

China's IP
in foreign eyes

Nowadays, Didi Chuxing announced that it would form a joint venture with the British oil major aimed at providing charging services to both Didi and non-Didi car owners and to scale up the charging network "significantly" in China after the joint venture with BP is established. BP has already linked its first charging site in the Chinese port city of Guangzhou with Didi's open automobile solutions platform. (China's Didi partners up with BP to build an electric vehicle-charging network, CNBC)

近日,中国打车平台滴滴出行宣布将与英国石油公司组建一家合资企业,旨在为滴滴和非滴滴用户提供充电服务,着重扩大充电网络。目前,英国石油公司已将其在中国港口城市广州的第一个充电站与滴滴的开放式汽车解决方案平台连接起来。(滴滴与英国石油公司合作建立电动汽车充电网络, CNBC)

Comment:

Internet and big data computing can make electric vehicle charging network services more accurate and efficient. Through this cooperation, the two sides can help electric vehicle users to obtain a better service experience and promote consumption upgrade and industrial upgrading by tapping the Internet and big data information technology.

点评

互联网和大数据计算能够使电动汽车充电网络服务更加精准、高效。此次合作,双方通过挖掘互联网和大数据信息技术,能够帮助电动汽车用户获得更好的服务体验,推动消费升级,产业升级。



Chinese internet giant Tencent is set to buy a 10% stake in the Universal Music Group (UMG), which is owned by French media conglomerate Vivendi. Vivendi said Tencent can help it to improve the promotion of UMG's artists in China, adding that it wants to "identify and promote new talents in new markets." Vivendi said the deal would value UMG at \$34 billion, meaning Tencent's chunk of Universal would be worth \$3.3 billion. (Tencent In Talks To Buy 10% Of Universal From Vivendi For \$3.3 Billion, Forbes)

中国互联网巨头腾讯将收购由法国威旺迪控股的环球唱片集团10%的股份。威旺迪表示腾讯能够帮助环球唱片签约艺人在中国市场的发展,并希望在新的市场中挖掘更多的音乐人才。这笔交易将使环球唱片的市值达到340亿美元,同时,这也意味着腾讯将持有环球唱片33%的股份。(腾讯将以33亿美元的价格收购威旺迪环球唱片集团10%的股份,福布斯)

Comment:

Tencent's commercial strategic cooperation with UMG, while seizing the digital new market and new opportunities, must strengthen the protection of intellectual property rights in movies to create more art products and capitalize on its value.

点评

腾讯与环球唱片的商业战略合作,在抓住数字化和新市场、新机遇的同时,需加强影视知识产权保护,才能创造更多艺术精品,发挥其市场价值。(刘娜)

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China's Patenting in Belt & Road Countries on Steady Growth in First Half

上半年中国在“一带一路”沿线国家专利申请稳中有增

According to the latest statistics released by China National Intellectual Property Administration (CNIPA), the first half of 2019 witnessed a steady increase in published patent applications in countries along the Belt and Road. The quality of granted patents from China maintains a high level while technical fields and industrial structures of national economy involved keep upgrading. Coming towards us, Belt and Road partners also have their shares of growth in patent applications and grants.

As revealed, 3,125 patent applications filed by China in these countries in the first half of this year were published, 13 more than the same period last year while patents granted registered at 1,558. According to the indicators displaying patent strength, the average number of claims of these granted patents is 14.8 and the average number of members of these patent families is 12, manifesting the solid quality of these granted patents from China and Chinese companies' refined desire in strategically mapping their quality patents overseas.

Also in the first half, computer, telecommunications and other electronic equipment manufacturing pace all tech-

nical fields in number of patent applications published, followed by instrument manufacturing, chemical raw materials and chemical products manufacturing, software and information technology services and general equipment manufacturing (2nd to 5th). All the top-10 ranked industries except repair of metal products, machineries and equipment and repair of automobiles, electronic products and day-to-day products fall into IP-(patent)-intensive industry except, bolstering the quality and quantity of China's export to these countries.

The most prolific Chinese users in the Belt and Road countries are the usual suspects, Huawei, OPPO, Ping An Technology (Shenzhen) Company, Midea Group and BOE Technology Group (1st to 5th).

On the flip side, also in the first half of 2019, the number of patent applications from countries along the Belt and Road entering China is 11,683, up 3%; 40 countries are on the record, three more than 2018. At the same time, the number of patent grants in China is 8,029, up 16.2%. Both the growth of patent applications and grants reflect that the improving business environment in China is earn-

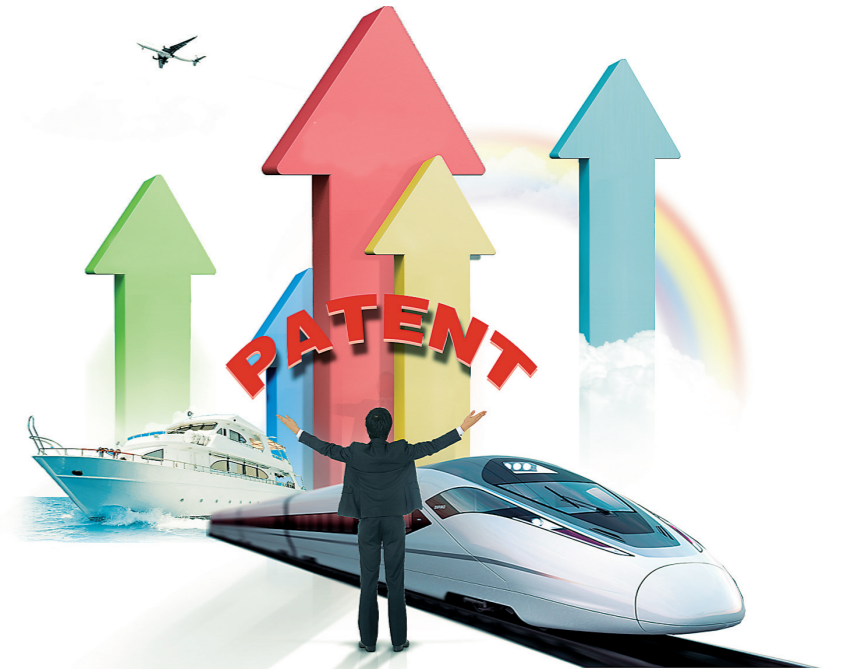
ing the nod from partners along the route.

(by Li Qian/Cai Zhonghua)

本报讯(记者李倩 通讯员蔡中华北京报道)近日,记者从中国国家知识产权局获悉,最新统计显示,2019年上半年,中国在“一带一路”沿线国家专利申请公开量平稳增加,专利授权质量保持高水平,涉及的技术领域和国民经济行业结构不断优化,同时,“一带一路”沿线国家在华专利申请与授权量实现“双增长”。

数据显示,今年上半年中国在“一带一路”沿线国家专利申请公开3125件,较2018年同期增加13件。上半年中国在“一带一路”沿线国家授权专利1558件。从体现专利重要程度的指标看,授权专利的平均权利要求项数为14.8,同族数量平均为12个,充分显示中国在沿线国家的授权专利质量保持在较高水平,中国企业海外专利布局质量驱动的意识不断增强。

上半年中国在“一带一路”沿线国家专利申请涉及的前十产业中,计算机、通信和其他电子设备制造业是专利申请公开涉及最多的产业,仪器仪表制造业、化学原料和化学制品制造业、软件和信息技术服务业、通用设备制造业居第二至五位。所列前十产业中,除“金属制品、机械和设备修理业”“机动车、电子产品和日用产



品修理业”外,均属于知识产权(专利)密集型产业,涉及这些产业的专利申请有力促进了中国对“一带一路”沿线国家出口的提质增效。

上半年中国在“一带一路”沿线国家专利申请人排名中,华为技术有限公司、广东欧珀(OPPO)移动通信有限公司、中国平安科技(深圳)有限公司、美的集团有限公司和京东方科技集团股份有限公司位列前五。从“一带一路”沿线国家在华专

利申请数量上看,2019年上半年提交专利申请1.1683万件,同比增长3%,涉及40个沿线国家,比2018年同期增加3个国家。同时,上半年“一带一路”沿线国家在华专利授权8029件,同比增长16.2%,2019年上半年“一带一路”沿线国家在华专利申请与授权量“双增长”,反映出中国营商环境的持续改善正得到越来越多的“一带一路”沿线国家的认可与肯定。



Hongyuan Yak Milk Powder

红原牦牛奶粉

Hongyuan yak milk powder is produced in Hongyuan County of Aba Qiang Zang ethnic autonomous prefecture, which is located on the southeastern Qingzang plateau, northwestern Sichuan province of China, with an altitude of 3,000 to 4,500 meters. The water source is the Shuomo River tributary of the Dadu River and the streams of the Baihe River. The natural grassland containing Rhodiola, Pinus thunbergii, Cordyceps, Snow Lotus, Gansong, Gentiana, Qianghuo, Dahuang and Astragalus membranaceus is used as grazing land.

The dairy source of Hongyuan yak

milk powder is Hongyuan yak that has the characteristics of strong immunity, cold resistance, hypoxia resistance, fatigue resistance and radiation resistance. After raw milk collection, pasteurization, vacuum concentration and spray drying, the crude protein and calcium content of Hongyuan yak milk powder is high.

Hongyuan County is a poverty-stricken county. Sichuan Provincial Market Supervision and Administration has been working with the local government to alleviate poverty. Through the implementation of the National Geographical Indication protective prod-

ucts, there are more than 6,000 households totaled 20,000 herdsman engaged in free range husbandry and production in the protected area of 11 townships and towns. Hongyuan yak milk powder plays a critical role to promote the development of local characteristic economy and helped the local people get rid of poverty and become rich.

According to statistics, at present the local Hongyuan yak milk collecting network covers around 1 million yaks, processing about 100,000 metric tons fresh yak milk annually. The total value of output reaches 200 million Chinese Yuan annually. The products

are sold all over the country, including Hong Kong and Macao.

(Courtesy of the IP Protection Department of CNIPA and IP Bureau of Sichuan Province)

红原牦牛奶粉产于中国青藏高原东部的四川省阿坝州红原县,产地海拔3000至4500米,以大渡河的牦牛河支系和白河的溪流为水源,以含有红景天、松茸、虫草、雪莲花、甘松、秦艽、羌活、大黄、黄芪等植物的天然草场为放牧地。

红原牦牛奶粉的奶源来自红原牦牛,红原牦牛具有免疫力强、抗寒、抗缺氧、抗疲劳、抗辐射等特性。经过原奶采集、巴氏杀菌、真空浓缩、喷



雾干燥等工艺处理后,红原牦牛奶粉的粗蛋白和钙含量高。

红原县是四川省知识产权局定点扶贫县。通过实施地理标志产品保护,保护地域范围覆盖红原县11个乡镇,约6000余户牧民共2万余人从事红原牦牛放牧饲养和生产加工,引领当地特色经济发展,助力当地群众脱贫致富。

据统计,目前红原牦牛奶粉生产企业覆盖了100万头牦牛,年处理鲜奶量可达10万吨,年产值达2亿元。产品销售覆盖香港、澳门等全国各地。

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Court Allows Parallel Import, Citing No Injury to TM Owner and Consumers

OBO 商标侵权案在华宣判

Nansha District People's Court in the Guangdong Free Trade Zone recently announced its first-instance judgment on the initial group of cases on parallel-import-related trademark infringement and unfair competition. The Court held that the products involved are based on parallel import and the defendant's acts of importing and selling the products are not against the law. In this connection, the Court rejected all the claims of the plaintiff, OBD Bettermann (Shenzhen).

Parallel import is defined as "import a legally-manufactured product without the IP owner's consent" by the World Trade Organization (WTO). Regarding trademark-related parallel import, There is no provision in the Chinese Trademark Law neither for nor against it, making relevant IP disputes always open for discussion in court practices.

OBD Bettermann (Shenzhen), a wholly owned subsidiary of the Germany-based OBO Bettermann GmbH&Co.KG, was authorized to use No.3214870 'OBO' trademark and No. G663678 'OBO' trademark, respectively registered in 2006 and 2011 in Chi-

na, exclusively here in China as well as enforcing these trademark rights in its own name.

OBD Shenzhen held that all of its lightning protectors were imported from Germany and sold either by itself or by authorized dealers. In December, 2017, the company found that the lightning protectors labeled with the trademarks in question were sold by Guangdong Shifu Electric Industry Co.Ltd and used in a large construction project and neither itself nor its dealers was part of the transaction. The company claimed that Shifu has infringed its exclusive trademark right and breached unfair competition. It then brought three separate cases to Nansha District People's Court.

Shifu argued that the products involved were produced by enterprises authorized by OBO Germany and imported from Singapore dealers after clearing customs formalities. The products are genuine and authorized by the trademark owner. Having provided a series of evidence proving the legitimacy of the above-mentioned products, Shifu denied both charges of trademark infringement and unfair competition.

After hearing, the Court held that the imported products sold by Shifu were produced by OBO Germany and were genuine products. In court practices, they were deemed as parallel import goods. Shifu was importing products manufactured by OBD or manufactured with OBD's authorization and clearing customs formalities for these products. It did not violate any public policy and legal restrictions in China and should not be assessed negatively. In addition, Shifu's parallel import did not damage or distort the choices of market players and consumers, thus unfair competition was not in place.

In this connection, the court dismissed the claims of OBD Shenzhen, who has appealed the decision as of publication. (by Sun Fanghua/Wang Jun)

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通讯员 王君

近日,广东自由贸易区南沙片区人民法院(下称南沙自贸区法院)对广东自贸区首批涉平行进口商标侵权及不正当竞争纠纷案进行一审公开宣判。法院认定涉案产品为平行进口,被告进口、销售涉案产品的行为不违法,据此驳回了原告欧宝电

(深圳)有限公司(下称欧宝公司)的全部诉讼请求。

据了解,世界贸易组织(WTO)将平行进口界定为“没有经过知识产权权利人的同意,将国外合法生产的产品进口到国内”。对于商标的平行进口,中国商标法对此类产品的定义和合法性尚无明确规定,亦无明确的禁止性规定,其涉及的知识产权法律纠纷问题在司法实践中也存在较大争议。

欧宝公司是德国 OBO Bettermann GmbH&Co.KG 公司(下称德国 OBO 公司)在中国的全资子公司。德国 OBO 公司授权欧宝公司在中国排他性使用其于2006年、2011年在中国陆续取得的第3214870号“OBO”、第G663678号“OBO”注册商标,同时授权欧宝公司单独以自己名义进行商标维权。

欧宝公司表示,其在中国销售的 OBO 系列品牌防雷器均从德国进口,再自行销售或通过区域授权经销商销售。该公司于2017年12月发现,广东施富电气有限公司(下称施富公司)出售标有涉案商标的防雷器,并用于某个大型建筑项目,而这些防雷器并非欧宝公司或其经销商所售。欧宝公司认为,施富公司的行为侵犯了其享有的商标专用权并构成不正当竞争,

分三案将其诉至南沙自贸区法院。

施富公司辩称,涉案产品均由德国 OBO 公司授权的企业生产,其通过合法报关手续从新加坡经销商进口,涉案产品属于正品,其确实来源于商标权人所授权的主体,而非假冒产品。施富公司提供了涉案产品合法来源的系列证据,施富公司没有侵犯欧宝公司的商标专用权,亦不构成不正当竞争。

法院经审理认为,施富公司销售的进口产品均由德国 OBO 公司生产,属于正品。司法实践中,施富公司销售的进口产品属于平行进口产品。施富公司通过正常的交易行为进口了由德国 OBO 公司生产或授权生产的涉案产品,履行了正常的进口报关手续,并未违反中国公共政策和法律禁止性规定,不应受到司法否定性评价。此外,施富公司的平行进口行为没有损害或扭曲经营者和消费者在市场上享有的选择权,故亦不构成不正当竞争。

综上,法院判决驳回欧宝公司的全部诉讼请求。目前,欧宝公司已就案提起上诉。

