

China's IP
in foreign eyes

"China is absolutely leading the world in AI," according to Frank Hester, founder of TPP, a UK-based healthtech company that has been doing business in China since 2013. "I've seen a change over the past 5 years in China." According to Alain Bénichou, CEO of IBM's Great China business, 14% of firms in China have embraced AI technology. He said the rate of adoption in China is higher than the global average, but there is room to grow. (*China's drive to be a world leader in technology could accelerate as its economy slows.* by CNBC)

"中国无疑正在成为人工智能领域的世界领导者。"英国一家健康科技公司的创始人弗兰克·赫斯特自2013年起在中国做生意。"这五年我在其中见证了许多变化。"他说。根据国际商业机器(中国)有限公司(IBM)大中华区首席执行官包卓蓝的说法,在中国,14%的公司都应用了人工智能技术。他表示人工智能技术在中国的使用率高于世界平均水平,但仍有增长空间。"中国正在加快成为世界科技领导者,美国全国广播公司财经频道)

Comment:

In recent years, the Chinese government has rolled out various policies to encourage the development of AI technology. Many enterprises have accelerated the pace of innovation of AI technology and actively carried out patent layout, helping China to make great progress in this field.

点评

近年来,中国政府出台了各类政策支持鼓励人工智能技术发展。伴随中国不断完善知识产权保护,许多企业加快了人工智能技术的创新步伐,并积极进行专利布局,助力中国在这一领域取得长足进步。



Recently, a report revealed that China airlines and airports are rapping the ante in passenger service by fully leveraging technology, particularly artificial intelligence and automation. As a result, they're able to provide the hyper-personalized self-service experience that passengers are demanding. These technologies are also being used to expand mobile services and to automate the passenger's entire journey. (*How technology helps China take 'first place' in the passenger airline space.* by Techwire Asia)

最新发布的一份报告显示,中国航空公司与机场充分利用人工智能和自动化等技术,加大力度提升旅客服务水平。这些航空公司与机场能够按照旅客的需求提供超个性化的自助服务体验。相关技术也被用于延伸移动端的服务,让乘客在整个旅程都能享受自助服务。(科技如何帮助中国在航旅服务领域赢得第一,科技连线亚洲版)

Comment:

Innovation is changing our lives and bringing more and more convenience to customers in China. In recent years, the Chinese government has stepped up efforts to improve the level of IP protection, which has greatly encouraged innovators to carry out technological innovation in the service field. Innovation is around us.

点评

创新正在改变我们的生活。在中国,消费者们享受的服务正变得越来越便捷。近年来,中国政府加大力度提升知识产权保护水平,大大激励了创新主体在服务领域进行技术创新的热情。创新,就在我们身边。(邹碧颖)

Pippa Hall: Working together to make innovators of China and UK benefit more from IP

让中英两国创新者尝到更多“甜头”

——访英国知识产权局创新司司长皮帕·霍尔

"I am delighted to be here, on my third visit to China. China and the UK realise the importance of IP, and cooperation between the two countries has deepened over the years. The IP symposium gives us the opportunity to engage and share information with each other for mutual development. I think it is of much significance," said Pippa Hall, Director of Innovation and Chief Economist at the Intellectual Property Office (IPO) of the UK, in an interview with China Intellectual Property News when attending the fifth China-UK IP Symposium in Beijing.

China and the UK have kept sound cooperative relations in the field of IP. The China National Intellectual Property Administration (CNIPA) and the IPO of the UK have conducted fruitful cooperation in high-level visits, joint symposiums, and technical IP exchanges since the signing of the memorandum of understanding on cooperation in 1996. This relationship has brought tangible benefits to industries and innovators in both countries.

"Much like China, the UK economy is transforming to a knowledge-based one. As a result, intangible IP is a core asset of many businesses. The IPO of the UK is exploring ways businesses may secure financial loans, using their IP as collateral so that they may have the same chances to develop as the traditional companies," she said.

In Hall's view, factors such as IP valuation can impact enterprises' ability to use their IP rights as collateral when seeking finance. In light of these problems, the IPO of the UK has discussed financing with banks and insurance companies about how to remove these barriers to facilitate the ability of IP-intensive businesses to access growth funding.

"I have discovered that China has



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本报记者 曾嘉 摄

made great progress in IP financing. We need to strengthen cooperation to break through these challenges, and raise the importance of IP in financing innovative and creative companies," said Hall.

In a bid to build a climate for creativity and ensure that the innovation of individuals and companies can create value, the IPO of the UK has rolled out measures to improve small enterprises' IP awareness.

"In the UK, many enterprises think that IP has nothing to do with their development. Instead, they only relate IP with law and technologies. We need to change their mind. The IPO of the UK pays much attention to raising IP awareness amongst children and young adults in the education sector. Raising the importance of IP and IP protection from a young age is one of our missions," says Hall.

As the Director of Innovation and Chief Economist at the IPO UK, Hall

is responsible for ensuring the policy-making work of the Office to focus on key issues and formulating IP strategies and policies, facilitating British enterprises to join positively in IP activities.

"In order to support the development of small and medium enterprises, IPO of the UK is committed to providing a range of tools to build IP knowledge amongst businesses. For those unfamiliar with IP, we can deliver relevant training, provide guidance on their IP management and support improvements to their use of IP as an asset," said Hall.

IP is an international topic. It is necessary for all countries to join in and coordinate with each other to achieve global economic growth. Whether it is China or the UK, each country needs to value creativity and protect innovative products, ensuring the research and development can generate corresponding returns. "So we need to build

a healthy and stable international IP system and balance interests of relevant parties. For one thing, it can make IP play the role in promoting economic development. For another, IP rights holders can realize the goal of constant growth by taking advantage of IP system resources," said Hall.

(by Liu Peng)

"很高兴来到这儿。这是我第三次来到中国,当前,中英两国已经充分意识到知识产权的重要性,双方合作也不断得到深化。每年我们也借中英研讨会的契机,互相交流,分享信息,共促发展,我觉得这是一件非常有意义的事情。"日前,在第五届中英知识产权研讨会举办之际,英国知识产权局创新司司长皮帕·霍尔在接受本报记者专访时表示。

中英两国在知识产权领域有着良好的合作关系。自1996年双方签署合作谅解备忘录以来,中国国家知识产权局和英国知识产权局在高层互访、合作举办研讨会、审查业务和人员交流、企业服务等方面开展了富有成效的合作,为两国产业界和创新者带来了实实在在的益处,获得了各方赞赏。

"和中国一样,当前英国的经济日益转型为知识经济,因此,无形资产已经成为很多企业的核心资产。针对这些企业,我们需要利用知识产权质押融资的方式,让它们获得发展所需要的资金,使它们和传统企业一样有机会发展壮大。"皮帕·霍尔表示。

在皮帕·霍尔看来,当前,影响企业获得质押融资的因素有很多,比如知识产权价值评估等。针对上述问题,英国知识产权局与当地银行、保险公司等机构探讨如何消除这些障碍,让知识产权密集型企业更容易获得融资。"我了解到中国在知识产权质押融资方面取得了长足进步。在中英两国都意识到知识产权质押融资重要性的背景下,我们需要加强合作,突破发展障碍。"皮帕·霍尔说。

为了营造浓厚的创新环境,确保个人和企业的创新和创造力产生价

值,英国知识产权局出台了诸多措施提升小企业的知识产权和创新意识,让它们尝到创新的“甜头”。英国知识产权局致力于让它们意识到知识产权是企业发展中不可或缺的一环,是企业战略发展的核心所在。

"在英国,也有很多企业单纯地认为知识产权只是法律和技术层面的问题,与企业发展无关紧要,我们需要扭转它们的这一看法。此外,我们也特别重视提升青少年的知识产权意识。我们的使命之一就是让他们从小就意识到知识产权以及知识产权保护的重要性。"皮帕·霍尔表示。

作为英国知识产权局创新司司长,皮帕·霍尔的职责是确保英国知识产权局的政策制定工作始终聚焦于关键性议题,同时她也负责制定知识产权战略及政策,使英国企业积极参与其中。

"为了支持中小企业发展,英国知识产权局致力于提供一站式、多样化的服务,在服务中将知识产权理念传达给企业管理人员。"皮帕·霍尔介绍,对于不太了解知识产权的中小企业,英国知识产权局提供基本知识,对它们进行知识产权启蒙教育;对于有知识产权基础的企业,他们会对企业内部知识产权管理进行指导,并提出意见和建议。

知识产权是一个国际化的议题,利用知识产权实现全球经济增长需要各国参与和协调。无论是中国还是英国,都需要对创新进行投入,保护创新成果,确保研发投入能够产生相应的回报。"为此,我们需要建立一个健全稳定的体系,平衡各方利益,一方面让知识产权发挥其应有的功能,促进社会经济的发展;另一方面,知识产权权利人能够有效利用知识产权制度,实现不断增长的目标。"皮帕·霍尔表示。(柳鹏)



Shanghai High denies Royal Philips's infringement claims in air fryer patent dispute

空气炸锅引发专利纠纷

Recently, Shanghai High People's Court made a final judgment on an invention patent dispute between Royal Philips and Ningbo Careline Electric Appliance Company, Yuyao Shanben Electric Appliance Company, Yuyao Defan Trading Company, denying all of claims of Royal Philips.

Royal Philips is the right holder of invention patent which titled "equipment for food preparation and air guiding element for the equipment" (patent in dispute). Defan Company opened a Shanben official flagship store online at Tmall.com at where it was offering for sale of air fryer products carrying SHANBEN brand. Following proper notary protocol, Royal Philips purchased the above-mentioned products including three models SB-006, SB-V008 and SB-V009. After comparison, Royal Philips was convinced the three models fell into the protection scope of Claim 1 and Claim 5 of the patent in dispute. The alleged infringing products were co-manufactured by Shanben Company and Careline Company. Careline Company also offered to sell an appreciable amount of the air fryer products through its official Chinese and English websites and Chinese and English websites at Alibaba. Royal Philips then filed the case to Shanghai IP Court on the ground that the three companies infringed its invention patent right, seeking an injunction against all of the



defendants.

The three defendants argued that the accused products did not fall into the protection scope of the claims of the patent in dispute in that the heating structures and principles of the food preparation room were different from that of the patent in dispute. In addition, the damages Royal Philips claimed did not have legal basis. Therefore, its claim did not hold water.

The IP Court held that the accused products did not constitute the infringement of the patent rights of Royal Philips. Accordingly, it denied all of the claims of the Dutch company.

The disgruntled company then brought the case to Shanghai High People's Court. After hearing, Shanghai High held that the accused products do

not have the same or equivalent technical features with the patent in dispute, the features of the openings at the top of its fan and food preparation room are different from that of the patent in dispute and the frustum tapered components are not the same as that of the patent in dispute. Therefore, the technical features of the alleged infringing products do not cover all of that of Claim 1 of the patent in dispute, out of the protection scope of Claim 1. Considering that Claim 5 is secondary to Claim 1, the technical features of the accused products do not cover all of that of Claim 5 when out of the protection scope of Claim 1. The accused products did not constitute the infringement of Claim 1 and Claim 5 of the patent in dispute. In this connection,

the Court rejected the appeal from Royal Philips and upheld the first-instance judgment.

(by Zheng Siliang)

本报记者 郑斯亮

近日,上海市高级人民法院就皇家飞利浦有限公司(下称皇家飞利浦)和宁波市嘉乐电器有限公司(下称嘉乐公司)、余姚山本电器有限公司(下称山本公司)、余姚德帆贸易有限公司(下称德帆公司)侵犯发明专利权一案作出终审判决,驳回皇家飞利浦的全部诉讼请求。

据了解,皇家飞利浦是“制备食品的设备 and 用于该设备的空气导向件”(下称涉案专利)发明专利的专利权人。德帆公司在天猫商城开设了名为“山本官方旗舰店”的网店,并在该网店许诺销售、销售“山本”(SHANBEN)牌空气炸锅产品。皇家飞利浦经公证购买了SB-006、SB-V008、SB-V009三个型号在内的“山本”牌空气炸锅产品,经比对认为前述三个型号的产品落入了涉案专利权利要求1、5的保护范围。被控侵权产品由山本公司和嘉乐公司共同制造。嘉乐公司还通过其中英文官网、阿里巴巴中英文网站大规模许诺销售、销售空气炸锅产品。据此,皇家飞利浦以嘉乐公司、山本公司、德帆公司侵犯其发明专利权为由,诉至上海知识产权法院,请求法院判令三被告立即停止侵权行为。

三被告共同辩称,被控侵权产品未落入涉案专利权保护范围,即食品制备室的加热结构不同、原理不同。

此外,皇家飞利浦主张的侵权赔偿没有法律依据,故其诉求不能成立。

对于皇家飞利浦主张被控侵权产品侵犯涉案专利权,法院不予支持。据此,法院判决驳回皇家飞利浦的全部诉讼请求。

皇家飞利浦不服,上诉至上海市高级人民法院。法院经审理认为,被控侵权产品并不具备与涉案专利“空气导向装置”相同或等同的技术特征,其风扇与食品制备室上方排出开口的特征亦与涉案专利的技术特征不同,且被控侵权产品的截头锥形构件与涉案专利“空气导向件”的技术特征也不构成相同特征,因此被控侵权产品的技术特征未全面覆盖涉案专利的权利要求1的所有技术特征,未落入涉案专利权权利要求1的保护范围。鉴于权利要求5为权利要求1的从属权利要求,在被控侵权产品技术特征未落入权利要求1的保护范围的情况下,同样不会覆盖权利要求5之所有技术特征。被控侵权产品未构成对涉案专利权权利要求1和5的侵犯,故皇家飞利浦的上诉请求不能成立,应予驳回。据此,上海市高级人民法院判决驳回上诉,维持原判。



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