

China's IP
in foreign eyes

After barely a year in business, Luckin Coffee is challenging Starbucks in one of the US coffee giant's top markets. About 2,000 Luckin outlets have sprung up across China over the last year. Luckin plans to have 4,500 outlets by the end of 2019, which would take it ahead of Starbucks to become China's biggest coffee chain. It's luring customers with cheap prices and savvy use of technology, which is forcing Starbucks to up its game. (This coffee company thinks it can beat Starbucks in China, CNN)

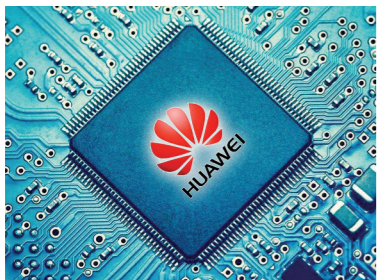
瑞幸咖啡经过不到一年的经营,正在挑战美国咖啡巨头之一的星巴克而迅速占领市场。去年,在中国约有2000家瑞幸咖啡店。瑞幸咖啡计划在2019年底之前开设4500家分店,将超过星巴克而一跃成为中国规模最大的咖啡品牌连锁店。瑞幸咖啡以低廉的价格和新潮的科技应用吸引着客户,这对星巴克在中国市场造成一定威胁。(这家中国咖啡店叫瑞幸咖啡,美国有线电视新闻网)

Comment:

As a startup company, Luckin Coffee is able to find a suitable market position in fierce market competition, compete in an orderly manner, and improve product quality and service experience with innovative business models, creating real value for Chinese consumers.

点评

瑞幸咖啡作为中国年轻的创业公司,能够在激烈市场竞争中寻找合适的市场定位,有序竞争,用创新的商业模式提升产品质量和服务体验,为中国消费者创造了真正的价值。



Huawei Technologies Co Ltd on Monday launched a new chip set for use in servers, the chip set-called the Kunpeng 920 and designed by subsidiary HiSilicon, its latest 7 nanometre, 64-core central processing unit (CPU) would provide much higher computing performance for data centers and slash power consumption. At a time when China is pushing to enhance its chip-making capabilities and reduce its heavy reliance on imports, Huawei aims to "drive the development of the ARM ecosystem". (Huawei launches server chip set as China pushes to cut reliance on imports, CNBC)

华为技术有限公司近日推出了一款用于服务器的最新芯片组,这款名为“Kunpeng 920”的芯片组由华为子公司HiSilicon设计,其仅有7纳米长的64核中央处理器将为数据中心提供更高的计算性能,并降低能耗。中国正在努力提高其芯片制造能力以减少对进口的依赖,而华为的目标则是推动ARM生态系统的发展。(华为推出最新服务器芯片组以减少对中国对进口芯片的依赖,CNBC)

Comment:

Chinese companies are entering the world ranks. The future of China's chip industry relies on independent R&D and innovation, breaking established technology barriers and winning the market gradually. The successful development of this chip set is of great significance to the formation of the computer industry loaded with self-reliant IPRs.

点评

中国企业正在跨入世界行列。中国芯片行业的未来需靠自主研发和创新以获得提升,从而打破技术垄断和占领市场。此次芯片组的成功研发对中国形成自主知识产权的计算机产业意义重大。

(刘娜)

WIPO Report: Both Chinese and Oversea Companies Potent in Patenting in China

WIPO《世界知识产权指标》报告显示,

中外企业积极在中国提交专利申请,以期获得更好保护

Both Chinese and foreign companies are aggressively filing patent applications in China in a bid to take advantage of IP protection and promote commercialization of their IPRs, according to the World Intellectual Property Indicator (WIPI) issued by the World Intellectual Property Organization in Geneva, Switzerland. "At present, China is tightening the screw of IP protection, a step further from the previous policy of gradually enhancing protection. Chinese government's determination in creating a sound business climate is clear when it stressed protection of the lawful rights and interests of foreign businesses and heightening of IP protection," said Li Shunde, Researcher of Institute of Law, Chinese Academy of Social Sciences.

Innovators across the globe filed 3.17 million patent applications in 2017, up 5.8% for an eighth straight year, according to WIPI report. Global trademark filing activity totaled 12.39 million, while that for industrial designs reached 1.24 million. China recorded the highest application volume for each of these IP rights, according to WIPI report.

Filing applications in overseas mar-

ket reflected that applicants want to expand market share in the targeted countries. In 2017, the U.S. applicants filed 230,931 patent applications overseas, ranking the first position in the world. China ranked the fifth place with 60,310, increased by 15%. "It shows that more and more Chinese companies began to venture out to seek wider market. In parallel, a sound IP protection climate represents an important component of China's rapid economic growth and even the whole world," said Li Shunde.

In terms of trademark, in 2017, China National Intellectual Property Administration had the highest volume of filing activity with a class count of around 5.7 million, followed by the U.S. (613,921), Japan (560,269), the European Union Intellectual Property Office (371,508) and the Islamic Republic of Iran (358,353). Among the top 20 offices, the Islamic Republic of Iran (+87.9%) and China (+55.2%) reported high annual growth.

"Demand for IP protection is rising faster than the rate of global economic growth, illustrating that IP-backed innovation is an increasing critical component of competition and commercial

activity," said WIPO Director General Francis Gurry in the report. "In just a few decades, China has constructed an IP system, encourage homegrown innovation, joined the ranks of the world's IP leaders and is now driving worldwide growth in IP filings."

(by Liu Peng)

近日,世界知识产权组织(WIPO)在瑞士日内瓦发布《世界知识产权指标》(WIPI)年度报告。报告显示,中国国内企业和国外企业都积极在中国提交专利申请,以期在中国获得更好的知识产权保护,促进知识产权运用。"当前,中国正在推动知识产权保护从不断加强向全面从严转变。中国政府强调将保护外资企业合法权益,加大知识产权保护力度,更可见我国营造良好营商环境的决心。"中国社会科学院法学研究所研究员李顺德认为。

根据WIPO《世界知识产权指标》(WIPI)年度报告,2017年,全球创新者共提交了317万件专利申请,连续八年实现增长,增幅为5.8%。全球商标申请活动总量为1239万件,而工业品外观设计的应用总量为124万件。而中国则在以上各类知识产权的申请量上均位居第一。

报告指出,申请人在海外提交专利申请,表明其希望在目标国家进行市场扩张。数据显示,2017年,美国



申请人在海外提交了23.0931万件同等专利申请,继续保持世界领先;中国申请人在海外提交了6.0310万件同等专利申请,比上年增长15%,排名世界第五位。"这说明越来越多的中国企业开始'走出去'寻求更广阔的市场。此外,良好的知识产权保护环境是中国经济高质量发展乃至世界经济发展的重要组成部分。"李顺德表示。

在商标方面,2017年,中国国家知识产权局受理的商标注册申请涵盖约570万类,其次是美国(61.3921万件)、日本(56.0269万件)、欧盟知识产

权局(37.1508万件)和伊朗(35.8353万件)。在排名前20位中,伊朗(+87.9%)和中国(+55.2%)实现了较高的增长。

"知识产权保护的需求增速超过了全球经济增速,这表明由知识产权所支持的创新活动成为竞争和商业活动中愈发重要的组成部分。"WIPO总干事弗朗西斯·高锐在报告中指出,"在短短几十年中,中国从无到有建立了知识产权制度,鼓励本土创新,并加入了全球知识产权引领者的行列。"

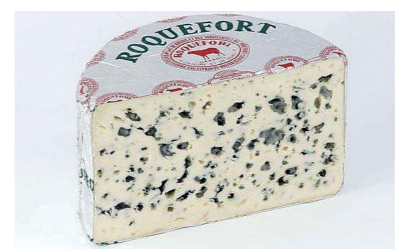
(柳鹏)

Roquefort
洛克福(奶酪)

Roquefort of France is a textured cheese made from whole-fat fresh sheep milk. It is the product of protected designation of origin. Through the EU-SINO pilot project of mutual recognition of geographical indication products, Roquefort enjoys the geographical indications products protection in China.

Cheese production has a long history in Roquefort region of France, where cheese-making vessels have been found in prehistoric sites. Since the eighth century, a large number of documents, such as contracts, agreements and certificates, which refer to Roquefort cheese, have been found in the Roquefort area.

Roquefort's special quality comes from the interaction between human beings and nature. On the one hand, raw materials come from the milk of sheep raised in accordance with local traditional ways. On the other hand, Roquefort matured in the natural cellar environment of rock caves under the limestone cliffs of the Cambaro Moun-



tains. This natural miracle gave Roquefort unparalleled flavor.

(Courtesy of the IP Protection Department of CNIPA)

洛克福(奶酪)是由全脂生羊奶制成的有纹理的奶酪,是法国原产地名称保护产品。通过中欧"10+10"地理标志互认试点项目,在我国享受

地理标志产品保护。

奶酪生产在法国洛克福地区有着悠久的历史,在该地区的史前遗迹中就曾发现奶酪制作器皿。八世纪以来发现的大量洛克福地区的契约、协议和证书等文件对洛克福奶酪都有所提及。

洛克福(奶酪)的特殊品质源于人与自然共同作用的结果。一方面,原料来源于按照当地传统方式饲养的绵羊羊奶。另一方面,洛克福在克姆巴罗山石灰岩峭壁下的岩石洞穴这一自然窖藏环境中完成成熟过程,这种自然界的奇迹赋予了洛克福(奶酪)独特的风味。

(中国国家知识产权局知识产权保护司供稿)

Shanghai IP Authority Sided with BMW in Industrial Design Patent Dispute
宝马股份公司赢得“汽车车轮”外观设计专利纠纷案

Fly column sign:

In order to review the great accomplishments of the Chinese IP system achieved during the 40 years of Reform and Opening-up and the 10 years' implementation of the National Intellectual Property Strategy, analyze the successes of Chinese innovation entities effectively safeguarding IP when "Going Out" and foreign innovation entities defending interests in China since the 18th National Congress of the CPC, demonstrating valuable IP work experiences and practices of the Chinese innovation entities, showcasing active fruits of "Equal IPR Protection" among foreign innovation entities in China, we will open this Foreign-related IP Cases Column to report typical cases for readers.

开栏语

为宣传报道改革开放40周年、知识产权战略实施10周年以来中国知识产权事业取得的巨大成就,全面梳理党的十八大以来中国创新主体在“走出去”过程中有效捍卫自身知识产权权益,或国外创新主体在中国通过知识产权保护维护自身权益的成功案例,展示国内创新主体开展知识产权相关工作的好经验、好做法,彰显中国为国外创新主体予以知识产权“同保护”的积极成效,从本期开始,本报特开设涉外知识产权典型案例专栏,选取相关典型案例进行报道,以飨读者。

On June 15, 2015, BMW (Bayerische Motoren Werke AG) lodged a request to Shanghai Intellectual Property Administration (SIPA) for administrative adjudication, accusing Shanghai Junmu Aluminum of infringing its No.ZL200830137275.5 industrial design patent on vehicle wheels, and the case would be taken by SIPA on June 23, 2015. SIPA formed a panel and sent a notification to Junmu on June 26, 2015. In its response, Junmu claimed the tires in dispute were purchased from the market

instead of manufactured by itself. In addition, the tires were never in any sales transactions.

SIPA held an oral hearing on September 16, 2015. BMW argued that Junmu's acts of displaying the wheels in its showroom had constituted infringement of its patent. Junmu claimed that the office space was also shared by other companies and submitted four documents from a third party to SIPA to prove it after the hearing. SIPA held that YSM-352, which was shown in a product promotion bro-

chure of Junmu obtained by BMW through notarization procedure, was similar with the patented industrial design, and fell into the range of the patent. After hearing, officials from SIPA visited the property management company recorded in the notarial certificate, who would confirm Junmu's rental of the office for business in 2014.

SIPA denied admission of two out of the four proof documents from Junmu for devoid of official seals. Although the other two were stamped officially, they were not enough to prove two companies rented the Junmu office in 2014. In this connection, SIPA ruled that Junmu had constituted patent infringement act of offering to sell without the permission of the patentee.

Noting that the two parties failed to reach a mediation agreement, SIPA made an official decision on November 23, 2015, ordering Junmu to cease the act of offering to sell the patented products in dispute. Neither side brought the case to court for administrative lawsuit.

Impact of the Decision:

This case was a foreign-related patent infringement dispute with a renowned foreign firm involved, easily drawing spotlight. The law enforcement officers involved handled the case by the law, investigated on scene to verify the facts and made a clear and

definite injunction-type decision, safeguarding the legal right of the patentee and provoking positive feelings towards IP protection.

请求人宝马股份公司于2015年6月15日就被请求人上海俊慕铝业有限公司侵犯其专利名称为“汽车车轮”(专利号:ZL200830137275.5)外观设计专利权,向上海市知识产权局提出了行政处理请求,上海市知识产权局于2015年6月23日立案受理。受理后,上海市知识产权局依法组成合议庭,并于2015年6月26日向被请求人送达答辩通知书。被请求人在答辩期内提交答辩书称,本案争诉的汽车轮胎产品并非被请求人生产,而是由被请求人从市场采购得来,且该款轮胎并未有实际销售。

上海市知识产权局于2015年9月16日召开了口头审理会。请求人称,被请求人在其展示室内展示轮胎产品的行为侵犯了其专利权。被请求人称,该办公场所除了被请求人还有其他公司一起使用,并在会后向知识产权局提交了由第三方公司出具的四份证明函。上海市知识产权局经审理查明,请求人经公证获得的被请求人产品宣传册中所显示的YSM-352轮胎产品与本案外观设计专利相近似,落入本案专利保护范围。在口头审理后,上海市知识产权局办案人员到公证书记载的物业管理公司进行了调查。该物业管理公司表示,被请求人上海俊慕铝业有限公司于2014年租赁使用了该处进行办公。上海市知识产权局认为,被请求

人提供的4份证明函中有2份未加盖公章,不能作为证据使用。其余2份证明函加盖公章,但仅凭一份证明函无法证明两家公司在2014年租用被请求人的办公场地。因此,上海市知识产权局认为,被请求人未经权利人许可,构成许诺销售行为的专利侵权行为。

因双方未能达成调解协议,上海市知识产权局于2015年11月23日作出处理决定,责令被请求人停止许诺销售涉案专利产品的行为。双方当事人均未向法院提出行政诉讼。

典型意义

本案是涉外专利侵权纠纷,请求人是一家著名的外国企业,社会影响较大。知识产权局执法人员在审理该案件中,秉公执法,为查明事实到实地认真调查取证,最后做出责令停止侵权行为的处理决定,有效地维护了专利权人的合法权益,营造了良好的知识产权保护氛围。



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