

IP scene

BEIJING
Dolls removed from Palace Museum shop

The Palace Museum has removed a line of popular dolls from its flagship online Taobao store to avoid infringement risks. Pretty Gege, a line of female dolls dressed in Qing Dynasty (1644-1911) costumes, were taken off the store last week after netizens raised their doubts about the product's originality. It is claimed that the dolls have a similar shape to a line of Japanese products. The Palace Museum said in an official announcement that it owns the intellectual property rights to the doll's facial designs, costumes, hairstyles and special shoes. However, the doll's body was provided by a company that was authorized to use a patented structure design. Observers said the removal shows the Palace Museum's prudence in dealing with IP risks.

CHINA NEWS SERVICE

Copyright rewards for original cartoons

The Copyright Protection Center of China launched an initiative to reward copyrights regarding original animation works at the opening ceremony of this year's CPCC service congress on March 22. Animations and cartoons that have been published, distributed or broadcast in China or abroad in the past three years, including those online, are eligible for the rewards. The initiative aims to encourage innovation, increase awareness of developing copyrights for commercial use and foster more creative professionals, according to the CPCC.

ECONOMIC DAILY

JIANGSU

Fake baijiu sellers caught by police

Nanjing police have investigated a case involving more than 11,700 bottles of fake branded baijiu alcohol products worth 13 million yuan (\$2 million) in potential retail sales. During more than two months of investigations, the police used big data technology in their detection. A total of 32 illegal production and storage sites were raided and eight suspects were taken into custody. It is alleged the suspects refilled recycled high-end baijiu alcohol bottles with much cheaper spirits before reselling them online.

LEGAL DAILY

TIBET

Potala Palace image violations enforced

Officials from the industrial and commercial administration of Lhasa, capital of the Tibet autonomous region, ordered 12 local businesses to stop using characters and images of Potala Palace on March 21. The businesses using the landmark image were not authorized. Officials informed the companies of related trademark regulations and ordered them to withdraw the infringing products. The business representatives agreed and said they would seek cooperation with Potala Palace in licensing the related trademark.

LHASA DAILY



Visitors take a photo in front of Potala Palace, a landmark in Lhasa, the Tibet autonomous region.

DUAN HONGWEN / FOR CHINA DAILY

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Shen Changyu (front, third from right), commissioner of the State Intellectual Property Office, together with delegates to a meeting of the heads of intellectual property offices from Brazil, Russia, India, China and South Africa, visits a SIPO branch in Chengdu, Sichuan province on Monday. ZHANG ZHAO / CHINA DAILY

BRICS puts its stamp on global innovation growth

Five major emerging economies achieve sustained progress

By ZHANG ZHAO
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Intellectual property cooperation among Brazil, Russia, India, China and South Africa — collectively known as BRICS — has achieved sustained progress over the past few years and is playing an increasingly important role in the world's IP landscape, according to officials.

The comments were made at a recent meeting of representatives of the five major emerging economies in Chengdu, Sichuan province.

The IP authorities of the five countries have cooperated in training, information services, application processing, IP strategies for small and mid-sized businesses, as well as holding international forums, said Shen Changyu, commissioner of China's State Intellectual Property Office, at the 10th Heads Meeting of BRICS IP Offices on Monday. Established in 2013, the cooperation mechanism of the BRICS IP offices is "having greater influence on the world IP field", Shen said.

Om Prakash Gupta, controller general of patents, designs and trademarks in India, said at the meeting that multilateral cooperation is even more important in today's world, leading to significant achievements that are "to a larger benefit of all the developed, developing and the least developed countries".

All the BRICS countries are promoting innovation-driven development strategies, such

as the Technological Innovation Act in Brazil, the Innovation Strategy 2020 in Russia, the Decade of Innovations 2010-20 Roadmap in India and the Research Infrastructure Roadmap in South Africa.

The heads of the five offices have agreed on a number of objectives for future cooperation, including promoting IP development in their respective countries, providing better services to IP users and the public, and enhancing the voice and representation of BRICS countries in the development of the global IP system, according to a joint statement unveiled at the meeting.

To achieve those objectives, the authorities will launch cooperation projects focusing on seven areas: exchanges and cooperation on IP laws; regulations and policies; capacity building to provide convenient and efficient services to the public and IP users; exchanges and cooperation on enhancing public IP awareness; IP education; sharing and utilization of IP information; coordination at international IP forums; and strengthening the BRICS cooperation mechanism.

Grigory Ivliev, director general of Russia's Federal Service for Intellectual Property, said that each of the BRICS members has its strengths in the cooperation framework. For example, China is doing well in information sharing and service, while Russia is taking the lead in personnel

Key moments

- **October 2012**
BRICS IP heads meet at the WIPO General Assembly in Geneva, Switzerland, to discuss the possibility of a regular meeting mechanism.
- **May 2013**
The first Heads Meeting of BRICS IP Offices is held in Johannesburg, South Africa, where seven areas of cooperation are decided. India did not participate.
- **September 2013**
The second BRICS IP meeting is held in Geneva to add India into the partnership.
- **September 2014**
The third BRICS IP meeting is held in Geneva to review the achievements made since the prior meeting.
- **June 2015**
At the fourth BRICS IP meeting, in Rio de Janeiro, Brazil, six areas of cooperation are decided.
- **September 2015**
The fifth BRICS IP meeting is held in Geneva, where Russia proposes annual training and exchange

programs and China suggests an expert meeting ahead of each BRICS IP meeting.

• **June 2016**
A total of six major projects are passed at the sixth BRICS IP meeting, held in Moscow.

• **October 2016**
The seventh BRICS IP meeting is held in Geneva, where participants decide to continue patent examiner exchanges, launch seminars for small and medium-sized businesses and online training.

• **April 2017**
The eighth BRICS IP meeting is held in New Delhi, India, where participants decide to launch a website for their cooperation.

• **October 2017**
The ninth BRICS IP meeting is held in Geneva to discuss hot topics related to IP.

• **March 2018**
The 10th BRICS IP meeting is held in Chengdu, Sichuan province in Southwest China.

ZHANG ZHAO

training and exchanges.

The BRICS cooperation mechanism is closely connected to and encouraged by the World Intellectual Property Organization.

"Multilateral platforms among the BRICS members could be complementary to each other, contributing to the same objective of promoting sustainable development

in the world," said Wang Binying, deputy director general of WIPO.

The BRICS economies, representing 42 percent of the global population and 26 percent of the world GDP, "enjoy a lot of commodities and shared aspiration, despite their different focuses based on their national situation", Wang added.

Auctions speed up tech commercialization

By YUAN SHENGGAO

The Chinese Academy of Sciences has been selling a portfolio of 932 patents via online and in-person auctions since mid-March in the coastal provinces of Shandong, Jiangsu and Zhejiang as well as the cities of Shanghai, Fuzhou and Shenzhen.

It is the first time that CAS has held a series of patent auctions nationwide since its establishment in 1949.

The patents are the research achievements made by 57 research institutes affiliated with CAS. They cover a wide range of scientific fields including healthcare, new materials, modern agriculture, information technology and intelligent manufacturing, many of which are strategic industries with key support from the central government.

Yang Ming, a professor of intellectual property rights at Peking University, said these patents represent cutting-edge technologies and are of great significance to the further development of their respective fields.

Tao Xinliang, head of the School of Intellectual Property Rights at Dalian University of Technology, said commercialization of technological achievements has long been a bottleneck for the market-oriented development of science in China.

The efforts of CAS are a bold attempt to promote the industrialization of scientific achievements, he added.

Sui Xueqing, director of the Intellectual Property Operation and Management Center of CAS, said bidding at auctions has become a new approach to acquire patents in international

markets, as it saves the time and costs involved in patent trading compared with traditional bilateral negotiations.

It is also an efficient way to generate productivity by transferring the results of scientific research, Sui added.

A birthplace of China's many important scientific and technological achievements, CAS owned about 36,000 patents by the end of 2016, including 30,000 invention patents and more than 820 foreign patents.

To improve the effectiveness of the auctions, CAS' IP center established a system to evaluate and generate estimated values for the patents on offer, taking their innovativeness, feasibility and market relevance into consideration.

According to An Lili from

the IP center, the minimum starting bid for the patents was set at about 100,000 yuan (\$16,000).

On March 16, CAS held the first patent auction in Jinan, capital of Shandong province, putting 36 patents up for auction. Within three hours, 28 patents had been sold to 11 companies, with 5.03 million yuan paid in total for the rights.

The province's science and technology department and IP office said they would track each patent's future. Bid winners can receive up to 5 million yuan in support funding based on their performance in turning their new patents into products and services.

The Shandong IP office and the CAS IP center also agreed a cooperation deal during the auction to promote mutual progress.

DreamWorks wins cybersquatting case

By YUAN SHENGGAO

DreamWorks Animation has prevailed in a key court case over disputed domain names that took place recently in Xiamen, Fujian province.

The court battle followed the animation powerhouse's discovery that a Chinese resident surnamed Zeng had registered two domain names: orientaldreamworks.com and shanghaidreamworks.com.

Zeng registered them in 2011 via eName, a domain register and management portal based in Xiamen, according to Xiamen Daily.

The group then filed a complaint with the World Intellectual Property Organization's Arbitration and Mediation Center in Geneva, Switzerland, to challenge the ownership.

The center ruled in favor of DreamWorks, as it identified Zeng's actions as cybersquatting.

Cybersquatting, also known as domain squatting, is the practice of registering an internet domain name with the bad faith intent of profiting from the goodwill of a trademark belonging to someone else.

Disputing the decision of the WIPO arbitration center that ordered him to transfer the two domain names free of charge, Zeng initiated legal proceedings with a district court in Xiamen.

The plaintiff claimed that although the two domain names contain words identical to DreamWorks, a trademark of the animation producer, they could not be counted as an infringement.

Zeng asserted that was because they were being used as names of educational websites that provide English language training, which was different from the category of the registered trademark.

In response, the company said that as a result of years of international promotional efforts and publicity campaigns, the expression "dream works" it created

had built up close links with its corporate identity as an established logo.

As a result the phrases used in the domain names were misleading the public about a relationship between them and DreamWorks, the company told the court.

The animation maker has been granted the trademark "DreamWorks" and its corresponding Chinese expression in a variety of commodity and service sectors in China since the 1990s. It has also registered domain names including "dreamworks" itself.

The court recognized DreamWorks' legal rights, due to the prior widespread use of its trademarks, logo, business markings and domain names including "dreamworks" worldwide. The group had established its reputation before the two disputed domain names were registered, the court found.

Adding some other words before "dreamworks" could not distinguish the disputed domain names from DreamWorks, the judges ruled.

Evidence presented to the court showed that Zeng never used the disputed domain names between their registration in 2011 and December 2013, and quoted a price of at least 100,000 yuan (\$15,940) to sell them.

In addition, Zeng had registered more than 200 other domain names.

As a result, the court concluded that the registration in question was made for calculated profit from their later sale, rather than for regular commercial operations.

This was a typical cybersquatting case, the chief judge told Xiamen Daily.

The judge added that the question of whether registered domain names were used during the course of regular business practice was factored into the court's decision on infringement.

He said the reputation of a trademark that was in use prior to the case was another "important consideration."



Shrek is one of the iconic images created by DreamWorks Animation. The company has recently become involved in a domain name dispute in China. ZHOU DONGCHAO / FOR CHINA DAILY

Domain disputes see record numbers

The World Intellectual Property Organization's Arbitration and Mediation Center handled an all-time high of more than 3,000 domain disputes in 2017, the UN agency announced in mid-March.

Three industries — banking and finance, fashion, and internet and information technology — accounted for nearly one-third of all cybersquatting disputes handled under the Uniform Domain Name Dispute Resolution Policy.

"By abusing trademarks in the domain name system, cybersquatting undermines legitimate commerce and harms consumers," said WIPO Director General Francis Gurry. "This is true especially where squatters use domain names to offer counterfeit goods or for phishing, as is seen in numerous WIPO cases."

In total, parties from 112 countries were involved in domain case filings last year.

The United States remained the country where most WIPO-processed domain disputes originated, with 920 cases filed in 2017,

followed by France with 462 cases; the United Kingdom, 276; Germany, 222; and Switzerland, 143.

Cybersquatting disputes relating to new generic top-level domains accounted for more than 12 percent of WIPO's 2017 caseload, which in total covered 6,370 domain names. Of them, registrations of ".store", ".site", and ".online" domains were the most commonly disputed.

With the addition in 2017 of ".eu" and ".se" representing the European Union and Sweden, respectively, 76 country code top-level domain registries have now used WIPO's dispute resolution service.

Country code top-level domain registries accounted for 17 percent of WIPO filings in 2017.

Since the Arbitration and Mediation Center administered the first UDRP case in 1999, total WIPO case filings passed the 39,000 mark last year, including over 73,000 domain names.

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