

China's IP
in foreign eyes

Supreme Italia, which is owned by International Brand Firm Limited, previously held two registered trademarks for "ITSupremeNow" in China, according to records from the China Trade Mark Office (CTMO) database. However, as of last week, these will be revoked following opposition, with the CTMO stripping Supreme Italia of its legal trademark ownership. The move follows legal action by Supreme New York which has accused Supreme Italia of defrauding Chinese consumers and misleading law enforcement, reporters, and even global companies like Samsung by setting up a copycat retail store. (*Counterfeit Brand Supreme Italia loses registered trademarks in China, The Drum*)

中国知识产权局的数据显示,由国际品牌有限公司拥有的意大利品牌 Supreme 此前在中国拥有两件"ITSupremeNow"商标。然而上周,中国知识产权局依异议申请撤销了上述两件商标。而在此之前,美国品牌 Supreme 曾指意大利品牌 Supreme 通过设立山寨门店的行为来误导中国消费者、执法机关、媒体,甚至是像三星这样的国际企业。(山寨品牌意大利 Supreme 在中国丧失注册商标,英国商业杂志 The Drum)

Comment:

In recent years, China attaches increasing importance to protecting IPRs of both domestic and foreign business. The revoking of "ITSupremeNow" trademarks reveals China's determination in this regard.

点评

近年来,中国越来越重视平等保护国内外知识产权权利人的合法权益。意大利"山寨"品牌的"ITSupremeNow"商标在中国被撤销,正是中国加大执法力度保护知识产权的体现。



China's Tencent Holdings Ltd is working with its U.S. unit Riot Games to develop a mobile version of 'League of Legends', three sources with knowledge of the matter told Reuters. 'League of Legends' is not doing as well as it used to and so Riot badly needs a new way to monetize the game,' according to Gu Tianyi, an Amsterdam-based analyst with gametracker Newzoo. Gu added, however, it might be hard for 'League of Legends' to achieve the same level of success in China as 'Honour of Kings' without innovation. (*Tencent and Riot Games developing mobile version of League of Legends, Reuters*)

日前,三位消息人士向路透社透露,腾讯将联合拳头游戏打造《英雄联盟》的手游版。"《英雄联盟》现在并没有之前发展得好,所以拳头游戏需要寻求新方式从游戏中获利。"阿姆斯特丹游戏分析师顾天一(音译)表示,如果《英雄联盟》不在游戏设置上有所创新,就很难像《王者荣耀》一样成功。(腾讯与拳头联合打造《王者荣耀》手游版,路透社)

Comment:

Tencent has been developing new game products with innovative spirits as a domestic game giant. Only by persistent innovating can Tencent provide users with more new game experiences and make continuous progress.

点评

作为国内游戏巨头,腾讯一直秉持创新精神开发新游戏产品。只有坚持不懈地创新,腾讯公司才能为用户带来更新的游戏体验,获得持续发展。(熊花平)

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CNIPA vows to cleanse unscrupulous attorney acts

中国出重拳打击专利代理违法违规行为

“蓝天”专项整治行动启动

Recently, China National Intellectual Property Administration (CNIPA) announced the launch of Operation Blue Sky, a two-year-long campaign targeting illegal acts of the patent attorney profession, such as doing business without a license, representing abnormal patent applications, registering qualification for work without actual work, and soliciting in underhanded ways. Patent firms will be randomly checked by randomly dispatched enforcement officers and results of the checks will be released on a single platform. Those suspected of criminal acts will be transferred to the police.

Operation Blue Sky is one of the main programs on strengthening and improving regulations in process and afterwards and promoting favorable developments in the patent attorney profession. In this April, CNIPA issued the *Working Plan for Strengthening Patent Attorney Regulation*, highlighting key tasks of the Operation Blue Sky. According to the Plan, Intellectual Property Utilization and Promotion Department of CNIPA and local intellectual property offices across the provinces, autonomous regions and municipalities will take on relevant tasks for the campaign.

The department has launched oriented specific guidance for the better im-

plementation of Operation Blue Sky. Local intellectual property offices will perform patent attorney regulation duties by *Patent Attorney Regulation and Patent Attorney Management Measures*, and refine the plan based on fact.

As required by Operation Blue Sky, local intellectual property offices will establish work communication mechanism with local market regulation law enforcement teams, enforce coordination with local government departments, and deepen comprehensive administration. Meanwhile, they will release main information of the campaign through local mainstream media and government websites, and high-light complaining hotline continuously at front page of official websites.

Operation Blue Sky will be promoted with 'double random, one release' regulation and regular regulation. Local intellectual property offices will report Operation Blue Sky campaign information timely, strengthen work communication, discuss typical cases, and summarize advanced experience and practice, to improve handling ability.

With deep implementation of Operation Blue Sky, CNIPA will further strive to establish diverse regulation system, beef up regulation, and improve efficiency, to prevent patent attorney violations, foster business environment with good faith, fair competi-

tion and the survival of the fittest and guide patent attorney to the track of favorable and fast development.

(by Han Rui/Gao Yun)

本报讯 近日,记者从中国国家知识产权局获悉,针对无资质专利代理行为、代理非正常专利申请行为、专利代理“挂证”行为、以不正当手段招揽业务行为等行业乱象,中国国家知识产权局将开展为期两年的专利代理行业“蓝天”专项整治行动(下称“蓝天”行动),扎实推进“双随机、一公开”检查,对专利代理行业违法违规行为进行集中整治,涉及刑事犯罪的,依法移送公安机关。

据悉,“蓝天”行动是中国国家知识产权局加强和完善专利代理事中事后监管,推进专利代理行业健康发展的主要工作部署之一。今年4月,中国国家知识产权局印发《关于加强专利代理监管的工作方案》(下称《方案》),对“蓝天”行动进行了重点部署。根据《方案》安排,中国国家知识产权局知识产权运用促进司与各省(区、市)知识产权局(知识产权管理部门)具体承担专项整治行动相关工作任务。

为了更好地推进“蓝天”行动开展,中国国家知识产权局知识产权运用促进司此前已进行了有针对性的具体指导。各地知识产权管理部门将依法履行《专利代理条例》《专利代理管理办法》赋予的专利代理监管职责,并根据实际,细化专项整治行动方案。按照“蓝天”行动要求,各地知识产



权管理部门将建立与当地市场监管执法队伍的工作沟通机制,加强与有关部门的沟通协调,在专项行动中深化综合治理。同时,还将通过地方主要媒体、政府网站等渠道向社会公开专项整治行动主要内容,在本单位政府网站显著位置持续公开举报电话。

据介绍,“蓝天”行动将“双随机、一公开”监管与日常监管有机结合、共同推进。各地知识产权管理部门将及时报送“蓝天”行动情况,加强工作交

流,梳理典型案例进行深入研究,总结先进经验和做法,不断提升自身监管办案能力。

随着“蓝天”行动的深入开展,中国国家知识产权局下一步将着力构建多元化监管体系,加大监管力度,提升监管效率,有效遏制专利代理违法违规行为,营造诚信守法、公平竞争、优胜劣汰的市场环境,引导专利代理行业进入健康快速发展轨道。

(韩瑞 高芸)



Pu'er Tea embodies the shared memory of many residents in Yunnan, carrying the wonderful stories of mankind and tea throughout the history. Pu'er Tea is made from a type of tea leaves grown in certain regions of Yunnan Province and processed with special techniques. It can be divided in to raw and ripened types.

The raw type is made from Dayezhong fresh tea leaves grown in the specific environmental conditions of Yun-

nan and then pressed through the process of killing green, rolling, sun-drying and molding. The tea has a dark green color and a complex flavor while its infusion is bright greenish yellow and clear.

The ripened tea is made with Dayezhong sun-dried green tea in the specific environmental conditions of Yunnan and processed with special techniques.

The tea comes in the form of loose or pressed tea after fermentation. The tea has reddish brown color, and the infu-

Pu'er Tea
普洱茶

sion has bright red color with unique aroma, and a mellow sweet taste.

The geographic indication protection product supports the independent operation of Pu'er Tea enterprises with reasonable supervision to ensure the quality of products, which ultimately leads to efficient development of the industry.

(Courtesy of the IP Protection Department of CNIPA)

普洱茶,凝聚了云南众多居民的共同记忆,承载着历史长河中人与茶

的美妙故事。普洱茶以云南省一定区域的大叶种晒青茶为原料,采用特定的加工工艺生产制成,主要分为生茶及熟茶两种。

普洱茶生茶是以符合产地环境条件的云南大叶种茶树鲜叶为原料,经杀青、揉捻、日光干燥、蒸压成型等工艺制成的紧压茶,具有色泽墨绿,香气清纯持久等特点,其汤色绿黄清亮。

普洱熟茶是以符合产地环境条件的云南大叶种晒青茶为原料,采用特定工艺,经后发酵加工形成的散茶和紧压



茶,具有色泽红褐,汤色红浓明亮,香气独特,滋味醇厚回甘的品质特征。

实施地理标志产品保护以来,普洱茶地理标志使用管理做到严格条件下的“开放使用”,为真正想做好普洱茶的企业保驾护航,起到了保证产品品质,引导产业良性高效发展的作用。(中国国家知识产权局知识产权保护司供稿)

Court sides with LV for claiming infringement losses

上海一零售商因销售假“LV”箱包被判侵权

Louis Vuitton Malletier (LV), a world-renowned enterprise in leather goods, suitcases and shoes, filed the No.241012 trademark 'LV and figure' in 1986, certified on the products of Class 18 including leather and strap bags. The trademark was renewed to January 14, 2026. The No.241012 trademark was recognized as a well-known mark by Shanghai No.2 Intermediate People's Court and Beijing IP court in January and April, 2015 in succession.

In July, 2017, LV authorized an agent to purchase one suitcase and two bags in a shop of a garment mart in Shanghai. LV held that the suitcases and bags for sale in the shop had infringed its trademark right and decoration with some impact and brought the shop owner surnamed Huang to Yangpu District People's Court based on trademark infringement and unfair competition, requesting an injunction and 660,000 yuan in damages and reasonable expenses.

Huang argued that the products on sale are neither the same nor similar

with the registered trademark of LV, and leather not the same as figure of the registered trademark, nor it did not constitute infringement. Huang refused to bear the responsibility of compensation on the ground that the accused products were purchased from Gangyi Leather shop and the products' manufacturer Guangzhou Kewang Leather had shown the trademark authorization certificate.

After hearing, Yangpu Court held that the outer surface of the charged products had adopted similar figure with the trademark in a way of unlimited expanded copy. As the trademark enjoyed high popularity, marking the brand and origin of the products, Huang's selling had constituted trademark infringement. Huang attached himself to the reputation of LV subjectively, constituting unfair competition. Therefore, Yangpu Court ordered Huang to compensate LV 30,000 yuan for economic losses.

The disgruntled Huang appealed to Shanghai IP Court, arguing that the wholesaler Gangyi and Kewang were

not listed in the parties. Besides, he thought he should not take any compensation responsibility for the fault fact recognition at first instance ruling. Shanghai IP Court held that plaintiff was entitled to dispose civil and litigation right within the range of law. It did not generate any impact on judging Huang's selling behavior whether the Huang's sellers at higher level were added to be defendants in this case. Hence no impropriety was found.

Shanghai IP Court held further that on the occasion of failing to determine the losses and profits, it was not improper for the first instance ruling Court to impose 30,000 yuan, taking comprehensive consideration of the popularity of LV's trademark and decoration as well as infringement property, range, seriousness and lasting period. In this connection, the Court rejected Huang's appeal and upheld the judgment of the first instance.

(by Feng Fei)

路易威登马利蒂公司是主营皮具、服装、鞋子等产品的全球知名企业。1986年,该公司申请注册了第

241012号“LV图形”商标,核定使用在第18类皮革、背包等商品上。经续展,该商标有效期至2026年1月14日。2015年1月、2015年4月,上海市第二中级人民法院、北京知识产权法院先后判决认定第241012号商标为驰名商标。

2017年7月,路易威登马利蒂公司委托代理人在上海一家服饰城的店铺内购买了1个箱子与2个包。路易威登马利蒂公司认为,该店商品侵犯其商标权及有一定影响力的包装装潢,遂以商标侵权及不正当竞争为由将店主黄某起诉至上海市杨浦区人民法院(下称杨浦法院),请求法院判令黄某立即停止侵权行为、赔偿经济损失及合理开支66万元等。

黄某辩称,其所售商品商标与路易威登马利蒂公司注册商标既不相同也不相似,所售商品的皮料图案与涉案注册商标图案也不相同,不构成侵权;被控侵权商品系从港皮皮具店购入,生产厂家广州市科王皮具有限公司(下称科王公司)出具了商标授权销售证书,其不存在任何过错,不应承担侵权赔偿责任。

杨浦法院经审理认为,被控侵权商品外表面以无限复制延展的方式

使用了与涉案商标近似的图案,由于涉案商标知名度较高,能起到标明商品品牌和识别商品来源的作用,故黄某的销售行为已构成商标侵权。黄某主观上攀附该公司的商誉,构成不正当竞争。综上,应赔偿路易威登马利蒂公司经济损失3万元。

黄某向上海知识产权法院上诉称,该案未将商品批发商港皮皮具店及生产商科王公司列为诉讼当事人;一审认定事实错误,其不应承担任何侵权赔偿责任。上海知识产权法院经审理后认为,当事人有权在法律规定的范围内处分自己的民事权利和诉讼权利,且是否追加黄某的上一级销售商作为该案被告,不影响对于黄某销售行为的认定,固并无不当。法院认为,在侵权损失与侵权获利无法确定的情况下,一审法院综合考虑路易威登马利蒂公司商标及装潢的知名度,黄某侵权行为的性质、影响范围、情节、持续时间等因素,酌情确定3万元赔偿额并无不当。据此,法院驳回上诉,维持原判。

(冯飞)

