

China's IP
in foreign eyes

Recently, Shares in Anta Sports, rose 3.2% to close at an eight-month high at the Hong Kong Stock Exchange. The stock has also gained on optimism that the near finalization of Anta's \$5.2 billion purchase of Finland's Amer Sports will turn it further into a global sports brand heavyweight. Anta has been already tapped multiple brands such as Amer Sports and Fila to boost sale. (*China's Sportswear Leader Anta At 8-Month High On Earnings, New Brands, Forbes*)

近日,安踏体育市值在香港证券交易所上涨3.2%,市值创近八个月内新高。这也相对乐观地反映了安踏自以近52亿美元收购芬兰Amer运动品牌以来,将更有可能成为全球重量级体育品牌。如今,安踏已经开发了Amer运动、Fila等多个品牌以扩大销售市场。(中国运动服装安踏在收益和品牌价值上创8个月新高,福布斯)

Comment:

The share prices of ANTA are rising, which is the embodiment of its brand recognition at home and abroad and its excellent product quality and corporate services. It is believed that in the future, Chinese national enterprises will go abroad and become global with more innovation and vitality.

点评

安踏体育市值的上涨,正是其产品质量与企业服务得到认可的体现。相信今后中国民族企业将以更加勃发的创新力和活力走向全球。



NBA content will be available on Alibaba's platforms for the first time through an expanded partnership between the league and Chinese e-commerce company. The league says Wednesday that programming such as game highlights and classic NBA games will be among the content available on the new "NBA Section" to the nearly 700 million Alibaba consumers. There will also be an enhanced online shopping experience for Chinese customers. (*NBA content to be available on Alibaba platforms in China, AP*)

NBA联盟将与中国电子商务公司通过扩大伙伴关系,首次在阿里巴巴的电子商务平台提供NBA联赛信息。联盟近日表示,将一些NBA赛事集锦和精彩比赛整合为新的NBA栏目,以向近7亿阿里巴巴消费者提供服务,这也将提高中国消费者的在线购物体验。(NBA赛事内容将在中国的阿里巴巴平台上发布,美联社)

Comment:

The cooperation aims to the big data advantage of e-commerce, based on customized and authorized content and services. It is constantly satisfying the ever-changing performance of consumer demand. At the same time, it is also beneficial for both parties to expand new markets and upgrade strategic partnerships.

点评

此次合作是双方通过电子商务的大数据优势,提供定制化授权内容和服

(刘娜)

SPC, SPP: Strengthening IPR Protection Pays Dividend

中国加强知识产权司法保护显成效

On March 12, the third plenary meeting of the second session of China's 13th National People's Congress kicked off at the Great Hall of the People, debriefing work reports from both the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP). Both work reports indicate China had strengthened IPR protection in the judicial sector.

Zhou Qiang, SPC Chief Justice, noted that the courts served the objective of constructing an innovative country in 2018. A total of 288,000 first-instance IP cases were concluded, up 41.8%. While tasked to unify IP trial standards, an IP tribunal was shaped under the SPC roof to dedicate to patent and other tech-dense IP appeal cases, indicating formation of a mechanism for trying appeal cases at the national level. Specialized IP courts were

operational in Beijing, Shanghai and Guangzhou on top of 19 in-house tribunals in other cities.

Zhang Jun, SPP Procurator-General, revealed that procuratorates across the country had also strengthened IPR judicial protection in 2018, flagging the working of 32 high-profile cases. A total of 8,325 people were prosecuted by procuratorates for criminal infractions in patent, trademark and trade secret, up 16.3%. In 2019, procuratorates will tighten the screw on crimes gravely corrupting market order, including IPR infringement, manufacture and distribution of shoddy-quality goods, illegal fund-raising and tax fraud by issuing inflated invoices, rendering rule of law to be best business environment.

本报综合消息 3月12日,十三届全国人大二次会议在人民大会堂举行第三次全体会议,分别听取了中



最高人民法院工作的报告和中国最高人民检察院工作的报告。“两高”报告

数据显示,中国知识产权司法保护得到加强。



Sierra Mágina

马吉那山脉(橄榄油)

Sierra Mágina is the extra virgin olive oil obtained from olives of the Pical and Manzanillo de Jaén varieties. The production area is located in the province of Jaén surrounded by Sierra Mágina in Spain. China has implemented the geographical indications products protection for Sierra Mágina since October 2011.

The Sierra Mágina climate is with annual average temperatures of between 13 °C and 17 °C, and average

annual rainfall of between 400 mm and 800 mm. The olive groves are to be found on the gentler slopes of the massif, up to an altitude of 850 m. The soils most commonly occurring are lithosols, calcareous regosols, cambisols and chromic luvisols, providing a suitable environment for the development of olive trees.

The characteristics of the oil are: highly stable olive oils; very fruity and slightly bitter; colour varying from

deep green to golden yellow; acidity up to a maximum of 1.0 mg/g; peroxide value maximum 9 mmol/kg; K270 maximum 0.20; moisture and impurities not exceeding 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)

马吉那山脉(橄榄油)是产于西班牙哈恩省马吉那山脉的以皮考尔和哈恩马萨尼加两个品种的橄榄树果实为原料榨取的特级初榨橄榄油。2011年10月起我国对马吉那山脉(橄榄油)实施地理标志产品保护。

马吉那山脉年平均气温13-17°C,年均降雨量400-800mm。橄榄园分布于平缓山坡上,海拔低于850米。产区常见的土壤类型为石质土、石灰性粗骨土、含钙石灰性砂土、含钙石灰性土壤和棕红色淋溶土,适宜橄



榄树的生长。

马吉那山脉(橄榄油)属高度稳定的橄榄油,具有水果味和轻微苦味,色泽从深绿色至金黄色,酸值小于等于1.0 mg/g,过氧化值小于等于9 mmol/kg, K270小于等于0.20,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、橄榄油存储和运输均遵守专业技术要求。

(中国国家知识产权局知识产权保护司供稿)

ROUGHNECK Denied TM Registration for Negative Meaning

法院认为将“ROUGHNECK”用作商标有害于社会主义道德风尚并产生不良影响——

中文含义多贬义 英文商标被驳回

In an English-Chinese dictionary, Roughneck means rude, or a rude fellow, or a noisy and rude fellow. But does it matter for trademark registration? A U.S. firm specialized in making safety gloves attempted to register ROUGHNECK and was denied for its negative meaning, forcing the firm to dive all the way into the system for justice.

Recently, Beijing High People's Court made the final ruling to reject the appeal from RINGERS TECHNOLOGIES LLC, upholding the review decision made by the former Trademark Review and Adjudication Board (TRAB) on rejecting No.20611408 trademark application ROUGHNECK (trademark in dispute).

The trademark in dispute was filed by RINGERS on July 12, 2016, requesting to be certified on the products of Class 25 such as gloves (garments), ski gloves and mittens.

After examination, the Trademark Office (TMO) rejected the application based on the ground that ROUGHNECK was detrimental to socialist morals or customs, or had other unhealthy influences. RINGERS then lodged a review request to the TRAB on May 7, 2017, had no luck there either, and then brought the case to Beijing IP Court.

Beijing IP Court held that ROUGHNECK was translated as rude, a rude fellow and a noisy and rude fellow in Chinese. Rude contains the meaning of violent, cruel and brutal, mainly used to characterize people's language and behaviors, usually carrying negative

meanings in most contexts. If it was certified to be used on the products as a trademark, it would depart from the generally-accepted positive social morals and customs and generate unhealthy influences. Meanwhile, as trademark prosecution might come to different conclusions as facts being considered may differ from one another, the other successful registrations of ROUGHNECK could not be considered as a solid evidence to secure the registration of the trademark in question. Hence, the Court dismissed the request from RINGERS at the first instance.

The disgruntled RINGERS then appealed to Beijing High People's Court.

Beijing High held that those detrimental to socialist morals or customs, or having other unhealthy influences could not be used as trademarks according to the Chinese Trademark Law. Socialist morals or customs means living and behavior principles and standards for Chinese people in common and popular positive customs and habits within a certain period. Unhealthy influences means negative influences caused by characters, figures and other components to public interests and orders in Chinese politics, economy, culture, religion and races.

On whether the trademark in dispute was detrimental to socialist morals or customs, or having other unhealthy influences, Beijing High sided with Beijing IP Court.

In this connection, the Court upheld the review decision made by former TRAB and affirmed the judgment at



first instance. (by Wang Guohao)

本报记者 王国浩

在英汉词典里,“roughneck”一词有“粗鲁、粗鲁的人、吵闹而粗鲁的人”之义。那么,能否将这一英文单词申请商标注册和使用呢?美国一家主营安全防护手套产品的企业欲在手套商品上申请注册“ROUGHNECK”商标,因被认为属于有害于社会主义道德风尚或者有其他不良影响的标志而被驳回注册申请,该公司随后展开了一场商标确权之争。

近日,北京市高级人民法院终审驳回美国林格斯科技有限责任公司(下称林格斯公司)的上诉,原商标评审委员会(下称原商标评审委)驳回20611408号“ROUGHNECK”商标(下称诉争商标)注册申请的复审决定最终得以维持。

据了解,诉争商标由林格斯公司

于2016年7月12日提出注册申请,指定使用在第25类的手套(服装)、滑雪手套、连指手套商品上。

经审查,中国商标局以诉争商标“ROUGHNECK”属于有害于社会主义道德风尚或者有其他不良影响的标志,不得作为商标使用为由,决定对诉争商标的注册申请予以驳回。林格斯公司不服上述决定,于2017年5月7日向原商标评审委申请复审,但未能获得原商标评审委支持,林格斯公司继而向北京知识产权法院提起行政诉讼。

经审理,北京知识产权法院认为,“粗鲁、粗鲁的人、吵闹而粗鲁的人”是英文“ROUGHNECK”的中文译文,“粗鲁”包含“粗暴、鲁莽、野蛮”等含义,主要用于形容人的语言、行为特征,这种特征用于多数语境中具有贬义,若将其作为商标注册使用在指定商品上,与当代社会上流行的良好风气和习惯相背离,易产生不良影响。

同时,商标授权审查因各案事实情况不同可能结论各异,其他“ROUGHNECK”商标获准注册的情况,并非诉争商标获准注册的当然依据。据此,法院一审判决驳回林格斯公司的诉讼请求。

林格斯公司不服一审判决,继而向北京市高级人民法院提起上诉。

北京市高级人民法院经审理指出,根据中国商标法规定,“有害于社会主义道德风尚或者有其他不良影响的标志不得作为商标使用”。上述条款中“社会主义道德风尚”是指中国公众共同生活及其行为的准则、规范以及在一定时期内社会上流行的良好风气和习惯;“有其他不良影响”是指商标的文字、图形或者其他构成要素对中国政治、经济、文化、宗教、民族等社会公共利益和公共秩序产生消极的、负面的影响。

对于诉争商标是否属于“有害于社会主义道德风尚或者有其他不良影响的标志”,北京市高级人民法院与北京知识产权法院持同样的观点。

综上,法院认为原商标评审委对诉争商标所作驳回复审决定认定事实清楚、适用法律正确,作出程序合法,林格斯公司的诉讼请求由缺乏事实和法律依据,据此终审驳回林格斯公司上诉,维持一审判决。



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