

China's IP
in foreign eyes

IQIYI launches the animated film *Nezha* exclusively across nine Southeast Asian countries on April 5. The film, which was released in 2019, follows the story of Nezha as he grows up fighting against his fate as a "demon". The film was the second highest-grossing film in China with a total box office of RMB 5 billion. VIP subscribers of IQIYI in Singapore, Malaysia, Indonesia, the Philippines, Vietnam, Laos, Myanmar, Brunei and Cambodia will be able to enjoy the animated blockbuster with high-definition Dolby sound and subtitles in six languages, including Chinese, English, Malay, Vietnamese, Bahasa Indonesia and Thai. (*iQIYI Launches Chinese Animated Blockbuster "Nezha" Exclusively Across Nine Southeast Asian Countries, PR Newswire*)

4月5日,爱奇艺通过国际版平台在东南亚9个国家独家上线高口碑动画电影《哪吒之魔童降世》。2019年,该部电影上映,讲述了哪吒在成长中不断与命运抗争的故事。该部电影位列中国电影票房历史总榜第二位,票房收入为50亿元人民币。新加坡、马来西亚、印度尼西亚、菲律宾、越南、老挝、缅甸、文莱、柬埔寨的爱奇艺会员用户可通过杜比音效及中文、英文、马来语、越南语、印尼语、泰语等6种语言的字幕观看这部高票房电影。(爱奇艺在东南亚9个国家独家上线《哪吒之魔童降世》,美通社)

Comment:

As online entertainment demand has grown since the outbreak of the COVID-19 pandemic, IQIYI continues to expand content supply through original production and copyright acquisition. What IQIYI has done contributes to the expansion of overseas market.

点评

随着疫情期间用户对在线娱乐服务的需求逐渐增加,爱奇艺持续通过原创内容制作、版权收购等方式扩充内容服务。爱奇艺采取的措施将助其拓展更多的海外市场。



China's Tencent Holdings launched a co-innovation lab with Huawei to develop a cloud game platform, the world's biggest game company said in a statement recently. The collaboration will tap the computing power of Huawei's Kunpeng processor to build Tencent's GameMatrix cloud game platform, and the two sides will explore more possibilities in areas such as artificial intelligence and augmented reality in games, Tencent said in the statement. (*Tencent to develop cloud game platform with Huawei, Reuters*)

日前,全球最大的游戏公司腾讯表示,其已与华为合作,启动了一个共同创新实验室,以开发云游戏平台。此次合作将使用华为的鲲鹏处理器来发展腾讯的GameMatrix云游戏平台。双方将在人工智能以及游戏的增强现实等领域共同发力。(腾讯与华为合作开发云游戏平台,路透社)

Comment:

In recent years, Tencent has been developing its game platform through technological innovation and IP protection. The cooperation with Huawei will bring more chances for the company's development of cloud game.

点评

近年来,腾讯一直通过科技创新与知识产权保护来开发其游戏平台。此次与华为的合作,将为腾讯云游戏平台发展带来更多良机。

(熊花平)

China reveals quantified contribution of patents

中国首次正式发布专利密集型产业增加值数据

The China National Intellectual Property Administration (CNIPA), along with the National Bureau of Statistics (NBS) released the *Gazette on the Data of Added Value Generated by Patent-Intensive Industries in 2018*. The combined added value of these industries stood at 10.709 trillion yuan in 2018, contributing 11.6% to the country's GDP. It was the first time China officially announced the data.

According to the gazette, the data released this time are based on the *IP (Patent) Intensive Industry Statistical Classification (2019)* (Order No. 25 of NBS) and uses the results of the fourth national economic census for accounting. China's patent-intensive industries are divided into seven categories according to their economic activities. Going into the specifics, new equipment manufacturing sector ranked the first in 2018, generating 3.2833 trillion yuan of added value, accounting for 30.7% of the country's total; Information and communication technology sector was 2.1551 trillion yuan, 20.1%; Information and communication technology service sector was 1.9472 trillion yuan, 18.2%; New material manufacturing industry was 1.413 trillion yuan, 13.2%; Pharmaceutical and medical services was 946.5 billion yuan, 8.8%; Services of R&D, design and technology was 721.5 billion yuan,

6.7%; Environmental protection industry was 242.4 billion yuan, 2.3%.

A principal from the Strategic Planning Department of CNIPA said that amid the latest round of technological and industrial revolution, compared with traditional elements such as labor and capital, IP is playing an increasingly important role in spurring economic growth. Research from the United States and the European Union showed that the IP-intensive industries are key to driving economic growth and maintaining a competitive edge.

According to the above-mentioned statistical classification, IP (patent) intensive industries refer to the industries whose rate of patent concentration and scale meet the prescribed standards, whose market competition is determined by IP and which is a collection of industries banging with innovation development trend.

In recent years, CNIPA has vigorously nurtured and developed IP (patent) intensive industries, constantly improving the statistical and research work on patent-intensive industries. In 2019, CNIPA and NBS jointly developed and formulated the National Statistical Standard for *IP (Patent) Intensive Industry Statistical Classification (2019)*, which was officially implemented on April 1 of that year. Based on that, the two administrations have jointly established a mechanism for ac-

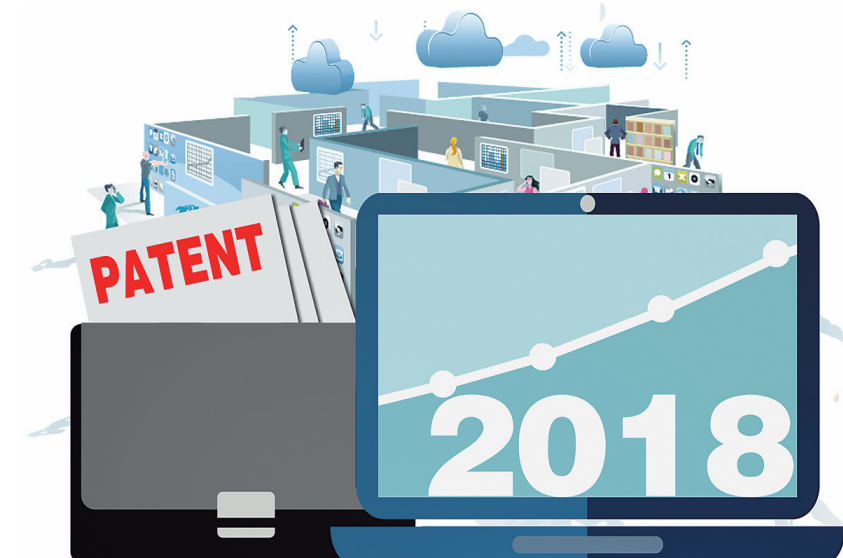
counting and issuing added value of patent-intensive industries.

According to the same principal, this data release marked the official start of the accounting and release mechanism of added value of China's patent-intensive industries. In the next step, CNIPA will release such data on an annual basis to reflect the progress of nurturing and growth of emerging industries and to support government's informed decision-making.

(by Han Rui)

本报讯 日前,中国国家知识产权局与国家统计部门联合发布《2018年全国专利密集型产业增加值数据公告》。公告显示,2018年,中国专利密集型产业增加值为107090亿元,占国内生产总值(GDP)的比重为11.6%。这是中国首次正式发布全国专利密集型产业增加值数据。

公告称,此次发布的增加值数据依据《知识产权(专利)密集型产业统计分类(2019)》(国家统计局令第25号),利用第四次全国经济普查结果进行核算。中国专利密集型产业按经济活动性质可分为七大类,具体来看,新装备制造增加值为32833亿元,占专利密集型产业增加值的比重最高,为30.7%;信息技术制造业增加值为21551亿元,占比20.1%;信息通信技术服务业增加值为19472亿元,占比18.2%;新材料制造业增加值为14130亿元,占比13.2%;医药医疗产业增加值为9465亿元,占比8.8%;研发、设计和技术服务业增加值为



7215亿元,占比6.7%;环保产业增加值为2424亿元,占比2.3%。

中国国家知识产权局战略规划司有关负责人表示,当前,在新一轮科技和产业革命变革发展的背景下,与传统的劳动、资本等要素相比,知识产权作为生产要素在经济发展中发挥着越来越重要的作用。美国、欧盟相关研究也显示,知识产权密集型产业已成为各国驱动经济增长并保持经济竞争优势的重要因素。

根据《知识产权(专利)密集型产业统计分类(2019)》,知识产权(专利)密集型产业是指发明专利密集度、规模达到规定的标准,依靠知识产权参与市场竞争,符合创新发展导向的产业集合。

近年来,中国国家知识产权局大

力培育和发展知识产权(专利)密集型产业,不断完善专利密集型产业统计研究工作。2019年,中国国家知识产权局与国家统计部门联合研制了《知识产权(专利)密集型产业统计分类(2019)》国家标准,并于当年4月1日正式实施;在此基础上,两局联合建立了专利密集型产业增加值核算与发布机制。

中国国家知识产权局战略规划司有关负责人介绍,此次数据的公布标志着中国专利密集型产业增加值核算与发布机制正式启动运行。下一步,中国国家知识产权局将按年度发布专利密集型产业增加值数据,为及时反映新兴产业培育壮大的进展、支撑政府科学决策提供统计数据参考。

(韩瑞)

Siemens triumphs over a string of local trademark free riders

西门子在华成功捍卫商标权

Recently, Hebei High People's Court (Hebei High Court) made a final judgment on a dispute that Siemens AG FWB and Siemens (China) Co., Ltd. sued Hainan Ximenzi Century Electric Co., Ltd. (Hainan Ximenzi) (Note: Ximenzi is the literal Chinese pronunciation of Siemens' Chinese trademark) and Tangshan Lunan Hongtao Home Appliances Distribution Office (Hongtao Distribution Office), Zhejiang Ripu Electric Co., Ltd. (Ripu Company), Cixi Feilong Special Refrigeration Equipment Co., Ltd. (Feilong Company), a person surnamed Ding for trademark infringement and unfair competition. Hebei High Court ordered Hongtao Distribution Office to stop selling the infringing freezer products involved; Hainan Ximenzi, Ripu Company and Feilong Company to stop production and sales of the products involved, and to stop using "Ximenzi Century" and "Hainan Ximenzi Century Electric Co., Ltd." in commercial activities; Hainan Ximenzi to change its trade name which must not contain the same or similar words as "Siemens"; Hainan Ximenzi, Ripu Company, Feilong Company and Ding to jointly indemnify the plaintiff 500,000 yuan in damages and reasonable cost and Hongtao Distribution Office to compensate 50,000 yuan in damages.

Siemens Company was the trademark holder of No. G683480 "西门子" and No. G637074 "SIEMENS", both of which are eponymous trade names. Hainan Ximenzi engages in the production, processing and sales of household appliances. Ding is the legal representative of the company. Ripu Company mainly manufactures and processes household appliances and accessories. Feilong Company takes care of the manufacturing and sales of refrigeration appliances.

Siemens Company found that Hongtao Distribution Office sold refrigera-



tors marked with "Ximenzi Century" and "Hainan Ximenzi Century Electric Co., Ltd." and "Ximenzi Century" was prominently used in the side of the refrigerator. Hainan Ximenzi authorized Ripu Company to sell refrigerators marking "SIIXMZ" brand. The latter authorized Feilong Company to process and produce refrigerators containing "SIIXMZ" brand. Hongtao Distribution Office purchased "SIIXMZ" refrigerators from Ripu Company. Accordingly, Siemens Company filed a lawsuit at Tangshan Intermediate People's Court (Tangshan Court) on the grounds that Ding and the above four companies infringed on the exclusive rights of their "Siemens" trademarks, which also constituted unfair competition.

The five defendants jointly argued that Ding was the right holder of the No.7267867 "SIIXMZ" trademark, and Siemens had withdrawn from the field of home appliances since September 2014. Therefore, they neither infringed the plaintiff's trademark rights nor constituted unfair competition.

After hearing, Tangshan Court held that the act of using the word "Siemens" on the products produced and sold by Hainan Ximenzi, Ripu Compa-

ny and Feilong Company without authorization constituted unfair competition. Although Ding is the owner of the No. 7267867 trademark "SIIXMZ", he was not involved in the production or sales of the alleged infringing product and therefore he should not be liable for compensation. Hongtao Distribution Office submitted evidence to prove that the products sold in the case came from legitimate sources and should not be liable for compensation.

Disgruntled with the trial court's judgment, Siemens Company appealed to Hebei High Court.

Hebei High Court held that Ding, as a businessman in the electrical industry, registered the trademark "西门子" as a trade name, founded Hainan Ximenzi and prominently used the trade name on the alleged infringing products, which had a bad faith to mislead the social public on the source of the products and constituted trademark infringement together with three companies. Hongtao Distribution Office, as a seller of the infringing product involved in the case, also constituted trademark infringement. Considering high reputation of the trademarks in question, multitude of models of alleged infringing products, expansive

sales regions, lengthy time of infringement and apparent bad faith, the damages of 100,000 yuan determined in the first instance is too low and should be corrected. In this connection, Hebei High Court made the above judgment.

(by Zheng Siliang)

本报记者 郑斯亮

近日,河北省高级人民法院(下称河北高院)就西门子股份公司、西门子(中国)有限公司(下称西门子公司)诉海南西门子世纪电器有限公司(下称海南西门子公司)、唐山市路南洪涛家电经销处(下称洪涛经销处)、浙江日普电气有限公司(下称日普公司)、慈溪飞龙特种制冷设备有限公司(下称飞龙公司)、丁某商标侵权及不正当竞争案,作出终审判决,判令洪涛经销处停止销售涉案侵权冷柜产品;海南西门子公司、日普公司、飞龙公司停止生产和销售涉案产品,停止在商业活动中使用"西门子世纪""海南西门子世纪电器有限公司"等字样;海南西门子公司变更企业名称,且不得含有与"西门子"相同或相近的字样;海南西门子公司、日普公司、飞龙公司、丁某共同赔偿原告经济损失及合理开支50万元,洪涛经销处承担5万元赔偿责任。

据悉,西门子公司拥有第G683480号"西门子"商标、第G637074号"SIEMENS"商标,且"SIEMENS""西门子"既是商标也是公司字号。海南西门子公司经营范围为家用电器生产加工、销售等,丁某系该公司法人代表。日普公司主营家用电器及配件的制造加工等。飞龙公司主营制冷设备等产品的制造、销售。

西门子公司发现,洪涛经销处销售标有"西门子世纪"和"海南西门子世纪电器有限公司"字样的冷柜,其中冷柜侧面突出使用"西门子世纪"标识。经了解,海南西门子公司授权日普公司销售"SIIXMZ"品牌冷柜,日普公司授权飞龙公司加工生产"SIIXMZ"品牌冷柜,洪涛经销处从日普公司采购"SIIXMZ"冷柜,由飞龙公司

向其发货。据此,西门子公司以丁某及上述四公司侵犯其"西门子"商标专用权、相关行为构成不正当竞争为由,诉至唐山市中级人民法院(下称唐山中院)。

五被告共同辩称,丁某是第7267867号"SIIXMZ"商标注册权人,且西门子公司自2014年9月就宣布退出家电领域,故未侵犯原告的商标权,亦未构成不正当竞争。

唐山中院经审理认为,海南西门子公司、日普公司、飞龙公司擅自在其生产销售的商品上使用"西门子"字样的行为,构成不正当竞争。丁某虽是第7267867号"SIIXMZ"商标注册权人,但未参与生产、销售被控侵权产品,故不应承担赔偿责任。洪涛经销处提交证据证明销售的涉案产品有合法来源,不应承担赔偿责任。西门子公司不服一审判决,上诉至河北高院。

河北高院经审理认为,丁某作为电器行业的从业者,在与西门子公司未存在合法联系的情况下,以涉案商标"西门子"为企业字号进行注册,成立海南西门子公司,并在委托他人实际生产的涉案侵权产品上,突出使用易引人误解的企业名称,具有误导相关公众、混淆产品来源的主观恶意,与海南西门子公司、日普公司、飞龙公司构成共同商标侵权。洪涛经销处作为涉案被诉侵权产品的销售商,其销售行为也构成商标侵权。考虑到涉案商标的知名度较高、被诉侵权产品的型号较多、销售区域较广、持续时间较长,具有明显的侵权恶意,一审确定的10万元赔偿数额过低,应以纠正。综上,河北高院作出上述判决。



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