

China's IP
in foreign eyes



Thanks to four big new releases over the New Year's Day holiday, the Chinese box office has grossed over \$900 million last week. Four huge Chinese pictures, including three big sequels, all opened on the same-scheduled and all achieved varying levels of success. (*Monster Hunt* And *Monkey King* Pushed China Box Office To A Record-Crushing Week, by Forbes)

2018年春节期间,中国电影市场创下同期新高,除夕至正月初六,中国票房总额达9亿美元,这得益于《捉妖记2》等4部中国影片上映。在4部同档期的贺岁影片中,其中3部都是续集,均获得了成功。《捉妖记2》等影片推动中国票房创下记录,福布斯)

Comment

During the Spring Festival, watching movies has become a new fad for many families. The vigor of the outgoing Spring Festival's movie market brought nice surprises to audiences. That proves the ever-hard truth again that solid work wins box office.

点评

过春节,看电影,成为了当下许多家庭的新选择。今年春节中国电影市场展现出的活力带给人们的惊喜,也再次印证了原创优秀作品是电影票房一路飘红的硬道理。



Haiyan Fu, nicknamed Ava, is a 32-year-old fashion influencer who used to did promotional posts for brands ranging from Louis Vuitton and Dior. Then, in 2016, she and another influencer teamed up to launch their own brand, Ava & Nikki. Fu had no design experience, but would draw pictures and ask suppliers to make the clothes. Today, the brand's clothing tends to go for \$30 to \$60 an item. When there's a hit piece, she says, she might sell 3,000 to 5,000 of them. Fu models many of them herself. (*China's Influencers Don't Just Push Brands - They Create Their Own*, by Adage)

32岁的中国网络红人艾娃曾在微博上推销路易威登等品牌产品。2016年,她与另一位网红联合创立了自主品牌,随后便开始进行推广。艾娃此前并无设计经验,但她设计的服装却备受顾客青睐,其售价位于30美元至60美元之间,一些热销服装款式销量达5000余件。(中国网红不仅推广还创立自主品牌,广告时代)

Comment

This time around, the influencers launch their own brands are nothing new. Having an independent brand means having a consistent and stable content creation capability, thus can increasing the user's stickiness and establishing a solid business model.

点评

如今,网红创立自主品牌屡见不鲜。拥有自主品牌意味着拥有持续稳定的内容创造能力,从而增加对用户的黏性,建立起稳固的商业模式。(李倩)

China Debuts in Top Five in Housing U.S. Patents

中国首次跻身拥有美国专利数量前五名国家

Chinese companies obtained 11,241 more U.S. patents in 2017, up 28%, making China, for the very first time, a top five country in the department of owning U.S. patents. The number of U.S. patents obtained by Chinese companies increased by ten-fold in the last decade, according to statistics issued by a U.S. research institute.

"What Chinese companies have done in securing patents is impressive," said Sun Guorui, professor of Law School of Beihang University. "China has been spotted many times in a number of world's influential innovation lists, and it reflected that China has made significant achievements in implementing its innovation-driven development strategy and building China in-

to an IP power house."

Among the 320,000 patents granted by the United States Patent and Trademark Office in 2017, 3.5% of which were obtained by Chinese companies. The local U.S. companies claimed ownership to 148,139, accounting for 46% of the total. The rest of the top five countries were Japan (50,600), South Korea (20,970) and Germany (15,771).

"For all the remarkable gains Chinese companies have made in this regard, the statistic show that there still exists a big gap between China and the rest of the elite group, particularly Japan and Korea. The fierce market competition has proved that patent is power, and Chinese companies still have a long and hard journey to go before

they can catch up with their counterparts," said Sun.

In fact, the outstanding achievements Chinese companies have made can be explained by the fact that most of those patents were obtained in digital data processing and transmission, semiconductor and wireless communication field. In parallel, many Chinese companies are redoubling their efforts to catch up counterparts with in 3D printing, artificial intelligence and drone. In recent years, thanks to China's implementation of innovation-driven strategy and building itself into an IP power house, a group of IP advanced companies have been increasing their efforts in patenting



strategically overseas and accelerating their path to go abroad. Although innovation has been the core competitive advantage of the U.S. and other developed countries, China has made remarkable gains in developing quantum communication and supercomputer technologies, making China emerge in the world as another super innovation center, according to foreign media.

"As IP become a burning issue for the new round of world competition, Chinese companies should make concerted efforts to beef up R&D, build more IP advanced companies and obtain high-quality patents. Only by doing so can Chinese companies remain invincible in international competition landscape," stressed Sun.

(by Zhao Jianguo)

本报记者 赵建国

2017年中国企业新增1.1241万件美国专利,比2016年增长了28%,这使中国首次跻身拥有美国专利数量最多的5个国家之一。据美国专业研究机构最新公布的数据显示,中国企业拥有美国专利数量10年增长了10倍。

"如今的中国企业令人刮目相看。"北京航空航天大学法学院教授孙国瑞在接受中国知识产权报记者采访时表示,现在,世界有影响力的创新榜单上都已经绕不开中国。这从侧面反映出中国实施创新驱动发展战略和建设知识产权强国的显著进步。

纵观2017年美国授权专利数量情况,在美国专利商标局授权的32万

件专利中,中国企业拥有其中的3.5%。其中美国企业专利数量最多,为14.8139万件,占比达46%。该榜单上,排名前5位的国家还有日本(5.06万件),韩国(2.097万件),德国(1.5771万件)。

"虽然中国企业在美拥有专利增速较快,有了较大进步,但是从数据统计情况来看,中国企业与排名前几名特别是与日韩相比还有明显差距。"孙国瑞表示,市场竞争的事实反复证明,专利就是竞争力,中国企业尚需奋力追赶。

事实上,中国企业的追赶速度已经为世界所瞩目。在中国企业所拥有的美国专利之中,大多数专利都集中于高科技行业,如数字数据处理与传输、半导体与无线通信等领域。同时,在快速成长的3D打印、人工智能以及无人机等产业领域,目前有许多中国企业正处于加速弯道超车的进程。特别是近年来,中国实施创新驱动发展战略,加快建设知识产权强国,一批知识产权优势企业迅速崛起,海外专利布局能力日益增强,"走出去"步伐显著加快。外媒认为,虽然创新是美国等发达国家的核心竞争优势,但是近年来中国深入实施创新驱动发展战略,大力发展量子通信、超级计算机等先进技术,并在这些新兴技术领域取得了不凡的成就,这将使中国成为世界又一个"超级创新中心"。

"知识产权正在成为新一轮世界竞争的焦点,中国企业必须不懈努力,持续加大研发力度,建设知识产权强国,拥有更多更好的专利,才能在日益激烈的国际市场竞争中立于不败之地。"孙国瑞强调。



Gaizhou stilts is an artistic performance that combines singing, dancing and drama, which is always being showed in the Spring Festival, temple fair and other occasions, expressing people's yearning for a better life.

盖州高跷秧歌是一种集歌、舞、戏为一体的艺术表演形式,多在春节、庙会等场合展现,表达了人们对美好生活的热切向往。

photo by Zhang Zihong
本报记者 张子弘 摄影报道

Court Sides with Danish Fashion Firm on ONLY Trademark

ONLY 商标六年纷争终见分晓

Believing Beijing Shishanghui Department Store Company's No.8934660 trademark ONLY constituted similarity with its No.2010352 trademark ONLY, the Denmark-based AKTIESELSKABET AF 21.NOVEMBER 2001 launched a trademark battle in China that would eventually last for six years.

Recently, Beijing High People's Court ended this six-year marathon by, upholding the decision of the Trademark Review and Adjudication Board (TRAB) under the State Administration for Commerce and Industry(SAIC), which previously ruled that the trademark in question registered on carnelian, silver and jewelry should be revoked.

The trademark in question was filed by Shishanghui for registration on December 9, 2010, certifying to be used on Class 14 products (unprocessed or semi-processed precious metal, silver and jewelry). On November 13, 2011, the Trademark Office(TMO) under the SAIC rejected the registration for the trademark in question to be used on unprocessed or semi-processed precious metal but allowing it to be used on other products after preliminary examination and publication.

On February 3, 2012, NOVEMBER

2001 lodged an opposition against the trademark in dispute to TMO, claiming similarity between it and its own on similar products.

After further examination, TMO revoked the registration of the trademark in dispute on the similar products referred by NOVEMBER 2001, while approving registration on other products. The disgruntled Shishanghui Department filed a review application to TRAB.

On March 2, 2015, TRAB seconded the TMO decision. After exhausting all administrative alternatives, Shishanghui brought the case to Beijing IP Court, claiming that the trademark in question was an extension mark of its own No.1081414 registered trademark, namely ONLY 旺利 and its figure (basic trademark).

Unfortunately, Beijing IP Court did not buy its argument. The determined Shishanghui then appealed to Beijing High People's Court.

After hearing, Beijing High held that the trademark in question would cause confusion among the public when used on the similar products as the cited trademark, considering relatively high reputation of the cited trademark. So similarity was constituted. In parallel, the court held that Shishang-



hui had failed to prove popularity of its basic trademark, and there exists large difference between the trademark in question and basic trademark in terms of how they look. So the basic trademark could not be used as a basis for registration of trademark in dispute.

In this connection, Beijing High made its final-instance judgment, denying Shishanghui's appeal.

(by Wang Guohao)

因认为北京时尚汇百货有限公司(下称时尚汇公司)申请注册的第8934660号"ONLY"商标(下称诉争商标)与其在先确权的第2010352号"ONLY"商标(下称引证商标)构成使用在类似商品上的近似商标,作为知名时尚服饰品牌"ONLY"的所有者,

丹麦2001年11月21日公司(AKTIESELSKABET AF 21.NOVEMBER 2001,下称2001公司)在华展开了一场长达6年的商标权属纷争。

近日,双方纠纷终审有果。根据北京市高级人民法院作出的终审判决,中国国家工商行政管理总局商标评审委员会(下称商评委)对诉争商标在玛瑙、银饰品、珠宝(首饰)(下称诉争商品)上的注册申请不予核准的裁定最终得以维持。

此番导致2001公司异议的诉争商标,由时尚汇公司于2010年12月9日提出注册申请,指定使用在未加工或半加工贵金属、银饰品、珠宝(首饰)等第14类商品上。2011年11月13日,国家工商行政管理总局商标局(下称商标局)对诉争商标在未加工或半加工贵金属商品上的注册申请予以驳回,对诉争商标在其他指定使用商品上的注册申请初步审定并公告。

2012年2月3日,2001公司以诉争商标与引证商标构成使用在类似商品上的近似商标为由,向商标局提出异议申请。

经审查,商标局于2013年2月19日作出异议裁定,对诉争商标在诉争商品上的注册申请不予核准,在其余商品上的注册申请予以核准。时尚汇公司不服该裁定,于同年3月19日向商评委提出异议复审申请。

2015年3月2日,商评委作出异议复审裁决对诉争商标在诉争商品上不

予核准注册。时尚汇公司不服商评委作出的复审裁定,随后向北京知识产权法院提起行政诉讼,主张诉争商标系对其第1081414号"ONLY旺利及图"商标(下称基础商标)的延伸注册。

在北京知识产权法院一审判决驳回了时尚汇公司的诉讼请求之后,时尚汇公司不服一审判决,继而向北京市高级人民法院提起上诉。

北京市高级人民法院经审理认为,考虑到引证商标具有较高知名度,诉争商标指定使用在诉争商品上,容易导致相关公众对商品的来源产生混淆误认,与引证商标构成使用在类似商品上的近似商标。同时,法院认为在案证据不足以证明基础商标经过使用已经获得一定知名度,且诉争商标与基础商标在标志上有较大差别,故基础商标不能成为诉争商标获准注册的依据。

综上,北京市高级人民法院终审判决驳回时尚汇公司的上诉,维持一审判决。(王国浩)



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