

China's IP  
in foreign eyes

The Shenzhen Metro is looking to transform one of its busiest subway stations by combining 5G technology and artificial intelligence. Once a person scans his/her face at the gate, the image would be matched to the personal information registered in the operator's database and allow the passenger to go through. (China's futuristic AI subway station: Passengers will be able to pay by scanning their faces at the turnstile, by DailyMail)

深圳地铁正寻求将5G技术和人工智能结合起来,改造其最繁忙的地铁站之一。乘客只要在闸机口扫描自己的脸,图像就会与数据库中登记注册的个人信息进行匹配,这样乘客就可以通过了。(未来中国的人工智能地铁站:乘客能在闸机口刷脸进站,每日邮报)

## Comment:

As an important part of AI, face recognition is coming into all walks of life and changing our life. For enterprises, face recognition technology with independent IPRs will play a key role in their participation in international competition.

## 点评

作为人工智能的重要组成部分,人脸识别正在走进各行各业,改变我们的生活。对于企业来说,拥有自主知识产权的人脸识别技术在企业参与国际竞争中起到关键作用。



Mercedes-Benz owner Daimler is nearing a deal to sell a 50 per cent stake in its small-car brand to China's Geely. The sale of the stake in its Smart division will be confirmed before the Shanghai Auto Show in April, said one of the people. The move by Geely, which became Daimler's largest shareholder last year, may be to help out the German group as it struggles to carry the loss-making Smart brand. (China's Geely set to buy half of Daimler's Smart unit, by Financial Times)

梅赛德斯-奔驰(Mercedes-Benz)的所有者戴姆勒即将达成有关协议,将旗下小型车品牌Smart的50%股权出售给中国品牌吉利,出售Smart部门股权的交易将于4月上海车展之前确认。去年成为戴姆勒最大股东的吉利此举可能帮助这家德国集团,后者正在艰难维系亏损的Smart品牌。(吉利拟向戴姆勒购买Smart一半股权,金融时报)

## Comment:

Geely represents one of the Chinese enterprises "venturing out" successfully. As a domestic and independent automobile brand, Geely attaches great importance to IPRs, and escorts a series of overseas mergers and acquisitions with solid IP work.

## 点评

吉利是中国企业成功“走出去”的代表。作为国产自主品牌,吉利重视知识产权,并凭借扎实的知识产权工作,为一系列海外并购保驾护航。

(李铮)

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## WIPO Report: China Witnesses Significant Growth in PCT Filing in 2018

世界知识产权组织(WIPO)发布数据显示——

## 中国创新主体踊跃提交PCT国际专利申请



relevant principal of BOE.

Among the PCT applicants in 2018, OPPO saw a rise from 474 in 2017 to 1,042 in 2018, and jumped 23 places in the ranking to become the 17th. In parallel, Tencent, DJI, CSOT also headed the list of top 50.

The data shows that PCT applications filed by Chinese universities increased dramatically. Shenzhen University, South China University of Technology and other two universities appear in the top 10 list for the first time.

"I'm very glad to see that China has seen a rise in PCT filings, which owes much to the endeavor of Chinese companies. But attention is needed to pay on PCT application distribution," said Shan Xiaoguang, Dean of Shanghai International IP Law School of Tongji University. The PCT applications filed by Chinese applicants mostly related to communication and computer technology, while those filed in life science, pharmaceutical, transportation and electric mechanical is less, still lagging

behind those developed countries. China must attach great importance to basic science research and optimize international patent portfolio, so as to offer inexhaustible driving force for economic development, according to Shan.

(by Yang Liu)

## 本报记者 杨柳

7家中国企业进入PCT国际专利申请人名录前50位,10所大学进入教育机构排名前50位——世界知识产权组织(WIPO)3月19日发布的数据显示,2018年,中国申请人通过《专利合作条约》(PCT)途径提交的国际专利申请达5,334,500件,居全球第二位。

此次WIPO公布的数据显示,就技术领域而言,数字通信领域和计算机技术领域的国际专利申请占比最高,而中国申请人在这两个领域提交的国际专利申请分别占18.4%和13.1%,位居第一和第二。

京东方科技集团股份有限公司(下称京东方)以1813件国际专利申请排在申请人排名第七位,与华为、中兴共同成为进入前十的3家中国企业。京东方有关负责人表示,京东方目前在全球累计可使用专利已超7万件,覆盖美国、欧洲、日本、韩国等国家和地区,已形成端口器件、智慧物联和

智慧医工三大核心事业,专利覆盖LCD、OLED、传感、人工智能、大数据等方面。

2018年PCT国际专利申请人名录显示,OPPO的PCT国际专利申请从2017年的474件升至2018年的1042件,排名上升23个位次到达第17位。此外,腾讯、大疆、华星光电等企业也纷纷上榜前50。

此次发布的数据还显示,中国高校的PCT国际专利申请量增长迅速。其中,深圳大学、华南理工大学等4所院校进入教育机构申请量前十,这是中国高校首次“晋级”该排名前十。

“中国国际专利申请量涨势喜人,企业取得的成绩值得肯定。但需要注意的是,中国国际专利申请的布局还不够合理。”同济大学上海国际知识产权学院院长单晓光在接受本报记者采访时表示,与欧洲专利局发布的数据相似,WIPO此次发布的数据反映出中国申请人提交国际专利申请的领域比较狭窄,高度集中在通信领域、计算机技术领域,在生命科学、医药、交通、电子机械等领域提交的申请较少,与发达国家仍然存在差距。单晓光认为,中国还应重视基础科学研究,谋求国际专利布局结构的优化,为经济发展提供不竭后劲。

## White Stilton cheese/Blue Stilton cheese

## 斯提尔顿奶酪/斯提尔顿蓝奶酪



Stilton cheese is made from full cream pasteurized cow's milk produced by dairy herds from the three counties of Leicestershire, Derbyshire and Nottingham of England. Since September 2012, China has implemented geographical indication product protection for Stilton White Cheese/Stilton Blue Cheese.

Since the early 18th century, the town of Stilton in Leicestershire has

been famous for selling Stilton cheese. The first literary reference to Stilton cheese is in Daniel Defoe's "Tour through England and Wales" published in 1927 where he noted that Stilton was a town famous for cheese.

Stilton cheese is made in cylindrical form and contains minimum 48% milk fat in the dry matter. It is made in three varieties, White Stilton cheese, Blue Stilton cheese, Mature Blue and/or Vin-

tage Blue Stilton cheese. In addition to the use of high-quality milk produced in the region and traditional fermentation technology, penicillin spores are added to the milk in order to generate the inherent local characteristics of Stilton cheese.

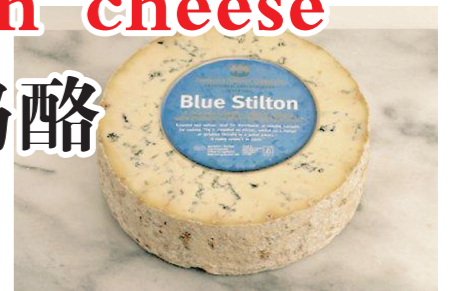
(Courtesy of the IP Protection Department of CNIPA)

斯提尔顿奶酪是由产自英国莱斯特郡、德比郡以及诺丁汉郡的全脂巴

氏杀菌牛奶制成的奶酪。2012年9月,中国对斯提尔顿白奶酪/斯提尔顿蓝奶酪实施地理标志产品保护。

自18世纪早期,莱斯特郡斯提尔顿镇因出售斯提尔顿奶酪而闻名。英国作家丹尼尔·笛福在1727年出版的《穿越英格兰和威尔士的旅行》中记录了斯提尔顿镇是一个因奶酪而闻名的城镇。

斯提尔顿奶酪呈圆柱形,固体物中所含脂肪不低于48%,分为斯提尔



顿白奶酪、斯提尔顿蓝奶酪和成熟斯提尔顿蓝奶酪。保护区出产优质牛奶,通过采用传统的发酵技术,加入当地青霉等特殊工艺,生产出具有地方特色的奶酪。

(中国知识产权局知识产权保护司供稿)

## Beijing High Recognizes Chain of Evidences Proving Trademark Use for Local Company

## “RollyGo”商标纠纷案在华尘埃落定

No.6797026 trademark, RollyGo was filed for registration by Zhejiang-based Ningbo Jinmao Import & Export Company on June 23, 2008, and would be approved on August 14, 2010, certifying to be used on Class 25 products including clothes, shirts, coats, shoes, hats, socks and scarfs.

On August 14, 2015, Chile-based Kemo Sanguola Trading Company filed for revocation of the trademark in dispute to the Trademark Office (TMO) on the ground that the trademark was not in use for 3 consecutive years from August 14, 2012 to August 13, 2015 (the designated period).

In a bid to prove that the trademark in dispute had been used in the designated period, Jinmao Company submitted some materials to TMO, including notarized photos of the products carrying RollyGo trademark, a signed contract on the purchasing of RollyGo handmade polyester POLO shirt from Cixi Wenda Clothing Factory, a letter on authorizing the said factory and Ningbo Jiandong Xinhe Ouge Clothing Shop to use the trademark in dispute and some pertaining invoices and bank receipt, a signed contract on distributing POLO shirts to the clothing shop.

After examination, TMO rejected Kemo's revocation request as it held

that the materials submitted by Jinmao Company were effective. The disgruntled Kemo Company then filed a re-examination request to the Trademark Review and Adjudication Board (TRAB).

On January 20, 2017, TRAB held that the materials submitted by Jinmao Company has formed a chain of evidences, which can prove that it has used the trademark in dispute on clothes in the designated period. As the shirts, knitted garments, coats, sleepwear and baby clothing products (review products) on which the trademark in dispute certified to be used constitute similarity with clothing product, and the trademark in dispute used on clothes can be regarded as used on products in dispute as well. The evidences provided by Jinmao Company cannot prove that the trademark has been used on shoes, hats, socks, gloves, scarfs and belts (products in dispute). Accordingly, TRAB upheld the registration of trademark in dispute on clothes and products of re-examination, and revoked the trademark used on products in dispute.

Kemo Company then brought the case to Beijing IP Court.

After examination, the Court held that the evidences provided by Jinmao Company have built a complete chain of evidences, which can prove that

commercial use of the trademark in dispute on clothes in the designated period is real and effective. The clothes and products in dispute, however, were similar products. The trademark in dispute used on clothes can be regarded as used on products in dispute as well. IP Court rejected the appeal. Kemo Company had no choice but heading to Beijing High People's Court.

Beijing High held that, the authorization license, distribution contract, invoices and bank receipts can develop a complete chain of evidences, which can prove that it has used the trademark in dispute on clothes and other products. In this connection, Beijing High rejected the appeal from Kemo Company and upheld the decision of the first instance.

According to the No.1639 trademark announcement issued by the Trademark Office of the CNIPA, the registration of the trademark in dispute goods has been revoked according to law.

本报讯 第6797026号“RollyGo”商标(下称诉争商标)由浙江省宁波金茂进出口有限公司(下称金茂公司)于2008年6月23日提出注册申请,2010年8月14日获准注册,核定使用在服装、衬衣、外套、鞋、帽、袜、围巾等第25类商品上。

2015年8月14日,智利科莫桑拉商贸有限公司(下称科莫公司)以金茂公司于2012年8月14日至2015年8月13日期间(下称指定期间)连续3年不使用诉争商标为由,向商标局提出撤销诉争商标注册的申请。

为了证明诉争商标在指定期间进行了使用,金茂公司向商标局提交了经公证的“RollyGo”商标产品照片、金茂公司从慈溪文达制衣厂购买“RollyGo”化纤制针织POLO衫的购销合同、金茂公司授权慈溪文达制衣厂与宁波市江东新河欧格服装店使用诉争商标的注册商标使用许可授权书及发票与银行转账回执、金茂公司向宁波市江东新河欧格服装店出售“RollyGo”化纤制针织POLO衫的购销合同等证据材料。

经审查,商标局认为金茂公司提交的商标使用证据有效,据此驳回科莫公司的撤销申请,对诉争商标不予撤销。科莫公司不服,继而向原商标评审委员会(下称原商评委)提出复审申请。

2017年1月20日,原商评委作出撤销复审决定认为,金茂公司提交的在案证据已形成一条完整的证据链,可以证明其在指定期间内在服装商品上使用了诉争商标。鉴于诉争商标核定使用的衬衣、针织服装、外套、睡衣、婴儿全套衣商品(下称诉争商品)与服装商品属于类似商品,诉争商标在服装商品上的使用行为视为诉争商标在复审商品上的使用行为。金茂

公司提交的证据未显示诉争商标在鞋、帽、袜、手套服装、围巾、皮带(服饰用品)(下称诉争商品)上进行了宣传使用。综上,原商评委决定对诉争商标在服装及复审商品上予以维持,在诉争商品上予以撤销。

科莫公司不服原商评委所作复审决定,随后向法院提起行政诉讼。

北京知识产权法院经审理认为,金茂公司提交的证据可以形成一条完整的证据链,证明其在服装等商品上对诉争商标进行了真实有效的商业使用,而服装及复审商品属于类似商品,诉争商标在服装商品上的使用可以视为在复审商品上的使用,据此一审判决驳回科莫公司的诉讼请求。科莫公司不服一审判决,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认为,金茂公司提交的商标使用许可授权书、购销合同、发票、银行回执等可以形成一条完整的证据链,证明其在服装等商品上使用了诉争商标。因此,北京市高级人民法院作出判决,驳回科莫公司上诉,维持一审判决。

根据中国国家知识产权局商标局日前发布的第1639期商标公告显示,诉争商标在诉争商品上的注册已被依法撤销。

(王国浩)

