## 侵权假冒查处

Investigation and punishment of infringement and counterfeiting

与 And

# 维权合理边界

Reasonable boundaries for rights protection

郭晨辉 Guo Chenhui



#### // 成果 Achievement



- 查处商标侵权、假冒专利等违法案件 4.4 万件, 涉案金额 16.2 亿元。
- 44,000 illegal cases involving trademark infringement and patent counterfeiting were investigated and dealt with, involving a total amount of 1.62 billion yuan.



- 18 省 (区、市) 同步销毁侵权假冒伪劣食品、药品、服装鞋帽、烟酒、出版物等商品逾 30 大类、100 多个品种, 重量超过 3000 吨, 货值达 5 亿元。
- 18 provinces (autonomous regions and municipalities) simultaneously destroyed more than 30 categories and more than 100 varieties of infringing, counterfeit and shoddy food, medicine, clothing, shoes and hats, tobacco and wine, publications, etc., with a weight of more than 3,000 tons and a value food illion yuan.

### 成果

#### -// Achievement //-

· 2022年,各级法院审结一审知识产权案件 219.4万件,同比增长 221.1%。加大惩罚性赔偿力度,2022年侵犯知识产权案件判赔额较 2018年增长153%。



• In 2022, courts at all levels will conclude 2.194 million first-instance intellectual property cases, a year-on-year increase of 221.1%. Increase the intensity of punitive damages. In 2022, the amount of damages awarded in intellectual property infringement cases will increase by 153% compared with 2018.



- 世界知识产权组织发布的《2022 年全球创新指数报告》显示,中国排名继续上升,位列全球第 11 名。
- According to the "2022 Global Innovation Index Report" released by the World Intellectual Property Organization, China's ranking continues to rise, ranking 11th in the world.

一中国打击侵权假冒工作 年度报告 (2022) Annual Report on China's

Combating of IPR Infringement and Counterfeiting (2022)



知识产权权利的合理边界

Reasonable boundaries of intellectual property rights

碰瓷式维权

**Malicious rights protection** 



道邏鎮胡縣汤

商业化维权

**Commercial rights protection** 

经济利益 Economic benefit

授权/分成协议 Licensing/sharing agreement







### 案例3 Case 3

侵权纠纷和解,权利人明确回复,要求贵司正版化数量不低于60。 件长期违规使用且拒绝沟通的态度,为保护我方合法权益及避免华北地区 的License Agreement协议,正式提起合规审计,从现在告知贵司开始 同有权在30日之后上门

- 上向贵司客户群体及资方投诉贵司的侵权行为,反映贵司涉嫌不正当竞争,提示使用盗版软件可能造成的造成的安全风险;
- 3.向全国高新技术企业认定管理工作领导小组实名举报贵司的违法行为,告知其违反高新技术企业工作相关要求的,给予相应处理;
- 4.向北京市市监局、国家版权局实名投诉并提交贵司的侵权材料,如实反应贵司的处理态度、处理方式,并申请行政查抄;
- 5.告知BSA商业软件联盟,协同其余商业软件对便利蜂进行联合执法;
- 6.于2023年5月28日起,请我方专职律师正式启动诉讼流程,我方将按照贵司历史侵权数量连带赔偿的金额作为我方主张及诉求,届时案 每\*\*信,成都川大\*\*等,贵方可自行了解)。



