

NUMBERS

1.4219 万件  
2006年,全国地方法院共受理和审结知识产权民事一审案件1.4219万件和1.4056万件,共受理和审结知识产权民事二审案件2686件和2652件。

14,219 Cases  
In 2006, the nation's court system received 14,219 IPR cases of first instance and resolved 14,056 as well as receiving 2,686 of second instance and resolving 2,652.

187 件  
从2002年至2006年10月,全国地方法院累计认定驰名商标187件,积极推动名牌推进战略的实施。

187 Marks  
From 2002 to October 2006, the nation's court system had determined 187 well-known marks, facilitating the implementation of brand promotion strategy.

3 万起  
据“全国扫黄打非”办公室统计,2006年全国共收缴各类非法出版物1.5亿件,破获非法光盘生产线14条,查办各类“扫黄打非”案件3万余起,查办网络“扫黄打非”案件1712起。

30,000 Cases  
According to the statistics by the State Office of Sweeping Pornography and Illegal Publications, in 2006, the nation seized a total of 150,000,000 pieces of illegal publications of various kinds, located 14 illegal production lines of optical disks and handled 30,000 cases involving pornography or illegal publications including 1,712 happened on the Internet.

2831.6 万件  
据公安部统计,“反盗版百日行动”期间,全国公安机关共检查出版物销售市场和经营单位10.5万家次,收缴盗版音像制品、计算机软件等各类非法出版物2831.6万余件,破获各类侵权盗版案件2300余起。

28,316,000 Pieces  
According to the statistics by the Ministry of Public Security, during the 100-Day Anti-Piracy Campaign, police nationwide checked a total of 105,000 times of publication markets and shops, seized 28,316,000 pieces of illegal publications such as pirated AV products and computer software and cracked 2,300 cases of infringement and piracy.

220 个  
从商务部获悉,经过专家评审和消费者调查,220个品牌入选2006年“最具市场竞争力品牌”名单,包括奇瑞、长安、吉利、红旗等13个自主品牌。

220 Brands  
As informed by the Ministry of Commerce, based on expert review and consumer survey, 220 brands were selected in the Most Competitive Brands of 2006. Among them, there were thirteen domestic auto brands including Chery, Chang An, Geely and Hong Qi.

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# 从经济上剥夺侵权人再犯罪能力

最高法院发布加强知识产权审判工作意见 要求依法严惩知识产权犯罪

## Empty Pockets of IPR Offenders, Supreme Court Vows to Impose Heavy Sanctions

本报综合消息 1月15日,最高人民法院发布《关于全面加强知识产权审判工作为建设创新型国家提供司法保障的意见》。意见提出,要依法严惩知识产权犯罪,通过采取追缴违法所得、收缴犯罪工具、销毁侵权产品、责令赔偿损失等措施,从经济上剥夺侵权人的再犯罪能力和条件。

意见指出,要充分发挥知识产权刑事司法保护的职能作用,依法运用各种刑事制裁措施,发

挥刑罚惩治和预防知识产权犯罪的功能。对假冒、盗版等涉及知识产权的犯罪行为,进一步完善和统一定罪量刑标准。在民事、行政案件审理过程中发现涉嫌刑事犯罪的,应当依法及时将犯罪线索移送公安机关侦查处理。要依法加大侵权赔偿和民事制裁力度。作为自然人的原告因侵权行为受到精神损害的,可以根据其请求依法确定合理的精神损害赔偿金。

On January 15, the Supreme People's Court issued the Opinion on Strengthening IPR Trials to Provide Judicial Assurance for the Construction of Innovation Country. The Opinion calls for stringent sanctions on IPR crimes. The offenders' economic capacity for repeatedly committing crimes shall be deprived by confiscating illegal enrichment and criminal tools, destructing infringing

products and mandating compensation of right holders' loss.

The Opinion urges the full play of judicial protection against IPR crimes, applying different criminal sanctions by law and serving judicial protection's penalized function against crimes and deterrent function against potential crimes. Standards on constitution of offense and penalty classification for offenses such as counterfeiting and

piracy shall be further unified. Criminal offenses found before criminal or administrative proceedings shall be transferred to police for detection and prosecution. Damages and civil sanctions against infringements shall be intensified. If a natural person claimant suffers mental injury caused by infringement, he may claim for reasonable damages.



近日,中国国家知识产权局局长田力普(右一)与欧洲专利局局长蓬皮杜进行了远程视频会议,就中国、日本、韩国、美国和欧洲专利局五方会议举行方案进行了工作协商。

SIPO Commissioner Tian Lipu (the first from right side) in a video conference with EPO President Alain Pompidou, designing the plan for the meeting of five patent offices from China, Japan, Republic of Korea, US and Europe. (by Zhang Zihong)

## 中国自主研发电脑获重大进展

### Domestic PC Makes Tech Breakthrough

本报讯 (记者魏小毛北京报道)1月12日,神舟电脑有限公司在北京正式推出了其自主研发的最新成果——“神舟”唐朝“液晶一体电脑”,该产品以创新的设计将传统PC的显示器和主机结合在一起,从而有可能取代传统台式PC机。这也是中国电脑生产厂商在经历了长期的组装制造甚至是贴牌之后,重新踏上自主研发之路的一大重要进展。

据悉,神舟电脑公司是目前国内唯一具备电脑主板、显示卡

和液晶显示器3项自主研发能力的整机制造商。此次神舟电脑推出的“唐朝”液晶一体电脑共有6款,与传统台式电脑相比,整机省电50%,噪音降低一半。

“坚持自主研发,持续不断创新是我们发展的根本保证。”神舟电脑公司董事长吴海军表示。目前神舟电脑已拥有发明专利100多件。

On January 12, Hasee Computer launched its latest product created by

its own R & D team, Hasee Tang Dynasty LCD All-in-One PC. By combining the traditional PC's monitor and mainframe in one piece, the innovative product is very likely to replace traditional desktop. It is viewed an important advancement in self-leading R & D for Chinese PC makers after an extended period of simple assembly or OEM.

Hasee is the only Chinese PC manufacturer capable of innovat-

ing in three major categories, main board, video card and LCD monitor. The released six models of Tang Dynasty LCD computers will both save energy and cut noise by half.

“Maintaining independent R&D and innovating on the constant basis is the fundamental guarantee of our development”, said Hasee Chairman Wu Haijun. Hasee is currently in possession of over 100 patents. (by Wei Xiaomao)

## 《关于全面加强知识产权审判工作为建设创新型国家提供司法保障的意见》

### Opinion on Strengthening IPR Trials to Provide Judicial Assurance for the Construction of Innovation Country

1月15日,最高人民法院发布了《关于全面加强知识产权审判工作为建设创新型国家提供司法保障的意见》。

意见是一份关于人民法院知识产权司法保护工作的综合性文件,内容不仅涵盖民事审判、行政审判和刑事审判,也涉及立案、执行和审判监督,不仅包含基本的司法原则和政策,也提出了一系列具体工作措施和保障措施。具体内容涉及知识产权审判工作的指导思想和目标任务以及基本原则、严惩知识产权犯罪、妥善审理民事案件、监督和支持依法行政、加强审判监督、健全执行制度、完善案件管辖和受理、加大赔偿和民事制

裁、正确适用临时措施、注意专业技术事实认定、禁止权利滥用、提高审判质量和效率、强化诉讼调解、落实司法为民措施、加强队伍建设、健全审判组织、做好职能部门间协调和配合、探索司法保护新机制、加强司法解释和立法建议、深入开展调研、开展司法建议、加大司法保护宣传等知识产权司法保护各个环节和方方面面。

On January 15, the Supreme People's Court issued the Opinion on Strengthening IPR Trials to Provide Judicial Assurance for the Construction of Innovation Country.

The Opinion is a collection of guidelines for all IPR judicial practice, namely civil, administrative and criminal trials. Bringing case, execution and trial supervision are also involved. In addition to the basic judicial principles and policies, specific operational and safeguard measures are provided. The major categories of issues in the Opinion are: basis, objectives, tasks, basic principles of IPR trials; impose strict sanctions on IPR crimes; try criminal cases cautiously; supervise and support administrative enforcement by law; enhance trial supervision, improve execution mechanism; improve ju-

risdiction and receipt of cases; intensify damages and civil sanctions; apply preliminary injunctions properly; handle technical facts properly; prevent abuse of rights; increase trial quality and efficiency; encourage settlement; make use of judicial system for the people; strengthen team-building; improve trial framework; coordinate with competent agencies; discover new judicial protection mechanism; provide more practical judicial interpretations and legislative suggestions; intensify research and provide more judicial comments and publicize judicial protection on a larger scale.

## 上海世博会获海关知识产权保护备案

### Shanghai Expo Emblems Recorded for IPR Protection at Borders

本报讯 (记者魏小毛北京报道)据来自海关总署的消息,上海世界博览会事务协调局就中国2010年上海世界博览会的名称、口号、徽标以及申办机构的名称,向海关总署提出了海关知识产权保护备案申请。2006年12月30日,该申请正式获得了海关总署的核准。

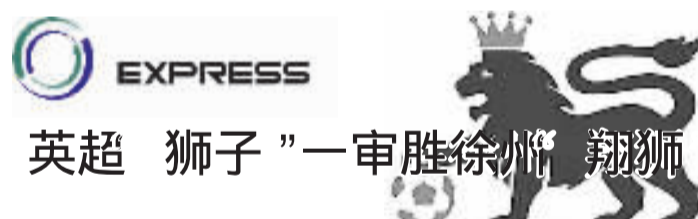
海关总署公告的2006年第78号文件显示,上海世界博览会的名称、口号、徽标以及申办机构的名称,包括全称、简称、译名和缩写,共计39项均获得了海关总署的核准。海关总署公告指出,进出口货物侵犯上述中国2010年上海世界博览会标志专有权的,海关将根据《世界博览会标志保护条例》以及相关法律法规予以查处。

Informed by the General Administration of Customs, Shanghai Expo, also known as Expo China 2010, applied a number of its symbols for recor-

dition with the Customs, the titles, slogans, and emblems of the Expo as well as the name portfolio of the Expo organizational committee. On December 30, 2006, the Expo's request for IPR protection at the Chinese borders was approved.

As set forth in Document 2006.78 released by the Customs, 39 applications relating to the titles, slogans, emblems of the gigantic event as well as the name portfolio of the organizational committee, including its full name, abbreviation, translation and initial are certified by the Customs. The Document explicitly provides that any goods violating the exclusive rights of the recorded Shanghai Expo emblems shall be seized under the Regulations on the Protection of the World Exposition Emblems and relevant legislations.

(by Wei Xiaomao)



## 英超“狮子”一审胜徐州“翔狮”

### Even Lions Fight for IPR, British FA Claims Exclusivity

本报讯 (记者车文秋北京报道)2006年12月27日,两只“狮子”的争斗在北京市第一中级人民法院一审有了结果,英超“狮子”胜出徐州“翔狮”。

因被认为与英超联赛的“狮子”标志相似,徐州市祥狮庆典礼仪有限公司的“祥狮”商标被英国足球协会总联盟有限公司申请撤销,并得到国家工商总局商标评审委员会核准。不服裁决的祥狮公司起诉至法院,北京市一中院于去年12月27日一审宣判驳回了其诉讼请求。

北京市一中院经审理认为,根据我国著作权法实施条例的有关规定,具有独创性和审美意义的平面艺术造型,属于我国著作权法保护的文学作品。英足总是该狮子图形的著作权人,应当受到我国著作权法的保护。而“祥狮”商标整体轮廓上与英超狮子图形几乎相同,二者已构成实质性相似,“祥狮”注册商标损害了英足总对英超狮子图形的在先著作权。

On December 27, 2006, a melee between two lions reached a result in the Beijing First Intermediate People's Court (BFIPC) with the lion from the British football's Premier League dominating a look-alike antagonist from Xu

Zhou Xiangshi Event Arrangement Company. For its similarity with the British lion, the lion logo trademark of the Xuzhou company was requested for revocation by the Football Association (FA), Premier League's managing company. The Trademark Review and Adjudication Board of the State Administration for Industry of Commerce then declared the Xiangshi mark invalid. Xiangshi appealed to the BFIPC who would eventually deny the claims of the Xuzhou company on December 27.

BFIPC holds that, under the Implementing Regulations of the Copyright Law, the original and aesthetic two-dimensional graphic designs are artistic works protectable under the Copyright Law. FA is the copyright owner and shall be protected by the Copyright Law. The general contour of the Xiangshi mark is almost identical with the figure of the FA lion. The two figures shall be deemed substantially similar. The registered trademark of Xiangshi prejudices the prior copyright of the FA lion. (by Che Wenqiu)