

China's IP
in foreign eyes

Lotus, the British sports car brand, will begin manufacturing in China within three years, according to its Chinese owner Geely, making it the first prestige brand to produce in the world's largest car market. Geely is recruiting 20 engineers to join its billion-renminbi "Lotus Project" factory scheduled to be completed by 2021 in the central Chinese city of Wuhan, according to the Chinese company's online recruitment page. (Lotus to start production in China under new owner Geely, by Financial Times)

英国跑车品牌莲花的中国母公司吉利表示,公司将在3年内开始在中国生产这一品牌,使其成为在世界最大汽车市场生产的第一款豪华车品牌。吉利公司的在线招聘页面显示,正在招聘20名工程师加入其耗资数十亿元人民币建造的“莲花项目”工厂。该厂计划2021年在中国中部城市武汉建成。(吉利将在中国生产莲花品牌SUV,金融时报)

Comment

Geely's goal of making Lotus the first luxury sports car brand in China will expand its influence in global manufacturing industry, thus realizing the promotion of Geely's overall brand-building.

点评

吉利希望把莲花打造成为首家在中国实现本土化生产的豪华跑车品牌的计划,将有利于扩大该品牌在全球制造的影响力,并最终实现吉利整体品牌的提升。



Traffic used to be a frequent headache for residents in Hangzhou, the eastern Chinese city that's home to Alibaba. The metropolis of 7 million people once ranked fifth among China's most congested cities, but it has now dropped to 57th on the list. Alibaba says that's because of one of its inventions, dubbed the City Brain, which uses artificial intelligence to gather information across Hangzhou, such as video from intersection cameras and GPS data on the locations of cars and buses. (Alibaba's 'City Brain' is slashing congestion in its hometown, by CNN)

在阿里巴巴的总部——杭州,交通堵塞常常是当地居民十分头痛的一个问题。在中国最拥堵城市排行榜上,这座拥有700万人口的城市曾排名第五。不过,现在该排名已下降至第57位。阿里巴巴认为这归功于它的“城市大脑”项目。该项目使用人工智能技术收集遍布于杭州城市的信息,例如来自十字路口的摄像头视频资料以及对车辆定位的全球定位系统数据。(阿里巴巴的“城市大脑”正缓解杭州的交通拥堵,美国有线电视新闻网)

Comment

The successful practice of the City Brain in Hangzhou promotes Alibaba's target to make artificial intelligence pervade in the every corner of the city. The innovative project will not only bring more convenience for the residents, but also facilitate to construct a smart city.

点评

“城市大脑”项目的成功实践,有利于阿里巴巴实现将人工智能技术渗透在城市每个角落的目标。该创新项目的提出,既方便了人们的交通出行,也有助于推动智慧城市的建设。

(熊花平)

IP Injects Vigor into China's Opening-up

知识产权:为中国扩大开放注入新活力

Over 3,600 enterprises worldwide gathered at China International Import Expo for more business opportunities. More Made in China were sold overseas with the Sino-Europe cross-continent trains running between China and Europe. In 2018, in the background of continuous expansion of opening-up, the determination for foreign businesses to invest in China was assured with tightening of IPR protection. On the other hand, Chinese firms were exporting more energy into high quality IP creations, rendering Bring in and Going out.

As shown by statistics from China National Intellectual Property Administration (CNIPA) recently, 148,000 invention patent applications from foreign applicants were received in 2018, up 9.1%, marking at the highest since the 13th Five-Year Plan. Foreign applicants filed 244,000 trademark registration applications, up 16.5% and showcasing a sharp hike.

Foreign firms' confidence on Chinese market comes from the strengthened IPR protection in China. In 2018, China was advancing the fourth overall revision of the Patent Law. The revision draft was submitted to the seventh session of the Standing Committee of the National People's Congress (NPC) for reviewing, elevating statutory damages for patent infringement to 100,000 to 5 million yuan and ordering Internet service providers to take joint responsibility. Meanwhile, CNIPA along with 37 other ministries jointly established a legal

punishment system over serious dishonest debtors in intellectual property (patent) field. IP authorities nationwide organized special trademark and patent law enforcement campaigns including "Suyuan (tracing the origin)", "Jinghua (purifying)" and "Leiting (thunder)", handling 77,000 patent infringement and counterfeit cases, up 15.9%; and 31,000 trademark law violations with proceeds of 550 million yuan. There were 43 IPR protection centers and IPR rapid right enforcement centers, spreading the geographic range of protection. The general public was more satisfied with IP protection according to census.

In parallel, another group of numbers also rate our attention. According to statistics released by CNIPA, 58 Chinese firms filed 100 or more PCT international patent applications in 2018, 14 more than that in 2017. China saw 23.5% up in Madrid System trademark international registrations, ranking the 3rd in filed Madrid System trademark applications in the Madrid Union. As shown by USPTO, Chinese firms obtained 12,589 patents in the US in 2018, up 12%, becoming the 5th country in obtaining US patents, after the US, Japan, South Korea and Germany. While building a sound innovation and business environment, and strictly protecting legal enterprises IPR, Chinese firms were accelerating intellectual property mapping overseas, and showcasing vigorous energy in international competition.

"I appreciated the impressive achievements China has made. Over the past 40 years, China has established a high-level IPR protection system, making intellectual property rights as the driving force of innovation and economic development, while treating Chinese and foreign enterprises in an equal way. I believe that China's progress will continue," noted Francis Gurry, Director General of the World Intellectual Property Organization (WIPO). He thought highly of strict IPR protection in opening-up of China, but also expressed expectation of Chinese firms making the best of global intellectual property system to participate international competition.

(by Wu Ke)

本报记者 吴珂

来自全球五大洲的3600余家企业齐聚中国国际进口博览会寻找更多商业机遇;随着中欧国际班列汽笛的拉响,更多国产商品销往海外……2018年,在中国持续扩大开放的背景下,知识产权保护力度持续增强,坚定了国外企业来华投资的决心,另一方面,中国企业不断在全球输出高质量知识产权创造成果,“引进来”与“走出去”涌动新的活力。

中国国家知识产权局近日公布的数据显示,2018年,国外在华发明专利申请量达到14.8万件,较上年增长9.1%,实现“十三五”以来最快增速;国外在华商标申请量为24.4万件,较上年增长16.5%,呈现较快增长。

外国企业对中国市场的信心来自于中国持续加大的知识产权保护



力度。2018年,中国积极推进专利法第四次全面修改,专利法修正案草案提交十三届全国人大常委会第七次会议审议,专利侵权法定赔偿额拟提高为10万元至500万元,网络服务提供者将对网络专利侵权承担连带责任。同时,中国国家知识产权局联合37个部门建立知识产权(专利)领域严重失信行为联合惩戒机制。全国组织开展“溯源”“净化”“雷霆”等商标、专利执法专项行动,查处专利侵权假冒案件7.7万件,同比增长15.9%;查处商标违法案件3.1万件,案值5.5亿元。知识产权保护和快速维权中心达到43家,覆盖面进一步扩大。知识产权保护社会满意度进一步提升。

与此同时,另一组数字的变化也十分值得注意。中国国家知识产权局此次公布的数据显示,2018年,提交PCT国际专利申请100件以上的国内企业达到58家,较2017年增加14家。中国申请人马德里商标国际注册有效

量同比增长23.5%,中国申请人提交的马德里商标申请数量在马德里联盟中排名第三。美国专利商标局日前发布的数据显示,2018年中国企业在美共获得1.2589万件专利,同比增长12%,成为获得美国专利数量排名第5位的国家,排在英国、日本、韩国和德国之后。在营造良好创新环境和营商环境、严格保护国内外企业合法知识产权的同时,中国企业的海外知识产权布局也在持续提速,中国企业在国际竞争中显现出蓬勃活力。

“当前,中国知识产权事业的发展成就令人赞叹。过去40年,中国建立起高水平的知识产权保护制度,把知识产权作为创新和经济发展的驱动力,对中外企业一视同仁,相信中国还将不断发展和进步。”世界知识产权组织总干事高锐的话,不但是对中国在对外开放中严格保护知识产权的肯定,也表达了对中国企业有效利用全球知识产权体系参与国际竞争的期待。

单词看地标

Napa Valley (Wines)

纳帕河谷(葡萄酒)

Napa Valley (Wines) is a wine produced in California and produced with at least 85% or more grapes from the Napa Valley "American Wine Growing Area" in Napa County. China has implemented the geographical indications products protection for Napa Valley (Wines) since September 2012.

Napa Valley has a temperate climate suitable for the growth of high-quality wine grapes. It has a variety of soil types which is formed by plate

movement, volcanic activity and river alleviation. The climate of grape growing season is characterized by abundant sunshine during the day, warm and dry, and cool at night, which provides good natural conditions for grape ripening slowly and evenly.

Napa Valley has a long history of producing wine. In the 1940s, vineyards had been established in this region. In 1861, the first breweries were established to produce wine in accordance with specific cultivation, harvesting and

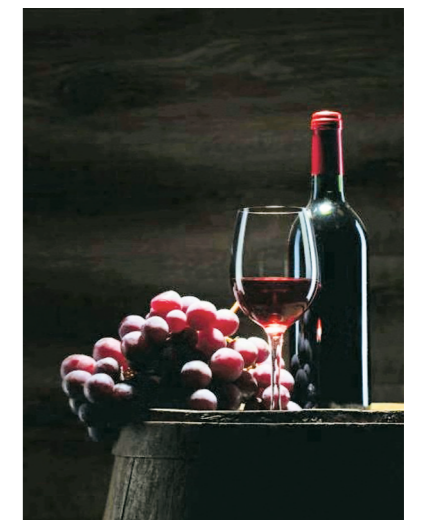
production technical specifications. Napa Valley (Wines) tastes mellow, full-bodied, with natural acidity and pure fruit flavor, and with fruit, flower, soil, spices, nuts and herbs aroma.

(Sources of the IP Protection Department of CNIPA)

纳帕河谷(葡萄酒)是指在美国加利福尼亚州生产且至少用85%或以上的产自纳帕县纳帕河谷“美国葡萄酒种植区”的葡萄所生产的葡萄酒。2012年9月起中国对纳帕河谷(葡萄酒)实施地理标志产品保护。

纳帕河谷属于适宜优质酿酒葡萄生长的温带气候,由板块运动、火山活动以及河流冲积形成,土壤类型多样。葡萄生长季气候具有白天阳光充足、温暖干燥、夜晚凉爽的特点,为葡萄缓慢均匀的成熟提供了良好的自然条件。

纳帕河谷生产葡萄酒有着悠久的历史。19世纪40年代该地区开始建立葡萄种植园,1861年建立了第一批酿酒厂,遵循特定的栽培、采收和生产技术规范进行葡萄酒制造。纳帕河谷(葡萄酒)酒体醇厚、浓郁,带有自然的



酸度和纯正果味,具有果香、花香、泥土、香料、坚果和草本植物香气。(中国国家知识产权局知识产权保护司供稿)

Iwncomm Fends Off Sony's Attack on WAPI Patent

西电捷通成功捍卫WAPI专利权

The story started from an invalidation plea launched by Sony Mobile Communications (China), against Xi'an, Shaanxi-based China Iwncomm over No.02139508.X invention patent titled a method for the access of the mobile terminal to the WLAN and for the data communication via the wireless link securely, an essential technology solving the security defect in prior art such as WIFI in the WLAN Authentication and Privacy Infrastructure (WAPI) field. This patent was listed into the Chinese compulsory national standards as GB15629.11 and currently valid in China, the US, Europe, Japan and South Korea.

On July 23, 2015, Sony lodged this invalidation request to the Patent Reexamination Board (PAB), which would uphold the patent in its No.28356 decision, agreeing with none of the Sony arguments. On March 22, 2017, Beijing IP court made a ruling, ordering Sony to indemnify over 9.1 million yuan to Iwncomm in economic loss and

other reasonable expenditures. In the ensuing patent infringement lawsuit between Iwncomm and Sony, the Court of second instance upheld the first-instance judgment.

Impact of the Case

This case sparked resounding attention in the communications and legal sectors, causing significant impact for its tremendous economic implications. Iwncomm's WAPI standard is wireless transport protocol generated by a Chinese company. The judgment will encourage Chinese companies to invest more in R&D in the communications field and devise apposite patent strategy.

Looking back to the trial process of patent invalidation, PAB reviewed the patent by law and made the fair final decision based on objective, just, accurate and timely desire. This case almost included all legal issues in patent invalidation. The decision made detailed analysis and comments for reasons and



hot issues of invalidation requests, interpreting the legal connotation and execution standard of the patent laws and regulations in the reexamination of invalidation request, and casting a deep shadow for patent law promotion in the near future.

请求人索尼移动通信产品(中国)有限公司(下称索尼公司)就专利权人西安西电捷通无线网络通信股份有限公司(下称西电捷通公司)的第02139508.X号名为“一种无线局域网移动设备安全接入及数据保密通信的

方法”的发明专利权提出无效宣告请求。该案专利涉及中国无线局域网鉴别与保密基础结构(WAPI)核心技术,解决了现有技术(例如WIFI技术)所存在的安全缺陷,被强制性国家标准GB15629.11所采纳。在中国、美国、欧洲、日本、韩国等国均获得授权。

2015年7月23日,索尼公司向专利复审委员会提出专利权无效宣告请求,请求宣告涉案专利权无效。专利复审委员会经审理,作出第28356号无效决定,认定无效宣告请求的理由均不成立,维持专利权有效。2017年3月22日,北京知识产权法院判决索尼公司赔偿西电捷通公司经济损失和合理支出共计910余万元。在西电捷通诉索尼侵权诉讼中,二审法院维持了一审判决。

典型意义

该案件受到了通信行业领域和法律领域的高度关注,产生了非常重大的影响。

西电捷通的WAPI标准是国内自主研发的无线传输协议国际标准,案件的审理结果有利于激励中国企业

在通讯领域自主研发相关技术并布局专利。

综观本案无效宣告请求程序的审理过程,专利复审委员会按照客观、公正、准确、及时的要求,依法审查并作出公正的决定。该案几乎囊括无效宣告请求所涉及的所有法律问题,无效审查决定书中对各项无效宣告请求的理由和焦点问题都进行了详细分析和评述,诠释了专利法律法规在复审无效审查中的法律内涵和执行标准,对于专利法的普及具有较为深远的意义。



英文翻译	王瑞
Translator	Wang Rui
责任编辑	吴珂
Executive Editor	Wu Ke
实习编辑	熊花平
Practice Editor	Xiong Huaping