

China's IP
in foreign eyes

Beijing Aeonmed Co. has been working around the clock since Jan. 20. After meeting the country's needs two weeks ago, its factory lines have been working flat out on orders from overseas for its lifesaving ventilators. Unlike face masks or thermometers, where companies can quickly ramp up production, ventilators have a higher barrier to entry, making a rapid expansion of production more difficult. "The global fight against the pandemic is a test of made-in-China speed and quality," said Li. (*China's Factories Work 24/7 to Build Ventilators for Milan, New York, Bloomberg*)

1月20日以来,北京谊安医疗公司一直在夜以继日地忙碌。两星期前,中国呼吸机的产能得以满足国内需求。现在,该公司的生产线正在全力以赴完成海外订单。与企业能迅速增产的口罩或温度计不同,呼吸机的生产门槛更高。“这场抗疫战争是对‘中国制造’的考验。”该公司一位高管表示。(中国工厂正在为世界夜以继日生产呼吸机,彭博社)

Comment

The epidemic is not a problem of just one country. Chinese ventilator factories have reached their maximum capacity, occupied fully by foreign demand. "Made-in-China" is saving the world.

点评

疫情是一场世界性的大考。中国呼吸机厂家正全力投入生产,为世界供应呼吸机,用“中国制造”拯救生命。



Many Chinese companies have already moved beyond crisis response to recovery and post-recovery planning. For example, Kuaishou, a social video platform valued at \$28 billion, promoted online education offerings to compensate for school and university closures. The company and other video platforms partnered with the Ministry of Education to open a national online cloud classroom to serve students. (*How Chinese Companies Have Responded to Coronavirus, Harvard Business Review*)

许多中国公司早已走出了疫情带来的低迷,开始新的发展。例如短视频社交平台快手,这家市值280亿美元的公司在疫情期间向广大中院校开展在线教育。它还与其他视频平台合作,在中国教育部的组织下开启了全国性的在线云课堂。(中国企业如何直面疫情,哈佛商业评论)

Comment

When threatened by crisis, many companies are focused on defensive moves, but some Chinese companies like Kuaishou boldly innovated around emerging opportunities. Looking for innovation opportunity amid adversity is China's experience pointing to the scenario that companies should prepare for.

点评

当面临疫情时,许多公司选择防御性策略,但像快手一样的中国公司敢于直面挑战,投入创新。这是中国公司在疫情中得到的启示:抓住机遇,逆势创新。(孙迪)

China registers 4.18 million+ copyrights in 2019

2019年全国著作权登记总量逾418万件

In 2019, a total of 4,186,549 copyrights were registered, up 21.09% over 3,457,338 in 2018, according to the Circular on China's Copyright Registration in 2019 issued by the National Copyright Administration of China on March 25.

In terms of works registration, there were 2,701,564 on works in 2019, up 14.86% over 2,351,952 in 2018. China's works registration witnessed a steady upward trend. The front runners were Beijing (1,003,091), Shanghai (291,803), China Copyright Protection Center (282,541), Jiangsu (246,607), Sichuan (171,060) and Chongqing (157,692), accounting for a combined 79.69% of the total in China. Tianjin, Guizhou, Gansu and Inner Mongolia all saw a growth of over 100% in registration of works. In terms of works type, the art works attracted the most, standing at 1,288,139, accounting for 47.68% of the total.

In terms of software registrations, a total of 1,484,448 examples were registered in 2019, up 34.36% in terms of registration distribution, a total of 1.04 million examples were registered in

the eastern part of the country, devouring 70.2% of the total. Top performer Guangdong contributed 250,000 + (17.2%) of the total. The northeastern area grew at the fastest rate with 57.7%, 23 percentage points higher than the nation's average growth rate.

In terms of copyright pledges, in 2019, there were 537 copyright pledges registered, down 1.83%, involving 381 contracts, up 0.26%; 1,600 works, up 16.96%, 7.64312 billion yuan of primary debt, down 4.0% and 7.30088 billion yuan of warranted value, down 12.74%, according to the statistics released by China Copyright Protection Center.

The circular reveals that the local copyright administrations and copyright registration authorities across the nation should follow the development of such work, further improve submission system, beef up team construction and constantly enhance work efficiency by making full use of the national copyright supervision platform.

(by Dou Xinying)

本报讯 3月25日,中国国家版权局发布《关于2019年全国著作权登

记情况的通报》。通报显示,2019年全国著作权登记工作取得新进展,登记总量达418.6549万件,相比2018年的345.7338万件增长21.09%。

通报显示,在作品登记方面,2019年全国共完成作品登记270.1564万件,相比2018年的235.1952万件,同比增长14.86%。全国作品登记量总体呈现稳步增长趋势,登记量较多的分别是:北京市100.3091万件,上海市29.1803万件,中国版权保护中心28.2541万件,江苏省24.6607万件,四川省17.106万件,重庆市15.7692万件。以上登记量占全国登记总量的79.69%。天津、贵州、甘肃、内蒙古等省(区、市)的作品登记量同比增长均超过了100%。从作品类型看,登记量最多的是美术作品128.8139万件,占登记总量的47.68%。

在计算机软件著作权登记方面,2019年全国共完成计算机软件著作权登记148.4448万件,同比增长34.36%。从登记区域分布情况看,软件著作权登记区域主要分布在东部地区,登记量约104万件,占登记总量的70.2%。其中,广东省登记软件超过25万件,占登记总量的17.2%。登记增速最快的是东北地区,同比增长57.7%,高于全国整体增速约23个百



分点。

在著作权质押权登记方面,根据中国版权保护中心著作权质押权登记信息统计,2019年全国共完成著作权质押权登记537件,同比下降1.83%;涉及合同数量381个,同比增长0.26%;涉及作品数量1600件,同比增长16.96%;涉及主债务金额76.4312亿元,同比下降4.0%;涉及担保金额73.0088亿元,

同比下降12.74%。

通报指出,各地区版权行政管理部门和著作权登记机构要密切关注著作权登记工作的发展趋势,充分利用国家版权监管平台,进一步规范著作权登记情况报送制度,加强著作权登记工作队伍建设,不断提升著作权登记工作效能。

(窦新颖)



Shanxi Aged Vinegar

山西老陈醋

The ancient Chinese text Rites of Zhou describes "an official charged with managing the five types of alcohol and the seven types of preserved vegetables" as evidence of the position vinegar held in the emperor's daily diet. Ancient records state that Empress Wu Zetian once felt unwell while in Luoyang. Abdominal distension and air (gas) stagnation left her with no appetite. However, a Taoist priest gave her some aged millet vinegar, which allowed her to quickly recover. From then on, the imperial table always had rice vinegar, and the custom is still common at present.

Shanxi aged vinegar is made from sorghum, wheat, and peas. It is steamed, fermented, smoked, rinsed, and sun-dried. With 3,000 years of history, it is one of the four greatest vinegars of China. It is famed worldwide for its color, fragrance, purity, richness, and pleasant sour flavor. The main ingredient is sorghum bran, and the secondary ingredients are the sorghum hulls and husks. The sacchariferous starter for the fermentation is yeast made from wheat and peas. After alcoholic fermentation and acetic acid fermentation, it is then smoked and aged. It is a shiny brownish-red, similar to

purple amber and comparable to black pearl, and it has a uniform appearance that is rather thick. Rich, refined, and well-harmonized, it gives off a unique, smoky, aged fragrance of vinegar and ester that set each other off well. The flavor is sour, rich, fresh, and fragrant, and it leaves a lingering aftertaste.

Since receiving geographical indication protection, the Shanxi aged vinegar industry has continually expanded, and its share of the overall vinegar market continues to grow. As a result, it is gaining greater recognition in the industry and in the hearts of consumers. (Courtesy of the IP Protection Department of CNIPA)

在我国古代典籍《周礼》中,就记述有“醴人掌五齐、七醴”之谓,旁证了醋在帝王日常饮食中的地位。古籍记载,武则天在洛阳时凤体欠安,腹胀气滞不思饮食,后有道士进献小米陈醋,武后服后很快康复。此后御膳必配米醋,此习俗流传至今。

山西老陈醋选用优质高粱、大麦、豌豆等五谷经蒸、酵、熏、淋、晒的过程酿成而成,是中国四大名醋之一,至今已有3000余年的历史,以色、香、醇、浓、酸五大特征著称于世。山西老陈醋是以高粱麸皮为主要原料,以稻壳和谷壳为辅料,以大麦、豌豆为原料制作的大曲作为糖化发酵剂,经酒精发



酵后采用固态醋酸发酵,再经熏醋、陈酿等工艺酿造而成的食醋。色泽棕红,有光泽,体态均一,较浓稠。有独特的醋香、酯香、熏香、陈香相互衬托,浓郁、协调而细腻。其色如紫琥珀,状似黑珍珠,食之酸、浓、鲜、香,令人回味无穷。

山西老陈醋在地理标志保护下,不断发展壮大,市场占有率不断提升。目前,山西老陈醋在行业内和消费者心中的影响与日俱增。

(中国知识产权局知识产权局知识产权保护司供稿)

Canadian company regains revoked TM

博欧科普莱斯公司在华赢得商标诉讼

Beijing High People's Court recently made a judgment on a case regarding reexamination of No.19391647 Bio-K PLUS trademark and its figure (trademark in question), ruling that the trademark question, owned by the Canada-based BoouKepulaisi International Company, is not similar with No.11300843 BLOK trademark (No.1 cited trademark) when used on the same or similar product.

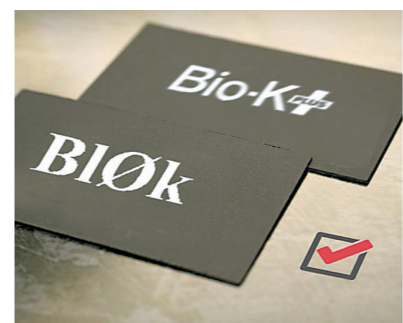
The trademark in question was filed for registration by BoouKepulaisi on March 23, 2016. After examination, the former State Administration for Industry and Commerce rejected the application as the trademark in question is similar with the No.1 cited trademark, No.G701386 PLUS and its figure (No.2 cited trademark), No.5712432 PLUS (No.3 cited trademark) when used on the same or similar product.

Disgruntled with the ruling, the Canadian company then launched a reexamination request to the former Trademark Review and Adjudication Board (TRAB) on January 9, 2017.

marks. One of the distinctive characters of the trademark question, "PLUS", is similar with the No.1 cited trademark "BLOK" in terms of text composition and calling. In parallel, it is also similar with the distinctive characters of No.2 cited trademark PLUS and the No.3 cited trademark PLUS in terms of text composition and calling. Accordingly, the former TRAB decided not to register the trademark in dispute.

The Canadian company refused to just live with the unsavory result and brought the case to the Beijing IP Court, but would only experience frustration again. It then sought the last resort at the Beijing High People's Court, and submitted to the Court a notarized consent issued by Germany's Merck & Company, owner of the No.1 cited trademark, evidencing that Merck greenlighted BoouKepulaisi's registration of the trademark in question in China.

The Court held that the trademark in question and No.1 cited trademark are not similar, and the right owner of the No.1 cited trademark consented the application of the trademark in question. As the No.2 cited trademark has already been revoked by right owner, it is no longer an obstacle as a prior right



for damning the trademark in question. The trademark in question and the No.3 cited trademark have obvious differences in word composition, calling, meaning and appearance, so they are not similar. Accordingly, the Court rejected the first-instance ruling and the former TRAB appeal, and ordered the China National Intellectual Property Administration, which inherited the former TRAB's functions, to make a *de novo* decision. (by Wang Guohao)

本报讯 近日,北京市高级人民法院就围绕第19391647号“Bio-K PLUS及图”商标(下称涉案商标)展开的商标申请驳回复审行政纠纷一案作出判决,认定加拿大博欧科普莱斯国际有限公司(下称博欧科普莱斯公司)的涉案商标与第11300843号“BLOK”商标(下称引证商标一)未构成使用在同一种或类似商品上的近似商标。

据了解,涉案商标由博欧科普莱斯公司于2016年3月23日提出注册申请。经审查,原国家工商行政管理总局商标局(下称原商标局)认定涉案商标与引证商标一及第G701386号“PLUS及图”商标(下称引证商标二)、第5712432号“PLUS”商标(下称引证商标三)构成使用在同一种或类似商品上的近似商标,据此作出驳回涉案商标注册申请的决定。

博欧科普莱斯公司不服原商标局所作驳回决定,于2017年1月9日向原中国国家工商行政管理总局商标评审委员会(下称原商标委)提出复审申请。

经审查,原商标委于2017年7月30日作出复审决定认为,涉案商标指定使用商品与3件引证商标核定使用商品属于同一种或类似商品,涉案商标的重要识别文字之一“PLUS”与引证商标一“BLOK”在文字构成、呼叫等方面相近,与引证商标二的显著识别文字“PLUS”、引证商标三“PLUS”在文字构成、呼叫等方面相同,故涉案商标与3件引证商标均已构成近似商标。据此,原商标委决定对涉案商标的注册申请予以驳回。

博欧科普莱斯公司不服该决定,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支持。博欧科普莱斯公司继而向北京市高级人民法院提起上诉。博欧科普莱斯公司向二审法院提交了引证商标

一权利人德国默克股份两合公司出具的经公证的同意书,载明其同意博欧科普莱斯公司在中国申请注册涉案商标。

北京市高级人民法院经审理认为,涉案商标与引证商标一未构成相同或基本相同的标志,且引证商标一权利人出具了同意涉案商标在中国申请的同意书,故涉案商标与引证商标一未构成近似商标;引证商标二已被权利人注销,其已不再是涉案商标应予初步审定的在先权利障碍;涉案商标与引证商标三在文字构成、呼叫、含义和外观上差异明显,未构成近似商标。综上,法院判决撤销一审判决及原商标委所作复审决定,并判令中国国家知识产权局(根据中央机构改革部署,原商标委的相关职责由中国国家知识产权局行使)就博欧科普莱斯公司针对涉案商标所提出的驳回复审申请重新作出决定。

(王国浩)



英文翻译	柳鹏
Translator	Liu Peng
责任编辑	孙迪
Executive Editor	Sun Di