

商品化权及知产热点问题专题研讨会

Symposium on Merchandising Right and other Hot Issues of Intellectual Property

时间: 2019年7月25日(周四)

地点: 上海静安区宏安瑞士酒店(上海市静安区愚园路1号)

Time: July 25, 2019 (Thursday)

Venue: Swissotel Grand Shanghai, No.1 Yuyuan Road, Jingan District, Shanghai

主办单位:

中国外商投资企业协会优质品牌保护委员会(品保委)玩具和授权产品行业小组

Organizer:

Quality Brands Protection Committee of China Association of Enterprises with Foreign Investment (QPBC) Toy & License Goods IWG

根据《2017年中国版权产业的经济贡献调研报告》，从2013年至2017年的5年间，中国版权产业的行业增加值从42725.93亿元人民币增长至60810.92亿元人民币，5年间产业规模增长了42%，尤其是以新闻出版、广播影视、软件设计、动漫游戏等为代表的核心版权产业增长迅速。一方面，政府部门通过政策、专项行动等措施，鼓励社会及企业在新领域、新业态、新模式下创新开展知识产权的保护、管理和服务。在版权和商品化权的实践中，权利的保护范围得到了加强，政策性的导向促进了相关产业的发展。另一方面，司法实践和部分学者也开始反思知识产权的扩张，认为将属于公有领域中自由摹仿的标志不当纳入到保护范围之内，反而会阻碍市场经济的发展。事实上，在相关商品化权及版权实践中，诸多争论的焦点正是集中于对于具有无形性特征的知识产权应当如何定义以及权利保护范围的界定。

According to *Survey Report on the Economic Contribution of China's Copyright Industry in 2017*, the industry added value of China's copyright industry increased from 4272.593 billion yuan to 6081.092 billion yuan in the five years from 2013 to 2017, during which the industry scale increased by 42%. The core copyright industry represented by news publishing, radio, film and television, software design, animation and games, etc., has grown rapidly particularly. On the one hand, government encourages the society and enterprises to innovate in the protection, management and service of intellectual property rights in new fields, new formats and new modes through policies and special actions. In the practice of copyright and merchandising rights, the protection scope of rights has been strengthened, and the policy orientation has promoted the

development of related industries. On the other hand, judicial practitioners and some scholars began to reflect on the expansion of intellectual property rights, believing that improper incorporation of free imitation in the public domain into the scope of protection would hinder the development of market economy. In fact, in the relevant merchandising rights and copyright practice, the focus of many debates is precisely on how to define the intangible characteristics of intellectual property rights and the protection scope of rights.

草拟议程

1330 – 1400 会议签到

1400 – 1405 主持人：张宏恺 高级法律顾问 环球影业

1405 – 1515 主题演讲

网络著作权或作品的认定相关问题

王迁，教授，华东政法大学

1515 – 1530 交流与茶歇

1530 – 1700 小组讨论 – 商品化权在中国

司法实践中对于商品化权的认定, 法律适用与保护范围

商品化权如何弥补著作权制度对于虚拟形象保护的缺陷

1530 – 1550 商品化权的保护

崔红，罗思中国商标业务负责人

1550 – 1610 司法视野下的影视衍生品的知识产权保护——以“作品名称”和“角色形象”为基点

袁田，浦东法院知识产权庭法官、商标调研组负责人

1610 – 1700 小组讨论

小组讨论主持人：杜颖，中央财经大学知识产权研究中心主任、教授

小组讨论嘉宾：

许懿，路盛律师事务所高级律师

袁田，浦东法院知识产权庭法官、商标调研组负责人

祝佳，高级法律顾问，乐高公司

Drafted Agenda

1330 – 1400 Registration

1400 – 1405 Moderator: Hongkai Zhang, Senior Counsel, Brand Development and Intellectual Property, NBCUniversal

1405 – 1515 Keynote Speech

Issues Related to the Recognition of Network Copyright or Works

Wang Qian, Professor of East China University of Political Science and Law

1515 – 1530 Tea Break

1530 – 1700 Panel Discussion – Merchandising Right in China

Recognition, Application of Law and Protection Scope of Merchandising Right in Judicial Practice

How Can Merchandising Right Make Up for the Defects of Copyright System in Protection of Virtual Image

1530 – 1550 Protection of Merchandising Right

Cui Hong, Head of Rouse's Trademark Business (China District)

1550 – 1610 Intellectual Property Protection of Film and Television Derivatives from the Perspective of Judiciary: Based on "Name of Works" and "Role Image"

Yuan Tian, Judge and Head of Trademark Investigation Unit of Intellectual Property Court of Pudong Court

1610 – 1700 Panel Discussion

Moderator: Du Ying, Director and Professor of Intellectual Property Research Center, Central University of Finance and Economics

Panelists:

Xu Yi, Senior Lawyer of Lusheng Law Firm

Yuan Tian, Judge and Head of Trademark Investigation Unit of Intellectual Property Court of Pudong Court

Eric Zhu, Senior Corporate Counsel, LEGO