



最高人民法院 知识产权案件年度报告

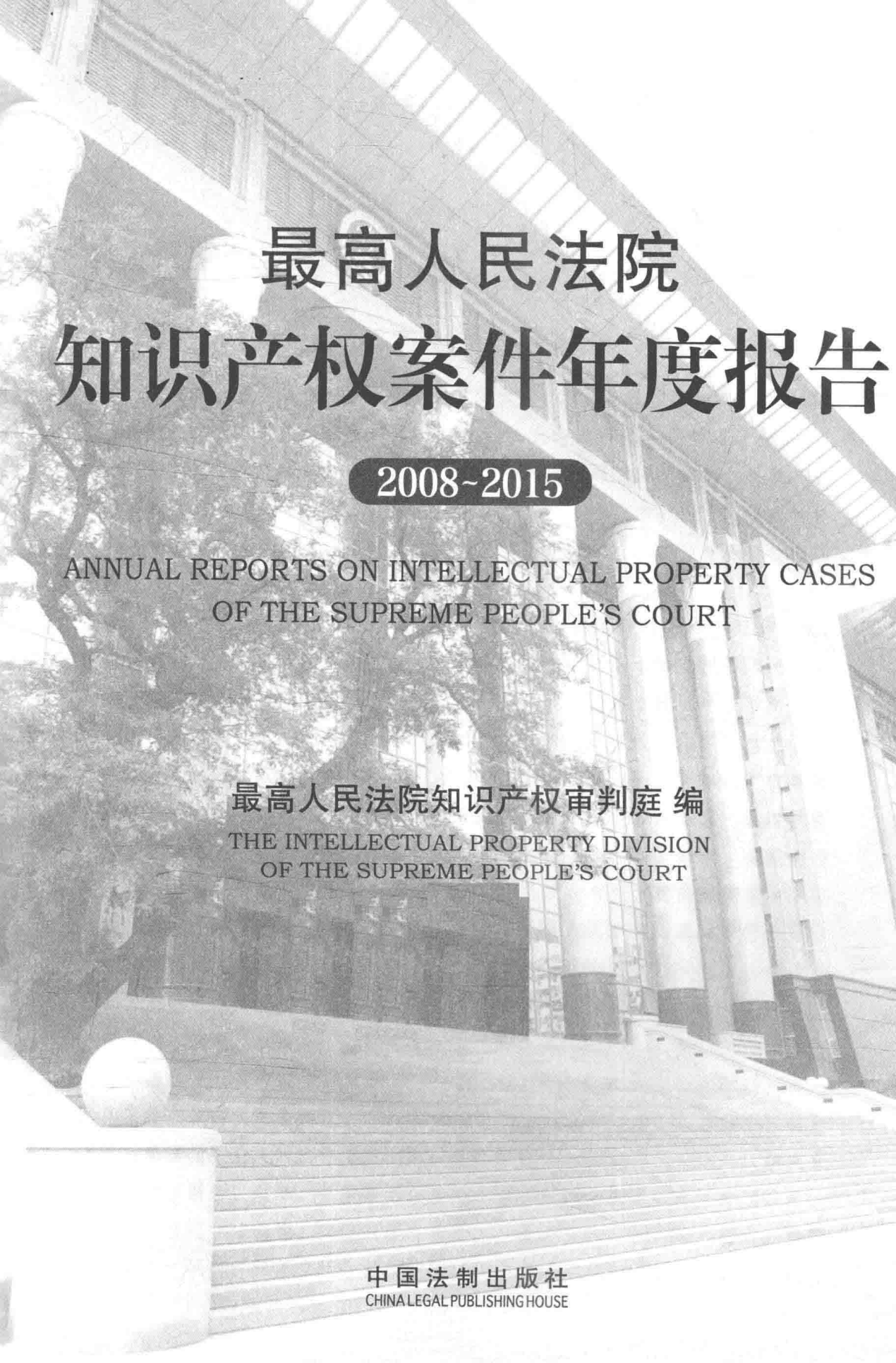
2008-2015

ANNUAL REPORTS ON INTELLECTUAL PROPERTY CASES
OF THE SUPREME PEOPLE'S COURT

中英文版

最高人民法院知识产权审判庭 编
THE INTELLECTUAL PROPERTY DIVISION
OF THE SUPREME PEOPLE'S COURT

中国法制出版社
CHINA LEGAL PUBLISHING HOUSE



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序 言

近年来，最高人民法院坚持服务保障大局，积极实施国家知识产权战略，充分发挥知识产权司法保护的主导作用，公正高效审理各类知识产权案件，加大知识产权司法保护力度，创新和完善知识产权司法保护体制、机制，进一步加强对外交流与合作，不断扩大知识产权司法保护的公信力、权威性和影响力，为国家实施创新驱动发展战略，建设知识产权强国和世界科技强国提供了有力司法保障。

司法保护知识产权主导作用的充分发挥，关键要通过案件审判来实现，而案例就是案件审判工作的具体化。最高人民法院历来十分重视知识产权案例编写工作，加强案例指导的制度化、规范化建设，建立知识产权案例指导制度体系，并创设了最高人民法院知识产权案例指导研究（北京）基地，不断提升案例的权威性、指导性和国际影响力。《最高人民法院知识产权案件年度报告》是最高人民法院发布的关于知识产权和竞争领域重大、疑难和新类型案件的审判标准、司法政策和裁判方法的重要文件，是知识产权案例指导体系的重要平台和载体，受到社会的普遍关注和有关方面的高度重视。本次出版的年度报告分析了2008到2015年度最高人民法院各类知识产权案件的审理情况，收录了2008到2015年度最高人民法院审结的知识产权和竞争案件中的典型案例。案件类型覆盖专利、著作权、商标、反不正当竞争等民事案件，知识产权刑事、行政案件以及涉及知识产权诉讼证据与程序的案件，并涵盖已经入选年度中国法院10大知识产权案件和50件典型知识产权案例的案件。最高人民法院从上述具有代表性、指导性和典型性的案件中归纳出具有普遍指导意义的法律适用问题，反映了最高人民法院在知识产权和竞争领域处理新型、疑难、复杂案件的审理思路和裁判方法，对进一步指导司法实践、规范司法裁量、推进法律适用统一、促进法律有效实施具有十分重要的意义。同时，将年度报告集结出版并向社会公布，将这些典型案例中蕴含

的法律精神、法律规则传播给社会，对于加强知识产权保护和运用，激励和促进科技创新具有重要的推动作用。

当前，我国知识产权审判坚持开放思维，既立足现实和国情，又尊重国际公约，积极参与和引导国际规则形成，知识产权司法保护的国际影响力正在不断扩大。为进一步与国际知识产权司法保护对接，本次出版的年度报告特别由中国法院知识产权司法保护国际交流（上海）基地组织专业力量将其译成英文，以中英对照体例进行发行。我们希望以年度报告为载体，进一步加强与境外司法机构、科研院所的沟通与交流，使之成为向国际社会展示中国法院司法保护成果的重要窗口，成为推进中国法院开展知识产权国际交流的重要载体，成为参与、推动甚至引领国际知识产权保护和规则制定的重要平台，为国际知识产权司法保护贡献更多的中国智慧和经验。

Preface

In recent years, the Supreme People's Court (SPC) has played a leading role in the judicial Intellectual Property (IP) protection by adhering to the opinion on *Serving the Overall Interests of the Country* and actively implemented the *National Intellectual Property Strategy*. The SPC has sought to fairly and efficiently adjudicate all types of IP cases, and also innovate and perfect the judicial system and judicial mechanisms for the protection of IP rights, which has led to the increasing of the overall judicial protection of IP rights. By improving communications and cooperation with other countries, the credibility, authority and influence of judicial IP protection has steadily improved. For the sake of developing a world-class country rich in IP, as well as a great science and technology foundation, the SPC will continue to provide steadfast judicial support for China's implementation of the *Innovation-driven Development Strategy*.

The key to fully developing a leading role in the judicial protection of IP is founded on trial cases. Cases serve as a concrete embodiment of judicial practices in trials and the SPC has always valued the collection and compiling of IP cases to reinforce the development of a systematic and standardized method for providing guidance for future cases. In order to develop an IP case-guiding system, the SPC established the *Supreme People's Court Intellectual Property Case-Guiding Research Base (Beijing)* to continuously promote the authority, guiding effect and global influence of IP cases. The *Annual Reports on Intellectual Property Cases of the Supreme People's Court* is another important judicial document published by the SPC that provides guidance with regards to trial criteria, judicial policies, and also approaches for judging significant, difficult and new-types of cases in the domain of IP and competition. As an important platform and manifestation of the IP case guidance system, it has attracted extensive attention from the public at large. In the annual reports, we have analyzed decisions from various IP cases received by the SPC between 2008 and 2015, and collected typical cases from the IP cases and competition cases concluded by SPC from the same period. These cases include not only civil patent, copyright, trademark, and anti-unfair competition cases, but also criminal and administrative IP cases, as well as those that refer to issues surrounding evidence and procedure in IP litigations. Included in the annual reports especially

relevant are those cases selected for the annual *Top Ten Chinese Intellectual Property Cases* and annual *Fifty Typical Cases on Judicial Protection of Intellectual Property*. The application of law to issues in these representative, exemplary and typical cases, as summarized by the SPC reflects the SPC's thoughts in trial and approaches to dealing with and judging new types of difficult and complicated cases in the IP and competition fields, and thus play a very significant role in further guiding judicial practices, regulating judicial discretion, progressing a unified applicable law, and facilitating effective law enforcement. Meanwhile, by compiling, publishing and distributing this annual reports, we hope that the spirit and rules of law in these typical cases will be disseminated to the public. This will, in turn, become an important drive in advancing the protection and utilization of IP, and encouraging scientific and technological development.

Currently, the trials of IP cases in China are performed by adhering to an open mind, giving considerations to the state of present day realities and national conditions, and showing respect for international treaties. We are positively participating in and guiding the formulation of international rules, and expanding China's international influence with respect to the judicial protection of IP. In order to bring the judicial protection of IP in China to the attention of the international community, these reports have been translated into English by professionals under the leadership of *Chinese Courts International Exchange Base (Shanghai) for Judicial Protection of Intellectual Property Rights*, and is now published simultaneously in both Chinese and English versions. With the annual reports serving as a medium, we sincerely hope to further improve communications with foreign judicial institutions, academic and research institutes. We hope to develop this into an important window of China to display the achievements in judicial protection realized by the courts in China, to serve as an important channel to advance international communications about IP with the courts in China, and as an important platform for China to participate in, navigate and even lead in the international protection of IP and the formulation of rules so that we can contribute more Chinese wisdom and experience to international IP judicial protection.

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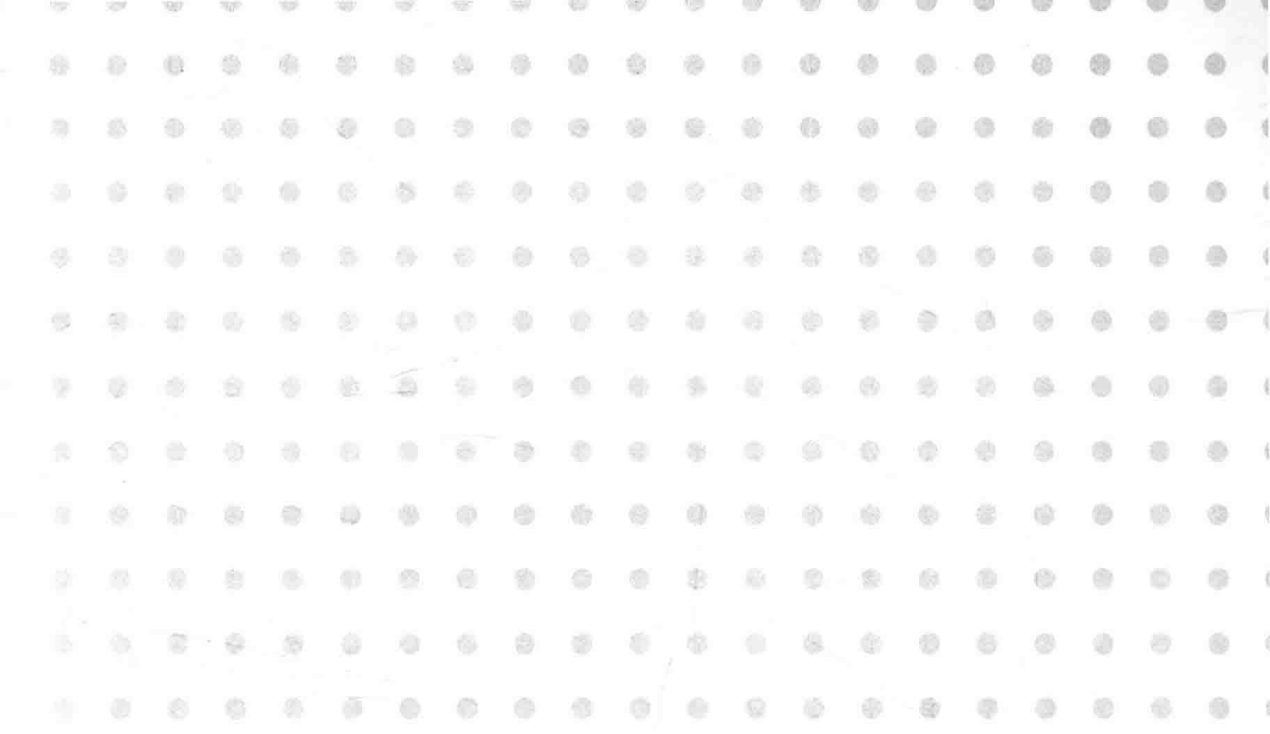
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