

China's IP
in foreign eyes

Attending CES for the first time, Meituan is showcasing the Meituan Autonomous Delivery (MAD) solution, its intelligent dispatch system, and "Meituan Brain," an on-going project to build the world's largest knowledge map for catering and entertainment. At onsite demonstrations at CES, MAD is using a variety of intelligent delivery devices, such as unmanned aerial vehicles (UAVs) and autonomous delivery vehicles and robots to meet on-demand delivery in settings such as buildings, business campuses and public roads. (Meituan Teams Up With Nvidia, Valeo, Icona For Driverless Food Delivery Service, Forbes)

首次参加美国消费电子展,美团公司展出了“美团自动配送”解决方案,其囊括了智能调度系统与一个正在构建世界最大餐饮娱乐信息地图的“美团大脑”项目。现场演示时,“美团自动配送”方案可操纵无人机、自动运载车辆、机器人等智能配送设备满足不同场景的即时配送需求,例如在建筑物里、校园中、公路上。(美团与多家公司合作开展无人餐饮配送服务,福布斯)

Comment

In recent years, Meituan has been making technological innovations around its take-out business, and its exploration of unmanned delivery technology is at the forefront of its peers. With technological innovation and intellectual property escort, the company's business landscape is showing greater imagination.

点评:

近年来,美团公司围绕外卖业务不断进行技术创新,其对无人配送技术的探索更是位于同行前列。以技术革新与知识产权护航,美团的商业版图正显现出更大的想象力。



There is also little doubt that China is a strong competitor, already having outspent the United States by \$24 billion and planning \$411 billion in 5G investment over the next decade. The Chinese government has also laid out multiple national plans for establishing the country as a leader in mobile technology, and the Chinese firm Huawei is poised to be the top smartphone manufacturer by 2020. (Why China Is Winning the 5G War, The National Interest)

毫无疑问,中国是5G技术领域的重要竞争者。中国已在5G技术上投资超过240亿美元(远超美国),并且未来10年的投资有望超过4110亿美元。为了成为移动通信领域的领导者,中国政府还出台了多项国家计划。到2020年,中国公司华为可能将成为顶级的智能手机制造商。(为何中国会赢得5G战争,国家利益杂志)

Comment

5G has become one of the key technologies many countries around the world exploring. In recent years, China has continuously encouraged enterprises to make great efforts to develop 5G technology and obtain intellectual property rights. Those Chinese enterprises with technological strengths, such as Huawei, are rising on the world stage.

点评:

5G已成为全球许多国家重点发展的技术之一。近年来,中国鼓励企业下大力气研发5G技术并不断积累知识产权,诸如华为等有技术实力的中国企业正在世界舞台崛起。

(邹碧颖)

More Value Unleashed from IPRs, Thanks to Multiple Measures

提升综合运用效益 释放知识产权价值

In 2018, the total value of import and export of IP royalties exceeded \$35 billion; patent and trademark pledge financing reached 122.4 billion yuan, up 12.3%; among them, the amount of patent pledge financing reached 88.5 billion yuan (up 23%), benefited from 5,408 projects (up 29%), according to data recently released by the China National Intellectual Property Administration (CNIPA). China's IP utilization efficiency has been drastically improved due to a series of exploratory measures in integrating IP into economic development.

"In recent years, relevant departments of CNIPA have effectively promoted the building of four-in-one IP operation and service system featuring a combination of platform, institution, capital and industry, playing an important supporting role in strengthening IP utilization and promoting IP transfer and commercialization," said Zhao Meisheng, Deputy Director General of Utilization Promotion Department of CNIPA, adding that 2018 saw a continuous improvement and systematization of IP operation and service system.

In terms of platform building, the National IP Operation and Public Service Platform released nearly 20,000 projects in 2018. The Shanghai IP International Operation Pilot Platform was smoothly launched. Special platforms such as the Wuhan Institutes of Higher Education Platform for IP Operation and Zhengzhou IP Transaction



and Operation Platform were approved to be established. Solid progress has been made in the construction of the South IP Operation Center and the Automobile Industry Center for IP Investment and Operation.

In addition, another eight cities including Shenzhen conducted pilot work for the construction of IP operation and service system. All governments of pilot cities issued implementation plans and identified policy measures and capital arrangements. In the meantime, Notice of the Office of the National Intellectual Property Administration on Establishing a Monthly Information System for Promoting the Operation and Service of Intellectual Property Rights in a Market-Based Way was issued and a performance evaluation mechanism was initially es-

tablished.

In 2018, the IP securitization and standardization product "First Entrepreneurship - Special Supporting Plan for Liberal Loan Assets (Phase I)" was successfully approved at the Shenzhen Stock Exchange. The underlying assets of the product were all subject to IPRs such as patents and copyrights. The total scale reached 733 million yuan; Hainan Province was entitled to reform IP securitization; the patent insurance mechanism and the loan model of SME trademarks were also included in the support innovation measures promoted by the State Council. The IP finance is in full swing.

Focusing on the IP utilization, in 2018, CNIPA also introduced certain measures for innovation and development of private enterprises in IP service-

es, carried out pilot projects on the regional IP layout, deepened patent navigation, analysis and early warning, etc. IP connects to both innovation and market. China is embarking on a road of IP utilization with IP sharing mechanism as the link and IP operation platform as the carrier, effectively enhancing the contribution of IP to the country's economic and social development and providing a strong support for the construction of IP powerhouse.

(by Wu Ke)

本报记者 吴珂

中国国家知识产权局近日公布的数据显示,2018年,中国知识产权使用费进出口总额超过350亿美元;专利、商标质押融资总额达到1224亿元,同比增长12.3%。其中,专利质押融资金额达885亿元,同比增长23%,质押项目5408项,同比增长29%。中国知识产权运用效益快速提升,得益于一系列将知识产权融入经济发展大局相关工作的探索与推进。

“近年来,国家知识产权局相关部门有效推动平台、机构、资本、产业‘四位一体’的知识产权运营服务体系,对强化知识产权运用,促进知识产权转移转化发挥了重要支撑作用。”近日,中国国家知识产权局运用促进司副司长赵梅生表示,2018年是中国知识产权运营服务体系不断完善,向体系化迈进的重要一年。

在平台建设方面,2018年,国家知识产权运营公共服务平台发布项

目近2万项,上海知识产权国际运营试点平台顺利揭牌,武汉高校知识产权运营、郑州知识产权交易运营等特色平台被批复设立,南方知识产权运营中心和汽车产业知识产权投资运营中心的建设扎实推进。

此外,2018年中国新增深圳等8个城市开展知识产权运营服务体系试点,各个试点城市的政府印发了实施方案,明确了政策措施和资金安排。同时,《国家知识产权局办公室关于建立以市场化方式促进知识产权运营服务工作信息月报制度的通知》印发,初步建立了绩效评价机制。

2018年,知识产权证券化标准化产品“第一创业—文科租赁一期资产支持专项计划”在深圳证券交易所成功获批,该产品底层资产租赁标的物全部为专利权、著作权等知识产权,总规模达7.33亿元;海南省被赋予了探索知识产权证券化等改革任务;专利保险机制和中小企业商标的贷款模式也被纳入到国务院推广支持的创新举措之中……知识产权金融进一步活跃。

围绕知识产权运用,2018年中国国家知识产权局还出台了知识产权服务民营企业创新发展的若干措施,开展知识产权区域布局试点,深化专利导航、分析评议和预警等工作……知识产权一头连着创新,一头连着市场。中国正走出一条以知识产权利益分享机制为纽带、以知识产权运营平台为载体的知识产权运用之路,有效提升知识产权对国家经济社会发展的贡献度,为知识产权强国建设提供了有力支撑。



Scottish Farmed Salmon

苏格兰养殖三文鱼

The western coast of mainland Scotland, Western Isles, Orkney and Shetland Isles are the origins of Scottish Farmed Salmon. The Scottish farmed salmon features large size body, silvery shiny appearance, tight and smooth flesh, delicious taste and fibrous shape. The color saturation of the fish is at least 26 point of the Roche colorimetric fan. China has implemented the geographical indications

products protection for Scottish Farmed Salmon since May 2011.

In the aquaculture area of Scottish Farmed Salmon, the lake water is pure, the bay water is turbulent, the oxygen supply is sufficient, and the water temperature fluctuation is very small. The unique and stable regional environment helps to speed up metabolism, increase the weight of Salmon and avoid excessive fat accumulation.

Scottish Farmed Salmon breeding variety is Atlantic salmon. It follows the professional and technical requirements to hatch eggs, raise fry, mark juveniles, transfer cages, catch, package and distribute, which ensures the unique quality of Scottish Farmed Salmon.

(Courtesy of the IP Protection Department of CNIPA)

苏格兰养殖三文鱼的产地是苏

格兰本岛西海岸、西部群岛、奥克尼郡和设得兰群岛。苏格兰养殖三文鱼体型硕大,具有银色闪光的外表,肉质结实光滑,味道鲜美,呈纤维状,鱼肉颜色的饱和度至少达到罗氏比色扇的26号。2011年5月起中国对苏格兰养殖三文鱼实施地理标志产品保护。

苏格兰养殖三文鱼养殖区域内湖水纯净,海湾水流湍急、氧气供应充足、水域温度波动很小,独特而稳



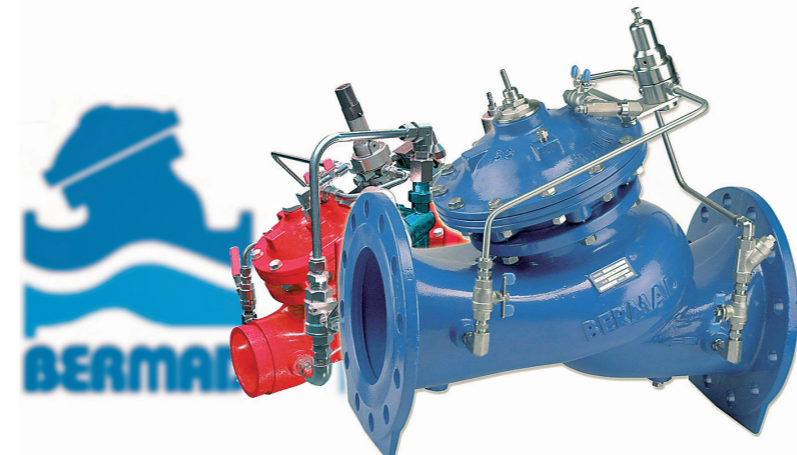
定的区域环境有助于加快苏格兰养殖三文鱼的新陈代谢速度,增大鱼体重量,避免过多脂肪堆积。

苏格兰养殖三文鱼的品种是大西洋鲑。养殖场遵循专业技术要求进行鱼卵孵化、鱼苗饲养、幼鱼标记、网箱转移、捕捞、包装和配送,保证了苏格兰养殖三文鱼的独特品质。(中国国家知识产权局知识产权保护司供稿)

Israeli Firm Takes Down Local Distributor Tampering with Trademark-ed Products

以色列伯尔梅特公司成功捍卫商标权

In November 2016, Shanghai Minhang District Market Supervision Office received a complaint from the Israel-based Bermad Company, the trademark owner of "伯尔梅特 BER-MAD", accusing Shanghai Bermad Control Valve Company of manufacturing and selling valve products infringing its registered trademark right, and requesting sanctions from the Office. After investigation, the Shanghai firm was found having purchased the red fire valve and blue pressure reducing valve with the "BERMAD" trademark through the proper distribution channel at relatively low prices from 2014 to 2016. The following act makes the company culpable when it changed the color of the valve into green which is supposed to be the color of a digitally controlled electro-hydraulic valve. The Shanghai firm also removed the gaskets of the purchased valve products and replaced them with gaskets purchased elsewhere. After the retrofitting moves, the perpetrator sold 64 units of counterfeit green electro-hydraulic valves for 1,464,275 yuan. Adding the 17 unsold units still sitting at a ware-



house, the total value of goods in question is 1,870,838 yuan. Such retrofitting and selling acts are a clear violation of Article 57 of the Chinese Trademark Law. Accordingly, Shanghai Minhang District Market Supervision Office invoked Article 60 of the same law to impose injunction on the Shanghai firm, seize 17 units of infringing valve products and penalize 5.61 million yuan.

Impact of the Case

In this case, the Shanghai firm not

only changed the color of the valve, but also replaced its key components, leading to the change of the product's original function and use, which shall be deemed as a substantial change to the original product. The company even sold the modified products in the name of the trademark owner. The act shall be deemed as trademark infringement. Penalty-wise, this is the biggest trademark violation case ever dealt by Shanghai Industry and Commerce administration as well as market regulatory authority. The successful investiga-

tion and handling of the case fully reflects that Shanghai market supervision authority's determination and competence in IP protection, preserving the fine image of China's resolve in IP protection.

2016年11月,上海市闵行区市场监督管理局接到“伯尔梅特BERMAD”注册商标权利人以色列伯尔梅特股份公司(下称以色列伯尔梅特)投诉举报反映,上海伯尔梅特控制阀门有限公司(下称上海伯尔梅特)涉嫌制售侵犯其注册商标权的阀门产品,并请求闵行区市场监督管理局依法予以查处。经查,上海伯尔梅特于2014年至2016年从正常销售渠道采购价格相对较低、带有“BERMAD”商标的红色消防阀与蓝色减压阀,并通过刷漆改色的方式将阀体刷为数控电液阀的绿色。上海伯尔梅特还把采购阀门产品中的垫片取出换成自行采购的垫片。通过上述改造方式,上海伯尔梅特累积对外销售仿冒绿色数控电液阀64台,含税销售额146.4275万元,至案发时仓库内还剩余尚未销售的电液阀17台,违法经营额合计187.0838万元。上海伯尔梅特未经商标所有人以色列伯尔梅特许可,擅自改装、冒充高价商品销售的行为,构成中国商标法第五十七条所指的商标侵权

行为。上海市闵行区市场监督管理局依据中国商标法第六十条规定,责令当事人立即停止侵权行为,没收侵权阀门产品17台,并罚款561万余元。

典型意义

此案中,上海伯尔梅特不仅涂改了阀门的颜色,还将阀门中的关键部件进行了替换,改变了商品原有的功能和用途,属于对原商品的实质性改动,并将改装后的商品继续以商标权利人的名义进行销售,应认定为商标侵权行为。此案是近年来上海工商和市场监管部门在知识产权领域查处的罚款金额最大一起的商标违法案件。案件的成功查处,充分体现上海工商和市场监管部门切实加大对外资企业的知识产权保护力度,有力维护了中国良好的知识产权保护形象。



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