

China's IP
in foreign eyes

The Global Cities Outlook also increased its consideration of Chinese cities, growing from 21 in 2015 to 27 in 2018. China is seen as a growth market and getting better for urban life and work. The average annual growth rate in China's top cities is 1.8%, based on A.T. Kearney's scoring mechanisms, which include things like university education, number of Fortune 500 companies present and lifestyle, to name a few. (*China Cities Getting Bigger, Better and Faster, by Forbes*)

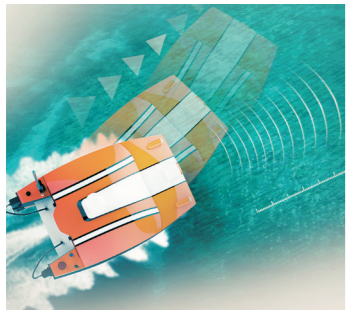
在科尔尼管理咨询公司发布的2018全球城市指数中,中国城市数量呈上升趋势,从2015年的21个增至2018年的27个。营商环境、基础设施、大学教育、《财富》世界500强企业数量和生活方式等是该排名考虑的因素。中国国内消费市场不断扩大,城市生活与工作愈发便捷,其一线城市得分年平均增长率为1.8%。(中国城市变得更大、更好和更快,福布斯)

Comment

What behind Chinese cities' progress is their ability of attracting multinational companies. With the improvement of IP protection, China's business environment has become more optimized, which has strengthened the confidence of Fortune 500 companies doing business in China.

点评

中国城市进步的关键因素是它们对跨国公司的吸引力越来越强。随着中国知识产权保护水平的提高,中国营商环境更加优化,来华发展的世界500强企业的信心越发增强。



Oceanalpa is one of a handful of companies around the globe specializing in ocean-going drones that operate on the surface. Oceanalpa's advantage is being in China, where capital is readily available and leader Xi Jinping is promoting both technology to move up the manufacturing value chain and maritime industries to enhance the nation's overseas interests. (*A Maritime Revolution Is Coming, and No One's in the Wheelhouse, by Bloomberg*)

中国珠海云州智能公司是全球不多的专注研发远洋无人机的公司之一。该公司的发展优势是身处中国,不仅拥有充足的资本来源,政府还支持科技创新以促进制造业价值链升级,并推动海洋工业发展以保障国家海洋权益。(一场海上革命即将来临,指挥室却空无一人,彭博社)

Comment

Nowadays, how to improve self-innovation has increasingly become an important factor to measure the power of an enterprise. Chinese government continues to promote the development of emerging industries and constantly raises the level of IP protection, creating a favorable social environment for the innovation of drone companies.

点评

当今,自主创新能力越来越成为衡量一个企业核心竞争力的重要因素。中国政府大力扶持新兴产业发展,不断提升知识产权保护水平,为无人机企业的创新营造了良好的社会环境。(李倩)

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Decade after Strategy Implementation, Different Look of IPR Protection in China

中国知识产权事业发展取得历史性成就 (上)

On June 5 ten years ago, the *Outline of National Intellectual Property Strategy* was released and implemented. From that moment, IPR was prioritized to the level of national strategy and thus a magnificent journey concerning the future and well-being of the nation and its people was unfolded.

During the past ten years in particular since the 18th National Congress of the Communist Party of China, the CPC Central Committee with Comrade Xi Jinping at its core has looked far and aimed high, sized up the trend of events, made a series of far-sighted strategic deployment of IP work and therefore guided the IPR undertakings to make historic achievements. Countless inventors, innovative enterprises realized their dreams of growing rich and advancing their own businesses through the use of IPRs. Innovation and creativity in the society has been spurred with products made in China with wisdom being introduced into the world at a fast pace. The IPR system has shown unprecedented vitality, creativity and influence in the area of economy, politics, culture, science and technology.

In the past ten years, the working system on the implementation of national IP strategy has been established under the leadership of the State Council

with unified deployment of the Inter-Ministerial Meeting for the implementation of national IP strategy. It is a system requiring division of duties and coordination of all departments and all regions. The office of Inter-ministerial Conference has formulated and released the *Promotion Plan for the Implementation of National IP Strategy* for nine consecutive years to make a unified deployment on strategy-related tasks. Most provinces, municipalities and cities have set up their own version of command centers for the formulation or implementation of IP strategy.

In the past ten years, China has seen remarkable progress in the implementation of IP strategy. Both the quality and quantity of IP creation have improved, securing the status of a sizable IP country. The number of patent applications and grants increased rapidly with respective annual average growth rates of 19.56% and 21.29%. The number of domestic valid invention patents rose from 96,000 in 2007 to over a million in 2017. The number of patents owned by per 10,000 people increased from 0.6 in 2007 to 9.8 in 2017. The number of valid registered trademarks increased from 2.353 million in 2007 to 14.92 million in 2017, pacing the world for 16 years in a row. The number of copyright registrations across the nation grew from 138,000 in 2007

to 2.748 million in 2017. The number of copyright registration of computer software exceeded 700,000. As revealed in the 2017 Global Innovation Index released by WIPO, China rose to No. 22 in global innovation index and was the only middle-income economy in the top 25.

China's IP protection has improved significantly while the enthusiasm for innovation and entrepreneurship has been further stimulated. From 2008, the National People's Congress (NPC) and the standing committee of the NPC amended IP laws including Patent Law, Trademark Law and Copyright Law. In sync with these revisions, the State Council amended implementation rules of these laws. China has established an IP system conforming to the international rules and norms covering all areas. Judicial and administrative protection of IP has been completely reinforced. The landscape of IP protection featuring stringent, grand, fast and impartial protection has been gradually established. (to be continued)

(by Jiang Jianke, *People's Daily*, June 6th)

10年前的6月5日,《国家知识产权战略纲要》颁布实施,知识产权工作上升到国家战略层面,一项关乎未来、兴国利民的战略由此开启了波澜壮阔的航程。

10年来,特别是党的十八大以来



来,以习近平同志为核心的党中央高瞻远瞩、审时度势,对知识产权工作作出了一系列富有远见的战略部署,指引中国知识产权事业发展取得历史性成就。无数发明人、创新型企业,利用知识产权圆了致富梦、创业梦,“中国智造”快步走向世界,全社会创新创造活力竞相迸发。知识产权制度在中国经济、政治、文化、科技等领域展现出前所未有的生命力、创造力、影响力。

10年来,已形成由国务院统一领导,国务院知识产权战略实施工作部际联席会议统筹协调,各部门各地方分工负责、协作推进的国家知识产权战略实施工作体系。部际联席会议办公室已连续9年制定和发布《国家知识产权战略实施推进计划》,对年度战略工作进行集中部署。绝大多数省(区、市)设立了知识产权战略制定或实施领导机构。

10年来,知识产权战略实施取得显著成就。中国知识产权创造质量质升,知识产权大国地位牢固确立。专利申请及授权数量快速增长,专利申请年均增长19.56%,专利授权年均增长21.29%。国内有效发明专利拥有

量从2007年的9.6万件增长到2017年的超100万件。每万人口发明专利拥有量由2007年的0.6件增长至2017年的9.8件。有效注册商标量从2007年的235.3万件增长至2017年的1492万件,连续16年位居世界第一。全国著作权登记量由2007年的13.8万件上升到2017年的274.8万件。计算机软件著作权登记超过70万件。世界知识产权组织发布的《2017年全球创新指数报告》显示,中国创新指数跃居全球第二十二位,是唯一进入25强的中等收入经济体。

中国知识产权保护显著加强,创新创业热情进一步激发。2008年以来,全国人大及全国人大常委会修订了专利法、商标法、著作权法等知识产权领域专门法律。国务院相应修订了专利法、商标法、著作权法的实施细则。中国已经建立起了符合国际通行规则、门类较为齐全的知识产权法律制度。知识产权司法保护、行政保护全面加强,“严保护、大保护、快保护、同保护”的知识产权保护格局逐渐形成。(蒋建科)

(本文摘自人民日报)

Yanjiao Noodle
岩脚面

Yanjiao is an ancient town, with its mountains and rivers in unique styles. Named after the town, Yanjiao Noodle is said to be invented more than 300 years ago in 1658 by Zhang Zuochen, the second

Grade Grand Secretary during Yongli period of Southern Ming Dynasty. Yanjiao Town is widely known for producing good noodles, and the business in that vicinity are mostly related to Yanjiao noodles.

Yanjiao noodle was mainly made by hand-pulling and knife-cutting in the early days; the production of machine-made noodle was developed after 1929. The handmade knife-cutting noodle is made in the following steps:

place the kneaded dough on a big table, then roll, press and fold it repeatedly until the dough is thin as paper; cut the paper-thin dough into strips and hang up to air dry for storage.

There are more than 100 enterprises and small workshops engaged in Yanjiao Noodle production. Due to the improved quality, the products are usually in short supply for a much-expanded market. (Courtesy of the Protection and Coordination Department of SIPO)

dination Department of SIPO)

岩脚古镇,山有仙容,水有龙气。岩脚面以岩脚地名命名,相传为南明王朝永历朝东阁大学士张左辰在1658年所创,距今已有300年的历史。历史上,岩脚镇以产好面闻名,方圆百十里许多客商均以贩卖岩脚面为业。

岩脚面发展初期是人工刀切面和手拉挂面,1929年后发展为机制面。人工刀切面的制作工艺是用大方桌为面板,把揉好的面团放在桌上用木杠子滚压,压薄后在上面撒些面粉对折过来又压,反复压压,直到压到薄如纸片,再用面刀切条,用竹竿晾干,切断存放备用。

岩脚面生产企业及小作坊现有100余家。由于产品质量提高,岩脚面在市场上打开了销路,供不应求。中国国家知识产权局保护协调司供稿



Renowned French luxury brand, Yves Saint Laurent (YSL) gained a happy ending of a 6-year trademark dispute over No 7450422 "YSL" trademark (trademark in dispute) with the legal representative of Hangzhou Binlu Clothing and Leather Goods Company. Beijing High People's Court recently wrapped up the dispute with its final-instance judgment, awarding the YSL-owned "YSL" trademarks well-known trademark privileges, potent enough to defeat registration of the trademark in dispute.

In 1984, YSL filed for trademark registration of the No.225262 "YSL" and No. 226462 "YSL" trademarks (the reference trademarks) to the Trade Mark Office (TMO) of China and obtained the official approval to use the trademarks on Class 25 goods including clothing, shoes and hats in 1985.

In June 2009, the trademark in dispute was filed by an individual surnamed Pan, certified to be used on goods such as towel blankets and bath towels. After preliminary examination, the TMO published the trademark in dispute in January, 2012. YSL soon filed an opposition request to the TMO in March, 2012. In March, 2013, the TMO rejected the registration of the trademark in dispute. Pan then applied for reexamination to the Trademark Review and Adjudication Board (TRAB). After examination, the TRAB held

that the trademark in dispute and the reference trademarks are not similar trademarks used on the similar goods. However, before the filing date of the trademark in dispute, the reference trademarks had been well-known to the public and enjoyed a high reputation, therefore the reference trademarks should be identified as well-known trademarks for use on goods such as clothing. Accordingly, the TRAB turned down the registration of the trademark in dispute in its reexamination decision. The disgruntled Pan then brought the case to Beijing IP Court.

Beijing IP Court held that the trademark in dispute and the reference trademarks constituted similar trademarks for use on similar goods so it is not necessary to reference to the related rules on well-known trademarks prescribed in the Trademark Law of China. Therefore, the Court revoked the reexamination decision made by the TRAB and ordered it to remake a decision. Both Pan and the TRAB took their appeal to the Beijing High People's Court.

YSL Says No to Copycat

“YSL”拒绝被摹仿



ple's Court.

The Beijing High People's Court sided with the TRAB holding that the reference trademarks constitute well-known trademarks in China. When the public consider buying the relevant commodities, they will easily associate the trademark in dispute to the reference trademarks to some extent. This will dilute the distinction of the reference trademarks or exploit the market reputation of the reference trademarks, prejudicing the rights and interests of YSL in the process.

In this connection, Beijing High dismissed the appeal of Pan and affirmed the TRAB. (by Wang Guohao)

围绕着第7450422号“YSL”商标(下称系争商标),法国伊夫圣罗兰股份公司(下称圣洛朗公司)与浙江省杭州宾路服饰皮具有限公司法定代表人潘某展开了一场长达6年的商标纷争。近日,北京市高级人民法院作出终审判决,认定圣洛朗公司据以引证的“YSL”商标构成驰名商标,系争商标不应予以注册。

1984年,圣洛朗公司在中国向商标局提出第225262号“YSL”商标与第226462号“YSL”商标(下称引证商标)的注册申请,并分别于1985年被核准注册使用在第25类衣服商品与鞋、帽商品上。

系争商标由潘某于2009年6月申请注册使用在毛巾被、浴巾等商品上。2012年1月,商标局对系争商标初步审定并公告。2012年3月,圣洛朗公司向商标局提出异议。2013年3月,商标局裁定对系争商标不予核准注册。潘某随后向商标评审委员会(下称商评委)申请复审。

经审查,商评委认为,系争商标与引证商标未构成使用在类似商品上的近似商标。但在系争商标申请注册日前,引证商标已被相关公众广为知晓

并享有较高声誉,可认定引证商标为服装等商品上的驰名商标,据此作出不予核准注册的复审裁定。潘某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,系争商标与引证商标构成使用在类似商品上的近似商标,适用中国商标法有关驰名商标的规定并无必要,因此判决撤销商评委复审裁定,判令其重新作出裁定。潘某与商评委随后向北京市高级人民法院提起上诉。

经审理,北京市高级人民法院认为,系争商标与引证商标未构成使用在类似商品上的近似商标。引证商标在中国已构成驰名商标,相关公众在购买相关商品时,容易认为系争商标与引证商标具有相当程度的联系,进而导致引证商标的显著性减弱或不正当利用引证商标的市场声誉,可能致使圣洛朗公司的利益受到损害。

综上,北京市高级人民法院判决驳回潘某上诉,商评委的复审裁定得以维持。(王国浩)

