

NUMBERS

1000件
有关数据显示,最近一两年中国向外国申请专利的数量显著增长,每年大概要增加1000件以上。

1,000 Applications
As shown by statistics, Chinese companies tended to file more patent applications abroad in the recent years with the annual growth of over 1,000 applications.

636件
2006年,广东省内海关共查获侵犯知识产权案件636件,与2005年相比,案件数量增长近四成。

636 Seizures
In 2006, customs in Guangdong made 636 IPR seizures, a 40% hike over that 2005.

88%
2005年至2006年,国防科技工业专利的数量大幅增长,全行业专利申请量较2004年增长88%,相当于1985年至2004年20年申请量的总和。

88%
From 2005 to 2006, there is a sharp increase in defense patents. The number of patent applications of the entire defense industry increase 88% over that of 2004, an equivalent of the cumulative number of the previous 20 years, 1985-2004.

2000元
自2月11日起,北京个人申请发明专利可获得最高超过2000元的财政资助金。

2,000 RMB
From February 11, Beijing citizens may obtain a financial assistance with 2,000 RMB maximum for applying for an invention patent.

3000件
2006年,中国的PCT专利申请数量呈现迅速增长的趋势,全年达到3826件,同比增长了56.9%,这也是中国PCT专利申请量首次突破3000件。

3,000 Applications
In 2006, PCT applications filed from China recorded at 3,826 with 56.9% increase year on year and climbed over the 3,000 plateaus for the first time in history.

4345件
2006年,浙江省企业境外商标注册达4345件,浙江省累计境外注册商标达9957件,其中通过马德里商标国际注册体系注册的达780余件。

4,345 Trademarks
In 2006, Zhejiang companies registered 4,345 trademarks abroad. The cumulative number of registered trademarks belong to Zhejiang companies is 9,957, 780 of which were registered via the Madrid route.

69起
2006年,西藏拉萨海关共查获知识产权侵权案件69件,货值63.1073万元。

69 Seizures
In 2006, Lhasa (Tibet) Customs made 69 IPR seizures with the cargo value of 631,073 RMB.

责任编辑: 向利
Executive Editor: Xiang Li

世界海关组织称赞 中国履行承诺打击盗版和假冒

WCO Applauds China's Efforts in Combating Piracy and Counterfeiting

本报综合新华社消息 1月31日,第三届全球打击盗版和假冒大会在瑞士日内瓦召开。世界海关组织秘书长米歇尔·达内表示,在打击盗版和假冒方面,中国政府认真履行了加入世界贸易组织时作出的承诺,根据有关国际协议制定了相关法规,并加以实施。

达内指出,中国政府加入世贸组织时就打击盗版和假冒作出承诺,在入世后也根据有关国际协议制定了相关法规,并认真履行了承诺。实施了相关法规。中国还同欧盟、美国、日本等合作伙伴相互配合,积极打击盗

版和假冒。达内认为,盗版和假冒是世界性问题,有社会和政治等多方面原因。盗版和假冒不仅损害企业和消费者的利益,而且危害消费者的生命与健康。世界海关组织将与世界知识产权组织和国际刑警组织配合,共同打击盗版和假冒。

At the Third Global Congress on Combating Counterfeiting and Piracy held in Geneva, Switzerland on January 31, Michel Danet, Secretary General of the World Customs Organization (WCO), said that

China was fulfilling its WTO obligations in combating piracy and counterfeiting with very genuine intent by devising relevant legislations based on the international treaties and implementing them.

Danet indicated when China acceded to the WTO, it promised to fight piracy and counterfeiting. After the accession, it formulated a number of relevant legislations and fulfilled its promises by executing those laws. China also joined hands with international partners such as European Union, US and

Japan in combating piracy and counterfeiting.

Danet believed piracy and counterfeiting which was a global phenomenon derived from multiple reasons including those of social and political. They not only undermined the interests of companies and consumers, but also placed consumers' lives and health at risk. WCO will work together with the World Intellectual Property Organization (WIPO) and the International Criminal Police Organization (Interpol) in combating piracy and counterfeiting.



仿唐乐舞以其辉煌、典雅、端庄的风格展示出中华传统文化之内涵。 Recreated-Tang-Dynasty Music and Dances, part of the bonanza of intangible cultural heritage in China, demonstrates the depth of the Chinese culture with the style of grandeur, grace and civility. 本报记者 张子弘 摄 by Zhang Zihong

第十届中国专利奖评选启动 Tenth Chinese Patent Award Selection Starts

本报讯(记者刘河北北京报道)为了增强全社会知识产权保护意识,促进中国自主知识产权质量与结构的提升和调整,中国国家知识产权局已于日前正式启动第十届中国专利奖评选工作。

中国专利奖每两年举办一次,设金奖和优秀奖两个奖项。凡是在中国国家知识产权局专利局申请的专利,并同时具备“在评奖当年6月1日前被授予发明、实用新型或外观设计专利权(不含国防专利、保密专利);发明创造水平高,已经实施并取得较好的经济效益或社会效益;不存在专

利权属纠纷、发明人或设计人纠纷;未曾获得过中国专利奖的有效专利”等条件的,均可申报中国专利奖。

另据评审办公室介绍,第十届中国专利奖增设了中国专利奖最佳组织奖和优秀组织奖;在中国专利奖申报书中增加了专利权保护情况表;原来1名院士推荐改为2名院士推荐。

The State Intellectual Property Office of China (SIPO) formally started the selection process for the Tenth Chinese Patent Award recently in

an effort to increase the public's awareness of IPR protection and promote the quality and structural upgrade of self-generated IPRs.

The Award, classified in Gold (higher) and Excellence was granted once every two years. Any effective patent, which is filed at SIPO; is granted invention, utility model or design patent by SIPO prior to June 1 of the instant year (not inclusive of defense or secret patent); has high inventive step; is exploited with good economic or social benefits; is not involved in

ownership, inventor or designer dispute; has never won such award, may apply for the Award.

As introduced by the selection office, there are several changes in this year's event. The Tenth Award adds new categories in Best Organization and Excellent Organization. The application form has a new column requiring the description of the protection of the patent. The participating patent shall be recommended by two fellows of science or engineering academies instead of one. (by Liu He)



本报讯(通讯员余国胜 颜冲重庆报道)备受业界关注的“摩托车(279)”外观设计专利无效案日前尘埃落定。北京市高级人民法院作出终审判决,驳回上诉人本田技研工业株式会社的请求,维持中国嘉陵工业股份有限公司(集团)的摩托车外观设计专利权有效。

据了解,嘉陵公司的外观设计“摩托车(279)”于2003年1月22日获得中国外观设计专利权。2004年2月25日,本田株式会社以该外观设计与其两项外观设计专利相同和相近似为由向中国国家知识产权局专利复审委员会提出宣告上述专利权无效的请求。

嘉陵赢得摩托车专利纠纷案 Jialing Prevails in Motorcycle Design Dispute

2006年2月10日,专利复审委员会作出维持嘉陵“摩托车(279)”外观设计专利权有效的决定。

本田株式会社不服该决定,向北京市第一中级人民法院提起行政诉讼。一中院审理认为,涉案专利与本田摩托车的两项外观设计专利在车把罩、前挡泥板等部位存在区别,故维持专利复审委员会的决定。本田株式会社遂向北京市高级人民法院提起上诉,北京市高级人民法院维持了原判。

The invalidation dispute over the design patent of motorcycle (279), a suit attracting widespread industry atten-

tion has come to the very end. The Beijing High People's Court (BHPC) made its final-instance decision, by denying the claims of the appellant Honda Motor Co., Ltd. and affirming the validity of the motorcycle design patent of China Jialing Group.

The design of the Jialing motorcycle (279) was granted patent on January 22, 2003. On February 25, 2004, Honda requested the Patent Reexamination Board of SIPO (PRB) to declare the patent invalid on the ground that the patent is identical with or similar

to two Honda patents. On February 10, 2006, PRB affirmed the validity of the 279 patents.

Honda then instituted legal proceedings at the Beijing First Intermediate People's Court (BFIPC). BFIPC held that differences exist in the parts of the motorcycles in dispute, including differences in handle bar covers and fenders and affirmed the decision of PRB. Honda then appealed to BHPC which would affirm the trial court decision. (by Yu Guosheng and Yan Chong)

中国海关建立出口侵权企业黑名单制度 Infringing Exporters Black list Mechanism Established by Customs

本报讯(通讯员陶永记者魏小毛北京报道)据来自海关总署的消息,从今年开始,中国海关将正式投入使用“知识产权海关保护执法系统”,根据该执法系统提供的案件信息,建立出口侵权货物黑名单制度,对列入黑名单的企业向海关申报的货物,海关在一定期限内提高查验率。

据悉,实现中国海关的知识产权案件信息共享,有利于改善和促进口岸海关的信息管理和风险分析工作,提高执法效率,从而提高对出口侵权货物的打击力度。同时,随着互联网技术的发展,通过互联网销售侵权商品的情况也有所增多,而网上贸易的实际交货仍将是快递和快件运输方式,因此海关将继续加强对上述环节的执法。

Informed by the General Administration of Customs (GAC), from the year on, Chinese customs will formally launch the Customs IPR Enforce-

ment System. A blacklist mechanism monitoring infringing exported cargo will be formed based on the information provided by the said System. In a given time-frame, customs will increase the screening frequency of the cargo requesting for clearance owned by companies on the blacklist.

The sharing of IPR case information among the customs nationwide will improve information management and risk analysis of the border authorities, increase enforcement efficiency and enhance the seizure of infringing goods. In the meantime, with development of Internet technology, sales of infringing goods via the Internet are growing rapidly. Actual delivery of this virtual trade is predominantly by post or express mail. Customs will continue stiffening enforcement in this supply chain. (by Tao Yong and Wei Xiaomao)



《最高人民法院关于审理侵犯植物新品种权纠纷案件具体应用法律问题的若干规定》

Supreme people's Court Rules on the Applicable Laws relating to the Trial of Disputes of New Varieties of Plants

近日,最高人民法院对外公布了《关于审理侵犯植物新品种权纠纷案件具体应用法律问题的若干规定》,该规定于2007年2月1日起施行。

该《规定》共8条,主要内容包括《规定》制定的法律依据、植物新品种权人的利害关系人、关于侵犯品种权行为的认定。司法解释规定,被控侵权物的特征、特性与授权品种的特征、特性相同,或者特征、特性的不同是因非遗传变异所致,人民法院一般应当认定被控侵权物属于商业目的生产或者销售授权品种的繁殖材料。被控侵权人重复以授权品种的繁殖材料为亲本与其他亲本另行繁殖的,人民法院一般应当认定属于商业目的将授权品种的繁殖材料重复用于生产另一品种的繁殖材料。

据了解,植物新品种的繁殖材料易于窃取,利润空间大,侵权行为具有很强的季节性和地域性。此类案件属于新类型的知识产权案件,涉及的问题专业性较强。

The Supreme People's Court recently released the Rules on the Applicable Laws relating to the Trial of Disputes of New Varieties of Plants, which have been effective

from February 1, 2007.

There are eight articles in the Rules. The main contents are: legal basis of the Rules, stakeholders of the owner of new variety and determination of acts of infringing new variety. The Rules provides where the feature and nature of the alleged article identical or not identical with the feature and nature of the claimed variety is caused by non-genetic mutation, the courts shall identify the alleged article as propagation material of the granted variety manufactured or sold for commercial purpose. Where alleged infringers repeatedly uses the propagation material of the granted variety as parent to propagate with other parent, the courts shall deem the act as repeatedly using propagation material of the granted variety for the production of other variety.

As introduced, the propagation materials of new varieties of plants are easy to misappropriate and have marginal profits. Its infringement usually takes place in specific seasons or within certain territories. Such disputes are new type of IPR cases with very technical context.