

China's IP
in foreign eyes

In China's major cities, groceries and other items purchased online can be delivered to the home within as little as 20 minutes following a purchase.

This is largely down to the deployment of digital technology. Alibaba's Cainiao network, for example, supports the supply chains of the merchants it serves via an AI-enabled digital inventory system that links the online and offline shopping worlds, in which merchants' physical stores serve an extended distribution network. Almost as soon as the lockdown was declared in Wuhan, Alibaba was shipping medical and food supplies into the province. (*Delivery Technology Is Keeping Chinese Cities Afloat Through Coronavirus, Harvard Business Review*)

在中国的主要城市,可以在线购买百货等商品。下单后,货物甚至能在20分钟送到家。这些都归功于数字技术的大规模应用。诸如阿里巴巴的菜鸟物流,通过人工智能数字库存系统连接起线上与线下的消费,支持商家管理其供应链,使实体店延伸成为销售网络。几乎在武汉宣布封城的同时,阿里巴巴就很快将药品和食物运送到了湖北省。(配送科技维持了中国城市在疫情期间的运转,哈佛商业评论)

Comment:

Cainiao upgrades delivery technologies by using AI and self-reliant IPRs to support merchants' online sales. Delivery technologies accumulated for a long time has played an important role in maintaining the operation of Chinese cities through coronavirus.

点评

菜鸟物流创新配送技术,利用AI人工智能及相关知识产权助力商家的线上销售。长期以来积累的技术储备在新冠疫情期间大显身手,为维持城市的正常运转贡献了重要力量。



Baidu is giving an algorithm it calls "LinearFold" for free to gene testing agencies, epidemic control centers and research institutions globally. The algorithm is able to help scientists understand the genetic make up of the coronavirus, and could help efforts to develop a vaccine. "The special situation of the epidemic has created huge demand for online medical services and information," Yang Minglu, general manager of Baidu's health-care business unit told CNBC. (*China's giants from Alibaba to Tencent ramp up health tech efforts to battle coronavirus, CNBC*)

百度宣布向基因检测机构、疾病控制中心和全球的研究机构免费开放线性时间算法"LinearFold"。该算法可以帮助科学家了解病毒的基因组成,助力疫苗开发。"此次疫情导致人们对线上医疗服务和信息的需求大增。"百度医疗卫生事业部总经理杨明璐接受采访时表示。(从阿里巴巴到腾讯,中国的巨头公司正聚焦医疗科技战"疫",美国消费者新闻与商业频道)

Comment:

The analysis of coronavirus RNA can be shortened from 55 minutes to 27 seconds by the "LinearFold" algorithm of Baidu. It will help to accelerate scientists' pace on coronavirus study that Baidu chose to open the algorithm and related IPRs to research institutions globally for free.

点评

百度公司的LinearFold算法可将新型冠状病毒的核糖核酸分析从55分钟缩短至27秒。百度将该算法及相关知识产权向全球的研究机构免费开放,许可使用,将有利于加快科学家们对病毒的研究。(邹碧颖)

CNIPA releases 2019 China Patent Investigation Report

《2019年中国专利调查报告》显示

中国知识产权保护取得新成效

Recently, China National Intellectual Property Administration (CNIPA) publicly released the "2019 China Patent Investigation Report". The Report shows that China has achieved new results in increasing the cost of infringement and optimizing conditions for doing business, and enterprises' strong demand in hardening the groundwork for IP protection; patent use is running smoothly and the awareness of patent landscaping is generally sharp; More than 90% of the patentees recognize the legal role and significance of the patent invalidation procedure; more than 80% of the patentees believe that the implementation of the national IP strategy has improved China's comprehensive competitiveness.

The Report also pointed out that China's IP development has faced difficulties such as more introduction of patented technology than export by enterprises, regional concentration of foreign patented technology transactions and the difficulty in introducing strategic emerging industries' patented technology. In order to promote the transfer and transformation of China's patented technology and effectively gather international innovation resources, the Report proposes three aspects: Firstly, to further open up to the outside world, enforce stringent IP protection in accordance with the law, create a world-class business environment, laying a solid foundation for a sound flow of elements of scientific and technological innovation in international market; Secondly, based on China's compliance with international commitments on prohibiting compulsory technology trans-



fer, strictly regulate the conduct clearly defined in the TRIPs Agreement such as restricting competition and possibly constituting IP abuse, prohibiting opposition to the validity of IP, setting conditions for exclusive grants; thirdly, while strengthening innovation capabilities, enterprises should also enhance IP utilization, further improve the ability to predict and negotiate on international patent technology transactions, and minimize the impact brought by restrictions on competition.

CNIPA has organized patent investigations for 12 consecutive years. The scope of patent investigation in 2019 covers 25 provinces, autonomous regions and municipalities directly under the central government in China, involving patent holders and three kinds of patents such as invention, utility model and industrial design held by enterprises, universities, research insti-

tutes, and individuals with valid patents as of the end of 2018. A total of 13,500 questionnaires on patentees and 42,500 ones on patent information were sent out respectively, 12,800 (94.7%) and 37,300 (87.8%) of which respectively responded. In the future, CNIPA will continue to publish annual patent investigation report to provide data support and services for relevant government decisions and policy research. (by HanRui)

本报讯 近日,中国国家知识产权局向社会公开发布《2019年中国专利调查报告》(下称《报告》)。《报告》显示,中国知识产权保护在提高侵权违法成本、优化保护环境等方面取得新的成效,企业在强化知识产权源头保护等方面需求旺盛;专利运用水平总体平稳,专利布局意识整体良好;九成以上专利权人认可专利无效宣告程序的法律作用及意义;八成以上专利权人认为国家知识产权战略的

实施提升了中国综合竞争力。

此外,《报告》指出,中国知识产权发展存在企业专利技术转移引进多于输出、对外专利技术交易呈现区域集中、战略性新兴产业专利技术引进难度高等问题。为了促进中国专利技术转移转化,有效汇聚国际创新资源,《报告》从三个方面提出建议:一是进一步扩大对外开放,依法严格实施知识产权保护,营造国际一流营商环境,为促进科技创新要素在国际市场良性流动夯实基础;二是在遵守中国对禁止强制技术转让做出的国际承诺基础上,严格规制 TRIPs 协议中明确界定为限制竞争、可能构成知识产权滥用的行为,如禁止对有关知识产权有效性提出异议、设置独占性返授条件等;三是企业在提升创新能

力的同时,也应提高知识产权运用水平,进一步提高专利技术国际交易的预判及谈判能力,最大限度降低限制竞争行为对自身的影响。

据悉,中国国家知识产权局已连续12年组织开展专利调查工作。2019年专利调查范围覆盖中国25个省、自治区、直辖市,涉及截至2018年底拥有有效专利的企业、高校、科研单位、个人共4类专利权人及其拥有的发明专利、实用新型专利、外观设计专利。共发放专利权人问卷1.35万份,专利信息问卷4.25万份,回收有效问卷分别为1.28万份和3.73万份,回收率为94.7%和87.8%。今后,中国国家知识产权局也将继续对外发布年度专利调查报告,为相关政府决策和政策研究提供数据支撑和服务。(韩瑞)

3M fends off 3LM on TM similarity

“3M”与“3LM”之争见分晓

Regarding the registration of multiple "3LM" trademarks used on products such as sandpaper and abrasives, the US-based 3M Company was entangled into a number of trademark disputes with a Chinese manufacturer. Recently, according to the rulings published by the Beijing High People's Court, the "3LM" trademarks (trademarks in dispute), filed by Jiangsu Danyang Tianyu Hardware Abrasives Co., Ltd. (Danyang Tianyu Company) are similar trademarks with multiple "3M" trademarks (reference trademarks) used on the same or similar products, resulting in the revocation of the decision in favor of "3LM" registrations by the former Trademark Review and Adjudication Board of the State Administration for Industry and Commerce (the former TRAB).

Danyang Tianyu Company filed several applications featuring "3LM" for trademark registration in 2014 and would get the nod in 2015, certified to be used on multiple product categories such as sandpaper and abrasives. In 2017, 3M pled the former TRAB to nullify the trademarks in dispute, asserting their similarity with its own, infringement of its well-known mark "3M" and prior right of trade name. The TRAB found that "3LM" trademarks differed greatly with "3M" marks in word combination and calling, making them not similar marks used on the same or similar goods; the registration and use of the trademarks in dispute have not damaged 3M's previous trade name right. In this connection, the TRAB ruled in favor of the trademarks in dispute.

Disgruntled with the above-mentioned ruling, 3M brought the case to the Beijing IP Court. However, the company suffered another setback as it failed to win the support of the trial Court. 3M company went on to appeal at the Beijing High People's Court. Beijing High People's Court held that all the products on which the trademarks are certified to be used are highly overlapping with the reference marks in terms of product raw materials, production departments, functional use, consumer objects, sales channels, making them same or similar goods; the trademarks in dispute and the reference trademarks have a high degree of similarity in text composition, arrangement, calling and appearance. If they are used together on the same or similar products, it is easy for the public to believe that the related goods originated from the same entity or there is a specific association between the two entities, thus causing confusion and misidentification among the related public. To sum up, the appellant Court held that the

trademarks in dispute and the reference trademarks constituted similar trademarks used on the same or similar products, revoking the decision of the trial Court as well as the ruling of the former TRAB. (by Wang Guohao)

本报记者 王国浩

围绕着注册使用在砂纸、研磨剂等商品上的多件“3LM”商标,美国3M公司与中国一家企业产生了多起纷争。日前,北京市高级人民法院公开的多份判决显示,江苏省丹阳市天宇五金磨具有限公司(下称丹阳天宇公司)的多件“3LM”商标(下称诉争商标),被认定与多件“3M”商标(下称引证商标)构成使用在同一种或类似商品上的近似商标,原中国国家工商行政管理总局商标评审委员会(下称原商评委)所作的对诉争商标予以维持的裁定被撤销。

丹阳天宇公司于2014年提出多件以“3LM”为标识的诉争商标注册申请,2015年被核准注册使用在砂纸、研磨剂等商品类别上。2017年,3M公司针对诉争商标向原商评委提出无效宣告请求,主张诉争商标与引证商标构成使用在同一种或类似商品上的近似商标,诉争商标系对3M公司驰名商标“3M”的复制、摹仿或抄袭,还损害了3M公司的在先商号权。原商评委经审理认为,诉争商标“3LM”与引证商标“3M”在文字组合及呼叫等方面均存在较大区别,与引证商标未构成使用在同一种或类似商品上的近似商标;诉争商标的注册使用未损害3M公司的在先商号权。据此,原商评委裁定对诉争商标予以维持。

3M公司不服原商评委所作裁定,随后向北京知识产权法院提起行政诉讼,但其诉讼请求未能获得法院一审判决支持,3M公司继而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指出,诉争商标核定使用的全部商品与引证商标核定使用的部分商品在产品原料、生产部门、功能用途、消费对象、销售渠道等方面高度重叠,已构成同一种或类似商品;诉争商标与引证商标在文字构成、排列方式、呼叫和外观上相似程度较高,若共同使用于上述同一种或类似商品上,相关公众在施以一般注意力的情况下,容易认为相关商品来源于同一主体或者二者之间有特定联系,从而产生混淆、误认。综上,法院认定诉争商标与引证商标构成使用在同一种或类似商品上的近似商标,判决撤销一审判决及原商评委所作裁定。



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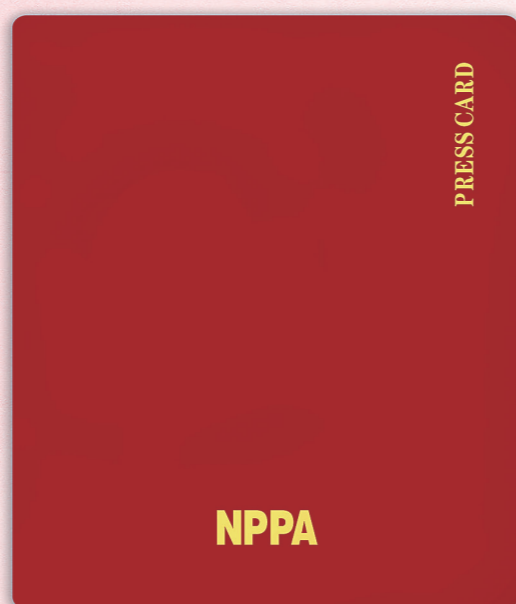
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