



NUMBERS

370,000
As of the end of 2006, 370,000 trademarks relating to agricultural products had been registered, accounting for 13% of all the trademarks registered.

37 万件
截至 2006 年底, 中国农产品商标注册量约 37 万件, 占全部商标注册总量的 13%。

140
Through the end of June 2007, 140 plants or flowers were protected as variety rights.

140 个
截至 2007 年 6 月底, 中国已有 140 个林木和花卉品种获得品种权保护。

176
Chinese government has organized 176 training courses on technology for developing countries in the past five years.

176 个
近 5 年来, 中国政府共举办了 176 个发展中国家技术培训班。

28,000
Year to date, Beijing city administration together with police have raided three underground manufactures of counterfeit Fuwas and seized 28,000 finished and semi-finished Fuwas.

2.8 万件
2007 年以来, 北京市城管部门联合公安部门连续端掉 3 个制售假福娃的窝点, 查获假福娃成品和半成品达 2.8 万余件。

525
As of the end of May 2007, Dali Bai Nationality Borough in Yunnan had registered 525 trademarks, 21 of which were determined famous marks of Yunnan.

525 件
截至 2007 年 5 月, 云南大理白族自治州经国家工商行政管理总局商标局核准注册商标 525 件, 其中 21 件被认定为云南省著名商标。

50,000
According to the latest Hunan Measures on Sponsoring Patent Filing by Hunan IP Office, 2,000 yuan may be granted to a service invention, 1,000 yuan to a non-service invention and 50,000 yuan to a foreign patent filing.

5 万元
根据湖南省知识产权局最新出台的《湖南省专利申请资助办法》, 职务发明专利每件可获得资助 2000 元, 非职务发明专利每件可获得资助 1000 元, 向国外申请专利每件可获得资助 5 万元。

1,596
Between 2004 and 2006, Shandong had uncovered 1,596 cases of faking patent identity or faking other's patent, received 318 patent infringement disputes, handled 5,490 trademark violations and 11,000 cases involving pirated AV products.

1596 件
2004 年至 2006 年, 山东省累计查处冒充和假冒他人专利 1596 件, 受理专利侵权纠纷 318 件, 查处各类商标违法案件 5490 起, 查处音像制品案件 1.1 万余起。

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Supreme Court stresses aggressive protection for self-generated IPRs

中国将加强自主知识产权司法保护

People's courts of all layers are required to be more meticulous when handling tech-related cases encompassing patents, trade secrets or computer software and to steer more discretion toward the protection of those self-generated IPRs loaded with essential technology and economy-driven breakthrough advances, highlighted Wan E'xiang, Vice President of the Supreme People's Court at the National Conference of High Court Presidents on July 4.

In an attempt to instruct the courts in their roles under the current circumstances, Wan said courts shall properly try cases involving trademark, geographical indication and unfair competition so as to strictly regulate the order of market competition; exercise extra caution in applying laws and finding facts for the determi-

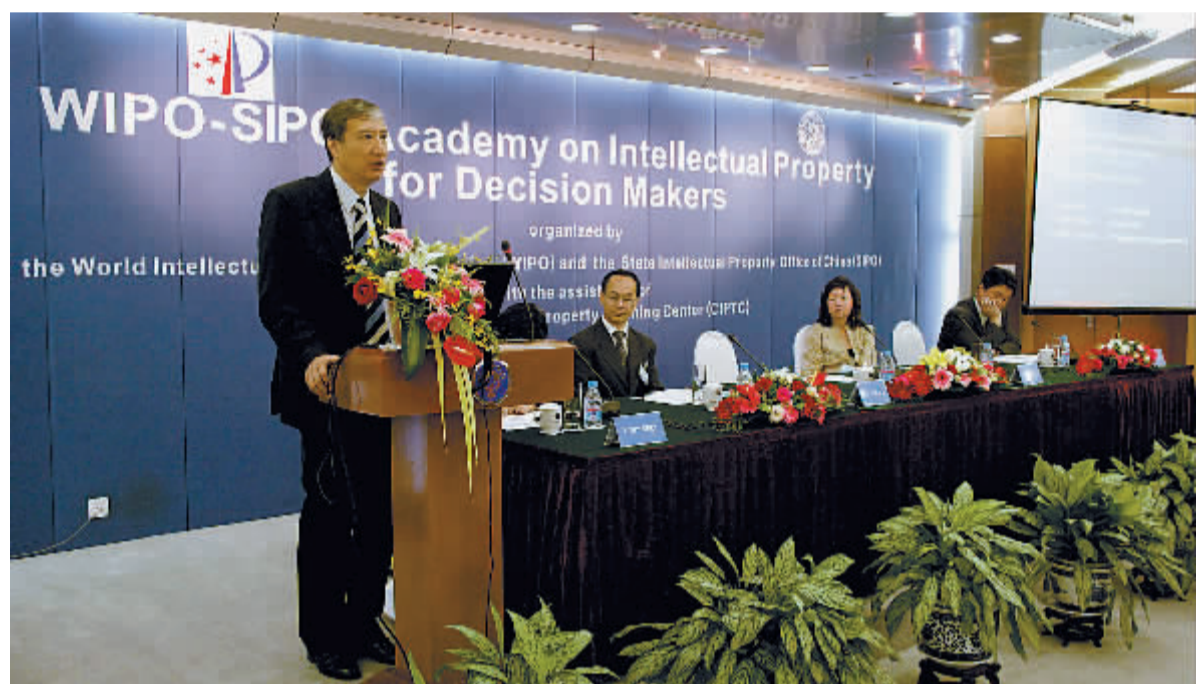
nation of well-known marks; properly handle cases concerning works and AV products to boost the development of the content industry. In terms of treatment of cases related to foreign parties or foreign-funded-companies, courts shall practice in an impartial and equitable manner to ensure righteous protection of the legitimate rights and interests of the parties, foreign and domestic. While local and sectoral protection shall be repelled, no de facto super nation treatment shall be accorded. The designed functions of the current legislations shall be in full exercise to regulate IPR misuse and preserve fair competition.

(by Wei Xiaomao)

本报讯 (记者魏小毛北京报道) 7月4日, 全国高级法院院长座谈会召开。最高人民法院副院长万鄂湘强调, 要审理好涉及专利、

技术秘密、计算机软件等技术性知识产权案件, 加大对经济增长有重大突破性带动作用、具有自主知识产权的关键核心技术的保护力度。

万鄂湘指出, 法院要审理好涉及商标、地理标志等标识性知识产权案件和各类不正当竞争案件, 严格规范市场竞争秩序。要特别注意把握好认定驰名商标的正确导向, 严把法律适用关和事实关, 慎重认定驰名商标, 加强备案和监督指导工作。要审理好涉及作品和录音录像制品等表达性知识产权案件, 推动版权相关产业健康发展。要审理好涉外和涉“三资企业”知识产权案件。按照履行承诺、适应国情、平等保护的要求, 依法保护中外当事人和利益相关方的合法权益, 既要坚决抵制地方保护和行业保护, 又要防止造成事实上的超国民待遇。要充分发挥现有法律法规的作用, 规制滥用知识产权行为, 维护公平竞争。



From July 3 to 6, the WIPO-SIPO Academy on Intellectual Property for Decision Makers was held at the China Intellectual Property Training Center in Beijing. SIPO Commissioner Tian Lipu addresses at the opening ceremony. (by Liu He and Yang Shen/photo)
7月3日至6日, 由世界知识产权组织(WIPO)和中国国家知识产权局(SIPO)主办、中国知识产权培训中心承办的WIPO-SIPO政策决策者知识产权研讨班在北京举办。图为国家知识产权局局长田力普在开班仪式上发表演讲。本报记者 刘河 杨申 摄影报道

China Software Innovation Report 2007 released

《2007 中国软件自主创新报告》正式发布

The China Software Innovation Report 2007, drafted by 10 top IT experts including Academician Ni Guangnan of the China Academy of Engineering, was formally released recently. The report displays the high speed growth of the Chinese software industry and its readiness for a hyper explosive stage.

The report suggests the sales volume of China's software industry grew 23% year on year to 480 billion yuan in 2006. The anticipated 20%+ increase will bring the market for software to 580 billion yuan by 2007 and 1 trillion yuan by 2010. The roadmap of the development of the industry is segmented into stages of infancy (late

1980s to early 1990s), budding (1991 to 1998), booming (1998 to 2003) and explosive (since 2003).

According to the report, more aggressive mergers and acquisitions of domestic software companies as well as full throttle industry integration has been witnessed since 2006. In 2007, the trend was even more manifest. Embedded software and software outsourcing are the pillars of the bursting growth.

(by Dou Xinying/Zhang Haizhi)

本报讯 (记者窦新颖 张海志北京报道) 日前, 由中国工程院院士倪光南等 10 多位专家撰写的《2007 中国软件自主创新报告》正式发布。报告指出, 中国软件产业将继续保持

高速增长, 正进入一个“腾飞阶段”。

报告显示, 截至 2006 年底, 中国软件产业规模达 4800 亿元, 同比增长 23%。2007 年这一数字将达 5800 亿元, 继续保持 20% 以上的增长势头, 预计到 2010 年软件销售收入达到 1 万亿元。报告将 20 世纪 80 年代末 90 年代初设为中国软件产业发展的萌芽阶段, 1991 年至 1998 年为起步阶段, 1998 年至 2003 年为兴起阶段。2003 年以来, 中国软件产业已逐步融入全球化市场, 进入腾飞阶段。

报告称, 2006 年始, 国内软件企业并购和软件产业整合速度进一步加快, 这一趋势在 2007 年更为明显; 嵌入式软件和软件出口外包日趋成为软件产业重要增长点。

Updated CEPA signed in Hong Kong

《CEPA 补充协议四》在香港签署

On June 29, Supplement IV to the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) was signed by Henry Tang, secretary of Finance of HKSAR government, and Vice Minister of Commerce Liao Xiaoli. The updated agreement, aiming to further open the mainland market to Hong Kong, will come into force on January 1, 2008.

Three welcoming features are within the Supplement IV to the CEPA. First, the mainland will open 11 new service areas to Hong Kong, including photography, sports and environment. Adding the 27 areas already accessible by

Hong Kong, the mainland will open a total of 38 areas to Hong Kong. Second, the agreement promises further access to these 17 areas such as healthcare, insurance, banking, securities, tourism and self-employed traders by relaxing entry thresholds for Hong Kong service suppliers. Third, more diversified modes of liberalization are prescribed with cross-border supply permitted for management and consultation services, conventions and exhibitions and entertainment. (by Jinhui)

本报讯 6月29日, 商务部副部长廖晓洪与香港特区政府财政司司长唐英年分别代表中央政府和香港特区政府签署了《内地与香港关于建立更紧密经贸关系的安排》补

充协议四》(以下简称《CEPA 补充协议四》)。根据该协议, 内地对香港的开放进一步扩大。该协议将于 2008 年 1 月 1 日起正式实施。

据悉, 《CEPA 补充协议四》有 3 个特点: 开放领域更多, 新增了摄影、体育、环境等 11 个领域的开放内容, 加上已经开放的 27 个领域, 目前内地对香港服务贸易的开放领域已达 38 个; 开放程度更高, 在医疗、保险、银行、证券、旅游、个体工商户等原有 17 个领域开放承诺的基础上, 进一步放宽了香港服务提供者进入内地市场的准入条件; 开放模式更多样, 在与管理咨询相关的服务、会展、文娱领域允许以跨境交付方式提供服务。(慧 编)



Rock Records seeks injunction against songs on demand

滚石状告三公司信息互动点歌侵权

Rock Records International Music Co. Ltd, sought injunction against Changsha Branch of Hunan Telecom, Changsha Huixun Infotech and Changsha Branch of China Mobile Hunan Company at Changsha, Hunan Intermediate People's Court and 680,000 yuan in damages. The court heard the case on June 25.

As a distinguished record company in Taiwan, Rock Records claimed 68 works including the Artist Kong Leung's Fairy Tale MTV were shot and produced by it and protected under the Chinese copyright law. The three defendants provided its copyrighted works in their songs on demand service through cable TV network without its consent. The act constitutes infringement of its statutory rights and caused significant economic injury to it. The case is pending for

further trial. (by Dou Xinying)

本报讯 (记者窦新颖北京报道) 因认为信息互动点歌侵犯其 MTV 作品的版权, 滚石国际音乐股份有限公司(以下简称滚石公司)将湖南省电信有限公司长沙市分公司、长沙汇讯信息科技有限公司、中国移动通信集团湖南有限公司长沙分公司诉至湖南省长沙市中级人民法院, 要求三公司停止侵权, 共同赔偿经济损失 68 万元。6月25日, 长沙市中级人民法院开庭审理了此案。

作为中国台湾地区的一家知名唱片公司, 滚石称, 歌手光良演唱的《童话》MTV 等 68 首作品是其拍摄、制作并在大陆享有版权, 而该三公司未经许可, 通过有线电视网络, 以信息互动点歌的方式共同侵犯滚石公司享有版权的上述 MTV 作品, 侵犯其依法享有的权利, 给其造成了巨大的经济损失。据悉, 此案正在进一步审理中。



Labor Contract Law of the People's Republic of China
《中华人民共和国劳动合同法》

The 28th meeting of the Standing Committee of the 10th National People's Congress (NPC), China's top legislature, adopted the Labor Contract Law of the People's Republic of China on June 29.

The law, which will come into force on January 1, 2008, regulates trade secret and IPR-related confidentiality, covenant not to compete post termination of a labor contract between employer and employee.

Article 23 in Chapter II provides employer and employee may fix provisions concerning trade secret and IPR-related confidentiality in their labor contract. For the employee with the confidentiality obligation, the employer may stipulate not to compete in the labor contract or a separate confidentiality agreement, on the condition of compensating the employee on the monthly

basis within the not to compete term from the date of the termination of the labor contract.

6月29日, 第十届全国人大常委会第二十八次会议通过并公布了《中华人民共和国劳动合同法》(以下简称劳动合同法)。劳动合同法对用人单位与劳动者之间约定保守用人单位的商业秘密和与知识产权相关的保密事项、劳动合同解除或者终止后劳动者的竞业限制条款等做出了规定。该法将于 2008 年 1 月 1 日起正式实施。

劳动合同法第二章第二十三条规定, 用人单位与劳动者可以在劳动合同中约定保守用人单位的商业秘密和与知识产权相关的保密事项。对负有保密义务的劳动者, 用人单位可以在劳动合同或者保密协议中与劳动者约定竞业限制条款, 并约定在解除或者终止劳动合同后, 在竞业限制期限内按月给予劳动者经济补偿。