

NUMBERS

1,800

The National Defense Science and Technology Industry Bureau and SIPO jointly released data shows that since 2015, China has issued four batches of national IP commercialization lists of defense science and technology, covering 312 projects with more than 1,800 items related to IP transformation.

1800

中国国家国防科技工业局、中国国家知识产权局联合发布数据显示,2015年以来,中国已发布四批国防科技工业知识产权转化目录,累计遴选312个项目、1800余项知识产权转化信息。

50

Recently, a total of 50 invention patents won the 2018 patent awards of Yunnan province, covering the sectors of biomedicine, advanced equipment manufacturing, new materials, new energy, and plateau characteristic agriculture.

50

近日,云南省2018年专利奖评选结果揭晓,全省共50件发明专利获奖,涉及生物医药、先进装备制造、新材料、新能源、高原特色农业等。

41

The number of patent agencies increased from 24 at the end of 2015 to currently 41 in Jiangxi province, and 55.9% of patent applications were handled by those agencies since the province was approved to be the pilot province in 2016. The E-filing rate was 99.99%.

41

自2016年获批全国专利代理行业改革试点省份以来,江西省专利代理机构(含分支机构)由2015年底的24家发展到目前的41家,专利代理率55.9%,代理机构电子申请率达到99.99%。

428

Recently, 428 innovation and start-up projects were approved for attending the 7th China Innovation and Entrepreneurship Competition and the 4th "Kechuang Cup" Competition in Hainan Province. More than 68% of projects were mobile internet ones.

428

近日,第七届中国创新创业大赛暨海南省第四届“科创杯”创新创业大赛启动资格评审工作,428个项目通过审核,其中移动互联网项目占68%以上。

34

As of July this year, 34 GI trademarks have been licensed to 332 enterprises and agricultural specialties in Guangyuan City, Sichuan province, which have achieved good economic returns.

34

截至今年7月,四川省广元市已有34件地理标志商标许可332个企业、农专社使用,取得了较好的经济效益。

216

According to statistics, in the first five months in 2018, 216 combined applications of invention patents, utility model and designs were filed in Kashgar, Xinjiang, including 22 invention patents, 151 utility model patents and 42 design patents.

216

根据数据显示,2018年前5个月,喀什地区发明专利、实用新型专利和外观设计专利申请总量216件,其中发明专利22件,实用新型专利151件,外观设计专利42件。

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China Debuts at Top 20 Innovative Economies, Innovation Quality Up

2018全球创新指数报告显示,中国首次跻身全球创新指数20强

中国创新:从数量增长到质量提升

"China's progress in innovation is impressive, and it's the only country where the innovation index continues to climb." On July 10th, the World Intellectual Property Organization (WIPO) released the 2018 Global Innovation Index Report (GII), and the report showed that China rose to the world's most innovative top 20 economies, ranking 17th. In response to this, Sacha Wunsch-Vincent, Director of Comprehensive Indicators Research Division under WIPO Economics and Statistics Department, said above.

"Just as I saw during my visits to China, China's innovation is shifting from quantitative growth to quality improvement. This transformation is increasingly recognized by the international community," Sacha Wunsch-Vincent indicated that China has not only climbed continuously in the comprehensive ranking, but also has had a good performance in terms of input sub-index, output sub-index and benefit sub-index, among which in single indicators such as innovation benefits, original industrial design and creative product export as well as knowledge and technology output, China has come out on top and thus has become one of the global innovation leaders.

This year's report evaluated and

ranked 126 economies based on 80 indicators in seven categories, including institution, human capital and research, infrastructure, market maturity, business maturity, knowledge and technology output, and creative output. According to the report, with respect to absolute value, China ranks first or second in the world in terms of R&D expenditure, number of scientific and technical workers and R&D personnel, number of patent applications, and number of academic papers published, exceeding most high-income economies; Global R&D companies, high-tech exports, scientific publications, and higher education enrollment have also seen significant improvements. At the same time, Shenzhen-Hong Kong ranked second in the global innovation clusters with Beijing ranking fifth. China boasted the world's second largest innovation clusters with 16 innovation ones.

"From the perspective of the GI report, China is expected to achieve the goal of 'being listed in innovative countries by 2020' proposed by the National Innovation Driven Development Strategy Outline." As one of the authors of the report, Chen Dongmin, director of GI research center of Industrial Technology, Peking University, pointed out that in recent years, by implementing a

national intellectual property strategy and introducing a series of policy measures, China has seen a better innovation atmosphere, improved innovation quality and balanced development of innovation system. "In the past few years, the Chinese government has made a lot of optimization and adjustment in opening up, personnel training, and intellectual property protection. With the further implementation of these measures, China will do better with respect to all indicators." Chen Dongmin added.

"China's rapid rise reflected a strategic direction set from the top leadership to developing world-class capacity in innovation and to moving the structural basis of the economy to more knowledge-intensive industries that rely on innovation to maintain competitive advantage," WIPO Director General Francis Gurry has high expectations for China's innovation prospects. (by Liu Peng)

"中国在创新方面的进步令人瞩目,是唯一一个创新指数持续攀升的国家。"7月10日,世界知识产权组织(WIPO)发布2018全球创新指数报告(GII),中国首次跻身最具创新力经济体20强,排名第17位。对此,WIPO经济和统计司综合指标研究处处长沙夏·文森特作出上述评价。



"正如我在多次访华时亲眼所见,中国的创新正在从数量增长转变为质量提升,这一转变越来越受到国际社会的肯定。"沙夏·文森特指出,中国不仅在综合排名中持续攀升,在投入分指数、产出分指数和效益分指数等方面也都有较好的表现,其中创新效益、原创工业设计以及创意产品出口、知识与技术产出等单项指标更是名列前茅,中国也因此成为全球创新领导者之一。

今年的报告根据制度、人力资本和研究、基础设施、市场成熟度、商业成熟度、知识与技术产出以及创意产出7大类80个指标,对126个经济体进行了评估及排名。报告显示,从绝对值来看,中国在研发支出、科技工作者和研发人员数量、专利申请数量以及学术论文发表数量方面在全球排名第一或者第二,超过绝大多数高收入经济体;在全球研发企业、高科技出口、科技出版物以及高等教育入方面也有较大幅度的提升。同时,深圳-香港名列全球创新集群第二位,北京位列第五,中国以16个创新集群成为全球

拥有创新集群次多的国家。"从GII报告看来,中国有望提前实现《国家创新驱动发展战略纲要》提出的'到2020年进入创新型国家行列'的目标。"报告的撰写人之一,北京大学产业技术研究院GII研究中心主任陈东敏指出,近年来,中国深入实施国家知识产权战略,出台了一系列政策措施,创新氛围日益浓厚,创新环境不断优化,创新质量显著提升,创新体系均衡发展。"近年来,中国政府在对外开放、人才培养、知识产权保护等方面做了大量优化调整,随着这些举措的进一步落实,中国的各项指标将会进一步提升。"陈东敏说。

"中国排名的快速攀升反映出中国最高领导层的战略导向,那就是开发世界一流的创新能力,推动经济基础结构向知识密集型产业发展,而这些产业需要通过创新来保持竞争优势。从长期来看,中国的排名一直在上升,并且未来还会持续上升。"WIPO总干事弗朗西斯·高锐对中国的创新前景寄予厚望。

(柳鹏)



Jade is a kind of beautiful stone. These words were remarked in Shuowen Jiezi (Origin of Chinese Characters), written by Xu Shen, a re-

nowned lexicographer of the Han Dynasty. In ancient codes and records, there are many recollection of jade coming from Kunlun Mountain. Kunlun jade comes from the region of Qinghai. It is mainly distributed in the plateau and hilly areas, such as Nachi Tai, Da-Zhong-Xiao Zaohuo along the southwest of Golmud and over one hundred kilometers along the Qinghai Tibet highway.

Kunlun jade is formed in the con-

Kunlun Jade
昆仑玉

tact belt between dolomitic marble and intermediate-acid intrusive rocks. It is famed for its delicate texture, high transparency, high density and smooth and bright appearance after polished. The 29th Summer Olympic Games in Beijing identified Kunlun jade as medals jade.

The implementation of the protection of geographical indication products has played an important role in regulating the order of Kunlun jade

market, protecting the sustainable development of the characteristic resources industry and raising Kunlun jade's wider profile at home and abroad. (Courtesy of the Protection and Coordination Department of SIPO)

汉代著名文字学家许慎在《说文解字》中写道:"玉,石之美者"。我国古代各类典籍中多有"玉出昆岗"的记载。昆仑玉产自青海境内,主要分布于格尔木市西南、青藏公路沿线一



百余公里处的纳赤台、大-中-小灶火等高原和丘陵地区。昆仑玉为白云质大理岩与酸性侵入岩接触而形成的软玉。质地细腻、透明度高、硬度强,抛光后光滑明亮,是第29届北京奥运会奖牌用玉材。

实施地理标志产品保护,对规范昆仑玉市场秩序,保护特色资源产业可持续发展,提升昆仑玉在国内外市场的知名度发挥了重要作用。中国国家知识产权局保护协调司供稿

Levi's Unable to Establish Similarity between Its "Double Arc" and Local TM

Levi's 在华商标维权案败诉

Guangdong High People's Court made a second-instance judgment on the trademark infringement appeal case filed by Levi's Company against Guangdong Wenshite Garment Industry Co., Ltd., holding that a series of trademarks such as WENSHITE owned by Wenshite did not infringe the exclusive right of Levi's "double arc" registered trademark. Guangdong High rejected the appeal from Levi's and upheld the first-instance decision by Shanwei Intermediate People's Court of Guangdong Province.

According to the complaint, Levi's company owned Levi's trademark, double horses trademark and double arc trademark, and applied for the double arc trademark in China, which was certified to be used on goods including clothing, jeans, shirts, jackets, children's wear, etc. Wenshite Company launched a series of products, and the arc design and logo used on the trouser pocket of Wenshite's jeans were very similar to the "double arc" trademark of Levi's company. In the meantime, Wenshite also used the label design on the right side of the

trouser pocket which was similar to the trademark registered by Levi's. The act could be deemed as malicious free-riding on Levi's reputation and was suspected of infringing Levi's exclusive rights of the trademark in question. Accordingly, Levi's sued Wenshite at Shanwei Intermediate Court and requested the court to order Wenshite to cease the infringement and indemnify 500,000 yuan in damages. Wenshite argued that each jeans product sold by it had its own registered trademark, which was WENSHITE in words and figure. Double arc was a universal design expression. The double curved surface of Wenshite's jeans pocket was just a pocket decoration and had no obvious features that would enable consumers to mistakenly believe the products were from Levi's. Therefore, no infringement was constituted.

After hearing, Shanwei Intermediate Court held that there were differences in the combination elements, composition, and overall structure of the trademark logos of the two parties. Therefore, the two marks did not constitute similar ones. Although the

Levi's trademark and double horses trademark of Levi's were better known than Wenshite's, the evidence furnished by Levi's was not sufficient to prove that the double arc trademark had a very high reputation. The logo W on the jeans pockets of Wenshite Company was the use and deductive use of the pattern W in its registered trademark WENSHITE. The self-owned trademark WENSHITE were also prominently used on the jeans, fairly different from the trademark logo of Levi's. The trademark logos on Wenshite's products and the registered trademark of Levi's would not cause confusion among the relevant public and would not infringe the exclusive right of registered trademark of Levi's. Accordingly, the court rejected Levi's claim.

Disgruntled with the first-instance judgement, Levi's then went on appeal to Guangdong High. The superior court upheld the first-instance decision of the trial court and revoked the appeal from Levi's on the ground that the alleged infringing trademark logo was not similar to the trademark in question and would not likely cause confu-

sion among the relevant public.

(by Jiang Xu/Chen Zhaomin)

本报讯(记者姜旭 通讯员陈朝敬 广东报道)近日,广东省高级人民法院(下称广东高院)就利惠公司(下称Levi's公司)起诉广东文时特制衣实业有限公司(下称文时特公司)商标侵权上诉案作出二审判决,认定文时特公司持有的文时特等系列产品未侵犯Levi's公司的双弧线注册商标专用权,驳回其上诉,维持广东省汕尾市中级人民法院(下称汕尾中院)作出的一审判决。

Levi's公司诉称,Levi's公司持有Levi's商标、双马图商标和双弧线商标,并在中国申请注册了双弧线商标,核准商品包括服装、牛仔裤、衬衫、夹克、童装等。文时特公司推出牛仔裤的裤袋上所用弧线等设计,标识与Levi's公司的双弧线商标非常类似;同时,文时特公司还在裤袋右侧缝线上使用标签设计,与Levi's公司注册的裤袋商标非常相似,属恶意攀附Levi's公司的知名度,涉嫌侵犯Levi's公司对涉案商标享有的注册商标专用权。据此,Levi's公司请求法院判令文时特公司停止侵权行为,并赔偿经济损失50万元。

文时特公司辩称,文时特公司每条牛仔裤商品上的双弧线有极为广泛

的通用性,牛仔裤口袋中的双弧面只是口袋的装饰,没有存在让消费者误认为是Levi's公司产品的明显特征,不存在侵权行为。

汕尾中院经审理认为,就双方商标标识的组合要素、构图、组合后的整体结构看,均存在不同,故两者不构成近似,且Levi's商标和双马图商标更为熟知,而Levi's公司提供的证据不足以证明双弧线商标具有非常高的知名度。而文时特公司牛仔裤裤袋上的标识是其注册商标WENSHITE中图案W的使用及演绎使用,文时特公司牛仔裤上还显著使用了与Levi's公司商标标识完全不同的自有商标WENSHITE。因此,不会造成相关公众的混淆,不侵犯Levi's公司注册商标专用权。据此,法院驳回Levi's公司的诉讼请求。

一审判决后,Levi's公司不服,向广东高院提起上诉。广东高院以被诉侵权标识与涉案商标不构成近似也不容易导致相关公众混淆为由,驳回其上诉,维持了一审判决。

