

China's IP  
in foreign eyes

Popular Chinese messaging app WeChat, with a user base exceeding 1.1 billion, has unveiled a new version of the app specifically for automobiles. The in-car app will allow drivers to keep updated with messages even when they are driving. Tencent's in-car WeChat platform is aimed at improving road safety by minimizing the chance for drivers to stare at their phone screens while they are on the road, the company said. The new car-friendly app, which can be operated through voice control, will allow car drivers to operate the app through voice commands or the use of steering wheel buttons to check unread messages, send new messages, as well as make WeChat calls, technology giant Tencent said in a joint announcement with Chinese carmaker China Chang'an Automobile Group this week. (Tencent's messaging app WeChat now available for cars, ZDNet)

日前,拥有超过11亿用户的腾讯即时通讯应用程序微信发布了一款新的车载版应用程序。该程序能让驾驶者在开车时同步接收最新信息。该公司表示,车载微信平台旨在避免驾驶者一边开车,一边看手机,提升路面安全。这款为汽车量身打造的产品,可实现语音控制,使驾驶者通过语音命令或者使用方向盘上的按钮来查看未读消息、发送消息以及拨打微信电话。(微信车载版来了,ZDNet)

## Comment:

Tencent has been fine-tuning WeChat since its release years back. The launch of the in-car app represents Tencent's ambition to expand market through innovative power.

## 点评

近年来,腾讯以创新技术不断对微信功能进行开发。微信车载版应用程序的发布,是腾讯通过创新开拓市场的体现。

(熊花平)

## CNIPA Holds Oral Hearing on Layout Design Infringement Case

中国国家知识产权局口头审理集成电路布图设计专有权侵权纠纷案件

## 护航集成电路布图设计产业健康发展

On August 26, the Administrative Enforcement Board of Layout Design of Integrated Circuits under China National Intellectual Property Administration (CNIPA) held an oral hearing on infringement case concerning integrated controller and switch single chip cathode protection for Li-ion battery protection, which was the second time for CNIPA to hear such case.

In the hearing, the applicant Suzhou Saixin Electronic Technology Company and the respondent, Chengdu Ruiyuan Semiconductor Technology Company provided the appearance for testimony on object of protection, protection scope and evidences concerning the design layout. For the next step, the appraising organs chosen by both parties

would be entrusted to identify the chip in question, and the case will continue to hear after the result comes out.

"The administrative enforcement featuring professional and high efficiency meets the safeguard demand of innovators. By hearing this case, I hope it can further expand public's understanding of design layout-related laws and regulations, provisions and enforcement process, beef up protection and ensure the development of that industry," said the relevant principal of IP Protection Department of CNIPA.

(by Yang Liu/Zhao Junxiang)

本报讯(记者杨柳 实习记者赵俊翔)北京报道8月26日,中国国家知识产权局集成电路布图设计行政执法委员会对“集成控制器与开关

的单芯片负极保护的锂电池保护芯片”集成电路布图设计专有权侵权纠纷案件进行了口头审理。该案件是中国国家知识产权局受理的第二起集成电路布图设计专有权侵权纠纷案件。

审理现场,请求人苏州赛芯电子科技有限公司与被请求人成都蕊源半导体科技有限公司就涉案涉及集成电路布图设计的保护客体、保护范围、涉案证据等方面发表了质证意见。下一步,将委托双方共同选定的鉴定机构对涉案涉及的集成电路芯片进行鉴定,案件将在鉴定结果作出后继续进行审理。

中国国家知识产权局知识产权保护司有关负责人表示,行政执法具有专业高效等特点,符合创新主体的维权需求。希望通过此次审理,进一步扩大公众对集成电路布



图设计法律法规、相关规定和行政执法流程的了解,加强集成电路布图设计保护,护航集成电路布图设计产业健康发展。



## Photo News

Banliang Village, located in Gaoting, Yongxing County, Hunan Province, has a long history of inheriting and developing Chinese traditional architecture culture back to late Song Dynasty. With over 360 ancient houses maintained for hundreds of years, Banliang Village was nominated as China Famous Village of History and Culture in December, 2010. (photo by Sun Dechen)

湖南省永兴县高亭乡板梁村历史悠久,始建于宋末元初。其至今仍保存了360多栋完好无损的古建筑,栋栋雕梁画栋,飞檐翘角,工艺精湛,历经数百年不倒。2010年12月,板梁村荣膺“中国历史文化名村”称号。

通讯员 孙德琛 摄影报道

## Japanese Company Triumphs Over Local Trademark Squatter

## 日本公司在华打赢商标战

On June 11, 2015, Beijing Yisaisi International Trading Company applied for the registration of No.17179754 "beta" trademark (the trademark in dispute), which would be approved on October 7, 2016, certified to be used on products such as baby milk bottles.

On January 4, 2017, the Japan-based ZOOM.T.CO., LTD lodged an invalidation request against the trademark in dispute with the then-Trademark Review and Adjudication Board (TRAB) of the State Administration for Industry and Commerce, alleging that the Yisaisi Company and its affiliates colluded to squat the "beta" trademark and Zoom's trade name in the Japanese language. The act could be deemed as squatting of Zoom's reputable trademark by improper means. In the meantime, ZOOM complained that the trademark dispute and its No.9370942 and No.13410676 "Doctor beta" trademarks (reference trademarks) are similar marks used on the same or similar goods and infringe on its prior copyright of its works "beta".

The then-TRAB held that the trademark in dispute, registered on products such as mouth masks does not constitute similar trademarks, used on the same or similar goods, nor do they constitute trademark squatting by improper



er means. The trademark in dispute registered on milk bottles and other commodities constitutes similar trademarks used on the same or similar goods. The evidence alone is not sufficient to prove that it has obtained the copyright of the works "beta". At the same time, Yisaisi Company registered many trademarks including the trademark in dispute with the intention of unfair competition by free-riding on others' well-known brands and constitutes a situation in which the trademark law refers to obtaining registration by other improper means.

Hence, the then-TRAB nullified the trademark in dispute. Yisaisi subsequently then brought the case to Beijing IP Court.

Beijing IP Court affirmed that the trademark in dispute and the reference trademarks constitute similar trademarks used on the same or similar commodities and Yisaisi Company regis-

tered the trademark by other improper means. Therefore, the court made a first-instance judgment rejecting Yisaisi's plea.

Yisaisi Company then appealed to Beijing High People's Court. Beijing High held that the distinctive identification part of both the trademark in dispute and the reference marks were the same, constituting similar marks used on the same or similar goods. As the marks "beta" and "Doctor beta" are highly distinctive, the act of Yisaisi and its affiliates constitute a situation in which the registration is obtained by other improper means. In this connection, the appellate court rejected the appeal and upheld the first-instance judgment. (by Wang Guohao)

本报记者 王国浩

2015年6月11日,北京依赛斯国际商贸有限公司(下称依赛斯公司)提出第17179754号“beta”商标(下称涉案商标)的注册申请,2016年10月7日被核准注册,核定使用在奶瓶等商品上。

2017年1月4日,日本株式会社滋姆蒂(下称滋姆蒂公司)针对涉案商标向原国家工商行政管理总局商标评审委员会(下称原商评委)提出无效宣告请求,主张依赛斯公司及其关联企业串通合谋抢注滋姆蒂公司的“beta”商标及日文企业名称等,系以不正当手段抢先注册滋姆蒂公司已经使用并有一定影响的商标。同时,滋姆蒂公司认为涉案商标与其第9370942号、第13410676号“Doctor beta”商标(下称引证商标)构成使用在相同或类似商品上的近似商标,而且侵犯了其对“beta”作品享

有的在先著作权。

原商评委认为,涉案商标注册在口罩等商品上,与引证商标不构成使用在相同或类似商品上的近似商标,亦未构成以不正当手段抢先注册滋姆蒂公司已经使用并有一定影响的商标;涉案商标注册在奶瓶等商品上,与引证商标构成使用在相同或类似商品上的近似商标。涉案商标仅凭在案证据不足以证明其已取得了“beta”作品的著作权。同时,依赛斯公司申请注册包含涉案商标在内的诸多商标有借助他人知名品牌进行不正当竞争意图,构成商标法所指以其他不正当手段取得注册的情形。

综上,原商评委作出对涉案商标予以无效宣告的裁定。依赛斯公司随后向北京知识产权法院提起行政诉讼。

北京知识产权法院认为,涉案商标与引证商标构成使用在相同或类似商品上的近似商标,依赛斯公司注册涉案商标构成以其他不正当手段取得注册的情形。综上,法院作出一审判决,驳回依赛斯公司的诉讼请求。

依赛斯公司继而向北京市高级人民法院提起上诉。北京市高级人民法院认为,涉案商标与引证商标的显著识别部分相同,构成使用在相同或类似商品上的近似商标;滋姆蒂公司的“beta”商标及“Doctor beta”商标具有较强显著性,依赛斯公司及其关联企业等多个类别上申请注册了大量与滋姆蒂公司及其他人知名商标相同或近似的商标,构成以其他不正当手段取得注册的情形。综上,法院终审驳回上诉,维持一审判决。



## Huili Pomegranate

## 会理石榴

Huili County, affiliated to Liangshan Yi Autonomous Prefecture of Sichuan Province, is a national historical and cultural county. The county covers an area of 4,527 sq km and the county is at an elevation of about 1,790 meters above sea level. The annual average temperature is 15.1 degrees Celsius and the average annual rainfall is 1,140 mm. The county enjoys a mild climate and spring-like weather all year round. The advantaged natural environment of Huili has bred the famous Huili pomegranate.

The pomegranate with green skin and soft seeds is an excellent local variety with unique characteristics of Huili. It's characterized by a large fruit size, thin skin, large seeds, juiciness, soft pit and sweet taste. Its seeds are transparent and bright like pearls and it tastes richly sweet like honey. With a rich flavor and high quality, it's praised as "Holy Fruit on Earth".

In 2018, the pomegranate planting area reached 400,000 mu, accounting for 92% of the pomegranate planting area in Sichuan Province and 26% of the pomegranate planting area in China. The output of fruits was 700,000 tons. A comprehensive output value of 4.7 billion yuan was achieved. The income of fruit farmers was 3.3 billion yuan, which drove the output value of secondary and tertiary industries to 1.4 billion yuan, and the per capita net income of fruit farmers was 21,000 yuan.

(Courtesy of the IP Protection Department of CNIPA and IP Bureau of Sich-



uan Province)

会理县隶属于四川省凉山彝族自治州,是国家历史文化名城。全县幅员面积4527平方公里,县城海拔1790米,年平均气温15.1摄氏度,年均降雨量1140毫米,境内气候温和,四季如春。会理得天独厚的自然环境,孕育了著名的会理石榴。

青皮软籽石榴是会理独具特色的地方优良品种,具有果大、皮薄、粒大、汁多、核软、味甜的特点,其籽粒“透明晶莹若珍珠、果味浓甜如蜂蜜”,风味浓郁、品质极佳,享有人间仙果的美誉。

2018年会理石榴种植面积达40万亩,占四川省石榴种植面积的92%,占全国石榴种植面积的26%。果品产量70万吨,实现综合产值47亿元。其中果农收入33亿元,拉动二、三产业产值14亿元,果农人均纯收入2.1万元。

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