

China's IP
in foreign eyes

Chinese ride-hailing giant Didi Chuxing plans to start using self-driving vehicles to pick up passengers in a district of Shanghai city in a pilot scheme, the firm's Chief Technology Officer Zhang Bo, a senior executive said, taking a further step toward commercializing self-driving technology. The cars will still be staffed with a human driver, he said, adding that over 30 different types of car models will be offered in the pilot service, all equipped with so-called Level-4 autonomous driving capabilities. The trip distance can exceed 10 kilometers. (China's Didi Chuxing to launch self-driving pickup service in Shanghai, Reuters)

日前,滴滴出行首席技术官员张博表示,滴滴近期将在上海嘉定区开放自动驾驶载人测试,标志着自动驾驶商业化向前迈进了一步。车上仍会配备一位驾驶员,预计自动驾驶车辆将达30辆,车程可超过10公里。(滴滴出行在上海启动自动驾驶载人服务,路透社)

Comment:

Didi has been attacking autonomous driving with innovative spirit. The pilot scheme of self-driving vehicles will enable it to navigate its own path in this cutting-edge field.

点评

近年来,滴滴凭借创新精神在自动驾驶领域不断研发新技术。滴滴开放自动驾驶载人测试的举措,将为其在自动驾驶领域的发展探路。



Nasdaq-listed Luckin Coffee is giving its teas their own branded stores, with a focus on smaller Chinese cities, as the rapidly expanding chain seeks new avenues of growth. The company, which introduced its Luckin Tea drinks in April, will initially open independently branded stores under that name in such leisure settings as shopping malls in second-through fourth-tier cities. "We will continue to maintain the high growth of the coffee business, while taking the tea drinks as another important driver to further explore the breadth and depth of the market," Luckin Coffee Chief Operating Officer Liu Jian said in a statement Tuesday. (Luckin Coffee hatches Luckin Tea, for China's smaller cities, NTKKEL)

日前,瑞幸咖啡宣布旗下新茶饮品牌“小鹿茶”独立运营,并主要在小城市推广。自四月试水推出“小鹿茶”后,该公司将侧重在二三四线城市的休闲场景独立运营“小鹿茶”。“我们将持续保持咖啡业务的高速增长,同时我们也会通过推出茶饮品牌来进一步拓展市场的广度和深度。”瑞幸咖啡首席运营官刘剑表示。(瑞幸咖啡宣布独立运营“小鹿茶”,日经新闻)

Comment:

Luckin has been building its brand by promoting new products or rolling out new services in a hyper-competitive market. Its move into freshly brewed tea reveals the company's branding strategy with an innovative spirit.

点评

在激烈的市场竞争中,瑞幸咖啡不断以推出新产品或新服务的方式来打造品牌,正是其创新精神的体现。(熊花平)

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INPI CEO: Better Service for Chinese and French Innovators

帕斯卡·法尔:为中法两国创新提供更好的服务

"Each year, the mutual visit between China National Intellectual Property Administration (CNIPA) and the French IP Office (INPI) is a very important event, during which the two sides can not only exchange views on some practical issues, but also improve our IP system in France, so as to promote economic development and provide better service for businesses and innovators of two countries," said INPI CEO Pascal Faure in an interview with China Intellectual Property News on September 4 at the French Embassy in China, clapping hands for the outcomes of the well-established cooperation between the two offices. He underlined that "We are celebrating 40 years of IP dialogue between France and China".

At present, an IP reform is underway in France in a bid to exert the full role of IP system. "Why should we initiate an IP reform in France? That's because we fully recognize the role of IP in facilitating business in France. Patent and trademark, for example, they can protect innovations of businesses, and transform them into profits," said Faure. In parallel, IP can enhance competitiveness of both businesses and our country. Last year, French has maintained a rapid growth trend in trademark applications at the rate of 5.5%. It is expected to maintain around 5% growth this year. In addition, geograph-

ical indications (GI) products play a significant role in propelling the French economy. Revenue of our companies could balloon by 50% after their products are enshrined with GI protection.

In Faure's eyes, the IP reform has two goals. The first is to add more certainty to IP rights for their owners, and the second is to streamline IP application procedures, enabling start-ups and SMEs to apply for trademark and patent for their innovations at ease. "If we can pull off these two objectives, we will increase people's confidence in the French IP system, and elevating our IP protection to the level of China, the U.S., and Japan", according to Faure. "It is worth noting that in a bid to boost certainty of the patents granted by us, the post-reform INPI will commence evaluation of inventive step as what our Chinese partner has been doing."

In a bid to simplify IP application process, our goal is to create a provisional patent, which allows applicant to provide a brief overview of patent, and then transform the provisional patent into utility model and invention of French after one year. This is quite useful for the staffs of research institution, because they are not enough familiar with filing patent application, according to Faure.

"Our ultimate goal is to enable businesses, small or large, to find the best



solution from the post-reform system and benefit from it, so that they can protect their innovations better and bolster their competitiveness in the global market," concluded Faure.

(by Liu Peng/photo by Zhang Zihong)

"每年,我们跟中国国家知识产权局的互访是一项非常重要的活动,不仅让两局之间保持相互交流,就一些实务方面的问题交换意见,而且也能让我们更好地改进法国的知识产权制度,从而更有效地促进经济的发展,为中法两国企业和创新者提供更好的服务。"9月4日,法

国工业产权局局长帕斯卡·法尔在法国驻华大使馆接受本报记者专访时对两局40年来的合作成果给予了高度评价。

目前,法国正在进行知识产权制度改革,以更好地发挥其应有的作用。

"为什么我们要对法国的知识产权制度进行改革?因为我们意识到知识产权对企业发展至关重要,以专利和商标为例,它们可以保护企业的创新成果,使创新成果转变为'真金白银'。帕斯卡·法尔表示,不仅如此,知识产权还能增强企业的竞争力,也能够增强国家的竞争力。去年,法国的商标申请态势保

持了较快增长,增长率为5.5%,预计今年还将保持5%左右的增长。此外,地理标志产品对法国经济的刺激尤为显著,企业获得地理标志证明商标之后,营业额增长超过了50%。

在帕斯卡·法尔看来,此次知识产权制度改革有两个主要目标,一个是让知识产权权利人获得的权利更加稳定。第二个是简化知识产权申请流程,使中小企业能够轻松地为自己的创新成果申请商标和专利。"通过实现上述两个目标,我们能够增强人们对法国知识产权制度的信心,能够让法国的知识产权保护水平向中国、美国和日本看齐。值得一提的是,为了使知识产权权利人获得的权利更加稳定,经过改革以后,法国工业产权局和中国国家知识产权局一样,也要开始对提交的专利申请进行创造性的审查。"

为了简化专利申请流程,法国工业产权局建立了一个临时专利申请制度,允许专利申请人先提交一个简要的概述。一年之后,权利人可以选择把这个临时申请转化为法国的实用新型或者发明专利。这个措施对于法国一些研究机构的工作人员是非常有用的,因为他们并不擅长撰写专利申请书。

"我们最终的目标就是,无论是中小企业还是大型企业,他们都能够能够在改革后的知识产权制度中找到适合他们发展路径,使他们能够更好地保护创新成果,从而增强他们在国际市场上的竞争力。"帕斯卡·法尔说。

(柳鹏)

图片由本报记者 张子弘 摄



Nanjiang Yellow Goat is produced in Huangjiang County, Sichuan Province. The protection origin environment is the topography of the Dabashan Mountains. Its altitude ranges from 400 meters to 2000 meters. It is distributed in patches of natural vegetation of Baimai root, Shandou root, vetch, miscellaneous shrub and other native plants.

After specific slaughtering and processing procedures such as manual slaughtering, manual peeling and acid drainage, Nanjiang Yellow Goat has shiny muscle, bright red or deep red color, milky white fat and high protein content.

Through the implementation of geographical indications products protection, Nanjiang Yellow Goat has devel-

oped into a pillar industry to drive farmers out of poverty and become rich. The country is focusing on building a national supply base for Nanjiang Yellow Goat breeding goat, a production base for characteristic mutton goat and a processing base for mutton products in the western region, and promoting the rapid development of meat goat industry in China.

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

南江黄羊产于四川省黄江县,保护地域环境为大巴山区地形,海拔400米至2000米,分布有成片的以百脉根、山豆根、野豌豆、杂灌木等本土植物的天然植被。

经过手工屠宰、手工剥皮、排酸等特定屠宰加工工程,南江黄羊肌肉有



光泽,色鲜红或深红,脂肪呈乳白色,蛋白质含量高。

通过实施地理标志产品保护,南江黄羊发展成为带动农民脱贫致富的支柱产业。黄江县正在重点打造南江黄羊种羊供应基地、特色肉羊生产基地、西部地区羊肉产品加工基地,促进我国肉山羊产业快速发展。

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LEVI'S Prevails in Double Arcs Trademark Infringement Case

双弧线商标被擅用,LEVI'S赢了!

Guangzhou IP Court recently made a final judgment on a trademark infringement case between LEVI STRAUSS & CO., and Guangzhou Lifeng Textile Company, ruling that Lifeng Company's action of using arcuate design on two pockets at the back of jeans constitutes infringement, and ordering Lifeng company to cease distributing infringing goods and indemnify 30,000 yuan in damages and reasonable costs to LEVI STRAUSS.

LEVI STRAUSS started to use its Arcuate Design on the back pockets since it distributed its very first pair of jeans in 1873. Then the company registered a trademark for this design in 1943. As of now, the company has registered the same trademark in more than 100 countries and regions, and the trademark's Chinese presence, No.2023725 '公式' trademark (herein after referred to as arcuate design) was approved in China on May 14, 2005, certified to be used on Class 25 goods including clothes and jeans.

In 2017, LEVI STRAUSS found arcuate design on two pockets at the back of jeans sold by an online shop named Gulanger Clothing Flagship on the

TMALL. There is a horizontal separation line within the diamond-shaped box at the crossing of double arcs, which is almost the same as its Arcuate Design. LEVI STRAUSS then sued Gulanger at Guangzhou Huangpu People's Court on the ground of trademark infringement, and requested the court to order Gulanger to cease infringement, destroy all counterfeiting goods and indemnify 50,000 yuan in damages.

Lifeng argued that it had not intended to infringe the registered trademark of LEVI STRAUSS as it did not know that the arcuate design has been registered.

By comparison, the court held that the line-shaped figure used on the back pockets of goods in question is almost visually the same with LEVI STRAUSS's Arcuate Design, and is used in a manner consistent with LEVI STRAUSS. Consequently, Lifeng shall be liable for infringement. The court then ordered Lifeng to cease infringement and indemnify 30,000 yuan in damages.

Disgruntled with the first-instance judgment, Lifeng then went on appeal to Guangzhou IP Court, requesting the court to reject all claims of LEVI



STRAUSS.

After hearing, Guangzhou IP Court held that after many years' of use and promotion, the Arcuate Design of LEVI STRAUSS has earned high reputation and recognition from consumers, and an ordinary consumer has the ability to associate Lifeng's double arcs at the back pockets of jeans with LEVI'S jeans. The trial court was correct in determining the two double arc patterns are the same through proper evaluation of facts and appropriate application of law. In this connection, the IP court denied the appeal and upheld the trial court decision.

(by Zheng Siliang)

本报记者 郑斯亮

近日,广州知识产权法院就利惠

公司(LEVI STRAUSS&CO.,下称利惠公司)诉广州市利锋纺织品有限公司(下称利锋公司)商标侵权上诉案作出终审判决,认定利锋公司在其牛仔裤背面的两裤袋上使用双弧线线性图形的行为构成侵权,判令利锋公司立即停止销售侵犯利惠公司注册商标专用权的商品,赔偿利惠公司经济损失及合理开支3万元。

1873年利惠公司生产首条牛仔裤开始,后裤袋上使用双行弧形缝线,称为Arcuate Design(音译成“双弧线”)。1943年,利惠公司为双行弧形缝线设计注册了商标。迄今为止,利惠公司已经在100多个国家和地区取得双弧线图形的注册商标,并于2005年5月14日在中国核准注册了第2023725号“公式”注册商标(下称双弧线商标),核定使用在服装、牛仔裤等第25类商品上。

2017年,利惠公司发现“天猫”官网上的“古猿儿服装旗舰店”店铺销售的牛仔裤背面两裤袋上均有双弧线线性图案,双弧线的交叉处有一个菱形框,框内有一条横向分割线,与其双弧线商标几乎相同。据此,利惠公司以利锋公司侵犯其双弧线注册商标专用权为由,诉至广州市黄埔区人民法院(下称黄浦法院),请求法院判令利锋公司停止销售侵犯其注册商标专用权的行为,销毁所有库存侵权产品,并赔偿其经济损失5万元。

利惠公司诉称,其并不知晓双弧线商标为注册商标,故没有侵犯利惠公司注册商标专用权的主观故意。

经对比,法院认定涉案侵权产品后裤袋上的线性图案与利惠公司的双弧线商标在视觉上基本无差别,且使用方式与利惠公司一致,利惠公司应承担相应的侵权责任。据此,黄浦法院判令被告利锋公司立即停止销售侵犯利惠公司双弧线商标专用权的商品,赔偿利惠公司经济损失及合理开支3万元。

随后,利惠公司不服黄浦法院一审判决,上诉至广州知识产权法院,请求法院依法改判驳回利惠公司的全部诉讼请求。

广州知识产权法院经审理认为,经过利惠公司多年的使用和广告宣传,双弧线商标已经在消费者群体中获得极高的声誉和认同度,一般消费者是能够将牛仔裤后袋上的双弧线图形与利惠公司“LEVI'S”品牌的牛仔裤联系起来。故一审法院认定利锋公司在其牛仔裤上使用的双弧线图形和利惠公司相同,事实认定清楚,适用法律正确。据此,广州知识产权法院驳回上诉,维持原判。

