

China's IP  
in foreign eyes

Baidu made the announcement after building its 100th Apolonia vehicle at its factory in the country's south-eastern Fujian province. It said the vehicles would initially be put to commercial use within Chinese cities but added it was also targeting foreign markets. The company is one of several competing to sell "level-4 autonomy" buses. The classification - set by the transport engineering body SAE International - refers to highly automated driving systems. (Baidu's self-drive buses enter 'mass production', by BBC)

第100辆阿波罗无人驾驶巴士在福建工厂下线后,百度公司宣布此款产品将在中国上市,并进军国际市场。百度是仅有的几家销售L4级自动驾驶巴士的公司之一。此级别由美国汽车工程师学会根据高度自动化驾驶系统进行分类。(百度无人驾驶汽车进入量产阶段,英国广播公司)

## Comment

Autonomous cars is regarded as revolutionary power of transportation. Chinese companies which develop this technology, should improve independent innovation ability and create IPRs in order to step into the world market and being competitive in the future.

## 点评

自动驾驶汽车技术被视为交通出行的变革力量,而研发此项技术的中国企业要走向世界,需要不断提高自主创新能力,打造自主知识产权,才能赢得竞争筹码。



China's shift from a country that copies ideas from the West to a tech and innovation powerhouse is no longer an aspiration - it's a fact. "China is changing from the so-called copycat nation to innovation nation," Jing Ulrich, managing director and vice chairman of APAC at JPMorgan Chase, told audiences at the RISE conference in Hong Kong last week. China's rise in technology has been spurred by the emergence of large companies such as Tencent, Alibaba and Baidu. (China's shedding its copycat image with innovation after innovation, by CNBC)

中国由复制西方技术转变为自主创新已经不再是一种愿望,而是事实。“中国正在从所谓的山寨国家转向创新国家”,亚洲环太平洋地区经济合作会议常务理事、副主席李晶在上周于摩根大通召开的香港峰会上告诉观众。腾讯、阿里巴巴和百度等大公司的出现,为中国技术发展开辟了道路。通过创新,中国正在摆脱“山寨大国”的刻板印象。(CNBC)

## Comment

In recent years, Chinese enterprises rise sharply due to the enhanced innovation consciousness and the improvement of innovation ability towards science and technology. With the increasingly social competition, innovation undoubtedly becomes a good way to keep youth for Chinese enterprises.

## 点评

近年来中国企业的崛起,得益于科技创新意识的提升和创新能力的提高。当今社会竞争日趋激烈,创新无疑是中国企业“永葆青春”的良方。(李晚霞)

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## Strengthening IPR Protection on China's Own Initiative

中国首次发表《中国与世界贸易组织》白皮书指出

## 加强知识产权保护是中国的主动作为

The State Council Information Office recently published a white paper titled "China and the World Trade Organization". It is the first time for China to publish a white paper on this issue. In the first part: "China Has Faithfully Fulfilled Its WTO Accession Commitments", the paper reveals that strengthening IPR protection is on China's own initiative. Strengthening IPR protection is the centerpiece for improving the property rights protection system, and it provides the biggest boost to the competitiveness of Chinese economy. It not only serves China's own development needs, but also helps to cultivate a business environment that is law-based, internationalized and business-friendly. China encourages technological exchanges and cooperation between Chinese and foreign enterprises, and protects the lawful IPRs owned by foreign enterprises in China. At the same time, China hopes foreign governments will also improve protection of IPRs of Chinese interests.

When it comes to "Fulfilling Commitments on IPR Protection" part, the

paper notes, since acceding to the WTO, China has formulated and improved its laws and regulations on IPR protection, set up IPR working mechanisms with many countries, drawn up advanced international legislative practices, and built an IPR legal system that conforms to WTO rules and suits national conditions of China. It adds, the State Intellectual Property Office (SIPO) was restructured lately. China strengthened administrative law enforcement on intellectual property protection and launched special campaigns targeting outstanding problems such as "Convoy Campaign" for protecting patent rights, which effectively protected IPRs.

As shown by the white paper, since 2001, intellectual property royalties paid by China to foreign right holders has registered an annual growth of 17 percent, reaching USD 28.6 billion in 2017. In 2017, China received 1.382 million invention patent applications, ranking the first in the world for the seventh consecutive year. Nearly 10 percent of the applicants were foreign entities and individuals. Invention pat-

ent applications filed by foreign entities and individuals in China reached 136,000, growing by threefold compared with 33,000 in 2001.

The Chinese government is publishing this white paper to give a full account of China's fulfillment of its WTO commitments, to explain China's principles, stances, policies, and propositions regarding the multilateral trading system, and to describe China's vision and actions in advancing higher-level reform and opening-up.

(by Cui Jingsi)

本报讯 (记者崔静思北京报道)日前,中国国务院新闻办公室发表《中国与世界贸易组织》白皮书。这是中国首次就这一问题发表白皮书。在白皮书第一部分“中国切实履行加入世贸组织承诺”中,白皮书指出,加强知识产权保护是中国的主动作为。加强知识产权保护是完善产权保护制度最重要的内容,也是提高中国经济竞争力最大的激励。中国推进知识产权保护,不仅符合自身发展需要,也有助于进一步完善法治化、国际化、便利化的营商环境。中国鼓励中外企业开展正常技术交流合作,依法保护在华外资企业合法知识产权,同时,希望外国政府加



强对中国知识产权的保护。

在介绍“履行知识产权保护承诺”的情况时,白皮书指出,加入世贸组织后,中国建立健全知识产权法律法规,与多个国家建立知识产权工作机制,积极吸收借鉴国际先进立法经验,构建起符合世贸组织规则和中国国情的知识产权法律体系。白皮书还提到,近年来,中国重新组建国家知识产权局,完善执法力量,加大执法力度。加大行政执法力度,针对重点领域,开展专利“护航”行动等专项行动,有效保护了知识产权。

根据白皮书公布的数据显示,从

2001年起,中国对外支付知识产权费年均增长17%,2017年达到286亿美元。2017年,中国发明专利申请量达到138.2万件,连续7年居世界首位;申请者中近10%为外国单位和个人;国外来华发明专利申请量达到13.6万件,较2001年3.3万件的申请量增长了3倍。

据了解,为全面介绍中国履行加入世贸组织承诺的实践,阐释中国参与多边贸易体制建设的原则立场和政策主张,阐明中国推进更高水平对外开放的愿景与行动,中国政府特发表本白皮书。



## Fuping Dried Persimmon

## 富平柿饼



Fuping has a long history in planting persimmon. It is said that when Zhu Yuanzhang was forced to beg food in northern Fuping, he survived with the local persimmons. When he ascended to the throne, he bestowed the persimmon tree the title

Lingshuang Hou (Lord Frost-resistance) and built a temple nearby to commemorate the blessing he received from the fruits.

It has 370 years of history in producing Fuping dried persimmon. This famous traditional dried fruits is made from the local quality variety "Fupingjian persimmon" after dozens of processing steps, such as peeling, salting, softening, sun drying, moistening and shaping. It features frost-white color, chewy sweet taste, and high content of nutrition.

There are two types of Fuping dried persimmons, non-frosted and frosted

dried persimmons. The non-frosted one is also called Red Dried Persimmon. When the sugar of the dried persimmons migrated to the surface of the fruit and forms a frost-like white layer over the fruit, the red one becomes the frosted one. The frosted one not only has the same texture as the non-frosted one, but also has fresher flavor and taste.

Since the implementation of the geographical indication products production, the popularity and reputation of Fuping dried persimmon has been increasing. Fuping has become the largest distribution center of persimmon

products in China.

(Courtesy of the Protection and Coordination Department of SIPO)

富平栽植柿子历史悠久。相传当年朱元璋靠乞讨度日,流落到富平北部,因食用当地柿子才得以活命。朱元璋当皇帝后,便下令将有救命之恩的柿子树封为“凌霜侯”,并建庙永为纪念。

富平柿饼距今已有370多年历史。选用当地生产的传统名优柿子品种“富平尖柿”为原料,经削皮、脱涩、软化、晾晒、潮霜、整形等多道工序精制而成,素以霜白底亮、香甜可口、营养丰富而著称。

富平柿饼分“无霜饼”和“霜饼”



两种。“无霜饼”又称“红饼”,红饼经回软出霜后则为“霜饼”。“霜饼”除具有“红饼”的质地外,味道更为鲜美。

实施地理标志产品保护以来,富平柿饼的知名度和声誉不断提高,富平柿饼已成为全国最大的柿饼产品集散地。

中国国家知识产权局保护协调司供稿

## Wyeth Upends Local Squatter after Lengthy 16 Years of Entanglement

## “Wyeth”商标16年纠纷终见分晓

The trademark battle between the U.S.-based Wyeth LLC and a Guangzhou company named Wyeth-baby over No.1811793 trademark "Wyeth" (trademark in dispute) truly redefines lengthy lawsuit. Beijing High People's Court recently made the final judgment on this 16-year-long full-ride trademark dispute, upholding the decision on invalidating the trademark in dispute made by the Trademark Review and Adjudication Board (TRAB).

In May 2001, the trademark in dispute was filed by Wubo marketing department based in Dongfeng town of Zhongshan city in Guangdong province, with the person surnamed Lu as the contact person on the application form. In April 2002, it passed preliminary examination and was published while it was approved for registration in July the same year, certified to be used on Class 3 products, such as shampoos. As shown by sbj.saic.gov.cn, Lu filed over 30 trademarks on multiple classes including "DETTOL". In May 2011, the trademark was transferred to Wyeth-baby. Wyeth LLC lodged an opposition application against the trademark in dispute in July 2002 but failed to obtain the support

In July 2011, Wyeth LLC requested to revoke the trademark in dispute after its approval for registration. In September 2013, TRAB made a decision to revoke the trademark in dispute on the ground that the trademark was detrimental to socialist morals or customs, or having other unhealthy influences according to the Trademark Law of China. Then Wyeth-baby brought the case to Beijing No.1 Intermediate People's Court.

In July 2014, Beijing No.1 Intermediate People's Court made a ruling, defining Lu's act as squatting a large number of trademarks with bad faith and violating the principle of good faith, not the moral issues as claimed by Wyeth LLC. Therefore, the court revoked the TRAB decision and ordered TRAB to make a de novo one. Both TRAB and Wyeth LLC appealed to Beijing High People's Court. In December 2014, Beijing High People's Court rejected the appeal and upheld the ruling of the first stance.

In April 2015, TRAB made a new decision to invalidate the trademark in dispute, holding that Lu and Wyeth-baby's acts fell into the circumstances of acquiring the registration through other

improper means. The disgruntled Wyeth-baby took the lawsuit to Beijing IP Court.

After hearing, Beijing IP Court held that the registration of the trademark in dispute was acquired by improper means. After the denied appeal, Wyeth-baby sought the last resort at Beijing High.

Beijing High labeled that Lu's acts of trademarks hoarding, was listed in the Trademark Law of China as acquiring the registration through fraud and other improper means. Wyeth-baby used the trademarks on consumer products such as baby products after receiving the "Wyeth". The Guangzhou company was going out of its way to imitate products or business labels of Wyeth LLC and mislead customers in its marketing. These are apparent bad-faith acts that shall be discouraged. In this connection, Beijing High made the final judgment to reject the appeal of Wyeth-baby and sided with the first-stance decision. (by Wang Guohao)

围绕第1811793号“Wyeth”商标(下称诉争商标),美国惠氏有限责任公司(Wyeth LLC,下称美国惠氏)与广州惠氏宝贝母婴用品有限公司(Wyeth-baby,下称广州惠氏)在华展开了

长达16年的权属纷争。近日,北京市高级人民法院作出终审判决,商标评审委员会(下称商评委)对诉争商标予以无效宣告的裁定最终以维持。

诉争商标由广东省中山市东凤镇物博购销部(下称物博购销部)于2001年5月提出注册申请,诉争商标的注册申请书上联系人为卢某。2002年4月通过初步审定并公告,2002年7月被核准注册,核定使用在洗发液等第3类商品上。据中国商标网显示,卢某在多个类别上申请注册了“DETTOL”等30余件商标。2011年5月,诉争商标转让至广州惠氏。

美国惠氏于2002年7月就诉争商标提出异议申请,其主张未能获得支持。诉争商标被核准注册后,美国惠氏于2011年7月提出撤销诉争商标的申请。商评委于2013年9月作出裁定,认为诉争商标属于中国商标法所指有害于社会主义道德风尚或者有其他不良影响的标志,裁定撤销诉争商标。广州惠氏随后向北京市第一中级人民法院提起诉讼。

2014年7月,北京市第一中级人民法院作出一审判决,认为美国惠氏主张诉争商标原注册人卢某具有恶意,违反诚实信用原则,并大量抢注商标的行为,不构成中国商标法所指有害于社会主义道德风尚或者有其他不良影响的情形。据此,法院判决撤销商评委裁

定,并判令商评委重新作出裁定。商评委和美国惠氏继而向北京市高级人民法院提起上诉。2014年12月,北京市高级人民法院判决驳回商评委和美国惠氏上诉,维持一审判决。

2015年4月,商评委重新作出裁定,认为卢某和广州惠氏的行为构成中国商标法所指以其他不正当手段取得注册的情形。据此,商评委裁定对诉争商标予以无效宣告。广州惠氏随后向北京知识产权法院提起诉讼。

北京知识产权法院经审理认为,诉争商标的注册系以其他不正当手段取得注册,遂一审判决驳回广州惠氏上诉。广州惠氏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认为,卢某大量注册囤积商标的行为,构成中国商标法所指以欺骗手段或者其他不正当手段取得注册的情形。广州惠氏将“Wyeth”等商标使用在母婴用品等日用消费品领域,全面摹仿美国惠氏的产品或商业标志,并在实际使用中做引人误导的宣传,主观恶意明显,应当得到制止。综上,北京市高级人民法院终审判决驳回广州惠氏上诉,维持一审判决。(王国浩)

