

China's IP
in foreign eyes

Alibaba smashed its record for the online retail blitz known as Singles Day. China's biggest e-commerce company said sales topped \$30 billion over a 24-hour period Sunday, soaring past last year's record of about \$24 billion. Alibaba started offering Singles Day discounts in 2009 and has since turned the day into a 24-hour bonanza of online shopping in China. Other Chinese e-commerce platforms like JD.com and regular brick-and-mortar stores also take part. International companies flock to Alibaba's celebrity-studded live telecast and its various online platform. Imported goods make up a significant amount of sales. (Alibaba Singles Day sales top \$30 billion, by CNN)

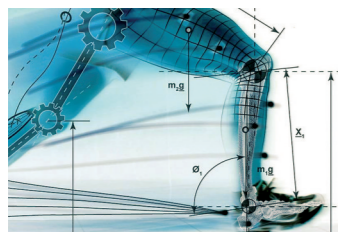
阿里巴巴再次打破“双11”成交额记录——达到300亿美元,突破去年的约240亿美元。从2009年开始,阿里巴巴把11月11日这一天变成了一个24小时的网上购物日。之后,其他中国电子商务平台像京东等,以及线下实体店也加入到该活动中。今年,不少国际企业涌向阿里巴巴等电商平台,进口商品销售占据了大量的销售额。“双11”阿里巴巴成交额超过300亿美元,美国有线电视新闻网)

Comment

As China strengthened its protection on IPR, its business environment has been optimized gradually, attracting more and more foreign enterprises to participate in Singles Day. The Day already is not only a carnival of Chinese consumers, but also a global shopping festival.

点评

随着近年来中国知识产权保护力度的不断增强,逐渐优化的营商环境吸引了越来越多的外资企业参与到“双11”这一活动中。“双11”早已不仅仅是中国消费者的狂欢节,还是全球的购物节。



China is developing a system that recognizes individuals by their body shape and walking movements. The new system, known as "gait recognition", is already being used by police on the streets of Beijing and Shanghai. The Chinese technology company Matrix developed the system. The company announced that it had raised \$14.5 million to speed up the development and sale of the technology. The system works in a similar way to face recognition. Facial recognition systems identify the shapes and expressions on a person's face to identify them. Gait recognition uses a person's body shape and their way of walking to identify them. (System Recognizes People From Body Shape, Walking Movements, by VOA)

中国开发出一种通过体型和走路姿态来识别身份的名为“步态识别”的新技术,目前已被北京和上海警察用于街头搜寻。该技术由中国科技公司矩阵水滴研发。近日,矩阵水滴公司宣布,公司已融资1450万元,以加速这项技术的研发和销售。步态识别的工作原理与面部识别类似。面部识别通过识别脸型 and 表情来确认身份,而步态识别通过人们的体型和走路方式来识别身份。(中国推出全球首款步态识别系统,美国之音)

Comment

With many years of independent innovation, China's scientists make China stand on the top of the world in the field of gait recognition. Innovators need timely patent layout to protect innovation with IPRs.

点评

中国科研工作者凭借多年的自主创新,让中国在“步态识别”技术领域走在了世界前列。中国创新主体需及时进行专利布局,用知识产权保护创新。(李倩)

Over 100 Specific Measures to Ensure IP Powerhouse Building Go Full-Steamed Ahead

《2018年深入实施国家知识产权战略 加快建设知识产权强国推进计划》印发

百余项具体措施推进知识产权强国建设

Promotion Plan for the Implementation of the National Intellectual Property Strategy and Acceleration of Building an IP Powerhouse in 2018" (Promotion Plan) was approved for issuance by the Inter-Agency Council for Implementation of IP Strategy of the State Council, securing implementation of six key works, 15 key sections and 109 measures.

Regarding deepening IP reform, the Promotion Plan seeks to promote IP administration system reform and perfect important IP policies, ease control in IP representation services in general while strengthening necessary control and offering quality administrative service, including establishing the all-new China National Intellectual Property Administration, exploring to establish a national-level IP cases appeal trial system, implement pre-tax super deduction for R&D expenses and advancing civil-military integration pilot programs in IP field.

With respect to IP utilization, the Promotion Plan aims to intensify high-value IP cultivation, improving IP examination quality and efficiency, including deep implementation of improving patent quality project, accelerating construction of patent examination system in emerging fields and industries, reducing trademark examination pendency from eight months to six months and building national works registration information publication and inquiry system.

As for enhancement of IPR protection, the Promotion Plan proposes to fine-tune laws and regulations, strengthen construction of long-term IP protection system, launch special administration in key fields, intensify daily supervision and law enforcement, including specifying punitive damages in copyright laws and patent laws, accelerate construction and mapping of IPR protection center, formulate Internet+ IPR protection schemes, and punish IPR infringement crimes.

In regard to enhancing IP utilization, measures include intensifying IP transfer and commercialization, strengthening use of IP information, deepening promotion of IP transaction services, promoting IP financing such as patent pledging, encouraging farmers to take advantage of trademarks to grow rich, formulating implementation of a three-year action plan to facilitate transformation and upgrade of businesses.

In terms of IP international communication and cooperation, missions include upgrading cooperative quality, heightening patenting strategy overseas and risk control. Specific tasks include a high-level IP conference on Belt and Road in 2018, gold award selection on patents and copyrights with the World Intellectual Property Organization, guiding enterprises to perform branding strategy overseas and establishing a right enforcement platform targeting enterprise venturing abroad.

Relating to strengthening implemen-



tation organization and support, measures include intensifying policy making and execution, enhancing talent building and public education. Specific tasks consist of completion of the evaluation of the Outline of the National IP Strategy after a Decade, launch of study on outline of building of the IP powerhouse, invitation of high-level IP talents and implementation of construction of IP culture. (by Liu Bin)

本报讯 近日,经中国国务院知识产权战略实施工作部际联席会议审议通过,《2018年深入实施国家知识产权战略 加快建设知识产权强国推进计划》正式印发。《推进计划》明

确了6大重点任务、15个重点部分,共109项具体措施。

在深化知识产权领域改革方面,《推进计划》提出,推进知识产权管理体制体制改革,改革完善知识产权重大政策,深化知识产权“放管服”改革,包括做好重新组建中国国家知识产权局工作,探索建立国家层面知识产权案件上诉审理机制,落实研发费用税前加计扣除政策,推进知识产权领域军民融合改革试点等措施。

在强化知识产权创造方面,《推进计划》提出,加大高价值知识产权培育力度,提高知识产权审查质量和效率,包括深入实施专利质量提升工程、加快新兴领域和业态的专利审查

制度建设,将商标注册审查周期从8个月压缩到6个月,建立全国作品登记信息查询系统等。

在强化知识产权保护方面,《推进计划》提出,完善法律法规规章,加强保护长效机制建设,开展重点领域专项治理,加强日常监管执法,包括推动在著作权法、专利法等法律中规定惩罚性赔偿制度,加快知识产权保护中心和布局、制定“互联网+”知识产权保护工作方案、依法惩治侵犯知识产权犯罪等措施。

在强化知识产权运用方面,《推进计划》提出,加强知识产权转化,强化知识产权信息利用,包括深入推进知识产权运营服务体系建设和推广专利质押等知识产权融资模式、深入推进商标富农工作、制定实施知识产权服务促进产业转型升级三年行动计划等措施。

在深化知识产权国际交流合作方面,《推进计划》提出,提升知识产权对外合作水平,加强重点产业海外布局和风险防范,包括办好2018年“一带一路”知识产权高级别会议、与世界知识产权组织合作开展中国专利奖、中国版权金奖评选活动、引导企业加快商标品牌海外布局、搭建企业知识产权海外维权平台等措施。

在加强组织保障和保障方面,《推进计划》提出,加强政策制定和推进落实,加强人才培养和宣传引导,包括完成《国家知识产权战略纲要》实施十年评估工作、启动知识产权强国建设纲要研究制定工作、加快知识产权高层次人才引进力度、深入实施知识产权文化建设工程等措施。

(刘斌)



Yancheng is located in the lower reaches of the Yangtze River basin, with numerous rivers and lakes, dense rivers, fresh water quality, abundant dissolved oxygen and abundant organic matter. It provides unique

natural conditions for the reproduction and growth of Procambarus clarkii (commonly known as crayfish).

The scope of Yancheng crayfish protection is the waters in Doulong River Basin, Dafeng, Yancheng. Characterized by its bright red shell, large body, tasty meat and high protein content, Yancheng crayfish is favored by consumers. Through the EU-SINO pilot project of mutual recognition and mutual protection of 10+10 geographical

Yancheng Crayfish
盐城龙虾

indication products, Yancheng crayfish has been officially registered by the European Union and designated as a special product by Swedish Crayfish Festival.

Since the implementation of the protection of geographical indication products, Yancheng has become the largest crayfish export base in China. Yancheng crayfish is sold to more than 50 countries and regions in Europe and the United States, with an annual ex-

port value of more than 50 million US dollars, accounting for 40% of the total processing exports countrywide. (Courtesy of the IP Protection Department of CNIPA)

盐城地处长江下游流域,河湖众多,河沟密布,水质清新,溶氧充足,有机质较丰富,为克氏原螯虾(俗称小龙虾)的繁殖生长提供了得天独厚的自然条件。

盐城龙虾产自盐城大丰斗龙河水域,颜色红亮,个体肥大,肉质鲜



美,蛋白质含量高,深受消费者喜爱。通过中欧10+10地理标志互认互保试点项目,盐城龙虾获得欧盟正式保护注册,被瑞典小龙虾节指定为专供产品。

实施地理标志产品保护以来,盐城已成为全国最大的小龙虾出口基地。盐城龙虾销往欧美50多个国家和地区,年出口额超过5000万美元,加工出口总量占全国的40%。(中国国家知识产权局知识产权保护司供稿)

Could Grinding Gear Go Along "PATH OF EXILE" Freely?

磨齿公司能否畅行“流放之路”?

PATH OF EXILE, an online game developed by the New Zealand-based Grinding Gear Games Limited is popular among Chinese gamers. Recently, Beijing High People's Court made a final judgment that No.19407903 trademark "流放之路" (PATH OF EXILE in Chinese) (trademark in dispute) filed by Grinding Gear, a goods in computer gaming software, does not have unhealthy influences, revoking the decision denying its registration by the Trademark Adjudication and Review Board (TRAB) and ordering the TRAB to make a de novo decision.

On March 25, 2016, a Chinese gaming company officially announced its distribution of "PATH OF EXILE". One day earlier, Grinding Gear filed a registration application for the trademark in dispute, requesting to be certified for use on Class 9 products such as computer gaming software. The Trademark Office (TMO) made a rejec-

tion decision based on the ground that the trademark in dispute is detrimental to socialist morals or customs or has other unhealthy influences. Days later on January 26, 2017, Grinding Gear lodged a review request to TRAB who would side with TMO on July 12, 2017.

The Disgruntled Grinding Gear then launched an administrative lawsuit to Beijing IP Court. Beijing IP Court held that the word "EXILE" means banishing convicted prisoners to remote lands. It is easy to generate unhealthy influence on socialist morals or customs and public cultural orders when it is used on the products of computer gaming software. The court accordingly rejected the request of Grinding Gear. Then Grinding Gear then brought the case to Beijing High People's Court.

After hearing, Beijing High held that the word "EXILE" of the trademark in dispute means exiling the pris-

oners to remote lands, and "PATH OF EXILE" meant the process or route of exile. As a trademark, "PATH OF EXILE" is not detrimental to socialist morals or customs or has other unhealthy influences for the symbol itself or parts. In addition, the former SAP-PRFT also approved its publication and operation after excluding its connection with any unhealthy contents and confirming its compliance with relevant laws. In this connection, Beijing High ruled in favor Grinding Gear and made the decisions that were listed in the opening section of this story. (by Wang Guohao)

本报记者 王国浩

提及新西兰游戏开发商磨齿游戏有限公司(Grinding Gear Games Limited,下称磨齿公司)旗下的网络游戏“流放之路”PATH OF EXILE。很多中国玩家并不陌生。近日,北京市高级人民法院作出终审判决,认定磨齿公司提出注册申请的第

19407903号“流放之路”商标(下称诉争商标),在计算机游戏软件等商品上不具有不良影响,据此撤销了商标评审委员会(下称商评委)所作对诉争商标予以驳回的复审决定,并判令其重新作出审查决定。

2016年3月25日,中国某游戏公司正式宣布代理“流放之路”游戏。此前一天,磨齿公司便提出诉争商标的注册申请,指定使用在计算机游戏软件第9类商品上。经审查,商标局认为诉争商标属于有害于社会主义道德风尚或者有其他不良影响的标志,作出驳回决定。磨齿公司于2017年1月26日向商评委申请复审。商评委于2017年7月12日作出驳回复审决定。

磨齿公司随后向北京知识产权法院提起行政诉讼,北京知识产权法院经审理认为,诉争商标中的“流放”意为把犯人驱逐到边远之地,若使用在计算机游戏软件等商品上,易对社会主义道德风尚、公共文化秩序等产生不良影响。因此一审判决,驳回磨齿公司诉讼请求。磨齿公司继而向北京市高级人民法院提起上诉。

经审理,北京市高级人民法院认为,诉争商标中的“流放”意为把犯人驱逐到边远之地,“流放之路”意指流放的过程或路途。作为商标的“流放之路”,其标志本身或组成部分,均无有害于社会主义道德风尚或者有其他不良影响的因素。且原国家新闻出版广电总局也已在先认定网络游戏“流放之路”不具有不良内容,符合国家法规要求并同意其出版运营。综上,北京市高级人民法院认为磨齿公司以诉争商标不具有不良影响应被核准注册的上诉主张成立,终审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审查决定。



英文翻译 王瑞

Translator Wang Rui

责任编辑 李倩

Executive Editor Li Qian