

NUMBERS

9,593
Within the four months since April, China Telecom shut down 9,593 web sites failing to deposit their recordation and 8,808 ones accused of promoting pornography, breaking laws or committing frauds.

9593 家
自今年4月以来,中国电信在4个多月内关闭了未经备案的9593家网站及8808家涉嫌黄色、违规及诈骗的非法网站。

98
Fujian government added 98 intangible cultural assets in its second list for the provincial level assets, 21 of which were from Quanzhou.

98 项
福建省政府日前公布了第二批省级非物质文化遗产名录,全省新增98项,其中泉州共有21项入选。

69
During the Third Nanjing International Software Expo, 98 Chinese and Foreign companies found their future partners by signing 69 big projects and concluding an investment value of 8.65 billion yuan (including \$740 million from abroad).

69 个
在不久前结束的第三届中国南京国际软件产品博览会上,共有98家中外企业对接洽谈成功,签约重大项目69个,总投资86.5亿元,其中外资7.4亿美元。

75%
Patent applicants in the nine or 75% of the counties or districts in Zhengzhou, Henan may obtain subsidies from the three levels of governments, provincial, city and county.

75%
目前,河南省郑州市共有9个县(市)区申请专利可以享受省、市、县区三级资助,享受该政策的县(市、区)已达到75%。

1.47 million
Between January and July, Guangxi dispatched 60,000 enforcement officer/times, seized 1.47 million illegal and pirated publications, handled 720 cases related to making or selling pornographic, illegal and pirated publications, imposed administrative fines for 598 times, handed over 14 cases to police which would later have 5 wrongdoers sanctioned.

147 万件
今年1月至7月,广西壮族自治区共出动“扫黄”打非“执法人员近6万人次,收缴各类非法出版物和侵权盗版制品147万件,查处各类制黄贩黄、非法出版和侵权盗版案件720起,行政处罚案件598起,移送公安机关案件14起,刑事处罚5人。

1,020
As of mid-August, Chongqing Copyright Administration received 156 cases handed down by the National Copyright Administration, informed by right holders or the public, encompassing 1,020 works of five categories, i.e., music, movies, games, software and e-books.

1020 件
截至8月中旬,重庆市版权局共接到国家版权局交办、权利人举报、群众投诉案件156件,涉及音乐、电影、游戏、软件、电子书等5大类,涉案作品达1020余件。

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China Customs honored for IPR enforcement

中国海关首获打击假冒和盗版成就奖

China Customs received the 2007 Special Contribution Award for Cracking Down on Counterfeits and Piracies from the World Customs Organization (WCO) at its 109th/110th Council Session. Michel Danet, Secretary General of the organization gave out the award to affirm the outstanding achievements Chinese customs agencies had made in fighting against IPR infringements.

Since 2000, the number of such cases investigated by the customs agencies nationwide increases at an annual rate of 30%. As of the end of the first quarter of 2007, more than 8,400 cases of infringement related to out-bound and inbound goods were dealt with nationwide, with the estimated cargo value of over 1 billion yuan. As of August 2007, a total of 5,332 enterprises had filed applications for recor-

datation with the General Administration of the Customs of China for IPR protection, bringing the total to 11,352.

The Quality Brands Protection Committee of the China Association of Enterprises with Foreign Investment rated the IPR enforcement by the Chinese customs impartial, transparent with proper measures and efficient. In 2006, the International Anti-Counterfeiting Coalition issued the Global Anti-Counterfeiting Governmental Organization Award to the China Customs. During the International Customs Day this year, the WCO granted 15 Chinese Customs officials the title Outstanding Law Enforcing Customs Official.

(by Wei Xiaomao)

本报讯 (记者魏小毛北京报道)记者从海关总署获悉,在世界海关组织第109/110届年会上,中国海关以在打击侵犯知识产权方面所取

得的突出成绩而荣获“世界海关组织2007年打击假冒和盗版成就奖”。世界海关组织秘书长达内向中国海关代表团颁奖。这是中国海关首次获得该奖。

据悉,2000年以来,中国海关每年查获的案件均以30%左右的幅度增长。截至2007年第一季度,全国海关共查获各类进出口侵权案件8400多起,案值超过10亿元人民币。截至2007年8月,已经有5332家企业向海关总署申请了知识产权海关保护备案,备案的知识产权达1.1352万件。

中国外商投资企业协会优质品牌保护委员会表示,中国海关知识产权保护工作公正透明、措施有力、效果显著。2006年,全球反假冒组织授予中国海关“全球反假冒年度政府机构嘉奖”。今年国际海关日期间,世界海关组织对15名从事知识产权保护的中国海关官员进行了表彰,授予他们“杰出执法官员”证书。



Head & Shoulders copycats prosecuted 克隆“海飞丝”等牟利受审

Four suspects from Hubei Province, Wei Bin, his wife Du Li, countrymen Wei Zhong and Wei Wu (all pseudonyms) were convicted of manufacturing 2,000 cartons of counterfeit shampoos and shower gels with an estimated value of 170,000 yuan. The Fengtai District Court in Beijing heard the case recently.

Between October 2006 and March 2007, in a residence at Lucun (name of a village), Changxindian, Fengtai District in Beijing, the four suspects forged their shampoos and shower gels with registered trademarks and packaging of P&G (China)'s Rejoice, Pantene, Head & Shoulders, Vidal Sassoon, Safeguard, Oil of Olay, as Unilever's Lux, Shanghai Jahwa's Liushen. They were apprehended in March 2007.

The four defendants pled guilty at the trial and told the court that most of their counterfeit products were sold to budget merchandise marts in Beijing.

(by Wang Xiaoqing)
本报讯 湖北人魏彬伙同其妻杜丽及老乡魏忠、魏武(均为化名),涉嫌制作假冒注册商标的洗发水和沐浴露近2000箱,非法经营数额达17万余元。近日,北京市丰台区法院开庭审理了此案。

2006年10月至2007年3月期间,魏彬伙同其妻杜丽及老乡魏忠、魏武在北京市丰台区长辛店吕村一院内,使用伪造的宝洁(中国)有限公司的“飘柔”、“潘婷”、“海飞丝”、“沙宣”、“舒肤佳”、“玉兰油”,联合利华(中国)投资有限公司的“力士”,上海家化联合股份有限公司的“六神”系列注册商标标识及包装工具,制作假冒上述系列注册商标的洗发水和沐浴露。2007年3月底,魏彬、杜丽、魏忠、魏武被公安机关抓获。

庭审过程中,4名被告人对犯罪事实供认不讳,表示上述洗发水和沐浴露大部分销往北京一些小商品批发市场。(王晓清)



China Porcelain Museum, nicknamed House of Porcelain was inaugurated in Tianjin on September 3. The house is decorated with hundreds of millions of porcelain flakes and porcelain products gathered from ancient factories of numerous Chinese dynasties. Porcelain Splendor, House Wonder, shown here, is inscribed by renowned writer Feng Jikai (L) for the creator of the House, Zhang Lianzhi, Director of Tianjin Yueweixian Culture Investment Group. (by Zhang Zihong)
9月3日,中国古瓷博物馆——“瓷房子”在天津举行揭幕仪式。这座“瓷房子”由中国各朝代窑址中的数亿片瓷片、瓷器装饰而成。图为著名作家冯骥才(左)为“瓷房子”作者天津粤唯鲜文化产业投资集团董事长张连志题写“瓷美楼奇”。
本报记者 张子弘 摄影报道

Anti-Monopoly Law boosts proper protection of IPR, curbs misuse

反垄断法倡导知识产权正当保护反对滥用

After 13 years on the drawing board, the Anti-Monopoly Law was passed by the 29th Session of the 10th Standing Committee of the National People's Congress (NPC), China's top legislature, on August 30, with 150 yeas and 2 abstains. Dubbed Constitution of Economy, the Law makes a statement in rendering proper protection to IPRs and denying misuse.

The law, with eight chapters and 57 provisions, also bans monopolistic arrangements, such as excluding and restraining competition by invoking

administrative power, and provides for the investigation and prosecution of monopolistic practices. Article 55 of Chapter 8 prescribes that this law shall not apply to business operators' behaviors in IPR consistent with related IPR laws, administrative laws and regulations, but shall apply to those behaviors of abusing IPRs in an attempt to exclude and restrain competitors. (by Wei Xiaomao)

本报讯 (记者魏小毛北京报道)酝酿长达13年、三审其稿的反垄断法终于通过。8月30日,十届全国人大常委会第二十九次会议在京

以150票赞成、2票弃权表决通过了《中华人民共和国反垄断法》。这部素有“经济宪法”之称的法律对知识产权权利的正当行使进行了保护,同时也旗帜鲜明地反对知识产权滥用行为。

反垄断法共8章57条,对垄断行为的形式、滥用行政权力排除限制竞争行为、涉嫌垄断行为的调查以及相关法律责任进行了规定。其中,该法第55条明确规定,经营者依照有关知识产权的法律、行政法规规定行使知识产权的行为,不适用本法;但是,经营者滥用知识产权,排除、限制竞争的行为,适用本法。

Brand free riding to be sanctioned under unfair competition law

“傍名牌”将依照反不正当竞争法认定处理

From August until the end of December this year, the administrations for industry and commerce (AICs) nationwide are required to wage a special campaign against a specific unfair competition act, free riding of famous brands, according to a circular released by the State Administration for Industry and Commerce (SAIC) on September 1.

Under the circular, registering others' brand or trademark as trade name

and using this trade name in market shall be sanctioned as an unfair competition act if such act misleads consumers and causes confusion. Other IPR violations such as counterfeiting the unique names, packaging, decoration as well as trade secret misappropriation shall also be investigated. (by Gao Yingying)

本报讯 9月1日,中国国家工商行政管理总局印发通知,要求各地工商机关开展打击“傍名牌”不正当竞争行为专项执法行动。该专项

执法行动从8月开始,持续到12月,由国家工商行政管理总局部署,各地可根据实际情况,确定本地区重点查处的“傍名牌”案件。

该通知规定,将他人的知名文字或商标作为自己的字号申请登记企业名称,并以多种方式在市场上使用,制造市场混乱、混淆的“傍名牌”案件,将按照不正当竞争来查处;对同时存在仿冒知名商品特有的名称、包装、装潢、侵犯商业秘密等其他侵犯知识产权的行为一并调查处理。(高迎迎)

Collective Management of Copyright Regulations 《著作权集体管理条例》

The Collective Management of Copyright Regulations was passed at the 74th Standing Session of the State Council and in force from March 1, 2005. The 48 articles in 7 chapters of the Regulations provide for the establishment of copyright collective management organizations, organizational structure of copyright collective management organization, copyright collective management activities, supervision over copyright collective management organization and legal responsibility.

The Regulations define the rights that may be managed by the organizations. They are the rights difficult for the right holders to perform effectively, i.e., performance, projection, broadcasting, rental, information network distribution and reproduction.

Right holders may authorize the collective management organizations to perform their copyrights and related rights on behalf of their own names by concluding contracts with the organizations. Foreigners and persons who have no nationalities may authorize Chinese copyright collective management organizations to manage their

copyright and related rights that they enjoy in the territory of China through similar organization abroad that has concluded mutual agency agreement with Chinese copyright collective management organizations.

《著作权集体管理条例》以下简称《条例》于2004年12月22日国务院第74次常务会议通过,自2005年3月1日起正式施行。《条例》共分7章48条,规定了著作权集体管理组织的设立、著作权集体管理组织的机构、著作权集体管理活动、对著作权集体管理组织的监督和法律责任等方面的内容。

《条例》对可以进行集体管理的权利进行了界定,即著作权法规定的表演权、放映权、广播权、出租权、信息网络传播权、复制权等权利人难以有效行使的权利可以授权由集体管理组织管理。

《条例》规定,权利人可以与著作权集体管理组织以书面形式订立著作权集体管理合同,授权该组织对其依法享有的著作权或者与著作权有关的权利进行管理。外国人、无国籍人可以通过与中国的著作权集体管理组织订立相互代表协议的境外同类组织,授权中国的著作权集体管理组织管理其依法在中国境内享有的著作权或者与著作权有关的权利。