

China's IP  
in foreign eyes

ension funds from California to New Jersey and college endowments pour money into venture capital and private equity firms, which scour the globe for the best investment opportunities. In recent years, many of these firms have turned to China, helping fuel the success of rising stars like drone maker DJI and artificial intelligence pioneer SenseTime Group Ltd. (Teachers, firefighters from California to New Jersey seek Chinese tech riches, Los Angeles Times)

从加利福尼亚州到新泽西州,职工退休金以及大学捐赠资金纷纷注入风险投资和私募股权公司,以在全球范围内寻找最佳的投资机会。近年来,这些公司中的许多资金已经转向中国,帮助推动了诸如无人机制造商深圳市大疆创新科技有限公司和人工智能先驱商汤科技等后起之秀的发展。(从加利福尼亚到新泽西的教师、消防员寻求中国科技财富,洛杉矶时报)

## Comment

China has become a rising power in artificial intelligence and facial recognition software. With the good business environment for innovation, investment and IP protection, the emerging market is attracting eyes from the world.

## 点评

中国已经成为人工智能和面部识别软件等技术的新兴大国。凭借创新、投资和知识产权保护的良好营商环境,中国这个新兴市场吸引了全世界的目光。



Universal Beijing will leverage the Alibaba Business Operating System to digitize the operations and management of the theme park. Via the Chinese company's online travel platform Fliggy, visitors will be able to buy tickets and book hotels through the Universal Beijing flagship store on their phones. Universal Beijing guests will also have the option of using Alipay's facial-recognition technology across the resort, from park entry to storage lockers to express-lane access and payment for merchandise and meals. (Universal Beijing Resort & Alibaba Set Strategic Partnership For Next-Generation Theme Park Experience, The New York Times)

北京环球影城(美国环球影业电影公司投资)将利用阿里巴巴商务操作系统来实现数字化主题公园的运营和管理。通过中国的在线旅游平台飞猪,游客将可以在手机上通过环球北京旗舰店购买门票和预订酒店。游客还可在整个度假胜地内使用支付宝的面部识别技术,实现从进入公园到使用储物柜,再到通过快速通道以及购买商品和支付餐费。(北京环球影城与阿里巴巴建立战略合作伙伴关系,打造下一代主题公园,纽约时报)

## Comment

With the ever-expanding face recognition technology and increasingly fierce market competition, IP protection on the basis of technological innovation can win a broader space for enterprise development.

## 点评

随着面部识别技术应用不断扩大和日益激烈的市场竞争,在技术创新的基础上做好知识产权布局,企业有望赢得更广阔的发展空间。

(李锋)

## CNIPA starts use of new official seal for GIs

### 中国国家知识产权局发布地理标志专用标志官方标志

On October 16, China National Intellectual Property Administration (CNIPA) released an official seal for geographical indications (GIs). According to relevant regulations including the Trademark Law of the People's Republic of China and the Patent Law of the People's Republic of China, CNIPA is competent for registering GIs and rendering official protection. The outgoing seal is still valid before the new one is used officially and its transitional period will last until December 31, 2020.

A principal of CNIPA's IP Protection Department introduced that the official seal for GIs is designed to reflect authority, representation, versatility to suit and easy to identify. The seal is an official one featuring solemnity and authority and designed with the silhouette of the Great Wall and mountains as its foreground and the ears of rice symbolizing a good harvest, which are the most representative geographical, cultural and historical signs and convey the excellent quality and reliability of Chinese GIs. The transparent and

hollowed design makes it more harmonious when the mark is used on various products and packages by companies. The base is designed in the shape of the Earth with drawing longitude lines and latitude lines and written with both the Chinese and English words "GEOGRAPHICAL INDICATION OF P.R.CHINA" and "GI", the abbreviation of "Geographical Indica-

tion", ensuring directness and readability for consumers with different language and cultural backgrounds and reflecting GI's nature as a universally-accepted IP and the vision of enlisting its help to propel Chinese products to overseas markets.

The same principal said that the release of the seal represents a solid step CNIPA has taken in unifying opera-

tions relating to GI certification. Regulations governing the use of the seal will be formulated separately by CNIPA. In implementation of the relevant requirements of institutional restructuring, the Administration will facilitate relevant work of unifying GI certification systems, making efforts to achieve a unified GI receiving channel, examination standard, publication of gazettes, special seal, protection and supervision. (by Li Duo)

本报讯(记者李锋北京报道)10月16日,中国国家知识产权局发布地理标志专用标志官方标志。根据《中华人民共和国商标法》《中华人民共和国专利法》等有关规定,中国国家知识产权局对地理标志专用标志予以登记备案,并纳入官方标志保护。原相关地理标志产品专用标志同时废止,原标志使用过渡期至2020年12月31日。

据中国国家知识产权局知识产权保护司相关负责人介绍,此次发布的地理标志统一专用标志,设计理念遵循权威性、代表性、适配性和可识别性原则。地理标志专用标志是官方标志,体现庄严、权威的设计特点。设计

选用的是最具代表性的自然地理和人文历史符号,以长城及山峦剪影为前景,以稻穗象征丰收,代表着中国地理标志卓越品质与可靠性。选用透明镂空的设计,增强了标志在不同产品包装背景下的融合度与适应性,便于企业在不同类型产品和各异包装中进行设计使用。以经纬线地球为基底,中文为“中华人民共和国地理标志”,英文为“GEOGRAPHICAL INDICATION OF P.R.CHINA”,“GI”为国际通用的“Geographical Indication”缩写名称,确保不同语言、文化背景的多层次消费群体直观可读,表现了地理标志作为全球通行的一种知识产权类别和地理标志助推中国产品“走出去”的美好愿景。

该负责人表示,此次发布地理标志专用标志官方标志是中国国家知识产权局开展地理标志统一认定工作迈出的坚实一步。地理标志专用标志使用管理办法将由中国国家知识产权局另行制定发布。下一步,中国国家知识产权局将认真落实机构改革的相关要求,有序推进统一地理标志认定制度相关工作,实现地理标志统一受理渠道、统一审查标准、统一发布公告、统一专用标志和统一保护监管。



Korla Fragrant Pear is produced in the administrative areas under the jurisdiction of Korla City, Aksu City, Alar City, Yuli County, Lun-tai County, Kuche County, Shaya County, Xinhe County, Awati county and Wensu County in Xinjiang Uygur Autonomous Region. The protected area is located at the south foot of Tianshan Mountain and the north edge of Tarim Basin, with an altitude of 850-1125 meters. It belongs to the inland arid temperate climate, with sufficient

sunshine, less precipitation and large evaporation.

The unique natural geography and climate conditions determine the unique quality of Korla Fragrant Pear. The fruits of Korla Fragrant Pear are broadly oval or spindle-shaped, with green or yellow green peel and some with red halo. It has the characteristic of thin peel, white flesh, tender and crisp taste, juicy and sweet flavor, fragrant smell. The fruit is very durable for storage.

## Korla Fragrant Pear

### 库尔勒香梨

In recent years, the local government and industry association have continuously improved the geographical indications protection level, issued relevant protection documents, launched special actions to safeguard rights and crack down on counterfeits, carried out promotion activities in large-scale supermarkets to popularized information to consumers. These measures have achieved good results and continuously optimized the business environment.

(Courtesy of the IP Protection Department of CNIPA)

库尔勒香梨产自新疆维吾尔自治区的库尔勒市、阿克苏市、阿拉尔市、尉犁县、轮台县、库车县、沙雅县、新和县、阿瓦提县、温宿县等三市七县现辖行政区域。保护地域地处天山南麓、塔里木盆地北缘,海拔850米至1125米,属于内陆干旱温带气候,日照充足、降水量少、蒸发量大。

得天独厚的自然地理和气候条件决定了库尔勒香梨的独特品质。库尔勒香梨果实大卵圆形或纺锤形,成熟



时果皮绿色或黄绿色,部分果实带有红晕。果皮较薄,果肉白色,细嫩酥脆,汁多味甜,有芳香,果实耐贮藏。

近年来,当地政府与行业协会不断加大地理标志保护力度,出台相关保护文件,启动专项维权打假行动,在大型商超开展推广活动,向消费者普及消费维权信息,取得良好效果,持续优化营商环境。

(中国国家知识产权局知识产权保护司供稿)

## Some of Tesla's denied TM registrations resuscitated by Beijing High

### 特斯拉“TESLA”商标在华维权有果

Tesla, a renowned American electric vehicle brand, sought trademark registration of its namesake trademark on goods including batteries, and was denied for both TESLA and Tesla with figure were squatted. Tesla Motors then engaged in an all-out operation for recourse of right. At the end of September this year, Beijing High People's Court supported some of Tesla's claims in its final judgment, revoking the first-instance decision and the reexamination decision of rejecting the registration application of No. 17635965 TESLA trademark (trademark in dispute) made by the Trademark Review and Adjudication Board (TRAB) of the former State Administration for Industry and Commerce (SAIC).

The trademark in dispute was filed for registration by Tesla to SAIC's Trademark Office (TMO) on August 11, 2015, and would be approved to be used on Class 9 goods including battery chargers, batteries, accumulators, transformers and distribution boxes.

TMO rejected the registration application of the trademark in dispute on the ground that No. 17635965 Tesla trademark (trademark in dispute), used on battery chargers, batteries and accumulators and No. 11485034 Tesla trademark (No.1 cited trademark), No.

4767161 TESLA trademark (No.2 cited trademark), No.11899344 TESLA trademark (No.3 cited trademark), No. G888438 Tesla and its figure (No.4 cited trademark) have constituted similarity on similar goods.

The disgruntled Tesla lodged a request to the TRAB for review. On June 28, 2017, TRAB said no as well, rejecting the registration application of the trademark in dispute.

Not ready to call it a day, Tesla sought justice at Beijing IP Court.

After hearing, Beijing IP Court held that the trademark in dispute and the cited trademarks constituted similarity on similar goods. The evidence Tesla had provided could not prove that the trademark in dispute and the company had established a unique association and would not confuse relevant public. Accordingly, the Court rebuffed Tesla's request in its first-instance decision.

Tesla then appealed to Beijing High People's Court.

Beijing High held that when being used on battery chargers, batteries and accumulators, the trademark in dispute and four cited trademarks do not constitute similarity on similar goods. But on all other designated goods, the trademark in dispute is found having constituted similarity on similar goods with No.2 cited trademark, No.3 cited trademark, No.4 cited trademark. The



Court then revoked the first-instance judgment and the reexamination decision.

(by Wang Guohao)

美国特斯拉有限公司(Tesla)(下称特斯拉公司)欲在电池等商品申请注册“TESLA”商标,却因遭遇他人在先注册的“TESLA”与“Tesla及图”等商标而遭遇驳回,特斯拉公司由此展开一场维权追索。今年9月底,北京市高级人民法院作出终审判决,支持了特斯拉公司的部分上诉主张,撤销了一审判决,中国原国家工商行政管理总局商标评审委员会(下称原商标委)驳回第17635965号“TESLA”商标(下称诉争商标)注册申请的复审决定被撤销。

据了解,诉争商标由特斯拉公司于2015年8月11日向中国原国家工

商行政管理总局商标局(下称原商标局)提出注册申请,指定使用在电池充电器、电池、蓄电池、变压器(电)、配电箱(电)等第9类商品上。

经审查,原商标局以诉争商标使用在电池充电器、电池、蓄电池商品上,与第11485034号“Tesla”商标(下称引证商标一)、第4767161号“TESLA”商标(下称引证商标二)、第11899344号“TESLA”商标(下称引证商标三)、第G888438号“Tesla及图”商标(下称引证商标四)构成使用在类似商品上的近似商标为由,决定驳回诉争商标的注册申请。

特斯拉公司不服原商标局所作决定,随后向原商标委申请复审。2017年6月28日,原商标委作出商标驳回复审决定,对诉争商标的注册申请予以驳回。

特斯拉公司不服原商标委所作复审决定,继而向北京知识产权法院提起行政诉讼。

北京知识产权法院经审理认为,诉争商标与各引证商标构成使用在类似商品上的近似商标,特斯拉公司提供的证据不足以证明诉争商标已与该公司建立了唯一对应关系,不会造成相关公众的混淆和误认。据此,法院一审判决驳回特斯拉公司的诉讼请求。

特斯拉公司不服一审判决,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,诉争商标使用在电池充电器、电池、蓄电池商品上,与4件引证商标均未构成使用在类似商品上的近似商标,但在除电池充电器、电池、蓄电池商品外的其他指定商品上分别与引证商标二、引证商标三、引证商标四构成使用在类似商品上的近似商标。据此,法院撤销一审判决及原商标委所作驳回复审决定。

(王国浩)



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