

China's IP  
in foreign eyes

To understand China's transition from copycat to innovator, you need to understand Shenzhen.

Forty years ago it was a fishing village bordering Hong Kong. But today, Shenzhen is China's Silicon Valley. Shenzhen is also now home to China's national technology champions—Huawei, the smartphone maker, DJI, the drone maker, and BYD, the electric vehicle company. (From fishing village to the world stage: inside China's Silicon Valley, by The Sydney Morning Herald)

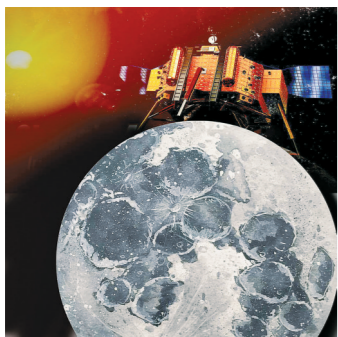
要了解中国如何走向创新之路,你需要看看深圳。40年前,深圳只是毗邻香港的一个小渔村,而今天的深圳就是中国的硅谷。深圳是中国许多科技领军企业的所在地,包括智能手机制造商华为、民用无人机制造商大疆、电动汽车生产商比亚迪。(小渔村蝶变“中国硅谷”,悉尼先驱者晨报)

## Comment:

It is innovation that has made Shenzhen changed greatly. As a city of innovation, its business-friendly climate has been an important insurance for development. Many domestic and overseas companies opt to operate there because of the city's stringent IP enforcement practice.

## 点评

创新让深圳发生了翻天覆地的变化。作为创新之城,优良的营商环境是深圳一直以来保持发展的重要保障,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。



China has become the first country to land a probe on the far side of the Moon. The Chang'e-4 probe, comprising a lander and a rover, touched down at 10:26 am Beijing time, according to China National Space Administration, which released images of a rocky surface around the landing site. Chang'e-4's landing "opened a new chapter in human lunar exploration", the space administration said. (China's space agency lands first probe on far side of the Moon, by Financial Times)

中国成为世界首个实现探测器月球背面着陆的国家。据中国国家航天局的公告,由着陆器和巡视器组成的嫦娥四号探测器,于北京时间1月3日10时26分成功着陆月球背面,并发布了探测器着陆点周围的月表图像。中国国家航天局表示,嫦娥四号的着陆“开启了人类月球探测新篇章”。(中国实现人类首次月球背面着陆探测,金融时报)

## Comment:

Lunar exploration project is an extremely challenging high-tech, requiring persistence in implementing the innovation-driven development strategy and expecting no outside help in breaching technical bottlenecks. Chang'e-4 has been a reflection of China's persistence on self-reliant innovation.

## 点评

探月工程是极具挑战的高新技术,需要坚持创新驱动发展战略,依靠自主创新解决技术瓶颈问题。嫦娥四号的成就正是中国坚持自主创新的体现。(李倩)

英文翻译	柳鹏
Translator	Liu Peng
英文翻译	王瑞
Translator	Wang Rui
编辑	邹碧颖
Editor	Zou Biying

## Patent Research Report: China Delivers in Tightening Protection and Utilization

2018年中国专利调查报告发布,报告显示——

## 严格保护效果明显 综合运用能力增强

China has made remarkable achievements in tightening IP protection, promoting utilization of patents by market players and reforming streamline administration, delegating more powers and improving regulations in the patent sector, according to the China Patent Research Report 2018, formulated and issued to the public by China National Intellectual Property Administration (CNIPA) recently.

"In 2018, we expanded the research to 25 provinces, autonomous regions and municipalities, and three kinds of patents including invention, utility model and design obtained by four kinds of patentees, namely companies, universities, research institutes and individuals who owned at least one valid patent to the end of 2017," according to a principal of Strategy Planning Department of CNIPA.

In terms of patent protection, 10.6% of patentees encountered patent infringement in 2018, lowest since 2012. About 2.1% of patentees were engaged

in patent infringement litigation, and 71.1% of plaintiffs obtained compensation, up 9.3% year on year.

Patent protection is not yet fully efficient in some areas such as E-commerce, according to the report. "China should beef up enforcement in E-commerce sector, develop information-based governance in the sector, facilitate to build an interaction system which patentees can inform platform operators of deleting infringing contents, establish a guarantee and counter-guarantee system for IP infringement complaints and set up a punitive compensation system and a system for evaluating actual damages," said Song Hefa, researcher of Institute of Science and Development, Chinese Academy of Sciences.

In terms of patent utilization, the implementation and industrialization rate of China's valid invention patents has remained stable since 2014. In 2018, the two rates above stood at 48.6% and 32.3% respectively. 79.7% of compa-



ny-type patentees believed patent was indispensable for them to gain ground or stay ahead in their line of business.

(by Han Rui)

本报实习记者 韩瑞

近日,记者从中国国家知识产权局获悉,《2018年中国专利调查报告》

(下称《报告》)已编制完成,向社会公开发布。《报告》显示,中国知识产权保护效果明显,市场主体专利运用能力稳中有进,专利领域“放管服”改革成效显著。

中国国家知识产权局战略规划司有关负责人介绍,2018年专利调查范围覆盖中国25个省、自治区、直辖

市,涉及截至2017年底拥有有效专利的企业、高校、科研单位、个人共4类专利权人及其拥有的发明专利、实用新型专利、外观设计专利3种专利。

在专利保护方面,2018年的调查数据显示,专利权人遭遇专利侵权的比例为10.6%,是2012年以来的最低水平。专利权人涉及专利侵权诉讼的比例为2.1%,其中,“有赔偿”案件所占比例为71.1%,较上年上升9.3个百分点。

《报告》认为,中国专利保护在电子商务等领域仍有较大提升空间。对此,中国科学院科技战略咨询研究院研究员宋河发建议,要加强电商领域执法维权力度,健全电商领域的信息化治理机制,推进权利人与电商平台经营者“通知-删除”沟通机制建设,建立知识产权侵权投诉担保与反担保机制,建立惩罚性赔偿制度和侵权损害赔偿评估制度。

在专利运用方面,《报告》显示,2014年以来,中国有效发明专利的实施率和产业化率基本保持稳定。2018年,中国有效发明专利的实施率为48.6%,有效发明专利的产业化率为32.3%。79.7%的企业专利权人认为其在行业需要依靠专利取得或维持竞争优势。

## CNIPA Commissioner Shen Meets Danish Counterpart

## 申长雨在京会见丹麦专利商标局局长

China National Intellectual Property Administration (CNIPA) Commissioner Shen Changyu met with Danish Patent and Trademark Office (DPTO) Director General Sune Stampe Sørensen on January 17 in Beijing and jointly attended the China-Denmark IP Roundtable meeting.

During the talks, Shen and Sørensen informed each other of the latest development of their offices, and shared comments on Patent Prosecution Highway (PPH), examiner exchanges, trademark cooperation and a future joint symposium. Shen said that the friendly and pragmatic cooperation between the two sides has been on for several years, and fruitful results have been palpable in patent examination, PPH and other fields. He wished to expand the range of cooperation, take the cooperation to a more profound depth and consequently provide better and easier-to-use service to IP users of the two countries.

Sørensen said that China is an important trade partner of Denmark and its market is highly regarded by Danish companies. DPTO is willing to deepen collaboration and exchanges



with CNIPA, and help Danish companies to understand China's IP system by holding roundtables and other events.

At the roundtable, relevant principals of CNIPA shared ideas with representatives including officials of DPTO, Danish businessmen and lawyers on is-

sues such as revision of the Chinese Patent Law and trademark examination.

(by Li Qian)

Photo by Zeng Jia

本报讯(记者李倩北京报道)1月17日,中国国家知识产权局局长申长雨在京会见来访的丹麦专利商标局局长苏恩·斯泰普·索伦森一行,并共同出席了随后举行的中国-丹麦知识产权圆桌会。

会谈中,两局局长通报了各自最新工作进展,并就两局PPH合作、审查员交流、商标合作、合办研讨会等议题深入交换了意见。申长雨表示,近年来,中丹两局一直保持着友好务实的合作关系,在专利审查、专利审查高速路(PPH)等领域的合作取得了积极成效。希望通过此次交流进一步促进两局在新的业务领域开展合作,推动两局合作关系不断深入,携手为两国知识产权用户提供更优质、便捷的知识产权服务。

索伦森表示,中国是丹麦重要的贸易伙伴,中国市场受到丹麦企业的高度重视。丹麦专利商标局愿与中国国家知识产权局深化合作与交流,通过举办知识产权圆桌会等活动加深丹麦企业对中国知识产权制度的理解。

圆桌会上,中国国家知识产权局相关部门负责人与丹麦专利商标局、丹麦企业和律师代表就中国专利法修改、商标审查等问题进行了深入交流。

本报记者 曾嘉 摄

## World-Renowned Cosmetic Brands Nail Perpetrators with Help from Law Enforcement Agencies

## 国际化妆品品牌成功打假维权

On October 21, 2016, after receiving clues from Anti-smuggling Department of Xiamen (Fujian Province) Customs, Market Supervision Commission of Xiamen Municipality found on scene a large number of cosmetic products tagged with multiple designer brands (Givenchy, La Mer, Kieh'l's, Fresh and SK-II, among others) and without required texts in Chinese. The cargo was valued over three million yuan and confirmed counterfeit by relevant trademark holders. Further investigation indicated that the working PC terminal and goods shipping address of the relevant cyber shops were in Xiamen. On January 16, 2017, Xiamen Market transferred the case to Xiamen Public Security Bureau (police). In parallel, in November 2016, brand holder of La Mer reported

another case to Nanjing Police of Jiangsu Province who would capture three individuals including the ringleader by the name of Xie. On January 24, 2017, Xiamen Police handed over the case to its Nanjing counterpart considering relevance of the two cases.

Police investigation revealed that Xie bought in raw materials, packaging, and tags from Quanzhou and Guangzhou, hired workers to produce counterfeit designer cosmetics, and sold them nationwide through cyber shops. Xiamen Market and Police jointly seized over 4,000 items of finished counterfeit cosmetics and shut down four repacking offices. On September 28, 2017, Xuanwu District People's Court in Nanjing sentenced Xie and his crew to be behind bars for one year and three months to four years on the

counts of counterfeiting registered trademark and selling counterfeit registered trademark goods.

## Impact of the Case:

This case involved multiple trademark holders with high goods value, different cities and multiple government agencies. The Market officers actively contacted Xiamen Police after obtaining trademark infringement clues, and assembled a joint task force for further investigation. After the case was transferred to Nanjing Police, law enforcement officers and police explored ways in sharing intelligence, linking different proceedings and transferring evidence-wise items. The case left an abundant legacy of an inter-agency and inter-province investigation to future operations of similar magnitude.

2016年10月21日,厦门市市场监督管理局接到厦门海关缉私局转来的案源线索后,查获大量无中文标识的国际知名品牌化妆品,涉及纪梵希、海蓝之谜、科颜氏、馥蕾诗、SK-II等品牌,货值达300余万元。经相关品牌权利人辨认,涉案化妆品为假冒注册商标商品。经查,涉案淘宝网店的电脑终端、货物收发地址均在厦门。2017年1月16日,厦门市市场监督管理局将案件移送厦门市公安局处理。与此同时,海蓝之谜商标权利人于2016年11月向南京公安机关报案,南京公安机关将谢某等3人抓获。由于两案关联,厦门市公安局于2017年1月24日将此案移送南京公安机关处理。

据警方侦查,谢某从泉州、广州等多地购进原料、包装、标签等材料,雇佣人员生产假冒国际知名品牌化妆品,然后通过网店将产品售往全国各地。厦门市市场监督管理局会同公安

机关共查获假冒国际知名化妆品成品4000余件,取缔4个分装经营场所。2017年9月28日,南京市玄武区人民法院以假冒注册商标罪和销售假冒注册商标商品罪判处谢某等人一年三个月至四年不等有期徒刑。

## 典型意义:

本案涉及多个商标权利人,涉案货值高,牵扯多城市,执法工作涉及多个政府部门。执法人员获得商标侵权线索后,积极与厦门公安机关对接,成立共同侦办小组进行调查。案件移送南京公安机关后,行政执法人员与公安机关在通报机制、衔接程序和证据移送等方面进行了探索。此案为跨区域、跨部门执法办案提供了有益经验。

