

NUMBERS

3.5 billion

In an effort to wage a High Tech Olympics, the Chinese government gathered 3.5 billion yuan (1 billion yuan from government budget), supported 1,200 R & D projects, mobilized 35,000 scientists from 200 companies, 170 research institutes and 50 universities. Over 320 applications were filed for patents.

35 亿

我国政府为实现“科技奥运”而实施的奥运行动计划,共集成社会各方面经费资源 35 亿元,其中政府财政投入达 10 亿元,支持研究开发项目 1200 多项,共组织和动员了全国约 200 家企业、170 多个科研院所和 50 多所高校的 3.5 万名科技人员参与相关工作,项目(课题)国内外专利申请数量已超过 320 件。

100

Beijing will implement over 100 technologies created under the High Tech Olympics until 2010 with projects spanning across venue construction, information security, food safety and test, environment protection and transportation. The estimated turnover is 10 billion yuan.

100 项

到 2010 年,北京市将实现对 100 项以上科技奥运成果的推广应用,涉及场馆建设、信息安全、食品安全与检测、环境保护和交通运输等领域,预计产生的经济在 100 亿元左右。

100,000

As of the end of June, Guangdong had filed cumulative 100,000 patent applications for invention, registering at 102,886, accounting for 12.81% of the nation's total and ranking NO.2 in the nation.

10 万件

截至 2008 年 6 月底,广东省发明专利申请总量突破 10 万件大关,达 10.2886 万件,占全国总量的 12.81%,位居全国第二位。

213

Xiamen Customs handled 213 IPR cases in the first half of 2008, which were valued at 23 million yuan, up 69% and 65% respectively, effectively upholding market environment and protecting the legitimate rights and interests of Chinese and foreign right holders.

213 起

厦门海关 2008 年上半年共查获知识产权案件 213 起,案值人民币 2300 余万元,同比分别增长 69% 和 65%,有效地维护了市场环境,维护了国内外知识产权权利人的合法权益。

460,000

On October 2007, Zhuhai (Guangdong) IP Administration started a project to develop a database on patents of printer cartridges. The database now assembles 460,000 Chinese and foreign patent data entries relating to laser and inkjet cartridges and shores up the development of the cartridge industry.

46 万

2007 年 10 月,广东省珠海市知识产权局启动了市打印耗材行业国际专利数据库建设,收录了国内外有关激光打印耗材和喷墨打印耗材专利数据近 46 万条,为打印耗材产业的发展提供了有力的支撑。

责任编辑 才让卓玛 Executive Editor Cairang Zhuoma

First supplementing regulations promulgated post Anti-Monopoly Law

中国反垄断法首项配套法规出台

The State Council published the Regulations on Notification Thresholds for Concentrations of Undertakings on August 3. The new thresholds supplement the merger control rules under the Anti-Monopoly Law (AML), which contains no specific notification thresholds. The new Regulations became effective upon promulgation on August 3.

The Regulations recites the forms of concentrations, namely: (1) mergers of multiple undertakings; (2) one undertaking gaining control over another by means of equity or asset purchase; and (3) one undertaking gaining controlling rights or decisive influence over another by means of contracts or other means.

Under the new Regulation implementing the AML, prior notification is required for concentrations meeting either of the following thresholds: the combined worldwide turnovers of all undertakings involved in the last fiscal year exceed 10 billion yuan, and the China-wide turnovers of at least two undertakings each exceeds 400 million yuan; or the combined China-wide turnovers of all undertakings involved in the last fiscal year exceed 2 billion yuan, and the China-wide turnovers of at least two undertakings each exceeds 400 million yuan. (by Tian Ming)

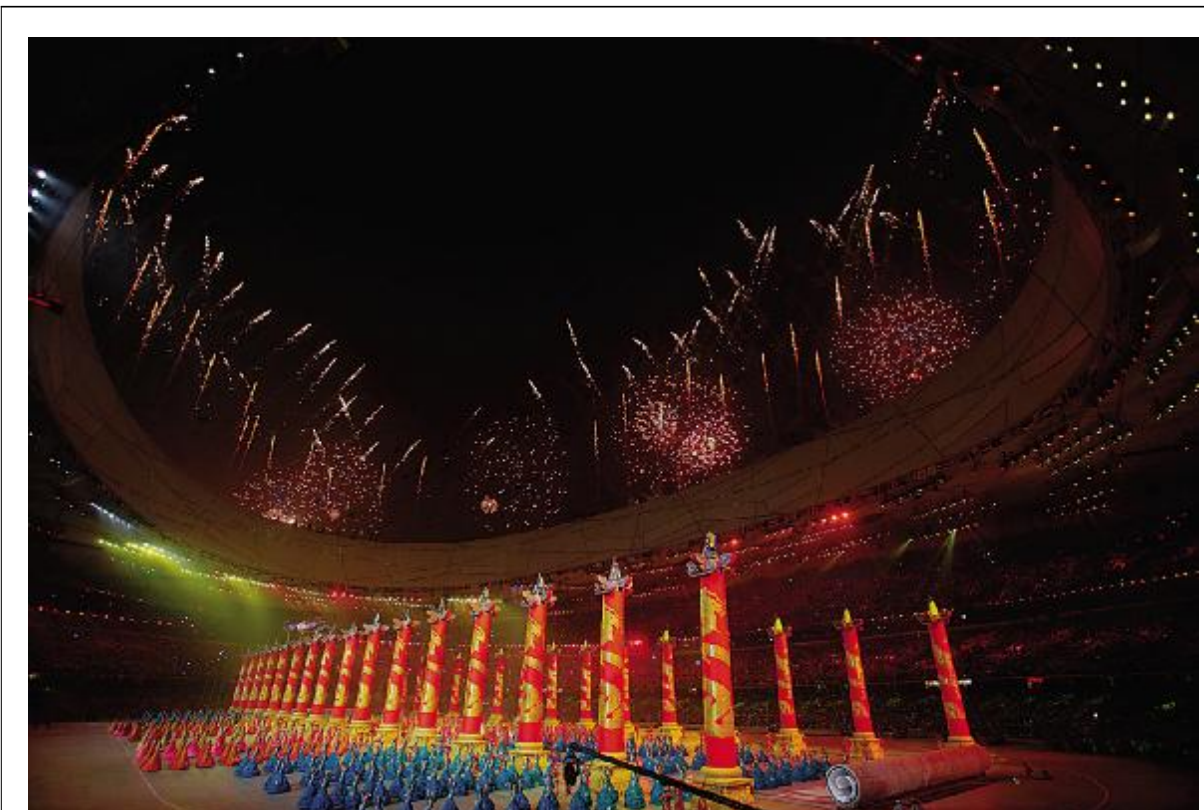
本报讯 8月3日,国务院发布反垄断法的首项配套规定《国务院关于经营者集中申报标准的规定》,确立以经营者营业额为申报标准。

《规定》于8月3日起施行。

根据《规定》,经营者集中是指下列情形:经营者合并;经营者通过取得股权或者资产的方式取得对其他经营者的控制权;经营者通过合同等方式取得对其他经营者的控制权或者能够对其他经营者施加决定性影响。

《规定》分两项规定了需要申报的经营者集中的标准:参与集中的所有经营者上一会计年度在全球范围内的营业额合计超过 100 亿元人民币,并且其中至少两个经营者上一会计年度在中国境内的营业额均超过 4 亿元人民币。参与集中的所有经营者上一会计年度在中国境内的营业额合计超过 20 亿元人民币,并且其中至少两个经营者上一会计年度在中国境内的营业额均超过 4 亿元。

(田鸣)



The opening ceremony of the Beijing Olympic Games began in the National Stadium in north Beijing on August 8, 2008. Photo shows performers take part in the act performance during the opening ceremony.

8月8日,第29届夏季奥林匹克运动会在北京国家体育场隆重开幕。图为开幕式现场表演。(Courtesy: Newsphoto)

Newsphoto 供图

Supreme Court: IPR tribunals take anti-monopoly cases

最高人民法院发出通知重申

知识产权审判庭负责审理反垄断民事案件

In a bid to properly apply the Anti-Monopoly Law of the People's Republic of China, which comes into force on August 1, the Supreme Peoples Court (SPC) informs courts of all layers to be and careful in handling cases of this nature.

A SPC circular stresses the role of the anti-monopoly law in sanctioning IPR abuse and protecting rights. The Law joins the Unfair Competition Law in the category of competition laws. The SPC Regulations on the Cause of

Civil Action, which was in effect from last April 1, include disputes of anti-monopoly and unfair competition into IPR disputes. The IPR tribunals set up within the courts of law shall assume the duty to take anti-monopoly cases relating to IPR and other anti-monopoly cases.

(by Wei Xiaomao/Liu Yangzi) 本报讯 为正确适用 8 月 1 日起施行的《中华人民共和国反垄断法》,审理好与反垄断法相关的案件,最高人民法院日前发出通知,要求各级人民法院依法履行好审判职

责,切实审理好各类反垄断案件。

通知指出,反垄断法与制止知识产权滥用行为和保护知识产权紧密相关,也与反不正当竞争法同属于竞争法范畴。今年 4 月 1 日起施行的《最高人民法院民事案件案由规定》将垄断纠纷与各种不正当竞争纠纷集中规定,统一纳入了知识产权纠纷范围。据此,各级人民法院负责知识产权案件审判业务的审判庭,要依法履行好审判职责,切实审理好涉及滥用知识产权的反垄断民事案件以及其他各类反垄断民事案件。

(魏小毛, 刘阳子)

KTV fee schedule 2008 issued

2008 年中国各地 KTV 版权使用费收费标准出炉

The China Audio-Video Copyright Association (CAVCA) releases a fee schedule for copyright use by Karaoke TVs (KTV) in 2008. Shanghai paces all Chinese provinces with the highest price for use of copyright per terminal per day, 11.1 yuan. Beijing follows with 11 yuan.

The collecting society says the fees are calculated based on the 12

地区是上海,价格为 11.1 元/天/终端;北京价格为 11 元/天/终端,排在第二位。

该公告称,各地卡拉 OK 版权使用费,在国家版权局 2006 年第 1 号公告公布的“12 元/天/包房”封顶的标准基础上,结合全国抽样计次数据和各地区的实际情况,进行了调整。此外,对于拒不支付版权使用费的卡拉 OK 经营者,协会将采取各种维权措施严厉打击侵权行为,追究其法律责任。(刘超)

元 cap set by the National Copyright Administration in its No. 1 Circular 2006 while referencing sampled statistics of the different regions. CAVCA also vows to enforce rights aggressively by seeking liabilities from those KTVs refusing to pay. (by Liu Chao)

本报讯 中国音像著作权集体管理协会近日发布公告,正式公布了 2008 年全国各地区卡拉 OK 版权使用费收费标准。其中,收费最高的

EXPRESS

Shenzhen Proview squares off EMC in trademark rift

深圳唯冠科技诉美国 EMC 商标侵权

Holder of the registered trademark EMC in China, Shenzhen Proview filed a suit against EMC (US) for infringement, seeking injunction of EMC (US)'s use in the trademarks EMC and EMC2 and 80 million yuan in damages. Shenzhen Intermediate People's Court will hear the case on August 15.

Proview is one of the Top 4 computer monitor manufacturers in the world. In 1995, Proview acquired the trademark EMC through assignment. In October 1996, Proview made an application of the trademark EMC with the Trademark Office (TMO) under the State Administration for Industry and Commerce. While the trademark pending registration for public opposition in October 1997, EMC (US) contested. EMC (US) claimed it applied for registration of EMC2 first. In 2007, Proview obtained the registration of EMC from the TMO after rounds of administrative and judicial proceedings. Proview then found EMC (US) continued use of EMC and EMC2 and later sought

injunction and damages at the Shenzhen court in April 2007.

CIPN will follow the developments of the case.

(by Fang Fei)

本报讯 在中国拥有“EMC”注册商标持有人唯冠科技(深圳)有限公司(以下简称唯冠科技)以侵犯注册商标专用权为由将美国 EMC 推上被告席,要求美国 EMC 停止使用“EMC”和“EMC2”商标并赔偿损失人民币 8000 万元。此案将于 8 月 15 日在深圳市中级人民法院开庭审理。

据了解,深圳唯冠科技是全球 4 大显示器生产商之一。1995 年,唯冠科技受让获得“EMC”商标。后唯冠科技又于 1996 年 10 月,向国家工商总局商标局申请注册“EMC”商标。1997 年 10 月,在唯冠科技申请的“EMC”商标公示期间,美国 EMC 提出异议,称其申请注册“EMC2”商标在先。后经行政裁定、司法认定等程序后,2007 年,“唯冠科技所申请的“EMC”商标被商标局核准注册使用。但唯冠科技发现,美国 EMC 仍在继续使用“EMC”和“EMC2”商标。唯冠科技遂于 2007 年 4 月向深圳中院起诉美国 EMC,要求停止侵权并赔偿损失。

本报将继续关注此案进展。

(芳菲)

IP CHINA'S IP MANUAL

Notice on IPR Protection of the Mascots of the Beijing 2008 Olympic Games

北京 2008 年奥林匹克运动会吉祥物知识产权公告

The Beijing Organizing Committee for the 29th Olympic Games (BOCOG) revealed the Games' mascots on November 11, 2005 and issued a Notice on IPR protection of the mascots.

According to the Regulations on the Protection of Olympic Symbols, BOCOG is the right holder of the mascots and has registered them with the Trademark Office under the State Administration for Industry and Commerce. BOCOG also owns the full copyright of the mascots. Allied with the International Olympic Committee, it has obtained protection of IPRs of the mascots in Hong Kong, Macao, Taiwan Province and foreign countries. Without BOCOG's consent, no organization or individual may use the mascot for commercial purpose or for potential commercial purpose. When using them for non-commercial purpose, the use shall be distinctive from commercial, shall not

provide commercial opportunity or promotion for companies, except for those sponsors and partners of Olympic marketing, and shall not be in vicinity of commercial advertisements.

2005 年 11 月 11 日,第 29 届奥林匹克运动会组织委员会公布了北京 2008 年奥林匹克运动会吉祥物,并就其知识产权保护事宜做了公告。

公告指出,根据《奥林匹克标志保护条例》,第 29 届奥组委为吉祥物的权利人,并已在国家工商行政管理总局商标局办理了吉祥物奥林匹克标志备案手续;第 29 届奥组委拥有吉祥物的完整的著作权;并与国际奥委会合作,在中国香港、中国澳门、中国台湾和外国办理了保护吉祥物知识产权的有关手续;未经第 29 届奥组委许可,任何机构或个人均不得为商业目的(含潜在商业目的,下同)使用吉祥物;将吉祥物用于非商业目的时,必须明显区别于商业行为,不得为企业(不含奥林匹克市场开发赞助计划参与者)或经营者提供商业机会或广告宣传,不得与商业广告相邻使用等。