

China's IP
in foreign eyes

Tongling, China—Officials in this old mining town knew almost nothing about electric vehicles when a startup collected funds of \$535 million in land and capital to build an electric-car plant here two years ago. There are now 487 electric-vehicle makers in China, according to the latest official tally, and most are brand new. Singulato Chief Executive Shen Haiyin estimates that just 10% of today's EV startups will survive the next five years. Some auto analysts put the figure nearer to 1%. (*China Has 487 Electric-Car Makers, and Local Governments Are Clamoring for More, by The Wall Street Journal*)

两年前,当安徽省铜陵市一家初创公司募集价值5.35亿美元的土地和资金建造电动汽车工厂时,这座传统矿业城市的政府人员还对电动汽车领域知之甚少。数据显示,中国已有487家电动汽车制造商而且大多数为新品。业内人士估计,目前的电动汽车初创企业中,未来5年的存活率仅为10%。(中国电动车商近500家,地方还想要更多,华尔街日报)

Comment

In recent years, China's electric vehicles industry has developed rapidly, and a number of electric car brands have sprung up. Facing the increasingly fierce competition, electric-vehicle makers should enhance independent innovation ability and build self-owned brands with international influence.

点评

近年来,中国电动汽车行业发展迅速,一批电动汽车品牌如雨后春笋般涌现。面对日趋激烈的竞争,电动汽车企业只有提升自主创新能力,才能打造具有国际影响力的品牌。



The Silk Road setting feels timeless: an expanse of desert scrub below the Tianshan Mountains, where weather-beaten farmers herd flocks of sheep much as their ancestors might have done in Marco Polo's day. Rising up surreally in their midst, however, are the new landmarks of a modern development: the gleaming yellow gantries of the world's biggest dry port and the shopping mall towers of a duty-free zone the size of a city. (*Follow the New Silk Road, by The Guardian*)

丝绸之路的环境给人的感觉似乎是永恒的:天山下一片广袤的沙漠,饱经风霜的农民在这里放羊,就像他们的祖先在马可·波罗时代那样。然而,随着时代的变迁,世界上最大的无水港口,以及一座城市大小的免税购物中心正在拔地而起。(沿着新丝绸之路,卫报)

Comment

The Silk Road has come back to life and cities have risen up. History tells us that to open the door to a better future requires the joint efforts of all parties. The "Belt and Road" initiative is a route of innovation and opening up. Only by strengthening IP cooperation can we continue to write the legend of the Silk Road.

点评

古代丝绸之路重焕生机,城市随之拔地而起。历史告诉人们,打开通向美好未来的大门,需要各方的共同努力。“一带一路”是创新之路,是开放之路,只有加强知识产权等方面的合作,才能续写丝绸之路的传奇。(李倩)

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First Batch of 2022 Olympic and Paralympic Symbols Filed for Publication

北京冬奥组委提交首批奥林匹克标志和残奥会标志公告申请

On July 31, three years after Beijing/Zhangjiakou won the bid for the 2022 Winter Games, the revised Regulations on the Protection of Olympic Symbols went into force. On the day instant, Beijing Organizing Committee for the 2022 Olympic and Paralympic Winter Games filed a publication application for the first batch of Olympic and Paralympic symbols to the Trademark Office (TMO) under the State Intellectual Property Office (SIPO).

Under the Regulations, the right owner of the Olympic symbols shall file the Olympic Symbols to the competent IP administrative department for publication. The protection of Paralympic symbols will be covered by the regulations. The filed symbols include 14 Olympic and 4 Paralympic symbols, covering special symbols and names such as official emblems, Chinese and English names of the Olympic and Paralympic Winter Games Beijing 2022.

"The Olympic symbols signify the Olympic Games and Olympic spirits, and important rights of IOC and hosting countries," said a TMO official. It is not only the responsibility and obligation for the hosting countries to pro-



tect the Olympic symbols, but also an essential measure to guarantee the success of Olympic Games. TMO will provide full support to the Olympic and Paralympic Winter Games Beijing 2022, formulate special work plan on IP protection of the Olympic Games especially Olympic symbols, to crack down on infringement of the exclusive rights of Olympic symbols and create a strong legal climate for the smooth progress of the Olympic and Paralympic Winter Games Beijing 2022.

"We cannot go without strong legal support for Olympic and Paralympic

Winter Games Beijing 2022", noted Liu Hongbo, Deputy Director of Legal Affairs Department of Beijing Organizing Committee. The revision for the Regulations, balances the IP protection of Olympic symbols and social public interests, broadens protected criteria, improves the protection level, and interacts with other laws and regulations. After the publication of the application, Beijing Organizing Committee will actively exercise the rights conferred to symbols owners, make the best use of developing, utilizing and maintaining brand value of symbols,

and firmly defend rights and interests by law against infringement of the exclusive rights of symbols and unfair competition acts. In addition, Beijing Organizing Committee will launch deep propaganda for revised Regulations, popularize knowledge, promote more attention and support for protection on Olympic and Paralympic symbols from all walks of society and showcase a positive outlook of hosting countries to international communities.

(by Wang Guohao)

本报讯(记者王國浩北京报道)7月31日,北京联合张家口获得2022年冬奥会举办权3周年之际,修订后的《奥林匹克标志保护条例》开始施行,北京冬奥组委当天向中国国家知识产权局商标局提交了首批奥林匹克标志和残奥会标志公告申请。

根据《条例》规定,奥林匹克标志权利人应当将奥林匹克标志提交知识产权主管部门,由知识产权主管部门公告。对残奥会有关标志的保护,参照《条例》执行。北京冬奥组委此次提交公告申请的标志包括14件奥林匹克标志和4件残奥会标志,涵盖北京2022年冬奥会和冬残奥会会徽及中英文名称等专有标志和名称。

中国国家知识产权局商标局有关负责人表示,奥林匹克标志是奥运会和奥运精神的象征,也是国际奥委会

和主办国家的重要权益。依法保护奥林匹克标志不仅是主办国的责任和义务,也是主办国保证奥运会成功举办的重要举措。中国国家知识产权局商标局将对北京2022年冬奥会和冬残奥会提供全力支持,在涉及奥运会知识产权保护方面特别是奥林匹克标志的保护上,将制定专项工作方案,加强对侵犯奥林匹克标志专有权利行为的严厉打击,进一步提高中国对奥林匹克标志的知识产权保护水平,为北京2022年冬奥会和冬残奥会的顺利举办提供强有力的法律支撑。

“筹办好北京2022年冬奥会和冬残奥会,离不开法治的有力保障。”北京冬奥组委法律事务部副部长刘洪波表示,此次《条例》的修订,兼顾奥林匹克标志保护与社会公共利益平衡,拓宽了受保护客体的范围,提高了保护水平,并与相关法律法规融合衔接。提交申请的标志公告后,北京冬奥组委将积极行使标志权利人的权利,在充分开发、利用和维护相关标志品牌价值的同时,对发现的各种侵犯标志专有权利和不正当竞争行为,将坚决运用法律武器捍卫自身权益。此外,北京冬奥组委将对修订后的《条例》进行深入宣传,普及相关知识,促进社会各界更加关注和支持奥林匹克标志和残奥会标志保护工作,向国际社会展现主办国的良好形象。



The Balin Stone is originally from the mining areas under the jurisdiction of Bairin Right Banner, Chifeng City, Inner Mongolia Autonomous Region. According to the color, texture and structure, it is divided into

Balin chicken blood stone, Balin Fuhuang stone, Balin frozen stone, Balin colored stone, Balin pattern stone and so on. The stone solidity is moderate, with soft and smooth quality and rich colors. These makes Balin stone a good material for making seals and engraving art.

According to statistics, the annual revenues of certified retail stores and family handcraft workshop reaches bil-

Balin Stone

巴林石

ions of yuan in Chifeng City, Daban Town of Bairin Right Banner, the origin place of the stone material, has up to tens of thousands of full-time and part-time employees in Balin stone industry. The protection of geographical indications plays an active role in promoting accurate poverty alleviation and prosperity in Balin Right Banner. (Courtesy of the Protection and Coordination Department of SIPO)

巴林石主要产自内蒙古自治区赤峰市巴林右旗旗域内巴林石矿区,按颜色、质地、结构的不同分为巴林鸡血石、巴林福黄石、巴林冻石、巴林彩石、巴林图案石等。巴林石摩氏硬度2.0至4.0,温润柔和,色彩丰富,可用于制作印章和雕刻艺术品。

据统计,赤峰市内巴林石专业门店和家庭手工作坊年营业收入突破十亿元。在巴林右旗大板镇,巴林石产业专职和兼职从业人员约万人以



上,巴林石地理标志产品保护在推动巴林右旗脱贫致富方面发挥着积极作用。中国国家知识产权局保护协调司供稿

Court Supports JECO's, Removal of WISE LUCK's TM, Denies Copyright Claim

捷高与兴南商标纠纷案尘埃落定

The decade-long dispute commenced over a "Cow (figure)" trademark certified on the products of clothing between JECO PTE Co., Ltd based in Singapore and WISE LUCK International Co., Ltd in Hong Kong. Recently, Beijing High People's Court made a final judgment, rejecting the appeal from JECO and sustaining the ruling made by Trademark Review and Adjudication Board (TRAB) in denying registration of No.3410340 "Cow (figure)" trademark (opposed trademark).

WISE LUCK filed the registration application of the opposed trademark on December 19, 2002, and was approved to use on Class 25 products including garments. In May, 2008, JECO lodged an opposition application against the opposed trademark, claiming that the opposed trademark and its previously-approved No.1265873 "BRAUNBUFFEL and Cow (figure)" (cited trademark) trademark had constituted similarity used on the same or similar kind of products, and the opposed trademark was obtained by squatting with ill will, infringing prior copyright of JECO. Meanwhile, JECO thought WISE LUCK as always holding ill will, damaging public interest.

Besides, JECO said its company and relevant company shared high popularity, and WISE LUCK got the trademark improperly by breaching the principle of good faith.

In June, 2012, Trademark Office (TMO) made a decision to refuse the registration of the opposed trademark. The disgruntled WISE LUCK pleaded to TRAB for a review in July. In April, 2014, TRAB decided that the opposed trademark and cited trademark were figures and words combinations, and the figures part were similar in design technique and overall vision, constituting similarity used on the same or similar kind of products. Meanwhile, in view of application date of the cited trademark was earlier than trademarks involved in other lawsuits, and the trademarks involved in other lawsuits were slightly different from the opposed trademark in integral construction, therefore, WISE LUCK's claim that the opposed trademark was created by itself and did not constitute the imitation of the cited trademark. However, TRAB held that the evidence provided by JECO could only prove the ownership of "Cow (figure)" trademark and its prior use of JECO as a trademark, failing to prove that the reg-

istration of the opposed trademark had damaged the prior copyright of JECO.

Therefore, TRAB made a ruling to refuse the registration of the opposed trademark. Then JECO brought the case to Beijing No.1 Intermediate People's Court for judicial support, but failed. JECO appealed to Beijing High People's Court.

After hearing, Beijing High held that, the evidence provided by JECO failed to prove the ownership and transfer of "Cow (figure)" copyright. Besides, there were distinct difference between the opposed trademark and JECO's citation one in overall inclination angle, arc of color blocks and horn and tail lines angle of the Cow figures, and it did not constitute substantial similarity. Therefore, Beijing High held that the registration of the opposed trademark did not damage the prior copyright of JECO, and reject the appeal of JECO, upholding the judgment of the first stance. (by Shu Tianchun)

本报实习记者 舒天楚

因指定用在服装等商品上的一件“牛图形”商标,新加坡捷高(私管)有限公司(下称捷高公司)与中国香港兴南国际有限公司(下称兴南国际)在华展开了一场长达10年的商标纷争。

近日,北京市高级人民法院作出终审判决,驳回了捷高公司的上诉,商标评审委员会(下称商评委)对第3410340号“牛图形”商标(下称被异议商标)不予核准注册的裁定最终得以维持。

兴南国际于2002年12月19日提交被异议商标的申请注册,2008年5月被核准使用在服装等第25类商品上。2008年5月,捷高公司针对被异议商标向商标局提出异议申请,主张被异议商标与其在先核准注册的第1265873号“BRAUNBUFFEL及牛图形”商标(下称引证商标)构成使用在同一种或类似商品上的近似商标,而且被异议商标系恶意抢注,侵犯了捷高公司的在先著作权;同时,捷高公司主张兴南国际一贯具有抢注恶意,损害了公众的利益;此外,捷高公司称该公司及其关联公司具有较高知名度,兴南国际违反诚实信用原则,构成不当注册。

经审查,商标局于2012年6月作出对被异议商标不予核准注册的裁定。兴南国际不服商标局所作裁定,于同年7月向商评委提出复审申请。针对被异议商标,2014年4月,商评委作出裁定认为,被异议商标与引证商标为图文组合商标,两件商标的图形部分在设计手法、整体视觉效果上近似,构成使用在同一种或类似商品上的近似商标。同时,鉴于引证商标的申请注册日早于案外商标的申请注册

日,且案外商标与被异议商标整体构成有一定差异,故兴南国际关于被异议商标系由其独创不构成对引证商标的摹仿的主张不成立。但是,商评委认为捷高公司提交的证据仅能证明“牛图形”作为商标权利归属及捷高公司将其作为商标在先使用的情况,不能证明被异议商标的申请注册损害了捷高公司的在先著作权。

因此,商评委裁定被异议商标不予核准注册。捷高公司不服商评委所作裁定,随后向北京市第一中级人民法院提起行政诉讼。在一审法院庭审中,北京市第一中级人民法院一审判决驳回捷高公司的诉讼请求。捷高公司不服一审判决,继而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,捷高公司提交的证据不能证明涉案“牛图形”著作权的归属及转让情况;而且,被异议商标的牛图形与捷高公司主张著作权的牛图形在整体倾斜角度、色块的弧度、牛角牛尾线条的角度等方面存在显著差异,未构成实质性近似。因此,北京高院认为被异议商标的申请注册未损害捷高公司的在先著作权,据此判决驳回捷高公司上诉,维持一审判决。

