

China's IP  
in foreign eyes

Ant Financial has agreed to buy British payments group WorldFirst in a deal said to be worth about \$700m, in the biggest push yet by Jack Ma's Chinese financial services group into western markets. Ant Financial said the move would allow the two companies "to reach a greater number of customers, especially in the fast-growing area of cross border e-commerce". (Ant Financial agrees to buy WorldFirst in \$700m deal, Financial Times)

蚂蚁金服已同意收购英国支付集团万里汇,这笔交易据称价值约7亿美元,这也是马云旗下的中国金融服务集团进军西方市场的最大举措。对此,蚂蚁金服表示,此举将使两家公司“接触更多的客户,尤其是在快速增长的跨境电子商务领域”。(蚂蚁金服同意收购英国支付集团,金融时报)

## Comment:

The Ant Financial successfully acquired the British payment group WorldFirst, which became important initiatives for Chinese financial companies to enter the UK. Ant Financial's financial services with Pratt & Whitney will also help its brand to go global while promoting sustainable economic development.

## 点评

此次蚂蚁金服成功收购英国支付集团万里汇,成为中国金融企业进入英国的又一重大举措。蚂蚁金服以普惠的金融服务在促进经济可持续发展的同时,也将有利于其品牌走向世界。



"The Wandering Earth" is a Chinese sci-fi film released on the New Year holiday which has taken the country by storm. Based on works by novelist Liu Cixin, it tells the story of a group of Chinese astronauts working to save Earth from a dying and rapidly expanding sun. Opening on February 5, the film made about \$405 million (\$2.7 billion yuan) in just over its first week in China alone -- putting it on track to become the country's most successful film of all time. China is likely to become the world's largest cinema market in coming years, according to industry insiders. (Will smash hit 'The Wandering Earth' change China's film industry? CNN)

中国科幻电影《流浪地球》作为新年贺岁影片,已经风靡全国。该影片改编自作家刘慈欣的作品,讲述了中国宇航员团队在迅速膨胀、干涸的太阳环境中拯救地球的故事。这部影片于2月5日上映,仅一周的时间,在中国创造了约27亿元的票房记录,并有望成为中国国产电影的里程碑。未来几年,中国很可能成为全球最大的电影市场。《流浪地球》的热播会改变中国的影视行业吗? 美国有线电视新闻网

## Comment:

The popular broadcast of "Wandering Earth" is a milestone in the development of Chinese sci-fi film. While Chinese domestic films are constantly moving towards the eyes of the world, it will pay more attention to the copyright of original films and the intellectual property protection of movie peripheral products to promote China's film industry.

## 点评

《流浪地球》的热播是中国科幻电影发展的里程碑之举,中国国产电影在不断走向世界舞台的同时,更加需要注重的是对原创电影及电影周边产品的知识产权保护,以助力中国影视行业扬帆远航。(刘娜)

China to Improve Trademark Law to Curb Abnormal Filing  
中国拟完善商标法律制度遏制非正常申请行为

China National Intellectual Property Administration (CNIPA) released the Several Measures on Regulating Trademark Filing for Registration (Draft Open to Comments) on its website on February 12, inviting comments from the general public. The deadline for sending comments is March 14, 2019.

In the context of streamlining of trademark registration procedure, contraction of registration pendency, reduction of registration cost and lessening of available registration sources, malicious registration for free riding on better-known brands happens from time to time; hoarding trademark registrations for reselling them for profit rather than for actual use is rampant. The above acts of abnormal trademark filing for registration severely corrupt market order, trademark regulation order and environment for doing business, raising eyebrows in all walks of life. This elevates serious attention of CNIPA, who aims to shape a long-term mechanism to curb such acts by improving the trademark legal system through findings in legislations. Aim-



ing to attack the problem in the short run, CNIPA drafts this agency-level Measures to govern and guide trademark filing acts by borrowing the pre-existing concepts handling abnormal patent filings.

There are eight articles in the announced Draft, which reiterates the principle of good faith and the directive of registration for use (both established by the Trademark Law), speci-

fies types of acts of abnormal trademark filing for registration and their legal ramifications, provides specific measures in regulating such acts, and defines duties of competent IP authorities at various levels in directing and regulating acts of trademark filing for registration and use.

Under the Draft, while the Trademark Law and its Implementing Regulations shall be invoked to address

such acts, punitive measures may be imposed per the gravity of the acts. For example, if such acts result in gaining funding, support and award by fraud, provided serious enough to pass the criminal threshold, criminal prosecution will ensue. Those trademark agencies aiding such acts will also be penalized.

The general public may make their opinions heard via email, fax or letter mail to CNIPA's legal affairs department. (by Wang Guohao)

本报讯 (记者王浩北京报道) 2月12日,中国国家知识产权局官网公布《关于规范商标申请注册行为的若干规定(征求意见稿)》,向社会公开征求意见。征求意见稿截止日期为2019年3月14日。

据了解,随着商标注册程序优化、注册周期缩短、注册成本降低、注册资源减少,以傍名牌为目的的商标“恶意申请”行为时有发生,以转让注册商标牟利而非实际使用为目的的商标“囤积注册”行为大量出现。这些非正常申请商标注册的行为严重扰乱了市场经济秩序和商标管理秩序,破坏营商环境,引起社会各界广泛关注。

对此,中国国家知识产权局高度

重视,积极开展立法研究,拟通过完善商标法律制度,形成遏制非正常申请商标注册行为的长效机制。为在短期内实现目标,在借鉴专利领域非正常申请行为规制措施的基础上,起草了该部门规章,对商标申请注册行为加强规范和引导。

此次公布的征求意见稿共有8条,重申了商标法确立的诚信原则和以使用意愿为前提申请商标注册的导向,规定了非正常申请商标注册的行为类型及法律后果,提出了规制非正常申请商标注册行为的具体措施,明确了各级知识产权主管部门引导、规范商标申请注册和使用行为的职责。

征求意见稿提出,对非正常申请商标注册的行为,除依据商标法、商标法实施条例的规定进行处理之外,可以视情节依法采取惩戒措施。通过非正常申请商标注册的行为骗取资助、扶持、奖励,情节严重构成犯罪的,将依法移送有关机关追究刑事责任。对从事非正常商标申请注册行为的商标代理机构也将依法惩戒。

据悉,社会公众可以通过电子邮件、传真方式围绕征求意见稿的修改完善提出具体意见,也可将意见通过信函方式寄至中国国家知识产权局。



Some 120 groups of 5,000 lanterns made by hundreds of intangible heritage inheritors were displayed at the 2nd Nangong Night Garden Party of Lantern held in Beijing during the Spring Festival. Photo by Wang Xin

春节期间,2019年故宫第二届新春游园灯彩夜在京举办。由数百名非遗匠人手工打造的120多组、5000多盏花灯作品集中亮相,为游客呈上一场视觉盛宴。王欣 摄影报道

Priego de Córdoba  
布列高科尔多瓦(橄榄油)

Priego de Córdoba is the extra virgin olive oil obtained from olives of the Picuda, Hojiblanca and Picual varieties. The production area is located in the province of Córdoba in Spain. China has implemented the geographical indications products protection for Priego de Córdoba since October 2011.

The characteristics of the oil are: acidity up to maximum 1.0 mg/g; peroxide value maximum 7.5 mmol/kg; K270 maximum 0.15; moisture and impurities less than 0.1%. In order to ensure the above unique quality of olive oil, it follows the professional and technical requirements of olive tree cultivation, olive picking and pressing, olive oil storage and delivering. (Courtesy of the IP Protection Department of CNIPA)

布列高科尔多瓦(橄榄油)是产

于西班牙科尔多瓦省的以皮库达(Picuda)、欧西布兰卡(Hojiblanca)和皮夸尔(Picual)三个品种橄榄树果实为原料榨取的特级初榨橄榄油。自2011年10月起中国对布列高科尔多瓦(橄榄油)实施地理标志产品保护。

布列高科尔多瓦(橄榄油)酸值小于等于1.0 mg/g,过氧化值小于等于7.5 mmol/kg, K270 小于等于0.15,水分及挥发物小于等于0.1%,不溶性杂质小于等于0.1%。为了保证橄榄油的上述独特品质,橄榄树栽培、橄榄采摘和压榨、橄榄油储存和运输均遵循专业技术要求。

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## Suzhou Market Authority Raids Counterfeit Designer Cosmetics

## 苏州查处侵犯“迪奥”等注册商标专用权案



On June 21, 2016, Market Regulation Administration in Suzhou Industrial Park (SI) of Jiangsu Province raided a warehouse following a tip from the public, and seized 59,904 items of cosmetics involving 72 brands including Kiehl's, Dior, Benefit and Fresh. A man named Lv failed to provide legal origin and authenticity certificate for these products. Investigation showed that the perpetrator rented the location for doing branded cosmetics

business from December, 2012. The products seized on scene were valued at 4.6792 million yuan, calculated based on the selling prices of the cybershop. After sampling test and appraisal of brand holders, for the above-listed four brands only, 13,775 items of 23 (out of 72) types of products were determined counterfeits, valued over 1.63 million yuan; 40 types were not infringing products and the remaining six classifications could not be deter-

mined genuine or not. In view of the high value of the infringing products, the perpetrator's behavior was suspected of selling counterfeit products of registered trademarks, triggering transfer of the case to local police on March 23, 2017. Later investigation would suggest the value of the counterfeits sold by Lv logging at over 5 million yuan. Ten of the 16 suspects have been arrested and sought by prosecution while the remaining six are out on bail pending for trial.

## Impact of the Case:

In this case, the perpetrator sold products through an e-commerce platform, namely Taobao.com, a novel operation mode in distributing infringing and counterfeit products. During the investigation, local police traced to the upstream supplier and the manufacturing location by following the leads, scoring a bigger victory. In this case, all government departments shared in-

formation and collaborated effectively to ensure a successful investigation.

2016年6月21日,苏州工业园区市场监管局根据群众举报对辖区内某科技园仓库进行检查,现场查获涉及科颜氏、迪奥、贝玲妃和馥蕾诗等四大品牌72个种类的商品5.9904万件。当事人吕某无法提供涉案商品的合法来源和相关授权证明。经查,当事人自2015年12月起租用涉案场所从事品牌化妆品的经营活动。根据涉案商品在当事人经营淘宝店的销售价格计算,现场查获涉案商品的货值约为467.92万元。经对上述商品的抽样送检,以及商标权利人的鉴定,涉案的四大品牌72类商品中,有23个种类的1.3775万件商品被认定为侵权商品,货值达163万余元,其余涉案商品中40个品类被认定为非侵权商品,6个品类被认定为无法判断真伪的商品。鉴于涉案侵权商品货值金额巨大,当事人的行为已涉嫌构成销售假冒注册商标的商品罪,苏州工业园区市场监管局于2017年3月23日将该案移送至苏州工业园区公安分局。后经调查,该

案当事人吕某销售假冒注册商标一案的案值达500余万元,16名主要犯罪嫌疑人中已有10名被批捕并提起公诉,剩余6名取保候审。

## 借鉴意义

该案中,当事人通过电商交易平台进行销售,当事人的违法手段、售假方式是基层查处销售侵权假冒商品类案件中遇到的较为新颖的运作模式。查办过程中,公安机关根据案件信息顺藤摸瓜追溯到上游供应商及制假窝点,乘胜追击扩大打击战果。此案中,各部门互通信息,高效协作作为案件成功查办提供了有效保障。



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