

China's IP  
in foreign eyes

Hutchison China MediTech has won Chinese approval for a closely watched new cancer drug in a significant boost for "made in China" medicine. The medicine is the first China-discovered and developed mainstream cancer drug to win unconditional approval following a randomized clinical trial. The green light shows the country's progress in speeding up drug approvals and underlines China's emerging role in biotech, as Beijing tries to move the pharmaceutical sector up the value chain from its traditional position making cheap generic drugs. (Boost for "made in China" medicine as Chi-Med wins key approval, CNBC)

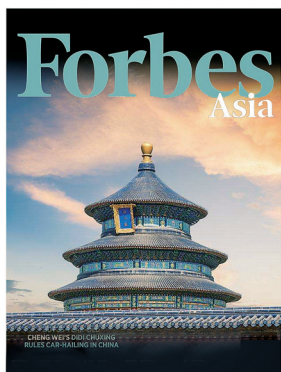
和黄中国医药科技有限公司(和黄医药)开发的一种备受关注的新型抗癌药获批,推动了“中国制造”抗癌药的发展。此类药物是中国最早发现、自主研发,经系列临床研究后获得加快批准的主流抗癌药。随着中国推动制药厂从生产传统的廉价仿制药到高价价值链方向升级,此次获批预示着中国药品审批进程加速及中国在生物科技领域的地位提高。(和黄医药药品获批,推动“中国制造”发展,CNBC)

## Comment:

As self-developed drugs is highly cost, Chinese pharmaceutical companies' capability of independent innovation develops continuously due to China's in-depth implementation of the national intellectual property strategy and enhancement of IP protection. Chinese enterprises must pay attention to IP protection to gain substantial development.

## 点评:

创新药的研发成本高,中国药企自主创新能力的不断提升离不开国家知识产权战略的深入实施和知识产权保护不断加强。企业注重知识产权保护,才能获得长足发展。



Companies from China once again dominate Forbes Asia's Fabulous 50 List of the big companies in the Asia-Pacific region with a record 30 listees. The list also features 17 new entrants. Once again, the two most valuable companies on the list are Tencent and Alibaba. The Chinese Internet giants boast vastly greater market capitalizations and enjoy far higher profits than any of the other companies on the list. Tencent's net profit soared 71% last year to \$10.6 billion, while Alibaba's climbed 49% to \$9.7 billion. (Companies From China Dominate Forbes Asia's Fabulous 50 List, Forbes)

中国企业再次主导福布斯亚洲最佳上市公司50强榜单,30家中国内地企业上榜,其中17家新晋企业。榜单最大两巨头仍是腾讯和阿里巴巴。与榜上其他企业相比,中国互联网巨头坐拥巨大市值,盈利也更多。去年,腾讯净利润增长71%至106亿美元,阿里巴巴净利润增长49%至97亿美元。(中国企业主导福布斯亚洲前50强榜单,福布斯)

## Comment:

The continuous enhancement of innovative capacity and steady improvement of IP environment become the key factors for Chinese enterprises to venture out in the world. Seizing the opportunity, the Chinese enterprises' innovative development will expand.

## 点评:

创新能力的不断提高和知识产权环境的持续优化,是中国企业得以角逐世界的重要因素。抓住机遇,中国企业的创新发展之路将越走越宽。(李晚霞)

## Vladimir Marić: Working Together to Build a Road of Innovation

## 共建创新之路

——访塞尔维亚知识产权局局长弗拉迪米尔·马里奇

"I would like to congratulate on the success of the High-Level Conference on Intellectual Property for Countries along the Belt and Road for fruitful achievements yielded as well as its excellent organization," said Vladimir Marić, Director General of the Intellectual Property Office of the Republic of Serbia who attended the 2018 High-Level Conference on Intellectual Property for Countries along the Belt and Road, in an interview with CIP News. "The conference provides an opportunity for countries along the route to exchange and share experience, and to bring together representatives from various countries. We are willing to take the opportunity of the conference to strengthen exchanges and cooperation among related IP agencies of countries along the Belt and Road," added Vladimir Marić.

Located in the southeastern part of Europe, Serbia is the "heart" of the Balkans. The beautiful Danube flows through the country and the scenery along the coast is beautiful. "It is my second time to attend the high-level conference on IP for countries along the Belt and Road. I am delighted to see more and more European countries in particular EU member states participate in the conference," said Marić,

adding that Serbia takes the Belt and Road Initiative as an important link for economic cooperation with China and other countries along the route. "We are privileged to be able to engage in the international IP cooperation among countries along the Belt and Road and to promote dialogue and cooperation with these countries."

"The world nowadays is changing rapidly. New technologies have become the energy and driving force for global economic development, and IP serves as an important guarantee for the advancement of science and technology. Currently, countries are facing unprecedented challenges in the field of IP. Therefore, countries need to constantly enhance IP cooperation to create a favorable business and innovation environment," said Marić. He added that the Belt and Road Initiative provides an opportunity for IP cooperation among countries along the route.

"Serbia and Chinese have enjoyed sound cooperative relations for a long time. Being the world's biggest registrar of patents, trademarks and industrial designs, China has valuable experience in IP which is worth learning." Marić hoped that both sides would further strengthen cooperation and promote common development. "The Chi-



nese government has attached great importance to IPR protection. As China continues to increase its investment in Serbia, more and more Chinese enterprises have come to Serbia. Both the Serbian and Chinese governments hope to enhance IPR protection to protect the interests of enterprises of both countries." He added.

Finally, Marić expressed gratitude to China National Intellectual Property Administration and Beijing Municipal Intellectual Property Office for their warm reception and thoughtful arrangements during the conference. He told the CIP News that the trip to China

was very memorable. He would bring "Chinese experience" and "Chinese wisdom" back to Belgrade (capital of Serbia) and hope to build a road of innovation together with countries along the Belt and Road so as to achieve mutual benefits.

(by Sun Di/Li Qian)

## 本报记者 孙迪 李倩

"我衷心祝贺本次‘一带一路’知识产权高级别会议成功举办,会议成果丰硕,组织有序。"近日,出席2018年“一带一路”知识产权高级别会议的塞尔维亚知识产权局局长弗拉迪米尔·马里奇接受本报记者专访时表示,“‘一带一路’知识产权高级别会议,让各国代表共聚一堂,为沿线各国提供了经验交流和分享的机会。塞尔维亚知识产权局愿意以此次会议为契机,加强与‘一带一路’沿线各国的知识产权相关机构的交流与合作。”

塞尔维亚位于欧洲东南部,是巴尔干半岛的“心脏”,美丽的多瑙河穿流而过,沿岸风光旖旎。“这是我第二次参加‘一带一路’知识产权高级别会议,很高兴看到越来越多的欧洲国家,尤其是欧盟成员国参与到其中。”

马里奇表示,塞尔维亚将“一带一路”倡议视为与中国以及沿线国家经济合作的重要纽带。“能参与到‘一带一路’知识产权合作中,与‘一带一路’

沿线国家加强对话,扩大交流,我们感到非常荣幸。”

马里奇认为,当今世界瞬息万变,新技术已成为全球经济发展的能源和动力,而知识产权是推动科技进步的重要保障。目前各国在知识产权领域面临着前所未有的挑战,因此,各国之间需要不断加强知识产权领域的合作,共同营造良好营商环境和创新环境。马里奇表示,“一带一路”倡议为沿线国家开展知识产权合作提供了机遇。

“塞尔维亚与中国长久以来保持着良好的合作关系,中国是世界上最大的专利、商标和工业品外观设计申请国,在知识产权方面拥有宝贵经验,非常值得我们学习。”马里奇希望,双方在知识产权领域能够进一步合作,促进共同发展。“中国政府高度重视知识产权保护,随着中国不断加大在塞尔维亚的投资,越来越多的中国企业来到塞尔维亚,两国政府都希望能够加强知识产权保护,保护好双方企业的利益。”马里奇说。

最后,马里奇对中国国家知识产权局以及北京市知识产权局在会议期间给予的热情接待和周到安排表示感谢。他告诉记者,这次中国之行十分难忘,他会将“中国经验”和“中国智慧”带回贝尔格莱德(塞尔维亚首都),期待与“一带一路”沿线国家共同建设创新之路,实现互利共赢。



Qi'ai (Qichun Wormwood Leaves) is produced in Qichun County of Hubei Province. Li Shizhen,

the famous medical scientist in the Ming Dynasty, coined the name "Qi'ai" in Compendium of Materia Medica.

Considered to have bitter and pungent properties, and rich in volatile oil, Qi'ai is the top choice of acupuncture treatment. Qi'ai has the functions of increasing the bloody supply, eliminating

Qi'ai  
蕪艾

cold and dampness, relieving cough and diminishing inflammation.

Since the implementation of the protection of geographical indication products, Qianchun county has continually carried out large-scale planting and Qi'ai products R&D, with an annual output value of more than 1.5 bil-

lion yuan. (Courtesy of the Protection and Coordination Department of CNIPA)

蕪艾产于湖北省蕪昌县,明朝著名医学家李时珍在《本草纲目》中首次提出“蕪艾”之名。

蕪艾味苦而辛,富含挥发油,是艾灸治疗的首选,具有理气血、逐寒湿、



止咳、消炎等功效。

实施国家地理标志产品保护以来,蕪昌县持续开展蕪艾规模化种植和蕪艾产品研发,年产值超过15亿元。

中国国家知识产权局保护协调司供稿

## Court Awards Well-Known Mark to Unilever's Pond's, Scrubs Copycat's Registration

## 联合利华成功捍卫“旁氏”商标

Believing the registration of No. 7185184 "旁氏" (note: Chinese characters same with Pond's) trademark (the opposed trademark) by Jiangsu Yancheng Youshang Advertising Company damaging the interests of its mark Pond's, the Netherlands-based Unilever sought justice in Chinese authorities and courts that would eventually last eight years.

The Beijing High People's Court recently made a final judgment determining that No. 529659 trademark "旁氏" (the reference mark owned by Unilever) qualified as a well-known trademark, rejecting the appeal from the Trademark Review and Adjudication Board (TRAB) and revoking its reexamination decision approving the opposed trademark for registration. Now the TRAB has to take a *de novo* look at the case.

The opposed trademark was filed by Youshang Advertising on February 1, 2009, designating to be used on Class 32 goods including water and drinks. After preliminary examination, the Trademark Office (TMO) published the opposed trademark on April 20, 2010. Unilever filed an opposition request to the TMO on July 22, 2010, alleging that the reference mark had qualified as a well-known mark for its

performance in cosmetics for facial use in China and the registration and use of the opposed trademark would mislead the public and dilute the distinction of the reference mark.

According to file, the reference trademark was approved for registration in September 1990 by TMO, certified to be used on Class 3 goods including cosmetics for facial use.

On July 3, 2012, the TMO rejected the registration of the opposed trademark. The disgruntled Youshang Advertising lodged a reexamination request to the TRAB on August 17 of the same year. On March 13, 2014, the TRAB made a reexamination decision that the mineral water and other goods on which the opposed trademark was designated for use differed greatly from those of the products such as cosmetics for facial use on which the reference trademark was famous and the registration of the opposed trademark would not easily cause confusion or misidentification among the relevant public. Accordingly, the TRAB approved the registration of the opposed trademark.

Unilever then brought the proceedings to Beijing No. 1 Intermediate People's Court. After hearing, the court held that the reference mark constitut-

ed a well-known mark based on its use on goods such as cosmetics for facial use and if the opposed trademark was used on mineral water as a registered trademark, it would make the public believe that there was a specific association between the above-mentioned products and Unilever, thus damaging the company's rights and interests. Therefore, the court made a first-instance judgment on September 26, 2017, revoking the reexamination decision by the TRAB and asked it to make a *de novo* decision.

The TRAB then appealed to Beijing High People's Court.

Beijing High held that the trademark "旁氏" had been used and promoted in China for many years since 1994. Its wide use and the track record of being protected for multiple times were enough to prove that it had constituted a well-known trademark on products such as cosmetics for facial use. Beijing High upheld the first-instance judgment on the same ground.

(by Wang Guohao)

因认为江苏省盐城悠尚广告有限公司(下称悠尚广告)申请注册使用第7185184号“旁氏”商标(下称被异议商标),损害了其“旁氏”商标享有的权益,荷兰联合利华有限公司(下称联合利华)在华展开了一场历时8年的权利追索。

近日,北京市高级人民法院作出终审判决,认定联合利华的第529659号“旁氏”商标(下称引证商标)构成驰名商标,驳回商标评审委员会(下称商评委)上诉,商评委对被异议商标予以核准注册的复审裁定被撤销,需重新作出裁定。

据了解,被异议商标由悠尚广告于2009年2月1日提出注册申请,指定使用在水(饮料)等第32类商品上。2010年4月20日,商标局对被异议商标初步审定并公告。2010年7月22日,联合利华向商标局提出异议申请,主张引证商标已在中国构成面部化妆品等商品上的驰名商标,被异议商标的注册及使用将误导公众,并淡化引证商标的显著性。

据了解,引证商标于1990年9月被商标局核准注册,核定使用在面部化妆品等第3类商品上。2012年7月3日,商标局作出对被异议商标不予核准注册的裁定。悠尚广告不服,于同年8月17日向商评委提出异议复审申请。2014年3月13日,商评委作出复审裁定,认为被异议商标指定使用的矿泉水等商品与引证商标赖以闻名的面部化妆品等商品所属行业差别较大,被异议商标的注册使用不易导致相关公众产生混淆、误认。据此,商评委裁定对被异议商标予以核准注册。

联合利华随后向北京市第一中

级人民法院提起行政诉讼。经审理,法院认为引证商标构成面部化妆品等商品上的驰名商标,若被异议商标注册使用在矿泉水等商品上,易使相关公众误认为上述商品与联合利华存在特定关联,从而损害联合利华的权益。据此,法院于2017年9月26日作出一审判决,撤销商评委所作复审裁定,判令其重新作出裁定。

商评委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,引证商标“旁氏”在面部化妆品等商品上自1994年开始已在中国宣传、使用多年,其宣传使用地域广泛,存在多次受保护记录,足以认定引证商标在面部化妆品等商品上已构成驰名商标。若被异议商标注册使用在矿泉水等商品上,易使相关公众误认为上述商品与联合利华存在特定关联,从而损害联合利华的权益。据此,法院终审驳回商评委上诉,维持一审判决。(王浩)



英文翻译 孙芳华

Translator Sun Fanghua

编辑 邹碧颖

Editor Zou Biying