

China's IP  
in foreign eyes

Today, Chinese e-commerce, search and social media platforms greatly outperform their Western counterparts in view of the audience reach and loyalty in China. The global success of the Tik Tok short video app by ByteDance also reveals that Chinese tech giants are able to conquer foreign audiences too. Others will probably follow, as whether we like it or not, China's tech companies are not only proliferating, but also bubbling with new ideas and an uncanny enthusiasm for innovation. (Chinese tech companies are leading the new global innovation revolution, the Drum)

如今,在用户使用率和忠诚度方面,中国的电子商务、搜索和社交媒体平台的表现远远优于西方同行。字节跳动开发的抖音海外版软件在全球范围内取得了成功,这表明中国的科技巨头足以征服外国用户。中国的科技公司正在蓬勃发展。不论我们是否愿意看到,模仿者或许都会出现,但其中也会伴随着不断涌现的新点子与对创新超乎寻常的热情。(中国科技企业引领全球创新革命,《the Drum》杂志)

## Comment:

Shooting and watching short videos has become a lifestyle for many people. Interesting content and unique model are the reasons why this new social media is so popular. The success of ByteDance is not an accident, the passion for innovation and the protection of IPRs are the determining factors.

## 点评

拍摄和观看短视频已经成为了许多人的生活方式。有趣的内容和独特的模式是这种新兴社交媒体受欢迎的重要原因。字节跳动的成功并不是偶然,对创新的探索和对知识产权的保护才是关键。



As companies around the globe explore new uses for blockchain, China is quickly outpacing the rest of the world in patent applications for blockchain-related technology. According to Tokyo-based research firm Astamuse, China filed around three times as many such patents (7,600) as the U.S. between 2009 and 2018, while data compiled by Japanese legal services firm NGB reveals that Chinese e-commerce giant Alibaba, which uses blockchain technology to power its Alipay e-payment platform, has filed more than 500 patent applications over the same timeframe. (Moving Ahead on Blockchain Innovation, Reach Further)

在全世界的公司都在探索区块链新用途之时,中国提交的区块链相关专利申请数量已经迅速超过了全球其他地区。根据日本研究公司Astamuse的数据,2009年至2018年间,中国的专利申请量(7600件)是美国的三倍左右;日本法律服务公司NGB汇总的资料显示,中国电子商务公司阿里巴巴利用区块链技术为支付宝提供助力,在同一时期提交了500多件相关专利申请。(推进区块链创新,《Reach Further》杂志)

## Comment:

Blockchain is an important breakthrough in independent innovation of core technologies. While accelerating the development of blockchain and industrial innovation, the protection of IPRs is crucial for enterprises. It is necessary for Alibaba to file hundreds of related patents to protect its achievements.

## 点评

区块链是核心技术自主创新的重要突破口。加快推动区块链技术创新和产业发展的同时,知识产权的保护对于企业也至关重要。阿里巴巴提交数百件相关专利申请用以保护其创新成果就显得十分必要。

(王絮蒙)

China sees continuous improvement in IP quality and efficiency in 2019  
2019年中国知识产权质量效益持续提升

China National Intellectual Property Administration (CNIPA) recently released statistics for the year 2019 on patents, trademarks, geographical indications (GI) and layout designs of integrated circuits. The numbers showed steady and gradual uptick of main IP indicators in 2019 and the quality and efficiency of IP has been improved constantly.

In 2019, 361,000 invention patents were granted to domestic users, 344,000 or 95.4% of which were service patents. Huawei (4,510), Sinopec (2,883) and OPPO (2,614) ranked top three in granted invention patents in China. As of the end of 2019, granted invention patents in China had amounted to 1.862 million. The number of invention patents owned by every 10,000 people reached 13.3. Beijing (132) ranked first in the number of patents owned by every 10,000 people, followed by Shanghai (53.5) and Jiangsu

(30.2). In 2019, CNIPA received 61,000 PCT applications, up 10.4%; 57,000 of which were from local users, up 9.4%. Guangdong (24,700), Beijing (7,200) and Jiangsu (6,600) were the most prolific provinces. In 2019, the number of patent applications for invention, utility model and industrial design concluded were 1.023 million, 1.981 million and 744,000 respectively. The pendency for examination of higher-valued invention applications was shrunk to 17.3 months. User satisfaction rate on patent examination was 84.8 points. For patent reexamination, 55,000 requests were filed and 37,000 were concluded; 6,000 filed for patent invalidation and 5,000 concluded.

In 2019, 7.837 million trademark applications were filed in China. The number of registered trademarks in China was 6.406 million, 6.178 million of which were filed inside the country. As of the end of 2019, China had

25.219 million valid registered trademarks, up 28.9%. In 2019, Chinese applicants submitted 6,491 Madrid international trademark applications. As of the end of 2019, the valid Madrid international trademark applications from China were 38,000. In 2019, the concluded trademark applications were 8.253 million and the average examination pendency for trademark registration was curtailed below 4.5 months, exceeding the year's goals preset by the State Council. For trademark opposition, 144,000 requests were received and 90,000 were concluded; 361,000 for review received and 337,000 were concluded.

In 2019, CNIPA unveiled the unified GI logo. There were five products awarded GI protection, 462 GI trademarks registered and 301 businesses certified to use GIs.

CNIPA received 8,319 registered applications of layout designs of integrat-

ed circuits, up 87.7%; 6,614 were certified, up 73.4%.

In 2019, IP administrations across the nation handled 39,000 administrative cases for patent infringement dispute, up 13.7%; two infringement cases for layout designs of integrated circuits. In 2019, IP royalties generated in import and export exceeded 37 billion dollars. The volume of patent and trademark pledge financing amounted to 151.5 billion yuan, up 23.8%. The volume of patent pledge financing stood at 110.5 billion yuan, up 24.8%; securing 7,060 items as collaterals, up 30.5%.

According to experts, the statistics presented three features. First, the ability to protect IP from the start has been continuously strengthened and examination pendency for high-valued patents and average examination period for trademark registration have been curtailed, an important sign of notable progress in improving quality and efficiency of IP examination and enhanced capability of IP protection from the start. Second, IP policy is more in line with market demand, effectively stimulating the vitality of market entities and the vigor for innovation and entrepreneurship. Third, IP strongly supports a higher level of opening up, foreign patent and trademark applications in China have continued to increase, reflecting the confidence and vitality of foreign investment in China. (by Feng Fei)

本报讯 近日,中国国家知识产权局集中发布了2019年专利、商标、地理标志、集成电路布图设计的年度统计数据。数据显示,2019年,中国主要知识产权指标总体平稳、稳中有进,知识产权质量效益持续提升。

在专利方面,2019年,中国国内发明专利授权36.1万件,其中职务发明为34.4万件,占95.4%。中国发明专利授权量排名前3位的国内(不含港澳台)企业依次为华为技术有限公司(4510件)、中国石油化工股份有限公司(2883件)、OPPO广东移动通信有限公司(2614件)。截至2019年底,中国国内(不含港澳台)发明专利拥有量共计186.2万件,每万人口发明专利拥有量达到13.3件,每万人口发明专利拥有量排名前3位的省(区、市)依次为北京(132.0件)、上海(53.5件)、江苏(30.2件)。2019年,中国共受理PCT国际专利申请6.1万件,同比增长10.4%。其中,5.7万件来自国内,同

比增长9.4%。中国PCT国际专利申请排名前3位的省(区、市)依次为广东(2.47万件)、北京(0.72万件)、江苏(0.66万件)。2019年,共审结发明专利申请102.3万件,实用新型专利申请198.1万件,外观设计专利申请74.4万件,高价值发明专利审查周期压缩至17.3个月,专利审查质量用户满意度指数为84.8分。专利复审请求量为5.5万件,结案量为3.7万件。无效宣告请求量为0.6万件,结案量为0.5万件。

在商标方面,2019年,中国商标注册申请量为783.7万件。商标注册量为640.6万件。其中,国内商标注册617.8万件,高价值商标注册国际注册有效量为2521.9万件,同比增长28.9%。2019年,收到中国申请人提交马德里商标国际注册申请6491件。截至2019年底,中国申请人马德里商标国际注册有效量为3.8万件。2019年,共审结商标注册申请825.3万件,商标注册平均审查周期缩短至4.5个月,超额完成国务院确定的年度目标任务。受理商标异议申请14.4万件,完成异议案件审查9.0万件。共收到各类商标评审案件申请36.1万件,结案33.7万件。

在地理标志方面,2019年,中国国家知识产权局发布了统一的地理标志专用标志,批准保护地理标志产品5个,注册地理标志商标462件,核准使用地理标志产品专用标志企业301家。

在集成电路布图设计方面,2019年,共收到集成电路布图设计登记申请8319件,同比增长87.7%。集成电路布图设计发证6614件,同比增长73.4%。

在其他方面,2019年,中国知识产权行政主管部门办理专利侵权纠纷行政裁决案件3.9万件,同比增长13.7%。办理集成电路布图设计侵权案件2件。2019年,知识产权使用费进出口总额超过370亿美元。专利、商标质押融资总额达到1515亿元,同比增长23.8%。其中,专利质押融资金额达1105亿元,同比增长24.8%,质押项目7060项,同比增长30.5%。

据介绍,2019年统计数据呈现三个特点。一是知识产权源头保护能力不断增强,高价值专利的审查周期和商标注册平均审查周期都在压缩,表明知识产权政策有效激发了市场主体活力,并释放了创新创业的内生动力。二是知识产权政策更加贴合市场需求,知识产权创造与市场更加贴合,知识产权政策有效激发了市场主体活力,并释放了创新创业的内生动力。三是知识产权有力支撑更高水平对外开放,国外在华专利、商标申请量持续大幅增长,充分显示了外商在华投资兴业的信心和活力。(冯飞)



Songshi Kites originated from the court of the Northern Song Dynasty, and have been inherited for more than 1000 years. They are mostly inspired from insects, fish, birds and other animals. They are vivid with delicate painting and exquisite workmanship, reflecting the vitality of life. In 2015, Songshi Kite was listed into the intangible cultural heritage protection list of Henan Province.

宋室风筝起源于北宋时期宫廷,至今传承1000多年,多取材于虫、鱼、鸟、兽,具有浓郁的生活气息,造型逼真,画工细腻,扎工精巧。2015年,宋室风筝被列入河南省省级非物质文化遗产保护名录。

本报记者 李铎 摄影报道

BBC awarded 1 million yuan in first-instance judgment  
擅用“BBC”商标,爱语吧一审被判赔百万元

Recently, Beijing Haidian District People's Court made a first-instance judgment on a trademark infringement and unfair competition disputes between the British Broadcasting Corporation (BBC) and Beijing Aiyuba Technology Co., Ltd. The Court held that Aiyuba's unauthorized use of the "BBC" logo constituted trademark infringement and unfair competition, ordering it to cease infringement and indemnify BBC 1 million yuan in damages and reasonable expenses.

BBC claimed that it enjoys exclusive rights of three registered trademarks including No. G918771 "BBC", and that the trademark in dispute and its corporate name "BBC" have a high reputation in China. Aiyuba unauthorizedly used the "BBC" logo on two websites, one WeChat public account, and five mobile apps developed by it, infringing BBC's exclusive right of the registered trademarks. In parallel, the unauthorized use of the British Broadcasting Corporation and its abbreviation "BBC" had caused the public to mistakenly believe that the goods and

services provided by Aiyuba had a specific association with BBC, which constituted unfair competition. Therefore, BBC sued Aiyuba at Haidian Court, requesting the Court to order Aiyuba to cease infringing BBC's trademarks and indemnify 1 million yuan in damages and reasonable expenses.

Aiyuba argued that BBC did not actually use the trademarks in mainland China, and its use of the words and logos did not infringe the plaintiff's exclusive right to use the trademark. In addition, the radio, television and news programs run by BBC are different from the English language content of Aiyuba and they are not competitors. In addition, the British Broadcasting Corporation is not commercially used as a trade name in mainland China, which is not subject to "trade name" prescribed in the Chinese Unfair Competition Law.

Haidian Court found that the use of the word "BBC English" on the website, WeChat public account, and mobile phone apps by Aiyuba Company should be regarded as use in the sense of trademark law. The distinctive part

of the relevant logo used by Aiyuba Company is "BBC" and the overall visual effect is similar to the trademark in dispute, which constitutes trademark infringement. Although BBC is mainly engaged in broadcasting, it also provides learners with audio and other materials. There is a competitive relationship between the two parties. In addition, the BBC's trade name and its abbreviation BBC belong to the "trade name" provided in the Chinese Unfair Competition Law, and have a certain influence on Chinese English learners. Therefore, the Court held that the related acts of Aiyuba Company constituted unfair competition.

It is reported that Aiyuba has appealed. CIP News will follow the developments of the case.

(by Zhang Binbin and He Lu)  
本报讯 近日,北京市海淀区人民法院(下称海淀法院)就英国广播公司(BBC)起诉北京爱语吧科技有限公司(下称爱语吧公司)侵犯商标权及不正当竞争纠纷案作出一审判决,认定爱语吧公司擅自使用"BBC"标识的行为构成商标侵权及不正当竞争,

判决爱语吧公司停止侵权行为,并赔偿英国广播公司经济损失及合理开支共计人民币100万元。

英国广播公司诉称,其享有第G918771号"BBC"等3个注册商标专用权,且涉案商标及其企业名称"英国广播公司"在中国具有较高知名度。爱语吧公司未经许可,擅自在其运营的2个网站、1个微信公众号以及其开发的5款手机应用程序中突出使用"BBC"标识,侵犯了其注册商标专用权;同时擅自使用"英国广播公司"及其缩写"BBC",使公众误认为爱语吧公司提供的商品和服务与其存在特定联系,构成不正当竞争。据此,英国广播公司起诉至海淀法院,请求判令爱语吧公司停止侵权,并赔偿经济损失及合理开支人民币100万元。

爱语吧公司辩称,英国广播公司并未在中国大陆实际使用涉案商标,其使用涉案字样及标识的行为未侵犯原告的商标专用权。此外,英国广播公司从事广播、电视、新闻等业务,与爱语吧公司从事英语学习内容不同,没有竞争关系;而且,"英国广播公司"未在中国大陆作为企业名称进行商业使用,不属于反不正当竞争法中所规定的"企业名称"。

海淀法院经审理认为,爱语吧公司在被诉网站、微信公众号及手机应用程序上使用"BBC英语"字样,均是商标法意义上的使用行为。爱语吧公司使用的标识,显著部分为"BBC",整体的视觉效果与涉案商标近似,构成对涉案商标专用权的侵犯。虽然英国广播公司主要从事广播等业务,但也为学习者提供音频等资料,因此二者之间存在竞争关系。此外,英国广播公司的企业名称及其简称"BBC"属于反不正当竞争法规定的"企业名称",且在中国英语学习者中具有一定影响力。因此,法院认定爱语吧公司的相关行为构成不正当竞争。

据悉,爱语吧公司已提起上诉。本报将持续关注案件进展。

(张彬彬 何璐)

英文翻译	孙芳华
Translator	Sun Fanghua
编辑	邹碧颖
Editor	Zou Biying