

NUMBERS

132,994
SIPO received a total of 132,994 patent applications of the three kinds from January to March 2007, among which 52,826 were for invention, 37,122 for utility model and 43,046 for design.

13.2994 万件
2007年1至3月份, 中国国家知识产权局共受理3种专利申请13.2994万件, 其中发明专利5.2826万件, 实用新型专利3.7122万件, 外观设计专利4.3046万件。

17
As of the end of 2006, the number of intermediate courts of law with jurisdiction over patents, new variety of plants and layout designs of integrated circuit were 62, 38 and 43 respectively. 17 lowest courts had jurisdiction over IPR civil disputes.

17 个
截至2006年底, 中国具有专利、植物新品种和集成电路布图设计案件管辖权的中级法院分别为62个、38个和43个, 具有知识产权民事案件管辖权的基层法院有17个。

1,227
In 2006, IP administrations nationwide received a total of 1,227 patent infringement and 43 other patent disputes, dealt with 33 cases faking others' patents and 933 cases faking patent identity, dispatched 20,475 officers/times, checked 7,780 commercial establishments and 2.96 million pieces of goods, transferred 44 cases to other agencies, received 35 cases from other agencies and participated in 469 joint enforcement operations.

1227 件
2006年, 中国各地知识产权局共受理专利侵权纠纷案件1227件, 受理其他专利纠纷案件43件, 查处假冒他人专利案件33件, 查处冒充专利案件933件, 出动执法人员2.0475万人次, 检查商业场所7780次, 检查商品296万余件, 向其他部门移交案件44件, 接受其他部门移交案件35件, 与其他部门协作执法469次。

55
Establishment of IPR pilot areas reaped fruits with 55 state-directed pilot cities, 10 model cities, 14 pilot high-tech parks and 2 model parks.

55 个
目前, 中国已批准国家级知识产权试点城市55个, 示范创建市10个, 试点园区14个, 示范创建区2个。

110,000,000
While implementing the Sunshine Campaign Regulating AV Markets, Quarter Campaign Regulating Cultural Markets and 100 Day Campaign Against Piracy in 2006, the Ministry of Culture and its local administrations dispatched 5,035,000 officers/times, checked 4,163,000 shops, seized 110,000,000 copies of illegal AV products and held two centralized destructions.

1.1 亿件
中国文化部2006年部署开展了“音像市场整治阳光行动”、“文化市场集中执法季行动”和“反盗版百日行动”等专项整治行动, 在全国范围内共出动执法人员503.5万人次, 检查经营单位416.3万家次, 收缴各类违法音像制品近1.1亿件, 并举办了两次集中销毁活动。

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China Boosts IPR Dialogues and Cooperation with Japan and ROK

中国将与日韩加强知识产权领域对话与合作

Chinese Premier Wen Jiabao delivered a speech to the Chinese and Korean business community on the economic and trade cooperation between the two countries in a luncheon on April 11 during his visit to the neighboring country. Wen said that the Republic of Korea (ROK) generated many advanced technologies with indigenous IPRs in its process to become an industrialized country, said Wen. In an effort to ensure sustainable development of the two economies, China is willing to learn from the Korean experiences and boost technological communication with ROK in the fields of environmental protection, energy-saving, telecommunication, logistics,

high-tech and IPR protection. In his ensuing trip to Japan from April 11 to 13, the premier signed a joint news release with the Japanese government in Tokyo on April 11. Both sides agree to strengthen the cooperation in energy, environmental protection, finance, telecommunication and IPR protection among many other fields. IPR dialogues and cooperation are to be unfolded on the basis of mutual respect and benefit for the gradual upgrading of IPR use and protection standard and the resulting favorable development of the economic ties between the two countries.

本报综合新华社消息 4月11日, 出访韩国的中国国务院总理温家宝在中韩经济界午餐会上发表了题

为《共同谱写中韩经贸合作的新篇章》的演讲。温家宝在演讲中指出, 韩国在工业化过程中, 形成了拥有自主知识产权的先进技术。中国愿意学习和借鉴韩国的先进经验, 与韩国开展技术交流, 加强在环保、节能、通信、物流、高科技和知识产权保护等方面的合作, 促进两国经济可持续发展。

4月11日至13日, 温家宝应邀访问日本。4月11日, 双方在东京发表《中日联合新闻公报》。公报指出, 双方将加强在能源、环保、金融、信息通信技术、知识产权保护等领域的合作, 充实和完善合作机制。公报还指出, 双方同意在相互尊重、互利共赢的基础上, 加强知识产权领域的对话与合作, 共同促进知识产权运用与保护水平的不断提高, 以推动两国经济关系顺利发展。



Pedestrians walking past a window display of luxury goods in a Beijing department store. The latest Global Luxury Report forecasts 60% luxury brands are expected to have their own plants in China by 2009. (by Zhong hua) 据最新版《环球奢侈品报告》预测, 到2009年, 60%的国际奢侈品将在中国有自己的生产线。图为行人从北京一家商场的奢侈品橱窗广告前经过。 钟华 摄影报道

The National IPR Week 2007 Opens

中国保护知识产权宣传周活动拉开序幕

On April 20, the opening ceremony of the National IPR Week 2007 was held in Beijing.

The IPR Week serves to enhance social awareness of IPR protection and public participation in IPR protection. Since its inauguration, it has gradually become a platform to publicize IPR laws and elevate awareness.

More agencies are present at the event than the past three years, namely 18 central government departments including State Office of Intellectual Property Protection, Ministry of Publicity of CPC Central Committee, Ministry of Justice, General Administration of Customs, State Administra-

tion for Industry and Commerce, National Copyright Administration and State Intellectual Property Office. New themes, such as 12312 hotline and protection of Olympic IPRs are added. Many publicity events are organized in popular and fun fashion. Among them, SIPO held a contest to select IPR songs. Local governments are also about to hold numerous other unique, creative and influential events with their geographical feature.

(by Yan Wenfeng) 本报讯 (记者闫文锋北京报道) 2007年保护知识产权宣传周”活动于4月20日在北京拉开序幕。据介绍, “保护知识产权宣传

周”活动旨在提高社会公众的知识产权意识, 号召全社会参与知识产权保护工作。自首次举办以来, 宣传周已逐渐成为宣传中国知识产权法律法规, 提高公众保护知识产权意识的平台。

据介绍, 与前三年相比, 今年的宣传周参与的部门多, 由中国国家保知办、中宣部、公安部、司法部、海关总署、工商总局、版权局、知识产权局等18个部门联合主办。内容新, 突出12312公共服务热线和奥运会知识产权保护。宣传各具特色, 国家知识产权局组织了“知识产权歌曲征集和评选”等活动。各地也将因地制宜开展有特色、创意新、影响广的活动。

China: US Petition at WTO on IPR Disputes not Sensible

美方决定将中国知识产权等问题诉诸 WTO 中方认为此做法不理智, 不明智

The United States Trade Representative (USTR) Susan Schwab announced on April 9 the U.S. government on Monday filed complaints against China in the World Trade Organization (WTO) over IPR disputes and market access restrictions on the sale of American publications. Chinese IPR agencies soon expressed their discontent and regret over the US action.

"It's neither a sensible move nor a rational decision for the U.S. government to file such complaints," said Tian Lipu, commissioner of the State Intellectual Property Office (SIPO), at a national meeting of IPR heads on April 10. "By doing so, the United

States had ignored the Chinese government's immense efforts and great achievements in strengthening IPR protection and tightening enforcement of its IPR laws, especially given a new judicial interpretation was just released to significantly lower the threshold for prosecuting copyright crimes," added Tian.

The European Union will not join the US action and still favors dialogue over WTO cases to settle trade disputes, the EU Trade Commissioner Peter Mandelson told Xinhua on April 16. 本报综合消息 针对美国贸易谈判代表施瓦布4月9日宣布美方决定要将中国知识产权问题、出版物市场准入问题诉诸世界贸易组织

争端解决机制。连日来, 中国各相关部门纷纷发表意见, 对美这一做法表示不满和遗憾。

4月10日, 中国国家知识产权局局长田力普在全国知识产权局局长会议上表示, “美方向WTO提出这种起诉是不明智的, 也是不理智的。”田力普说, 美方此举无视中国政府加强知识产权保护执法力度所付出的巨大努力, 以及取得的重大成果。特别是中国刚刚出台司法解释明显降低了侵犯著作权罪的门槛。

4月16日, 欧盟委员会贸易委员曼德尔森在接受新华社记者采访时说, 欧盟暂不考虑参与美国针对中国知识产权等问题向世界贸易组织提起的诉讼, 对话仍是解决中欧贸易争端的优先选择。

EXPRESS

Four Recording Giants Winning at First Instance Against Alibaba

全球4大唱片集团诉阿里巴巴一审获胜

Eleven recording companies affiliated with four top recording groups sued Yahoo China for a damage of 5.5 million RMB over Yahoo's music downloading service that infringes their copyrights. The infringement by Alibaba was established at first instance by Beijing Second Intermediate People's Court on April 23.

The 11 companies claimed that Alibaba, Yahoo China's parent company began music listening and downloading service of their rightful phonograms, namely 223 Chinese and English songs in 47 labels, to the public at www.yahoo.com.cn from April 10, 2006. The plaintiffs believed their rights of reproduction, information network distribution and royalty acquisition over these songs were infringed by Yahoo since the management of the web site abetted, joined and assisted others to provide listening and downloading service by editing and offering relevant information of the songs such as lyrics and ring tones.

Alibaba rebutted that the service it provides is merely a hyperlink service rather than downloading. Users may access third party web pages only by clicking searched links. For that, Yahoo China has fulfilled its legal obligation. (by Wu Ming)



本报讯 全球4大唱片集团旗下11家唱片公司联手将雅虎中国诉上法庭, 状告其提供的音乐下载侵犯著作权, 索赔共计550万元。4月23日, 北京市第二中级人民法院一审判决雅虎中国的母公司北京阿里巴巴公司侵权成立。11家唱片公司联合诉称, 雅虎中国的母公司北京阿里巴巴信息技术有限公司自2006年4月10日开始, 通过雅虎中文网站, 向公众提供涉及原告享有录音制作版权的47张音乐专辑, 共计223首中英文歌曲的试听及下载服务。11家唱片公司认为, 雅虎网站的经营者通过整理、提供歌词、铃声等具体歌曲文件信息方式, 诱使、参与、帮助他人提供视听及下载服务, 侵犯了其对这些歌曲所享有的复制权、信息网络传播权以及相应的获得报酬权。

而阿里巴巴认为, 雅虎中国提供的就是一个链接服务, 而非非下载服务, 只有用户点击搜索到网址, 才会链接第三方网页。雅虎中国已经充分履行了法律义务。(吴鸣)



WTO Dispute Settlement System

WTO 争端解决机制

The dispute settlement system of the World Trade Organization (WTO) was established subject to Annex 2 Understanding on Rules and Procedures Governing the Settlement of Disputes of the Marrakesh Agreement Establishing the World Trade Organization.

WTO Dispute Settlement System only receives three kinds of complaints, violation complaints, non-violation complaints and situation complaints.

WTO Dispute Settlement System serves to preserve the rights and obligations of Members under the covered agreements, and to clarify the existing provisions of those agreements in accordance with customary rules of interpretation of public international law. The provisions of this Understanding are without prejudice to the rights of Members to seek authoritative interpretation of provisions of a covered agreement through decision-making under the WTO Agree-

ment or a covered agreement which is a Plurilateral Trade Agreement. Recommendations and rulings of the Dispute Settlement Body cannot add to or diminish the rights and obligations provided in the covered agreements. 《马拉喀什建立世界贸易组织协议》附件二《关于争端解决规则与程序的谅解》确立了世界贸易组织(WTO)的争端解决机制。

WTO 争端解决机制只受理3种投诉: 违法之诉、非违法之诉和情势之诉。

WTO 争端解决机制的主要职能有: 第一, 维护 WTO 各成员依据 WTO 协定所享有的各项权利和所承担的各项义务。第二, 按照国际公法解释的习惯规则, 澄清 WTO 协定的各项现行规定。但在行使职权时, WTO 争端解决机制不得损害各成员根据 WTO 协定或诸边贸易协定, 通过决策程序谋求权威解释各该协定条款的权利, 而且其作出的各种建议和裁定也不得增加或减损 WTO 协定所规定的各项权利和义务。