期规划纲要(2008-2020年)》

The National Development and Reform Commission released the National Framework for Medium-to-Long-Term Food Security (2008-2020) recently.

Innovation-related measures are specifically provided in the Framework: encourage technological innovation; bolster application of agricultural bio technology and information technology; intensify R & D; implement projects of breeding new high-production varieties; initiate projects of breeding transgenic new varieties; upgrade R & D in breeding and proliferation; strive for breakthroughs in selecting and breeding high-production and high-quality grain varieties, efficient

cultivation patterns and efficient use of agricultural resources; speed up breeding high-production, high-quality and nature-resistant grain and oil products with self-reliant IPRs.

日前,国家发展和改革委员会公布了《国家粮食安全中长期规划纲要(2008-2020年)》。

纲要提出,要大力促进科技创新,强化农业生物技术和信息技术的应用,加强科研攻关,实施新品种选育、粮食丰产等科技工程,启动转基因生物新品种培育重大专项,提高生物育种的研发能力和扩繁能力,力争在粮食高产优质品种选育、高效栽培模式、农业资源高效利用等方面取得新突破,加快培育形成一批具有自主知识产权的高产、优质、抗性强、抗病的粮食品种。