

1月
Jan

In January 2017, President Xi Jinping witnessed the signing of a Memorandum of Understanding (MOU) between State Intellectual Property Office of the P.R. China (SIPO) and the Swiss Federal Institute of Intellectual Property.

2017年1月,习近平主席见证中国国家知识产权局与瑞士联邦知识产权局谅解备忘录签署。

3月
Mar

In March 2017, IP Seminar was held during the Boao Forum for Asia.

2017年3月,博鳌亚洲论坛知识产权研讨会召开。

In March 2017, Premier Li Keqiang witnessed the signing of IP cooperation agreement between SIPO and IP Australia, as well as SIPO and the Intellectual Property Office of New Zealand.

2017年3月,李克强总理分别见证中国国家知识产权局与澳大利亚知识产权局和新西兰知识产权局合作框架协议签署。

5月
May

In May 2017, the IP Five Heads Meeting was held.

2017年5月,中美欧日韩发明五局局长系列会议召开。

In May 2017, China-Visegrad Group Joint Seminar on IP was held.

2017年5月,中国—维斯格拉德集团知识产权联合研讨会召开。

In May 2017, SIPO, on behalf of the Chinese government, signed with WIPO the Agreement on Enhancing "Belt and Road" IP Cooperation during the Belt and Road Forum for International Cooperation.

2017年5月,在“一带一路”国际合作高峰论坛期间,中国国家知识产权局代表中国政府与世界知识产权组织签署加强“一带一路”知识产权合作协议。

7月
Jul

In July 2017, China-Africa High level Seminar on IP System and Policies was held.

2017年7月,中非知识产权制度与政策高级研讨会召开。

8月
Aug

In August 2017, President Xi Jinping witnessed the signing of MOU between the governments of China and Tajikistan on cooperation in the field of IP.

2017年8月,习近平主席见证中国与塔吉克斯坦政府间知识产权领域合作谅解备忘录签署。

9月
Sep

In September 2017, Cambodia became the first country who recognizes patents granted in China.

2017年9月,柬埔寨成为首个在其国内认可中国专利授权结果的国家。

In September 2017, the 8th Meeting of China-ASEAN Heads of IP Offices was held.

2017年9月,中国—东盟知识产权局局长研讨会召开。

In September 2017, China-Mongolia-Russia Joint Seminar on IP and the Heads Meeting among SIPO, GAIPSR and Rospatent were held in Russia.

2017年9月,中蒙俄知识产权研讨会及三国知识产权局局长会在俄罗斯召开。

11月
Nov

In September 2017, IP cooperation among BRICS countries have been included into BRICS Leaders Xiamen Declaration.

2017年9月,金砖国家知识产权合作写入《金砖国家领导人厦门宣言》。

In November 2017, Premier Li Keqiang witnessed the signing of IP agreement between SIPO and the Intellectual Property Office of the Philippines.

2017年11月,李克强总理见证中国国家知识产权局与菲律宾知识产权局签署合作协议。

12月
Dec

In December 2017, the 17th TRIPRO (SIPO, JPO, KIPO) Heads meeting was held in Korea.

2017年12月,中日韩知识产权局局长会议召开。

In December 2017, the 3rd ID5 Annual Meeting was held.

2017年12月,中美欧日韩外观设计五局合作年度会议召开。

Letter from the Editor

2017 was an extraordinary year for China. China actively provided solutions, voices and wisdom in international fora and offered better services to users and the public, contributing to the development of inclusive, mutually beneficial, balanced and effective international IP rules and leaving unforgettable IP footprints in 2017.

编者按

2017年是不平凡的一年。在这一年里,中国在知识产权国际舞台上,积极提出方案,发出声音,贡献智慧,为用户和公众提供更好服务,为促进知识产权国际规则朝着普惠包容、平衡有效的方向发展贡献力量。本版特推出编辑眼中的2017知识产权国际合作亮点,摘编如下,以飨读者。

知识产权

IP

Levi's Ruled Not Well-known Enough To Unseat Namesake TM Used Elsewhere 李维斯在华折戟“LEVIS”商标权属之争



The seven-year trademark dispute over LEVIS between Levi Strauss & Company and Guangzhou Baifu Plastics Company has finally come to an end recently. According to the final judgment made by the Beijing High People's Court, Levi Strauss failed to stop Guangzhou Baifu from registering the LEVIS trademark on unprocessed plastic products, although the LEVIS and LEVVIS and its figure have been registered by Levi Strauss & Co., and certified to be used on jeans.

The trademark in question was No.7714607 LEVIS, which was filed for registration by Guangzhou Baifu to the Trademark Office (TMO) under the State Administration for Industry and Commerce (SAIC) on September 21, 2009, certified to be used on Class 1 products including polypropylene, unprocessed plastic and synthetic resin. On September 13, 2010, the trademark in question was preliminarily approved and published by TMO.

Nearing expiration of the publication opposition period, Levi Strauss filed an opposition request with the TMO citing that its NO.1489308 LEVIS and No.1497177 LEVIS and figure trademarks were famous ones on clothes and jeans. It also cited that similarity was constituted when the

trademark in question was used on similar products. In parallel, the trademark in question had damaged the prior right of Levi Strauss, which was an act of squatting of its prior trademark. The registration and use of trademark in question would mislead consumers, undermine market order and cause ill effect. Levi Strauss requested TMO to revoke its registration.

On June 19, 2012, TMO upheld the registration of the trademark in question. The disgruntled Levi Strauss then brought the case to the Trademark Review and Adjudication Board (TRAB), also under SAIC. On February 10, 2014, TRAB decided to side with TMO.

Levi Strauss & Company then brought the case to Beijing No.1 Intermediate People's Court.

After hearing, the court held that the products on which the trademark certified to be used are of very wide range. Even if the cited trademarks were ruled well-known, the privileged protection scope granted could not extend to the classes allowed for the trademark in dispute. In parallel, Levi Strauss failed to prove that prior to the filing date of the trademark in dispute, LEVIS had certain reputation in the products of the trademark in dispute.



Even if the registration of trademark in dispute was malicious, the trademark itself and its elements did not produce harmful effect on politics, economy, culture, religion and ethnic groups of China. Besides, the jean products on which the cited trademarks certified to be used and that of the trademark in dispute are not the same or similar products, and Levi Strauss failed to prove that its products had enjoyed reputation on unprocessed plastic products.

Accordingly, Beijing No.1 denied the complaint of Levi Strauss, which would later seek the last resort at Beijing High People's Court.

Unfortunately, it had to eat the same punch. As said earlier, Beijing High rejected the appeal of Levi

Strauss and upheld the decision of the first instance. (by Wang Guohao)

本报记者 王国浩

围绕着“LEVIS”5个英文字母,美国知名牛仔裤品牌“Levi's(李维斯)”与中国一家主营工程塑料产品的企业展开了长达7年的权属争夺。近日,双方纷纷有了新的进展。根据北京市高级人民法院日前作出的终审判决,美国利惠公司(Levi Strauss & Co.,下称利惠公司)最终未能凭借其在先核准注册在牛仔裤等商品上的“LEVIS”与“LEVIS及图”商标,阻止广州百富塑料有限公司(下称百富公司)在未加工塑料等商品上注册“LEVIS”商标。

据了解,招致此番纷争的为第7714607号“LEVIS”商标(下称系争商标),由百富公司于2009年9月21日

向国家工商行政管理总局商标局(下称商标局)提出注册申请,指定使用在聚丙烯、未加工塑料、未加工合成树脂等第1类商品上。2010年9月13日,商标局对系争商标通过初步审定并公告。

在系争商标初审公告期限将满之际,利惠公司于2010年12月10日向商标局提出异议申请,请求认定其在先确权的第1489308号“LEVIS”商标与第1497177号“LEVIS及图”商标(下称引证商标)在服装、牛仔裤等商品上为驰名商标,并主张系争商标与引证商标构成使用在关联商品上的近似商标,而且系争商标损害了利惠公司的在先商标权益,是对利惠公司在先使用并有一定影响商标的恶意抢注,系争商标的注册和使用易误导消费者,破坏市场秩序,从而产生不良影响。据此,利惠公司请求商标局不予核准系争商标的注册。

2012年6月19日,商标局裁定系争商标予以核准注册。利惠公司不服,于同年8月9日向国家工商行政管理总局商标评审委员会(下称商标评审委)申请复审。2014年2月10日,商标评审委作出对系争商标予以核准注册的复审裁定。

利惠公司不服商标评审委所作上述裁定,随后向北京市第一中级人民法院提起行政诉讼。

北京市第一中级人民法院经审理认为,系争商标指定使用商品与引

证商标核定使用商品跨类较大,即便引证商标构成驰名商标,也不能跨类保护到系争商标指定使用的商品上;同时,利惠公司提交的证据不足以证明在系争商标申请注册日前,其已经在系争商标指定使用的商品上使用“LEVIS”商标并使其具有一定影响;即便系争商标的注册存在恶意,但系争商标本身及其构成要素未对中国政治、经济、文化、宗教、民族等社会公共利益和公共秩序产生消极的、负面的影响;此外,利惠公司主张的在先商号所使用并据以产生知名度的服装等商品与系争商标指定使用商品不构成相同或类似商品,利惠公司提交的证据亦不足以证明其商号在系争商标指定使用的未加工塑料等商品上具有一定市场知名度。

综上,北京市第一中级人民法院判决驳回利惠公司的诉讼请求。利惠公司不服一审判决,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作出终审判决,认定利惠公司的主张不能成立,驳回了利惠公司上诉,维持一审判决。

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