

NUMBERS

467,243

In Fiscal Year 2007, the United Patent and Trademark Office received 467,243 patent applications, up 4.85%, 438,576 were for invention. The PTO also received 394,368 applications for registration of trademarks and registered 150,064.

46.7243 万件

2007 财年, 美国专利商标局共受理专利申请 46.7243 万件, 较上年增长近 4.85%, 其中发明专利申请 43.8576 万件, 共受理商标注册申请 39.4368 万件, 注册商标 15.0064 万件。

25.81%

According to the freshly out China Brand Strategic Development Report 2007, the nation's industrial value added in 2006 amounted to 9.035 trillion yuan, with national and provincial quality brands contributing to 25.81% of the increase.

25.81%

最新出炉的《2007 年中国名牌战略发展报告》显示 2006 年中国工业增加值达 9.035 万亿元, 中国名牌产品和省级名牌产品生产企业对工业增加值增长的贡献率达 25.81%。

1 million

Xiamen, Fujian appropriated 1 million yuan to sponsor patent filings in 2007.

100 万元

2007 年度福建省厦门市专利申请资助总额超过 100 万元。

1,360

As of now, Chifeng, Inner Mongolia has 1,360 registered trademarks, 3 of which are well-known marks, 33 famous marks. One of the well-known marks and 3 of the famous marks were determined in 2007.

1360 件

截至目前, 内蒙古赤峰市共有注册商标 1360 多件, 其中被认定的驰名商标 3 件、著名商标 33 件, 2007 年新增认定驰名商标 1 件、著名商标 3 件。

2,535

In 2007, AICs in Xining, Qinghai handled 2,535 economic violations of various types encompassing goods valued at 65,134,600 yuan, imposed penalties of 3,170,400 yuan, paralyzed 378 underground shops manufacturing or selling counterfeits and seized 87,000 trademark labels.

2535 起

2007 年, 青海省西宁市工商系统共查处各类经济违法案件 2535 起, 总案值达 6513.46 万元, 收缴罚没款 317.04 万元, 捣毁制假、售假窝点 378 处, 各类侵权商标标志 8.7 万套。

4,432

Chongqing Cultural Market Administrative Enforcement Team took out an underground warehouse by seizing 4,432 optical disks, 2,140 of which were highly compressed AV products or DVDs, 1,912 were computer software products.

4432 张

近日, 重庆市文化市场行政执法总队查处一窝点, 现场收缴涉嫌盗版光盘 4432 张, 其中高压压缩音像制品及 DVD2140 张, 计算机软件 1912 张。

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Patent filings top 4 million in China

中国受理专利申请总量突破 400 万件

Patent applications received by SIPO climbed onto the plateau of 4 million, registering at 4,002,103 on December 24, 2007, merely 18 months after logging at 3 million. In this fourth million dash, domestic inventions outpaced foreign ones in terms of growth rate, boasting China's serious and legitimate performance in global innovation race.

Statistics showed that patent applications received by SIPO reached one million after 15-year (1985-2000) implementation of the patent law. It took 50 months for the figure to reach two million, and only 27 months for three million.

Among the first three million applications, Chinese applicants filed 47.8%, 50.7% and 53.4% of invention applications respectively. Of the latest one million, 60.8% of invention applications were submitted by Chinese applicants. Inventions from domestic applicants grew faster too with a hike of 30% year on year in 2006, overshadowing those from foreign applicants by 20%.

(by Mao Jinsheng/Wang Xiaohu) 本报讯 2007 年 12 月 24 日, 中国受理的国内外专利申请总量突破 400 万件, 达到 400.2103 万件, 距离突破第三个 100 万件时间仅过了 18 个月。在第四个 100 万件中, 国内发明专利申请增幅明显高于国外,

表明中国自主创新能力不断增强、水平不断提高, 也标志着中国的知识产权事业呈现出又好又快的发展态势。

中国自 1985 年专利法开始实施到 2000 年年初, 用了近 15 年的时间使专利申请总量达到第一个 100 万件, 第二个 100 万件则历时 4 年 2 个月, 尔后历时 2 年 3 个月完成第三个 100 万件。在前 3 个 100 万件中, 发明专利申请的国内比重分别为 47.8%、50.7% 和 53.4%。而在第四个 100 万件中, 国内比重达到了 60.8%。在中国受理的发明专利申请中, 国内发明专利申请增幅明显高于国外, 以 2006 年为例, 国内发明专利申请同比增长 30.8%, 高出国外同期约 20 个百分点。

(毛金生 王晓娟)



China's first homegrown regional jet, the ARJ21-700, a.k.a Xiang Feng (flying phoenix), rolled off assembly line on December 21, 2007, marking China's readiness in manufacturing jet airliner. A trademark registration was already filed for Xiang Feng.

2007 年 12 月 21 日, 取名为“翔凤”的中国首架具有自主知识产权的喷气式支线客机 ARJ21-700 完成总装, 并举行了下线仪式。这标志着中国已经能够自主研制喷气式客机。据悉, “翔凤”已经在第一时间申请了注册商标。新华社 供稿

IPR enforcement in China: More aggressive, more effective

中国将积极推进知识产权维权行动

The inaugural China Intellectual Property Enforcement Forum, organized by SIPO, opened in Nanning, Guangxi on December 26, 2007. SIPO Deputy Commissioner Xing Shengcai introduced a new enforcement mechanism being nurtured by the Chinese government that would involve participation from government, professionals and enterprises, and enlisted help from those qualifying organizations and experts.

IPR enforcement has been in play in China for over two decades, producing a phalanx of seasoned enforcement officers and

gathering tangible experiences and resources for the authorities. New situations and new challenges for IPR enforcement evolve with S&T and economic development too. In response to that and in an attempt to improve IPR enforcement and make sure its development on the right track, SIPO issued a circular proposing measures for IPR right enforcement and assistance thereof.

(by Liu He) 本报讯 2007 年 12 月 26 日, 由中国国家知识产权局主办的首届中国知识产权执法论坛在广西南宁开幕。中纪委派驻国家知识产权局纪检组组长邢胜才在论坛上指出,

中国目前正在建立健全“政府积极推动、中介有效促动、企业自觉行动”的知识产权维权与保护的互动机制, 欢迎符合条件的机构与专家加入, 以推动开展全国知识产权维权行动。

据介绍, 中国知识产权执法工作已经开展了 20 多年, 已经培养了一支素质较高的执法队伍, 积累了相当的经验与资源。随着科技、经济的发展, 知识产权执法中的新情况、新问题也在不断出现。为有效改善中国知识产权行政执法的环境, 促进该项工作的良好发展, 国家知识产权局已于日前下发通知, 就开展知识产权维权援助工作提出了指导意见。(刘河)

SAIC determines over 1,000 well-known marks

中国工商认定驰名商标超千件

According to the national working conference on administration for industry and commerce, the State Administration for Industry and Commerce (SAIC) has determined 197 well-known marks YTD in 2007, aggregating the total to 1,000.

As of the end of November, trademark registrations in China had amounted to 3,013,700 with the 2007 collection up 29.19% year on year. SAIC also became more

vigilant in handing over those cases suspected of criminal nature to police while waging specific campaigns to protect Olympic symbols. In the same time span, AICs of all layers took 41,000 trademark infringement cases, 143 of which would later be shifted to police jurisdiction.

(Dou Xinying) 本报讯 记者从全国工商行政管理工作会议上获悉, 2007 年中国国家工商总局已认定驰名商标

197 件, 截至目前, 国家工商总局依法认定的驰名商标已超过 1000 件。

截至 2007 年 11 月底, 中国商标注册总量已达 301.37 万件, 商标注册量同比增加 29.19%。此外, 国家工商总局加大了对涉嫌商标犯罪案件移送的力度, 开展了保护奥林匹克标志专用权行动。截至 2007 年 11 月底, 各地工商管理机构已查处商标侵权案件 4.1 万件, 移送司法机关处理 143 件。

(窦新颖)



Again, Jiangsu engine maker stands its ground on foreign soil

江苏企业海外维权再获成功

Jiangsu Jianghuai Engine and Japan's Honda Engines recently shook off their design patent dispute in the United States with Honda withdrawing its suit, and promised no further pursuit of legal actions against each other on this matter. Jianghuai defends its right again in overseas after prevailing in another IPR case in 2005 in Indonesia.

In the past few years, Jianghuai penetrated the US market with products that are easy to use and service, cheap and reliable, shipping cumulative 100,000 units by the end of 2006. Honda then alleged Jianghuai's infringement of its design patent at a US district court, sought 16 million dollars in damages and a general exclusion order.

Choosing to fight to live, Jianghuai later made a counterclaim powered by rounds of discovery and analysis of evidence discovered. Its 3 million dollar legal fee finally

paid off with Honda proposing a sit-down.

(by Shi Chunshan)

本报讯 近日, 江苏江淮动力股份有限公司(以下简称江动公司)与日本本田公司在美国达成和解与互不追究协议, 这意味着本田公司与江动公司外观设计专利侵权案以日方撤诉而告终, 江动公司知识产权海外维权再获成功。这是江动公司继 2005 年在印度尼西亚打赢知识产权官司后, 又一次在海外成功维权。

近年来, 江动公司研发的通用汽油机以实用、价廉、性能可靠逐步打开了美国市场, 市场份额逐年提高, 到 2006 年底累计销售超过 10 万台。2005 年底, 本田公司向美国联邦地区法院提起诉讼, 诉江动侵犯其外观设计专利权, 要求江动赔偿 1600 万美元, 并永久退出美国市场。

两年来, 江动公司积极应对, 在对现有相关材料和证据进行充分分析的基础上, 提起反诉, 花费近 300 万美元的诉讼费用。最终日方提出了和解。

(石春山)



Implementing Regulations of the Enterprise Income Tax Law of the People's Republic of China

《中华人民共和国企业所得税法实施条例》

The Implementing Regulations of the Enterprise Income Tax Law of the People's Republic of China is promulgated for effect as of January 1, 2008. The Regulations provide that the expression "high and new-technology enterprises under the key support of the state" as used in the EIT Law are enterprises that have their own independent, kernel intellectual property rights and simultaneously meet some other requirements such as, the product (service) falls within the scope of the High and New Technology Areas Entitled to the Key Support of the State, and other conditions under the measures for the determination of high and new technology enterprises.

The Regulations also provide a definition for intangible asset, which is, the term "intangible asset" refers

to the non-monetary long-term assets without a physical form which are held by an enterprise for purposes of producing products, providing labor services, lease, or operational management, etc., including patent rights, trademark rights, copyrights, land use rights, know-how, business reputation, etc.

《中华人民共和国企业所得税法实施条例》(以下简称《条例》)于 2008 年 1 月 1 日起施行。《条例》规定国家需要重点扶持的高新技术企业享受税收优惠, 必须拥有核心自主知识产权, 并同时符合《国家重点支持的高新技术领域》和高新技术企业认定管理办法等的有关规定。

《条例》还对企业所得税法所称无形资产进行了具体规定, 即企业为生产产品、提供劳务、出租或者经营管理而持有的、没有实物形态的非货币性长期资产, 包括专利权、商标权、著作权、土地使用权、非专利技术、商誉等。