

China's IP
in foreign eyes

Alibaba's B2C marketplace Tmall recently unveiled its Flagship Store 2.0, an elevated shopping experience that is setting the bar for what e-commerce can look like. This peek into the future of Tmall Flagship Stores also underlines Alibaba's strategic goals in the near term. The update offers brands the ability to provide a customizable experience, leverage new technologies, and fully tell their own story. Updates will be active in time for this year's 11.11 Global Shopping Festival and is open to all brands that have Flagship stores on Tmall. (Tmall 2.0 Goes Big on Customization, Forbes)

日前,天猫宣布“旗舰店2.0升级计划”,该计划为未来电子商务升级购物体验设立了标准,也表明了阿里巴巴近期的战略目标。该计划使品牌商能够提供定制化体验,使用新技术以及全面地讲述品牌故事。今年“双11”之前,“旗舰店2.0升级计划”将面向全部天猫商家开放。(天猫2.0打造“私人订制”,福布斯)

Comment:

Alibaba has been innovatively building a shopping platform which meets the needs of consumers for many years. The Flagship Store 2.0 project will not only be conducive to promoting brands, but also bringing pleasant consumer experiences.

点评

在多年经营中,阿里巴巴一直以创新精神打造适应消费者需求的购物平台。此次“旗舰店2.0升级计划”的推出,不仅有利于品牌推广,也能为消费者带来良好的消费体验。



China's top search engine operator Baidu Inc has joined hands with Zhejiang Geely Holding Group and Japan's Toyota Motor Corp to cooperate on areas related to artificial intelligence (AI) amid a push for self-driving cars. Baidu will work with the automaker to explore more uses of autonomous driving technologies, said Li Zhenyu, vice president of Baidu who is in charge of its intelligent driving unit. With Geely, Baidu will cooperate in AI applications such as intelligent connectivity and smart mobility, Baidu CEO Robin Li and Geely Chairman Li Shufa said at Baidu Create 2019, a yearly gathering where the company shows its advances in AI. (China tech giant Baidu partners with Geely, Toyota, Reuters)

百度已与吉利和丰田联手,在人工智能和自动驾驶汽车领域展开合作。百度副总裁李震宇表示,未来,百度将与丰田合作,探索自动驾驶技术的更多应用。在2019百度AI开发者大会上,百度首席执行官李彦宏和吉利董事长李书福表示,百度将与吉利在智能网联和智能出行等人工智能应用领域展开合作。(百度和吉利丰田联手在人工智能和自动驾驶汽车领域展开合作,路透社)

Comment:

Baidu, a tech giant in China, has been launching new products with innovative technologies based on the market demand. Baidu's cooperation with Geely and Toyota will be a way to facilitate the application and development of its technologies.

点评

作为中国科技巨头之一的百度依靠新技术不断推出适应市场需求的新产品。此次与吉利、丰田的合作,将促进百度创新技术的运用与发展。(熊天平)

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China IP Strength Improving in First Half

中国国家知识产权局发布2019年上半年统计数据

主要指标符合预期 综合实力稳步提升

China National Intellectual Property Administration (CNIPA) held the third quarter (2019) press conference in Beijing on July 9, releasing statistics concerning patents, trademarks, geographical indications (GI) and layout designs of integrated circuits in the first half. In general, main IP indexes met the expectations, showcasing steadily growth of IP comprehensive strength.

Patent filing structure has been optimized. The first half witnessed 238,000 invention patent applications granted, up 9.9%. Domestic users contributed 192,000, 95.2% or 183,000 of which were categorized as service inventions. China also received 24,000 international applications under the Patent Cooperation Treaty (PCT), up 4.9%. The 22,000 PCT applications filed by domestic applicants logged at 2.8%.

In the first half, 3,515,000 applications for trademark registration were filed, up 67.8%. As of the end of June, China had cumulatively housed 22,743,000 registered trademarks, up 35.3%, with one valid trademark



owned by every 5.2 market entities. In the past six months, 2,849 applications for international trademark registration under the Madrid System were filed by domestic users, totaling 35,000 international trademark registrations in force by Chinese applicants.

With regard to GI, there were 229 GI protection products approved, and 116 companies were certified to use the spe-

cial GI mark on their products in the first half. As of the end of June, there were cumulatively 5,090 GI trademark registrations, 2,380 GI products under protection (including 61 foreign ones), 8,295 companies were certified to use the special GI mark on their products and 24 national GI products protection demonstration areas were set up. In addition, in the first half, CNIPA received 2,904 applications for registration of layout designs of integrated circuits, up 45.7% and dished out 2,487 certificates, up 52%.

It is worth noting, in the first half, China saw drops in invention patent applications (649,000) and trademark registration applications (3,438,000), down 9.4% and 4.1% respectively. According to CNIPA, this was to the re-

sult of the measures on optimizing and perfecting high quality development policy system and continuously intensifying comprehensive policy reviews. With quality rated as a priority, quality will find frictions at a relatively high plateau. (by Zou Biying)

本报讯(实习记者邹碧颖北京报道)7月9日,中国国家知识产权局在京举办2019年第三季度例行发布会,集中发布了专利、商标、地理标志、集成电路布图设计的半年统计数据。此次公布的数据显示,今年上半年,中国主要知识产权指标符合事业发展预期,知识产权综合实力稳步提升。

数据显示,中国发明专利申请结构不断优化。2019年上半年,中国共授权发明专利23.8万件,同比增长9.9%。其中,国内发明专利授权19.2万件,职务发明占比95.2%,达到18.3万件,职务发明占比9.9%。其中,国内申请2.2万件,同比增长2.8%。

在商标方面,2019年上半年,中国商标注册量为351.5万件,同比增长67.8%。截至6月底,中国有效商标注册量为2274.3万件,同比增长35.3%,平均每5.2个市场主体拥有一件有效

商标。今年1月至6月,中国申请人马德里商标国际注册申请量2849件。截至2019年6月底,中国申请人马德里商标国际注册有效量为3.5万件。

在地理标志方面,2019年上半年,中国核准注册地理标志商标229件,核准使用地理标志产品专用标志企业116家。截至2019年6月底,累计注册地理标志商标5090件,累计批准地理标志产品2380个(含国外地理标志61个),核准专用标志使用企业8295家,建设国家地理标志产品保护示范区24个。另外,在集成电路布图设计方面,2019年上半年,国家知识产权局共收到集成电路布图设计登记申请2904件,同比增长45.7%;发证2487件,同比增长52.0%。

值得注意的是,今年上半年,发明专利申请量与商标注册申请量均有所下降,依次为64.9万件、343.8万件,分别同比下降9.4%、4.1%。针对这一现象,国家知识产权局有关部门负责人表示,今年以来,国家知识产权局不断优化完善高质量发展政策体系,持续强化知识产权领域综合监管,采取一系列举措,确保专利商标工作科学发展,实现了专利商标申请高质量发展,申请注册数量整体上处于高位趋稳状态。

Shucheng Camellia Oleifera

舒城油茶



Shucheng County is under the jurisdiction of Luan City of Anhui Province, with a long history of camellia oleifera cultivation. According to the country records, Shucheng camellia oleifera was planted before liberation, from 1950s-1960s and from 2010 till now was the peak period of camellia oleifera cultivation. Shucheng County is located in the northeast foot of Dabie Mountains, mostly hilly and hilly land, abundant rainfall, deep soil, rich organic matter and slightly acidic soil, which provides unique conditions for Shucheng camellia oleifera growth.

Shucheng camellia oleifera features thin skin, medium and uniform fruit

size and high oil content. Camellia oleifera oil is rich in nutrition, it is regarded that long-term Shucheng camellia oleifera consumption can play a role in reducing blood lipids, softening blood vessels, stabilizing blood pressure. So it is known as "Oriental Olive Oil".

Shucheng County is a key poverty-stricken county in China. Through the implementation of the protection of geographical indication products, there are more than 400,000 households totaled 150,000 farmers engaged in Shucheng camellia oleifera cultivation in the protected area of 15 townships and towns. It involves about 100,000

people living in poverty, and the per capita income of the poor has increased by about 1,000 yuan. Shucheng camellia oleifera has promoted the development of local characteristic economy and helped the local people get rid of poverty and become rich.

According to statistics, at present the planting area is about 308,000 mu, the annual yield of camellia oleifera seeds is about 19,250 tons, and the annual output value is about 400 million yuan. Shucheng camellia oleifera products sales cover Shanghai, Nanjing, Hangzhou, Hefei and other domestic places and are exported to Japan, Southeast Asia. The annual export earn-

ings exceed US\$1 million.

(Courtesy of the IP Protection Department of CNIPA and Anhui IP Office)

舒城县隶属于安徽省六安市,油茶栽培历史悠久。据舒城县志记载,舒城油茶于解放前就开始种植,上世纪50、60年代和2010年至今是油茶栽培的繁盛期。舒城县地处大别山东麓,多为丘陵岗地,雨量充沛,土层深厚,富含有机质,土壤呈微酸性,为舒城油茶生长提供了得天独厚的有利条件。

舒城油茶果皮薄,果实中等大小且大小均匀,含油率高。油茶油营养丰富,具有降血脂、软化血管和稳定血压等功效,被誉为“东方橄榄油”。



舒城县是国家重点贫困县。通过实施地理标志产品保护,保护地域范围覆盖15个乡镇,种植农户15万户约40万人。其中涉及贫困人口约10万人,贫困人口人均增收约1000元。油茶引领舒城县特色经济发展,助力群众脱贫致富。

据统计,目前舒城油茶种植面积约30.8万亩,年产油茶籽1.925万吨,年产值约4亿元。相关产品销售覆盖上海、南京、杭州、合肥等地,并出口到日本、东南亚等地区,年出口创汇100多万美元。

(中国国家知识产权局知识产权保护司、安徽省知识产权局供稿)

Beijing High Awards LV Well-Known Mark, Upending Out-of-Class Free Rider

路易威登在华赢得商标案

Louis Vuitton Malletier (LV) had been having a four-year-long rift over No. 9291725 trademark "唯依 and its figure" (trademark in dispute) with She Yang Xin'ante Wire & Cable Factory based in Yancheng, Jiangsu. Recently, Beijing High People's Court made the judgment, holding that although the classes of products certified by the trademark in dispute and the LV trademark were not the same or similar, the LV trademark had enjoyed high popularity on suitcases and bags, and qualified as a well-known mark prior to the registration date of the trademark in dispute. The confusion and misunderstanding among the public had generated by the trademark in dispute. Beijing High revoked the TRAB (Trademark Adjudication and Review Board) decision favoring the trademark in dispute and ordered it to take a de novo look at the case.

In April 2011, Xin'ante filed the registration application for the trademark in dispute to the Trademark Office (TMO) and was approved to be used on the products of Class 9, wires and cables in May 2012.

In December 2015, LV lodged an invalidation request, claiming that the

trademark in dispute had constituted similarity on similar products with its No.749782 trademark LV (cited I trademark) and copy and imitation of No.241081 trademark LV (cited II trademark), causing confusion among consumers after registration and use of the trademark in dispute. Meanwhile, LV requested the TRAB to determine cited II trademark to be a well-known mark, and submitted relevant evidence. As shown on sbj.cnipa.gov.cn, cited I was approved to be used on the products of Class 9 in December 2000 while cited II was filed by LV in February 1985, and would be approved to be used on the products of Class 18.

The TRAB made the decision to uphold the registration of the trademark in dispute. LV brought the case to Beijing IP Court.

Beijing IP Court revoked TRAB's decision and remanded the case. TRAB appealed to Beijing High People's Court.

After hearing, Beijing High held that the evidence produced by LV could prove the cited II had launched continuous and wide promotion and use before the registration date of the trademark in dispute, achieving high

popularity, and under protection as the well-known mark. Therefore, the court determined the cited II to be the well-known trademark certified on the products of wallets. Meanwhile, Beijing High held that the trademark in dispute was formed by the words "LV" and Chinese characters "唯依", and the cited II was formed by "LV". The words "LV" took up a high proportion, constituting distinctive recognition, and the form of "LV" and its combination were similar with the cited II, rendering the highly similarity on the overall look and visual effect. Hence, the trademark in dispute constituted the copy and imitation of cited II as a whole.

At this connection, Beijing High rejected the appeal from the TRAB, and upheld the first-instance ruling.

(by Shu Tianchun)

本报实习记者 舒天楚

围绕第9291725号“唯依及图”商标(下称诉争商标),位于江苏省盐城市射阳县新安特电线电缆厂(下称新安特电线电缆厂)与法国路易威登马利蒂有限公司(下称路易威登)展开了一场历时4年的行政纠纷。近日,北京市高级人民法院作出判决认为,虽然诉争商标与涉案“LV”商标的

核定使用商品不属于相同或类似商品,但在其箱包类商品上具有较高知名度,且在诉争商标申请注册日前达到了著名的程度,诉争商标的使用极易引起相关公众产生混淆误认,故撤销原国家工商行政管理总局商标评审委员会(下称原商标评审委)对诉争商标予以维持注册的裁定,判令其重新作出裁定。

2011年4月,新安特电线电缆厂向原国家工商行政管理总局商标局(下称原商标局)提出诉争商标的注册申请,2012年5月被核准注册使用在电线、电缆等第9类商品上。

2015年12月,路易威登针对诉争商标提出无效宣告请求,主张诉争商标与其第G749782号“LV”商标(下称引证商标一)构成使用在类似商品上的近似商标,而且系对第241081号“LV”商标(下称引证商标二)的恶意抄袭和攀附,诉争商标的注册和使用将导致消费者产生混淆。同时,路易威登向原商标评审委请求认定引证商标二为驰名商标,并提交了相关证据。据中国商标网显示,该案中引证商标一于2000年12月被核准注册使用在第9类商品上,引证商标二由路易威登公司于1985年2月向原商标局提出注册申请,1986年1月被核准注册使用在第18类商品上。

经审查,原商标评审委作出对诉争商

标予以维持注册的裁定。路易威登不服,随后向北京知识产权法院提起行政诉讼。

北京知识产权法院一审判决撤销原商标评审委所作裁定,并判令其重新作出裁定。原商标评审委不服,随后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认为,路易威登提交的证据可以证明引证商标二在诉争商标申请注册日前已经进行了持续、广泛的宣传和推广,在相关公众中取得了较高的知名度,且曾作为驰名商标受到保护,进而认定引证商标二构成钱包等核定使用商品上的驰名商标。同时,法院认为,诉争商标由“LV”及“唯依”组合而成,引证商标二由“LV”组成,诉争商标中的“LV”两个字母所占比例较大,构成显著识别部分,且“LV”的字形及组合方式与引证商标二相近似,从而使得二者的整体外观及视觉效果高度相似,诉争商标整体上构成对引证商标二的复制和攀附。

综上,北京市高级人民法院判决驳回原商标评审委上诉,维持一审判决。

