

China's IP  
in foreign eyes

China's Huawei Technologies launched on Monday what it said was the world's first 5G communications hardware for the automotive industry, in a sign of its growing ambitions to become a key supplier to the sector for self-driving technology. Huawei said in a statement that the so-called MH5000 module is based on the Balong 5000 5G chip which it launched in January. "Based on this chip, Huawei has developed the world's first 5G car module with high speed and high quality," it said. It launched the module at the Shanghai Autoshow, which began last week and runs until Thursday. (Huawei says launches world's first 5G communications hardware for autos, Reuters)

近日,华为推出了全球首款面向汽车行业的5G通信硬件。这反映出,华为越来越渴望成为自动驾驶技术领域的主要供应商。华为在一份声明中称,这款名为MH5000的模块是基于今年1月推出的巴龙5000 5G芯片开发的。华为表示,基于这一芯片,公司开发出全球首款高速、高质量的5G汽车模块。在日前举办的上海车展上,华为推出了这一模块。(华为称推出了“世界首款”5G汽车通信硬件,路透社)

## Comment:

Huawei has been devoted to developing new technologies with self-owned IPRs in the fierce market competition. Huawei's innovative ideas and awareness of IP protection make it a leading explorer in the field of 5G communications.

## 点评

在激烈的市场竞争中,华为不断致力于研发具有自主知识产权的新技术。华为创新的理念及对知识产权的保护意识,使其在5G通信领域的探索中处于领先地位。



Alibaba, the Chinese e-commerce group, is overhauling the business model of a fast-growing subsidiary in a bid to offer a full international service able to challenge Amazon, the world's largest online retailer. Trudy Dai, president of Alibaba's wholesale marketplaces division, told the Financial Times that AliExpress-an e-commerce business that sells goods from Chinese retailers to customers in more than 150 countries-is making changes to enable retailers from other countries to also sell products on its platform around the world. (Alibaba steps up competition with Amazon in global e-commerce market, Financial Times)

中国电子商务集团阿里巴巴正在改造一家快速发展的子公司的商业模式,目的是提供全面的、足以挑战全球最大的在线零售商亚马逊的国际服务。阿里巴巴批发市场部门总裁戴珊告诉英国《金融时报》,全球速卖通正在进行变革,以使其他国家的零售商也能在其平台上向世界各地销售产品。全球速卖通是一项将中国零售商的产品销往150多个国家的电子商务业务。(阿里巴巴全球速卖通首次对海外卖家开放,金融时报)

## Comment:

In a bid to share the global market, Alibaba, one of China's E-commerce giants, has been launching new products and new service to meet customers' need. Its innovative spirit is of importance to develop the international market.

## 点评

为占据国际市场份额,中国电子商务巨头之一的阿里巴巴不断推出新产品与新业务以满足消费者需求。阿里巴巴的创新精神对于其开发国际市场具有重要作用。(熊花平)

## China Releases 2018 National Patent Strength Status Report

## 中国发布2018年各地专利实力状况

Recently, the 2018 National Patent Strength Status Report, compiled by Intellectual Property Utilization and Promotion Department and Intellectual Property Development and Research Center, both under the China National Intellectual Property Administration (CNIPA) was released in Beijing. The Report made a comprehensive and objective evaluation on the patent strength of the nation's 31 provinces (autonomous regions and municipalities), establishing a patent strength indicator system covering five aspects including patent creation, utilization, protection, administration and service.

According to the Report, in 2018, China saw steady improvement in patent creation, rapid progress in patent transformation and utilization, continuous improvement in patent protection, notable development in the reform of delegating power and optimizing services in the field of IP, and increased enhancement in patent service capability.

According to Deng Yiyou, one of the editors of the Report, in a bid to make local places pay more attention to patent quality improvement, the Report has lowered the Patent Quantity Deviation Indicator from 10% in 2017 to 7% to shift attention from patent quantity to patent quality. Guangdong, Beijing, Jiangsu, Zhejiang, Shandong, Shanghai, Sichuan, Hubei, Chongqing, and Fujian take up the top 10 spots in patent comprehensive strength. More-

over, the Report has continued to evaluate patent strength in various regions. Beijing, Guangdong, Shanghai, Jiangsu, Zhejiang are the top five in regional patent quality in 2018. It is worth mentioning that thanks to the growth of pledge financing, recorded value of licenses as well as the contribution of industrial enterprises owning notable number of patents, Inner Mongolia has risen by five places compared with last year.

The Report has examined the regional innovation and high-quality development of leading, supportive and special intellectual property provinces. It can be seen that leading pilot provinces such as Shanghai, Jiangsu, Guangdong, Sichuan have exerted their resources to explore more than 10 pilot programs such as the reform of the distribution of IP rights and interests, the establishment of the IP consultation mechanism in provincial and ministerial level which have been replicated and promoted across the country, further playing a leading and demonstrative role.

Compared with the rankings of the 2017 comprehensive strength indicator, the regions with major position changes in the ranking in 2018 are: Gansu has risen by three, and Inner Mongolia, Henan, Hubei, and Chongqing have risen by two. According to a principal of Gansu Provincial Intellectual Property Office, 2018 saw a re-

cord high in strengthening patent administrative law enforcement, special funds for IP work, and the number of state-level demonstration enterprises in the province.

"Patent strength refers to the sum of patent capabilities supporting economic and social development. The research and publication of patent strength, which is based on patent strength indicator system, oriented towards the high-quality development of regional national economy and society, has made a comprehensive and objective evaluation on patent strength," said the person in charge of the released Report. (by Li Qian)

本报记者 李倩

近日,由国家知识产权局知识产权运用促进司联合知识产权发展研究中心编撰完成的《2018年全国专利实力状况报告》(下称《报告》)在北京发布。《报告》从专利创造、运用、保护、管理、服务5方面构建专利实力指标体系,对中国31个省(区、市)专利实力进行了全面客观的评价。

《报告》指出,2018年中国专利创造水平稳中有进,专利转化运用加快发展,专利保护力度不断加大,知识产权领域“放管服”改革成效不断显现,专利服务能力不断增强。

负责编撰《报告》工作的邓毅友介绍,为引导各地区进一步重视专利质量提升工作,《报告》在去年增加“专利数量偏离指数”指标基础上,下调该指标,由2017年的10%调整为7%,淡化



数量,更加突出质量导向。《报告》显示,广东、北京、江苏、浙江、山东、上海、四川、湖北、重庆、福建位列全国专利综合实力前十位。此外,《报告》对各地专利质量实力进行评价。《报告》显示,北京、广东、上海、江苏、浙江五省市居2018年区域专利质量全国前五位。值得一提的是,凭借质押融资和许可备案金额,以及拥有专利的规模以上工业企业贡献度等指标的上升,内蒙古较去年上升5个位次。

《报告》对引领型、支撑型、特色型知识产权强省的区域创新高质量发展进行了考察,可以看出,上海、江苏、广东、四川等引领型知识产权强省试点省全面发力,探索形成知识产权权益分配改革、建立知识产权省部会商工

作机制等十余项试点经验向全国复制推广,进一步发挥示范引领作用。

《报告》指出,与2017年专利综合实力指数的排序相比,2018年位次变化较大的地区有:甘肃上升3位,内蒙古、河南、湖北、重庆上升2位。甘肃省知识产权局有关负责人介绍,2018年,甘肃省知识产权工作在加强专利行政执法、知识产权工作专项经费、国家级示范优势企业数量等方面都创下历史新高。

“专利实力是指支撑经济社会发展的专利能力的总和。专利实力的研究与发布,以专利实力指标体系为依据,以地区国民经济和社会的高质量发展为导向,对专利实力进行了全面、客观评价。”《报告》编写组有关负责人表示。

Anxi Tieguanyin Tea  
安溪铁观音

Anxi Tieguanyin Tea is a Oolong tea produced in Anxi County of Anhui Province, which is made by Tieguanyin tea varieties (Camellia sinensis Tieguanyin in Latin) according to unique traditional processing technology.

Anxi Tieguanyin Tea leaves have a shining dark green color of iron; they are compactly twisted into a strip in the shape of "dragonfly's head with green stem". The brewed liquid is gold-

en or bright orange in color, mellow and pleasant in aroma, smooth and refreshing in flavor. It is boasted that Anxi Tieguanyin Tea has "green leaves with reddish edges that still give lingering aroma after seven infusions".

Anxi County is located in the southeast extension of the Daiyun Mountains. It belongs to the subtropical marine monsoon climate zone. Its landform has the types of hills, river valley and basins. These conditions are con-

ducive to the growth of tea trees. The sandy soil in mountainous area is mainly composed of high content of organic matter and rich in mineral nutrients.

The traditional production technology of Anxi Tieguanyin Tea is complex and elaborate, including the initial production technology of primary tea and the purification technology of faint-flavor and strong-flavor refined tea, which forms the unique quality characteristics of Anxi Tieguanyin Tea.

(Courtesy of the IP Protection Department of CNIPA)

安溪铁观音产于福建省安溪,是选用铁观音茶树品种,按照独特的传统加工工艺制作而成的乌龙茶。

安溪铁观音具有色泽乌润、卷曲紧实、沉重似铁的特点,具有“青蒂绿腹蜻蜓头”的外形;汤色金黄或橙黄明亮;香气清香悠长,齿颊溢香,素有“绿叶红镶边,七泡有余香”的美誉。

安溪地处戴云山脉的东南延伸部分,属亚热带海洋性季风气候,地貌



多山地、河谷、盆地,有利于茶树的生长。土壤以山地砂质土壤为主,有机质含量较高,矿物质营养成分丰富。

安溪铁观音传统制作工艺精细,包括制作毛茶的初制工艺和制作清香型、浓香型或品茶的精制工艺,形成了安溪铁观音的特色品质特征。

(中国知识产权局知识产权保护司供稿)

## Local Brewer Uses Carlsberg as Trade Name to Circumvent Direct TM Infringement, Still Nailed by Court

## “嘉士伯”商标案一审判赔百万元

Recently, Beijing Shijingshan District People's Court concluded a trademark dispute between Carlsberg Company and Shandong Jiashibo Beer Company, Shandong Jinfulong Beer Company, ordering the defendants to immediately cease infringement and indemnify Carlsberg 1.08 million yuan in damages and reasonable expense and Jiashibo immediately to stop using “嘉士伯” (Note: official Chinese translation of Carlsberg, pronounces Jiashibo in Chinese) in the trade name of the first defendant.

The plaintiff, Carlsberg Company, alleged that its “嘉士伯” beer is famous in the world and the company obtained many prestigious and still-active registered trademarks carrying either “嘉士伯” or “Carlsberg” in Class 32 goods including beer. Jiashibo and Jinfulong produced or distributed beer by infringing its trademark rights without its permission. In addition, Jiashibo used its reputable trademark “嘉士伯” as its trade name and as abbreviation of “嘉士伯” and “pure European tastes” in promotion and sales pitch,

which evidently constituted unfair competition.

The defendants argued that the alleged infringing goods were not produced or distributed by Jiashibo or Jinfulong. Jiashibo's trade name was registered upon approval by the industrial and commercial registration authority by following the established procedures, and is not highlighted in the company's daily operation and shall be conferred the right of name of the legal person of enterprise.

After hearing, the Court found that Plaintiff was the exclusive right holder of seven registered trademarks concerning “嘉士伯” and “Carlsberg and its figure” and the trademarks involved in the case have a high reputation and influence in China. The Court held that Jiashibo and Jinfulong jointly implemented the act of production and distribution of the alleged infringing goods; Jiashibo alone used the same or similar trademark with the trademark in question in its promotion, infringing the registered trademark rights of Carlsberg. Both companies shall cease infringement and

pay damages.

Moreover, the Court held that Jiashibo, founded in December 2015, used the registered trademark of the plaintiff as its trade name and engaged in production and transaction of similar goods, which easily led to confusion and misunderstanding among the general public. Its act with a willful intent of using the goodwill of Plaintiff and obtaining unfair competitive advantage constitutes unfair competition. In addition, Jiashibo conducted false promotional activities on its website that would conveniently lead the public to confusion and misunderstanding. Therefore, it should change its trade name to cease unfair competition.

In this connection, the Court made the above-mentioned judgment. As Jinfulong has appealed, the case is hearing. (by Zhu Wenming/Bai Lin)

近日,北京市石景山区人民法院一审审结了卡尔斯伯格有限公司(下称卡尔斯伯格公司)诉山东嘉士伯啤酒有限公司(下称嘉士伯公司)、山东金孚龙啤酒有限公司(下称金孚龙公司)案,判决嘉士伯公司、金孚龙公司

立即停止侵权行为,赔偿卡尔斯伯格公司经济损失及合理费用108万元;嘉士伯公司立即停止在企业名称中使用“嘉士伯”字样。

原告卡尔斯伯格公司起诉称,其名下的“嘉士伯”啤酒世界知名,且在第32类“啤酒”等商品上拥有多件带有“嘉士伯”和“Carlsberg”的知名度很高的有效注册商标。嘉士伯公司、金孚龙公司未经原告许可,生产或销售了侵犯原告商标权的啤酒。此外,嘉士伯公司使用与原告知名商标“嘉士伯”相同的汉字,在宣传销售中故意使用嘉士伯等简称和“纯正的欧洲口味”等用语,构成不正当竞争。

被告答辩称,被诉侵权商品不是由嘉士伯公司、金孚龙公司生产、销售的。嘉士伯公司的名称依法经工商登记部门核准后登记,在日常经营中也没有突出显示,应享有企业法人姓名权。

法院经审理查明,原告卡尔斯伯格公司系涉案7件“嘉士伯”“Carlsberg及图”等系列注册商标的专用权人,且涉案商标在中国具有较高知名度和影响力。法院认为,嘉士伯公司、金孚龙公司共同实施了生产、销售被诉侵权商品的行为,嘉士伯公司单独实施了

在宣传推广时使用与涉案商标相同或相近商标的行为,均侵犯卡尔斯伯格公司注册商标专用权,应承担停止侵权、赔偿损失等法律责任。

此外,法院认为,被告嘉士伯公司成立于2015年12月,将原告知名注册商标作为企业字号使用,并从事同类商品的生产经营,极易导致一般公众的混淆误认,该行为明显具有攀附原告商誉以获取不正当竞争优势的主观故意,构成不正当竞争。此外,被告嘉士伯公司的网站宣传中存在容易导致一般公众混淆误认的虚假宣传行为,故其应当变更企业名称以停止不正当竞争行为。

综上,法院作出上述判决。截至目前,金孚龙公司已提起上诉,该案正在二审中。(祝文明 白琳)



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