



NUMBERS

16,700
 Since 2006, China has dispatched 45,000 scientists to work in rural areas. They introduced 16,700 new varieties of plants, promoting new technologies on 14,100 acres of land, implementing scientific projects on 11,000 acres of land and gained earnings of 4.84 billion yuan.

1.67 万个
 2006 年以来, 中国已有 4.5 万名科技特派员深入到农村生产一线, 共帮助农村引进农林动植物新品种 1.67 万个, 推广先进适用新技术 1.41 万项, 实施科技开发项目 1.1 万项, 获得收益 48.4 亿元。

60
 The Yunnan Spark Flower Belt Project is about to cultivate 60 new varieties of plants owned by locals in the next five years.

60 个
 据悉, 云南花卉星火产业带预计用 5 年时间, 培养 60 个以上拥有自主知识产权的植物新品种。

14
 As of now, 14 Shanghai companies have designed their own patent strategies.

14 家
 截至目前, 上海市已有 14 家企业完成了本企业专利战略制定工作。

30.463 million
 Between August and October 2007, China seized 30.463 million illegal publications of all sorts, including 1.24 million newspapers and magazines of 150 kinds and 29.223 million other illegal publications.

3046.3 万件
 今年 8 月至 10 月, 中国共收缴各类非法出版物 3046.3 万件, 其中非法报刊 150 多种 124 万份, 其他非法出版物 2922.3 万件。

2,571
 Since last August, Jiangsu checked 39,700 companies, traders and restaurants, uncovered 1,674 violations and weeded out 2,571 businesses which operated without a permit and underground counterfeit manufacturers or sellers.

2571 个
 自今年 8 月以来, 甘肃省检查生产企业、经营户、餐饮单位 3.97 万家, 查处各类违法案件 1674 起, 取缔无证照生产经营单位和制假售假窝点 2571 个。

9,000
 Qingdao, Shandong Police raided an underground seller of pirated optical disks and seized 9,000 copies.

9000 张
 近日, 山东省青岛市公安局在市区破获一贩卖盗版光盘的窝点, 收缴盗版光盘 9000 多张。

30
 Yantai, Shandong mediated 30 patent disputes, uncovered 180 cases of faking patent identity and recovered lost revenues of 5 million yuan.

30 起
 近年来, 山东省烟台市共调处专利纠纷案件 30 多起, 查处冒充专利案件 180 多起, 挽回经济损失 500 多万元。

责任编辑 汪玮
 Executive Editor Wang Weiw

10,000 IPRs deposited at customs

中国海关知识产权备案已达 1 万多件

As the first half of 2007, customs nationwide had uncovered a cumulative number of 9,000 cases encompassing infringing import and export cargo of over 1 billion yuan in value and right holders had deposited over 10,000 IPRs at the GAC, 2,000 of which were made in 2006, up 50% over 2005. The customs around the nation also maintain a momentum of 30% hike of cases broken for each and every one of the years since 2000.

Speaking at the conference, GAC Minister Mu Xinsheng underscored the role of stepping up IPR border protection in building an innovation country, implementing IPR strategy,

improving international perception of China in this regard and gaining international reputation for the Chinese Customs.

Statistics show through the first half of 2007, right holders had deposited over 10,000 IPRs at the GAC, 2,000 of which were made in 2006, up 50% over 2005. The customs around the nation also maintain a momentum of 30% hike of cases broken for each and every one of the years since 2000.

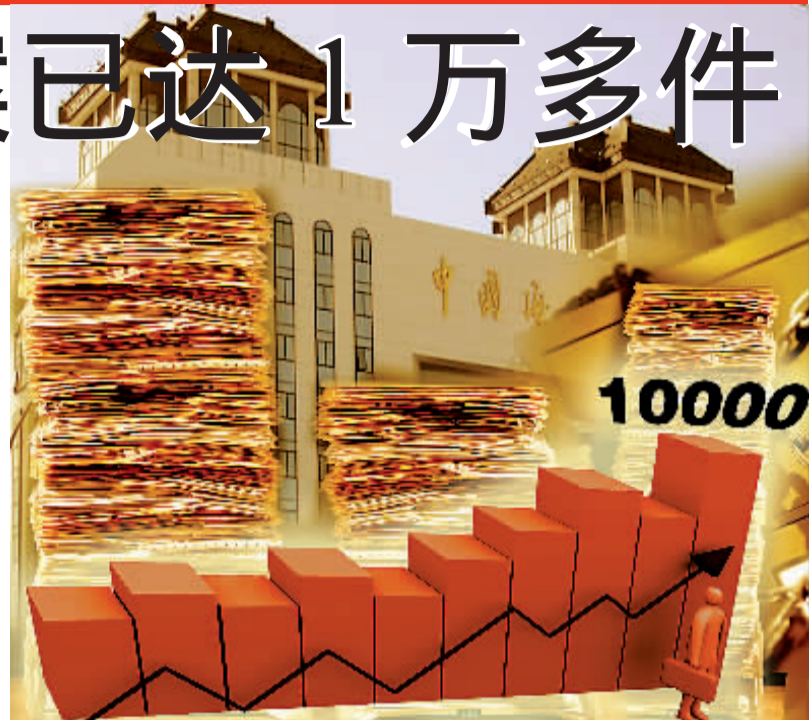
(by Wei Xiaomao/Tao Yong)
 本报讯 记者从 11 月 15 日在昆明召开的首次全国海关知识产权保护工作会议上获悉, 截至 2007 年上半年, 全国海关共查获各类进

口侵权货物案件 9000 多件, 案值 10 多亿元人民币; 已经在海关总署备案的知识产权达 1 万多件。

海关总署署长关新生在会上表示, 加强知识产权海关保护, 是建设创新型国家和实施知识产权战略的必然要求, 是当前形势下维护和改善中国国际形象、提升中国海关国际声誉的一项重大政治任务。

据统计, 截至 2007 年上半年, 已经在海关总署备案的知识产权达 1 万多件。其中仅 2006 年就新增知识产权备案近 2000 件, 比 2005 年增长了近 50%。自 2000 年以来, 中国海关每年查获的案件数量都保持在 30% 左右的增长幅度。

(魏小毛 陶永)



SIPO Commissioner Tian Lipu concluded cooperation agreement for 2008-2009 with the visiting Bulgarian Patent Office counterpart Kostadin Tchanev Manev on November 12.
 11 月 12 日, 中国国家知识产权局局长田力普会见了来访的保加利亚共和国专利局局长马内夫一行。双方签署了为期 2008 年至 2009 年合作工作计划。图为田力普与马内夫签署两局合作协议。本报记者 张子弘 摄影报道

Beijing 2008 sets right to protect music copyright of own and others

奥运音乐作品知识产权保护方案公布

The copyrights of music used for 2008 Beijing Olympic Games will be protected by the organizers, according to a protection plan set out on November 8 by the Beijing Organizing Committee for the Games of the XXIX Olympiad (BOCOG) and the Music Copyright Society of China (MCSC).

A BOCOG Legal principal said, protecting copyrights of musical works at the Olympics is naturally important and difficult on account of the magnitude of musical works possibly involved, diversity of ways using them and broad spectrum of places using them. The current plan is an outcome of one-year negotiation between the two parties and filtering of experiences of previous Games. Under the

plan, BOCOG will purchase licenses from MCSC for music used at the Olympics. As a right holder of many Olympic songs including the Song of 2008 Olympics, BOCOG granted a power of attorney to MCSC to manage its music copyright issues such as performance right and reproduction right of its musical portfolio in a bid to ensure convenient access for businesses to record, distribute, performance and play the musical works with authorization. (by Liu Chao)

本报讯 11 月 8 日, 北京奥组委与中国音乐著作权协会举行了音乐著作权保护授权文件交换仪式, 并公布了 2008 北京奥运会所涉及的音乐作品的知识产权保护方案。北京奥组委授权音著协对奥运歌曲的著作权事务进行全面管理。

北京奥组委法律事务部相关负责人表示, 由于奥运会涉及的音乐作品数量庞大、传播方式多样、传播范围广泛, 因此奥运音乐作品的著作权既是保护重点又是保护难点。为此, 北京奥组委与中国音乐著作权协会经过近一年的协商, 在借鉴历届奥运会保护经验的基础上, 形成了音乐作品知识产权保护方案。根据方案, 北京奥组委依法就奥运会使用音乐作品向音著协取得著作权许可, 并支付著作权使用费, 作为包括北京奥运会会歌在内的奥运歌曲的著作权人, 北京奥组委授权音著协对奥运歌曲的演唱权、复制权等著作权事务进行全面管理, 以确保社会各行业、各企业通过合法授权途径对奥运歌曲进行录制发行、现场演唱、公开播放等。

(刘超)

US expert: US, EU worse in piracy than the usual blamed China

美专家直言美欧盗版问题比中国严重

That is what Professor Aaron Schwabach at the Thomas Jefferson School of Law in San Diego says. He has written a 24-page report that essentially says China, taken as a whole, is not the leading global pirate. When figures are adjusted for population, China's rates of intellectual property violation are lower than those of many industrialized countries, including the United States.

Schwabach says the media and U.S. politicians are prone to China-bashing. He then examines figures

on international movie piracy provided by the Motion Picture Association (MPA) and compares those figures to the populations of the countries involved. The report concludes that the problem of movie piracy is more severe in the U.S. than in China and more severe still in other countries, including France, Spain, and the United Kingdom. Even Mexico has a far higher rate of pirated music CDs than China. (by Fang Fei)

本报讯 美国圣迭哥托马斯·杰斐逊学院的施瓦巴赫教授近日撰

写报告指出, 中国不是世界上盗版最猖獗的国家。按人均数来算, 美国等一些西方国家的盗版问题比中国更严重。

据美国麦克拉奇报业集团网站报道, 施瓦巴赫在这份长达 24 页的报告中说, 就盗版问题, 美国媒体和政客都倾向于谴责中国。但他对照了美国电影协会提供的国际电影盗版数据, 然后与这些国家的人口数量进行比较研究得出结论, 美国、法国、西班牙、英国等很多国家盗版问题都比中国严重, 甚至墨西哥的 CD 盗版问题都比中国严重。(方菲)



Nestle, Dumex trade punches over trademark in Beijing court

雀巢与多美滋对簿公堂

Beijing No.1 People's Court heard Nestle's trademark and unfair competition assertions against the maker of Dumex baby diary products, Numico on November 13. Nestle attorney sought damages under the statutory confine of 500,000 yuan to be determined by the court on the result of unable to figure out the actual enrichment of the defendant.

In the course of the hearing, Nestle attorney claimed, its Shield logo was registered at the Trademark Office of the State Administration for Industry and Commerce (SAIC) on February 22, 2006. Another logo Jindun (meaning Golden Shield), which is pending for registration, has been used in a large quantity of products.

The plaintiff learnt, without its authorization, the defendant used a logo with similar shape to the plaintiff's Shield on a prominent spot of the packaging of its Dumex Mamil Gold line of products as well using the words Jindun in visible manner. In addition, the defendant also used Jindun in its marketing and advertising materials. The two parties would later have multiple negotiations but fizzled.

In response, Numico attorney denied all trademark infringement or un-

fair competition allegations against its client by presenting 4 groups of 10 subgroups of rebuttals.

The court did not render a decision immediately. (by Chang Ming)

本报讯 11 月 13 日, 雀巢产品有限公司诉多美滋“婴儿奶粉的生产方”方特儿营养乳品有限公司商标侵权、不正当竞争一案在北京市第一中级人民法院开庭, 雀巢产品有限公司(以下简称雀巢公司)代理人当庭表示, 由于不清楚被告方实际获利情况, 赔偿金额部分请法院在 50 万元的法定额度内酌定。

法庭上, 雀巢公司代理人诉称, 其“盾牌”图形商标于 2006 年 2 月 22 日被国家工商总局商标局核准注册, 中文文字“金盾”也正处于审查程序中, 但已经大量使用在商品上。原告发现, 被告未经许可, 在其生产的“多美滋”金装系列的多种产品的显著位置, 使用了与原告“盾牌”图形商标相近似的图形, 并突出使用了“金盾”文字。此外, 被告在广告宣传中也在多处使用了“金盾系列”等文字。为此, 双方多次进行交涉未果。

针对雀巢公司的起诉, 方特儿营养乳品有限公司代理人认为己方既不构成商标侵权也不存在不正当竞争行为, 并提出了 4 大项 10 余小项答辩意见予以反驳。

此案没有当庭宣判。(常鸣)



Guiding Opinion on Developing Assistance in Enforcing IPRs

《关于开展知识产权维权援助工作的指导意见》

The State Intellectual Property Office issued a Guiding Opinion on Developing Assistance in Enforcing IPRs recently, to boost the construction of assistance center for safeguarding IPRs and launch a public service activity throughout the country.

The Opinion elaborates the requirements of the construction of assistance center in several aspects: principle, targets, contents, procedure, the construction and operation of assistance center, supervision and management, and declaration and approval. The Opinion provides that, with the principle of openness, equity and high effectiveness, the assistance centers shall support Chinese citizens and corporations who are in financial difficulty and unable to afford fees for handling IPR dispute and bringing IPR-related lawsuit.

Applicant may file request for assistance before a center of its residence, domicile, venue where infringement takes place, or the adver-

sary's residence or domicile. The two parties of a dispute are both entitled to file for such assistance if certain criteria are met.

近日, 中国国家知识产权局发布《关于开展知识产权维权援助工作的指导意见》, 将有序推进知识产权维权援助中心建设工作, 在全国开展知识产权维权援助公共服务工作。

该意见从工作原则、维权援助对象、维权援助内容、维权援助程序、中心的建设与运行, 以及监督管理、申报审批等方面对知识产权维权援助中心建设提出要求。该意见规定, 知识产权维权援助中心要秉承发挥优势、积极推进、整合资源、协调运行、公开公平、优质高效的工作原则, 援助因经济困难, 不能支付知识产权纠纷处理和诉讼费用的中国公民与法人, 或者是遇到难以解决的知识产权事项或案件的中国公民、法人或其他组织。

该意见规定, 申请人可以向申请人住所地、经常居住地、侵权行为地, 或对方当事人住所地、经常居住地的中心提出维权援助申请。知识产权纠纷的双方当事人, 符合该意见规定条件的, 均可向中心提出维权援助申请等。