

China's IP  
in foreign eyes

Marriott is counting on innovation in China to help beat off competitors. Last summer, two of its hotels debuted facial recognition technology, allowing guests to check-in within 60 seconds using software from a joint venture with China's internet company. The technology is still in the pilot stage, but Marriott hopes eventually to roll it out globally. (Marriott's big bet on Asia: 300 new hotels, butlers on WeChat and 60-second check-in, CNN)

万豪酒店正在借助中国的技术创新击败竞争对手。去年夏天,旗下的两家酒店推出了人脸识别技术,客人使用与中国互联网公司合资的软件,在60秒内便可办理入住手续。该技术仍处于试点阶段,但万豪酒店希望最终将其推向全球。(万豪在亚洲的重大改变:微信管家入驻300家新酒店,可60秒办理入住手续,美国有线电视新闻网)

## Comment:

China, Marriott's top international market and the world's biggest source of outbound tourists, will get more than half of its new hotels in the region. To win more Chinese customers, the company has been adding new services that appeal to them directly, and guests can enjoy the convenience from the new technology and innovation.

## 点评

万豪酒店将中国视为国际顶级市场和全球最大的出境游客来源国,中国将吸纳该地区一半以上的新酒店。为了赢得更多中国客户,该公司一直在增加直接吸引客户的服务,客户可以享受新技术和创新带来的便利。



Even without selling phones in the U.S., Chinese tech titan Huawei is well on its way to becoming the world's largest smartphone maker. Huawei has now cemented itself as the world's second-largest smartphone maker, bumping Apple to third place, according to IDC's latest smartphone shipment report. Huawei's next challenge is to topple Samsung. Huawei reportedly shipped 59.91 million smartphones in the first quarter of the year, an increase of 50.3 percent year-over-year. (There's no stopping Huawei's smartphone growth, Mashable Asia)

即使没有在美国销售手机,中国科技巨头华为也正在成为全球最大的智能手机制造商。根据IDC最新的智能手机发货报告,华为现已巩固自己作为全球第二大智能手机制造商的地位,苹果公司排在第三位。华为的下一个挑战是三星。据报道,华为在今年第一季度出货了5991万部智能手机,同比增长50.3%。(没人能够阻止华为智能手机的增长, Mashable Asia 博客网站)

## comment:

As a Chinese smartphone maker, Huawei has its own ways to show power in design and new innovation. Additionally, Huawei's high-end phones have helped create more brand allegiance for its other many devices.

## 点评

作为中国的智能手机制造商,华为不仅在设计上参与竞争,更在新手机上推出新的技术。此外,凭借高端手机的影响力,华为也为公司其他众多产品创造了更多的品牌忠诚度。

(李铎)

## WIPO DG Applauds IP Protection in China

## “中国知识产权事业发展成绩卓著”

——访世界知识产权组织总干事弗朗西斯·高锐(Francis Gurry)

"China has made extraordinary achievements in IP protection. The experiences in continuous determination for the past 40 years and the multilateral cooperation in supporting IP protection can be shared with other countries in the world," said WIPO Director General Francis Gurry in an interview with China Intellectual Property News on the sidelines of the High-Level Forum on China IP Protection held in Beijing recently.

"China's journey into IP system reform has been an extraordinary one, and China is now a world leading player in IP creation and protection," stressed Gurry. "China has formulated some vital policies and measures including national IP strategy, the 13th Five-Year Plan on national IP protection and application one after another. In addition, China also stepped up IP protection by establishing IP courts and activity revised patent and trademark law."

"As a developing country, China has made remarkable achievements in scientific innovation. "We have known that there has always been a very important strategic focus on S&T, innovation and IP from Chinese leadership. I think this is the No.1 important ingredient that any country needs. For such a large and diverse economy, China is able to do it in such a compressed period of time. That's quite remarkable."



本报记者 曾嘉 摄

of time. That's quite remarkable."

"In terms of AI and intellectual property protection, Gurry said that this relationship is very close and im-

portant. For one side, AI has been used in IP protection and management as a technical way. For the other said, IP can promote AI-based innovation."

In Gurry's eyes, an array of countries have attempted on data protection and formulated a series of policies and laws including data localization, free flow of data, localization for personal data, integrity, security and competition. There has no such thing as an all-inclusive law on IP and data yet.

"Whose data are they? It's really hard to define who has rights of access and under what circumstance. I think we have to realize that property is a very open and flexible concept," said Gurry.

"China is trying to develop an appreciation of the importance of the transition from physical capital to intellectual capital, and the importance of intellectual property in promoting value addition in moving from factory production to robotics, automation, research and innovation. These are extremely important lessons for the rest of world," Gurry added.

(Text by Liu Peng/Photo by Zeng Jia)

"中国近年来在知识产权事业发展方面成绩卓著,这同中国国家领导人从战略层面高度重视科技、创新和知识产权发展密不可分。作为一个发展中国家,中国在短短40年时间里在知识产权领域取得了不同凡响的成就,有许多成功经验值得其他国家分享。"日前,在中国知识产权保护高层论坛举办期间,世界知识产权组织总干事弗朗西斯·高锐博士在接受本报记者采访时高度评价了中国知识产权事业的发展。

"中国在知识产权事业的发展道路非同寻常,现在已经成为全球知识产权体系的领导者。"高锐表示,中国政府高度重视知识产权工作,不断进行体制改革,他注意到近期还专门成立了最高人民法院知识产权法庭。对于中国这样一个体量庞大、发展多元的经济体来说,在短时间内取得如此成就确实令人印象深刻。

此外,在人工智能和知识产权保护方面,高锐认为,人工智能与知识产权保护之间的关系十分密切且至关重要。一方面,人工智能作为一种技术手段,已经开始应用于知识产权保护和保护。另一方面,知识产权促进和保护基于人工智能的创新,2018年全球人工智能领域的知识产权申请量大幅增加。

谈及知识产权保护与数据的关系,在高锐看来,全球不同国家从不同层面关注数据保护,出台了包括数据本地化、数据资源流动、个人隐私保护,以及数据诚信、安全性和数据竞争等方面的政策和立法,但目前还没有全面的关于知识产权与数据关系的立法。

"数据的所有权是谁?在什么情况下,谁有权访问数据?这很难界定。"高锐表示,我们必须认识到产权是一个非常开放和灵活的概念。

"中国正努力让全社会认识到有形资产向无形资产转变的重要性,以及知识产权在促进传统制造业向机器人、自动化、研发创新转变过程中增值的重要性,这对世界其他国家和地区来说是非常重要的经验。"高锐表示。(柳鹏)



## Xinyang Maojian Tea

## 信阳毛尖茶

Xinyang Maojian Tea is a green tea produced in Xinyang City of Henan Province, which is made from the tender shoots and leaves of traditional tea trees by unique process. It has the characteristics of Fine, round, tight, straight, long-lasting fragrance and refreshing and sweet aftertaste.

Xinyang is located on the northern

slope of the western Dabie Mountains and the northern slope of the eastern Tongbai Mountains. It has abundant vegetation, sunshine and rainfall. The tea garden mainly distributes in hilly and mountainous areas. The soil is mainly yellow brown loam and yellow cinnamon soil. The soil layer is deep and the content of organic matter is

more than 1%.

The unique color, fragrance, taste and shape style of Xinyang Maojian Tea is formed by fresh leaf grading, spreading, green removing with raw pot, kneading and shaping with cooked pot, first drying, cooling and re-drying.

(Courtesy of the IP Protection Department of CNIPA)

信阳毛尖茶产于河南省信阳市,选用当地传统茶树的幼嫩芽叶为原料,经独特工艺制成,具有细圆紧直、香高持久、鲜爽回甘的品质特征。

信阳地处大别山西段北坡和桐柏山区的东段北坡,植被丰富,光照充足,雨量充沛。信阳毛尖茶的茶园主要分布于丘陵和山地,茶园土壤以黄棕壤土、黄褐土为主,土层深厚,有机



质含量1%以上。信阳毛尖茶经过鲜叶分级、摊放、生锅、熟锅、初烘、摊凉、复烘等工序制成,形成信阳毛尖茶色、香、味、形俱美的独特风格。

(中国国家知识产权局知识产权保护司供稿)

## Court Denies Chanel's TM Infringement Claim, Sides with Local Jeweler

## 香奈儿在华商标维权案尘埃落定

Chanel brought a trademark infringement case to People's Court of Haizhu District, Guangzhou, Guangdong Province, alleging products sold by a jewelry store operated by an individual surnamed Ye has infringed its exclusive right of No. G1189929 double C figure trademark. The court later made its first-instance decision, determining infringement by the store, and ordered Ye to indemnify 60,000 yuan in damages. The disgruntled Ye then brought the case to Guangzhou IP Court, which would side with Ye in its recent decision.

In July 2014, Ye founded a store to distribute jewelry under the brand of 周百福。On June 7, 2016, the former Industry and Commerce Administration of Haizhu District inspected the store after receiving a tip from an unidentified company, and discovered some goods questionable for trademark infringement. On September 30, 2016, the administration issued a penalty notice, holding Ye culpable for trademark infringement and imposing 80,000 yuan in fines and seized the goods in question. Immediately after, Chanel sued Ye at Haizhu Court on the ground of trademark infringement. The court



then ordered Ye to pay Chanel a reduced amount of 60,000 yuan after taking other factors into consideration.

Ye then appealed to Guangzhou IP Court. After hearing, the court held that, firstly, Chanel failed to provide enough evidence to prove that Ye has used a trademark similar to Chanel to attract customers or distribute goods in the store.

Secondly, there is no evidence to prove Ye has mislead consumers by claiming the goods in question were made by Chanel. In parallel, there is al-

so no evidence to prove that ordinary consumers with general acknowledgement were made to believe they were purchasing Chanelmade goods.

Thirdly, under the circumstance that no evidence can prove Ye has caused confusion among the public as it sold goods similar to the registered trademark of Chanel, the trademark infringement was not constituted according to the law.

Accordingly, the court made the second-instance decision in favor of Ye. (by Jiang Xu, Xiao Shengcheng)

因认为叶某宗经营的珠宝首饰销售的商品涉嫌侵犯了自己持有的第G1189929号注册商标专用权(即“双C”图案商标,下称涉案商标),香奈儿公司将其起诉至法院。广东省广州市海珠区人民法院(下称海珠法院)一审认定叶某宗构成商标侵权,并判决其赔偿香奈儿公司经济损失等6万元。

叶某宗不服,向广州知识产权法院提起上诉。近日,广州知识产权法院作出二审判决,认定叶某宗未构成对香奈儿公司注册商标专用权的侵犯。

2014年7月,叶某宗成立某首饰店,销售“周百福”品牌首饰。2016年6月7日,原海珠区工商局在收到某公司提供的线索后对叶某宗经营的店铺进行检查,发现一批涉嫌侵权的商品。2016年9月30日,原海珠区工商局作出《行政处罚决定书》,认为叶某宗构成商标侵权,对其罚款8万元并没收相关商品。

紧接着,香奈儿公司以商标侵权为由,将叶某宗起诉至海珠法院。海珠法院经审理,支持香奈儿公司关于叶某宗的商铺侵犯了涉案注册商标专用权的主张,并酌情确定叶某宗赔偿香奈儿公司6万元。

随后,叶某宗向广州知识产权法院提起上诉。广州知识产权法院经审理认为,首先,综合该案的整体情况,香奈儿公司没有提供充分证据证明叶某宗经营的店铺在销售涉案商品时,

存在着利用该商品与香奈儿公司注册商标相似而招揽顾客、推销商品等将其作为商标性使用的情形。

其次,没有证据证明叶某宗经营的店铺销售涉案商品时存在误导消费者,将其宣传为香奈儿公司商品,以致消费者购买时误认为是香奈儿公司商品的情形。同时,也无证据证明具有一般认知水平的普通消费者在购买该店的涉案商品时,会产生其购买的是香奈儿公司的商品的情况。

再次,在该案中,在没有证据证明叶某宗经营的店铺销售涉案商品时存在将与香奈儿公司注册商标相似的商品形状作为“商标性使用”、误导消费者将涉案商品混淆为香奈儿公司商品的情形下,依法不能认定被告构成商标侵权。

综上,广州知识产权法院作出二审判决,认定叶某宗未构成对香奈儿公司注册商标专用权的侵犯。

(姜旭 肖晟程)



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