

China's IP
in foreign eyes

新国货

For decades, Chinese consumers have prized foreign brands, thinking that products made by American or European companies indicated higher quality than domestic. Increasingly, that's no longer the case. The Chinese smartphone market is dominated by domestic companies - Huawei, Oppo, Vivo, and Xiaomi. Apple is the only foreign brand in the top five, but it has lost significant ground to the domestic brands in recent years. It is believed that the rise of domestic smartphone companies is attributable both to a closing gap in perceived quality and because smartphones serve their users better when they rely on local service, local software, local support, and local data. (Chinese consumers don't idealize American products the way they used to, by Business Insider)

几十年来,中国消费者更青睐外国品牌,认为欧美企业制造的产品比本土的产品质量好,但这种看法如今越来越被颠覆。中国智能手机市场现在被华为、Oppo、Vivo和小米等本土品牌主导。中国智能手机品牌的崛起,离不开产品质量的提升,也与中国本土的服务、软件、技术支持和数据方面的改善有关。(中国消费者不再奉美国产品为主,商业内幕网)

Comment

In recent years, thanks to their excellent quality and service, Chinese home-grown brands have won the reputation as long as we rely on innovation and put enough efforts, the Chinese brands can compete with the famous brands in the world.

点评

近年来,中国自主品牌凭借过硬的质量和口碑,在市场上赢得了口碑。这充分说明了只要依靠创新、下足功夫,中国品牌一样可以比肩世界知名品牌。



China's booming start-up scene has become as much a feature of its top-tier cities as traffic and smog. There are plenty of homegrown success stories to inspire them. Where Chinese youth once worshipped at the altar of Steve Jobs, now they look to emulate Jack Ma, Robin Li, and Lei Jun, the founders of e-commerce firm Alibaba, the search engine Baidu, and the phone manufacturer Xiaomi. (How China's Tech Revolution Threatens Silicon Valley, by The Atlantic)

创业热潮已经成为中国一线城市的标志。激励中国创业者的成功故事比比皆是。在这个曾经崇拜乔布斯的国家,如今,很多年轻人在努力模仿电商平台阿里巴巴创始人马云、搜索引擎百度创始人李彦宏、智能手机供应商小米创始人雷军。(中国的科技革命正在影响硅谷,大西洋月刊)

Comment

China is home to passionate entrepreneurship. Every burgeoning company depends on lots of innovative talents with dreams. Only when we constantly deepen the reform of talent development system, optimize intellectual property system and motivate them from business operation can we keep innovative talents float.

点评

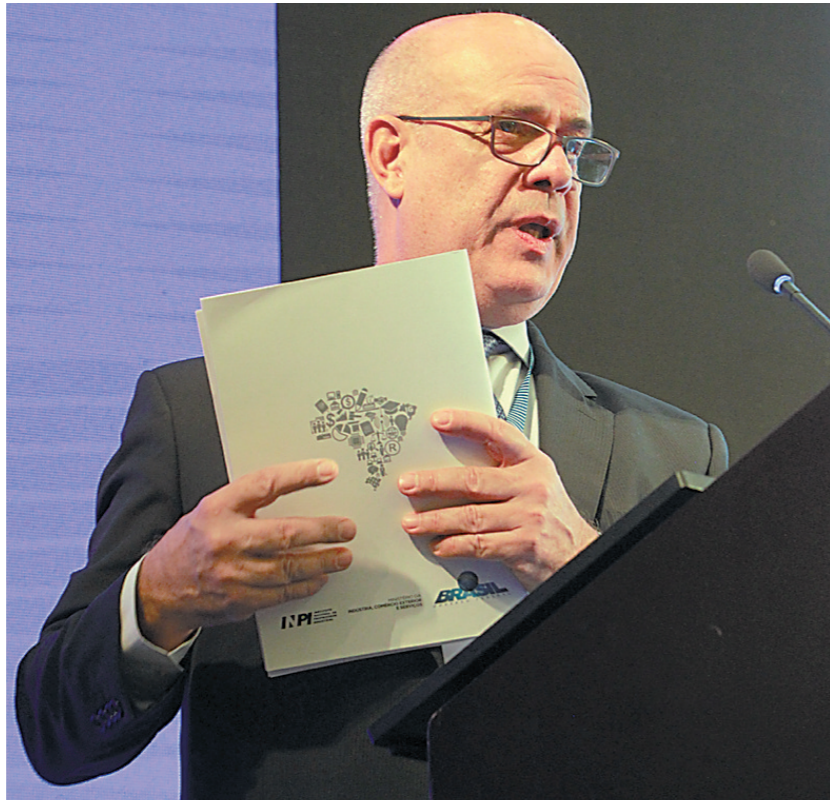
在中国这片创业的热土上,一家家迅速成长的企业背后,是众多怀揣梦想的创新创业人才。只有不断完善人才培养模式,用知识产权激励创新创业人才,才能掌握发展的主动权。

(李倩)

Brazil Aims to Improve Efficiency of Patent Examination through Cooperation with SIPO

携手进步 提升专利审查效率

——访巴西国家工业产权局局长路易斯·奥塔维奥·皮门特尔



"In the past year, BRICS countries have achieved remarkable progress in the IP field under the leadership and support of the State Intellectual Property Office (SIPO) of China as our secretariat and presidency office," said Luiz Otávio Pimentel, president of the National Institute of Industrial Property of Brazil (INPI), who came to China to participate the 10th Meeting of BRICS Heads of Intellectual Property Offices in Chengdu, China.

In the view of Lewis Otávio Pimentel, both Brazil and China are in the process of reform and opening-up, enabling them to have a lot in common in the IP field. "As intangible assets are of great importance for them to boost competitiveness in the world, industrial enterprises should have stronger awareness of IP protection, especially patent protection. Through IP protection policies, regulators can help industrial enterprises secure their competi-

tiveness from being copied by others, keeping its leadership in the international arena.

"Our purpose is to provide convenient patent examination services to enterprises from BRICS countries and promote their development," said Pimentel, "Thanks to the outcome of this meeting, we can improve our services in patent examination, so as to provide better IP-related services and increase our efficiency." In accordance with the Memorandum of Understanding between SIPO and INPI on the Pilot Project of the Patent Prosecution Highway (PPH), the project has been under way since February 1, 2018. With the project's operation, applicants may submit the PPH requests to SIPO or INPI, greatly improving the efficiency of patent prosecution.

"SIPO has made outstanding contributions to patent examination. I think China's experience can be learned by BRICS partners and many other countries. In the meantime, we also appreciate SIPO's efforts on beefing up local patent examination cooperation centers. In Chengdu, we have seen the Sichuan Center's strong examination capacity and very efficient working environment." Pimentel believed this meeting will also help Brazil to improve efficiency of patent examination, elevate level of IP work, and let more BRICS enterprises enjoy the convenience of IP services such as patent examination.

"BRICS are emerging economies of

the world. This meeting has gathered representatives from BRICS countries. And through this meeting, our five countries will deepen our cooperation in the IP field to achieve more results." Pimentel told journalists, "I would like to thank SIPO again, and thank China for its efforts and support during the cooperation of BRICS."

(by Sun Di/ Zou Biying)

本报记者 孙迪

实习记者 邹碧颖

"过去一年中,中国国家知识产权局是金砖国家知识产权局局长会议的秘书局也是主席局。在中方的大力领导和支持下,金砖国家在知识产权工作方面取得了非常瞩目的成效。"日前,在华参加第十届金砖国家知识产权局局长会议期间,巴西国家工业产权局局长路易斯·奥塔维奥·皮门特尔就金砖国家在知识产权领域的合作接受了知识产权报记者的采访。

在路易斯·奥塔维奥·皮门特尔看来,当前的巴西和中国一样处于改革开放的进程之中,因此两国在知识产权工作方面有许多共通之处。"尤其是专利等知识产权方面的保护工作。企业应该有更强的知识产权保护意识,因为这些看不见的无形资产非常重要,能保证这些企业在全世界范围内保持高超的竞争能力。政府通过知识产权政策的保护帮助企业保有竞争力,在国际舞台上保持领先性。"

"我们的目标是使金砖国家的企业享受到便捷的专利审查服务,促进企业的发展。"路易斯·奥塔维奥·皮门特尔表示,"受益于此次会议的成果,我们也

能更好地提升在专利审查方面的服务,更好地提供知识产权相关服务,提高我们的效率。"据了解,此前根据《中华人民共和国国家知识产权局与巴西工业产权局关于专利审查高速路(PPH)试点项目的谅解备忘录》,中巴 PPH 试点已于2018年2月1日启动。试点启动以后,申请人可向SIPO提出 PPH 请求,或向巴西工业产权局提出 PPH 请求,将有效提高专利申请效率。

"中国国家知识产权局在专利审查方面做出了杰出贡献。我想中方的经验也值得世界很多国家,包括金砖国家,以及更多国家进行借鉴。同时我们也非常赞赏中国国家知识产权局关于加强地方审查中心发展这一政策,在成都我们看到四川中心具备雄厚的审查能力,并且具备非常高效的工作环境。"在路易斯·奥塔维奥·皮门特尔看来,此次金砖国家知识产权局局长会议的召开将帮助巴西更好地提高专利审查效率,提升知识产权工作水平,让更多金砖国家企业享受到专利审查等知识产权服务的便利。

"金砖国家是全球瞩目的新兴经济体国家,这次会议聚集了来自金砖国家的代表,通过此次会议将促进我们五国在知识产权领域加深合作,取得更多成果。"路易斯·奥塔维奥·皮门特尔向记者表示,"我要再次感谢中国国家知识产权局,感谢中国在金砖国家知识产权合作中的付出与支持。"



New Evidences Buys Hope for Shanghai Gaotong's Trademark

新证据让“高通”商标之争重返商评委

Beijing High People's Court recently rendered its final decision on the No.4305050 高通 trademark (Note: Chinese characters literally the same with QUALCOMM's Chinese translation) revocation case, ordering the Trademark Review and Adjudication Board (TRAB) to decide whether the evidences furnished by Shanghai Gaotong at the second instance are sufficient to enable the trademark to pass the test of actual use. Beijing High will abstain from trying the case.

The trademark in question was filed for registration by Shanghai Gaotong Semiconductor Company on October 12, 2004 and was approved for registration on March 28, 2008, certified to be used on Class 42 products including PC software design, PC hardware consultation and so on.

On August 12, QUALCOMM Incorporated filed an application to the Trademark Office (TMO) for revocation of the trademark in question on the ground that it had ceased use for three consecutive years. On April 27, 2014, TMO decided to root for the trademark. The disgruntled QUALCOMM then brought the case to TRAB on May 26, 2014.

After looking at the exhibits furnished by Shanghai Gaotong to prove its actual use of the trademark, TRAB narrowed the registration by allowing the trademark's use on PC software design and revoking its use on package

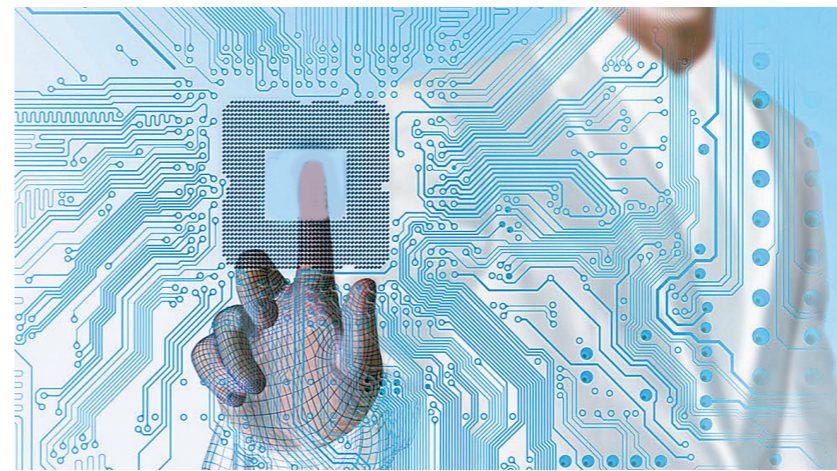
design and interior decoration design. Unwilling to take no for an answer, QUALCOMM sought justice at Beijing IP Court.

After hearing, Beijing IP Court held that Shanghai Gaotong failed to prove that the trademark was used effectively on PC software design during the time span from August 12, 2010 to August 11, 2013. Accordingly, the IP court uprooted the TRAB decision made by TRAB. Shanghai Gaotong had no choice but appealing to Beijing High.

At the Court hearing in the second stance, Shanghai Gaotong Company submitted 18 pieces of new evidences to prove that it has used the trademark during that specified period. It also claimed that the new evidences were of great importance to judge whether the trademark was actually used. It asked Beijing High to order TRAB to review the case based on the evidences.

Beijing High held that the evidences provided by Shanghai Gaotong during the TRAB review and the first instance hearing failed to prove that the trademark in dispute had been used on PC software design during the specified period. In light of the IP Court's retrying order to TRAB, TRAB would decide the admission of the 18 new evidences and the test of the actual use.

In this connection, Beijing High sided with the IP Court and sent the case



back to TRAB.

(by Wang Guohao)

本报记者 王国浩

近日,北京市高级人民法院针对第4305050号“高通”商标(下称系争商标)撤销复审行政纠纷一案作出终审判决,就商标权利人在二审诉讼期间提交的证据材料能否证明其在指定期间实际使用了系争商标的问题,交由商评委在重新作出审查决定时依法认定,二审法院对此不予审理。

据了解,系争商标由上海高通半导体有限公司(下称高通公司)于2004年10月12日提出注册申请,2008年3月28日获准注册,核定使用在第42类计算机软件设计、计算机硬件咨询等服务上。

2013年8月12日,美国卡尔康公司(下称卡尔康公司)针对系争商标向商标局提出连续3年停止使用撤销申请。商标局于2014年4月27日作

出决定,维持系争商标继续有效。卡尔康公司不服,于2014年5月26日向商评委提出撤销复审申请。

商评委向商标局调取了高通公司在撤销3年不使用阶段提交的证据材料,经审查后作出复审决定,对系争商标在计算机软件设计等服务上予以维持注册,在包装设计、室内装饰设计两项服务上的注册予以撤销。卡尔康公司不服,随后向北京知识产权法院提起行政诉讼。

北京知识产权法院经审理认为,高通公司提交的证据材料均不能证明系争商标于2010年8月12日至2013年8月11日期间(下称指定期间)在计算机软件设计等服务进行了有效的商业使用,据此判决撤销商评委作出的复审决定。高通公司不服一审判决,向北京市高级人民法院提起上诉。

在二审诉讼中,高通公司补充提交了18份新证据材料,用以证明其在

指定期间实际使用了系争商标,并主张其补充提交的18份新证据材料属于可能对判决系争商标是否实际使用有重大影响的证据,因此请求二审法院判令商评委在重新审查时结合高通公司在二审诉讼中提交的新证据进行认定。

北京市高级人民法院经审理认为,高通公司在商标评审及一审诉讼阶段提交的证据材料不能证明系争商标于指定期间在计算机软件设计等服务上进行了有效的商业使用。而对于高通公司在二审诉讼期间补充提交的18份新证据材料,北京市高级人民法院指出,鉴于一审法院已经判令商评委重新作出审查决定,所以这些证据材料是否应被采信、能否证明高通公司在指定期间实际使用了系争商标,应由商评委在重新作出审查决定时依法进行认定,二审法院对此不予审理。

综上,北京市高级人民法院维持一审判决,商评委需重新作出审查决定,并在重新作出审查决定时对高通公司在二审诉讼期间新提交的证据材料进行认定。



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