

China's IP
in foreign eyes

Billionaire Jack Ma's Ant Financial has done more than perhaps any company to disrupt China's gargantuan banking and asset-management industries. Ant's Xiang Hu Bao, which means mutual protection, has attracted 50 million people since its October inception, or more than five times the population of New York City. Ant said Thursday it hopes to sign up 300 million Xiang Hu Bao users within two years, which would represent more than 20 percent of China's population. Ant, best known for the PayPal-like Alipay service that underpins Alibaba Group Holding Ltd.'s online shopping platform, is redesigning financial products from money market funds to consumer credit that have long been dominated by state-owned Chinese behemoths. (Millions Rush to Join a Wild New Health Plan From Jack Ma's Ant, Bloomberg)

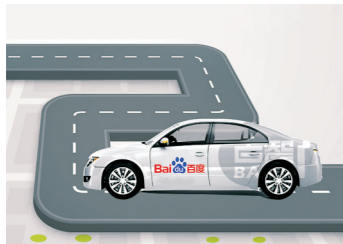
在打破中国庞大的银行和资产管理行业格局方面,可能没有哪家公司能够比得上亿万富翁马云旗下的蚂蚁金服。自去年10月上线以来,蚂蚁金服的相互宝产品已经吸引5000万人,超过纽约人口的5倍。近日,蚂蚁金服表示,其希望相互宝用户两年内达到3亿人。蚂蚁金服以支持阿里巴巴网上购物平台的支付宝服务而闻名,该公司正在重新设计从货币市场基金到消费信贷等长期由中国国有巨头主导的金融产品。(数以万计的人争相加入蚂蚁金服的新健康计划,彭博社)

Comment:

Ant Financial has been devoted to designing and developing financial products with self-reliant IPRs as an internet financial services company. Its innovative business ideas have brought new product services and positive user experience for the customers.

点评

作为一家互联网金融服务公司,蚂蚁金服一直致力于设计与开发具有自主知识产权的金融产品。其不断创新的理念,为用户带来了许多新的产品服务以及良好的用户体验。



Baidu, China's version of Google, has invested heavily in autonomous driving technology as the internet giant looks to generate revenue in new ventures outside of its core Internet search business. It plans to unveil the new service within months in Changsha, a city with a population of more than 7m people in Hunan province in southern China, according to local reports which cited Baidu chief executive Robin Li. (Baidu aims for commercial launch of robotaxis by end of the year, The Telegraph)

为了在核心的网络搜索业务之外寻求新的发展机遇,中国搜索引擎巨头百度已在无人驾驶技术领域进行了大量投资。近日,其创始人李彦宏表示,百度将于几个月内在长沙进行自动驾驶出租车商业化运营。(百度计划在年底推出自动驾驶出租车,每日电讯报)

Comment:

In a bid to seek better opportunities, Baidu has been committed to developing some advanced technologies including core search engine. Due to the technical innovation and the strong awareness of intellectual property protection, Baidu plays a leading role in the same industry.

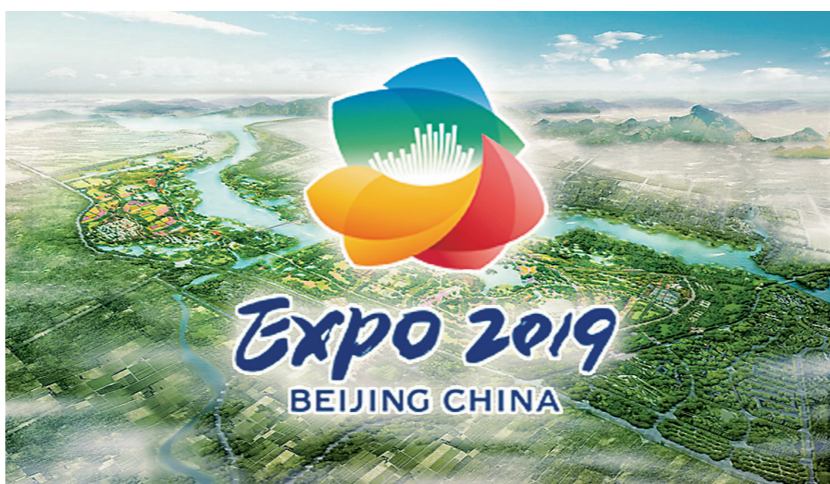
点评

为了寻求更大的发展机遇,百度在开发搜索引擎核心技术之外,不断致力于其他新技术的研发。凭借技术创新及较强的知识产权保护意识,百度在同行业竞争中保持着领先地位。(熊花平)

Beijing Expo 2019 to be Guarded by Full-on IPR Protection
中国各部门携手共商北京世园会知识产权保护

Beijing International Horticultural Exhibition is the highest level and largest-scale professional exhibition held by China since Shanghai World Expo in 2010. Standing at the stage of international exposition, Beijing Expo will showcase the latest new varieties, technologies, products and concepts the world has to offer. "Beijing Expo will last up to 162 days. Securing IPR protection will not only guarantee the success of the event, but also show the world how we protect IPR here in China", introduced Yang Dongqi, Communist Party Secretary of Beijing Municipal Intellectual Property Office (Beijing IPO). Over 110 countries and international organizations on top of 100 Chinese exhibitors have already registered for participation. The Expo owner itself is in possession of nearly 1,500 IPRs of various types including patents, trademarks and copyrights while many exhibits at the Expo also involve multiple types of IPRs, namely patents, trademarks, new varieties of plants and geographical indications.

Under the guidance of China National Intellectual Property Administration (CNIPA), Beijing IPO formulated IPR Protection Work Plan for Beijing International Horticultural Exhibition 2019, assembling an IPR protection special working group with Beijing World Horticultural Expo Coordina-



tion Bureau and People's government of Yanqing District. An Expo IP Office is also set up while relevant government departments will also be on site to offer services including receiving and handling complaints and launch joint law enforcement operations. Beijing IPO will cross-check IPR records of participating projects in advance, beef up monitoring of high-risk regions and markets in Beijing, and impose severe sanctions on IPR infractions in a bid to ensure a harmonious IPR protection order at the Expo and secure a sound business environment.

"The Bureau will launch IPR protection operations in many areas," noted Wu Gang, Deputy Director of Beijing Expo Bureau, "The Bureau has formulated a series of notices including Gen-

eral Regulations for Beijing International Horticultural Exhibition 2019 to normalize IPR utilization."

Meanwhile, the Bureau issued Beijing Expo IPR Protection Announcement on April 13, 2017, claiming its ownership of IPRs of the Beijing Expo and revealing the number of the hotline for reporting violations. As of now, Beijing Expo has obtained 1,303 registration certificates for special symbols, completed registrations of its emblem and mascot in China and other 107 countries and regions and acquired grants of 30 design patents for its franchise products which are already out licensed out to sponsors including Air China and China Telecom and government departments in Beijing.

"Under the guidance of CNIPA and

Beijing IPO and with the assistance of IP Offices from all over the country, IPR will be protected effectively at the Expo, showing the world how we protect IPR here in China," added Wu. (by Yang Liu)

本报记者 杨柳

北京世园会万众瞩目,是继2010年上海世博会之后十年间中国举办的级别最高、规模最大的专业类世博会。北京世园会将以花卉园艺为媒介,以国际博览会为舞台,向全世界全面展示各国花卉园艺的新品种、新技术、新产品、新理念。"世园会会期长达162天,做好世园会知识产权保护工作的意义不仅在于保障北京世园会顺利进行,更在于向世界展现我国知识产权保护形象。"北京市知识产权局党组书记杨东起介绍,目前,北京世园会报名参展的国家和国际组织超过110个,国内参展方100家,世园会自身拥有包括专利、商标、著作权在内的知识产权近1500件,各类参展物品涉及专利、商标、植物新品种、原产地地理标志等多种知识产权。

据了解,在中国国家知识产权局的指导下,北京市知识产权局制定了《2019年北京世界园艺博览会知识产权保护工作方案》,该方案于今年3月4日由北京市知识产权局会议审议通过并印发。根据该方案,由北京市知识产权局、市场监督管理局、文化市场综合行政执法总队、农业农村局、园林绿化局、北京世园局、延庆区人民政府组成的知识产权保护专项工作组成立,

并设立了北京世园会知识产权办公室,各相关单位进驻北京世园会,接受并处理相关知识产权投诉,联合开展知识产权保护执法专项行动。北京市知识产权局还将开展北京世园会前知识产权保护专项行动,对北京世园会参展项目进行预先专项检查,对北京市重点区域、重点市场加大巡查力度,严厉查处侵犯知识产权的违法行为,确保北京世园会园内园外知识产权保护的良好秩序,维护首都良好的市场环境。

"北京世园局从多个方面进行世园会的知识产权工作。"北京世园局副局长武岗介绍,北京世园局制定《2019年北京世界园艺博览会一般规章》等文件,规范知识产权使用行为。

同时,北京世园局于2017年4月13日发布《北京世园局知识产权保护公告》,对世园会知识产权做出权利主张,并公布侵权举报电话。到目前,北京世园会已获得1303件特殊标志登记证书,完成了会徽和吉祥物在国内和107个国家和地区的注册申请,获得30件特许产品的外观设计专利授权,并向国航、中国电信等赞助企业、北京市相关单位进行授权使用。

"在国家知识产权局和北京市知识产权局的指导下,在相关省市知识产权局协助下,北京世园会知识产权成果定将得到有效保护,并向世界展现中国知识产权保护的良好形象。"武岗表示。

单词看地标

Taiping Houkui Tea
太平猴魁茶

Taiping houkui tea is a green tea produced in Huangshan District (formerly Taiping County), Huangshan City of Anhui Province. It is mainly made from the fresh leaves of Shida tea trees by unique process. It has the characteristics of two leaves with one bud, flat, straight, heavy, pale green color, high fragrance of orchid and sweet taste.

Located in the south of Huangshan Mountain and north of Taiping Lake,

the territory of Huangshan District (formerly Taiping County) is mainly mountainous areas with hills, valleys, plains and waters. It belongs to the subtropical humid monsoon climate zone with warm climate, abundant rainfall, humid air, long diffuse light and frost-free period. Most of the producing areas of Taiping houkui tea are located above 300 meters above sea level. The humus layer on the surface of the soil is thicker and the content of organic

matter is higher.

The picking season of fresh leaves of Taiping houkui tea is around mid-April. The unique flat and straight shape of tea is formed by handmade picking tips, spreading, killing green, shaping, first drying, second drying and third drying. After brewing, the buds and leaves erect and spread slowly. (Courtesy of the IP Protection Department of CNIPA)

太平猴魁茶产于安徽省黄山市黄山区(原太平县),选用柿大茶为主要茶树品种的茶树鲜叶为原料,经传统工艺制成,具有"两叶一芽、扁平挺直、魁伟重实、色泽苍绿、兰香高爽、滋味甘醇"的品质特征。

黄山区(原太平县)南部为黄山山脉,北部为太平湖,地形以山地为主,丘陵、河谷、平原与水域兼备。属亚热带湿润季风气候区,气候温暖,雨量充沛,空气湿润,漫射光照时间长,无霜期长。太平猴魁产区大都位于海拔



300米以上,土壤表层腐殖质层较厚,有机质含量高。

太平猴魁茶鲜叶采摘期为四月中旬前后,制作工艺分拣、摊放、杀青、整形、头烘、二烘、三烘七道工序,全部手工作业,使茶叶形成独特的扁展挺直状,冲泡后芽叶缓慢竖立舒展。

(中国国家知识产权局知识产权保护司供稿)

Court Denies Out-of-Class Trademark Protection
SOHO 星际公司在华守住"BG 及图"商标

The dispute started around the trademark with the combination of a word "BG" and a figure of gear between SOHO STAR CORPORATION LIMITED based in Brunei and U.S. firms BG Products Inc, BG SmartVMA.

"BG and figure" (trademark in dispute) was filed by SOHO STAR to Trademark Office (TMO) on February 2, 2010 and would be approved on February 28, 2011, certified to be used on the products of Class 5, such as radioactive materials for medical purposes, and sanitary disinfectants.

On October 30, 2012, BG Products and BG SmartVMA lodged an invalidation request to former Trademark Review and Adjudication Board (TRAB), claiming that BG Products had registered the same trademark in the U.S. in 1976. BG Products used to sign a distribution contract with a natural person named Tsou, who was allowed to be the general distributor of BG's products and brands in during 1994 to 2012. The nexus between Tsou and SOHO STAR is SOHO is the reseller of

BG Products under Tsou. The two conspired to pilfer the BG trademark.

On October 30, 2015, TRAB made a decision to dismiss the trademark in dispute on the ground that SOHO STAR know the agency relationship between Tsou and BG Products and the trademark "BG and figure". Therefore, the act of SOHO STAR was deemed as conspiring to squat a trademark under Article 15 of the Chinese Trademark Law (Note: "Where an agent or a representative registers the trademark of its principal in its own name without authorization.").

Evidently SOHO STAR brought the case to Beijing IP court. After hearing, Beijing IP court confirmed SOHO STAR to be squatting trademark of its sales principals on the products of sanitary disinfectants and disinfectants by the agency, while upheld the registration on the products of radioactive material for medical purposes and radioactive drugs (products for review).

The disgruntled TRAB appealed to Beijing High People's court.

Beijing High confined the protec-

tion scope of BG's trademark in Article 15 to be the same or similar products. As the products for review differ largely from the trademark "BG and figure" of BG Products Inc in function, usage, consuming channel and consumers, which do not make the products, the court approved the registration on the products for review. In this connection, Beijing High rejected the TRAB appeal and supported the IP court judgment.

(by Wang Guohao)

围绕着一件由英文"BG"与齿轮图形组合而成的商标,文莱 SOHO 星际有限公司(下称 SOHO 星际公司)与美国博格产品有限公司(下称博格产品公司)、博格智能有限公司(下称博格智能公司)在华展开了一场纷争。

据了解,"BG 及图"商标(下称诉争商标)由 SOHO 星际公司于 2010 年 2 月 2 日向原国家工商行政管理总局商标局提出注册申请,2011 年 2 月 28 日被核准注册使用在医用放射性物质、卫生消毒剂等第 5 类商品上。

2012 年 10 月 30 日,博格产品公司、博格智能公司针对诉争商标向原商标评审委员会(下称原商标评审委)

于 1976 年在美国注册了与诉争商标相同的商标,而且博格产品公司曾与邹某签订经销商协议,邹某在 1994 年至 2012 年期间为博格产品公司在华的产品及品牌总经销商,SOHO 星际公司与邹某之间存在特定关联关系,是博格产品公司 BG 产品的转售商,二者串通合谋窃取了博格产品公司、博格智能公司的商标。

2015 年 10 月 30 日,原商标评审委作出裁定认为,邹某构成博格产品公司的代理人,SOHO 星际公司理应知晓邹某与博格产品公司之间的代理关系,也理应知晓博格产品公司的"BG 及图"商标,故 SOHO 星际公司申请注册诉争商标属于串通合谋抢注的行为,构成中国商标法第十五条所指代理人未经授权以自己的名义将被代理人商标进行注册的情形,据此裁定对诉争商标予以无效宣告。

SOHO 星际公司随后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,SOHO 星际公司在卫生消毒剂上申请注册诉争商标,属于代理人抢注被代理人商标的行为,但对于核定使用在医用放射性物质等其他核定商品(下称复审商品)

上的诉争商标应予维持。

原商标评审不服一审判决,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认为,中国商标法第十五条对于被代理人商标的保护范围限于相同或者类似商品上的保护。由于复审商品与博格产品公司在先商标"BG 及图"核定使用商品在功能、用途、销售渠道、消费群体等方面存在较大差异,不构成类似商品,故诉争商标在复审商品上的注册应当予以维持。综上,法院终审驳回原商标评审上诉,维持一审判决。(王国浩)



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