

China's IP
in foreign eyes

IQIYI recently announced that it has launched a virtual tour of Mt. Everest via its QIYU all-in-one VR headset in partnership with Xinhua News Agency. Through its partnership with Xinhua News Agency, iQIYI has leveraged its innovative technology to live stream the 2020 Mt. Everest Survey in 5G+VR+4K format, enabling iQIYI users to witness this significant event in human history through the iQIYI App and QIYU all-in-one VR headset. The QIYU all-in-one VR headset supports 4K resolution and 360-degree free conversion of viewing angles, giving users a more immersive VR viewing experience. (iQIYI Launches Virtual Tour of Mt. Everest via QIYU All-in-one VR Headset, by PR Newswire)

日前,爱奇艺宣布与新华社合作推出“VR视角全景云端游珠峰”的虚拟VR旅程服务。通过头部佩戴爱奇艺奇遇VR一体机设备,观者足不出户便可游览珠峰。在2020珠峰重测直播中,爱奇艺通过5G+VR实现4K高清直播,使用户通过爱奇艺APP及佩戴爱奇艺奇遇VR一体机设备进行观赏。通过提供4K分辨率及360度全景自由转换视角服务,爱奇艺奇遇VR一体机设备将为用户带来一个更加沉浸式的VR视觉体验。(爱奇艺推出“云”游珠峰旅程服务,美通社)

Comment:

IQIYI has been providing high-quality experience for users through the development of innovative technologies and the strategy of IP portfolio. The launch of the virtual tour presents its outstanding innovative capability.

点评

通过不断研发新技术并进行知识产权布局,爱奇艺持续为用户带来优质的视觉体验。此次推出的“云”游珠峰旅程项目,正是爱奇艺创新能力的体现。



On May 11, Goodbaby Group held the 60th trade show in Kunshan. Adhering to the innovative spirit and indigenous research and development, Goodbaby Group successfully transformed from manufacturing Chinese products into building a global parenting life-style brand, establishing itself in three major markets, China, America and Germany, with established a mature end-end operation platform with multiple brands, abundant categories and omni channels. Its brand influence was estimated to reach 14.535 billion yuan at China Brand Day 2020. (Goodbaby Group launches new products at 60th trade show, by Yahoo)

5月11日,好孩子集团在江苏昆山举办第60届国际母婴用品供货会。依托创新精神与研发实力,好孩子集团已建立了成熟的多品牌、全品类、全渠道的经营平台,从产品制造企业升级为全球家庭生活方式品牌,并拥有了以中国、美国、德国三个主要市场为轴心的销售体系。根据2020年“中国品牌价值评价信息”,好孩子品牌价值达145.35亿元。(好孩子集团在第60届供货会中推出新产品,雅虎)

Comment:

As a company of the juvenile product industry, Goodbaby Group develops its brand through constant innovation. The company's efforts in brand building are of importance for its brand value promotion in the global market.

点评

投身儿童用品行业以来,好孩子集团持续通过创新发展品牌。好孩子集团在品牌打造方面所作的努力,对于其品牌价值提升至关重要。(熊花平)

China issues 2020 action plan to accelerate building IP powerhouse
中国发布年度推进计划加快知识产权强国建设

Recently, the Office of the Inter-Ministerial Joint Meeting on the Implementation of the Intellectual Property Strategy of the State Council issued the *Action Plan for Deep Implementation of the National Intellectual Property Strategy to Accelerate the Construction of an IP Power in 2020*, and jointly made arrangements for the implementation of such works combined with the previously issued *2020 Local Intellectual Property Strategy Implementation and Key Points for IP Powerhouse Building*.

In terms of deepening IP reform, the Action Plan proposes to improve intellectual property policies, including formulating and issuing policy documents to promote the high-quality development of IP services, replicating and promoting IP protection initiatives in the context of comprehensive innovation and reform experiments, deepening the reform to delegate power, streamline administration and optimize government services in the IP field, bolstering "one-stop service network" for formality clearance, government services and information services, and further facilitating "blue sky" special rectification actions.

The Action Plan also calls for beefing up IP protection, improving laws and regulations, cooperating with the revision of patent and copyright laws and drafting relevant judicial interpretations; strengthening the construction of long-term protection mechanisms, optimizing the construction layout of IP protection centers, further promoting "Internet+" IP protection; facilitating IP administrative protection, speeding up the introduction of trademark infringement judgment standards, improving the business guidance system for IP administrative enforcement and protection, continuing to carry out various kinds of special actions; strengthening IP judicial protection, further promoting the "three-in-one" work of IP trials and improving the supervision mechanism of IP cases.

In terms of bolstering IP creation and utilization, the Action Plan clearly proposes to improve the quality and efficiency of IP examination. For instance, the examination period of high-valued patents will be reduced to less than 16 months, and the average examination period of trademark registration will be reduced to four months this year; strengthen the quality orientation

of IP to formulate a long-term mechanism to combat irregular patent applications and malicious trademark registration and hoarding; enhance the comprehensive use of IP, introduce patent navigation implementation guidelines, carry out trademark and geographical indications regional brand cultivation action; facilitate the transferring and commercialization of IP, accelerate the construction of IP operation service systems in key cities.

In parallel, the Action Plan puts forward measures in deepening IP international cooperation, improving top-level design, and tasking implementation.

(by Wu Ke)

本报讯(记者吴珂北京报道)五大重点工作,100项具体措施——近日,国务院知识产权战略实施工作部际联席会议办公室印发《2020年深入实施国家知识产权战略加快建设知识产权强国推进计划》(下称《推进计划》),结合此前印发的《2020年地方知识产权战略实施暨强国建设工作要点》,共同对全国知识产权战略实施工作作出部署。

在深化知识产权领域改革方面,《推进计划》提出,改革完善知识产权政策,包括制定出台促进知识产权服务业高质量发展的政策文件,复制推



广全面创新改革试验中的知识产权保护举措;深化知识产权领域“放管服”改革,推进业务服务、政务服务和信息服务“一网通办”,深入推进“蓝天”专项整治行动等。

《推进计划》要求,加大知识产权保护力度,完善法律法规规章,配合做好专利法、著作权法修改,起草相关司法解释;加强保护长效机制建设,优化知识产权保护中心建设布局,深入推进“互联网+”知识产权保护;强化知识产权行政保护,加快出台商标侵权判断标准,健全知识产权行政执法保护业务指导体系,继续开展各类专项行动;加强知识产权司法保护,深入推进知识产权审判“三合一”工作,完善

知识产权案件监督机制等。

在促进知识产权创造运用方面,《推进计划》明确,完善知识产权审查质量和效率,今年高价值专利审查周期压减至16个月以内,商标注册平均审查周期压减至4个月;强化知识产权质量导向,形成打击非正常专利申请和商标恶意注册、囤积行为的长效机制;加强知识产权综合运用,出台专利导航实施指南,开展商标、地理标志区域品牌培育行动;促进知识产权转移转化,加快重点城市知识产权运营服务体系等。

此外,《推进计划》还就深化知识产权国际交流合作、加强顶层设计和组织实施等方面明确了具体措施。

Hongshan Purple Cai-tai

洪山菜薹



Hongshan Purple Cai-tai is a special variety of Purple Brassica campestris planted in Wuhan City, Hubei Province. It belongs to Brassica of Cruciferae. The protection area covers three administrative areas under the jurisdiction of Hongshan District, including Hongshan Township, Jifeng Township and Huashan Town.

After long-term natural selection and cultivation, the plant of Hongshan Cai-tai is tall, the leaves are expanded, and the color, fragrance, taste and

shape are all of high quality. From the first ten days of November to March of the next year, it is a delicacy on the table around New Year's Day and Spring Festival. The edible part is mainly the tender stalk, which is rich in nutrition. It has sweet, crisp and refreshing taste, purple color. The texture is fresh and tender.

Through the protection of geographical indications, Hongshan Cai-tai has established characteristic quality control system, which set up the standard

specification for the origin environment, variety selection, cultivation technology, breeding of improved varieties, inspection rules, and requirements for packaging, transportation, storage. According to statistics, the current production scale is 600 hectares with an annual output of 13,500 tons, which can drive more than 2,000 households to participate in planting and sales every year, and increase the annual income of farmers by more than 5,000 yuan.

(Courtesy of the IP Protection Department of CNIPA)

洪山菜薹是在湖北省武汉市种植的特殊品种的紫菜薹,属于十字花科芸薹属,保护地域范围是洪山区洪山乡、九峰乡、花山镇等3个乡镇现辖行政区域。

洪山菜薹经长期自然选择和栽培驯化而来,植株高大,叶簇展开,色、香、味、形俱美。每年11月上旬到翌年3月上市,是元旦、春节前后的席上佳肴。食用部分主要是嫩薹秆,营养丰富、颜色紫红、甜脆爽口、质地鲜嫩。



通过地理标志保护,洪山菜薹已经建立特色质量控制体系,明确了产地环境、品种选择、栽培技术、良种繁育、检验规则和包装、运输、贮存等方面的标准规范。据统计,目前其生产规模达600公顷,年产量13500吨,每年能带动2000余户参与种植销售,使农民年增收5000余元。

(中国国家知识产权局知识产权保护司供稿)

AVIKO catches a break at second instance over TM registration
爱味客商标案在华二审有果

AVIKO, a renowned Dutch potato food maker, filed an application for registration of the No.24384025 爱味客 郁金香 AVIKO TULIP and its figure trademark in 2017, but would see denials one after the other, leaving the Dutch company on a warpath to reverse them.

On May 27, 2017, AVIKO filed a registration application for the trademark in dispute to the Trademark Office (TMO) of former State Administration for Industry and Commerce, designating its use on Class 29 products including fish-based products.

After examination, the former TMO rejected the application of the trademark in dispute. According to the TMO document, the trademark in dispute constitutes similarity with No.12258410 爱味客 and its figure, No.18097228 爱味客, No.4958837 郁金香 TULIP and its figure, No.7152229 郁金香, No.9880152 郁金香 DOPTOP TULIP FOOD and its figure, No.19772528 金郁金香 and its figure, No.930632 郁金香, No.G908979 TULIP and its figure, No.G1070749 TULIP, No.13321374 TULIP and its figure (the I to X cited trademark) when used on the same or similar products.

The disgruntled AVIKO then pled a request for review to the former Trade-

mark Review and Adjudication Board (TRAB).

On September 6, 2018, TRAB rejected AVIKO's request on the grounds that the trademark in dispute contains 爱味客 in cited I and II trademark, and TULIP in cited VIII, IX and X trademark, which constitute similarity with above cited trademarks. As the products on which the trademark in dispute was certified to be used were same or similar products with cited I, II, III, IV, V, VII, VIII, IX and X trademark, so the trademark in dispute constitutes similarity with above cited trademarks when used on the same or similar product.

AVIKO then brought the case to Beijing IP Court.

The IP Court held that the identifiable letters of trademark in dispute are AVIKO TULIP, which constitute similarity with the cited VIII and X trademark in letter composition as their identifiable letters are TULIP. So the court dismissed AVIKO's claim, holding its registration may cause confusion among the public.

AVIKO then brought the case to Beijing High People's Court along with mails between the company's agent and the agents of the cited VIII and X trademarks on negotiating the coexistence of the trademarks and the

concluded trademark coexistence agreements.

The court of second instance held that the trademark in dispute was similar to the cited VIII and X trademarks in terms of letter combinations and structure, and was used on similar goods. However, in view of the fact that AVIKO submitted the relevant trademark coexistence agreement during the second-instance trial, and that the trademark in dispute was certified to be used on potato pancakes and other goods, there was no evidence to prove that the coexistence of the disputed trademark and the VIII and X cited trademarks would prejudice the public interest. In summary, the court evacuated the first-instance judgment and the review decision made by the former TRAB, and ordered China National Intellectual Property Administration to make a *de novo* decision. (by Wang Jing)

本报实习记者 王晶

荷兰爱味客有限公司(下称爱味客公司)是全球马铃薯产品加工市场的知名企业。2017年,爱味客公司在中国提交了第24384025号“爱味客 郁金香 AVIKO TULIP及图”商标(下称争议商标)注册申请,但其注册申请接连被驳回,爱味客公司随后展开了追索。

国家工商行政管理总局商标局(下称原商标局)提交争议商标的注册申请,指定使用在鱼制品等第29类商品上。

经审查,原商标局驳回了争议商标的注册申请。原商标局指出,争议商标与第12258410号“爱味客及图”商标、第18097228号“爱味客”商标、第4958837号“郁金香 TULIP及图”商标、第7152229号“郁金香”商标、第9880152号“郁金香 DOPTOP TULIP FOOD及图”商标、第19772528号“金郁金香及图”商标、第930632号“郁金香”商标、第G908979号“TULIP及图”商标、第G1070749号“TULIP”商标、第13321374号“TULIP及图”(以下依次称引证商标一至十)构成使用在同一种或类似商品上的近似商标。

爱味客公司不服原商标局的决定,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)申请复审。

2018年9月6日,原商标评审委作出商标驳回复审决定,认为争议商标完整地包含了引证商标一、二中的“爱味客”文字,引证商标八、九、十中的“TULIP”等显著识别文字,整体含义未形成明显区别,与上述引证商标构成近似标识,且考虑到争议商标指定使用商品与引证商标一至五、引证商标七至十核定使用商品属于同一种或类似商品,故争议商标与上述引证商标构成使用在同一种或类似商品上的近似商标。

爱味客公司继而向北京知识产权

法院提起诉讼。

北京知识产权法院认为,争议商标可识别字母为“AVIKO TULIP”,引证商标八、十可识别字母均为“TULIP”,二者在字母构成等方面相近,易造成相关公众混淆误认。法院一审驳回了爱味客公司的诉讼请求。

爱味客公司上诉至北京市高级人民法院,并向法院提交了该公司代理人与引证商标八、十的代理人协商商标共存协议、同时诉争商标指定使用在土豆煎饼等商品上,尚无证据可以证明争议商标与引证商标八、十共存会损害公共利益。综上,法院撤销了一审判决及原商标评审委作出的复审决定,并判令国家知识产权局(根据中央机构改革部署,原商标评审委的相关职责由国家知识产权局行使)重新作出决定。



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