

NUMBERS

2,658
In 2006, IPR tribunals at three-level people's courts in Beijing received a total of 2,651 cases at first instance and concluded 2,658, representing 37% and 41% increase respectively.

2658 件
2006年,北京市三级人民法院知识产权庭共受理各类一审知识产权纠纷案件2651件,审结2658件,分别比上年增长了37%和41%。

430
An increasing number of IPR suits were lodged at courts in Henan last year. The courts received 430 cases with claimed object value of 99.15 million RMB at first instance, a 26% growth over the previous year; 64 cases with claimed object value of 45.5 million RMB at second instance, a 24% growth. Copyright and trademark cases had the highest rates at 30%.

430 件
河南省法院去年受理的知识产权案件猛增,共受理一审知识产权案430件,总标的额为9915万元,比上年同期上升26%;受理二审知识产权案64件,总标的额为4550万元,比上年同期上升24%。其中,著作权和商标权案件上升幅度最大,均在30%左右。

30
In 2006, Hong Kong Customs uncovered 30 copyright piracy cases, detained 75 suspects and HK \$1.67 million worth of goods.

30 宗
2006年,香港海关侦破各类侵犯版权案件达30宗,被拘控人员75人,拘留货物价值167万元。

48
Beijing Customs uncovered 2 Olympic symbols infringements, seizing 10 sets of forfeited Olympic souvenir coins and 48 forfeited T-shirts in two consecutive inspections recently.

48 件
近期,北京海关连续查获两起奥运侵权案件,查获侵权奥运纪念品10套、文化衫48件。

5,900
Chongqing cultural enforcement agency along with local police raided 3 wholesale traders and seized 5,900 pirated compact disks in a tavern in Shiqiaoou of Gaoxin District in a recent action.

5900 张
近日,重庆市文化执法部门会同警方,在高新区石桥铺一招待所内捣毁3个盗版光盘发货窝点,查获5900余张盗版光盘。

89,000
In 2006, administrations for industry and commerce in Ningxia checked 47,000 commercial establishments, closed down 11 counterfeit workshops, handled 2 trademark infringement cases and 2 cases of forging, manufacturing and selling others' registered trademarks without authorization, totaling 89,000 infringing trademark labels.

8.9 万件
2006年,宁夏回族自治区工商部门共检查4.7万户经营主体,捣毁制假售假窝点11个,查处侵犯驰名商标专用权案件2件,查处伪造、擅自制造及销售他人注册商标案件2件,没收侵权商标标识8.9万件。

责任编辑: 汪玮
Executive Editor: Wang Weiwei

2007 China's Action Plan on IPR Protection Released 年中国保护知识产权行动计划发布

To comprehensively, systematically and concretely interpret Chinese government's measures on IPR protection work in 2007 and to effectively direct the national IPR protection work, on April 2, the State Office of Intellectual Property Protection released China's Action Plan on IPR Protection which covers 10 aspects of IPR protection and includes 276 specific measures.

Under the Action Plan, relevant agencies will launch multiple actions to protect IPR. Legislation: to draft, create and revise 14 laws, regulations and provisions on trademark, copyright, patent and customs protection as well as 7 judicial interpretations and guiding principles. Enforcement: 14 special rectification campaigns, including Daily Anti-piracy Campaign, Special Campaign on Combating Pirated Teaching

Materials and Supplements, Operation Blue Sky, and 11 routine law enforcement programs are to be launched. Court trials: 8 measures will be adopted to ensure indigenous innovation capabilities and IPR originalities of the whole society. Administration: 8 categories of 46 measures are to be employed to improve the mechanism, such as setting up high-efficiency law enforcement coordination mechanism, improving and standardizing functions of the reporting and complaining service centers for IPR protection. Research: 23 topical researches on IPR protection will be conducted.

(by Dou Xinying and Zhang Haizhi)
本报讯 (记者吴新颖 张海志 北京报道)为全面、系统、具体地阐述中国2007年保护知识产权工作的具体措施,有效指导全国知识产权保护工作,4月2日,国家保护知

识产权办公室公布了《2007年中国保护知识产权行动计划》。根据该计划,今年中国将在10个方面,采取276项具体措施全面保护知识产权。

据悉,按照《2007年中国保护知识产权行动计划》,各相关部门将开展多项行动,加强知识产权保护。在立法方面将起草、制定、修订14个涉及商标、版权、专利和海关保护的法律法规、规章和管理办法以及7个司法解释和指导性意见。在执法方面将开展“反盗版天天行动”、“打击盗版教材教辅专项行动”、“蓝天会专项行动”等14个专项整治行动以及11个日常执法项目;在审判工作方面将采取8项措施保障全社会自主创新能力和知识产权创造活力;在机制建设方面将采取建立高效的执法协调机制,完善、规范保护知识产权举报投诉服务中国服务功能等8个方面,46项具体措施;另外,还将重点开展23项知识产权保护课题研究。



Final assembly of China's homemade regional jet with self-generated IPRs ARJ21 starting in Shanghai on March 30. The new airliner with passenger capacity ranging from 70 to 110 seats on different versions and wider cabin size in its class, is eligible to service short and mid range regional routes of over 80% current domestic routes (Courtesy: Newsphoto)

590 Million Illegal Publications Seized by Police in Past Five Years 中国公安5年收缴非法出版物5.9亿件

As informed at the National Public Security Conference, during the five years from 2002 to 2006, public security agencies (police) nationwide had uncovered 165,000 violations manufacturing and selling pornographic and pirated publications and seized 590 million illegal publications.

Police combated piracy crimes and intensified public security administration from both the perspectives of key geographical areas and key links of the supply chain, worked closely with

other agencies concerned, and constantly intensified actions. The police had launched many specific campaigns, including Special Campaign Against Pirated AV Products, Regional Action against Piracy Crimes, 100-Day Campaign Against Piracy, Daily Anti-Piracy Campaign. (by Jing Hua)

本报讯 从近日在北京召开的全国公安管理工作会议上获悉:2002年至2006年5年间,中国各级公安机关共破获制黄贩黄、侵权盗版案件16.5万起,收缴各类非法出

版物5.9亿件。

据介绍,有关部门负责人介绍,各级公安机关从严厉打击侵权盗版犯罪行为 and 强化治安管理特别是对重点区域、重点部位管控两个方面入手,积极会同有关部门,不断加大打击力度,相继组织开展了“打击盗版音像制品专项行动”、“打击侵权盗版违法犯罪活动区域性整治行动”、“反盗版百日行动”和“保护知识产权,反盗版天天行动”等多项专门工作。(京华)

Hong Kong Customs Delivers Heavy Jab to Piracy 香港海关重拳打击盗版

At the Mainland and Hong Kong Copyright Criminal Law Seminar on March 31, Commissioner Timothy Tong of Hong Kong Customs and Excise Department said, after the implementation of Copyright Ordinance in 1997, copyright piracy was unequivocally deemed as a crime, thus curbing piracy and infringement effectively. The number of shops selling pirated compact disks in Hong Kong drops from 1,000 in 1998 to 35 for the time being.

本报讯 (记者吴辉香港报道)3月31日,在“内地与香港侵犯版权刑法论坛”上,香港海关关长汤显明表示,香港自1997年制定《版权条

Region by applying specific measures to the four respective links of the supply chain: retail, manufacturing, distribution, import and export. In response to the elevated sanction on IPR crimes by the newly amended Copyright Ordinance, Hong Kong courts immediately made wrongdoers feel the deterrent. The percentage of those convicted and serving extended imprisonment term (6 months or above) increases from 30% in 1997 to 70% for the time being. (by Wu Hui)

表示,香港自1997年制定《版权条

例》以来,将侵犯版权行为明确为刑事犯罪,有效地遏制了盗版侵权行为的发生。据统计,全港盗版光盘店铺的数目也由1998年的1000间,降至目前的35间左右。

据介绍,对境内各类侵犯版权行为,香港海关一直采取严厉的执法,并在零售、制造、分销和进出口四个层面上,分别采取各具针对性的措施。同时,随着新修订的《版权条例》提高了对侵犯知识产权案件的刑罚,香港法院也迅速做出响应,加强对违法者的震慑作用。因侵犯版权而被定罪判处较长刑期(即刑期在6个月以上)者的比例从1997年约30%增至目前的70%以上。



EXPRESS

Cartier Sues a Beijing Photography Studio for Free Ride

“卡地亚”状告北京一影楼搭便车

Cartier International, owner of the world-renowned jewelry brand Cartier sued Beijing Qing Ding Qi Yuan Wedding Service Center and Ka Di Ya Wedding Photography Studio for trademark infringement. The Beijing First Intermediate People's Court heard the media-attentive case on April 3.

The plaintiff claims, after 1995, both Cartier and 卡地亚 (pronounced in Chinese, Ka Di Ya) became registered trademarks, and in 2004, they were endorsed as well-known marks by the Trademark Office of the State Administration for Industry and Commerce. The words 卡地亚 (also pronounced Ka Di Ya) used by the two defendants in their registered company names, are similar to the registered trademark 卡地亚.

The defendants argue that the name 卡地亚 was a representation of the owner's respect to the famous French photographer Henri Cartier Bresson and his intent to associate his photographic skills with the French master's. The decoration of the storefront is also in unison with the exotic name. In addition, as well-known and reputable companies in wedding photography business, they do not need

to take a free ride with the plaintiff's brand from an utterly irrelevant business.

The court did not make its decision immediately and would hear the case again on a separate day.

(by Guo Jingxia)
本报讯 (通讯员郭京霞北京报道)4月3日,备受关注的世界知名珠宝品牌“卡地亚”的拥有者卡地亚国际有限公司诉北京清订奇缘婚纱摄影中心及卡地亚婚纱摄影馆商标侵权一案,在北京市第一中级人民法院开庭审理。

原告方认为,自1995年以来,“Cartier”和“卡地亚”先后在中国获准商标注册,并于2004年被国家工商行政管理总局商标局认定为驰名商标。两被告在申请登记的字号中使用“卡地亚”3个字与原告注册拥有的驰名商标“卡地亚”相近似。

被告方表示,影楼名称之所以为“卡地亚”,主要源于对法国著名摄影师 Henri Cartier Bresson (亨利·卡蒂埃·布列松)的崇敬,以暗示自己的摄影水平,同时使店名与其店面的异域情调相协调。此外,作为在婚纱摄影行业中享有较高知名度和良好信誉的企业,没必要“依傍”与自己经营领域毫不相关的原告品牌。

据悉,案件没有当庭判决,将另行开庭审理。

IP CHINA'S IPR MANUAL

New Judicial Interpretation Steps up Sanctions on IPR Crimes

两高出台新司法解释加大知识产权刑事司法保护力度

After the significantly lowering the criminal threshold for IPR violations in their judicial interpretation (JI) in December 2004, the Supreme People's Court and the Supreme People's Procuratorate released a new JI on April 5 to further strengthen protection against IPR crimes.

As introduced by a Supreme Court source, the two judicial authorities fine-tuned the 2004 JI after deliberating the new developments of IPR protection and evaluating the experiences of judicial practice in criminal protection.

One notable change in the new JI is the deep drop of the threshold for the requirement of amount of copies in copyright infringement. Under the JI, where the copies of unauthorized and for-commercial-purpose reproductions of literary works, music, movie, TV, video, computer software and other works are over 500, the act falls into other serious acts under Article 217 of the criminal law. Where the copies are over 2,500, the act falls

into other very serious acts under the same article.

继2004年12月最高人民法院、最高人民检察院联合出台司法解释,大幅降低知识产权犯罪刑事制裁“门槛”后,4月5日,两司法机关再次联合出台新的办理侵犯知识产权刑事案件司法解释,进一步加大知识产权的刑事司法保护力度。

最高人民法院有关负责人介绍,根据我国近年来保护知识产权形势的发展,以及司法实践中出现的新情况、新问题,两司法机关在总结知识产权刑事司法保护实践经验的基础上,对2004年出台的司法解释进行了补充和完善。

新的司法解释一个较大的变化是明显降低了侵犯著作权罪的数量门槛。根据这一司法解释,以营利为目的,未经著作权人许可,复制发行其文字作品、音乐、电影、电视、录像作品、计算机软件及其他作品,复制品数量合计在500张(份)以上的,属于刑法第217条规定的“有其他严重情节”;复制品数量在2500张(份)以上的,属于刑法第217条规定的“有其他特别严重情节”。