

China's IP
in foreign eyes

One hundred and twenty Chinese companies have made it onto the 2018 Fortune Global 500 list, including a number of the country's big tech companies. The three countries with the most companies on the list are the US (126), China (120), and Japan (52). Companies are ranked by total revenues for their respective fiscal years. Chinese state-backed companies still show strong fiscal power, and private companies and tech giants are moving up the list fast. (*Chinese tech companies climb up fast on the Fortune Global 500 list, by technode*)

120家中国企业登上了2018年《财富》全球500强的榜单,其中不乏大型科技公司。上榜企业数量前三名的国家分别是美国(126家公司)、中国(120家公司)和日本(52家公司)。此排名按照公司财年收益统计,中国国企仍然表现出财力优势,私企和技术巨头公司在榜单排名呈快速上升趋势。(中国科技公司在《财富》500强中排名迅速攀升,动点科技)

Comment:

The rapid rise of China's enterprises' ranking benefits from the continual optimization of innovation environment and improvement of innovation ability. As the constantly rise of IP protection, more and more Chinese enterprises will step into the top 500.

点评

中国公司排名的快速攀升得益于创新环境的持续优化和创新能力的不断提高。随着知识产权保护水平的提高,中国企业走进世界500强的能力越发增强。



From PCs to smartphones, Chinese firms, such as Huawei, are outgrowing their home market and making their mark internationally. Mid-day naps for the workforce do not mean that Huawei is not a relentlessly aggressive competitor, it is one of a number of homegrown Chinese technology companies that are rapidly outgrowing their home market and are now seeking-or already achieving-dominance in the rest of the world. (*The Chinese technology companies poised to dominate the world, by The Guardian*)

从电脑到智能手机,像华为这样的中国企业,正在从本土市场进军国际市场。为了公司职员午休,华为在办公桌下准备了床,但并不意味着华为没有竞争力,它是众多在本土迅速发展,并在海外市场寻求市场支配力的中国企业之一。(中国技术公司走向世界,卫报)

Comment:

In recent years, the world is impressed by more and more Chinese enterprises venturing-out. The enhancement of independent innovation ability and improvement of IP awareness, has become one of the key factors for Chinese enterprises to keep a foothold in the world.

点评

近年来,越来越多的中国企业走向世界,这一事实令人瞩目。自主创新能力的增强和知识产权保护意识的提高,成为中国企业立足世界的关键因素之一。

(李晚霞)

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Report: China Busiest in Mapping AI Patents

《中国人工智能发展报告2018》发布

中国成为全球人工智能专利布局最多的国家

China has been the country with the most number of patents published in artificial intelligence (AI), slightly edging the United States and Japan (Note: the three countries combined for 74% of world's total), according to the "China's AI Development Report 2018" released by China Institute for Science and Technology Policy at Tsinghua University.

In 2017, the market value of China's AI industry reached 23.7 billion yuan, up 67% year on year. There are 1,011 companies engaging in this line of business, second only to the U.S. number of 2,028. China is the busiest country in mapping AI technologies by filing patents, leading the U.S. and Japan by a small margin. These three countries combined account for 74% of the world's total of AI patents published. IBM, Microsoft and Samsung are the front-running patent applicants globally while China State Grid, an up and coming startup in the past five years, immediately follows at No.4 Technology in the globe.

China's AI patent filings concentrate on data processing system and data information transmission. Research institutes/universities and companies split the list of most prolific AI patent owners almost down the middle, hold-



ing 52% and 48% of the top 30 posts respectively. China published the largest number of AI research papers as well as highly cited papers. China is home to 18,232 AI technology research talents, accounting for 8.9% of the world's total and second only to the U.S. (13.9%).

Unlike foreign peers' performance, Chinese companies are behind research institutes/universities in terms of patent filings. Even top IT giants Baidu, Alibaba and Tencent are overwhelmed by their foreign peers such as IBM, Microsoft, Samsung and Google in AI patents and papers. China is devoid of truly original, cutting-edge and symbolic research findings, particularly basic ones, said the report.

The report recognizes that China's

AI technology development and its application market has join the top ranks, marching forward shoulder-to-shoulder with the U.S. China's strength is in application while still underdeveloped in AI essential technologies, such as hardware and algorithms. As said above, Chinese companies are behind research institutes/universities in patent filings. Numerous research findings are still dormant in research institutes/universities, waiting to be woken up for application and commercialization.

The report advises that China shall strengthen basic research of AI, optimize research environment, nurture and attract top talents, encourage collaboration between research institutes/universities and industry, empower companies to become the major force of innova-

tion, participate in the construction of the AI global governance mechanism, making the Chinese voice heard in areas such as future technology development, risk prevention and norm-setting of morals and ethics. (by Liu Bin)

本报讯 (通讯员刘斌北京报道)日前,清华大学中国科技政策研究中心发布《中国人工智能发展报告2018》(下称《报告》)。《报告》显示,中国已经成为全球人工智能专利布局最多的国家,数量略微领先美国和日本,三国占全球专利公开数量的74%。

《报告》指出,2017年,中国人工智能市场规模达到237亿元,同比增长67%,人工智能企业数量达到1011家,仅次于美国的2028家。在专利申请方面,中国已经成为全球人工智能专利布局最多的国家,数量略微领先美国和日本,中、美、日三国占全球专利公开数量的74%。从主要申请人来看,IBM、微软和三星在人工智能领域专利申请数量排名全球前三名,中国国家电网公司近五年来在人工智能相关技术领域发展迅速,申请量在全球排名第四。

中国的专利技术领域主要集中在数据处理系统和数字信息传输等。此外,中国人工智能专利持有数量前30名的机构中,科研院所、大学和企业的表现相当,分别占比52%和48%。此外,中国人工智能论文总量和高被引论文数量都是世界第一。中国

人工智能人才拥有量达到1.8232万人,占世界总量8.9%,仅次于美国(13.9%)。

《报告》同时指出,相比国外领先企业,中国企业在专利申请上相对落后,即使是百度、阿里巴巴、腾讯等IT巨头在人工智能领域的专利和论文都落后于IBM、微软、三星、谷歌等国外企业。在论文方面,中国缺乏真正有原创性、突破性、标志性的研究成果,特别是基础研究成果。

《报告》认为,从国际比较来看,中国在人工智能技术发展与应用市场已经步入国际领先集团,呈现中美“双雄并立”的竞争格局;从发展质量来看,中国的优势领域主要体现在应用方面,而在人工智能核心技术领域,如硬件和算法上,还比较薄弱;从参与主体上看,科研机构 and 大学是中国人工智能知识生产的主要力量,中国企业在人工智能专利申请上落后于国内高校和科研院所;从发展方式来看,中国大量研究成果停留在大学和科研机构中,需要加强产学研合作促进知识产权应用和转化。

《报告》建议,中国应加强人工智能领域基础研究,优化科研环境,培养和吸引顶尖人才,大力鼓励产学研合作,让企业成为创新的主导力量,积极参与人工智能全球治理机制的构建,在人工智能领域未来技术发展、风险防范、道德伦理规范制定等领域发挥中国的作用。

Ningxia Wolfberry

宁夏枸杞



Featuring the bright color, thin skin, thick flesh and fewer seeds with a juicy and sweet taste, Ningxia wolfberry has been used widely both in traditional Chinese medicine and appetizing cooking. According to the Com-

pendium of Materia Medica, compiled by Li Shizhen of the Ming Dynasty, wolfberries used in Chinese pharmaceutical industry are all from Ningxia.

Ningxia wolfberry protection region is Yinchuan plain and Weining irrigation area, located in the transitional zone of the Inner Mongolia plateau and the Loess Plateau. It is a continental monsoon climate area in the north temperate zone. It has plenty of light and significant day and night tempera-

ture difference. The soil of Qingshui River and Kushui River basin contains rich minerals. All the above provides the unique growth environment of Ningxia wolfberry.

The protection of geographical indication products plays a positive role in enhancing the Ningxia wolfberry's market competitiveness, promoting agricultural income and alleviating poverty. According to statistics in 2017, the planting area of wolfberry in Ningxia

reached 900 thousand mu and annual comprehensive output value reached 15 billion yuan.

(Courtesy of the Protection and Coordination Department of SIPO)

宁夏枸杞色艳、皮薄、肉厚、籽少、甘甜,据明代李时珍《本草纲目》记载,“全国入药杞子,皆宁产也”。宁夏枸杞既是中医传统良药,又是美味食材。宁夏枸杞保护地域范围是银川平原、中卫灌区,位于内蒙古高原和黄土高原过渡带,属北温带大陆性季



风气候区,光照充足,昼夜温差大。区域内清水河、苦水河流域土壤含有丰富矿物质,造就了宁夏枸杞得天独厚

的生长环境。地理标志产品保护在提升宁夏枸杞市场竞争力、促进农业增收、推动精准扶贫等方面发挥着积极作用。据统计,2017年宁夏枸杞种植面积已达90万亩,年综合产值150亿元。中国国家知识产权局保护协调司供稿

Victoria's Secret Says No to Freeriding

“sheer love”商标纠纷有新进展

In a fight over No. 9924701 trademark "sheer love 十分爱", the U.S.-based Victoria's Secret Brand Management Company engaged in a four-year scuffle with Zhejiang Yiwu Qingpeng Cosmetics Company. Beijing High People's Court made the final call on this dispute recently, denying Qingpeng's appeal and holding its act qualified for acquiring registration by other improper means under the Chinese Trademark Law.

Victoria's Secret and its affiliated companies acquired registration of the trademark "SHEER LOVE" in the U.S., Canada and EU, certified to be used on perfumes and bathing gels. Qingpeng is in the business of manufacture and distribution of cosmetics and applied for registration of the trademark in dispute in 2011 and obtained approval in 2012, certified to be used on Class 3 goods, bathing gels and perfumes.

Qingpeng and its affiliated companies applied for registration of over 800 trademarks, including La pargay and Justin Bieber, trademarks identical or similar with famous brands or people. Qingpeng also posted nearly 30 trademarks for sale on a trademark transaction platform.

In 2014, Victoria's Secret pled to the Trademark Review and Adjudication Board (TRAB) to invalidate the trademark in dispute, arguing that it belongs to symbols jeopardizing socialist morality or causing other ill effects; Victoria's Secret's trademark that has been in use and had certain reputation; Qingpeng acquired the registration by fraud or other improper means. In July 2015, TRAB upheld the registration of the trademark in dispute. Victoria's Secret then instituted the proceedings at Beijing IP Court.

After hearing, Beijing IP Court held that Qingpeng's act prejudiced the legitimate right of Victoria's Secret, shocked order of trademark registration administration, and prejudiced the interests of an uncertain number of trademark applicants and social/public interests, making it qualify for acquiring registration by other improper means under the Chinese Trademark Law. Qingpeng's evidences are not sufficient to prove its trademark has gained relatively high reputation or established a stable market position through commercial use. Qingpeng evidently took a "free ride" and improperly took advantage of other's market rep-

utation. Such "fruit of a poisonous tree" lacks of a legitimate basis for legal protection.

In 2016, Beijing IP Court revoked the TRAB decision, ordering it to make a *de novo* one. Qingpeng then appealed to Beijing High People's Court who would also believe its act prejudiced Victoria's Secret's legitimate civil interest. Qingpeng's act of "freeriding" others' reputation and credit was clearly for gaining improper interests, which triggered a large number of trademark disagreements, disputes and even administrative litigations, consumed administrative and judicial resources and prejudiced social/public interests. In addition, Qingpeng's acts of hoarding trademarks and registering trademarks for selling their corrupted trademark registration order and prejudiced the interests of an uncertain number of trademark applicants.

In this connection, Beijing High sided with the IP Court on acquiring registration by other improper means, denying Qingpeng's appeal and upholding the first-instance decision.

(by Wang Guohao)

围绕第9924701号“sheer love 十分爱”商标(下称诉争商标),美国维多

利亚的秘密商店品牌管理公司(下称维密)与浙江省义乌市庆鹏化妆品有限公司(下称庆鹏)展开了一场历时4年的权属纠纷。日前,北京市高级人民法院终审判决驳回庆鹏上诉,认定其构成中国商标法规定的以其他不正当手段取得注册之情形。

据悉,维密及其关联企业在美国、加拿大、欧盟等国家或地区已获准注册“SHEER LOVE”商标,用于香水、沐浴露等商品。而庆鹏从事化妆品等商品的生产、销售,于2011年提出诉争商标的注册申请。2012年诉争商标被核准注册,核定使用在浴液、香水等第3类商品上。

据悉,庆鹏与其关联企业共申请注册800余件商标,包括“La pargay”“Justin Bieber”等与知名品牌、知名人物姓名相同或近似的商标。庆鹏曾在商标交易平台出售其申请注册的近30件商标。

2014年,维密针对诉争商标向商标评审委员会(下称商评委)提出无效宣告请求,主张诉争商标属于有害于社会主义道德风尚或者有其他不良影响标志,庆鹏系以不正当手段抢先注册其已经使用并具有一定影响的商标,而且系以欺骗手段或者其他不正当手段取得注册。2015年7月,商评委裁定对诉争商标予以维持,维密随后向北京知识产权法院提起行政诉讼。

经审理,北京知识产权法院认为,庆鹏的行为损害了维密合法民事权益,对商标注册管理秩序造成冲击,损害了不特定多数商标申请人的利益和社会公共利益,构成中国商标法规定的以其他不正当手段取得注册之情形。庆鹏提交的证据不足以证明其商标进行商业化使用已具备较高知名度或形成稳定市场格局,且因其存在明显“搭便车”、不正当利用他人市场声誉之情形,此种“毒树之果”缺乏受法律保护的正当性基础。

2016年,北京知识产权法院一审判决撤销商评委裁定,判令商评委重新作出裁定。庆鹏随后向北京市高级人民法院提起上诉。北京市高级人民法院经审理认为,庆鹏的行为严重损害维密的合法民事权益。庆鹏攀附他人商誉、声誉,以谋取不正当利益的目的较为明显,引发大量商标异议、商标争议乃至行政诉讼,消耗行政资源和司法资源,损害社会公共利益。此外,庆鹏囤积商标,以销售为目的注册商标的行为扰乱商标注册秩序,损害了不特定多数商标申请人利益。

综上,法院认定庆鹏的行为构成以其他不正当手段取得注册之情形,终审驳回庆鹏上诉,维持一审判决。(王浩)

