

China's IP
in foreign eyes

The country's manufacturers, retailers, and brand managers are increasingly sophisticated, from merchandising to product design to quality control. They know they cannot go head-to-head with, say, Louis Vuitton, but home-grown heroes such as Xiaomi and Huawei will gladly go up against the likes of Apple and Samsung. The mass market is increasingly dominated by local brands. (*Is Chinese E-Commerce Moving Down Market? by Forbes*)

从商品销售到产品设计再到质量监控,中国的制造商、零售商和品牌管理者越来越成熟。虽然与路易威登等国际品牌相比仍有差距,但小米和华为等本土企业将乐于与苹果、三星一较高下。中国自主品牌正在逐步地占领中国市场。(中国的电子商务推动消费升级? 福布斯)

Comment

Thanks to the huge local market, Chinese brands have risen rapidly. Xiaomi, Huawei and other Chinese independent brands, relying on independent innovation and excellent product quality, have stepped onto the international stage and shine brilliantly.

点评

依托巨大的本土市场,中国品牌迅速崛起。小米、华为等中国自主品牌凭借自主创新,以及过硬的产品质量,走上国际舞台,大放异彩。



"I used to spend one or two hours every day watching people live streaming," said Xiao Zeng, a project manager for an asset management company based in Jinan, China. "But now, I rarely watch them anymore." The reason for his changing viewing habits: Short videos are taking China by storm. "On a weekday, I would often spend two to three hours watching those 15-second short videos. Over the weekend, I can watch up to five hours a day," Zeng told CNBC. Since last year, short videos have become one of the fastest-growing trends in China. Packed with music and special effects, they are usually fun and quirky for both their makers and viewers. (*The biggest trend in Chinese social media is dying, and another has already taken its place, by CNBC*)

“以前我每天要花一两个小时看网络直播。现在很少看了。”在济南一家公司任职的小曾说,他改变习惯的原因是,短视频正在中国掀起一股热潮。“工作日,我经常花两三个小时看短视频。周末我甚至一天能看5个小时。”从去年开始,短视频成为中国发展最快的流行趋势之一。这些视频通常包含音乐与特效,无论是创作者还是观看者而言都觉得新鲜有趣。(中国社交媒体正在更新换代, CNBC)

Comment

With the continuous expansion of short video industry, the problem of its intellectual property has become more and more prominent. The originators cannot work alone, but must work together to create a good short video copyright protection environment.

点评

随着短视频产业规模的不断扩大,其知识产权问题也越来越凸显。原创者不能单打独斗,而要抱团取暖,依靠全社会共同努力,共同营造良好的短视频版权保护环境。

(李倩)

CNIPA Commissioner Shen Visits EAPO and DPMA
申长雨率团先后访问欧亚专利局和德国专利商标局

On September 20 local time, China National Intellectual Property Administration Commissioner Shen Changyu led a delegation to the Eurasian Patent Organization (EAPO), and shared comments with EAPO Commissioner Saule Tlevlessova on the latest development, organizational restructuring of CNIPA and further cooperation. The MoU between the two sides and a work plan (2019-2020) were also signed during the meeting.

Shen said that the two offices have been furthering the cooperation in recent years based on established friendship. CNIPA wishes to beef up cooperation and push for in-depth development of such cooperation, thus providing better services for IP users from both China and EAPO members.

Tlevlessova highly appreciated China's development in IP work. She said that signing of the MoU and the work

plan represents a major step up. She wished to boost IP exchanges and promote better development of CNIPA-EAPO friendly relations.

Shen Changyu headed a delegation to German Patent and Trade Mark Office (DPMA), and exchanged views with DPMA President Cornelia Rudloff-Schäffer on the latest developments of the two sides, organizational restructuring of CNIPA, the 40th anniversary of CNIPA-DPMA cooperation on September 21 local time.

"The cooperation between China and Germany as countries has maintained a good momentum of development, paving the China-EU cooperation and setting an example of dealing with each other for world powers in the process. The cooperation has also instilled new vitality into the economic development of the two countries and the world as a whole. DPMA has been actively supporting

our IP work for many years. In recent years, the two offices have conducted deeper cooperation and yielded fruits in high-level visits, examination practice exchange and PPH." Shen stressed that two offices would further expand cooperation and consolidate this traditional friendship and elevate the pragmatic cooperation to a new height.

Schäffer highly appreciated the long-standing cooperation between the two offices. She said that the next year will mark the 40th anniversary of CNIPA-DPMA cooperation, and she wished to beef up and expand the cooperation by a series of activities including jointly holding a symposium on utility model.

(by Feng Xiao)

本报讯 莫斯科当地时间9月20日,中国国家知识产权局局长申长雨率团访问欧亚专利局,与欧亚专利局局长索里·特莱芙列索娃就双方知

识产权的最新发展、中国知识产权机构改革、两局未来合作等议题进行了深入交流,并签署了局间合作谅解备忘录和2019-2020年度工作计划。

申长雨表示,中国国家知识产权局和欧亚专利局具有传统的合作友谊,近年来,两局互动频繁、交流紧密,合作不断迈上新台阶。中国国家知识产权局愿与欧亚专利局进一步共同探讨双方合作的路径与方向,共同推动两局合作关系不断深入发展,为中国和欧亚地区的知识产权用户提供更好的服务。

特莱芙列索娃高度评价中国知识产权事业发展取得的成就。她表示,两局合作谅解备忘录和工作计划的签署标志着双方合作迈上一个新的台阶。希望未来两局能够继续加强在知识产权领域的交流,共同推动两局关系不断向前发展。

德国慕尼黑当地时间9月21日,申长雨率团访问德国专利商标局,与德国专利商标局局长康内莉亚·鲁道夫·舍费尔就两局最新发展、中国知

识产权机构改革、中德两局合作40周年等相关议题进行了深入交流。

申长雨表示,中德两国合作保持全面稳定健康发展态势,长期引领中欧合作,堪称大国合作的典范,为两国乃至世界经济发展注入了动力。在知识产权合作方面,德国专利商标局多年来对中国知识产权事业的发展提供了积极支持。特别是近年来,两局在高层互访、审查业务交流、专利审查高速路(PPH)等方面进行了深入合作,取得了良好的合作成果。他强调,两局应进一步加强交流,拓宽合作领域,进一步巩固和巩固中德两局的传统友谊,不断推动两局务实合作迈上新台阶。

舍费尔高度评价中德两局多年来保持的良好、紧密的合作关系。她表示,明年是中德两局合作40周年,希望通过举办中德实用新型研讨会等活动进一步加强交流,拓宽合作领域,共同推动两局合作关系不断向前发展。

(冯霄)



Yingshan County of Hubei Province is located on the side of the main peak of the Dabie Mountain, featuring a typical subtropical moist climate, a humid monsoon cli-

mate in the north subtropical zone of the middle and lower reaches of the Yangtze River. Yingshan County is rich in mountain and water resources, with high sea level, abundant sunshine and plentiful rainfall. The geographical and climatic conditions are suitable for tea growth.

Yingshan yunwu tea is produced in alpine and semi-alpine tea farms. This type of tea features bright green color, savory flavor and enduring after-

taste. The liquor is light and clear and the tea leaves are evenly and tightly twisted.

Since the implementation of the protection of geographical indication products, Yingshan yunwu tea has been booming both in production and marketing. According to statistics, by the end of 2017, the output value of tea was 2.076 billion yuan. The precise poverty alleviation of the tea industry has led to the increase of in-

come of 10,600 tea farmers and the realization of poverty alleviation in the whole county.

(Courtesy of the Protection and Coordination Department of CNIPA)

湖北省英山县位于大别山主峰侧旁,属长江中下游亚热带湿润季风性气候,山水资源丰富,海拔高、日照充分、雨量丰沛,地理和气候条件适合茶叶生长。

英山云雾茶产于高山和半高山茶场,具有色泽翠绿、香高持久、滋味浓



醇、汤色清澈、叶底匀齐的品质特征。

实施地理标志产品保护以来,英山云雾茶产销两旺。据统计,截至2017年底,茶叶产值20.76亿元,茶产业精准扶贫带动1.06万户茶农增收,实现全县整体脱贫。

中国国家知识产权局保护协调司供稿

Court Rules Local Electrical Firm's TM Similar to VOLVO
沃尔沃公司在华成功捍卫商标权

The dispute is between the Sweden-based VOLVO Trademark Holding AB and Volok Electrical Co., Ltd in Zhejiang Province of China over the trademark VOLOK 沃尔科。Recently, Beijing High People's court made a final judgment, held that No.9047759 trademark "VOLOK 沃尔科" (trademark in dispute) had constituted similarity with No.1981782 "VOLVO" (cited TM1) and No.4664260 "沃尔沃" (cited TM2) on the same or similar products. The judgment brought the 3-year-long dispute to an end and upheld the decision invalidating the trademark in dispute made by Trademark Review and Adjudication Board (TRAB).

The trademark in dispute was filed for registration by VOLOK in January 2011 and would later be certified for use on products including materials for electricity mains (wires, cables) and capacitors.

In July 2015, VOLVO filed an invalidation request to the TRAB. The cited TM1 and cited TM2 were filed by VOLVO in October 2001 and May 2005 respectively, and would be approved for registration in February 2003 and May 2008, certified for used on products including combustion instruments, wires, and capacitors.

In May 2016, the TRAB made a ruling that the registration and use of the trademark in dispute would not cause misunderstanding of the public in the



quality and origin of the products, however, the trademark in dispute and the two cited TMs constituted similarity in the same or similar products. On this ground, TRAB decided to invalidate the trademark in dispute.

The disgruntled VOLOK then brought the case to Beijing IP Court.

After hearing, Beijing IP Court held that the trademark in dispute and the two cited TMs constituted similarity in the same or similar products. The court denied the request of VOLOK at the first stance.

Then VOLOK appealed to Beijing High.

Beijing High held that the certified products of the trademark in dispute and the two cited TMs highly converged on function, use, distribution

channel and customers, constituting similarity in the same or similar products. The trademark in dispute and the two cited TMs were similar in overall design, words formation and calling, and it is hard to tell from the meaning. In addition, two cited TMs had enjoyed high popularity in vehicles and relevant instruments after long-time and wide use and promotion.

In this connection, Beijing High affirmed that the trademark in dispute and the two cited TMs constituted similarity in the same or similar products and rejected VOLOK.

(by Wang Guohao)

本报记者 王国浩

围绕着一件“VOLOK 沃尔科”商

标,瑞典沃尔沃商标控股有限公司(下称沃尔沃公司)与浙江省沃尔科电气有限公司(下称沃尔科公司)展开了一场商标纠纷。近日,北京市高级人民法院作出终审判决,认定第9047759号“VOLOK 沃尔科”商标(下称诉争商标)与第1981782号“VOLVO”商标(下称引证商标一)、第4664260号“沃尔沃”商标(下称引证商标二)构成使用在同一种或类似商品上的近似。

至此,双方历时3年之久的纠纷告一段落,商标评审委员会(下称商评委)对诉争商标予以无效宣告的裁定最终得以维持。

据了解,诉争商标由沃尔科公司于2011年1月提出注册申请,被核准注册使用电源材料(电线、电缆)、电容器等商品上。

2015年7月,沃尔沃公司针对诉争商标向商评委提出无效宣告请求。据了解,引证商标一与引证商标二由沃尔沃公司分别于2001年10月与2005年5月提出注册申请,并分别于2003年2月和2008年5月被核准注册,分别核定使用在内燃机仪表、电线、电容器等商品上。

2016年5月,商评委作出裁定,认为诉争商标的注册和使用不易使公众对商品的质量等特点或者产地产生误认,但诉争商标与两件引证商标构成使用在同一种或类似商品上的近似商标。据此,商评委裁定对诉争商标予以无效宣告。

沃尔沃公司不服商评委所作裁定,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,诉争商标与两件引证商标构成使用在同一种或类似商品上的近似商标。据此,法院一审判决驳回沃尔沃公司的诉讼请求。

沃尔沃公司不服一审判决,向北京市高级人民法院提出上诉。

北京市高级人民法院经审理认为,诉争商标与两件引证商标核定使用的商品在功能、用途、销售渠道、消费群体等方面具有较大的关联性,构成同一种或类似商品;诉争商标与两件引证商标在整体外观、文字组成以及呼叫等方面相近,且含义上无法区分,构成近似商标。而且两件引证商标经过长期广泛的使用和宣传,在车辆及相关仪表、装置等领域已具有较高知名度。

综上,法院认定诉争商标与两件引证商标构成使用在同一种或类似商品上的近似商标,并据此终审驳回沃尔沃公司上诉。



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