

NUMBERS

1120件
 2006年1月初至11月底,各地方知识产权局共受理专利侵权纠纷1120件,受理其他专利纠纷案件43件,查处假冒他人专利27件,查处冒充专利800件。

1,120 Disputes: From January to November 2006, local IP administrations received a total of 1,120 disputes of patent infringements, 43 other types of patent disputes handled 27 cases of faking others' patents and 800 cases of faking patent identity.

17起
 近日,北京市第一中级人民法院集中公开宣判了17起涉外知识产权案件。2002年至2006年,北京一中院受理的知识产权行政案件中涉外案件为670余件,外方在行政案件中的胜诉比例约为60%。

17 Cases: The Beijing First Intermediate People's Court recently announced the rulings of 17 foreign-related IP cases at one time. From 2002 to 2006, the Court had received 670 foreign-related IP administrative cases. Foreign parties had prevailed in 60% of them.

276万件
 国家工商总局2007年1月3日发布的统计显示,2006年工商系统共受理商标注册申请70多万件,核准注册商标26万件,我国注册商标累计已达276万件。2006年,国家工商总局依法认定驰名商标180件,全系统共查处商标侵权案件3.39万件。

2,760,000 Registered Trade marks
 According to the statistics released by the State Administration for Industry and Commerce (SAIC) on January 3, 2007, the entire industry and commerce administration system received 700,000 trademark applications and ratified 260,000 registered trademarks in 2006. The aggregated number of registered trademarks in China is 2,760,000. In 2006, SAIC certified 180 well-known marks. The entire system seized 33,900 trademark infringements.

89件
 截至2006年12月20日,北京市各级工商部门共查处各类侵犯奥林匹克标志案件89件,罚没金额53.38万元,没收侵权物品3225件,总案值约55.36万元。

89 Cases
 As of December 20, 2006, administrations for industry and commerce at all levels in Beijing had handled 89 cases of infringement of Olympic symbols, imposed fines of 533,800 RMB, and confiscated 3,225 objects in question. The total value of goods in question was 553,600 RMB.

430家
 2006年12月19日,商务部在北京举行“中华老字号”企业授牌仪式,全聚德、五粮液、同仁堂等430家获得“中华老字号”称号的企业被授予牌匾和证书。

430 Companies
 On December 19, 2006 in Beijing, the Ministry of Commerce granted the title Traditional Company of China to 430 companies including household names Quanjude, Wuliangye and Tongrentang.

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中国正式加入世界知识产权组织两个条约

NPCSC Ok's Accession to WCT and WPPT

本报综合新华社消息,第十届全国人民代表大会常务委员会第二十五次会议于2006年12月29日表决通过了关于加入《世界知识产权组织版权条约》和《世界知识产权组织表演和录音制品条约》的决定,我国由此正式加入这两个条约。这意味着我国将着力提升互联网版权保护水平。

全国人大常委会在批准加入这两个条约时声明:在中华人民共和国政府另行通知前,这两个条约暂不适用于中华人民共和国香港特别行政区和澳门特别行政区;同时在批准《世界知识产权组织表演和录音制品条约》时声明:中华人民共和国不受《世界知识产权组织表演和录音制品条约》第十五条第一款

的约束。
 新闻出版总署署长、国家版权局局长龙新民表示,加入这两个条约,有利于加强我国在知识产权保护方面与国际社会的合作,促进我国互联网产业的迅速发展。

The 25th Session of the Standing Committee of the National People's Congress

(NPCSC) approved China's accession to the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) on December 29, 2006. China's formal accession to the two WIPO treaties will vault copyright protection on the Internet to a new height.

NPCSC also made an accompanying statement for some clarification, "Hong Kong SAR and Macao SAR will not be bound by the treaties until a specific notice is issued by the PRC government, " "China will announce at the accession that it will not be bound by Article 15 (1) of the WPPT."

Long Xinmin, Minister of the National News and Publication Administration as well as the National Copyright Administration, said the accession to the two WIPO treaties would benefit China's cooperation with the international community in IPR protection and expedite the development of its Internet economy.

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时下,全国不少城市掀起了“满城竞看黄金甲”的热潮。在北京,一些电影院挂起保护知识产权告示牌,这表明全社会的知识产权意识在进一步提升。

Watching the licensed Curse of the Yellow Flower is becoming a fashion in many cities. Posters promoting IPR protection are hung in the cinemas in Beijing. The public's awareness of IPR is being elevated. (by Yang Shen)

WIPO 地区间研讨会在郑州召开

WIPO Interregional ITRK Seminar Held in Zhengzhou

本报讯(记者李启章)2006年12月13日至15日,由世界知识产权组织(WIPO)、中国国家知识产权局、河南省人民政府共同主办的WIPO传统知识、传统文化表达和遗传资源地区间研讨会在河南郑州召开。河南省省长李成玉、副省长徐济超、国家知识产权局副局长林炳辉、WIPO副总干事凯普林格和助理总干事王彬颖等出席了会议。来自全球30多个国家、10多个国际性或地区间组织的专家和官员150多人围绕如何兼顾公平,对传统知识、传统文化表达和遗传资源进行知识产权保护

的主题展开了深入交流与讨论。据悉,此次会议是WIPO首次就探讨传统知识、传统文化表达和遗传资源保护召开的地区间研讨会。会议讨论形成的《郑州宣言——国际范围内对传统知识、传统文化表达和遗传资源的保护展望》将对世界知识产权领域的交流、合作与发展产生重大影响。

WIPO Interregional Seminar on Traditional Knowledge, Traditional Cultural Expression and Genetic Resources in Zhengzhou, the capital of Henan Province. Henan Governor Li Chengyu, Deputy Governor Xu Jichao, SIPO Deputy Commissioner Lin Binghui, WIPO Deputy Director General Michael Keplinger and Assistant Director General Wang Binying joined 150 experts and officials from over 30 countries and 10 international or regional organizations in discussing how to protect traditional knowledge, traditional cultural

expression and genetic resources in a fair and equitable manner. The seminar, first of its kind at the interregional level formed a statement, Zhengzhou Statement-Prospective of the International Community on the Protection of Traditional Knowledge, Traditional Cultural Expression and Genetic Resources. The Statement will have significant meaning to the communication, cooperation and development in the international IP society. (by Li Qizhang and Zhu Wenming)

十部门联手开展“反盗版天天行动”

Ten Departments Join Hands in Fight Piracy Everyday Campaign

本报综合消息 继2006年7月至10月联合开展“反盗版百日行动”之后,全国“扫黄”打非“工作小组办公室、中宣部、中央政法委、文化部、新闻出版总署、国家版权局、国家工商行政管理总局、公安部、建设部、监察部10部门近日再次联手,组织开展“保护知识产权,反盗版天天行动”。

此次行动拟在巩固“反盗版百日行动”成果的基础上,拓宽治理领域,强化日常监管,进一步净化音像、计算机软件和图书市场,不断提高社会公众

of Propaganda, CPC Political and Judiciary Commission, Ministry of Culture, National News and Publication Administration, National Copyright Administration, State Administration for Industry and Commerce, Ministry of Public Security, Ministry of Construction and Ministry of Supervision recently joined hands in conducting a new campaign, Protect IPR, Fight Piracy Everyday.

Campaign, the new campaign is planned to expand the operation scope, strengthen routine market supervision and further cleanse the markets of AV products, computer software and books. The public's awareness in using legitimate publications and refusing pirated versions will be intensified. Key tasks of this campaign include raiding the sources of pirated products and sweeping non-licensed sellers and street vendors of pirated publications, AV products and computer software.



US Starbucks Triumphs Over Shanghai Starbucks in Trade Mark Dispute

本报讯(记者吴非)北京报道,历时两年多,美国星巴克咖啡公司(Starbucks)状告上海星巴克咖啡有限公司侵犯其名称权及商标使用权一案终于尘埃落定。日前,上海市高级人民法院作出判决,维持上海市第二中级人民法院一审判决,判定美国星巴克咖啡公司胜诉。

Shanghai company's alleged infringement of the US company's trade name and trademarks recently came to an end. Shanghai High People's Court (SHPC), the appellate court, affirmed the ruling of the lower court, Shanghai Second Intermediate People's Court (SSIPC), in favor of the US Starbucks.

2004年2月,美国星巴克总部向上海二中院提交诉状,状告上海星巴克咖啡有限公司商标侵权,要求其赔偿损失50万元。2005年年底,上海二中院判定上海星巴克败诉,认定美国星巴克“Starbucks”及“星巴克”为驰名商标,上海星巴克构成对美国星巴克的侵权。2006年年初,上海星巴克向上海市高级人民法院提出上诉。

In February 2004, the Global Headquarters of US Starbucks sued Shanghai Starbucks for trademark infringement and sought a damage of 500,000 RMB at the SSIPC. In late 2005, after determining the well-known mark status of Starbucks and its Chinese translation Xing Ba Ke, SSIPC ruled against Shanghai Starbucks. In early 2006, Shanghai Starbucks appealed to SHPC.

上海市高级人民法院认为,上海星巴克未经授权,使用美国星巴克的中译名“星巴克”、“Starbucks”以及与星巴克咖啡公司标志相近的图案,构成了对美国星巴克商标的侵权。

SHPC held that Shanghai Starbucks' unauthorized use of the trademarks Starbucks, its Chinese translation Xing Ba Ke and the figure similar to the symbol of Starbucks Corporation constituted trademark infringement of the trademark rights of the US corporation. (by WuFei)



《世界知识产权组织版权公约》

WIPO Copyright Treaty

1996年12月在日内瓦通过的《世界知识产权组织版权公约》,主要是对书籍、计算机程序、电影、音乐以及美术作品等文学和艺术作品的作者提供保护。该公约由25条组成,第一至十四条系实体条款,十五至二十五条系行政管理条款。此外还附有“议定声明”9条,对条约中一些可能发生歧义的问题作进一步解释。该条约主要内容有:1.关于保护客体。主要包括计算机程序和数据或数据库编程。2.关于权利。条约新增加了向公众传播的权利,作者有权许可将其作品以有线或无线方式向公众传播。3.关于技术措施的义务。条约要求缔约各方应在法律中规定,未经权利人许可或法律准许,规避(包括破解)由权利人为实现版权保护而采取的技术措施为侵权行为。4.关于权利管理信息的义务。

films, music and artistic works. The Treaty has 25 articles. Articles from 1 to 14 are governing substantive matters. Articles 15 to 25 are governing administrative matters. There are also 9 articles in the Agreed Statement, clarifying the possible controversial issues in the Treaty. The main contents are: 1. Protective subject matters include computer programs and compilations of data (databases). 2. Rights. Right of Communication to the Public is added. Authors shall enjoy the exclusive right of authorizing any communication to the public of their works, by wire or wireless means. 3. Obligations concerning Technological Measures. Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by authors in connection with the exercise of their rights. 4. Obligations concerning Rights Management Information.

WIPO Copyright Treaty (WCT) adopt in Geneva, December 1996, mainly provides protection to authors of literary and artistic works including books, computer programs,