

China's IP
in foreign eyes

Chinese ride-hailing service Didi Chuxing could start offering advertising and other services once the rollout of 5G technology speeds streaming and web-based products for mobile users, its president said on Friday. "It is not our current focus yet. However, when 5G comes, when the experience inside the car can be significantly improved, we think we can have better content," said Didi President Jean Liu. The advent of 5G could allow passengers to access content such as karaoke or soap operas on the move, she told a panel at the New Economy Forum. (*China's Didi could offer more services with advent of 5G, Reuters*)

日前,滴滴出行总裁柳青表示,5G技术的推出将为移动互联网用户带来更多流媒体产品以及各类网络产品,滴滴可能借助该技术提供广告或者其他服务。当5G时代来临,滴滴将在车内提供更多优质内容服务。例如,乘客们将能够在车内唱歌或者看剧。(滴滴将在5G时代推出更多服务,路透社)

Comment:

In recent years, China has been strengthening IP protection of 5G technologies in order to promote the patent application in some fields such as self-driving vehicles. The 5G ultra-fast mobile Internet services launched in China this year will bring more opportunities for companies including Didi.

点评

近年来,为了推动5G技术在无人驾驶汽车等领域的应用,中国不断加强5G技术的知识产权布局。今年中国开启5G商用,将为包括滴滴在内的众多企业带来更多发展机遇。



Maoyan Entertainment and Tencent jointly released their first report on China's movie industry. The report presents the latest trends and opportunities resulting from the industry's evolution from a simple combination of the Internet with the movie industry, to a transformation with the more deep penetration of the Internet into the full value chain of the movie industry. "Tencent and Maoyan aim to leverage various Internet products, technologies, data and ecosystem to serve the whole movie industry, including production, promotion, distribution and IP development and commercialization," said Maoyan CEO Zheng Zhihao. (*Maoyan and Tencent Release First Report on China's Movie Industry, PR Newswire*)

猫眼娱乐和腾讯联合发布的中国电影产业报告显示,互联网与电影产业正从简单相加到深度融合。猫眼娱乐总裁郑志刚表示,腾讯和猫眼希望用各种各样的互联网产品、技术、数据、生态系统,服务整个电影产业的生产、宣传、发行、版权内容的打造和商业化运作。(猫眼腾讯联合发布中国电影产业报告,美通社)

Comment:

In recent years, Internet has been penetrating the movie industry with constant development of scientific technologies. More excellent works will be produced through copyright operation by invoking the Internet platform.

点评

近年来,随着科学技术的不断发展,互联网正在向电影产业纵深领域渗透。借助互联网平台,更多优质的作品将迎来版权运营的春天。(熊花平)

英文翻译	孙芳华
Translator	Sun Fanghua
编辑	熊花平
Editor	Xiong Huaping

China rolls out measures to further strengthen protection of well-known trademarks

中国进一步加强驰名商标保护

Recently, China National Intellectual Property Administration (CNIPA) issued the *Notice on Strengthening the Relevant Work on the Protection of Well-Known Trademarks while Handling Trademark Violations*. The *Notice* proposed that efforts should be made to thoroughly implement the decision-making arrangements of the Party Central Committee and the State Council on rigid IP protection, to give full play to the important role of well-known trademark protection in accelerating the construction of IP powerhouse and creating a sound business environment and clarified the specific requirements for further strengthening the investigation and protection of well-known trademarks in trademark violation cases.

The *Notice* lays out the related work on further strengthening protection of well-known trademarks while investigating and handling trademark violation cases from three aspects: namely, investigating and handling the cases related to well-known trademarks in strict accordance with the statutory authority and time limit, effectively standardizing the application and utilization of well-known trademarks and highlighting the key points to effectively strengthen the protection of well-known trademarks. The *Notice* has further strengthened investigation of the protection of well-known trademarks in trademark violation cases particularly in standardizing the determination, application and use of well-known trademarks that have received much attention from all walks of life. The *Notice* provided in three aspects including strengthening auditing and guidance and regulating according to law, requiring all levels of IP authorities to guide enterprises to correctly understand the recognition and protection system of well-known trademarks. The *Notice* proposes that it is necessary to correctly distinguish the boundaries between the proper use of "well-known Trademarks" and the illegal use of the



words and clarified that an enterprise can make factual statements on the record of trademark protection of well-known trademarks in its business activities. If the enterprise intends to downplay the legal status of recognition and protection of well-known trademarks and uses the words "well-known trademarks" as an honorary title in a prominent manner to promote the enterprise or promote the goods or services run by the enterprise, it will be investigated and dealt with in accordance with the relevant provisions of the *Trademark Law*.

Strengthening investigation and protection of well-known trademarks in trademark violation cases is of vital importance to the parties as well as an important duty of CNIPA and the local IP administration departments at all levels. CNIPA will incorporate protection of well-known trademarks into its annual performance appraisal of IP protection and conduct supervision and guidance in due course. In the next step, CNIPA will deploy local intellectual property administrative departments to focus on well-known trademark protection, strengthen trademark protection, effectively protect the legitimate rights and interests of relevant right holders, improve administrative efficiency and optimize the business environment, respond to the deployments of the Party Central Committee and the State Council, providing strong support for accelerating the construction of an IP powerhouse and creating a good business environment.

(by Wang Guohao)

近日,中国国家知识产权局印发了《关于加强查处商标违法案件中驰名商标保护相关工作的通知》(下称《通知》),提出要深入贯彻落实党中央、国务院关于严格知识产权保护的要求,充分发挥驰名商标保护在加快知识产权强国建设、营造良好营商环境等方面的重要作用,并明确了进一步加强查处商标违法案件中驰名商标保护工作的具体要求。

《通知》从严格按照法定权限和时

限查办涉驰名商标案件、有效规范驰名商标的认定申请和使用、突出重点切实加强驰名商标保护三方面,部署了进一步加强查处商标违法案件中驰名商标保护的相关工作。特别是在备受社会各界关注的有效规范驰名商标的认定申请和使用方面,《通知》从加强审核、强化指导、依法规范三方面进行了规定,要求各级知识产权管理部门在日常工作中要引导企业正确认识驰名商标认定和保护制度,《通知》提出,要正确区分“驰名商标”字样正当使用与违法使用的界限,明确企业可在经营活动中对商标获得驰名商标保护的记录做事实性陈述,若有意淡化驰名商标认定与保护的性质,将“驰名商标”字样视为荣誉称号并突出使用,用于宣传企业或推销企业经营的商品或服务,则应依据商标法有关规定进行查处。

加强查处商标违法案件中的驰名商标保护,事关当事人切身利益,也是中国国家知识产权局和地方各级知识产权管理部门的重要职责。中国国家知识产权局将把驰名商标保护工作纳入年度知识产权保护绩效考核,并适时督查指导。下一步,中国国家知识产权局将部署各地知识产权管理部门,以驰名商标保护为重点,加强商标保护工作,切实保障相关权利人的合法权益,提升行政效能、优化营商环境,以实际行动响应党中央、国务院的部署,为加快知识产权强国建设、营造良好营商环境提供有力支撑。

(王国浩)

Jingdezhen Porcelain

景德镇瓷器



Jingdezhen porcelain is a marvelous artwork dexterously crafted out of clay. Its scope of geographical indication protection is all areas within the jurisdiction of Zhushan District, Changjiang District, Leping City and Fuliang County of Jingdezhen City, Jiangxi Province.

The most famous types of Jingdezhen porcelain are traditional porcelain such as the blue and white porcelain, linglong porcelain, famille rose porcelain, color-glazed porcelain and xincaini, named "new-colored porcelain", has

become popular again. Jingdezhen has been known as "capital of porcelain", where the porcelains are "as white as jade, as bright as a mirror, as thin as paper, with a sound as clear as that of a bell" and exported to foreign countries. These exported masterpieces, which fused craftsmanship with the art of calligraphy, painting, sculpture, and poetry, successfully introduced Chinese culture to the world.

Jingdezhen was established upon and famed for the production of porcelain. The enhanced visibility brought

by the well-known geographical indication protection product has played an important role in optimizing the brand effect, increasing market competitiveness and product added value, promoting the healthy development of Jingdezhen porcelain industry.

(Courtesy of Intellectual Property Protection Department of CNIPA)

景德镇瓷器,泥琢火烧,涅槃出令人惊叹的瑰丽奇珍,其地理标志产品保护地域范围是江西省景德镇市珠山区、昌江区、乐平市、浮梁县现辖行政区域。

景德镇瓷器品种包括青花瓷、玲珑瓷、高温颜色釉瓷、粉彩瓷、新彩瓷。青花、玲珑、粉彩、颜色釉是传统名瓷,声名远播。近年来,新彩瓷又蓬勃发展。“白如玉,薄如纸,明如镜,声如磬”,且融入工艺、书法、绘画、雕塑、诗词的景德镇瓷器行于九域,施及外洋,景德镇因此赢得“瓷都”美誉,也为传播中华文化艺术做出了重大贡献。

景德镇以瓷立镇,以瓷誉天下。通过地理标志产品保护,进一步提高景德镇瓷器的知名度,对形成并发挥其品牌效应,提高市场竞争力,增加产



品附加值,促进景德镇陶瓷行业的健康发展起到了重要作用。
(中国国家知识产权局知识产权保护司供稿)

Beijing IP Court scrubs TRAB revocation, puts CRH TM back on track

“CRH”商标案一审宣判

Recently, Beijing IP Court made a first-instance judgment on the administrative dispute over revocation of the trademark right of China Academy of Railway Sciences Corporation Limited (CARS), canceling the revocation decision of registration of No. 5131441 "CRH" trademark made by the then-Trademark Review and Adjudication Board (TRAB) of the former State Administration for Industry and Commerce (SAIC).

CRH is the English abbreviation of China Railway High-speed. In 2004, CARS filed for the registration of the "CRH" trademark (the trademark in dispute) and would obtain approval for registration on Class 35 services such as advertising and market research in 2009.

CRH Group Services Limited (CRH Group) is a company registered in the United Kingdom. In 2005, the company applied for registration of the "CRH" trademark in China in fields such as construction and building materials. Since 2015, CRH Group has applied for trademark registration of "CRH" to SAIC's Trademark Office (TMO) without avail. In 2017, CRH Group filed an application for revoca-

tion of the trademark in dispute to TMO, arguing its failure use for three consecutive years. On October 20, 2017, TMO made a decision not to revoke the trademark. CRH Group refused to accept the decision and applied for a review at TRAB on November 16, 2017.

TRAB held that the trademark had not been used publicly, genuinely and commercially on Class 35 services including advertising and market research from February 8, 2014 to February 7, 2017 and consequently revoked its registration.

This time CARS refused to call it a day and brought the case to Beijing IP Court.

In CARS's arguments, the trademark in dispute is a brand name that it has established for building China's high-speed railway system. The trademark has been widely used in the operation of China's high-speed rail since its registration; based on China's national conditions and historical factors, although CARS is the right holder of the trademark in dispute, the actual user is China Railway Corporation and its subsidiaries, so the latter's use of the trademark

in dispute is regarded as the actual use of the trademark dispute. In summary, the CARS requested the court to revoke the decision made by TRAB and ordered it to make a *de novo* decision.

Beijing IP Court held that the evidence submitted by the plaintiff could confirm that the trademark was filed by the CARS and its relationship with Qinghai Luxing Company Advertising Branch (Qinghai Branch), Gansu Jinlun Company and China Railway Corporation. The actual and commercial use of Qinghai Branch and Gansu Jinlun Company did not violate its intent which should be regarded as an act to honor obligations by the trademark owner. In this connection, the court revoked the decision of the then TRAB and requested it to take a new look.

As of publication, CRH Group has appealed the decision.

(by Sun Fanghua)

本报记者 孙芳华

近期,北京知识产权法院就中国铁道科学研究院集团有限公司(下称中国铁道科学研究院)商标权撤销复审行政纠纷作出一审判决,撤销原国家工商行政管理总局商标评审委员会

(下称原商标局)作出的第5131441号“CRH”商标撤销复审决定(下称被诉决定)。

据了解,CRH是China Railway High-speed的简称,译为中国高速铁路。中国铁道科学研究院于2004年提出“CRH”商标(下称诉争商标)的注册申请,于2009年获准注册使用在广告、市场研究等第35类服务上。

老城堡集团服务有限公司(下称老城堡公司)是一家注册于英国的公司,英文名称为“CRH Group Services Limited”。2005年,该公司在中国申请注册了“CRH”商标,用于建筑施工、建材等多个领域。自2015年,老城堡公司多次向原国家工商行政管理总局商标局(下称原商标局)申请注册第35类“CRH”商标,但都未获成功。2017年,老城堡公司针对诉争商标向原商标局提出连续三年不使用的撤销申请。2017年10月20日,原商标局作出了对诉争商标不予撤销的决定。老城堡公司不服原商标局的决定,于2017年11月16日向原商标评审委员会申请复审。

原商标评审委员会认为,由于诉争商标并未在2014年2月8日至2017年2月7日期间在第35类广告、市场研究等服务上进行公开、真实、有效的商业使用,遂作出被诉决定。

中国铁道科学研究院不服被诉决

定,向北京知识产权法院提起诉讼。

中国铁道科学研究院称,诉争商标是其建立中国高速铁路系统打造的品牌名称,自注册以来就广泛用于中国高铁的运营之中;基于中国国情和历史因素,其虽然作为诉争商标的权利主体,但实际上使用人却为中国铁路总公司及下属单位,故后者对诉争商标的使用即视为其对诉争商标的使用。综上,中国铁道科学研究院请求法院撤销原商标评审委员会作出的被诉决定,并判令其重新作出决定。

北京知识产权法院认为,原告提交的证据可以确认诉争商标系由中国铁道科学研究院申请注册以及其与青海路兴公司广告分公司、甘肃金轮公司、中国铁路总公司的关联关系,青海路兴公司广告分公司、甘肃金轮公司对诉争商标使用的真实、公开的商业使用,并未违反其意志,亦属于商标权人履行使用义务的行为。据此,法院判决撤销原商标评审委员会作出的被诉决定,要求其重新作出决定。

目前,老城堡公司已就本案提起上诉。

