

China's IP  
in foreign eyes



A train station was built in just nine hours by 1,500 workers in China. Workers were split into seven units to take on seven simultaneous tasks, according to the deputy manager at China Tiesiju Civil Engineering Group, the communist country's main railroad construction company. The high-speed Nanlong Railway line is under construction and is expected to be completed by the end of 2018. It will provide a main transport link between the south-east of the country and central China. The project is one of series of impressive infrastructure projects completed by China in recent years. (Chinese workers build railway station in just nine hours, by The Independent)

在1500名工人的努力下,一座火车站仅用了9个小时就建成了。该项目是中国正在建设的南龙铁路的一部分,据施工单位中铁四局的负责人说,工人被分成7个小组,同时承担7项任务。南龙铁路预计将于2018年底完工。它将成为中国东南部和中部地区之间的主要交通枢纽。该项目是近年来中国完成的基础设施项目之一。(中国工人用九个小时建成火车站,独立报)

Comment

With such a heavily loaded work, China has once again created an amazing "China speed" in just nine hours, and has shown its innovative charm to the world.

点评

如此庞大的施工量,仅仅九个小时完成,中国再次创造了令人惊叹的“中国速度”,也向世界展示了中国的创新魅力。



In an effort to deal with its fast-growing domestic waste problem, the Chinese government has blocked all imports of 24 types of foreign trash. The ban has left countries like Britain and the United States reeling, with few alternative destinations for mountains of old mobile phones, paper, textiles and plastics once treated in backyard operations along China's eastern coast. It has also forced recycling centers to step up their efforts to transform informal, backstreet industries into fully regulated, more technologically advanced and environmentally friendly ones. (China trash town's cleanup bolstered by import ban, by Reuters)

近日,中国政府出台新政策,禁止进口24种外国废料,对英国、美国等国家造成的影响不小。过去,旧手机、废纸、旧衣物和塑料等废品都是在中国东部沿海的小镇上处理的,而今,中国新政策的出台使此类垃圾难觅去处。这也促使中国一些依靠废品回收为主要经济增长方式的小镇加快速度,向科技含量更高、更环保的回收产业转型。(进口禁令促使中国小镇清理整治,路透社)

Comment

Trash disposal has always been an important issue related to residents' life. Thanks to scientific and technological innovation, China's trash town will become a green recycling economy industrial park.

点评

废品处理一直是关系民生的重要课题,中国小镇正通过科技创新,提升自主创新能力,加快向绿色环保的循环经济产业转型升级。

(李倩)

Seven Years Later, Manchester United Kicks off Trademark Free Rider

历时7年,成功阻击“鑫曼联”——

英国曼彻斯特公司在华赢得商标诉讼

The seven-year trademark dispute between the UK-based Manchester United (MU) and a private person by the surname of Zhou has finally come to an end recently. According to the final judgment made by Beijing High People's Court, the No.6483536 鑫曼联 (English translation: Xin Manchester United) and other 15 trademarks filed by Zhou shall not be registered.

The trademark in question was filed by Zhou for registration in December 2007, certified to be used on Class 35 services including employment office, accountant and looking for sponsorship. In November 2010, the trademark in question was preliminarily approved and published by the Trademark Office (TMO) under the State Administration for Industry and Commerce (SAIC).

Nearing expiration of the publica-

tion opposition period, MU filed an opposition request with TMO citing that Zhou registered MU's previously-used famed trademark in bad faith. It constituted similar trademark with its registered 曼联, MANCHESTER UNITED and its figure and MANCHESTER UNITED and used in similar products or services.

After examination, TMO upheld the registration of the trademark in question in August 2012. The disgruntled UK soccer club then brought the case to the Trademark Review and Adjudication Board (TRAB), and proved that Zhou has registered more than 10 trademarks including 曼联 (Abbreviated Chinese for Manchester United), 皇马 (Abbreviated Chinese for Real Madrid) and 奥巴马 (Obama) besides the trademark in question.

In December 2013, TRAB held that

Zhou not acquire the trademark in question in bad faith.

MU then sought help at Beijing No.1 Intermediate People's Court. After hearing, the court held that the Zhou's 10 trademarks were obtained by other illegitimate means as provided by the Chinese Trademark Law, so the trademark in question shall not be registered. The court then withdrew the decision made by TRAB and ordered TRAB to take a new look.

TRAB then appealed to Beijing High, citing that the relevant rule in the Chinese Trademark Law only applies to registered trademarks instead of unregistered ones.

After hearing, Beijing High held that if the provision of obtaining trademark by other illegitimate means merely applies to registered trademarks not



unregistered trademarks, it will prejudice with the legislative intention as well as wasting administrative and judicial resources. Zhou has no intention to use the 10+ trademarks and evidently it is an act of hoarding trademark. Therefore, such trademarks shall not be registered as it disturbs the trademark registration order.

Beijing High then declined the TRAB request and sided with the first-instance decision and ordered TRAB to take a new look.

(by Wang Guohao)

本报记者 王国浩

围绕“鑫曼联”等商标,英国曼彻斯特联合有限公司(下称曼彻斯特公司)与周某展开了一场长达7年的商标权属纷争。近日,北京市高级人民法院作出终审判决,认定周某申请注册包括第6483536号“鑫曼联”商标(下称被异议商标)在内的16件商标,不应予以核准注册。

据了解,被异议商标由周某于2007年12月提出注册申请,指定使用在职业介绍所、会计、寻找赞助等第35类服务上。2010年11月,国家工商行政管理总局商标局(下称商标局)对被异议商标通过初步审定并公告。

初审公告期将满之际,曼彻斯特公司向商标局提出异议申请,主张周某系以不正当手段抢先注册其已经使用并有一定影响的商标,其与在先核准注册的“曼联”“MANCHESTER UNITED”及图与“MANCHESTER UNITED”商标构成使用在类似商品或服务上的近似商标,而且被异议商标系以其他不正当手段取得注册。

经审查,商标局于2012年8月作

出裁定,对被异议商标予以核准注册。曼彻斯特公司向商评委申请复审,并提交证据显示周某申请注册了被异议商标及“曼联”“皇马”“奥巴马”等10余件商标。

2013年12月,商评委作出复审裁定认为,周某申请注册被异议商标亦未存在以其他不正当手段取得注册的情形。

曼彻斯特公司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,周某申请注册了包括被异议商标在内的10余件商标,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,被异议商标不应予以核准注册。据此,法院一审判决撤销商评委作出的复审裁定,判令其重新作出裁定。

商评委向北京市高级人民法院提起上诉,主张中国商标法有关“以其他不正当手段取得注册”的规定仅适用于已注册商标,不适用于未注册商标。

经审理,北京市高级人民法院认为,如果中国商标法有关“以其他不正当手段取得注册”的规定只能适用于已注册商标而不能适用于未注册商标,不符合立法本意,又浪费行政和司法资源。周某申请注册包括被异议商标在内的10余件商标,明显不具有真实的使用意图,属注册囤积商标的行为,属扰乱商标注册秩序的情形,不应予以核准注册。

综上,北京市高级人民法院判决驳回商评委上诉,维持一审判决,判令商评委重新作出裁定。



Photo News

Chinese classical garden is a precious historical and cultural heritage of mankind. Wuxi, Jiangsu province, has attracted numerous tourists from around the world because of it houses many exquisite and elegant Jiangnan gardens.

photo by Zhang Zihong

中国古典园林是人类宝贵的历史文化遗产,江苏无锡也因拥有众多精致典雅的江南园林而吸引着无数来自世界各地的游客。

本报记者 张子弘 摄影报道

IP Brief

Beijing

In the recently-closed Beijing 2018 Book Fair, 736 book companies displayed their 500,000 books published since 2017 to more than 92,000 visitors.

北京

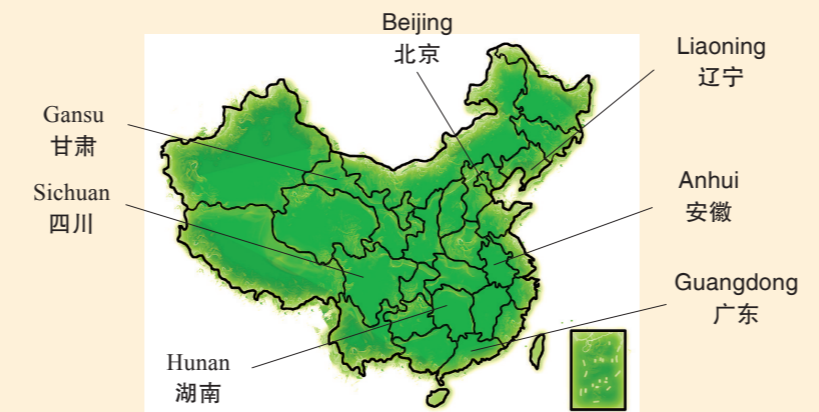
近日,2018北京图书订货会闭幕,此届图书订货会共有736家单位参展,入场参观人次达9.2万,展示了2017年以来出版的新书和精品图书近50万种。

Liaoning

Recently, there were 12,131 patents logged on Liaoning IP operation platform, 9,197, 2,656, 278 of which were inventions, utility models and designs respectively.

辽宁

近日,辽宁省知识产权运营服务



平台启用。首批在该平台上线的专利共有1.2131万件,其中,发明专利9197件,实用新型专利2656件,外观设计专利278件。

Anhui

In 2017, Anhui province filed 93,527 inventions patent applications, 12,440 of which were granted. The number of invention patents housed by per 10,000 heads reached 7.7.

安徽

2017年,安徽省每万人口发明专利拥有量创新高,共申请中国发明专利9.3527万件,获授权发明专利1.2440万件,每万人口发明专利拥有量达到7.7件。

Hunan

In 2017, a total amount of 1.42 billion yuan were secured by companies

in Hunan province after pledging their IPRs, up 115%. There were 143 pledge financing registered and 608 patents were pledged.

湖南

2017年,湖南省专利权质押贷款总额为14.2亿元,同比增长115%;质押融资登记143笔,质押专利608件。

Guangdong

Recently, a plan to build the national IP Training (Guangdong) Base was approved by SIPO in Zhuhai, Guangdong province.

广东

近日,中国国家知识产权局正式批复同意在广东珠海设立国家知识产权培训(广东)基地。

Sichuan

Recently, a work programme on further developing patent enforcement and right-safeguard mechanism in E-Commerce and exhibition sector was

issued by Sichuan government. It put forward four measures to improve such work in the above two fields.

四川

日前,四川印发关于完善电商和展会专利执法维权机制工作方案,突出电商和展会两个重点领域,进一步完善专利执法维权机制,提出了四项工作措施。

Gansu

Recently, 20 herbaceous peonies fostered by Gansu forestry S&T promotion center were registered as new plant varieties.

甘肃

近日,由甘肃省林业科学技术推广总站培育的20个芍药新品种获植物新品种权。

Table with 2 columns: Role and Name. Roles include English Translation, Translator, Editor, Editor.