

China's IP
in foreign eyes

China hopes to become the first country to explore the dark side of the moon or the far side. The part that never faces Earth. China has a mission plan this year. One problem with exploring the dark side of the moon is that there's no easy way to communicate with whatever kind of vehicle people put there. The moon itself would block any signals coming from Earth. So to address that, China launched a satellite earlier this year that will hang out in the moon's orbit acting like a relay station between the Earth and the new rover that China's planning to send to the moon later this year. (China hopes to become the first country to explore the dark side of the moon, CNN)

中国希望成为第一个探索月球暗面(又称之为远面)的国家。月球暗面从未面向过地球。中国于今年展开月球任务计划。探索月球暗面面临的其中一个问题是,无论将何种月球车发射到那里,都没有可以和月球车进行交流的简单方法。月球自身会屏蔽所有来自地球的信号。为了解决这一问题,中国在今年年初发射了一颗卫星,该卫星将环绕月球轨道运行,将作为地面测控站与未来落在月球暗面的嫦娥四号探测器之间的“桥梁”。(中国计划首登月球暗面,美国有线电视新闻网)

Comment

The continuous success of China's lunar exploration project has been a significant achievement in implementing the innovation-driven development strategy in the aerospace sector. In recent years, China's series of innovation breakthroughs not only have boosted its national strength, but also are amazing the world.

点评

中国探月工程任务连续成功,正是航天领域落实创新驱动发展战略的重大成果。近年来,中国的一系列创新突破提升了国家实力,也让世界惊叹。



It single-handedly created a market of coffee drinkers in a national of tea lovers, who looked to Starbucks as an aspirational brand. The country quickly became the coffee chain's second-largest market after the United States. Recently, in a bid to revitalize its China operation, the company announced what it called a strategic “new retail” partnership with the Chinese tech giant Alibaba. (Starbucks Teams Up with Alibaba on Coffee Delivery, as It Tries to Keep Its Throne in China, by the New York Times)

在一个以茶叶为主导饮料的国度,星巴克打造了一个咖啡饮用者的“天堂”,甚至被茶饮爱好者视为理想的咖啡品牌。中国迅速成为这家咖啡连锁企业仅次于美国的第二大市场。最近,为振兴中国业务,星巴克宣布与中国科技巨头阿里巴巴建立“新零售”战略合作关系。(联手阿里巴巴,星巴克开始在中国送外卖了,纽约时报)

Comment

Thanks to its famous brand, Starbucks has become the second-largest coffee seller in China. The innovative cooperation between Alibaba and Starbucks can not only cater to Chinese market, but also consolidate both market shares in China.

点评

星巴克在中国的成功源于其品牌的魅力。为适应中国的市场环境,此次携手阿里巴巴也是一种营销方式的创新,有利于进一步巩固双方的市场份额。(柳鹏)

WIPO DG: China Yields Impressive Results in IP

中国对专利制度做出卓越贡献

——访世界知识产权组织总干事弗朗西斯·高锐

A comprehensive IP protection system has come into shape in China since the 40 years' of reform and opening up, making outstanding achievements to the great undertakings, "said Director General of the World Intellectual Property Organization (WIPO) Francis Gurry who came to Beijing to attend 2018 High-Level Conference on IP for Countries along the Belt and Road and the 9th China Patent Annual Conference. "In recent years, the development of IP in China is quite extraordinary. The number of PCT filings ranked the second in the world, and the rapid growth trend has been maintained. Although the patent law was enacted in China in 1984, it won't effect that China has become the world's largest IP administration in merely 30 years," Gurry said.

In Gurry's eyes, thanks to the extraordinary support from the state leadership, China has yielded such fruits in IP work. "Chinese President Xi Jinping has emphasized the importance of IP and has made important instructions on many occasions. Xi noted that IP should be regarded as a driven force to innovative and economic development. "Gurry is also impressed by the improvement of patent quality in some emerging technologies like AI.



It is worth mentioning that Gurry is no stranger in this conference. "This is my second time to participate in this high-level conference. The Belt and Road is a road of innovation, which facilitates the communication and exchanging of IP. WIPO is willing to be able to support in the initiative, and jointly promote the global IP system with other countries by beefing up communication and cooperation," Gurry added.

Speaking of IP protection in digital sector, Gurry said that the expanding of

global digital market brings a lot of challenges to IP protection in music, movie, audiovisual performance, gaming and publication. The emerging technologies, in particular, present new requirements to IP protection. "The globalization makes IP protection face both opportunity and challenge. We should grasp the opportunity to make sure that innovation outcomes have been under well protection, so as to improve the enthusiasm of innovators. In exploring the IP management in digital era, however, we still have a long way

to go," Gurry said.

"China has made outstanding contributions to patent system," Gurry concluded. "At present, Chinese government has formulated a host of policies to support IP work. Under such circumstance, the outcomes in China's IP work can be shared by other countries in the world." (by Li Qian)

本报记者 李倩

“改革开放40年来,中国建立起高水平的知识产权保护制度,为中国的改革开放事业做出了重要贡献。”近日,来华出席2018年“一带一路”知识产权高级别会议和第九届中国专利年会的WIPO总干事弗朗西斯·高锐接受了本报记者采访,他表示,近年来,中国在知识产权领域成效显著,特别是中国的PCT国际专利申请量持续保持高速增长,2017年跃居全球第二位。“中国的专利法1984年才颁布,仅仅用了30多年的时间,中国国家知识产权局已经成为目前世界第一大知识产权局。”

对于中国在知识产权领域的成就,高锐指出,这得益于中国政府的高度重视,“习近平主席高度重视知识产权,在多个重要场合对知识产权工作作出了一系列重要指示,把知识产权作为中国创新和经济发展的驱动力。”高锐还表示,中国在人工智能等新兴技术领域进一步提升专利质量,令人

印象深刻。

值得一提的是,今年是高锐第二次出席“一带一路”知识产权高级别会议,对此,他深有感触地说,“一带一路”是创新之路,推动了知识产权、科学技术等无形资产的交流与沟通。“WIPO愿意参与到‘一带一路’建设中来,与各国一道,加强沟通,增进合作,共同促进全球知识产权体系建设,促进‘一带一路’沿线国家知识产权事业和经济发展。”

在谈及数字领域知识产权保护时,高锐表示,当前,全球数字化市场不断拓展,这给音乐、电影、视听表演、游戏、出版等领域的知识产权保护带来了多重挑战,尤其是新兴技术对知识产权保护提出了新的要求。“在全球化背景下,知识产权保护面临着机遇和挑战,我们要抓住机遇,确保创新成果得到有效知识产权保护,提高创新者的积极性。然而,在探索数字化时代知识产权管理模式上,我们还有很长的一段路要走。”

“中国对专利制度做出了卓越贡献。”高锐对中国的知识产权工作给予高度评价,他说,“目前,中国政府制定了一系列促进知识产权事业发展的政策,在这种得天独厚的环境下,中国在知识产权领域取得的成绩也有利于知识产权制度在全球推广。”

photo by Zeng Jia
本报记者 曾嘉摄

地理标志



Ganzhou in Jiangxi is located south to the subtropical zone, featuring a typical subtropical moist climate. The warm weather,

abundant rainfall, and distinctive seasons provide ideal growing conditions for navel oranges. The gentle slope with deep and fertile soil that is rich of a variety of trace elements is conducive to grow fruit plants.

Gannan navel orange is characteristic of large-sized fruit, orange to orange-red bright color, clean and beauti-

ful, succulent taste, strong sweet aroma and seedless. The edible rate of Gannan navel orange is not less than 70%.

The annual output of Gannan navel oranges reaches millions of tons. The implementation of geographical indication product protection has strongly promoted the sustained, rapid and healthy development of Gannan navel

orange industry.

(Courtesy of the Protection and Coordination Department of CNIPA)

江西赣州地处中亚热带南缘,属典型亚热带湿润气候,四季分明,雨热同季,适合脐橙生长。赣南丘陵山地坡度平缓,土层深厚,土质肥沃,富含果树生长的微量元素。

赣南脐橙的特点包括:果大形



正,橙至橙红色,色泽鲜艳,光洁美观,肉质脆嫩化渣,浓甜芳香,无籽,可食率不低于70%。

赣南脐橙年产量达百万吨。实施地理标志产品保护有力地推进了赣南脐橙业的持续、快速、健康发展。中国国家知识产权局保护协调司供稿

Big Payday for Netac after Prevailing in Patent Lawsuit on U.S. Soil
中国闪存技术厂商在美打赢专利诉讼

In a final decision signed by court arbitrator Hon. William G. Bassler, the United States Federal District Court in New Jersey ruled recently that PNY Technologies, Inc should pay 7.71 million U.S. Dollars in patent licensing fees and interests to the Shenzhen-based Netac Technology Company.

Netac Technology was founded in 1999, mainly engaging in the distribution of USB flash disks. In the same year of its founding, Netac developed the first USB flash disk in the world. In November 1999, the company filed a patent application named electronic external storage method and its device for data processing system, and it was granted in July 2002. In December 2004, the patents of the same group were granted in the U.S.

PNY Technologies was established in 1985 with its main products including memories, USB flash disks, flash disks, earphones, graphics cards. Over the years, PNY Technologies has been ranked the second in market share of flash disks in the U.S.

In February 2006, Netac filed a lawsuit against PNY in the United States Federal Court for the Eastern District of Texas on the ground that PNY had infringed its No.US6829672 invention

patent and sought cease of infringement and damages. The dispute between the two sides was settled out of court before hearing. In February 2008, the settlement agreement between Netac Technology and PNY was concluded. According to the agreement, PNY was licensed to use a host of patents including No.US6829672 patent, and PNY should pay licensing fees to Netac.

Netac believed that PNY breached the agreement in the course of fulfillment and would bring arbitration proceedings to the said court in New Jersey. In November 2013, PNY filed for a declaratory judgment and argued that the matters fall outside the scope of arbitration, and should be tried by the court as a regular case. It also argued that certain products produced and distributed by PNY should be excluded from the agreement. In December 2015, the court ruled that the dispute matters were in the scope of arbitration.

In July 2017, Netac received a letter carrying the part of final arbitration decision from arbitrator Hon. William G. Bassler. On July 28 this year, Netac received a letter carrying the final arbitration decision from arbitrator Hon. William G. Bassler, ordering PNY to pay

7.71 million U.S. Dollars in patent licensing fees and interests to Netac, and making the Chinese tech firm's 12-year legal battle finally worthwhile.

(by Feng Fei/Li Siliang)

本报记者 冯飞
实习记者 李思颖

近日,深圳市朗科科技股份有限公司(下称朗科公司)收到了美国新泽西州联邦地区法院仲裁员 Hon. William G. Bassler 签发的《最终裁决书》,裁定美国 PNY Technologies, Inc. (美国必恩威科技股份有限公司,下称 PNY 公司)应向朗科公司支付专利许可费及利息共计 771 万余美元。

朗科公司成立于 1999 年,主营优盘业务。公司成立当年,朗科公司研发出全球第一款 USB 闪存盘。1999 年 11 月,朗科公司提交了一份名为“用于数据处理系统的快闪电子式外存储方式及其装置”的中国专利申请,并于 2002 年 7 月获得授权(专利号:ZL99117225.6)。2004 年 12 月,上述专利的同族专利在美国获得授权(美国专利号:US6829672)。

PNY 公司成立于 1985 年,主要产品包括内存、U 盘、闪存卡、耳机、绘图卡等。多年来,在美国闪存盘领域,PNY 公司的市场份额位居第二位。

2006 年 2 月,朗科公司向美国得克萨斯州东区联邦法院起诉称,PNY



公司侵犯了其第 US6829672 号美国发明专利,要求对方立即停止侵权行为,并赔偿经济损失。在该案判决前,PNY 公司与朗科公司达成庭外和解。2008 年 2 月,双方签署了《和解协议》。协议规定,朗科公司授权 PNY 公司实施包括第 US6829672 号专利在内的一系列专利,美国 PNY 公司向朗科公司缴纳专利许可费。

朗科公司认为,在《和解协议》履行过程中,PNY 公司违反约定。对此,朗科公司针对 PNY 公司的违约行为向美国新泽西州联邦地区法院提起了仲裁。2013 年 11 月,PNY 公司针对朗科公司的诉讼向美国新泽西州联邦地区法院提起确认之诉,其表示,朗科公司提起的仲裁事项不属于仲裁范围,应通过联邦法院裁决,并认为其生产销售的某一类别产品不包括在双方签署的《和解协议》的范围内。2015 年 12 月,美国新泽西州联邦地区法院裁定该协议发生的

纠纷属于仲裁范围。2017 年 10 月,朗科公司收到了美国仲裁员 Hon. William G. Bassler 签发的《部分最终裁决书》。今年 7 月 28 日,朗科公司收到仲裁员 Hon. William G. Bassler 签发的《最终裁决书》,裁定 PNY 公司应继续向朗科公司提交专利许可费报告,并按照《部分最终裁决书》以及《和解协议》的内容向朗科公司支付专利许可费及利息 771 万余美元。至此,这起长达 12 年的专利纠纷暂时告一段落。



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