

NUMBERS

65 Texts  
The Supreme People's Court recently awarded 65 judgment texts for the Second National Contest of IPR Court Judgment Texts.

65份  
日前,最高人民法院公布了获得第二届中国法院知识产权优秀裁判文书的获奖名单,65份裁判文书榜上有名。

284 Seizures  
Shanghai Customs had a fabulous year in IPR protection in 2006 by making 284 seizures with cargo value of 40 million RMB.

284件  
2006年上海海关在知识产权保护方面成绩显著,共查获侵犯知识产权案件284件,总案值逾4000万元。

13,109 Applications  
Sichuan province filed 13,109 patent applications in 2006, including 2,903 inventions, 4,401 utility models and 5,778 designs.

1.3109 万件  
2006年四川省申请专利1.3109万件,发明、实用新型、外观设计各为2930件、4401件和5778件。

38,284 Applications  
Shandong province filed 38,284 patent applications in 2006, 9,449 year on year and ranking the fourth following Guangdong, Jiangsu and Zhejiang.

3.8284 万件  
2006年山东省国内专利申请3.8284万件,与2005年相比增长9449件,列广东、江苏、浙江之后,位全国第4位。

2,938 Applications  
Enterprises from Nanjing, Jiangsu filed 2,938 patent applications in 2006, accounting for 43.25% of the city total. Their patents granted were 1,032, accounting for 36.25%.

2938 件  
2006年,江苏省南京市企业专利申请量达2938件,占全市专利申请总量的43.25%;企业专利授权量为1032件,占专利授权总量的36.25%。

32%  
According to the statistics from the Hangzhou Intermediate People's Court, the Court received 400 IPR cases and concluded 370 (212 patent, 158 others) in 2006. Copyright disputes increased 32%.

32%  
杭州市中级人民法院公布的数据显示,2006年该院共新收知识产权案件400件,审结370件,其中专利案件212件,其他类知识产权案件158件。著作权侵权纠纷案件比去年增长32%。

责任编辑: 向利  
Executive Editor: Xiang Li

Customs Protection of Beijing Olympics IPRs Acclaimed

北京奥运知识产权海关保护获肯定

At the press conference GAC Backs Up Olympics, On January 31, Gong Zheng, Vice Minister of the General Administration of Customs (GAC) revealed that the Chinese customs system had made nearly 100 seizures of inbound or outbound cargo infringing Olympic symbols since the implementation of the Regulations on the Protection of Olympic Symbols in 2002. The feat was fully recognized by the International Olympic Committee (IOC) and the Beijing Organizing Committee for the Games of the XXIX Olympiad (BOCOG).

When the Regulations was in effect, GAC formulated a set of complementing decrees to prescribe explicit border measures in protecting Olympic symbols in an efficient manner. Specific rules were drafted to regulate cooperation with BOCOG, ex officio seizures and internal proceedings. The Olympic symbols recorded at GAC were also released to the public. "It is expected that both travelers and cargo crossing the border will sharply increase during the Beijing Olympics, inevitably, so will the souvenirs and other goods infringing Olympic symbols," says

Gong, "with that in mind, we will beef up enforcement to make Beijing Olympics a successful and clean one."  
(by Wei Xiaomao)  
本报讯(记者魏小毛北京报道)1月31日,中国海关总署副署长龚正在“海关总署支持奥运会措施新闻发布会”上表示,自2002年《奥林匹克标志保护条例》实施以来,中国海关系统已查处进出口侵犯奥林匹克标志专有权货物的案件近百件。中国海关对奥林匹克标志的保护工作,赢得了国际奥林匹克委员会和北京奥组委的充分肯定。

龚正表示,海关总署为能够更有效地实施奥林匹克标志专有权的边境保护,在条例出台后及时制定了一系列的配套管理办法,在加强与北京奥组委的合作、主动查处和规范内部办案程序等方面作出了具体的规定,并将在海关总署备案的奥林匹克标志专有权向社会公开。  
“在北京奥运会举办期间,进出境旅客和货物会有较大幅度的增加,侵犯奥林匹克标志的纪念品和假冒盗版商品的进出境不可避免也会有所增多。我们将针对上述情况加强执法,力争使北京奥运会成为一个成功和干净的奥运会。”龚正表示。



Battles Won in Combating Internet Piracy in China

中国打击网络侵权盗版取得阶段性成效

During a specific campaign combating Internet piracy from September 2006 to January 2007, copyright administrations nationwide had investigated and treated 436 cases, imposed 705,100 RMB fines, confiscated 71 servers and 8 PCs for illegal use, shut down 205 web sites conducting illegal activity and transferred 6 cases to judicial authorities in pursuit of criminal liability," says Yan Xiaohong, Vice Minister of the News and Publication Administration and Deputy Commissioner of the National Copyright Administration of China, at a recent press conference, "the Chinese government will incessantly combat internet piracy and protect IPR as a whole."

sealed anymore to avoid possible clandestine seal-breaking for resumption of illegal use.  
(by Liu Ren)  
本报讯(记者刘仁北京报道)“各地版权行政管理部门在2006年9月底至2007年1月在全国范围内开展的打击网络侵权盗版专项行动中共查处案件436件,罚款70.51万元,没收非法服务器71台和电脑8台,关闭非法网站205个,移送司法机关追究刑事责任的案件6件。2月8日,中国新闻出版总署副署长、国家版权局副局长阎晓宏在新闻发布会上表示:“中国政府打击网络侵权盗版活动,保护知识产权的工作将坚持不懈地抓下去。”

据悉,此次专项行动的重点包括:查处通过互联网非法传播音乐、电影、软件等作品的侵权行为;打击非法从事私服、外挂等侵权盗版活动。此次专项行动的特点为:“查办刑事案件有所突破,其中1件已作出刑事判决;对没收的非法服务器不再采取封存方式,基本杜绝了服务器所有人日后私自封存、继续从事违法活动的可能。”

据悉,此次专项行动的重点包括:查处通过互联网非法传播音乐、电影、软件等作品的侵权行为;打击非法从事私服、外挂等侵权盗版活动。此次专项行动的特点为:“查办刑事案件有所突破,其中1件已作出刑事判决;对没收的非法服务器不再采取封存方式,基本杜绝了服务器所有人日后私自封存、继续从事违法活动的可能。”



Yan Xiaohong interviewed by Chinese and foreign media. 图为阎晓宏在接受中外记者的采访。(by Zhang Zihong) 本报记者 张子弘 摄

Pfizer Loses First-Instance over Wei Ge Trademark

“伟哥”中文商标争夺战 辉瑞公司一审落败

Not long after garnering a three-dimensional trademark for its blue tablet, Pfizer recently lost a court battle over a trademark Wei Ge, the Chinese trademark with similar pronunciation of Viagra and. Beijing First Intermediate People's Court denied all seven claims of the global pharmaceutical giant. Pfizer claimed that it invented Sildenafil Citrate (Viagra) and released it on the market. Chinese media started profuse reporting of the new drug from 1998 by dubbing it as Wei Ge which had a metaphor meaning in powerful brother in addition to its similar pronunciation. Wei Ge has evolved into an unregistered well-known mark along with the increase of wide coverage and

sales of the products. Guangdong Weierman Pharmaceutical registered Wei Ge with bad faith. It also licensed the trademark to Jaing-su Lianhuan Pharmaceutical who would sell the products at Xingainian Pharmacy's outlets. The acts of the three companies constituted unfair competition and trademark infringement. The court held that the media coverage furnished as evidence by Pfizer is not the marketing of the Wei Ge trademark and cannot give enough weight to prove Wei Ge's well-known status in China. Pfizer has never used Wei Ge, and cannot offer evidence of its advertisement or marketing of Wei Ge. In this connection, Wei Ge shall not be determined as an unregistered well-known mark owned by Pfizer.

Lianhuan used Wei Ge with the authorization of Weierman. Xingainian sold products bearing licensed Wei Ge trademark. Both companies practice their businesses in good faith. No unfair competition is constituted.  
(by Chang Ming)  
不久前,美国辉瑞有限公司刚刚赢得“蓝色小药丸”立体商标,而近日他们却在“伟哥”中文商标的争夺中暂时失败了。北京市第一中级人民法院一审驳回了辉瑞公司全部共7项诉讼请求。辉瑞公司提出,“枸橼酸西地那非(英文商标VIAGRA)由其研制问世,媒体在中国1998年起就采用了“伟哥”一词进行大篇幅的报道。随着广泛的宣传和产品销售量的增加,“伟哥”商标已成为该公司未注册的驰名商标。广

州威尔曼药业有限公司对该商标的抢先注册具有主观恶意,该公司将“伟哥”商标许可给江苏联环药业有限公司使用,并通过新概念大药房有限公司销售名为“伟哥”的药品,3公司的行为构成不正当竞争和侵犯商标权。法院经审理认为,被辉瑞公司作为证据提交的媒体报道并非该公司对“伟哥”商标的宣传,不足以证明“伟哥”商标在中国已具有较高知名度。辉瑞公司从未实际使用“伟哥”商标,也未证明其对“伟哥”商标进行了广告宣传,因此不能证明“伟哥”是辉瑞公司未注册驰名商标。联环公司经威尔曼新药公司许可使用“伟哥”商标,新概念公司销售联环公司经合法授权销售“伟哥”商标的商品,未违反市场竞争中应当遵循的诚实信用原则,因此不构成不正当竞争。(常鸣)

Circular on the Administration of Proprietary Symbols for Products with Geographical Indications

《地理标志产品专用标志管理办法》

The State Administration for Industry and Commerce (SAIC) recently released the proprietary symbols for products with geographical indications (GI) and the accompanying Circular on the Administration of Proprietary Symbols for Products with Geographical Indications which has been in effect since January 30, 2007. The Circular provides that the symbols may be used by the members of the SAIC-rated GI's registrant and those manufacturers or sellers authorized by the registrant. Users may use the symbols in conjunction with the GI free of charge. The Circular underlines that the symbols are official emblems and are being protected as official emblems. Unauthorized use of the symbols or the symbols similar to them by any organization or private party will be investigated and penalized under the Trademark Law and its Implementing Regulations by the administrations for industry and commerce. The symbols released this time include Trademark Office

of the State Administration for Industry and Commerce, Geographical Indications of China in both Chinese and English, and the English GI initials. 日前,中国国家工商行政管理总局对外公布地理标志产品专用标志,同时发布《地理标志产品专用标志管理办法》(以下简称《办法》),该办法已于2007年1月30日正式施行。《办法》明确规定,凡经中国国家工商总局商标局依法核准注册的地理标志的注册人的集体成员或经注册人许可的地理标志产品生产者、经营者均可使用该标志。该标志与地理标志一同使用,使用者无需缴纳任何费用。《办法》指出,地理标志产品专用标志属于官方标志范畴,按照官方标志进行保护。对于擅自使用地理标志产品专用标志或者擅自使用与地理标志产品专用标志近似标志的单位和个人,工商行政管理部门可依据商标法和商标法实施条例的有关规定予以查处。此次推出的地理标志产品专用标志包含中英文“中华人民共和国国家工商行政管理总局商标局”“中国地理标志”及英文GI(地理标志英文缩写字母)等要素。

IPR Protection Outline Released by Shanghai Expo

上海世博会出台知识产权保护纲要

The organizational committee of the Shanghai Expo recently released the IPR Protection Outline for the World Expo 2010 Shanghai, providing 10 measures in facilitating proceedings, reinforcing enforcement and optimizing service for efficient protection of participants' IPRs. As required in the Outline, Chinese government will: protect participants' IPRs under the Chinese laws and regulations and the international conventions and treaties China has adhered to; facilitate participants' filing of patent and trademark applications and recordation of IPRs at customs; install a local service center during the Expo to coordinate and resolve participants' IPR disputes; reinforce IPR administrative protection by forming an inter-agency mechanism in case transfer, information update, joint investigation and information sharing; investigate and penalize

IPR infringement in a rapid and efficient fashion through inter-agency and inter-region coordination. (by Wei Xiaomao)  
本报讯(记者魏小毛北京报道)近日,上海世博会组委会正式对外公布了《2010年上海世博会知识产权保护纲要》。该纲要从便利程序、加强执法、优化服务等方面提出了加强参展方知识产权保护的有关知识产权的10项措施。该纲要指出,中国政府将依据国内知识产权法律、法规和中国政府缔结、参加的国际公约、条约,依法保护各参展方的知识产权,将依法为各参展方办理专利、商标等申请和知识产权海关备案申请等手续提供便利;在世博会举办期间,将在园区内联合设立现场办事机构,协调和解决各参展方的有关知识产权纠纷,将加强知识产权的行政保护力度,形成案件移送、信息通报、配合调查、共享信息的工作机制,通过跨部门、跨地区的协作,快速有效地查处侵犯各参展方知识产权的行为。