

China's IP
in foreign eyes



At the Detroit auto show on Monday, officials of GAC Motor, based in Guangzhou, outlined a broad plan to build up its operations in the United States and begin selling a vehicle here next year, possibly in partnership with Fiat Chrysler Automobiles. GAC also expects to open a development center in Michigan and a design center in Los Angeles in the first half of this year. (*Chinese Carmaker May Use Fiat Chrysler for Foothold in U.S., by the New York Times*)

在近日举办的底特律车展上,广汽乘用车公司的负责人介绍了其在美国即将开展的一系列计划。该公司预计通过与菲亚特克莱斯勒汽车公司合作,开始在底特律销售汽车。此外,广汽公司还计划于2018年上半年在密歇根建立一个研发中心,并在洛杉矶成立一个设计中心。(中国车企进军美国,广汽计划2019年在美国售车。纽约时报)

Comment

Like food and fodder should go ahead of troops and horses, GAC attaches great importance to open R&D center before entering the market. Besides, GAC may consider including U.S. in its patenting strategy to strengthen the competitiveness in the international market and avoid patent infringement.

点评

兵马未动,粮草先行。广汽还未“打入”当地市场,就已着手建立研发中心,在创新上发力,这样的做法值得借鉴。同时,广汽还应注意在美国的知识产权布局,这既可提高其在国际市场上的竞争力,又可更好地保障自身权益。



China is now pushing to play a bigger role in the global drug industry. There are three drugs catching the attention in the pharmaceutical industry: One new drug promises to stop cancer from spreading to other organs. Another would treat blood cancer. A third would use the body's immune system to kill tumors. All three show encouraging results. The drugs have something else in common: they were created in China. (*Made in China: New and Potentially Life-saving Drugs, by the Washington Post*)

当前,中国正努力在全球制药业中发挥更大作用。在上海,有三种新药引发了业界关注:一种有望阻止癌细胞扩散到其他器官;一种可用于治疗白血病;还有一种可利用人体的免疫系统杀死癌细胞。这三种药物的临床表现令人振奋。而它们有一个共同的特点:中国创造。(癌症新药,中国制造。华盛顿邮报)

Comment

In recent years, China has spared no effort to step up pharmaceutical innovation and acquired good results. IPR is labeled a lifeline to pharmaceutical industry in the developed countries. In recent years, China has beefed up IP protection on pharmaceutical industry, laying a solid foundation for innovation of new drugs.

点评

近年来,中国在药物创新方面持续深耕,实现了快速发展。众所周知,知识产权对医药产业发展至关重要,因此,中国也应加大对医药的知识产权保护,为新药的推陈出新奠定重要基础。(柳鹏)

Eighteen More Chinese Companies Filed 100+ PCT Applications in 2017

2017年国内企业提交PCT国际专利申请100件以上的新增18家——

中国企业海外专利布局能力持续增强

In 2017, 44 Chinese companies had filed more than 100 PCT applications, a year-on-year increase of 18. Among the top performers, Guangdong OPPO Mobile Telecommunications Company and Shenzhen DJI-Innovations Company recorded stunning rates of 142.3% and 46.9% respectively, according to a State Intellectual Property Office of the P.R.C. (SIPO) press conference on patent statistics in 2017 on January 18.

In 2017, SIPO received 51,000 PCT applications, up 12.5%; 48,000 of which were from local users, up 12.5% as well. Seven provinces, autonomous regions and municipalities—Guangdong, Beijing, Jiangsu, Shanghai, Shandong, Zhejiang and Hubei—filed 1,000 and more. Their filings combined for over 90% of the nation's total.

In 2017, 5,608 patent applications filed by China in countries along the

"Belt and Road" were published, up 16%. In the same year, the countries along the "Belt and Road" filed 4,319 patent applications in China, up 16.8%. Four "Belt and Road" countries patented for the first time in China, elevating the total to 41.

Expert here summarized four features presented in China's invention patent statistics. Firstly, patenting grows steadily. Applications and grants of invention patents grew by 15.4% and 8.2% respectively. The number of invention patents owned by every 10,000 people reached 9.8, up 1.8. Secondly, domestic companies further solidified their status as key innovation force. Chinese companies filed 63.3% of the all invention patent applications and obtained 66.4% of grants while contributing 73.5% to the growth of invention patents. Thirdly, Chinese companies continued to bolster patenting globally.

Fourthly, China was still an underdog in some technical fields.

(by Li Qun)

本报讯 1月18日,中国国家知识产权局在京召开新闻发布会,公布了2017年主要工作统计数据及有关情况。2017年,国内企业提交PCT国际专利申请100件以上的达到44家,较2016年增加18家,其中,广东欧珀移动通信有限公司、深圳市大疆创新科技有限公司等企业增长迅猛,同比增长分别达142.3%和46.9%。

2017年,中国国家知识产权局共受理通过《专利合作条约》(PCT)途径提交的国际专利申请5.1万件,同比增长12.5%。其中,4.8万件来自国内,同比增长12.5%。PCT国际专利申请超过1000件的省(区、市)有7个,依次为广东、北京、江苏、上海、山东、浙江和湖北,上述7省市的PCT国际专利申请量占国内总量的9成以上。

数据显示,2017年,中国在“一带一路”沿线国家(不含中国)专利申请



公开量为5608件,同比增长16.0%。2017年,“一带一路”沿线国家在华申请专利4319件,较2016年增长16.8%;在华申请专利的国家数达到41个,较2016年增加4个。

有关专家表示,2017年中国发明专利有关数据主要呈现出4个特点:一是专利创造水平稳中有进。国内发明专利申请量和授权量分别较2016年增长15.4%和8.2%;每万人口

发明专利拥有量达9.8件,较2016年底提高1.8件。二是国内企业创新主体地位进一步巩固。企业占国内发明专利申请量和拥有量中的比重分别达到63.3%和66.4%,企业对国内发明专利申请增长的贡献率达到73.5%。三是中国企业海外专利布局能力不断增强。四是部分领域专利布局与国外尚存差距。

(李群)



Photo News

Recently, the Certificate Presenting Ceremony for the 50,000th Application to the Eurasian Patent Office (EAPO) was held in Beijing. S. Tlevlessova, the president of EAPO, handed the certificates and medals to the inventors, and to Tsinghua University and Nucotech Company Limited, who were joint applicants of the application.

In recent years, EAPO and SIPO have strengthened bilateral cooperation to provide better IP service for users in China and the Eurasian regions. Chinese users are actively filing patent applications to EAPO. As of now, Chinese applicants have filed 625 patent applications to EAPO.

(by Zeng Jia/Wu Yun)

近日,欧亚专利局第5万件专利申请证书颁发仪式在北京举行。欧亚专利局局长索里·特莱芙列索娃为该申请的发明人及作为联合申请人的清华大学和同方威视技术股份有限公司颁发了证书及奖章。

据悉,近年来,欧亚专利局与中国国家知识产权局不断加强合作,向中国和欧亚地区的用户提供更好的知识产权服务。中国用户积极向欧亚专利局提交专利申请。截至目前,中国申请人已向欧亚专利局提交了625件专利申请。曾嘉 吴芸 摄影报道

Court Sides with DreamWorks over "KUNGFUPANDA" Trademark Dispute

“功夫熊猫”商标争夺历时7年终见分晓

In 2009, nearly one year after the world's favorite animated film "Kongfu Panda" hit the screen, a local company filed a registration application for trademark "KUNGFUPANDA" (Chinese: 功夫熊猫), triggering the discontent from the U.S.-based producer DreamWorks Animation SKG, Inc. This entangle would last for another seven years, going the full length of what the judicial system could offer.

Recently, this marathon ended on a judgment by Beijing High People's Court, ruling that Shanghai Weipu Dress Co., Ltd had prejudiced the pre-existing right of DreamWorks and No. 7491648 trademark "KUNGFUPANDA" (功夫熊猫) (trademark in dispute) cleared for registration by the Trademark Review and Adjudication (TRAB) under the State Administration for Commerce and Industry (SAIC) should be revoked and determined after a *de novo* review.

DreamWorks- made Animated film "Kungfu Panda" (功夫熊猫 in Chinese) themed Chinese Kungfu premiered in June 2008 globally. Early 2006, DreamWorks filed an application of No.5400892 trademark "KUNGFUPANDA" (cited trademark), which would be approved for registration in 2009, certified to be used on products of Class 28.



As shown in SBJ.SAIC.GOV.CN, the trademark in dispute was filed by Weipu in June 2009, certified to be used on products of Class 44. In August 2010, Trademark Office (TMO) under SAIC made the preliminary examination and published the trademark in dispute.

In November 2011, DreamWorks lodged an opposition application to TMO, claiming that the trademark in dispute and cited trademark constituted similarity on similar products or services. In July 2012, TMO made a decision to approve the registration of the trademark in dispute. DreamWorks filed a review application to TRAB which would also greenlight the registration in November 2013. Exhausting all administrative alternatives, the disgruntled Dream-

Works brought the case to Beijing No.1 Intermediate People's Court.

After hearing, Beijing No.1 revoked the review ruling and remanded TRAB to make a new ruling based on that the registration application of the trademark in dispute infringed lawful civil right of the renowned film "KUNGFUPANDA" owned by DreamWorks. TRAB then appealed to Beijing High.

Beijing High held that the registration application of the trademark in dispute illegitimately taking advantage of the popularity and reputation of the film "KUNGFUPANDA", and prejudicing legal civil right of renowned film "KUNGFUPANDA" enjoyed by DreamWorks. It had constituted the situation "No trademark application shall infringe upon another party's existing prior rights" provided in the Trademark Law of China. Accordingly, Beijing High made the final judgment to reject the appeal from TRAB and upheld the decision of the first instance. (by Wang Guohao)

本报记者 王国浩

2009年,风靡全球动画电影《功夫熊猫 KUNGFUPANDA》上映将满一年之际,一家中国企业提出了“KUNGFUPANDA 功夫熊猫”商标的注册申请,引发了电影出品方美国梦工场动画影片公司(下称梦工场)的不满,双方由此展开了一场长达7年的权属争夺。

日前,北京市高级人民法院作出终审判决,认定上海卫普服饰有限公司(下称卫普)申请注册第7491648号“KUNGFUPANDA 功夫熊猫”商标(下称诉争商标)侵害了梦工场的权益,国家工商行政管理总局商标评审委员会(下称商评委)对诉争商标予以核准注册的裁定被撤销,并被判令重新作出裁定。

据了解,梦工场出品的动画电影《功夫熊猫 KUNGFUPANDA》以中国功夫为主题元素,于2008年6月全球上映。早在2006年,梦工场便提出第5400892号“KUNGFUPANDA”商标(下称引证商标)的注册申请,2009年被核准注册使用在第28类商品上。

中国商标网信息显示,诉争商标由卫普于2009年6月提出注册申请,指定使用在第44类服务上。2010年8月,国家工商行政管理总局商标局(下称商标局)对诉争商标初步审定并公告。

2010年11月,梦工场向商标局提出异议申请,诉争商标与引证商标构成使用在类似商品或服务上的近似商标。2012年7月,商标局裁定诉争商

标予以核准注册。梦工场向商评委申请复审。2013年11月,商评委作出对诉争商标予以核准注册的复审裁定。梦工场不服商评委作出的上述复审裁定,继而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,诉争商标的申请注册侵害了梦工场对知名电影名称“功夫熊猫 KUNGFUPANDA”所享有的合法的民事权益,据此一审判决撤销商评委所作出的复审裁定,并判令商评委重新作出裁定。商评委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于2018年1月作出判决,认定诉争商标的申请注册不正当地利用了电影《功夫熊猫 KUNGFUPANDA》的知名度及影响力,侵害了梦工场对知名电影名称“功夫熊猫 KUNGFUPANDA”所享有的合法的民事权益,构成中国商标法所规定的“损害他人现有的在先权利”的情形,遂终审判决驳回商评委上诉,维持一审判决。



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