

China's IP  
in foreign eyes

Western technology firms increasingly fancy Chinese tech. For the first time last year, in an annual poll by the eu Chamber of Commerce in China, a majority of foreign companies (61%) said that domestic firms were as innovative as European ones, or more so. This year four-fifths of them saw opportunities in Chinese sparkiness. (Western firms increasingly admire—and want—Chinese technology, *The Economist*)

西方科技企业越来越重视中国的技术,也越来越想拥有中国的技术。去年,中国欧盟商会发布的一份报告显示,61%的外国公司表示,中国本土企业的创新能力已经赶上或超越欧洲企业。今年的报告显示,五分之四的欧洲企业认为中国创新能力的提升将为它们带来机遇。(西方企业越来越重视中国的技术,经济学家)

## Comment

Innovation is the driving force of an enterprise's development. More and more Chinese businesses are aware of the importance of innovation, and put innovation and intellectual property rights in a pivotal position, and even to the height of enterprise strategy.

## 点评

创新是企业发展的驱动力,越来越多的中国企业意识到创新的重要性,将创新和知识产权放到举足轻重的位置,提升到企业战略的高度。



With its widespread use of facial recognition, China has installed health-checking robots at more than 2,000 preschools across China. Kids between the ages of 2 and 6 must report to this Walklake robot every morning. The robot uses cameras and an infrared thermometer to look for signs of possible disease, ranging from red eyes or a sore throat to blisters and fevers. It can reportedly carry out these smart health checks in just 3 seconds. (Robots are used to carry out daily health inspections at schools across China, *Digital Trends*)

随着人脸识别技术的普及,中国已经在2000多所幼儿园中安装了一种健康检查机器人。年龄2岁到6岁的幼儿需要在每天早晨向这种机器人“报道”。这些机器人使用摄像头和红外线测温仪判断孩子是否存在患病迹象,包括红眼病、喉咙肿痛、水泡与发烧等,在3秒内就能完成此类智能晨检。(中国幼儿园正使用机器人检查学生日常健康,数字趋势网站)

## Comment

Nowadays, the robots are widely used in all walks of life. Enterprises should do well in intellectual property work and develop robots with self-reliant IPRs in the course of research and development, which will be a sharpening tool for them to win the competition.

## 点评

如今,机器人应用越来越广泛,企业在研发的同时,要做好知识产权工作,研发拥有自主知识产权的机器人,将是企业赢得竞争的利器。

(李倩)

White Paper: US accusing China of IP theft, forced technology transfer utterly unfounded  
白皮书:中国知识产权保护成效获广泛认可

The State Council Information Office, on June 2, released a white paper, titled China's Position on the China-US Economic and Trade Consultations, elaborating the China-US economic and trade consultations and stating China's position. The Paper contains about 8,300 words and is composed of three parts on top of the preface and conclusion, namely, *Economic and trade friction proved by the US damages the interests of both countries and of the wider world, US has backtracked on its commitments in the China-US economic and trade consultations and China is committed to credible consultations based on equality and mutual benefit*. Here are some of the excerpts from the White Paper.

Historical records confirm that China's achievements in specific and technological innovation are not something we stole or forcibly took from others; they were earned through self-reliance and hard work. Accusing China of stealing IP to support its own development is an unfounded fabrication.

Turning a blind eye to China's unremitting efforts and remarkable progress in protecting IP and improving the business environment for foreign investors, the US issued a myriad of slanted and negative observation, and imposed

additional tariffs and investment restrictions on China, provoking economic and trade friction between the two countries.

China is fully committed to IP protection. It has established a legal system for the protection of IP that is consistent with prevailing international rules and adapted to China's domestic conditions. China values the leading role of judicial measures in protecting IP, and has achieved impressive results. The understanding of the importance of IP among the general public and business community in China has increased, the value of royalties paid to foreign rights-holders has risen significantly, and the number of IP applications and registrations has surged. The effective impact of China's IP protection has won international recognition.

The White Paper also quoted the views of the American Chamber of Commerce. In its *2018 China Business Climate Survey Report*, the American Chamber of Commerce in China noted that among the main challenges facing its member companies operating in China, concern over IP dropped from 5th place in 2011 to 12th place in 2018. An article in *The Diplomat* predicted that China will become a leader in global IP. Many of the concerns raised

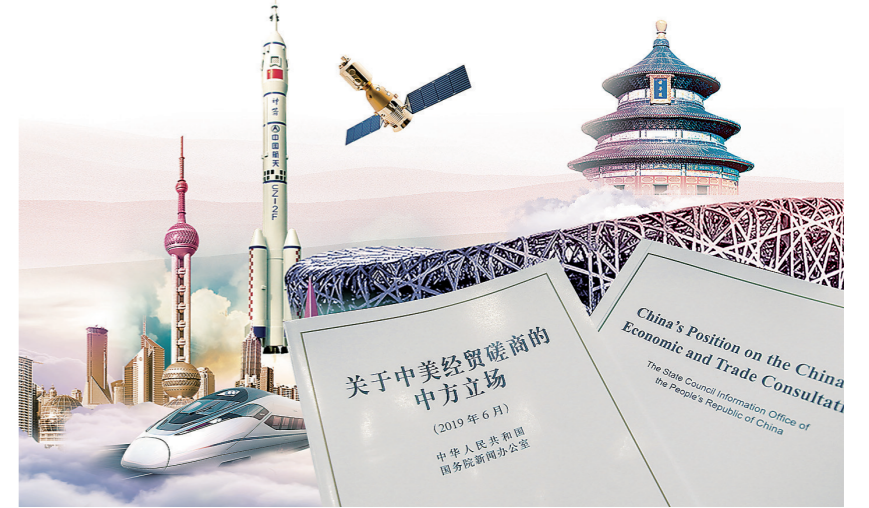
by foreign firms doing business in China have already been addressed through judicial reform and a strengthened enforcement mechanism.

In terms of some key innovation indices, China is already among the world's leading players. In 2017, total R&D investment in China reached RMB 1.76 trillion, ranking second in the world. The number of patent applications reached 1.382 million, ranking No.1 in the world for the seventh consecutive years. The number of invention patents granted reached 327,000, up by 8.2 percent year-on-year. China ranks third in the world in terms of valid invention patents held.

China has always pursued international technical cooperation with mutual benefit and win-win as the basic value orientation. China encourages and respects voluntary technical cooperation between Chinese and foreign firms based on market principles. It strongly opposes forced technology transfer and takes resolute action against IP infringement. Accusations against China of forced technology transfer are baseless and untenable, the White Paper stressed.

(Via Xinhua)

本报综合新华社消息 国务院新闻办公室2日发布《关于中美经贸磋商



商的中方立场》白皮书,旨在全面介绍中美经贸磋商基本情况,阐明中国对中美经贸磋商的政策立场。此次白皮书全文约8300字,除前言和结束语外,共包括三部分,分别是美国挑起对华经贸摩擦损害两国和全球利益,美国在中美经贸磋商中出尔反尔、不讲诚信,中国始终坚持平等、互利、诚信的磋商立场。

白皮书说,历史和事实充分证明,中国在科技创新方面取得的成就不是偷来的、不是抢来的,而是通过自力更生、艰苦奋斗得来的,指责中国发展靠“盗窃”知识产权,完全是无中生有、极其荒谬。

白皮书指出,美国无视中国多年来在加强知识产权保护、改善外商营商环境等方面的不懈努力和取得的巨大成绩,对中国作出诸多不客观的负面评价,采取加征关税、限制投资等经贸限制措施,挑起中美经贸摩擦。

白皮书说,中国高度重视知识产权保护,已建立起符合国际通行规则和适应中国国情的知识产权法律体系;重视发挥知识产权司法保护的主导作用,取得显著成效。中国民众和企业知识产权保护意识显著提高,对外支付知识产权使用费大幅提升,知

识产权申请和登记量快速增长。中国的知识产权保护成效获国际广泛认可。

白皮书还引用了美国商会及杂志的观点。中国美国商会《2018年中国营商环境调查报告》显示,其会员企业在华运营的主要挑战中,知识产权侵权行为已由2011年的第5位降低到2018年的第12位。《外交官》杂志文章指出,中国将成为全球知识产权的领军者。在中国开展业务的外国公司所提出的担忧,许多已通过司法改革和加强执法机制得到解决。

根据白皮书,目前,中国的主要创新指标已进入世界前列,国际影响力显著提升。2017年,全社会研发投入达1.76万亿元,规模居世界第二位;发明专利申请量达到138.2万件,连续7年居世界首位;发明专利授权32.7万件,同比增长8.2%,有效发明专利保有量居世界第三。

白皮书强调,中国始终以互利共赢作为基本价值取向开展国际技术合作。中国鼓励和尊重中外企业按照市场原则自愿开展技术合作,坚决反对强制技术转让,严厉打击侵犯知识产权的违法犯罪行为。指责中国强制技术转让没有事实依据,完全站不住脚。



## Photo News

In celebration of the 14th Cultural and Natural Heritage Day on June 8, Beijing held the 9th Zhihua Temple Music Cultural Festival. The Festival displayed national intangible cultural heritage items including Beijing Zhihua Temple music along the Grand Canal and board drum, bringing an extraordinary cultural banquet for the audience.

Photo by Wang Xin

6月8日是第十四届中国文化和自然遗产日,为期两天的第九届智化寺音乐节开幕,展演了大运河沿岸的智化寺京音乐、木板大鼓等国家级非物质文化遗产项目,为观众带来了一场精彩的文化盛宴。

本报实习记者 王欣 摄影报道

Shanghai IP Court sides with Japanese toy maker in invention patent dispute  
两家外企在华展开专利诉讼

Centering on a bead toy, two enterprises from Japan and Australia came to China for a patent lawsuit. A Japanese company called Epoch Toys alleged Moose Toys, Shanghai Musha E-commerce, two individuals surnamed Yang and Pi have infringed its invention patent. Shanghai IP Court later made its first instance, ordering an injunction against Moose and Musha and 800,000 yuan in damages and reasonable expense paid up to Epoch. As of publication, the ruling is in effect.

The plaintiff Epoch Company is a Japanese toy manufacturer. In February 2016, the company filed a patent application titled soluble bead toy, which was granted on September 16, 2015. In February 2016, Epoch purchased three types of bead toys produced by Moose from a Taobao shop named Shanghai Jinxi E-commerce Company. After comparison, the purchased toys were suspected of falling into the protection scope of the patent claims. Considering that Jinxi Compa-

ny had become defunct, Yang and Pi shall bear the relevant civil liability as shareholders of the company.

Epoch then filed the case at Shanghai IP Court, seeking an injunction against all of the above-mentioned defendants and 1.323 million yuan in damages and reasonable expenses from Moose.

One of the reasons motivating the two foreign enterprises to choose China as the location of litigation is that the alleged infringing products are labeled Made in China. After hearing and receiving no contradicting evidence from Moose, the Court held that the products alleged of infringement were produced in China. In addition, although the Made in China label was marked according to the rules governing appellations of origin for import and export goods, the information about manufacturer and manufacture location of the alleged infringing products has given a clear idea of the origin and quality guarantee to buyers. The Court then confirmed that Moose man-

ufactured the alleged products in China.

The Court held that the patent claims of the soluble bead toy can be dissected into the following technical features: one type of soluble bead toy; polyhedral granular beads made of transplant soluble resin; the grain diameter of the granular beads are about three to six millimeter. After comparison, the alleged infringing products own all of them.

In this connection, the Court made the above-mentioned judgment.

(by Feng Fei)

## 本报记者 冯飞

一粒小小的珠子玩具,引发了日本和澳大利亚的两家企业来中国打专利官司。近日,上海知识产权法院针对日本永福有限公司(下称永福公司)起诉澳大利亚驼鹿玩具有限公司(下称驼鹿公司)、上海慕莎电子商务有限公司(下称慕莎公司)、杨某君、皮某伟侵犯发明专利权纠纷一案作出一审判决,判令驼鹿公司和慕莎公司立即停止专利侵权行为,驼鹿公司赔偿永福公司经济损失和合理开支80万

元。目前,该判决已生效。

该案原告永福公司是日本的一家玩具生产制造商,2012年5月2日,其在中国提交了一件名为“可溶珠子玩具”的专利申请,并于2015年9月16日获得授权。2016年2月,永福公司从一家名为“上海锦晰电子商务有限公司”(下称锦晰公司)的淘宝店购买了驼鹿公司生产的3种珠子玩具,经比对认为,涉嫌落入了“可溶珠子玩具”专利权利要求的保护范围。鉴于锦晰公司已办理注销登记,杨某君和皮某伟作为该公司的股东,依法应当对该公司的上述涉嫌侵权行为承担相应的民事责任。

据此,永福公司将生产商驼鹿公司、销售商慕莎公司、杨某君、皮某伟起诉至上海知识产权法院,请求法院判令被告停止侵权;驼鹿公司赔偿经济损失及合理开支132.3万余元。

两家国外企业之所以选择来中国诉讼,原因之一是被控侵权产品的原产地显示为“Made In China”。上海知识产权法院经审理认为,在驼鹿公司未能提交相反证据的情况下,法院认定被控侵权产品原产地在中国。此外,虽然被控侵权产品上的“Made In

China”标识系根据进出口货物的原产地规定而标记,但是被控侵权产品上记载的有关制造者、制造地的信息,就商品溯源和品质保证向购买者进行了明确提示,表达了其将自己对外公示为被控侵权产品制造者、制造地的意思表示。据此,法院认为驼鹿公司在中国制造了被控侵权产品。

此外,上海知识产权法院经审理后认为,“可溶珠子玩具”专利权利要求可以分解为如下技术特征:一种可溶珠子玩具;由透明的水溶性树脂制成的多面体粒状珠子;粒状珠子的粒径是3毫米至6毫米等。经比对发现,被控侵权产品均具有上述技术特征。据此,上海知识产权法院作出上述判决。



英文翻译 熊花平

Translator Xiong Huaping

责任编辑 李倩

Executive Editor Li Qian