

China's IP  
in foreign eyes

China launched its Queqiao communications satellite on May 21, but unlike other communications satellites, this one isn't going into an orbit around the Earth. This new mission will mark not only the first landing on the far side of the moon, but also an opportunity to take soil samples and test them, comparing them with samples retrieved from the side of the moon that faces the Earth. (*What China's Moon Mission Means for the United States*, by The Daily Signal)

近日,中国成功发射了“鹊桥”号中继星通讯卫星,该卫星的发射是为了支持嫦娥四号月球背面探测任务。此次探月任务,不仅意味着中国实现探测器首次登陆月球背面,而且也意味着中国有机会采集检测月球背面土壤样本,将之与采集回来的月球正面土壤样本进行比较。(中国的探月计划对美国意味着什么,每日信号网)

## Comment

The successful launch of Queqiao communications satellite is the result of China's efforts to implement innovation-driven development strategy and pursuit of innovation. Only by being bold in innovation, sticking to innovation and good at innovation can China become a space power.

## 点评

此次“鹊桥”号发射成功是中国大力实施创新驱动发展战略,矢志创新的成果。只有勇于创新、坚持创新、善于创新,中国才能从航天大国步入航天强国。



The world's biggest medical device makers have been increasing sales at double-digit rates in China, the world's most lucrative healthcare market after the US. But a drive by Beijing to boost domestic companies is cutting their market share in the country, a trend analysts say will accelerate. "The trend is towards greater market share by domestic companies, domestic goods are getting better and better," said Cheng Minghe, Mindray's president. (*Multinationals lose ground in China's medical devices*, by Financial Times)

在医疗保健市场利润仅次于美国的美国,全球医疗设备巨头的销售额以两位数速度持续增长。但中国政府颁布一系列措施促进本土企业发展,正削减跨国公司在华市场份额,有分析表示,这一趋势还将加速。“中国国内企业的市场份额越来越大,国内产品越来越好。”中国本土一家医疗设备企业负责人表示。(跨国公司正在失去中国医疗器械市场,金融时报)

## Comment

In recent years, China's medical equipment industry is booming. Domestic enterprises should put more emphasis on improving the quality of products, meeting international standards and establishing internationally competitive brands.

## 点评

近年来,中国医疗器械行业迎来了良好的发展机遇。在此背景下,本土企业应当注重提升产品质量,生产出符合国际标准的产品,打造具有国际竞争力的品牌。(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(下)

In the past ten years, China has seen remarkable progress in the implementation of IP strategy. The number of trademark assignments nationwide increased from 72,200 to 168,900. The number of patent financing increased from 7.46 billion in 2009 to 72 billion in 2017. From 2008 to 2017, the amount of trademark pledge raised from 5.119 billion to 36.9 billion. During the "12th Five-year Programme" period, the total amount of copyright financing rose to 13.648 billion.

A batch of essential intellectual properties were formed and commercialized in a series of pillar industries of the national economy and emerging industries of strategic importance, such as new-generation mobile communications, high-speed trains, UHV transmission and nuclear electricity, which supported the industries in stepping towards the high end. The grant and protection of geographical indication products has become an important force in promoting the development of modern agriculture and enabling farmers to get rich. Cultural and creative industries boom under the protection of copyright. Meanwhile, Chinese works step into overseas cultural markets in a faster and more steady fashion.

International influence of IP is enhanced prominently. China has signed up to 171 bilateral and multilateral cooperation agreements and memorandums of understanding with 63 countries, re-

gions and international organizations, and established formal cooperative relationships with 50 members of the World Intellectual Property Organization (WIPO). Actively promoting the establishment of cooperation mechanism among IP institutions from countries and regions along the 'Belt and Road', China concluded an agreement to work together with WIPO in this area when WIPO Director General Francis Gurry was invited to an international cooperation forum of the relevant countries in 2007. (Continued from June 13th)

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

10年来,中国知识产权战略实施取得显著成就。全国法院新收知识产权一审案件量由2007年的2.2万件增至2017年的20多万件。截至2016年底,全国累计有3.15万家企业通过检查验收实现软件正版化。102家中央企业总部全部实现软件正版化,97.36%的下属企业实现软件正版化。70.15%的金融机构实现软件正版化。从根本上扭转了侵权软件、盗版影视作品猖獗的势头,显著改善了营商环境。外国在华专利申请持续增长,多家跨国企业在中国设立了研发中心。中国成为全球创新的重要一极,

(本文摘自人民日报)



知识产权成为促进国际创新和贸易合作的重要桥梁。全社会知识产权意识明显提高,尊重和保护知识产权的社会风尚日趋向好。社会公众对知识产权战略的认知率由2008年的3.7%提升至2017年的85.3%。知识产权运用效益日益凸显。2009年至2016年,专利转让数量由3.4万次增长至15.5万次,全国商标转让数量由7.22万件增至16.89万件。专利融资额由2009年的74.6亿元增长到2017年的720亿元。2008年至2017年,商标质押贷款金额由51.19亿元提高到369亿元。“十二五”时期,中国著作权融资总额达136.48亿元。

(本文摘自人民日报)

## 单词看原产地



## PANXIAN HAM

## 盘县火腿

is pink or rosy and marbled with fat. It is tender and flavorful with a pleasant salty taste. A savory food with high nutrition content. Panxian Ham is popular home and abroad.

Every winter, the production of ham begins with repeated salting and seasoning the raw pig leg in a work or dustpan. When curing is completed, the meat is pressed into the work to soak in the salt thoroughly. After ten days, they are hung in a cool shady or ventilated place to air dry or slow cooked over charcoal fire; some are smoked by burning cypress leaves. The ham will be ready after a winter and spring. In recent years, with the im-

proved delivery condition, especially successfully application of PGI, Panxian Ham is becoming more popular, and more enterprises are engaged in the large-scale production of Panxian Ham. There are over 20 companies, processing plants, and cooperatives, in addition to over 100 traditional handicraft workshops, with annual output of over 4000 tons of ham and more than 500,000 legs.

(Courtesy of the Production and Coordination Department of SIPO)

盘县火腿,是以贵州省盘县地方品种“坪地猪”为原材料,在独特的地理环境和气候条件下,经传统工艺加工而成。盘县火腿历史悠久,做工精



细,个大骨小,形似琵琶或柳叶,皮薄肉厚,腿心丰满,皮色蜡黄。肉瘦呈桃红色或玫瑰色,肉质嫩滑,香咸适口,香味浓郁,营养丰富,深得国内外食者喜爱。

每年冬季,将鲜猪腿置于铁锅或簸箕中,用适量食用盐及佐料反复揉搓,使盐渗入。腌制完毕,放入铁锅内,以肉压肉,使盐浸透,10天左右取出,挂于阴暗处晾干或在通风条件好

的情况下用炭火慢慢烘干,有的还用柏枝叶烧烟熏,超过冬季春季即可食用。近年来,随着交通条件的改变,特别是成功申报国家地理标志产品,盘县火腿声名鹊起,规模化生产盘县火腿的企业不断增多,生产企业有股份制企业、火腿加工大户、火腿生产合作社近20余家,传统手工作坊上百家,年生产火腿4000吨以上,50万支以上。中国知识产权局副局长保护协调司供稿

The British CNH Industrial N.V. (hereinafter referred to as CNH Industrial), which registered in Netherlands, started its recourse upon No. 16448139 trademark "NEW HOLLAND AGRICULTURE and figure" in China. Recently, Beijing High People's Court made a final judgment to end the two-year dispute.

CNH Industrial applied to the Trademark Office (TMO) to register the trademark in March, 2015, which was intended to be used on Class 37 of the services of installation and repair of irrigation equipment. TMO rejected the application in February, 2016 on the ground that "HOLLAND" in the trademark can be translated to "荷兰", the name of a country, which was not allowed to be part of a trademark. CNH Industrial then applied to TRAB for review in March, 2016, insisted that the exact trademark had been registered in the Netherlands and European Union for the same range of services. TRAB handed out its rejection in August, 2016 on the ground that European Union allowed the registration of the trademark, did not automatically establish consent from the Dutch government.

CNH Industrial then brought the case to Beijing IP Court. After review,

Beijing IP Court rejected the application, holding that CNH Industrial was governed by Netherlands' legislation, while its main operation place was in UK, the trademark it applied to register, containing the word "HOLLAND", would mislead the correlation public about the origin of services.

CNH Industrial appealed to Beijing High People's Court, proposed that it was founded and operated according to the Dutch law, thus applying trademark registration which contained "HOLLAND", would not mislead the correlation public about the provenience of services. In addition, CNH Industrial submitted certified certification from Netherlands Ministry of Economic Affairs, to prove that Netherlands government is not against CNH Industrial's application of trademark registration based on services of Class 37 in China.

Beijing High People's Court nodded

to CNH Industrial's appeal on the ground that the relevant certification could prove Netherlands government's agreement towards the application of the trademark registration in China, which contains "HOLLAND". Founded and operated according to the Dutch law, CNH Industrial applied trademark registration, which contains "HOLLAND", and would not mislead the association to the public about the origin of services. So, Beijing High People's Court withdrew both the decisions of the first stance and the TRAB and decreed TRAB to make a de novo decision. (by Wang Guohao)

围绕第16448139号"NEW HOLLAND AGRICULTURE 及图"商标(下称申请商标),注册地位于荷兰的英国西恩艾曲工业股份有限公司(下称西恩艾曲公司)在华展开了追索。近日,北京市高级人民法院作出终审判决,结束了历时两年的争议。

"HOLLAND" Not Allowed in Trademark?  
包含“HOLLAND”的标志禁作中国注册商标?

申请商标由西恩艾曲公司于2015年3月向商标局提出注册申请,指定使用在灌溉设备的安装和修理等第37类服务上。经审查,商标局于2016年2月作出商标驳回通知,认为申请商标中的“HOLLAND”可译为“荷兰”,为外国国名,禁用作商标。2016年3月,西恩艾曲向商评委提出复审申请,主张与申请商标完全相同的标志已在相同服务上在荷兰、欧盟获得注册。

2016年8月,商评委作出复审决定,认为西恩艾曲公司在欧盟获准注册相关商标,不能视为荷兰政府已同意其注册该商标,驳回注册申请。

西恩艾曲公司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,西恩艾曲公司虽然是依据荷兰法律成立的公司,但其主要经营地为英国,其申请注册包含“HOLLAND”的商标,易导致相关公众对服务的来源地产生误认,据此判决驳回西恩艾曲公司的诉讼请求。

西恩艾曲公司继而向北京市高

级人民法院提起上诉,主张西恩艾曲公司是按照荷兰法律组建和存续的公司,申请包含“HOLLAND”的商标不会造成相关公众对服务来源地产生混淆误认。西恩艾曲公司还补充提交了经公证认证的荷兰经济事务部证明,以证明荷兰政府不反对西恩艾曲公司在第37类服务上于中国注册申请商标。

北京市高级人民法院经审理认为,相关证据能证明荷兰政府同意包含“HOLLAND”字样的商标在中国申请注册。西恩艾曲公司是依照荷兰法律组建和存续的公司,申请商标含“HOLLAND”字样不会导致相关公众对服务来源地产生混淆误认。综上,北京市高级人民法院对西恩艾曲公司的上诉请求予以支持,撤销一审判决及商评委作出的复审决定,并判令商评委重新作出决定。(王国浩)

