

China's IP
in foreign eyes

It was all about autos at one of China's top tech conferences this week. More than 80 companies showed off vehicle technology at the Consumer Electronics Show in Shanghai, filling two of the six conference halls and forming the largest product category at the annual gathering. China is the world's biggest auto market. In recent years, fierce competition, progressive startups and popular mobile "super-apps" such as Tencent's (TCEHY) WeChat have made Chinese consumers more discerning about what they want in their cars, executives say. (Virtual assistants, VR headsets and app stores. How tech is changing cars. CNN)

在本周举行的中国顶级汽车技术大会上,汽车为规模最大的产品类别,成为年会的亮点,超过80家公司在上海消费电子展上展示了汽车技术,占据了六个展厅中的两个。中国是世界上最大的汽车市场,参展公司的高管们表示,近年来,激烈的竞争、势头猛进的初创公司和腾讯微信这样流行的超级应用程序,让中国消费者更加清楚自己想要的汽车。(虚拟助手、VR耳机和应用商店:科技正在改变汽车,美国有线电视新闻网)

Comment:

In China's huge car market, vehicles compatible with smartphones and smart apps are popular among consumers, and this would lead to the reform of technology and innovation.

点评

中国拥有巨大的汽车市场,与智能手机和智能应用兼容的汽车越来越受到中国消费者的青睐,这将引发技术和创新的变革。



All except three of the top 20 in the BrandZ ranking are from the US, and the continent's brand hegemony over Europe is not threatened. But China's transition into the world's biggest market for online retailing and service is shaking it. Alibaba and Tencent are top 10 brands, and others such as Xiaomi and Meituan have entered the top 100. Chinese companies have shown they can create new services, rather than just adapting US innovation, and they are starting to become global brands, with 15 Chinese brands in the top 100. (China and new tech generation shake old notions of good branding, Financial Times)

在BrandZ排名前20位的品牌中,除了3个品牌,其余都来自美国,其在欧洲大陆的霸主地位并未受到影响。但中国向全球最大的在线零售和服务市场的转型正在动摇其霸主地位。阿里巴巴和腾讯进入品牌前10名,其他如小米和美团进入前100名,中国企业已经表明其可以创造新的服务,而不仅仅是消化美国的创新。(中国和新一代技术正动摇品牌排名,金融时报)

Comment:

Rapid innovation in consumer technology and the internet has shaken up the brand rankings over the past two decades and created such powerful entities of Chinese brands.

点评

依靠消费技术和互联网领域的快速创新,中国已经动摇了过去二十年的全球品牌排名,并创造了中国品牌强大的实体经济。

(李铎)

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Regulations on Management of China's Human Genetic Resources to be in Effect in July
《中华人民共和国人类遗传资源管理条例》7月起施行

As one of the important targets of IP protection in China, human genetic resources and the management thereof have attracted much attention from all walks of life in recent years. Recently, the Regulations of the People's Republic of China on the Management of Human Genetic Resources were officially announced and will be in effect from July 1. The "Regulations" clearly provides for the use and external supply of human genetic resources. According to the "Regulations", if the achievements are made by using China's human genetic resources for international cooperative scientific research, the patent application of which shall be jointly filed by the participating parties and the eventual patent rights shall be shared by them. The "Regulations" dissects management of human genetic resources into four sections including increasing protection, promoting rational use, strengthening regulation, and optimizing service supervision after reviewing the experiences from the implementation of the Interim Measures for the Management of Human Genetic Resources (1998).

Firstly, increase protection. The "Regulations" provide that the state conducts a survey on human genetic re-

sources and implements a declaration and registration system for important genetic families and human genetic resources in specific regions. Where foreign organizations and institutions established or actually controlled by foreign organizations and individuals need to use China's human genetic resources to carry out scientific research activities, they shall cooperate with Chinese units.

Secondly, promote rational use. The "Regulations" provide that the state supports the rational use of human genetic resources for scientific research, the development of biomedical industry, the improvement of diagnosis and treatment technologies, the improvement of China's biosafety support capabilities, and the improvement of people's health protection.

Thirdly, strengthen the norms. The "Regulations" provide that the collection, preservation, utilization and external supply of human genetic resources in China shall not endanger public health, national security and social public interests of China, and shall conform to ethical principles, protect the legitimate rights and interests of resource providers, and abide by corresponding technical norms.

Fourthly, optimize service and su-

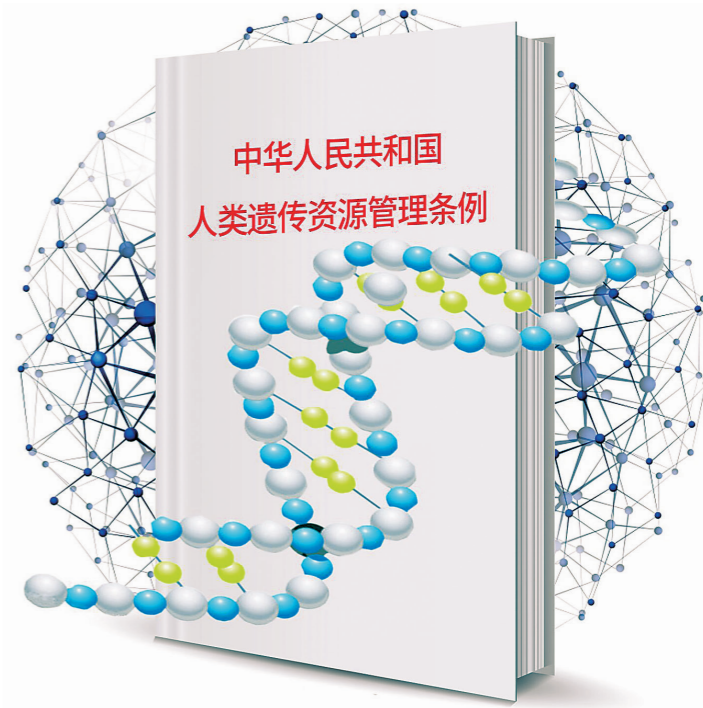
pervision. The "Regulations" require that the administrative department of science and technology should optimize and improve services in facilitating the use of the Internet for examination and approval, filing matters, and strengthen supervision and inspection of all aspects of the collection, preservation, utilization, and provision of human genetic resources.

(by Xinhua)

本报综合新华社消息 作为中国知识产权保护工作的重要对象之一,遗传资源的管理问题近年来备受社会各界关注。日前,《中华人民共和国人类遗传资源管理条例》(下称《条例》)正式公布,将自2019年7月1日起施行。其中,《条例》对人类遗传资源的利用和对外提供相关事宜进行了明确规定。根据《条例》,利用中国人类遗传资源开展国际合作科学研究,产生的成果提交专利申请,应当由合作双方共同提出申请,专利权归合作双方共有。

据介绍,《条例》在1998年制定的《人类遗传资源管理暂行办法》施行经验基础上,从加大保护力度、促进合理利用、加强规范、优化服务监管等方面对中国人类遗传资源管理作了规定。

一是加大保护力度。《条例》规定,国家开展人类遗传资源调查,对重要遗传家系和特定地区人类遗传



资源实行申报登记制度。外国组织及外国组织、个人设立或者实际控制的机构需要利用中国人类遗传资源开展科学研究活动的,采取与中方单位合作的方式进行。

二是促进合理利用。《条例》规定,国家支持合理利用人类遗传资源开展科学研究、发展生物医药产业、提高诊疗技术,提高中国生物安全保障能力,提升人民健康保障水平。

三是加强规范。《条例》规定,采

集、保藏、利用、对外提供中国人人类遗传资源,不得危害中国公众健康、国家和社会公共利益,应当符合伦理原则,保护资源提供者的合法权益,遵守相应的技术规范。

四是优化服务监管。《条例》要求,科学技术行政部门应当在方便申请人利用互联网办理审批、备案事项等方面优化和改进服务,加强对采集、保藏、利用、对外提供人类遗传资源活动各环节的监督检查。

Fuding White Tea
福鼎白茶

Teas can be classified into six groups based on their distinctive characters. White tea is one of the six groups. Its name derives from the fine silvery-white fuzz on the tea leaves, which give a whitish appearance. Its production process does not require panning or rolling and only has minimal oxidation.

Fuding White Tea is made from the leaves of appropriate variety tea trees grown in Fuding region. The tea is made from the bud of the tea plant, and the brewed tea features a clear and

pale brown liquid with a light, sweet, refreshing taste.

Fuding is located by the East China Sea where Zhejiang and Fujian meet in the northeast of Fujian Province. The soil in most of the region, except the coastal areas, is red soil, yellow soil, purple soil and impact soil with high organic matter content, which is suitable for tea tree growth. Fuding has a folk saying about the tea that aged "one-year-old is tea, three-year-old is medicine, and seven-year-old becomes a treasure."

Processing white tea is complex. The tea leaves are plucked before the Qingming Festival. They are then spread out in trays to dry and wither under the sun. The tea makers adjust the tray arrangement according to the position of the sun and the weather condition of the day so as to maximize the solar drying and natural withering process. The tea leaves are then roasted at a low temperature over a charcoal fire. (Courtesy of the IP Protection Department of CNIPA)

白茶是六大茶类之一,制作过程

不炒不揉,属于微发酵茶,成茶外表因满披白毫而呈白色,故称“白茶”。

福鼎白茶是在福鼎市独特的地理环境条件下选用适宜的茶叶品种进行繁育和栽培,用独特的萎凋、干燥等加工工艺制作而成的白茶,具有外形芽毫完整,汤色杏黄清澈,滋味清淡、清甜爽口的品质特点。

福鼎位于福建省东北部,地处闽浙交界的东海之滨。域内除沿海地带外,土壤主要有红壤、黄壤、紫色土和冲击土,有机质含量高,适合茶树生长。福鼎民间流传着“一年茶、三年药、七年宝”的说法。



福鼎白茶制作工艺特殊,采摘的明前茶,将其鲜叶摊放在竹篾制成的器具上,进行日光萎凋。制茶师根据当日的气候变化进行调整,太阳刚升起、中午时光和日落时分,气候南风或北风天,都要调整竹篾方向和萎凋的时间,尽量使茶叶自然失水,萎凋,然后用炭火低温烘焙干燥而成。

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Left or Right? Lacoste's Crocodile Free to Head Both Directions
“鳄鱼”图形系列商标纠纷在华尘埃落定

Recently, the trademark dispute centering on the trademarks of a crocodile figure containing head-to-left and head-to-right between the Singapore-based Cartelo Crocodile Private Limited Company (Cartelo) and the French company Lacoste have finally come to an end. In its final judgment, the Supreme People's Court of China upheld the ruling of approving the trademark registration of Lacoste's trademark crocodile figure (head-to-left) made by the Trademark Review and Adjudication Board (TRAB) under the former State Administration for Industry and Commerce (Former SAIC). The case exhausted all possible proceedings, namely first-instance, second-instance trials and retrial.

Lacoste filed an application for registration of the trademark crocodile figure (head-to-right) in China in 1979. In 1995, Lacoste applied for territorial extension of its French trademark crocodile figure (head to left).

In 2012, Cartelo opposed the Lacoste's head-to-left by citing its prior-registered CARTELO and crocodile figure (head-to-left) trademark, claiming that Lacoste registered its head-to-

left trademark by improper means, since Cartelo's head-to-left was used earlier and had already owned certain influence, and both trademarks were similar. Thus, Cartelo requested the TRAB to revoke the registration of Lacoste's head-to-left.

According to file, Cartelo, in 1993, submitted the application for its own head-to-left, which would be rejected by the Trademark Office (TMO), also under the former SAIC, citing its similarity with Lacoste's head-to-right. Cartelo, however, earned some sympathy during reexamination on the TRAB, who did not approve such similarity and allowed Cartelo's registration.

Within the statutory time limit, Lacoste lodged an opposition application to overturn Cartelo's head-to-left, but failed to gain support from TMO and TRAB. Lacoste then brought the case to Beijing No.1 Intermediate Court.

After hearing, Beijing No. 1 held Cartelo's head-to-left is similar with Lacoste's head-to-right and rejected the TRAB ruling. Both Cartelo and TRAB appealed. The appellate court, Beijing High People's Court held that

although the crocodile figures in the two trademarks are similar, the distinctive identification part of the CARTELO and crocodile figure (head-to-left) trademark was the English word "CARTELO", whose coexistence with Lacoste's crocodile figure (head-to-right) trademark will not cause confusion among the relevant public. The first-instance judgment was revoked accordingly.

During retrial, the Supreme People's Court (SPC) held that the two head-to-left marks are not similar for the distinctive part of Cartelo's head-to-left being the English word "CARTELO" by employing the test of overall comparison. (by Wang Guohao)

本报记者 王国浩

近日,新加坡卡帝乐鳄鱼私人有限公司(下称卡帝乐)与法国拉科斯特股份有限公司(下称拉科斯特)围绕包含头朝左与头朝右的鳄鱼图形的商标展开的纷争终于尘埃落定。根据最高人民法院日前公开的判决,在原国家工商行政管理总局商标评审委员会(下称原商评委)裁定对拉科斯特的“鳄鱼图形(头朝左)”商标予以维持注册后,历经一审、二审和

再审程序,原商评委所作裁定最终得以维持。

据了解,拉科斯特于1979年在中国提出“鳄鱼图形(头朝右)”商标的注册申请。1995年,拉科斯特又将其在法国注册的“鳄鱼图形(头朝左)”商标在中国提出领土延伸保护申请。

2012年,卡帝乐引证其在先于中国提出注册申请的“CARTELO及鳄鱼图形(头朝左)”商标,对拉科斯特的“鳄鱼图形(头朝左)”商标提出争议,主张两件商标构成近似商标,拉科斯特系以不正当手段抢先注册其在先使用并有一定影响的“鳄鱼图形(头朝左)”商标,请求原商评委撤销拉科斯特的“鳄鱼图形(头朝左)”商标。

据悉,卡帝乐于1993年其提出上述“CARTELO及鳄鱼图形(头朝左)”商标的注册申请。经审查,原国家工商行政管理总局商标局(下称原商标局)认为该商标与拉科斯特的“鳄鱼图形(头朝右)”商标构成近似商标,据此驳回了“CARTELO及鳄鱼图形(头朝左)”商标的注册申请。卡帝乐随后向原商评委申请复审,商评委裁定认为两件商标不近似,后该商标被初步审定并公告。

在法定期限内,拉科斯特针对卡帝乐的“CARTELO及鳄鱼图形(头朝左)”商标提出了异议及异议复审申

请,但未能得到原商标局与原商评委支持,拉科斯特随后提起行政诉讼。

经审理,北京市第一中级人民法院认为,卡帝乐的“CARTELO及鳄鱼图形(头朝左)”商标与拉科斯特的“鳄鱼图形(头朝右)”商标中的鳄鱼图形近似,两件商标构成近似商标,据此判决撤销原商评委所作裁定。卡帝乐与原商评委均提起上诉,北京市高级人民法院认为虽然两件商标中的鳄鱼图形近似,但“CARTELO及鳄鱼图形(头朝左)”商标的显著识别部分为英文“CARTELO”,与拉科斯特的“鳄鱼图形(头朝右)”商标共存不会导致相关公众产生混淆,据此撤销一审判决。

再审程序中,根据最高人民法院针对拉科斯特的“鳄鱼图形(头朝左)”商标纠纷案作出再审判决,根据整体比较法,卡帝乐的“CARTELO及鳄鱼图形(头朝左)”商标显著识别部分为英文“CARTELO”,与拉科斯特的“鳄鱼图形(头朝左)”商标不构成近似商标。综上,最高人民法院作出上述判决。

