

China's IP  
in foreign eyes

Shares closed Friday afternoon up at \$20.38 per share, giving the stock a market value of \$5.6 billion. Luckin is trying to overtake Starbucks as the biggest coffee chain in China. Since it was founded less than two years ago, it has opened 2,370 stores and plans to add 2,500 this year alone. Roughly 90% of its stores are smaller format shops designed for easy pickup and proximity to its customers, in contrast to Starbucks' larger and more homey cafes. (Luckin Coffee surges as much as 50% in its market debut, CNBC)

(瑞幸咖啡)股票上周五下午收盘上涨至每股20.38美元,使该股票的市值达到56亿美元。瑞幸咖啡试图超越星巴克成为中国最大的咖啡连锁店。在成立不到两年的时间内,瑞幸咖啡已经开设了2370家分店,并计划在明年增加2500家分店。与星巴克更大、更温馨的咖啡馆相比,瑞幸咖啡大约90%的分店都是小型店铺,旨在方便客户取货和最大限度接近客户群体。(瑞幸咖啡上市当天股价涨幅高达50%,CNBC)

## Comment:

Luckin has tried its best to attract new customers as well as investors for simple shop design, location and accurate branding especially in the face of new opportunity of the Chinese market.

## 点评

面对中国咖啡市场的新机遇,依靠简约的店面设计、店面选址和精准的品牌推广,瑞幸咖啡不仅成功吸引了新的客户,更是成功吸引了新的投资者。



"You no longer need to worry about making the pandas angry by calling them by the wrong name," the Chengdu Research Base of Giant Panda Breeding wrote on Weibo, the Chinese version of Twitter, as it announced its new "giant panda facial recognition" app. Visitors to the panda base in the Sichuan capital of Chengdu, one of China's top tourist attractions, will be able to scan the panda's face with the mobile app to get information about each individual bear. (China has a new facial recognition app — this time for pandas, The Washington Post)

成都大熊猫繁育研究基地在官方微博上宣布:“你不必再担心大熊猫会因为被叫错名字而生气”,因为开发了新的大熊猫面部识别App。在中国最热门的旅游城市之一四川省会成都,到熊猫基地参观的游客通过App扫描熊猫面部,即可获得有关每只熊猫的详细信息。(中国研发出新的熊猫面部识别应用程序,华盛顿邮报)

## Comment:

With emerging need of market in China, big data and AI have been applied in vast industrial fields to help gather more precise and well-rounded data, and this would promote further application and upgrading for the technology in turn.

## 点评

随着中国市场需求激增,大数据和人工智能技术进一步应用到广阔的产业领域,应用程序和数据库将帮助搜集更精确更全面的数据,这又反过来进一步促进技术的应用和升级。

(李铮)

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China Ranked 3rd Most Notable Improvement in *Doing Business* 2019 Among Economies

## 2018年中国营商环境改善幅度居全球第三

On May 15, the Office of the National Leading Group on Fight against IPR Infringement and Counterfeiting released the 2018 Report on the Latest Development of IPR Protection and Business Environment in China, highlighting China's new development and progress in terms of continuously deepening reform, protecting IPR and optimizing business environment.

At the press conference on the same day, Gan Lin, Head of the said Office and Vice Minister of the State Administration for Market Regulation (SAMR) noted the remarkable progress made by regions and member departments nationwide in strengthening IPR protection, cracking down IPR infringement and counterfeiting and fostering favorable business environment under the organization of the said National Leading Group, with IPR protection level raised, business environment improved, innovation and start-up enthusiasm motivated and economy development quality elevated. China edged in to top 20 for the first time at Global Innovation Index 2018 rankings as shown by *Global Innovation Index 2018* by the World Intellectual Property Organization (WIPO). World Bank also marked China 3rd among the Economies with the Most Notable Improvement and top the East Asia and Pacific region in *Doing Business 2019*.

Regarding IPR protection, the administrative law enforcement and judi-



cial protection have been significantly enhanced. In 2018, the administrative law enforcers nationwide investigated and handled 215,000 cases about IPR infringement and counterfeiting, among which 77,000 were patent infringement cases, 31,000 were trademark-related violation cases and over 2,500 were about copyright infringement and piracy cases. The Customs system investigated and confiscated 47,200 batches of exported and imported IPR infringing goods in total, containing 24.8 million worth of IPR infringing goods. The public security authorities cracked over 19,000 cases of IPR infringement and counterfeiting. The procurators approved the arrest of 5,627 persons involved in 3,306 crimi-

nal cases of IPR infringement. The number of concluded cases at the courts nationwide hits 320,000, up 41.6% compared with the previous year.

During Q&A, Mr. Gan Shaoning, Deputy Commissioner of China National Intellectual Property Administration (CNIPA) noted that as China was optimizing business environment, it was obvious to all to achieve progress. It was inseparable from the high importance attached by Chinese government. In order to strengthen IPR protection, CNIPA was perfecting laws and regulations, completed punitive compensation system and largely raised IPR infringement costs; intensifying origin protection, improving IP examination quality and efficiency; strengthening

law enforcement, with IPR protection system integrating "strict, large, fast and fair IPR protection" basically established; perfecting public participation by enhancing the construction of IP culture and perfecting coordination linkage mechanism between fast grant, confirmation, safeguarding.

IPR protection is significant for fostering favorable business environment. In the near future, China will launch the formulation of Strategy to Build China into an Intellectual Property Powerful Country toward 2035, further fostering more favorable business environment and satisfying the need for high-quality development. (by Han Rui)

本报讯(实习记者韩瑞北京报道)5月15日,全国打击侵犯知识产权和制售假冒伪劣商品工作领导小组办公室发布《中国知识产权保护与营商环境新进展报告(2018)》称,中国在持续深化改革、保护知识产权、优化营商环境等方面取得新进展、新成效。

当天,在国务院新闻办公室举行的新闻发布会上,全国打击侵犯假冒工作领导小组办公室主任、中国国家市场监督管理总局副局长甘霖介绍,全国打击侵犯假冒工作领导小组组织各地区、各成员单位加强知识产权保护,严厉打击侵犯假冒、营造良好营商环境,取得明显成效。知识产权

保护水平进一步提高,营商环境进一步改善,创新创业热情进一步激发,经济发展质量进一步提升。世界知识产权组织发布的《2018全球创新指数报告》显示,中国首次跻身全球创新指数20强。世界银行发布的《2019

年营商环境报告》显示,2018年中国营商环境改善幅度居全球第三,东亚太平洋地区之首。

《报告》显示,在保护知识产权方面,中国不断完善知识产权法律制度,强化行政执法和司法保护,推动部门区域协作,深化国际合作。行政执法更加严格,2018年全国行政执法部门查处侵权假冒案件21.5万件,其中,查处专利侵权假冒案件7.7万件、商标违法案件3.1万件、侵犯版权案件2500余件,海关查扣进出口侵权货物4.72万批、2480万件。司法保护更加有力,公安机关破获侵权假冒案件近1.9万件,检察机关批捕涉及侵犯知识产权犯罪案件3306件5627人,全国法院审结各类知识产权案件近32万件,同比上升41.6%。

中国国家知识产权局副局长甘霖在答记者问时表示,中国营商环境持续优化,取得的成就有目共睹,与中国政府高度重视知识产权保护是分不开的。为严格知识产权保护,国家知识产权局推动完善法律法规,健全侵权惩罚性赔偿制度,大幅提高侵权成本。强化源头保护,提高知识产权审查质量和审查效率。加大执法力度,基本构建起集“严保护、大保护、快保护、同保护”于一体的知识产权保护体系。完善社会共治,加强知识产权文化建设。完善快速授权、确权、维权协调联动机制。

知识产权保护对塑造良好营商环境意义重大。据介绍,下一步,中国还将启动面向2035年的知识产权强国战略纲要制定工作,进一步营造更加良好的营商环境,更好地满足高质量发展需求。

## Huangshan Maofeng Tea

## 黄山毛峰茶



Huangshan Maofeng Tea is a green tea produced in Huangshan City of Anhui Province, which is made from the tender shoots and leaves of local tea trees by unique process.

Huangshan City is located in the southernmost part of Anhui Province, which belongs to the warm and humid monsoon climate zone in the middle subtropical zone. It has warm climate,

abundant rainfall, clouds and fogs. The Huangshan Mountains run across the whole territory from northeast to southwest with interlaced valleys. Tea gardens are mainly distributed in low and middle mountains and hilly basins. The main types of soil are yellow brown soil, yellow red soil and yellow soil. The humus layer in the surface layer is thicker and the organic matter content is higher.

The picking season of fresh buds and leaves of Huangshan Maofeng is around mid-March. It has the characteristics of strong buds, long-lasting fragrance, refreshing taste and brewing resistance, which is formed by fresh leaves spreading, green killing, shape making, first drying, cooling, and drying with sufficient fire.

(Courtesy of the IP Protection Department of CNIPA)



表土层腐殖质层较厚,有机质含量高。黄山毛峰茶的芽叶在3月中旬开采,制作工艺分鲜叶摊放、杀青、做形、毛火、摊凉、足火等工序,具有芽头肥壮、香高持久、滋味鲜爽回甘、耐冲泡的品质特征。(中国国家知识产权局知识产权保护司供稿)

## Copycats of Hennessy's Bottle Dodge a Bullet Thanks to Copyright Ownership Technicality

## 轩尼诗酒瓶引发版权之争

French company Société Jas Hennessy & Co. filed a copyright infringement case at Guangzhou IP Court, suing Guangdong Kalaer, Meizhou Zhongfa Brandy, Guangzhou Lishi Brother Trading and a Liquor Wholesale Shop (located in Dali Town, Nanhai District of Foshan) owned by an individual surnamed Ou, for making and selling brandy products carrying the brand of JOHNNYS BLUE XO SPECIA, whose bottles were accused of violating the reproduction, distribution and information network dissemination rights of Hennessy's Paradis bottle. Hennessy sought an injunction and damages.

Hennessy claimed that it created the art work of Paradis bottle on April 23, 2001 and debuted globally on May 16, 2001. On January 15, 2015, Hennessy registered copyright for the art work in China. JOHNNYS BLUE XO SPECIA was suspected of adopting a design highly similar with the Paradis bottle, raising questions of copyright infringement.

The four defendants argued: First, the evidence is insufficient to prove



that Hennessy is the copyright holder of the art work, and nothing indicates that Hennessy claims its copyright considering the voluntary nature of copyright registration. Second, the infringement alleged by Hennessy is groundless.

Guangzhou IP Court held that, first, the overall design of the Paradis bottles embodied personalized expression

of the designer in high artistry, creativity and aesthetics, meaning that it can be deemed as the art work protected by the Copyright Law of China.

Second, Under Chinese laws, the design patent application for the Paradis bottle was filed in 2001 with Agnes Dieri listed as the designer. Agnes Dieri owns the copyright of the Paradis bottle. Hennessy's claim of the copy-

right based on the printed word "Hennessy" on the bottle is weak.

In this connection, Guangzhou IP Court made its first-instance judgment, denying Hennessy's requests.

(by Jiang Xu/Xiao Shengcheng)

本报讯 因为广东卡拉尔酒业有限公司(下称卡拉尔公司)、梅州中法拔兰地有限公司(下称拔兰地公司)、广州李氏兄弟贸易有限公司(下称李氏公司)、佛山市南海区大沥欧某某酒类批发部(下称欧某某批发部)生产销售的“JOHNNYS BLUE 尊尼蓝牌一卡爵 XO 白兰地”产品侵犯了 Paradis(百乐廷)酒牌作品的复制权、发行权、信息网络传播权等,法国轩尼诗公司(下称轩尼诗公司)将上述四被告起诉至广州知识产权法院,请求法院判令对方停止侵权并赔偿经济损失等。

轩尼诗公司称,其于2001年4月23日首次创作了轩尼诗 Paradis 酒牌的美术作品,并于2001年5月16日在全球首次发表。2015年1月15日,轩尼诗就该作品在中国进行了版权登记。“JOHNNYS BLUE 尊尼蓝牌一卡爵 XO 白兰地”产品涉嫌采用了与轩尼诗公司 Paradis 酒牌美术作品高度近似的酒瓶设计,涉嫌构成著作

侵权。

被告共同辩称:首先,轩尼诗公司主张其是涉案美术作品的著作权人,证据不充分,不能证实轩尼诗公司享有涉案作品的著作权。其次,轩尼诗公司主张的侵权行为不成立。

广州知识产权法院经审理认为,首先,Paradis 酒瓶整体设计体现了作者个性化的表达,具有较强的艺术性和独创性,富有美感,应构成受中国著作权法保护的美术作品。

其次,轩尼诗公司提交涉案 Paradis 酒瓶外观设计专利申请时间为2001年,且该专利书记载的设计人为阿涅斯·帝埃里,涉案 Paradis 酒牌作品的著作权属于该酒牌的设计人阿涅斯·帝埃里。轩尼诗公司以酒瓶上的“Hennessy”字样主张享有著作权,依据不足。

据此,广州知识产权法院于近日作出一审判决,认定现有证据不足以证明轩尼诗公司享有涉案 Paradis 酒牌作品的著作权,依法判决驳回了轩尼诗公司的诉讼请求。

(姜旭 肖晟程)

