

China's IP in foreign eyes

Robin Li, the billionaire founder of Chinese search giant Baidu, has made his first visit to India, a market increasingly seen as the next frontier for Chinese tech companies, thanks to its nearly half a billion internet users. Li said Baidu was keen to partner with local institutions for innovation, according to a transcript of his comments provided by the company. (Baidu CEO calls for innovation partnerships on first trip to India, Tech In Asia)

日前,中国科技企业百度公司的创始人李彦宏首次到访印度。由于印度拥有超过5亿互联网用户,因此这里被视为中国科技公司的下一个重点开拓的市场。在百度公司提供的一份文字记录中,李彦宏表示,百度期待着与印度当地的创新组织合作。(百度首席执行官首次到访印度,倡导创新合作,亚洲科技)

Comment:

In recent years, Baidu has invested a lot in AI R&D and reserved a lot of IPRs. If Baidu and Indian organizations carry out innovation cooperation in consumption, education, transportation and other fields, which will be conducive to making IPRs benefit more people.

点评

近年来,百度公司在人工智能领域投入大量资金进行科技研发,储备了大量知识产权。百度公司与印度组织在消费、教育、交通等领域开展创新合作,有利于让知识产权造福更多民众。



A consortium led by Chinese internet giant Tencent has agreed to buy 10% of Universal Music Group (UMG) from French firm Vivendi, valuing the music label at 30 billion euros. Prior to the deal, Tencent struck music distribution deals with companies such as Sony Music Entertainment, Warner Music Group, and South Korea's YG Entertainment, which manages K-pop artists such as Blackpink and Big Bang. (Tencent acquires 10% stake in Universal Music Group, Tech In Asia)

中国互联网公司腾讯主导的财团已经决定从法国企业维旺迪手中购买环球音乐集团10%的股权。其中,环球音乐的品牌被估值为300亿欧元。在该笔交易之前,腾讯已与索尼音乐娱乐集团、华纳音乐集团,以及拥有Blackpink、Big Bang等艺人组合的韩国YG娱乐达成了版权分发协议。(腾讯获得环球音乐集团10%股权,亚洲科技)

Comment:

It has become a mainstream consumption trend to pay for copyright in China. Tencent and other music platforms have increased the investment for music copyright. Becoming a shareholder in music companies and holding more copyright reserves have become a feasible strategy for Tencent.

点评

在中国,为版权付费已经成为主流消费趋势。腾讯等音乐平台加大了对音乐版权的投入与争夺,而入股音乐公司,掌握更多版权储备,成为了一种行之有效的策略。

(邹碧颖)

Table with 2 columns: Role and Name. Includes English translation (熊花平), Translator (Xiong Huaping), Editor (邹碧颖), and Editor (Zou Biying).

China: markedly improved IP quality reflected by multiple 2019 statistics
2019年中国知识产权实现高质量发展

According to a press conference during a gathering of IP office heads nationwide on January 6, China's campaign in improving IP quality has paid dividends in 2019. New progress has been made in building a sound environment for doing business. IP is playing a more important role in advancing the nation's modernization of governance system and capacity.

In 2019, China National Intellectual Property Administration (CNIPA) granted 453,000 invention patents, 1.582 million utility model patents and 557,000 industrial design patents, and the number of invention patents owned by every 10,000 people reached 13.3, completing in advance the goals set in the 13th Five-Year Plan; the number of registered trademarks in China was 6.406 million and the valid registered trademarks totaled 25.219 million, with one trademark owned by every 4.9 market players on average. As of

the end of 2019, there were 2,385 geographic indication (GI) products under protection and 5,324 registered GI trademarks; patent and trademark pledge financing registered at 150 billion yuan. The total value of import and export of IP royalties reached 37.19 billion U.S. dollars in the first 11 months of 2019, of which the export amount was 6.01 billion U.S. dollars, up 19.2%. Elevated IP quality kept vaulting financial effectiveness.

In 2019, quality and efficiency of IP examination got better at a healthy rate with the pendency for high-value patents shrunk to 17.3 months; the average pendency for trademarks was curtailed to 4.5 months, exceeding the target for the year confirmed by the State Council. User satisfaction score on patent examination quality reached 84.8 and social satisfaction score on IP protection stood at 78.98, hitting a new high again. China moved up in the

ranks to the 14th in the 2019 Global Innovation Index Report published by the World Intellectual Property Organization. (by Wu Ke)

本报讯(记者吴珂北京报道)1月6日,记者从在京召开的全国知识产权局局长会议上获悉,2019年,中国知识产权高质量发展取得新成效,知识产权营造良好营商环境取得新进展,知识产权在推进国家治理体系和治理能力现代化中扮演着更加重要的角色。

据悉,2019年,中国国家知识产权局共授权发明专利45.3万件,实用新型专利158.2万件,外观设计专利55.7万件,国内每万人口发明专利拥有量达到13.3件,提前完成国家“十三五”规划确定的目标任务;全年注册商标达640.6万件,有效商标注册量达到2521.9万件,平均每4.9个市场主体拥有1件注册商标。截至2019年底,累计批准地理标志保护产品2385个,注册地理标志商标5324件;专利、商标质押融资总额突破1500亿



元。前11个月知识产权使用费进出口总额达到371.9亿美元,其中出口额60.1亿美元,同比增长19.2%,知识产权质量效益持续快速提升。

2019年,知识产权审查质量和审查效率持续提升,高价值专利审查周期压缩至17.3个月;商标注册平均审

查周期压缩至4.5个月,超额完成国务院确定的年度目标任务。专利审查质量用户满意度指数达到84.8分,知识产权保护社会满意度指数达到78.98分,再创新高。中国在世界知识产权组织发布的“全球创新指数”中的排名提升至第14位。



Longquan Celadon is produced in Longquan city of Zhejiang Province and famed for their thin body under thick glaze; in a variety of colored glazes, the powder blue and the plum green are considered the best. The Longquan Celadon was made of kaolin, china stone, limestone and purple soil, all locally found materials, and adopted the traditional firing techniques, including a specific mixture and hand-moulding craft under high temperature (1310°C). The product is a distinguished artwork in Chinese celadon history.

Longquan Celadon is divided into two branches: the Ge (older brother) and the Di (younger brother)—the former is distinguished by a thin and darker clay body, thick glaze, purplish mouth rim, regular shape and lustrous appearance, while the latter by a white body, thick glaze with no crackles, and occasionally white marks at the edge or ridges. The products of Di are elegant in shape and design, famed for its "jade-like color, mirror-like gloss, and sounding like chime when being struck."

Longquan Celadon
龙泉青瓷

Since the implementation of the protection of Geographical Indication Products, Longquan Celadon has defined the protection areas, developed standardized production technology and approved the use of special signs to protect the brand against counterfeiting, through which its trade and long-term development has been promoted. (Courtesy of the IP Protection Department of CNIPA)

龙泉青瓷产于浙江省龙泉市,薄胎厚釉,素以釉色见长,釉色以粉青和梅子青为最佳。传统的龙泉青

瓷以浙江龙泉本地的高岭土、瓷石、石灰石、紫金土等为原料,使用家传配料与手工拉坯成型技术,用窑炉高温(1310°C左右)烧制而成。龙泉青瓷在我国青瓷历史上留下了浓墨重彩的一笔。

龙泉青瓷分“哥窑”“弟窑”两种。哥窑青瓷特色是黑胎厚釉,紫口铁足,器物边缘隐现紫色,器型规整,胎薄釉厚,釉层饱满,青翠晶莹,胜似碧玉;弟窑青瓷的特色是白胎厚釉,釉面无纹片,在器物边缘或有棱线部位影露白痕。弟窑青瓷造型端巧工整,器形大方,秀丽



挺拔,有“青如玉、明如镜、声如磬”之美誉。

实施地理标志产品保护后,龙泉青瓷明确了保护地域,制定了生产工艺标准,通过规范标志使用进行品牌防伪和打假,促进了产品进出口贸易和长远发展。

(中国国家知识产权局知识产权保护司供稿)

Beijing High awards Volkswagen well-known trademark, denies local company's registration in other class
大众公司成功无效“大众”商标

The German company Volkswagen had a rift with Shanghai Xizhong Auto Parts Company over No.13901847 大众 trademark. Recently, Beijing High People's Court made its final judgment, holding that Shanghai Xizhong Company copied and imitated Volkswagen's well-known trademark registered in China.

The trademark in dispute was filed for registration by Shanghai Xizhong Company on January 13, 2014, and was certified to be used on Class 7 goods including engine spark plugs, auto water pumps and shock absorbers (machine parts) on April 21, 2015.

On February 6, 2016, Volkswagen lodged an invalidation request to the former Trademark Review and Adjudication Board (TRAB), asserting that the brand 大众 (Note: official Chinese translation of Volkswagen) was known by the public in China and the registered No.2021141 trademark 德国大众 and No.2021133 trademark 大众汽车 (cited trademarks) were already famous before the trademark in dispute was filed for registration. The trademark in dispute constituted copy and imitation of the cited trademarks and its registration and use would damage the legal rights of Volkswagen as the owner of the well-known trademarks.

The former TRAB held that the Volkswagen's grounds given were not valid and upheld the trademark in dispute on March 13, 2017.

The disgruntled German auto mak-



er then brought the case to Beijing IP Court.

Beijing IP Court held that the protection scope of well-known trademarks should not be limited to the associated goods. In the case, the registration and use of the trademark in dispute may make the relevant public think that there are some associations between the trademark in dispute and the cited trademarks, an act of free-riding the market reputation of the famous trademarks that would damage the interests of Volkswagen. So the Court made its first-instance judgment on December 27, 2018, revoking the former TRAB's decision and asked the former TRAB to revisit the case.

The former TRAB then appealed to Beijing High People's Court, claiming

that the trademark in dispute was not similar to the cited trademarks. The evidence Volkswagen submitted could not prove that the cited trademarks were well-known before the trademark in dispute was filed for registration and the registration of the trademark in dispute should be upheld.

Beijing High People's Court held that the evidence could prove that the cited trademarks were up to the standard on well-known before the trademark in dispute was filed for registration. The Chinese pronunciation of 大众 in 大众 trademark was similar to that of 众 in the cited trademarks, constituting copy and imitation of the cited trademarks. Meanwhile, there were some convergence in functions, sales channels and the targeted consumers

between the products of those contested trademarks. The registration and use of the trademark in dispute would confuse the relevant public, causing damage to Volkswagen's interests. In the connection, Beijing High People's Court declined the request of the former TRAB and upheld the trial Court judgment. (by Wang Jing)

围绕第13901847号“大众”商标(下称诉争商标),德国大众汽车股份公司(下称大众公司)与上海玺众汽车配件有限公司(下称上海玺众公司)产生了一场权利纷争。近日,北京市高级人民法院作出终审判决,认定诉争商标构成复制、摹仿大众公司已经在中国注册的驰名商标。

据了解,诉争商标由上海玺众公司于2014年1月13日提出注册申请,2015年4月21日被核准注册使用在汽车发动机火花塞、汽车水泵、减震器(机器部件)等第7类商品上。2016年2月6日,大众公司针对诉争商标向原国家工商行政管理总局商标评审委员会(下称原商标评审委)提出无效宣告请求,主张“大众”品牌在中国已为社会公众普遍熟知,该公司注册的第2021141号商标“德国大众”商标与第2021133号商标“大众汽车”(下称引证商标)在诉争商标申请注册日前已达到驰名程度,诉争商标系对引证商标的复制与摹仿,诉争商标的注册和使用将损害大众公司作为驰名商标所有人的合法权益。

经审理,原商标评审委于2017年3月13日作出裁定,认为大众公司提出的无效宣告理由不成立,裁定对诉争商标予以维持。

大众公司不服原商标评审委所作裁定,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指出,驰名商标的保护范围不应仅限于关联商品。该案中,诉争商标的注册和使用可能使相关公众认为其与已经驰名的引证商标具有某种联系,从而不正当地利用驰名商标的市场声誉误导公众,致使大众公司的利益可能受到损害。据此,法院于2018年12月27日作出一审判决,撤销原商标评审委所作裁定,并判令原商标评审委重新作出裁定。

原商标评审委不服一审判决,随后向北京市高级人民法院提起上诉称,诉争商标与引证商标未构成近似商标,大众公司提交的证据不足以证明引证商标在诉争商标申请注册日前已达到驰名程度,诉争商标的注册应予维持。

北京市高级人民法院经审理认为,在案证据可以认定引证商标于诉争商标申请注册日前,在汽车商品上已达到驰名程度。诉争商标“大众”中的“众”字在呼叫上与引证商标中的“众”字相近,构成对引证商标的复制、摹仿。同时,诉争商标与引证商标核定使用的商品在功能用途、销售渠道、消费对象等方面存在关联性,诉争商标的注册和使用可能会误导相关公众,导致大众公司的利益可能受到损害。据此,北京市高级人民法院判决驳回原商标评审委上诉,维持一审判决。(王晶)

