

NUMBERS

6.4099 万件  
2001年至2006年11月,中国法院共受理一审、二审和再审民事案件共计2875.8112万件,占全部案件的80%,其中知识产权案件6.4099万件。

64,099 Cases  
From 2001 to November 2006, the nation's court system had tried 28,758,112 civil cases of first instance, second instance and retried, accounting for 80% of cases of all categories. Among them, 64,099 are IPR cases.

40%  
国务院新闻办近日发布的《2006年中国的国防》白皮书显示,中国国防科技工业专利申请量以年均超过40%的幅度快速增长。

40%  
As in the China's National Defense in 2006, a White Book recently released by the State Council Information Office, patent applications from the defense industry grew at a rapid pace, logging an annual rate of 40%.

286 件  
1月4日,商务部通报,截至2006年11月底,50个“知识产权举报投诉服务中心”运行良好,共接收举报、投诉1014件,转交执法部门657件,已经办结286件。

286 Complaints  
As informed by the Ministry of Commerce on January 4, by the end of November 2006, the 50 IPR Complaint Service Centers nationwide are running smoothly. The Centers had received a total of 1,014 complaints, transferred 657 to the relevant enforcement agencies and resolved 286.

170 万件  
截至2006年12月28日,已有170多万专利权人领到中国专利证书,中国的专利申请总量已超过300万件。

1,700,000 Patentees  
As of December 28, 2006, 1,700,000 patentees had received their Chinese patent certificates. The total number of patent applications in China had exceeded 3,000,000.

3 万件  
2006年上海市专利申请总量突破3万大关,其中发明专利占三成。在发明专利中,职务发明专利的比例占84%,远高于全国43.1%的平均水平。

30,000 Applications  
The patent applications of Shanghai origin exceeded 30,000 in 2006 with inventions accounting for 30%. Among those invention applications, service inventions accounted for 84%, well over 43.1% of the national average.

100 万元  
记者近日获悉,兰州市政府将每年安排100万元的专项资金,重点用于兰州市非物质文化遗产保护中心建设。

1 Million RMB  
As informed recently, Lanzhou city government will appropriate 1 million RMB annually for the construction of a center for the protection of intangible cultural assets.

责任编辑:汪玮  
Executive Editor: Wang Weiw

570,000 Patent Applications Received in 2006

去年中国受理专利申请超57万件

本报讯(通讯员毛金生记者) 闻文锋北京报道 2006年,中国国家知识产权局共受理三种专利申请57.3178万件,比上年同期的47.6264万件增长20.3%。  
2006年,国家知识产权局共

授予专利权26.8002万件,比上年同期的21.4003万件增长25.2%。  
从1985年4月1日至2006年12月31日,国家知识产权局共受理三种专利申请333.4374万件;累计授权专利173.7507万件。  
在2006年受理的三种专利申

请中,发明专利申请为21.049万件,比上年同期的17.3327万件增长21.4%;实用新型专利申请为16.1366万件,比上年同期的13.9566万件增长15.6%;外观设计专利申请为20.1322万件,比上年同期的16.3371万件增长23.2%。

In 2006, SIPO received a total of 573,178 applications for the three kinds of patents, a 20.3% hike over 476,264 of 2005.  
In 2006, SIPO granted a total of 268,002 patents, a 25.2% increase over 214,003 of 2005.

From April 1, 1985 to December 31, 2006, SIPO had received an aggregated 3,334,374 patent applications and granted 1,737,507 patents.  
Among the three kinds of patent applications received in

2006, there were 210,490 inventions, a 21.4% growth over 173,327 of 2005; 161,366 utility models, a 15.6% growth over 139,566; 201,322 designs, a 23.2% growth over 163,371.  
(by Mao Jinseng and Yan Wenfeng)



Fighter Jet with Self-Generated IPRs Debuted  
中国自主知识产权战斗机亮相

本报综合消息 中国航空工业第一集团公司近日在北京召开新闻发布会,介绍了其研制的具有自主知识产权的第三代歼-10战斗机的相关情况。该机是中国自主研发生产的新一代多用途战斗机,采用了大量新设计、新技术、新工艺,创造了共和国航空史上数十个“第一”。目

前,该机已批量装备部队。这对于有效提高中国空军防卫作战能力、加快武器装备现代化步伐具有重大意义。  
图为试飞中的歼-10战斗机。 本报资料

At a recent press conference in Beijing, China Aviation Industry Corporation I introduced the third-generation fighter jet J-10 (Jian-10), a product with indigenous IPRs. Numerous new designs, technologies and techniques were employed on the new-generation multipurpose fighter, which also harvested dozens of firsts in the

nation's aviation history. The aircrafts, which have entered service of the People's Liberation Army (PLA), will be a great asset in defending China's air space and accelerating the modernization of the nation's armed forces' arsenal.  
J-10 during test flight.(File)

Five Ministries Stiffen IPR Standard for Auto Export

五部委联合发文 加大出口汽车知识产权保护力度

本报讯(记者张海志北京报道)近日,商务部、发改委、海关总署、国家质检总局、国家知识产权等五部委联合发出《关于规范汽车出口的通知》,从汽车生产源头抓起,加大知识产权保护力度,提高中国汽车整体形象和国际竞争能力。

据悉,该通知决定对汽车整车出口实行出口许可证管理,对汽车生产企业实行出口资质管理,对汽车出口经营企业实行生产企业授权经营管理。  
据商务部有关人士介绍,执行该通知后,从事汽车出口的国内企业数量将大幅减少700家左右。该通知将促使出口管理制

度有机地与产业政策相衔接和配合,从汽车生产环节的源头抓起,加大知识产权保护力度,限制非法拼装汽车出口、短期随机出口和无售后服务出口,从而保证产品质量和售后服务能力,提高中国汽车整体形象和国际竞争能力,实现规范汽车出口的目的。

The circular makes specific regulations of qualification on enterprises that apply for export license of whole car. Automakers intending to export their products shall apply. The companies trading automobiles to abroad shall obtain authorization from the makers and shall assume according legal liability with the makers.

Five ministries, Ministry of Commerce, National Development and Reform Commission, General Administration of Customs, General Administration of Quality Supervision, Inspection and Quarantine, Certification and Accreditation Administration of China jointly issued a circular on regulating auto export, stiffening IPR standard from the source of auto production.  
The circular shall make a combination of export management system and industrial policy, start from production, stiffen IPR protection, curb export of illegally-assembled automobiles, short-termed random export and export without after sales service, so as to guarantee product quality, enhance service capacity after sales, improve general image of the Chinese auto industry and its international competitiveness and further regulate China's auto export order.  
(by Zhang Haizhi)

F1 Wins Trademark Litigation against F1 Jeans in China

F1 中国维权胜诉 F1 jeans

本报讯(记者肖峰北京报道)近日,备受关注的一级方程式管理公司诉京、沪、穗等地多家时装公司、商场侵犯其商标权纠纷案,经北京市第二中级人民法院作出的3个民事判决均已生效。法院判令8家被告自判决生效之日起停止涉案侵犯注册号为G641610号的“F1 formula1”商标专用权的行为,被告合计赔偿原告经济损失14.4万元。  
一级方程式管理公司是维护基于“国际汽车联合会一级方程式世界汽车拉力锦标赛”(简称F1大赛)所产生的知识产权而专门成立的公司,同时也是世界著名的系列商标的注册人。

自1984年一级方程式许可公司开始将“在全球注册”F1系列商标的计划付诸实施以来,其在中国的“F1”系列商标的注册或申请已接近170件之多。  
据了解,被告上海华硕时装有限公司等3被告作为F1 jeans服装的经销商,自2004年以来,未经原告许可,在招商信息中宣传服装品牌和在服装的吊牌、包装袋上,均突出使用“F1”字样,将服装称为“F1”或“F.one”,其经销F1服装的行为侵犯了原告的注册商标专用权。  
The Beijing Second Intermediate People's Court recently made three civil

judgments for a highly-publicized litigation, Formula One Management (FOM) suing multiple fashion companies and shops in Beijing, Shanghai and Guangzhou for trademark infringement. The Court held that the eight defendants should cease infringement of the registered trademarks F1 & Formula 1 (G641610) and pay an aggregated damage of 144,000 RMB.  
FOM, holder of several famous marks, is specifically established for managing IPRs for the FIA Formula 1 (F1) Championship. FOM began registering F1

and relevant trademarks globally in 1984. It has yet registered or applied for 170 trademarks in China.  
From 2004, as the dealers of F1 jeans, Defendants Shanghai Huashuo Fashion Company and two other companies fixed the symbol F1 in a visible manner on their promotional materials, garment tags and shopping bags, or dubbing its garments as F1 or F One without the plaintiff's authorization. Their sales of garments bearing F1 were deemed infringement of the trademark proprietorship of the plaintiff.  
(by Xiao Feng)

Draft for Third Patent Law Amendment Submitted to State Council

专利法第三次修订草案 上报国务院审议

本报讯(通讯员胡安琪北京报道)日前,中国专利法第三次修改的修订草案(送审稿)已上报国务院提请国务院审议。  
据悉,2006年11月初,国家知识产权局已向国务院法制办正式提出将专利法第三次修改列入《国务院2007年立法计划》的建议。

China (SIPO) formally proposed to the Legislative Affairs Office (LAO) of the State Council on the inclusion of the Third Amendment into the 2007 Legislative Plan of the State Council.  
Under the Chinese Constitution Law and the Legislation Law, as a competent government agency, SIPO shall formulate, solicit comments, revise and submit the Draft, which it has all accomplished. The Draft will then be reviewed by the State Council and the Standing Committee of the National People's Congress (NPCSC). Prior to a plenary review session of the State Council, the Council's legislative arm, the LAO shall invite comments from government agencies, companies, professional firms, experts, scholars and judiciaries before forming its version. The LAO will then submit its draft to the plenary session. The State Council will provide a legislative bill to the NPCSC based on what the plenary session approves. Final approval by the NPCSC shall only take place after at least three read.  
(by Hu Anqi)

根据宪法和立法法规定,尽管国家知识产权局已经完成了专利法第三次修改的起草、征求意见、修改、上报程序,但在最终出台前还将经过国务院审议以及全国人大常委会的审议。在国务院全体会议审议前,国务院法制办将作为国务院立法工作机构向有关部门、企业、代理机构、专家学者、司法机关等征求意见,提出报国务院全体会议审议的草案。国务院审议通过后,将向全国人大常委会提出法律案,全国人大常委会至少进行三次审议才交付表决。

根据宪法和立法法规定,尽管国家知识产权局已经完成了专利法第三次修改的起草、征求意见、修改、上报程序,但在最终出台前还将经过国务院审议以及全国人大常委会的审议。在国务院全体会议审议前,国务院法制办将作为国务院立法工作机构向有关部门、企业、代理机构、专家学者、司法机关等征求意见,提出报国务院全体会议审议的草案。国务院审议通过后,将向全国人大常委会提出法律案,全国人大常委会至少进行三次审议才交付表决。

The Draft of the Third Amendment of the Patent Law (recommended for review version) has been submitted to the State Council for review recently.  
In early November, the State Intellectual Property Office of



WIPO Performances and Phonograms Treaty

《世界知识产权组织表演和录音制品条约》

世界知识产权组织于1996年12月2日通过《世界知识产权组织表演和录音制品条约》,保护一些“相关”权利,主要是表演者和录音制品制作者的权利。该条约承认信息与通信技术的发展和交汇对表演和录音制品的制作与使用的深刻影响,承认有必要保持表演者与录音制品制作者的权利与广大公众的利益尤其是教育、研究和获得信息的利益之间的平衡。中国于2006年12月29日正式加入该条约。  
该条约共五章三十三条,第一至二十三条(除第二十一条外)系实体条款,二十四至三十三条及第二十一条系行政管理条款,此外还附有“议定声明”十条。该条约涉及两种受益人的知识产权问题:一是表演者;二是录音制品制作者。之所以同时涉及这两种受益人,是因为该条约给予表演者的大部分权利都是与其已经录制的、纯声音的表演相关的权利。条约尤其关注复制权、公众提供权、技术措施的保护、权利管理信息四大问题。  
The WIPO Performances and Phonograms Treaty (WPPT), adopted by the World Intellectual Property Organization (WIPO) on December 2, 1996, aims to protect the related rights, mainly rights of perform-

ers and producers of phonograms. The Treaty recognizes the profound impact of the development and convergence of information and communication technologies on the production and use of performances and phonograms, as well as the need to maintain a balance between the rights of performers and producers of phonograms and the larger public interest, particularly education, research and access to information. China acceded to WPPT formally on December 29, 2006.  
The Treaty has 33 articles in five Chapters. Articles from 1 to 23 (except Article 21) are governing substantive matters. Articles 24 to 33 are governing administrative matters. There are also ten articles in the Agreed Statement. The Treaty deals with IP issues concerning two beneficiaries, namely performers and producers of phonograms. The reason that two beneficiaries are addressed simultaneously is most of the rights of performers are rights related to their fixed and vocal performances. The Treaty, inter alia, focuses on four main themes, right of reproduction, right of making available, technological measures and right management information.