

China's IP
in foreign eyes

Over the past few years, the country has been aggressively promoting TCM on the international stage both for expanding its global influence and for a share of the estimated US\$50-billion global market. Medical-tourism hotspots in China are drawing tens of thousands of foreigners for TCM. Overseas, China has opened TCM centres in more than two dozen cities, including Barcelona, Budapest and Dubai in the past three years, and pumped up sales of traditional remedies. (Why Chinese medicine is heading for clinics around the world, by Nature)

过去几年,中国一直在国际舞台大力推广中医药,一方面是为了扩大其全球影响力,另一方面也是为了在估值约500亿美元的全球传统医药市场占有一席之地。中国医疗旅游吸引了数以万计的外国人远赴中国寻求治疗。过去3年里,中国在巴塞罗那、布达佩斯和迪拜等20多个城市开设中医药海外中心,并推动中药销售。(为何中医能走向世界,英国自然杂志)

Comment

Backing by a history of thousands of years, TCM is proud treasure of China. Improving and strengthening protection of IPR of TCM, will provide legal protection for TCM "going out", and promote innovative development of TCM.

点评

拥有数千年历史的中医药是中华民族瑰宝,完善和加强中医药知识产权保护,为中医药“走出去”提供了有力的法律保障,推动中医药事业创新发展。



Tencent Music Entertainment is aiming to raise at least \$2bn in an initial public offering, a smaller amount than anticipated. The music streaming company, which is being spun out of Tencent Holdings, China's largest internet and social media group, had been expected to raise as much as \$4bn, although TME never publicly stated such intentions. (Tencent Music aims to raise \$2bn in US IPO, by Financial Times)

腾讯音乐娱乐集团拟通过首次公开发行(IPO)筹集至少20亿美元,这个数字低于预期。这家音乐流媒体公司将从中国最大的互联网和社交媒体集团腾讯控股分拆出来。此前外界预计它最多将会筹集到40亿美元资金,尽管腾讯音乐娱乐集团本身从未公开声明这一目标。(腾讯音乐拟在美国上市筹资20亿美元,金融时报)

Comment

In recent years, rapid rise of digital music platforms such as Tencent Music Entertainment is inseparable from the enterprise's attention to copyright protection. The firm is constantly working on copyright management as copyright climate of China digital music has been improved significantly.

点评

近年来,腾讯音乐娱乐集团等数字音乐平台迅速崛起,这离不开企业对音乐版权的重视。这些企业不断在音乐版权运营方面发力,中国数字音乐版权环境有了显著改善。

(李倩)

TDIA Reports: China to Become World's Largest 5G Market
中国将成全球最大5G市场

The global companies filed the most 5G-related patent applications in China and the U.S., and the patent applications received by China was mainly on Polar code, large-scale array antenna and core network. Some traditional communication companies like Huawei, ZTE and Ericsson have the advantages of housing 5G-related patent applications, according to a patent analysis report on partly key technologies of 5G of frozen R15 released by TD Industry Alliance (TDIA) recently.

China has become the global hot spot to patent portfolios in four major technologies including information coding, new uplink transmission, large-scale array antenna and core network. In particular, China received the most patent applications in Polar code, large-scale array antenna and core network from companies in the world, according to the report.

"We can predict that China will become the world's largest 5G market, taking its market scale into consideration. The patent rulemaking of 5G, therefore, needs China's participation," said Wang Peng, IP Director of TDIA. In his eyes, "China still has a long way to go in terms of innovation in 5G, requiring both peer collaboration and innovation at multiple dimensions factor-

ing the features of the 5G industry.

The establishment of reasonable 5G patent rules globally will benefit 5G innovation and commercialization, the report reveals.

The report suggests that, the making of 5G patent rules should be guided and overseen by relevant administrations. Industry organizations should take the lead in coordinating standard-setting organizations and companies to define the way of rule making according to the development requirement of 5G in China. The disclosure of 5G patents, verification of patent standards, assessment of patent value and other issues should be negotiated by multiple parties. The relevant administrations should develop a sound patent using climate by imposing constraints on patent infringement and misuse of patent right. In parallel, an essential patents information platform based on patent examination data should be established so that the disclosure patent information can be available to patent examination system and court trials. Domestic and foreign companies should negotiate the way of 5G patent charging, so as to establish a 5G patent licensing rule in sync with the development of global 5G industry and China's national conditions as quickly as possible.

"Making a unified 5G global stan-

dard has been a consensus in the communication industry. In a bid to make such standard come into being and assure 5G commercialization globally, the relevant industries around the world should join hands to negotiate patent rules and promote construction of the patent ecological climate, and bring benefits to the parties concerned," said Wang Peng.

(by Liu Yeting)

本报记者 刘叶婷

近日,TD产业联盟(下称TDIA)发布的《5G关键技术创新报告》(下称报告)对已冻结的R15中的部分关键技术进行了专利分析。报告显示,全球企业在中国和美国申请的5G关键技术相关专利数量最多,Polar码、大规模阵列天线和核心网等关键技术的专利申请主要集中在,华为、中兴、爱立信等传统通信企业在5G关键技术专利申请上具有一定的优势。

报告显示,在信息编码技术、新型上行传输技术、大规模阵列天线和核心网关键技术4大领域的专利布局上,中国成为全球企业最为重视的国家。其中,在Polar码、大规模阵列天线和核心网关键技术方面,全球企业向中国提交的专利申请量排在首位。

"结合中国产业的市场规模,可以预判中国将是全球最大的5G市场。因此,5G的专利规则创新需要中国的参与。"TDIA联盟知识产权总监王鹏



表示,对于中国来说,5G创新工作依然任重道远,既需要产业协同创新,也需要多维度地围绕5G产业特点进行创新。

报告同时指出,在全球范围内建立一个合理的5G专利规则也将有利于5G的技术创新和商用化进程。

围绕5G专利规则工作,报告建议,应在政府相关部门的指导和监督下,由行业组织牵头联合标准组织、企业结合中国5G发展需求,明确5G专利规则的方向,由多方共同协商5G专利信息披露、专利标准性核实、专利价值评估等具体问题;国家相关部门应对侵犯专利权和滥用专利权等问题进行约束,建立良好的5G专利运用环

境;此外,国内还需建立一个以专利审查数据为基础的标准必要专利信息平台,建立数据互通渠道,使披露的标准必要专利信息能够与专利审查系统、法院诉讼系统相通;最后,国内外企业还应积极沟通5G专利收费方式,争取形成符合全球5G产业发展和中国国情的5G专利许可规则。

"制定全球统一5G标准已成为业界共识,想要在全球快速形成统一的5G标准,并保证5G的全球商用,需要全球范围内的各相关产业的参与方共同协商5G专利规则,共同来促进5G专利生态环境的建设,使得多方能够从5G的发展中共同受益。"王鹏表示。



Guanxi pomelo is grown in Pinghe County of Zhangzhou City, Fujian Province. It has been cultivated for more than 500 years. During the Qianlong reign of the Qing Dynasty, Guanxi pomelo was listed as a tribute to the court. Pinghe Country

has plentiful water sources, such as Guanxi river. Plentiful sunshine and sandy loam common in the area make the place suitable for the growth of pomelo.

Guanxi pomelo features golden-orange-colored peel, crisp and juicy pulp, moderate sweet and sour flavor, with every 100ml of juice containing 9.17 - 11.60g sugar, 0.734 - 1.011g acid, 48.93 - 51.98mg Vitamin C. Guanxi pomelo is helpful to eliminate phlegm,

moisten lung, digest food and reduce fever.

Since the implementation of the protection of geographical indication products, the domestic market share and export volume of Guanxi pomelo have occupied the first place in the same kind of products in China. The export areas cover EU countries, Russia, Canada, and so forth.

(Courtesy of the IP Protection Department of CNIPA)

Guanxi Pomelo
琯溪蜜柚

琯溪蜜柚产于福建省漳州市平和县,距今已有500多年栽培历史,清朝乾隆年间被列为朝廷贡品。平和县域内琯溪等河流水源充足,光照充分,土壤多为沙质土壤,适宜蜜柚的种植。

琯溪蜜柚皮色橙黄,果肉脆嫩多汁,酸甜适度,每100毫升果汁含糖9.17-11.60克,含酸0.734-1.011克,含维生素C48.93-51.98毫克,具有祛痰润肺、消食降火的功效。

实施地理标志产品保护以来,琯

溪蜜柚国内市场份额和出口量均占全国同类产品首位,出口地区覆盖欧盟多国和俄罗斯、加拿大等国家。中国国家知识产权局知识产权保护司供稿

Google Wins TM Registration Lawsuit
谷歌公司在华赢得图形商标诉讼

As a figure trademark featuring a "play" button filed by Google for registration on downloadable software was rejected by the Chinese Trademark Office(TMO) citing two prior trademarks, Google began its journey in seeking justice in Chinese authorities and courts in the next two years.

Beijing High People's Court recently made a final judgment and rejected the appeal from the Trademark Review and Adjudication Board (TRAB) on Google's No.19127130 figure trademark, ordering the TRAB take a de novo look at the case.

The trademark in question was filed by Google on February 22, 2016, certified to be used on Class 9 products including downloadable music files, videos, PC software and electronic publications (downloadable).

After examination, TMO rejected the application as the trademark in question constituted similarity with No.8158685 (No.1 cited trademark) and No.330787 (No.2 cited trademark) figure trademarks when used on the same or similar products. The disgrun-

ted Google filed a reexamination appeal to TRAB, but was also rejected. Google then filed a lawsuit to Beijing IP Court but rejected by the Court.

Google then appealed to Beijing High People's Court, arguing that the No.1 cited trademark has been revoked and a coexistence agreement between Google and the right holder of No.2 cited trademark was under negotiation.

On May 27, 2018, TMO announced the revocation of the registration of No.1 cited trademark on all products. In parallel, according to the agreement signed by Google and right holder of No.2 cited trademark and presented to the Court during the second hearing, the right holder agreed Google to register the trademark in question in designated products.

After hearing, the Court held that the trademark in question constituted similarity with No.1 and No.2 cited trademark when used on the same or similar products. As the No.1 cited trademark has been revoked, and the right holder of No.2 cited trademark agreed Google to register the trademark in question, and more important-



ly, there are some certain differences between the trademark in question and No.2 cited trademark, and there is no evidence to show that coexistence of trademark in question and No.2 cited trademark would mislead the public about the origin of the products. So the Court made the above decision.

(by Wang Guohao)

本报记者 王国浩

美国谷歌有限责任公司(下称谷歌公司)将一类类似播放按钮标识作为图形商标,向商标局提出在可下载的计算机应用软件等商品上的注册申请,因遭遇两件近似的在先图形商标而被驳回注册申请,谷歌公司随后在华展开了权属追索。

历时两年,该案日前有了新的进

展。北京市高级人民法院终审支持了谷歌公司诉讼请求,商标评审委员会(下称商评委)对第19127130号图形商标(下称诉争商标,如图)注册申请予以驳回的复审决定被撤销,并被判令针对谷歌公司就诉争商标提出的驳回复审申请重新作出决定。

据了解,诉争商标由谷歌公司于2016年2月22日提出注册申请,指定使用在可下载的音乐文件、可下载的影像文件、可下载的计算机应用软件、电子出版物(可下载)等第9类商品上。

经审查,商标局以诉争商标与第8158685号图形商标(下称引证商标一)、第330787号图形商标(下称引证商标二)构成使用在同一种或类似商品上的近似商标为由,决定对诉争商标的注册申请予以驳回。谷歌公司不服,随后向商评委提出复审申请,但商评委同样决定驳回诉争商标的注册申请,谷歌公司继而向北京知识产权法院提起行政诉讼。经审理,法院一审判决驳回了谷歌公司的诉讼请求。

谷歌公司不服一审判决,向北京市高级人民法院提起上诉,主张引证商标一已被撤销,而且诉争商标与引证商标二的权利人正在签署共存协议书。

2018年5月27日,商标局对引证

商标一作出注册商标撤销公告,撤销引证商标一在全部商品上的注册。同时,根据二审审理过程中谷歌公司向法庭提交的其与引证商标二权利人签署的同意书记载,引证商标二的权利人同意谷歌公司在指定商品上注册诉争商标。

经审理,北京市高级人民法院认为,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,但是引证商标一已被撤销,引证商标二的权利人同意谷歌公司注册诉争商标,而且诉争商标与引证商标二的标志存在一定区别,亦无其他证据证明诉争商标与引证商标二共存足以导致相关公众对商品来源产生混淆、误认。综上,法院终审判决撤销一审判决及商评委所作复审决定,并判令商评委重新作出决定。



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