

China's IP
in foreign eyes

The NBA has grown to become China's most popular sports league. It's formed partnerships with some of the country's biggest tech companies and opened NBA stores and new experience concept stores inside malls. According to the league, more than 300 million people in China play basketball. Meanwhile, the NBA is the most followed sports league on social media with more than 150 million followers. (The NBA is China's most popular sports league, by CNN)

美职篮(NBA)已经成为中国最受欢迎的体育联盟之一。它与中国一些科技公司建立了合作关系,并在商场里开设了NBA专卖店和全新概念店。据NBA统计,中国有超过3亿人打篮球。与此同时,NBA是中国社交媒体上最受关注的体育联盟之一,拥有1.5亿多个粉丝。(NBA在中国最受欢迎的体育联盟之一,CNBC)

Comment

The NBA is well known. In China, many powerful companies, such as Tencent and Sina, are rushing to cooperate with the NBA. Thanks to China's increasingly strong IPR protection environment, the NBA's business in the country continues to expand.

点评

NBA具有颇高的知名度。在中国,NBA与众多实力雄厚的企业开展合作,像腾讯、新浪。而中国日益完善的知识产权保护环境,让NBA在中国的业务不断扩张。



Once a tiny fishing village in the shadow of nearby Hong Kong, Shenzhen is now a glittering metropolis of more than 12 million people. Along with other cities spread across Southern China's Pearl River Delta, it rose to prominence in the 80s and 90s as the world's factory floor, pumping out boatloads of industrial and consumer products. But today it's also widely known as China's answer to Silicon Valley, the home of tech giants like Tencent and Huawei. Shenzhen has become a magnet for ambitious young entrepreneurs seeking to take advantage of the city's position at the heart of global tech supply chains. It has produced startups like DJI. (Inside China's Silicon Valley: From copycats to innovation, by CNN)

深圳曾经是香港附近的一个小渔村,现在是一个拥有1200多万人口的大都市。与珠江三角洲的其他城市一样,深圳在上世纪八九十年代崛起为世界工厂,大量生产工业和消费品。如今,它也被广泛认为是中国的“硅谷”,腾讯、华为等科技巨头的故乡。对于雄心勃勃的年轻企业家来说,深圳是一块磁铁,催生了像大疆那样的初创企业,他们希望充分利用深圳在全球科技供应链中心的地位来支持他们创业。(置身“中国硅谷”——从山寨到创新,美国有线电视新闻网)

Comment

After decades of development, Shenzhen has become a city of innovation. The excellent business environment has been an important guarantee for Shenzhen's development. It has attracted many domestic and foreign enterprises to settle down there because of IP protection environment.

点评

经过几十年的发展,深圳已经成为创新之城。优良的营商环境是深圳一直以来保持创新发展的重要保障,严格的知识产权保护吸引了众多国内外企业在深圳安家落户。

(李倩)

Newly Revised Regulations of Patent Agency Released
中国公布新修订的《专利代理条例》

With Chinese Premier Li Keqiang putting his name on the dotted line of a State Council order, the newly revised Regulations of Patent Agency is officially announced to the public and will be in force from March 1, 2019.

The outgoing version of the Regulations, promulgated in 1991, has made positive impact on regulating the patent representation business and driving the development of the patent community as a whole. With the constant improvement of the Chinese socialist market economy, a no small number of changes have taken place in the patent representation business. The revised Regulations coined new requirements in professional qualifications, professional conducts and service supervision in a bid to accommodate these changes.

New qualifications requires a Chinese citizen with a junior college degree or above in science or engineering may attend the national exam for becoming a patent attorney. Those who pass the test will be issued a license of patent attorney and may commence

practice after meeting other statutory requirements.

Changes also take place in establishment of a patent agency. A patent agency may only be shaped in the form of partnership or limited liability company (LLC). Other statutory requirements shall be met before rendering an application to the competent patent authority under the State Council for approval of operation. The said authority shall make an approval (or not) decision within 20 days after receiving the application.

Professional conducts and supervision of services offered by these professionals or their agencies are improved. According to the new Regulations, any organization and individual may file a patent application and handle any patent-related matters either by itself, or by entrusting a lawfully-established patent agency. Attorney fees charged by patent agencies shall follow the principles of free will, fairness and good faith, factoring in both economic and social benefits. Professional conducts and consequential legal liabilities of patent agencies and patent attorneys are



further specified. Patent agency association shall exact heightened self-disciplinary actions on its members. Competent patent authorities are required to upgrade its services, improve its methods of checking and overseeing, enhance during-and-after supervision.

本报综合新华社消息 中国国务院总理李克强日前签署国务院令,公

布修订后的《专利代理条例》(下称《条例》),自2019年3月1日起施行。

1991年施行的《条例》对规范专利代理活动、推动专利事业发展起到了积极作用。随着中国社会主义市场经济体制不断完善,专利代理行业发生了较大变化,修订后的《条例》从专利代理准入、执业规范和服务监管等方面修改完善了相关制度。

《条例》改进了专利代理师执业准入制度,规定具有高等院校理工科专业本科以上学历的中国公民可以参加全国专利代理师资格考试;考试合格的,由国务院专利行政部门颁发专利代理师资格证;符合法定条件即可执业。

《条例》改进了专利代理机构执业准入制度,规定专利代理机构的组织形式应当为合伙企业、有限责任公司等;从事专利代理业务应当具备法定条件,向国务院专利行政部门提出申请,提交有关材料,取得专利代理机构执业许可证;国务院专利行政部门应当自受理申请之日起20日内作出是否颁发专利代理机构执业许可证的决定。

《条例》完善了执业规范和服务监管,规定除法律另有规定外,任何单位和个人可以自行在国内申请专利和办理其他专利事务,也可以委托依法设立的专利代理机构办理;专利代理机构收费应当遵循自愿、公平和诚实信用原则,兼顾经济效益和社会效益;进一步明确专利代理机构、专利代理师执业的行为规范及相应的法律责任;规定专利代理行业组织应当加强对会员的自律管理;要求管理专利工作的部门优化服务,改进检查监督方式,加强事中事后监管。

Longkou Vermicelli
龙口粉丝

Longkou vermicelli is produced in the areas under the jurisdiction of Longkou City, Zhaoyuan City, Penglai City, Laiyang City and Laizhou City, Shandong Province. The above areas are typical warm temper-

ate continental monsoon areas with moderate wind, suitable temperature, low air humidity, adequate sunshine and unique microbial system, which are suitable for vermicelli production.

Longkou vermicelli is made of high-quality mung bean or pea as raw material, using traditional acid slurry fermentation process to extract high-purity starch, and refined by beating, leaking, soaking and drying. The strips are smooth, pure and bright. When soaked in water, it retains the color and shape.

When cooked, it become soft and won't get soggy easily. It can be cooked with vegetables, fish, meat, poultry and eggs. It gives a pleasant, light and chewy taste.

Since the implementation of the protection of geographical indication products, Longkou vermicelli's annual output is about 100,000 tons, with an annual output value of nearly 8 billion yuan. The export volume of Longkou vermicelli is increasing year by year. The products are exported to more than 100

countries and regions. (Courtesy of the IP Protection Department of CNIPA)

龙口粉丝产于山东省龙口市、招远市、蓬莱市、莱阳市、莱州市现辖行政区域,上述区域属典型的暖温带大陆性季风区,风力适中,气温适宜,空气湿度较低,日照时间长,微生物体系独特,适合粉丝生产。

龙口粉丝以优质绿豆或豌豆为原料,采用传统的酸浆发酵法独特工艺,提取高纯淀粉,经过打糊、漏粉、浸洗、晾晒或者烘干精制而成。龙口粉丝丝



条均匀、纯净光亮,在水中浸泡不变色、不发胀,烹调时入水即软、久煮不碎不糊,可与蔬菜、鱼、肉、禽、蛋等搭配制作菜肴,口感爽滑有韧性。

实施地理标志产品保护以来,龙口粉丝年产量10万吨左右,年产值近80亿元,出口量逐年递增,产品远销100多个国家和地区。

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Maserati Fails to Weed Off Namesake Trademark Used on Clothes
玛莎拉蒂公司未能撤销“玛莎拉蒂”服装商标

Beijing High People's Court recently made a final judgment on a trademark dispute case between Italian auto maker Maserati and Dengta (Liaoning)-based Anlite Leather Clothing Factory, ruling that the individual surnamed Liu, manager of Anlite Factory, had realized commercial use of No. 3760714 玛莎拉蒂 (Note: Chinese translation of Maserati) trademark on garment making and leather processing from April 2, 2012 to April 1, 2015 and accordingly, rejecting the appeal from the Trademark Review and Adjudication Board (TRAB) and ordering the TRAB to remand decision.

The factory in the business of clothes processing was established solely by Liu on December 12, 2011. On October 21, 2003, Liu filed the application for registration of trademark in question, which would be approved on October 7, 2005, certified to be used on Class 40 services including

garment making, suit measurements and leather processing.

On April 2, 2015, Maserati petitioned to the Trademark Office (TMO) to revoke the trademark in question on the ground that the trademark had not been used for three years during the period stated above.

During the phase of revocation, Liu presented evidences including tax payment receipts of OEM contracts and photos of his factory workshop to prove that the trademark in question had been used during the time. After examination, TMO upheld the registration of that trademark. The disgruntled Maserati then asked the TRAB for reexamination.

On May 2017, TRAB held that the evidences provided by Liu could not prove when they were formulated, so it may have no relationship with the trademark in question. Liu had no other evidences besides the copies to help prove its legitimacy, so the chain of ev-

idence could not be established. The court found that they were hard to prove Liu realized open, true and effective commercial use of trademark in question on clothes marking. So TRAB decided to revoke the trademark in question.

Liu then brought the case to Beijing IP Court. Liu provided evidences including trademark licensing contracts, garment processing contracts and orders, tax payment receipts, photos of a plaque written with 玛莎拉蒂 hanged outside of factory, workshop photos, a self-employed businessman license, tax office permit and medals, in a bid to prove that Liu was closely associated with the trademark in question; Liu consented the use of the trademark in question by Anlite Factory; Liu and Anlite had been using the trademark in question constantly since 2011 when making clothes for other parties.

Beijing IP Court held that the evidences could prove the use of trademark in question on garment making during the stated period. So the Court made first-instance ruling on May 22, 2018, revoking the reexamination decision made by TRAB and ordering TRAB to make a new decision. TRAB then brought the case to Beijing High, which confirmed the case after hearing.

(by Wang Guohao)
围绕注册使用在服装制作、皮革加工等服务上的一件“玛莎拉蒂”商标,意大利玛莎拉蒂股份公司(下称玛

莎拉蒂公司)与辽宁省灯塔市安妮特皮装厂(下称安妮特皮装厂)产生了纠纷。近日,北京市高级人民法院作出终审判决,认定2012年4月2日至2015年4月1日期间(下称指定期限),安妮特皮装厂的经营者刘某对第3760714号“玛莎拉蒂”商标(下称涉案商标)在核定使用的服装制作、皮革加工等服务上进行了真实、有效的商业使用,据此驳回了商标评审委员会(下称商评委)的上诉。

记者了解到,刘某于2011年12月12日独自出资成立了安妮特皮装厂,为他人提供服装加工服务。2003年10月21日,刘某提出涉案商标的注册申请,2005年10月7日被核准注册,核定使用在服装制作、裁剪服装、皮革加工等第40类服务上。

2015年4月2日,玛莎拉蒂公司以涉案商标在指定期限连续3年不使用为由,向商标局提出撤销涉案商标注册的申请。在商标撤销阶段,刘某向商标局提交了委托加工合同的完税票据、车间照片等证据,用以证明其在指定期限内对涉案商标进行了使用。经审查,商标局于2016年1月29日作出对涉案商标不予撤销的决定。玛莎拉蒂公司不服,于同年3月8日向商评委提出商标撤销复审申请。

2017年5月17日,商评委作出复审决定认为,刘某提交的证据或未显示证据形成时间,或与涉案商标无关,或系为复印件且无其他证据佐证其真实性,不能形成证据链,难以证明刘某于指定期限在服装制作等服务上对涉案商标进行了公开、真实、有效的商业

使用。据此,商评委决定对涉案商标予以撤销。

刘某不服商评委所作复审决定,随后向北京知识产权法院提起行政诉讼。刘某向法院提交了商标许可合同、服装加工合同及订单、证明及税收完税证、安妮特皮装厂外的“玛莎拉蒂”牌匾与工厂内外照片、个体工商户营业执照与纳税凭证及奖牌等证据,用以证明涉案商标与刘某之间存在密切关联,刘某将涉案商标在指定期限授权给安妮特皮装厂使用,而且刘某及安妮特皮装厂从2011年至今一直在为他人提供服装加工服务的过程中使用涉案商标。

北京知识产权法院经审理认为,在案证据可以证明涉案商标于指定期限在服装制作等核定服务上进行了使用。据此,法院于2018年5月22日作出一审判决,撤销商评委所作复审决定,并判令商评委就玛莎拉蒂公司针对涉案商标提出的撤销复审申请重新作出审查决定。商评委不服一审判决,随后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驳回商评委上诉,维持一审判决。

(王国浩)



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