

China's IP
in foreign eyes

On television, in plain robes before a screen of ancient symbols, he did not move from behind his table, letting his hands, eyes and voice paint scenes, characters, emotions, even abstractions. The young loved him as much as the old, and the government declared him an Inheritor of state-level Intangible Cultural Heritage. His fans called him "an eternal electric wave" and an ever-green tree. (Shan Tianfang: Tradition's voice, *The Economist*)

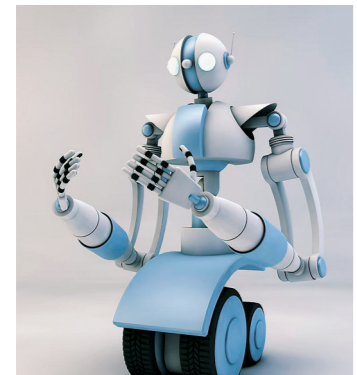
电视节目里,他身着一袭素袍,立于古典屏风前。他总是站在桌后,以双手、眼睛和声音便描绘出场景、人物和情绪,甚至是抽象事物。中国老少皆爱单田芳的评书,政府还授予他中国非物质文化遗产传承人的身份。他被粉丝们誉为“永不消逝的电波”和“常青树”。(单田芳:传统之声, *经济学者*)

Comment

As a cultural symbol of Chinese folk arts, Beijing Pingshu has been identified as China's Intangible Cultural Heritage by the Chinese government and well-protected. The inheritor Shan Tianfang left the world with profound memories.

点评

作为中国传统文化的符号之一,北京评书被中国政府认定为国家级非物质文化遗产,并受到了良好保护。其传承人单田芳独特的嗓音和评书方式给世人留下了深刻的回忆。



A teacher shows a robot to children at a primary school in Japan. Remarkably, the school's robot was built by a start-up company in Shenzhen. "I like this robot because I need to activate all the brain cells," said A, an 11-year-old primary school student who is a big fan of the Chinese product. Chinese companies have expanded their business globally as demand for education robots continues to grow. (*China's smart robot startup opens up to western markets, financial times*)

日本的一所小学,一位教师正向孩子们展示机器人。值得一提的是,该校的机器人来自中国深圳的一家初创公司。11岁的小学生A是这款中国产品的忠实粉丝,“我喜欢这款机器人,因为我想要激活所有脑细胞。”随着市场对教育机器人的需求不断增加,中国企业已将业务拓展至全球。(中国智能机器人初创公司正在开辟西方市场, *金融时报*)

Comment

China's intelligent robot enterprises recognize that independent innovation is closely related to the rise and decline of themselves. So they insist on enhancing core competitiveness by innovation, and constantly accumulating IP resource, so as to lay a solid foundation for venturing out.

点评

中国智能机器人企业认识到自主创新关系企业兴衰存亡,坚持以创新打造企业核心竞争力,不断累积知识产权储备,为日后“走出去”打下了坚实基础。(李倩)

IP Enforcement to Stand Guard at CIIE
从严保护彰显形象 全情投入服务盛会

On November 5th, the first China International Import Expo (CIIE) was inaugurated in Shanghai, with an IP protection and dispute resolution service center orderly operational and law enforcement officers and service personnel in position. The

grand international gathering, highlighting cutting-edge technologies, seeking global economic and trade cooperation and demonstrating China's resolve in tightening IP protection, attracts more than 3,000 businesses from over 130 countries.

From August 1st to November 10th, Shanghai IP Office, backed by a city-wide inter-agency IP coordination regime, leads relevant authorities in executing a hundred-day CIIE-related IP protection campaign in an attempt to enable event attendants obtain a real feel of IP protection in China.

tion, reporting and complaints as well as consultation services." said Kong.

Shanghai emphasizes collaboration between government authorities and judicial authorities, intensifies relevant units' IP cooperation in resource sharing, information exchange, transfer of case leads, law enforcement assignment and response to public opinion. In the meantime, it aims to guide the public to pay attention to, understand and practice IP protection through CIIE.

"We will try our best to do the CIIE-related IP protection work in an effort to create a sound market, transaction and service environment for foreign exhibitors and purchasers, providing strong support for successful hosting and branding of CIIE." Deputy Director General of Shanghai IP Office, Rui Wenbiao concluded. (by Han Rui)

本报实习记者 韩瑞

“知识产权保护与商事纠纷处理服务中心”有序运行,知识产权相关行政执法、服务人员各司其职……11月5日,首届中国国际进口博览会(下称进博会)在上海拉开帷幕。这场聚焦前沿领域创新、寻求全球经贸合作、展示中国从保护知识产权决心的国际盛会吸引了来自130多个国家的3000多家企业参会。

今年8月1日起至11月10日期间,上海市知识产权局依托上海市知识产权联席会议统筹协调机制,组织全市相关部门开展进博会知识产权保护百日行动,希望通过开展进博会知识产权保护工作,让来宾切身感受中国知识产权保护的真实情况。

上海市知识产权联席会议办公室负责人孔元中介绍,进博会知识产权工作不仅整合了政府力量、司法力量、社会力量,得到了国家有关部门、中国国际进口博览会、上海市各级政府、相关新闻媒体的积极支持和大力配合,而且还调动了知识产权行业协会、服务机构、调解仲裁组织以及上海高校知识产权志愿者以各类形式、多种方式参与进博会知识产权保护工作。

“我们着力以司法审判、行政执法、仲裁调解、举报投诉、咨询服务等多渠道,构筑进博会知识产权大保护之盾。”孔元中表示。

记者了解到,上海强调政府部门之间、政府部门与司法机关之间的协同配合,强化各相关单位在资源共享、信息互通、线索移送、执法衔接、舆情应对等方面的知识产权工作协作,同时以进博会为主题,引导社会民众关注、了解和实践知识产权保护。

“我们会尽全力做好进博会知识产权保护工作,为国外参展企业、采购商营造良好的市场环境、交易环境、服务环境,为进博会的成功举办和品牌打造提供有力的支撑和保障。”上海市知识产权局副局长芮文彪表示。



Lixian, the county within the jurisdiction of Baoding City of Hebei Province, is well-known for abundant Chinese yam. Throughout its history, the Zhulong River flooded and burst many times, therefore forming the fluvo-aquic soil. The soil, with

loose texture at the top and solid part underneath, makes temperature significantly change in different soil layers, which is perfect for the Chinese yam to grow.

Compared to other Chinese yams, Lixian Yam tastes more gentle and refreshing with a slight numb feeling. Also, Lixian Yam has long fibrous roots, dark surface with thin skin and crisp snow-white pulp. It can also be made into medicine while many use it as food.

Lixian Yam
蠡县麻山药

Since the implementation of geographical indication products protection, Lixian Yam has contributed a lot to the development of related industries. The annual per capita income of farmers in Lixian has increased by around 1000 yuan. Through the EU-SINO pilot project of mutual recognition and protection of "10+10" geographical indication products, Lixian Yam has been officially registered by the European Union. It is reported that the annual export value of Lixian Yam is

more than 6 million yuan, nearly 30 percent increasing compared to the data before implementation of geographical indications protection. (Courtesy of the IP Protection Department of CNIPA)

蠡县隶属河北省保定市,是远近闻名的“山药之乡”。历史上,蠡县诸龙河多次泛滥决口,冲淤形成了潮土。该土壤上虚下实,土层温差大,适宜麻山药的种植。

与其他山药口感相比,蠡县麻山药食之温润爽口且具有淡淡的麻感,



根须细密且长,表面颜色发暗,皮薄质脆肉白,黏液浓稠,药食兼用。

实施地理标志产品保护以来,蠡县麻山药带动相关产业的发展,全县农民人均增收千元左右。通过中欧“10+10”地理标志互认互保试点项目,蠡县麻山药获得欧盟正式保护注册。据介绍,蠡县麻山药每年出口额600多万元,比实施地理标志保护前增加近30%。

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COFRA Wins 'C&A' Trademark Lawsuit

科弗拉在华赢得“西雅衣家”商标之争

COFRA Holding AG, parent of C&A (China) has been entangled in a full-scale trademark war over the famous clothing brand "C&A" with Aolenia Garment Limited Company based in Henan. According to a recent judgment made by Beijing High People's Court, the appeal from Aolenia was rejected on the ground that No.8189921 trademark "西雅衣家" (trademark in dispute) was acquired by Aolenia by any other improper means. The decision made by the Trademark Adjudication and Review Board (TRAB) upholding the trademark in dispute was revoked and should make a new one.

The trademark in dispute was originally filed by Guangzhou Zhongwei Enterprise Management Consulting Co., Ltd. in 2010 and was approved in April, 2011, certified to be used on Class 25 products including garments. In March, 2014, the trademark was ratified to be transferred to Aolenia.

In April, 2015, COFRA lodged an invalidation request to TRAB. Then

TRAB made a decision, holding that the evidence submitted by COFRA failed to prove the trademark in dispute caused damage to trade name of its affiliated enterprise C&A and was acquired by any other improper means in Chinese Trademark Law. Accordingly, TRAB upheld the trademark in dispute.

The disgruntled COFRA brought the case to Beijing IP Court. Beijing IP Court held that C&A, an affiliated enterprise of COFRA, had enjoyed popularity among the garments industry prior to the filing date of the trademark in dispute. Zhongwei filed a registration of the trademark in dispute on garments with the same name of the trade named of C&A without any permission, damaging the prior trade name of C&A. Meanwhile, Zhongwei, beyond its business scope and without intention for use, had filed for registration and stacked a large number of trademarks without reasonable and fair cause, leading to constitution of acquiring by any other improper means. Therefore, the court dismissed the deci-

sion made by TRAB and ordered TRAB to take another look at the case.

Then Aolenia appealed to Beijing High People's Court. After hearing, the Court held that the evidence failed to prove the ownership of the trade name of "西雅衣家" by COFRA, so a prior trade name right could not be used to dethrone the trademark in dispute. However, the trademark in dispute was acquired by any other improper means. In this connection, the Court rejected the appeal from Aolenia and upheld the judgment at the first stance.

(by Wang Guohao)
提及知名时品牌“西雅衣家(C&A)”,可能人们并不陌生。围绕着“西雅衣家”商标,西雅衣家(中国)商业有限公司(下称西雅衣家)的关联企业瑞士科弗拉控股公司(下称科弗拉)与河南省奥莱尼亚服装有限公司(下称奥莱尼亚)在华展开了一场纠纷。

日前,北京市高级人民法院公开的判决显示,法院认为奥莱尼亚的第8189921号“西雅衣家”商标(下称诉争商标)构成“以其他不正当手段取得注册”的情形,驳回了奥莱尼亚的上

诉,商标评审委员会(下称商评委)对诉争商标予以维持的裁定最终被撤销,并需重新作出裁定。

据了解,诉争商标由广州中唯企业管理咨询有限公司(下称中唯公司)于2010年提出注册申请,2011年4月被核准注册,核定使用在服装等第25类商品上。2014年3月,诉争商标经核准转让予奥莱尼亚。

2015年4月,科弗拉针对诉争商标向商评委提出无效宣告请求。经审查,商评委作出裁定认为,科弗拉提交的证据不能证明诉争商标的注册申请损害了其关联企业西雅衣家的在先商号权,亦不足以证明诉争商标的注册申请构成中国商标法规定的“以其他不正当手段取得注册”情形。

科弗拉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,科弗拉的关联企业西雅衣家于诉争商标申请注册日前,在服装产业中已具有一定知名度,中唯公司在未经许可的情况下申请注册与西雅衣家商号相同的诉争商标,且核定使用在服装等商品上,损害了西雅衣家享有的在先商号权。同时,中唯公司超出经营范围,非以使用为目的且无合理或正当理由

大量申请注册并囤积包括诉争商标在内的注册商标,构成“以其他不正当手段取得注册”的情形。综上,法院一审判决撤销商评委所作裁定,并判令商评委重新作出裁定。

奥莱尼亚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,在案证据不能证明科弗拉为“西雅衣家”商号的权利人,不能主张在先商号权,但诉争商标构成中国商标法规定的“以其他不正当手段取得注册”的情形。据此,法院终审驳回奥莱尼亚的上诉,维持一审判决。(王国浩)



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