

China's IP  
in foreign eyes

Huawei put uncertainty over the future of its devices business to one side on Tuesday with the launch of new Honor smartphones, in a confident display of the Chinese firm's technology. George Zhao, president of Huawei's youth-focused brand honor, told hundreds of reporters, bloggers and analysts that he was "really happy to see so many friends". "We will talk and communicate with the world using our products, technology and innovation," he added, as he showed off the Honor 20 Pro, which features four rear cameras, including wide-angle and telephoto, and a 48-megapixel main camera. (Huawei puts Honor above android at new smartphone launch, Reuters)

华为上周二发布了新款荣耀智能手机,展示了这家中国公司的技术创新实力。荣耀总裁赵明会见数百名外国媒体、博主和分析师时表示,“真的很高兴见到这么多朋友。”“我们将通过自身产品、技术和创新的运用与世界进行交流和沟通。”赵明补充道。他展示了荣耀20 Pro,该机型有四个后置摄像头,包括广角和长焦镜头,以及一个4800万像素的主摄像头。(华为发布新款荣耀手机 仍搭载安卓系统,路透社)

## Comment:

Innovation is an important basis for enhancing core competitiveness in an enterprise's development. Huawei's innovative ideas are of significance for the company to participate in market competition.

## 点评

创新是企业发展的核心竞争力。华为不断创新的理念,对其参与市场竞争具有重要作用。



Robust computer sales helped Lenovo more than triple its quarterly profits, providing a silver lining for China's under-fire technology sector. The Beijing-based company said Thursday that profits attributable to equity holders surged to \$118m in the three months to March, compared to just \$33m in the year ago period. Fourth quarter profits were also ahead of the \$106m figure forecast by analysts polled by Bloomberg. Quarterly revenues of \$11.7bn were 10 percent higher year-on-year and a touch above analyst estimates of 11.6 bn. (Lenovo Q4 profit jumps on strong PC sales, Financial Times)

在全球强劲电脑销售业绩的带动下,联想的季度利润增长了两倍有余,为中国科技行业带来了一线希望。该企业周四表示,在截至今年3月的三个月中,公司股东应占溢利飙升至1.18亿美元,而去年同期仅为3300万美元。第四财季的利润数字也高于彭博调查的分析师给出的1.06亿美元的预测值。联想季度营收117亿美元,同比增长10%,略高于分析师预计的116亿美元。(联想第四财季利润大幅增长,金融时报)

## Comment:

Faced with fierce market competition, Lenovo has been developing innovative products with self-reliant IPRs. Development of new products plays a key role in Lenovo's stellar performance.

## 点评

面对激烈的市场竞争,联想不断以创新精神研发具有自主知识产权的产品。新产品的研发,对于联想经济效益的提升具有重要作用。(熊花平)

## Public Satisfaction on IP Protection on the Rise

## 中国知识产权保护社会满意度稳中有升

In 2018, the social satisfaction score on IP protection in China stood at 76.88, up 0.19% over 2017, revealed at a regular press conference of the second season held by China National Intellectual Property Administration (CNIPA) recently. The evaluation report on 10 years' implementation of Outline of National Intellectual Property Strategy and development of the patent attorney profession in 2018 were also released.

In June 5, 2008, the State Council of China issued the Outline of National Intellectual Property Strategy. At the 10th anniversary of implementation of the outline, the Inter-Ministerial Conference on Implementation of Intellectual Property Strategy ran a project from July 2017 to June 2018, fully evaluating such work. "The outline put forward a goal to upgrade China to a country with higher level of IP creation, use, protection and management in 2020. The report suggested that the objective is basically attained, and China is on pace to be an IP power," said Gong Yalin, the Full-Time Deputy Director of Office of the Conference.

2018 marks the seventh year for CNIPA to launch the social satisfaction survey on IP protection, which allows a profound understanding of China's IP protection in the public eye, ranging

from law and policy protection, enforcement, management and services to public outreach and education. The 2018 survey enlightens us in the followings: First, the public are satisfied with law and policy protection. Second, the score on public outreach and education increases dramatically. Third, public satisfaction improves significantly. Fourth, there is little difference in satisfaction among the four geographical regions, namely eastern, central, western and northeastern China. Fifth, enforcement needs to improve. CNIPA will take effective measures to beef up IP protection based on this survey, according to Mao Jinsheng, Inspector of CNIPA's IP Protection Department.

CNIPA has made concerted efforts to streamline administration, delegate power and improve compliance oversight in the patent attorney profession. In a bid to promote high-quality development of the profession, CNIPA has also stepped up in-process and over-process control to enhance the capability and quality of patent attorney. Chinese patent attorney profession is developing well, which can be reflected by the facts that the scale is increasing, service capability is improving, service scope is enlarging and operation is smoothing. As of the end of

2018, 42,581 people have obtained the patent attorney credential and 18,668 of them are currently active. The number of patent agencies logs at 2,195, up 371 or 20.3% over 2017.

(by Li Qian)

本报讯(记者李倩北京报道)日前,记者从中国国家知识产权局举行的第二季度例行新闻发布会上获悉,2018年中国知识产权保护社会满意度总体得分为76.88分,较2017年提升0.19分,满意度稳中有升。会上还发布了《国家知识产权战略纲要》实施十年评估报告、2018年专利代理行业发展状况等。

2008年6月5日,国务院颁布实施《国家知识产权战略纲要》(下称《纲要》)。2017年7月至2018年6月,在《纲要》实施十年之际,国务院知识产权战略实施工作部际联席会议部署对《纲要》实施情况进行了全面评估。中华人民共和国国务院知识产权战略实施工作部际联席会议办公室专职副主任龚亚麟介绍,评估报告认为,《纲要》提出的到2020年“把我国建设成为知识产权创造、运用、保护和管理水平较高的国家”这一目标已经基本实现,具备了向知识产权强国迈进的坚实基础。

2018年是国务院知识产权局连续第7年开展知识产权保护社会满意度调查,该调查从法律与政策保护、执法、管理与服务、宣传教育等方面深入了解社会各界对中国知识产



权保护状况的评价。中国国家知识产权局知识产权保护司巡视员毛金生介绍,2018年调查结果具有以下几个特征:一是法律与政策保护满意度得分最高,二是宣传教育满意度年度得分提升明显,三是社会公众满意度明显提升,四是东、中、西和东北四地区满意度差别不大,五是执法工作满意度有待提高。中国国家知识产权局将结合调查结果,积极采取有效措施推动全面加强知识产权保护相关工作。

2018年,中国国家知识产权局加

大专利代理领域“放管服”改革力度,加强事中事后监管,提升专利代理行业服务能力和服务质量,推动专利代理行业高质量发展。中国国家知识产权局运用促进司副司长赵梅生介绍,专利代理行业呈现出规模逐渐壮大、服务能力持续提升、服务范围不断拓展、运行体系更趋健全的良好发展态势。截至2018年底,全国获得专利代理师资格人数达到4.2581万人;执业专利代理师为1.8668万人;专利代理机构达到2195家,较2017年增加371家,增长率为20.3%。



## Wuyi Rock-Essence Tea

## 武夷岩茶

Wuyi rock-essence tea is a oolong tea produced in Wuyi-han City of Fujian Province, which is made by selecting suitable tea varieties for asexual breeding and cultivation under the natural ecological environment of Mountain Wuyi according to the unique traditional processing technology.

The northwest part of Mountain Wuyi is so high that the towering

peaks can resist the invasion of cold wave to the south. The area has the characteristics of subtropical climate that the humid air and foggy conditions are conducive to the growth of tea trees. The soil is volcanic gravel, red sandstone and shale. The humus layer on the surface of the soil is thicker and the content of organic matter is higher.

Wuyi rock-essence tea falls into the

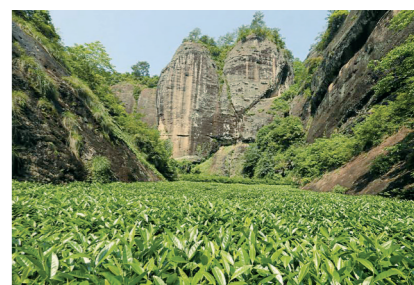
category of the semi-fermented oolong tea, featuring a light and pleasant taste of green tea as well as the stronger aroma of black tea. The traditional production technology of Wuyi rock-essence tea is complex and fine, including the initial production technology of primary tea and the purification technology of refined tea. It is prized for its distinctive characteristic that leaves a somewhat mineral flavor and flowery scent

in the infused tea.

(Courtesy of the IP Protection Department of CNIPA)

武夷岩茶产于福建省武夷山市,是在武夷山自然生态环境条件下选用适宜的茶树品种进行无性繁育和栽培,按照独特的传统加工工艺制作而成。

武夷山西北地势高,耸立的群峰能够阻挡南下寒潮的侵袭,具有亚热带气候特征,湿润多雾,有利于茶树的生长。大部分茶区的土壤为火山



砾石、红沙岩及页岩,土壤表层腐植层较厚,有机质含量高。

武夷岩茶属半发酵的乌龙茶,兼具绿茶之清香,红茶之香醇。武夷岩茶传统制作工艺精细,包括制作毛茶的初制工艺和制作成品茶的精制工艺,形成了武夷岩茶的岩骨花香的品质特征。

(中国国家知识产权局知识产权保护司供稿)

## Beijing High Awards Lafite Well-Known Mark, Denying Local Hotel's Registration in Other Class

## 拉斐酒庄在华成功捍卫商标权

The No.6054822 拉斐特 trademark (hereinafter as the trademark in question) was filed for registration by Beijing Chateau Lafite Hotel on May 17, 2007, and would be approved to be used on Class 43 goods including catering, hotel and bar on April 21, 2015.

In less than half a year after the trademark was registered, the French company Les Domaines Barons de Rothschild (Lafite) lodged an invalidation request to the former Trademark Review and Adjudication Board (TRAB), requesting determination of the well-known mark status of its No.1122916 LAFITE trademark (No.1 cited trademark) and No.6186990 拉斐 trademark (No.2 cited trademark) in wine products, and the registration of trademark in question has injured the specific name right of 拉斐 as well-known mark. In parallel, the trademark in question constituted similarity with No.1 and No.2 cited trademarks when used on the similar goods or service, and the registration of trademark in question has infringed the prior trade name of company.

The No.1 cited trademark owned by Lafite was filed for registration in 1996 and was approved to be used on

alcohol (except beer). The No.2 cited trademark was filed in 2007, and it was registered on alcohol (except beer).

On August 16, 2016, the former TRAB held that the trademark in question does not constitute similarity with No.1 and No.2 cited trademark on certified used goods or service. In parallel, the existed evidences cannot prove that the two cited trademarks were already well-known marks before the trademark in question was filed for registration. In this connection, the former TRAB upheld the registration of the trademark in question.

Lafite then brought the case to Beijing IP Court. The Court revoked the TRAB decision and asked TRAB to revisit the case.

TRAB and Beijing Chateau Lafite Hotel then brought the case to Beijing High People's Court. The Court held that before the trademark in question was filed for registration, Lafite had established solid relationship between 拉斐 or 拉斐 and LAFITE by years of operation. The Chinese public also considered 拉斐 or 拉斐 as LAFITE trademark of Lafite. The trademark in question has the same pronunciation of No.1 cited trademark, which constituted copy, imitation and translation of No.1

cited trademark. Although the services on which the trademark in question was certified to use belong to a different class from that of No.1 cited trademark, the two trademarks have several overlaps in consumer group and target group. Under the circumstance that the No.1 cited trademark has become a well-known mark and the trademark in question has constituted copy, imitation and translation of No.1 cited trademark, the relevant public would be convinced that there is certain association between the trademark in question and No.1 cited trademark when purchasing the services of the trademark in question.

In this connection, the Court affirmed the original judgement.

(by Wang Guohao)

## 本报记者 王国浩

第6054822号“拉斐特”商标(下称争议商标)由北京拉斐特城堡酒店有限公司(下称拉斐特酒店)于2007年5月17日提出注册申请,2015年4月21日被核准注册使用在第43类的备办宴席、饭店、酒吧等服务上。

被核准注册不到半年,法国拉斐罗斯柴尔德酒庄(下称拉斐酒庄)针对争议商标向原国家工商行政管理总局商标评审委员会(下称原商评委)提出无效宣告请求,请求认定其

第1122916号“LAFITE”商标(下称引证商标一)与第6186990号“拉斐”商标(下称引证商标二)为葡萄酒商品上的驰名商标,并主张争议商标的注册损害了其“拉斐”享有的知名商品特有名称权,争议商标与引证商标一及引证商标二构成使用在类似商品或服务上的近似商标,争议商标的注册侵犯了其在先企业名称权。

据了解,引证商标一由拉斐酒庄于1996年提出注册申请,1997年被核准注册使用在含酒精饮料(啤酒除外)商品上;引证商标二于2007年提出注册申请,2017年被核准注册使用在酒精饮料(啤酒除外)商品上。

2016年8月16日,原商评委作出裁定认为,争议商标核定使用服务与引证商标一、引证商标二核定使用商品不构成类似商品或服务。同时,现有证据不足以证明拉斐酒庄的引证商标一、引证商标二在争议商标申请注册前已驰名。综上,原商评委裁定对争议商标予以维持。

拉斐酒庄不服原商评委所作裁定,随后向北京知识产权法院提起行政诉讼。北京知识产权法院作出一审判决,撤销原商评委所作裁定,并判令原商评委针对拉斐酒庄就争议商标提出的无效宣告请求重新作出裁定。

原商评委与拉斐酒庄不服一审判决,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



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