



知识产权调查 2023年1月

2023年1月2日至20日
98名受访者

在华法国企业 知识产权调查报告



2023年1月—在华法国企业知识产权调查

知识产权 (IP) 是 82% 在华法国企业的重大议题

55.1% 的公司表示，他们在过去三年中遇到过其商标被恶意抢注。

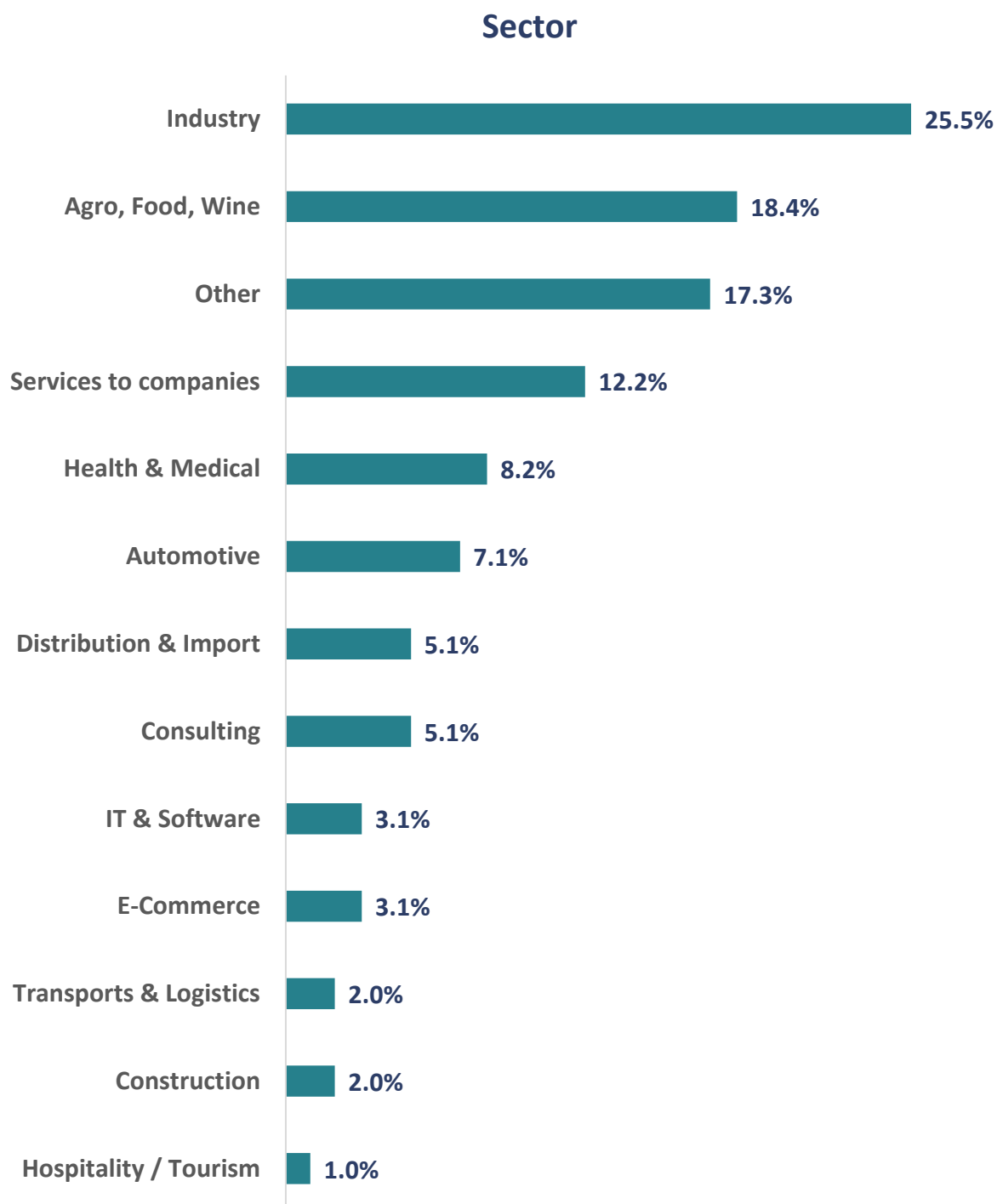
法国是在华投资的企业数量最多的欧洲国家，拥有 2,100 多家子公司，雇员人数近 445,000 人。自 1992 年以来，中国法国工商会 (CCI FRANCE CHINE) 拥有 1,600 名会员企业，并一直在捍卫这些企业的利益。

最新的 (2022 年春季) 营商环境调查显示，[56% 的受访者认为知识产权制度是在中国创新发展的障碍](#)。2023 年 1 月 2 日至 20 日，对约 100 家企业在中国的知识产权 (IP) 问题进行了详细的补充调查。得到以下信息：

- **在中国的知识产权保护是超过82% 的受访企业的主要问题。** 他们广泛使用知识产权来保护自己，尽管十分之一的受访者表示他们在该地区不拥有任何知识产权。
- **在中国，企业利用知识产权保护自己的主要方式是商标 (75.5%) 和发明专利 (50%) 。** 最重要的是，绝大多数企业将不同类型的知识产权结合起来，以最好地保护他们的创新。因此，四分之三的知识产权权利持有企业在中国受到至少两种不同类型权利的保护，有些甚至组合了多达五种类型的权利。**此外，71.4% 的企业根据中国及其具体情况调整其知识产权战略。**
- **法国企业对中国知识产权环境的总体不太看好**，49%的受访者认为中国知识产权法律赋予的保护水平不够，46.9%的受访者对中国政府部门的执法力度不满意。
- **虽然超过二分之一的受访者认为在中国获得权利的程序是有效的** (50% 的受访者认为它们令人满意，7.1% 认为它们非常好)，**但 35.7% 的受访者认为相关程序还有改善的空间。** 尤其是在有关商标恶意抢注问题方面。
- **55.1% 的企业表示他们在过去三年中遇到了商标被恶意抢注，57.1% 的企业表示他们在同一时期面临过其它类型的知识产权侵权行为。** 近 47% 的受访者在过去三年中累计遇到过这两个问题。超过一半的企业对侵犯其知识产权表示遗憾，并表示在此期间有几种类型的权利受到侵犯。
- **在 4/5 的案件中，这些知识产权侵权行为影响了企业的业务活动。** 三分之一的相关企业认为这种影响非常显著 (35.9%)。特别是在资金方面，因为 65.6% 的侵权受害企业，曾为保护无论何种类型的知识产权，都支付了大量费用。有些企业决定不采取行动自卫，这其中 30% 是因为对中国现有知识产权制度缺乏信心。
- **这并不妨碍企业对中国知识产权制度的未来发展持乐观态度 (37.8%)**，尽管超过三分之一的受访者 (34.7%) 对此持中立态度。部分受访企业对未来持悲观态度，其中 24.5% 的受访者表示，他们对中国知识产权制度发展变化的看法对其发展战略产生负面影响。

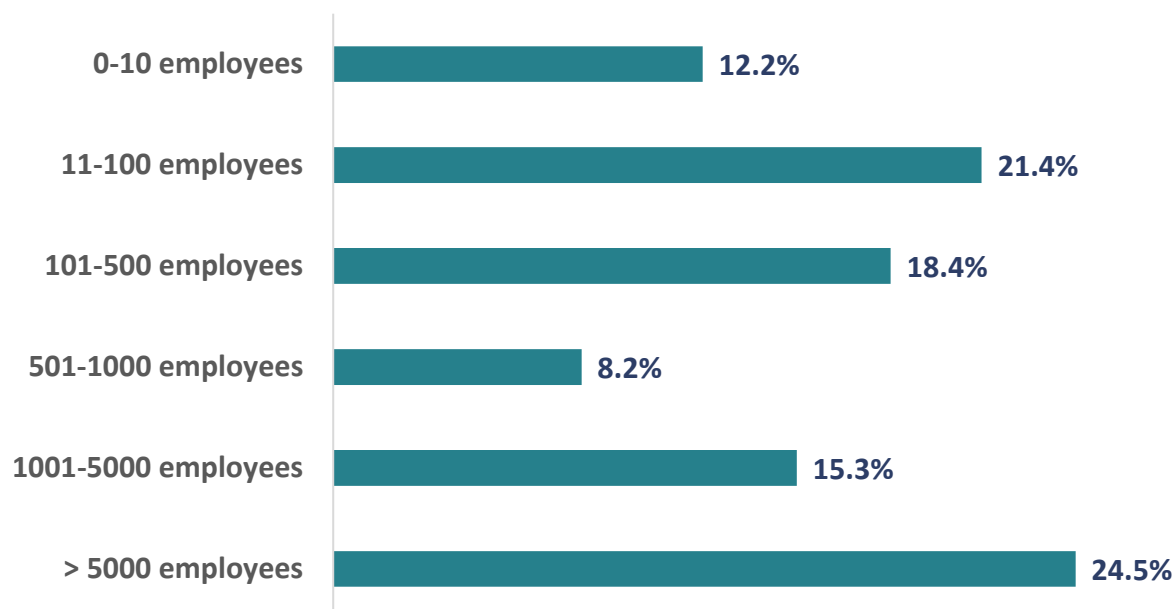
知识产权是法国企业在华的重要议题。尊重知识产权、有利于获得和捍卫知识产权权利、以及保证法律确定性的环境，对于增加法国和中国之间的贸易交流和相互投资至关重要。在中国成为知识产权侵权行为受害者的法国企业数量仍然居高不下，商标恶意抢注，无论其规模大小或涉及何种业务领域，都令法国企业成为受害者。因此，为了更好地打击假冒和欺诈行为，仍需付出努力。

Profile of respondents

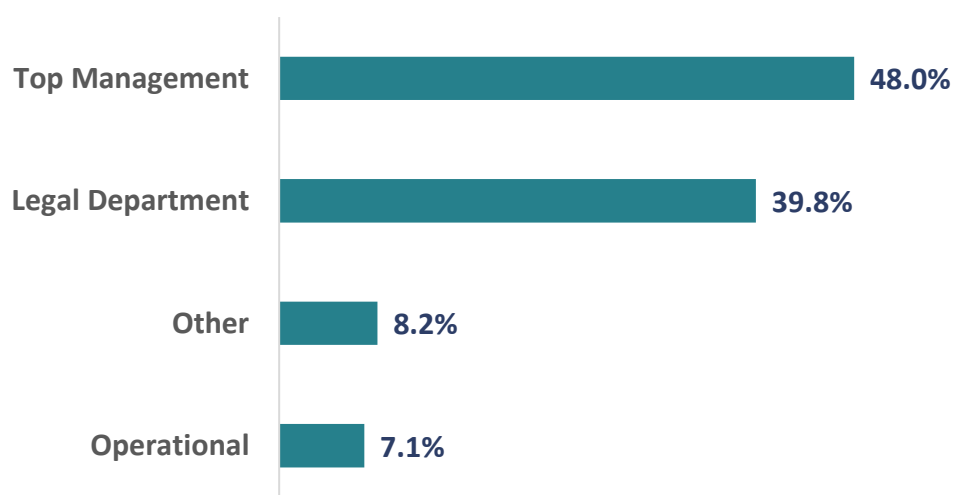


Profile of respondents

Number of employees worldwide

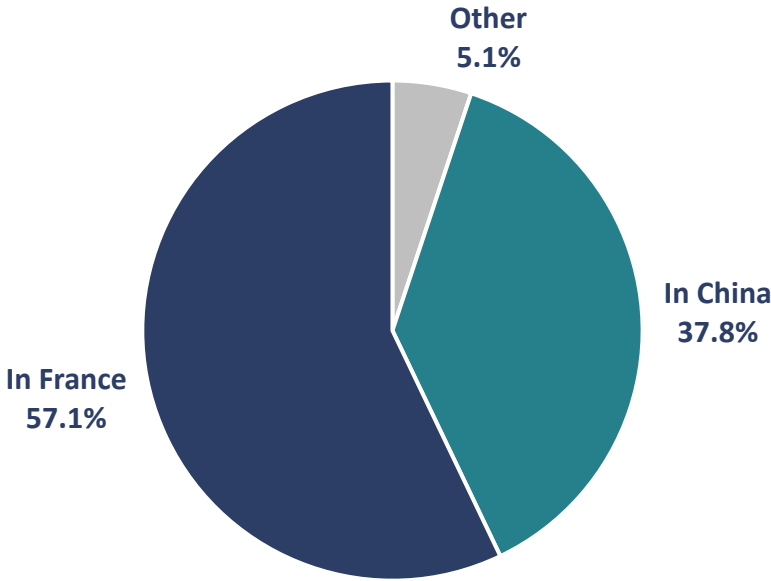


Position of the respondent in the company

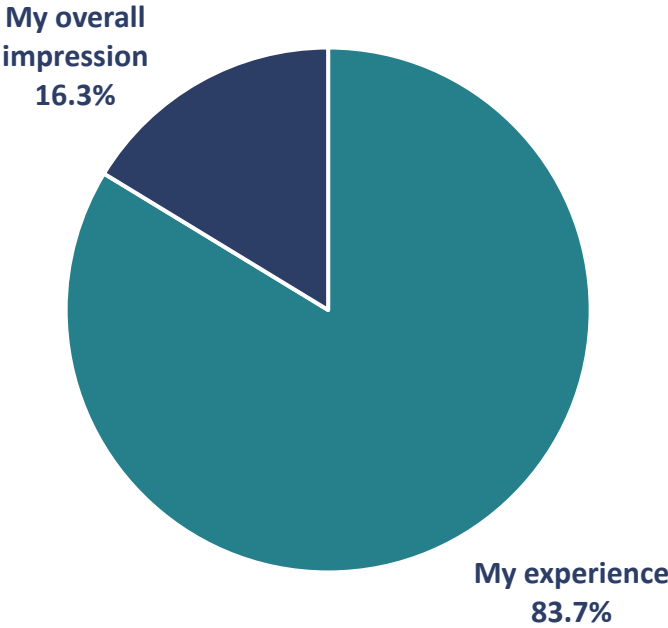


Profile of respondents

Geographic location of the respondents

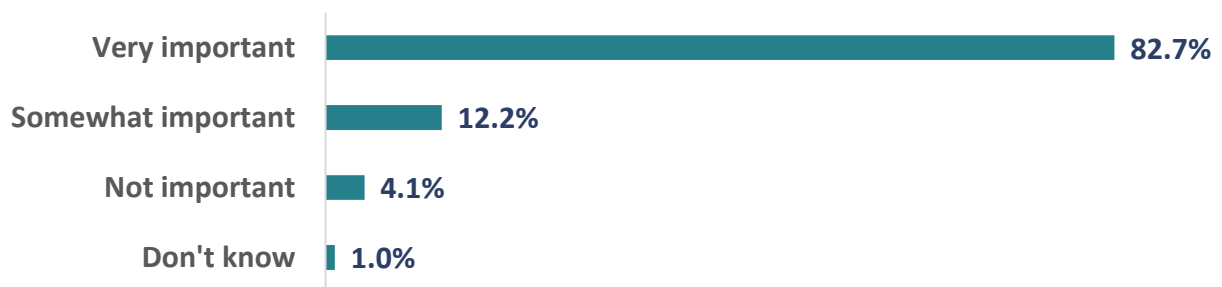


Do the answers you provided in this survey reflect your personal experience with IP or an overall impression given by what you have heard in your company about IP?

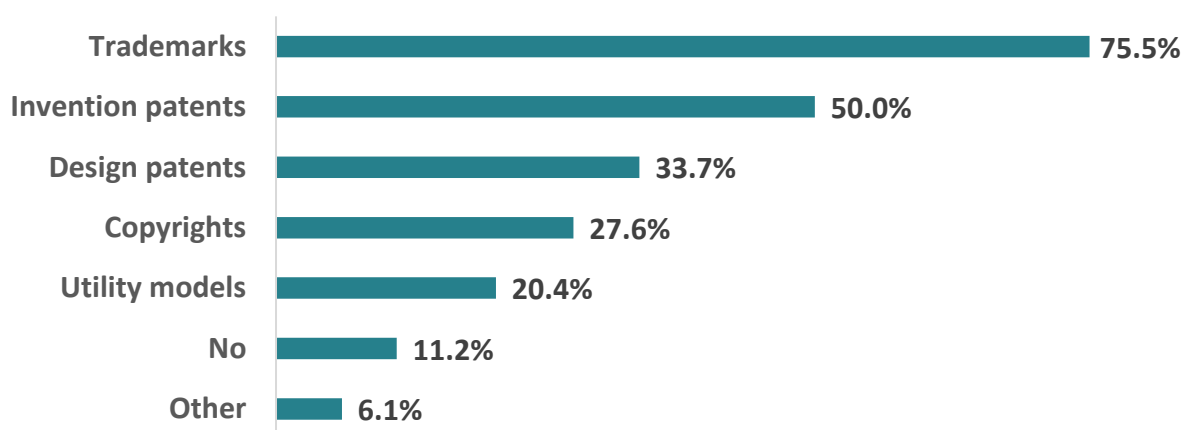


Importance of intellectual property for respondents

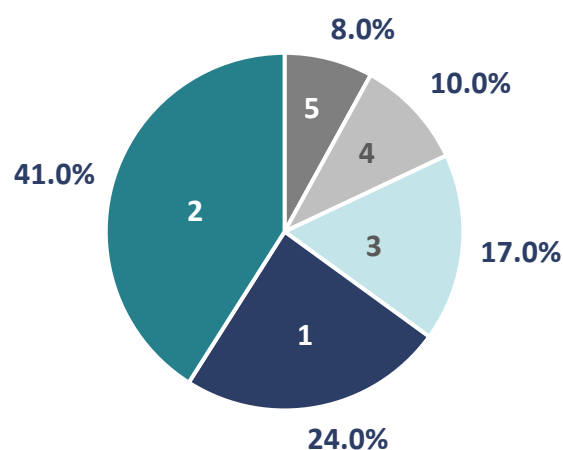
Importance of IP protection & enforcement in China for their company



Does your company own IP rights in China ?

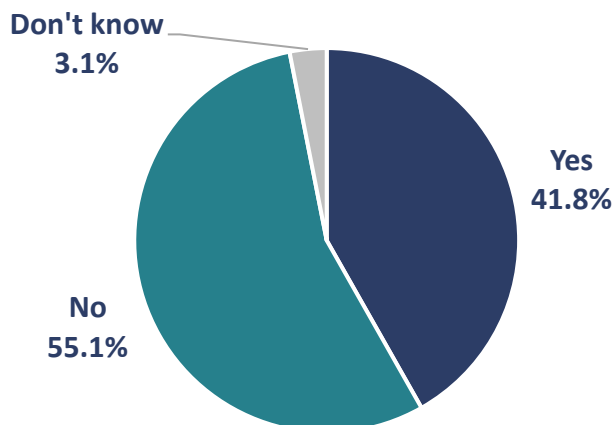


Number of different types of IP rights owned by respondents in China

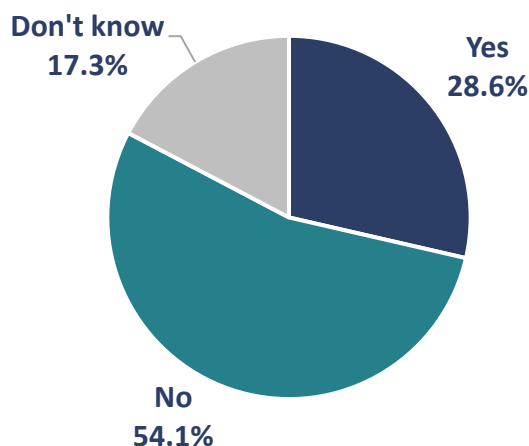


Intellectual property strategy

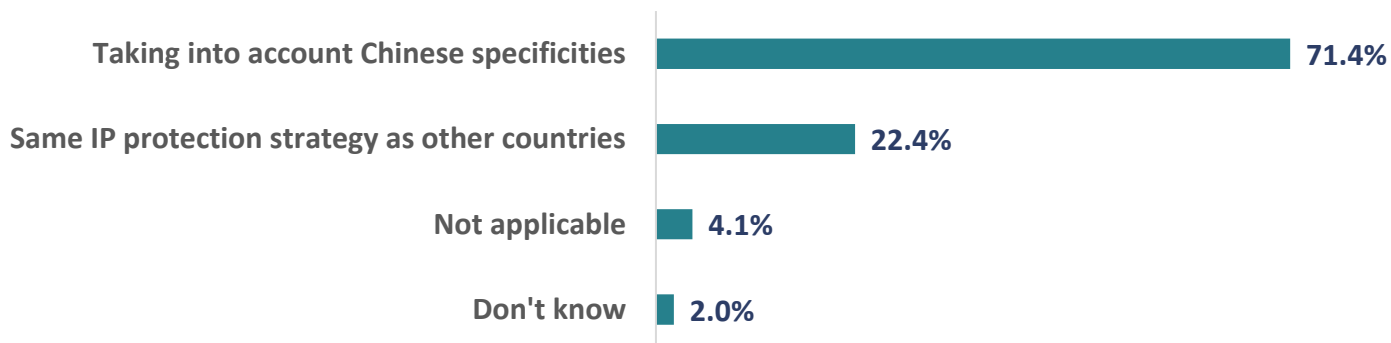
Does your company conduct R&D activities in China ?



Does your company refrain from conducting R&D activities in China for confidentiality reasons?

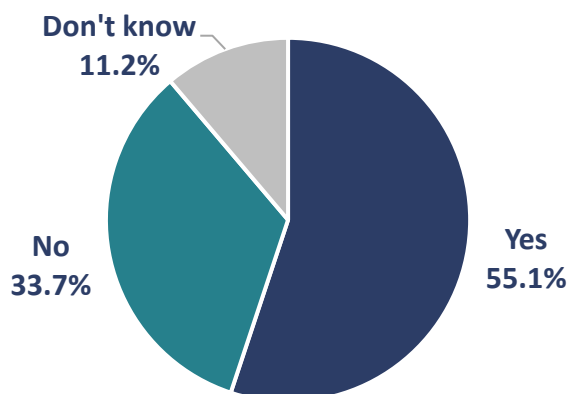


Does your IP protection and enforcement strategy in China take into account the specificities of China, or is it the same as your strategy in other countries?

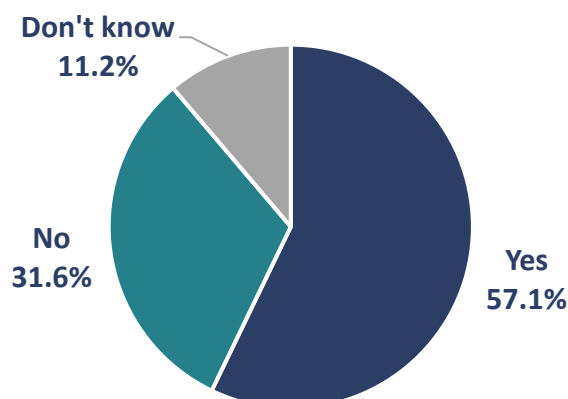


Enforcement of IP rights

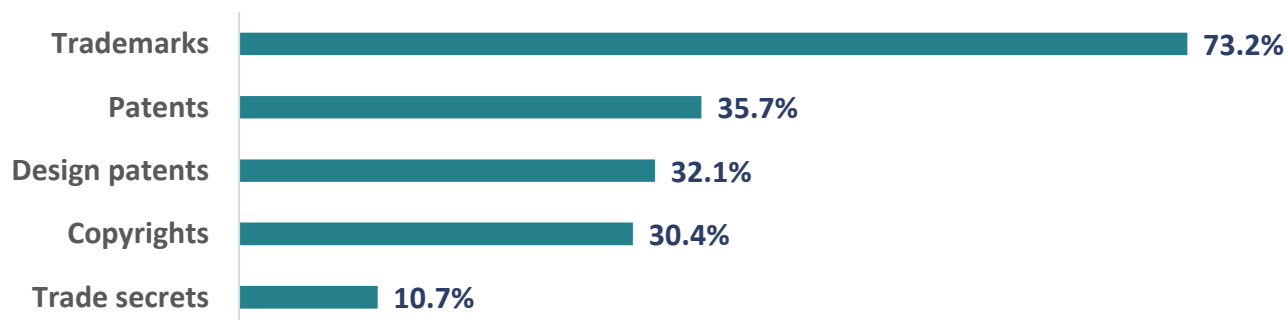
In the past three years, has your company faced bad faith trademark applications/registrations in China?



In the past three years, has your company experienced any other infringement of its intellectual property rights in China?

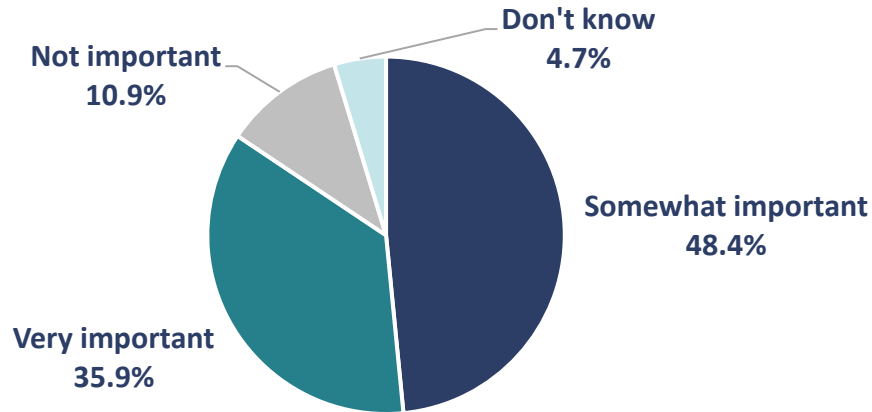


When you faced infringement in the past three years, what types of intellectual property rights were infringed?

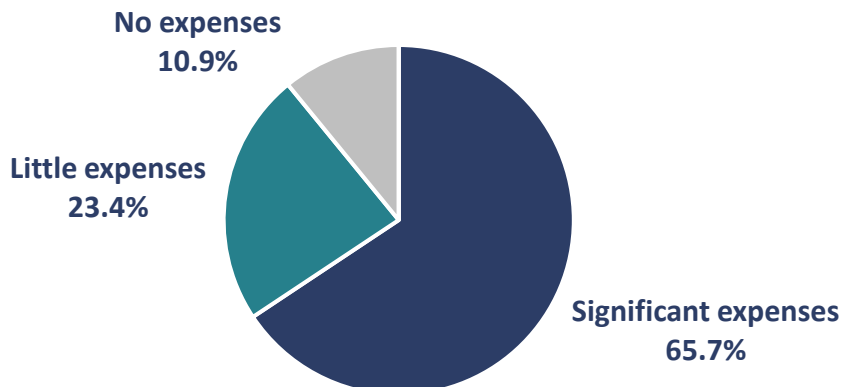


Enforcement of IP rights

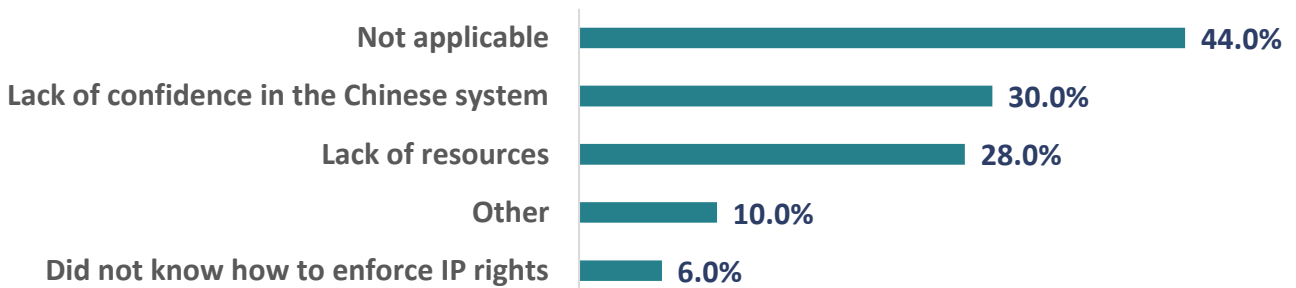
What has been the impact of bad faith trademark applications and/or IP rights infringement to your business activity?



After it faced bad faith trademark applications and/or IP rights infringement, did your company undertake any expenses to enforce its IP rights?

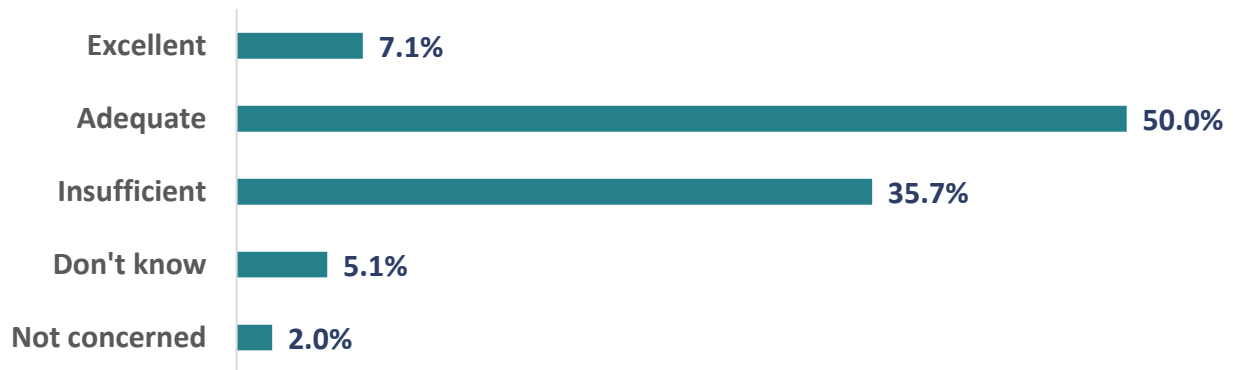


If your company decided NOT to enforce its IP rights, what was/were the reason(s)?

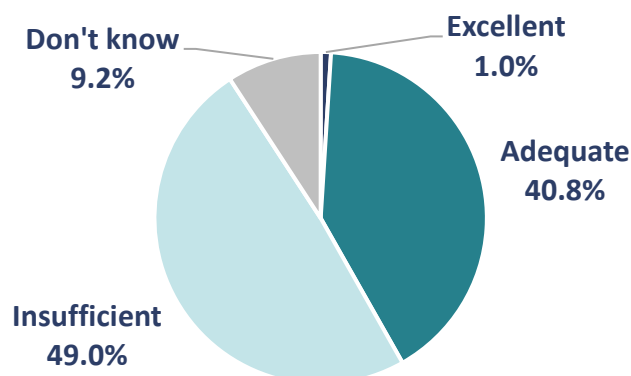


Perception of the Chinese IP environment

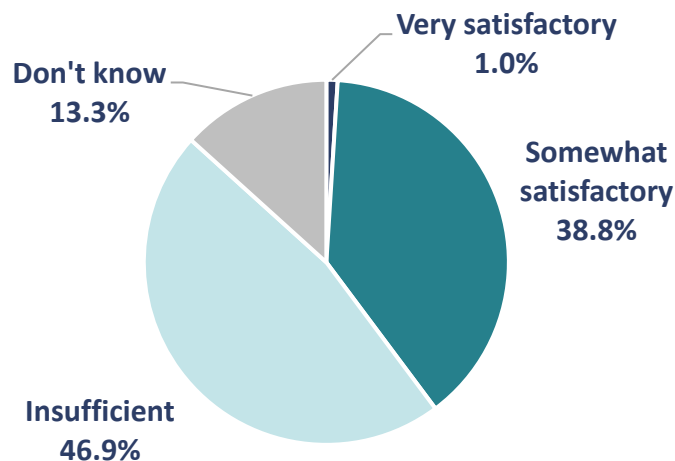
What do you think about the efficiency of IP rights registration procedures in China?



What do you think of the level of protection currently granted by China's IP laws and regulations?

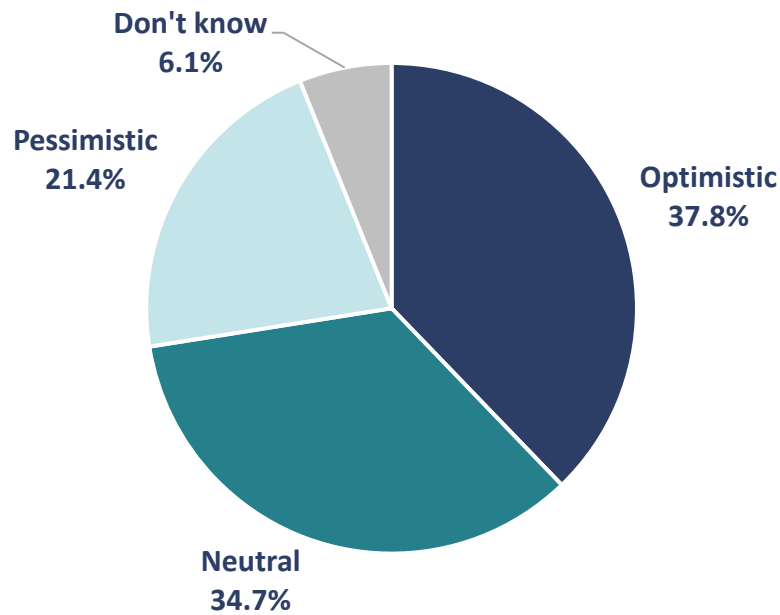


Would you say that the law enforcement is satisfactory in China when it comes to IP?

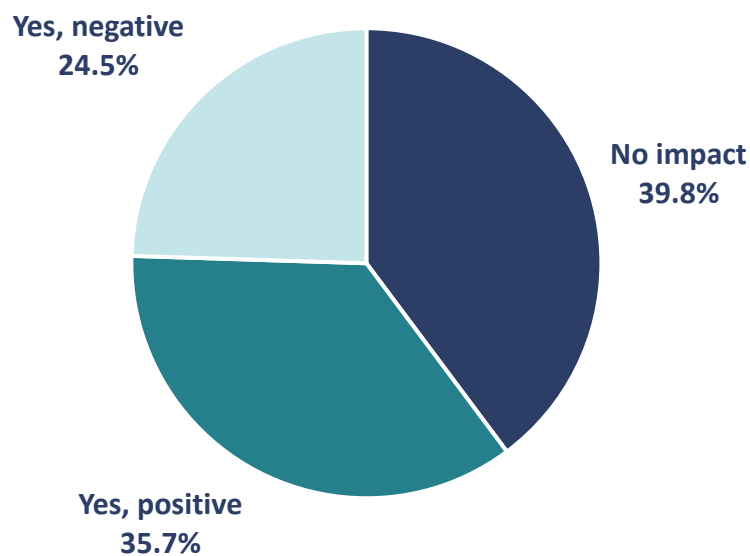


Perception of the Chinese IP environment

How would you describe your vision regarding the future development of IP protection in China?



Does this vision have an impact on your company's development strategy in China?



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谢谢

