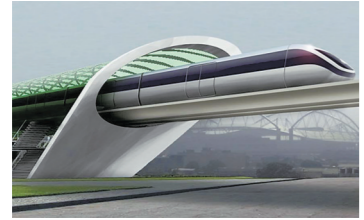


China's IP
in foreign eyes

Chinese scientists have been testing a prototype of an ultra-high-speed train that could potentially travel faster than an aeroplane. The cutting-edge model, called 'Super Maglev', is expected to reach 1,000km/h (620mph) under ideal condition - nearly three times faster than the current bullet trains in China - according to the Chinese state media. (*Inside China's lab for super trains: Scientists use a futuristic loop to test maglev trains that could travel faster than a PLANE; by Daily Mail*)

在中国的“超级高铁”实验室里,科学家们利用一个具有未来主义色彩的管道来测试速度比飞机还快的磁悬浮列车。据中国媒体报道,这种名为“超级磁悬浮”的尖端型号预计理想状态下将达到1000公里/小时,比中国目前的高铁快3倍。(中国未来的磁悬浮列车比飞机还快,每日邮报)

Comment

The maglev trains will profoundly change people's lives. IPR plays an important role in the development of this field. Innovation will make the maglev train become China's a new name card.

点评

磁悬浮列车的出现将会深刻改变人们的生活,中国在该领域的创新发展,离不开知识产权的保护。持续不断的创新会让磁悬浮列车成为中国的一张新名片。



At its huge campus south of Beijing, JD is testing a new store that relies on computer vision and sensors on the shelves to know when items have been taken. The system tracks shopping without tagging products with chips. Payment, which for now still happens at a kiosk, is done with facial recognition. JD and Alibaba both plan to sell their systems to other retailers and are working on additional checkout technologies. (*Retailers Race Against Amazon to Automate Stores; by the New York Times*)

位于北京南部的一栋大楼里,京东正在测试一种新型商店。它依靠货架上的计算机影像和传感器就能知道商品什么时候已被买走。该系统无需使用芯片标记商品就可以跟踪购物过程。在结账时,目前顾客需要通过面部识别完成。京东和阿里巴巴都计划将自己的系统卖给其他零售商,并且都在研发其他结账技术。(自动化商店热潮来袭,纽约时报)

Comment

Thanks to the innovation, our life is changing rapidly, no matter in cutting-edge aerospace technology or the retailing industry. That is the charm of innovation.

点评

创新无时无刻都在改变我们的生活。无论是“高大上”的航天技术,还是“接地气”的零售行业,创新正引领着我们的生活向更美好、更便捷的方向发展。这就是创新和知识产权的魅力所在。

(李倩)

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IPR Protection Requires All Countries on Board

Interview with SIPO DG for Protection and Coordination Zhang Zhicheng

知识产权保护需各国携手同行

——访中国国家知识产权局保护协调司司长张志成(上篇)

"China's IPR protection system was established and developed as a result of China's reform and opening-up," said Zhang Zhicheng, Director General of Protection and Coordination Department of the State Intellectual Property Office (SIPO). As of now, China has established an IPR system covering all fields conforming to international norms and rules, and acceded to the world's major international IP treaties. China has become a powerful country with regard to IP, serving as a defender, participant and builder of international IP rules.

China sees remarkable achievements in implementing the policy of stringent IPR protection

For years China has made unremitting efforts to establish a world-class business climate, serving all innovators of all countries. In particular, since the 18th National Congress of the Communist Party of China, China has attached greater importance to strengthening IP protection, making it a basic guarantee and important support for China's endeavor to implement innovation-driven strategy and build China into an innovative country. China has seen rapid progress in IPR undertaking by thoroughly implementing national IP strategy, speeding up the construction of IP powerhouse and releasing the 13th Five-Year Plan for National IP Protection and utilization.

According to Zhang, the number of invention patent filings in China reached 1.382 million in 2017, up 14.2 percent from 2016, pacing the world for seven consecutive years. China received 5.748 million trademark applications in 2017, ranking the first globally for a more impressive 16 years in a row.

China has been consistently reinforcing IP administrative enforcement. In the past five years, 192,000 cases of patent infringement and counterfeiting were investigated and punished in China, as well as 173,000 cases of trademark infringement and counterfeiting. IP Judicial protection has also been strengthened with establishment of specialized IP courts in Beijing, Shanghai and Guangzhou and IP tribunals within courts peppered around the country. Sanctions were toughened against infringers to protect the legal interests of right holders. A 2017 World Bank report revealed that China has moved up 18 places in the global ranking of ease of doing business in the past three years. It shows that China's business environment keeps improving.

According to a survey by SIPO, overall satisfaction with IP protection reached 76.69 percent points in 2017 from 63.69 percentage points in 2012. China's IPR protection is widely recognized. So far, China is working hard to improve the upper limit of legal compensation, add punitive compensation system, enhance administrative enforcement in key areas and actively conduct arbitration and mediation affairs.

Enhancing bilateral and multi-lateral IPR cooperation with other countries and regions

With the increasing economic globalization, world-wide innovative cooperation and problems such as IPR protection, commercialization and assignment have become more complicated. All countries face the common problems including IPR rights confirmation, technology diffusion, benefits and interests sharing, infringement and piracy.

"In order to address and improve these problems, we cannot rely on



trade protectionism and deviate from the ultimate purpose of IPR system and even use IPR as a tool to contain the development of other countries," Zhang noted that efforts should be made to reinforce IPR protection, maintain a healthy and well-organized market order and promote fair competition through closer international cooperation. It is the common responsibility of all members of international community in particular major countries such as China and the United States to build IPR system into a bridge for innovation and cooperation among all countries and establish dynamic coordinative and cooperative system on the basis of common interests. (To be continued)

(by Jiang Jianke, People's Daily)

"中国的知识产权保护制度,是伴随着改革开放建立和不断发展起来的。"

近日,中国国家知识产权局保护协调司司长张志成接受本报记者采访时表示。目前,中国已建起了一个符合国际通行规则、门类较为齐全的知识产权制度,加入了世界几乎所有的知识产权国际公约,成为一个知识产权大国,是知识产权国际规则的维护者、参与者、建设者。

中国贯彻落实严格保护知识产权的政策,成就有目共睹

多年来,中国贯彻落实严格保护知识产权的政策,为在中国打造一流的营商环境、服务世界各国创新主体不懈努力。尤其是党的十八大以来,中国将加强知识产权保护摆在更加重要的位置,将其作为实施创新驱动发展战略、建设创新型国家的基本保障和重要支撑。深入实施国家知识产权战略、加快建设知识产权强国、“十三五”国家知识产权保护和运用规划等重要政策发布,推动中国知

识产权事业发展。

张志成介绍,2017年全年发明专利申请量138.2万件,同比增长14.2%,连续7年居世界首位;受理商标注册申请574.8万件,连续16年居世界第一。

中国不断强化知识产权行政执法,过去5年查处专利侵权假冒案件19.2万件,商标侵权假冒案件17.3万件。不断加强司法保护,设立北京、上海、广州知识产权法院和一批知识产权法庭,依法加大对侵权人的惩处力度,保护权利人合法权益。世界银行发布的全球2017年营商环境报告显示,近3年中国营商环境在全球排名跃升了18位,得到了明显改善。

中国国家知识产权局有关调查显示:中国知识产权保护社会满意度由2012年的63.69分上升到2017年的76.69分,保护成效得到普遍认可。目前,中国正推动提高法定赔偿上限,增设惩罚性赔偿制度,加强重点领域行政执法,积极开展仲裁调解等工作。

中国不断加强与其它国家和地区的多双边知识产权跨部门合作

当前,经济全球化程度越来越高,全球范围内的创新合作及相关知识产权保护、转化、转让问题日益复杂,知识产权权利确认、技术扩散、惠益分享以及侵权盗版等是各国共同面临的现实问题。

"解决和改善这些问题,不能靠贸易保护主义,更不能背离知识产权制度宗旨,把知识产权当作遏制他国发展的武器。"张志成表示,必须通过更加紧密的国际合作,共同加强对创新成果的有效保护,携手维护健康有序的市场秩序,促进实现公平竞争,使创新成果的福祉为人类所共享,把知识产权制度打造成世界各国创新合作的桥梁,在共同利益基础上推动建立卓有成效的协同合作体系。这是国际社会所有成员、特别是中美等大国的共同责任。(蒋建科)

本文摘自《人民日报》

Hasbro's 'Transformers' TM Dodges TRAB Revocation (For Now) on Procedural Issues

孩之宝能否在华成功守卫“变形金刚”?

For the once-young generations, the cartoon "Transformers" is loaded with sweet childhood memories. The US-based Hasbro Company is the producer and brand owner of the cartoon. With no surprise, Hasbro registered "变形金刚 THE TRANSFORMERS" (the trademark in dispute), certified to be used on clothing. Its life span, however, was almost cut short by a revocation decision of the Trademark Review and Adjudication Board (TRAB). The death sentence to the trademark was called off recently by Beijing High People's Court in its final-instance decision. Now by court order, TRAB has to take a de novo look at the case.

The world-renowned toy company Hasbro was founded in 1923. It purchased the US-based Milton Bradley International and bought the toy line "transformers" from the Japan-based TAKARA in 1984. In China, Milton Bradley filed the registration application for the trademark in dispute and obtained the official approval to be used in Class 25 products including clothing, socks and hats. The trademark in dispute was later approved to be transferred to Hasbro in November 2015.

Dekus of South Korea filed for the revocation application of the trademark in dispute to the Trademark Office (TMO) on the ground that the trademark was not in use for 3 consecutive

years from June 19, 2009 to June 18, 2012 (the designated period). After examination, the TMO revoked the trademark in dispute holding that the evidence furnished by Hasbro was not sufficient to prove the commercial use of the trademark in dispute. The disgruntled Hasbro lodged a re-examination request to the TRAB.

In January 2015, the TRAB sided with the TMO on similar grounds. Hasbro then brought the case to Beijing IP Court.

The Beijing IP Court revoked the decision by the TRAB on its wrongdoing in procedural issues and ordered it to take a new look at the case. The TRAB did not buy the decision and appealed to the Beijing High People's Court.

Beijing High found that the TRAB sent the notice of evidence exchange to Hasbro on January 9, 2015. The earliest date that Hasbro received the notice was January 10, 2015. The signature date that Hasbro responded with the evidential materials was February 9, 2015 well within the 30 days upon receiving the notice. The TRAB should have given Hasbro 30 days for response. Instead it rendered a decision on January 29, 2015, an apparent violation of procedural requirements. In this connection, Beijing High rejected the appeal from the TRAB and upheld the decision of the first instance.

(by Wang Guohao)

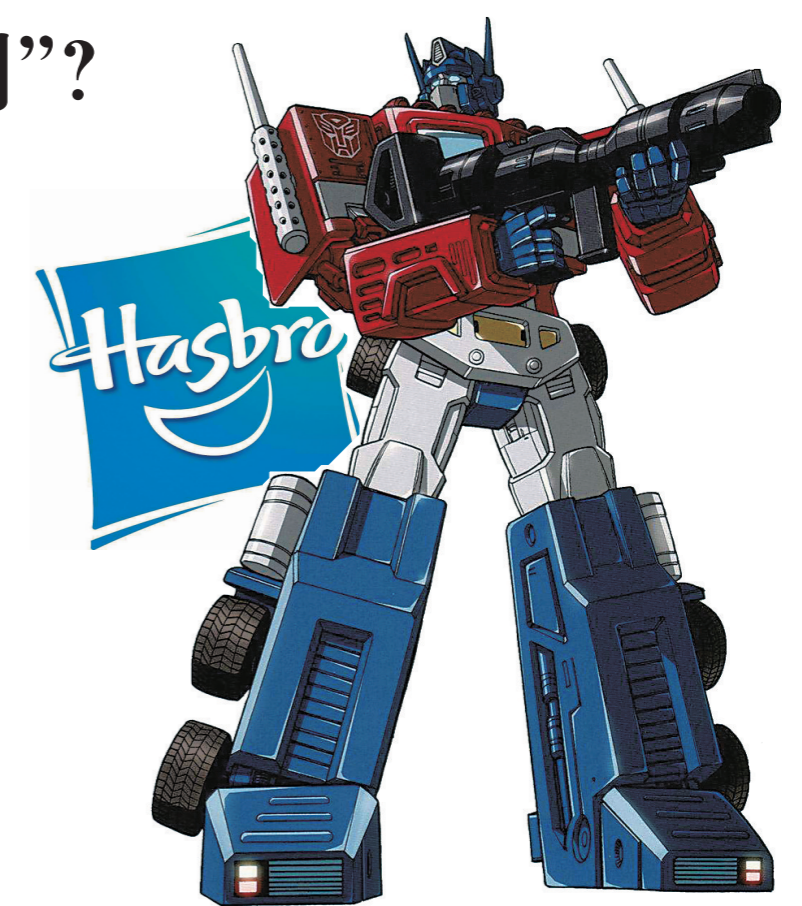
本报记者 王国浩

《变形金刚(Transformers)》承载着代人童年美好的回忆。作为该动画出品方及品牌经营者,美国孩之宝公司(下称孩之宝公司)注册在服装等商品上的一件“变形金刚 THE TRANSFORMERS”商标(下称系争商标),却险遭被撤销的风险。近日,北京市高级人民法院终审判决驳回了商标评审委员会(下称商评委)的上诉,商评委此前对系争商标予以撤销的复审决定未能得以维持,孩之宝公司能否保住系争商标,有待商评委重新作出决定。

据了解,孩之宝公司创建于1923年,是全球知名的玩具公司。1984年,孩之宝公司收购了美国妙极百利国际公司(下称妙极百利公司),并从日本 TAKARA 公司收购了玩具“变形金刚(Transformers)”。1989年,妙极百利公司向商标局提出了系争商标的注册申请,随后系争商标被核准注册使用在服装、短袜、帽子等第25类商品上。2015年11月,系争商标经核准转让予孩之宝公司。

2012年,韩国株式会社迪凯斯以系争商标于2009年6月19日至2012年6月18日期间(下称指定期间)连续3年停止使用为由,向商标局提出撤销系争商标的申请。经审查,商标局作出决定,认为孩之宝公司提交的证据不足以证明其于指定期间进行了商业使用,据此对系争商标予以撤销并公告。孩之宝公司不服向商评委提出复审。

2015年1月,商评委认为孩之宝



公司提交的证据不能证明系争商标的使用,据此决定对系争商标予以撤销。孩之宝公司向北京知识产权法院提起行政诉讼。

北京知识产权法院以商评委作为程序违法为由,判令商评委重新作出撤销复审决定。商评委不服,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,商评委向孩之宝公司寄送证据交换通知书的时间为2015年1月9日,孩之宝公司收到该通知书的最早日

期为2015年1月10日,孩之宝公司向商评委提交证据材料的落款时间为2015年2月9日,在其收到通知书之日起30日期间内。商评委依给予孩之宝公司30日的质证期限,但在2015年1月29日作出了决定,程序违法,应予撤销。据此,法院终审判决驳回商评委上诉,维持一审判决。

