

PROPOSED TRAINING: INTELLECTUAL PROPERTY - U.S. AND GLOBAL

推荐课程：知识产权—美国与全球

承办单位：美国国际法学会（华盛顿）

中国培训渠道编号：120004

中方代表：王琨

联系方式：010-58816282

TOPICS（课题）：

At the time of this submittal no specific topics has been defined by interested parties. ILI tenders here a general list of pertinent subject matter which can be further defined based on subsequent discussions of needs by stakeholders. ILI herein offers the following broad list of topics to consider:

鉴于提交本项目时，客户方尚未确定具体的培训课题，美国国际法学会在此提出一个相关题材的常规培训课程表，它可以根据需要在随后的讨论中做进一步调整与修改。下述课程仅供参考：

I. Overview of Intellectual Property Law [Domestic U.S. and International]

[美国国内和国际]知识产权概述

II. Foundations of U.S. Intellectual Property Law – DOMESTIC

美国（国内）知识产权法的基础

A. Utility Patents 实用新型专利：

1. Marking Type 标记类型

a. Patent Pending 专利申请

b. US Patent Number 美国专利号

c. Patented 获得专利

2. Patent Term 专利期限

3. Nature of Utility Patent Right 实用新型专利权利的性质

4. Process of Obtaining a Patent 获得专利的过程

5. Types of Applications — Provisional and Non-Provisional 临时和非临时—类型的应用程序

6. Timeline for Obtaining a Patent 获得一项专利的时间表

B. International Patents 国际专利

1. Process of Obtaining 获取流程

2. Considerations 注意事项

a. Patent Term 专利期限

b. Scope of Protection 保护范围

c. Market Size 市场规模

d. Cost to Protect 保护成本

3. Public Disclosure Process to Preserve Foreign Rights 公开披露过程中的保护外国权利

4. Test for Infringement 测试侵权

C. Trademark and Service Mark 商标和服务商标

1. TM, SM, ® “Federally Registered” 有效的联邦政府注册的商标和服务商标

2. Process of Obtaining 获取流程

- a. “Common Law” Rights – States 美国 “普通法” 的权利
 - b. Expanded Rights via Federal Registration 通过联邦注册扩大权利
 - 3. Trademark Limitations 商标的局限性
 - 4. Term 期限
 - 5. Design Patent Marking – Distinctiveness 设计（独特的）专利标记
 - 6. Test for Infringement 侵权试验
 - 7. Protections 保护
 - 8. Extensions 扩展
- D. Copyright 版权
- 1. Copyright Term and Extension 版权期限和延期
 - a. Copyright Term Extension Act 1998. 版权期限延长法案1998
 - 2. Nature of Rights Granted by Copyright (case studies) （案例研究）版权所有大自然所赋予的权利
 - 3. Process to Obtain Copyright 获取版权的过程
 - 4. Test for Copyright Infringement 试验侵犯版权
 - 5. Copyright Limitations 版权的局限性
- E. Trade Secrets 商业秘密
- 1. Required Markings 所需的识别标志
 - 2. Term of Protection 保护期限
 - 3. Nature of Right to Protect Trade Secrets - State and Federal Laws of Protection
各州和联邦保护法中保护商业秘密权利的性质
 - 4. Process to Obtain 获得的过程
 - 5. Trade Secret Limitations 商业秘密的局限性
 - 6. Test for Trade Secret Infringement 侵犯商业秘密测试
- F. Components of IP Value 知识产权价值的组成部分
- 1. PR Value 公关的价值
 - 2. Margin Protection 保证金保护
 - 3. Revenue — Licensing, Damage Awards, Tax, Benefits 收入—授权，损害赔偿，税收，福利。
 - 4. Defensive 防御性
- G. Unique Aspects of IP procurement and Enforcement in the US system
美国体制中知识产权采购和执行的独特方面。
- 1. The “Common Law Approach” “普通法” 方式
 - a. Role of Juries in Civil Cases 陪审团在民事案件中的作用
 - b. Role of the International Trade Commission an alternative forum
国际贸易委员会的作用，另一种论坛
 - c. Punitive and Treble Damages 惩罚性和三倍损失赔偿
 - d. Legal Fees Structure and Risks 法律费用机构及风险
 - 2. Differences in Procurement 采购中的差异
 - a. Broad Venue Statues 广阔管辖地章程
 - b. Variance in Districts — time to trial, demographics 地区的差异---诉讼时间，人口统计数据
 - c. Unique Discovery Rules and Orders 独特发现的规则与程序
 - 3. Difference in Enforcement 执法中的差异
 - a. Validity Status 有效期状态

b. Cost and Procedure of Litigation in the US System 美国体制中的诉讼程序及成本

c. Unique Discovery Rules and Orders 独特发现的规则与程序

4. Concerns with the US System 对美国体制的忧虑

a. Costs 成本

b. Case Decisions possibly determined by Non-Specialists - Jurors / Judges

案件的裁决可能由非专家—陪审员和法官最终确定

G. Strengthening US IP Law and Patent Systems - Reform Processes

加强美国知识产权法和专利制度---改革进程

1. Case Studies and Legislative Reforms to Strengthen US Patent Law and Procedures

案例研究和立法改革以加强美国的专利法和程序

2. US (Washington, DC) Role in Patent Reform Domestically and Internationally

美国（华盛顿，DC）在国内和国际专利改革中的作用。

3. Roles of US Dept of Justice; US Copyright Office; US Dept. of Justice; US International Trade

Corn mission; US Court of Appeals; US Court of Federal Appeals; US Congress and the US

Executive Branch. 美国司法部，美国版权局，美国国际贸易委员会，美国上诉法院，美国联邦上诉法院，美国国会及美国行政部门的作用。

F. Review of Present and Future Global IP Strategies 对当今及未来全球知识产权战略的评论

1. Developments, Decisions, Court Trends and Tactics that Impact Global IP Strategy.

2. 事态的发展，裁决，法院发展趋势及影响全球产权战略的策略

3. Challenges of New Technologies 新技术的挑战

4. Challenges of Emerging Economies• 新兴经济体面临的挑战

5. MEGA TRENDS in IP Strategies and Reforms 知识产权战略和改革的大趋势

6. Opponents to Reforms 改革的对手

G. Overview of US Patent Cases 美国专利案件概述

H. Keys to Success in IP Litigation 在知识产权诉讼中取得成功的关键

III. International Intellectual Property Law – INTERNATIONAL 国际知识产权法---国际部分

A. Overview and History 概述和历史

1. WORLD INTELLECTUAL PROPERTY ORGANIZATION 世界知识产权组织

a. Paris Convention and Related Agreements “巴黎公约”和有关协定

b. Berne Convention “伯尔尼公约”

c. Madrid Agreement and Other Trademark Related Agreements

“马德里协定”和其它与商标有关的协定。

2. WORLD TRADE ORGANIZATION 世界贸易组织

a. Trade Related Aspects of Intellectual Property Rights [TRIPs] Agreement

与贸易相关的知识产权问题协定。

B. Forms of Intellectual Property — Purpose, nature, duration of each

知识产权的组成---目的，性质，每个所持续的时间。

1. Patents 专利

2. Trademarks 商标

3. Industrial Designs 工业品外观设计

4. Geographical Indications 地理标志
 5. Layout Designs 平面设计
 6. Copyrights and Neighboring Rights 版权和邻接权
- C. Domestic Enforcement of Intellectual Property Rights 国内知识产权执法
1. Injunctive Relief (Provisional and Permanent) (临时和永久) 的禁令救济
 2. Damages 损害赔偿
 3. Border Enforcement 边境执法
 4. Criminal Actions 犯罪行为
- D. International Provisions for Enforcement of Intellectual Property Rights 知识产权执法的国际规定
1. Enforcement of provisions of the TRIPS agreement
与贸易有关的知识产权协议的规定的强制执行
 2. Enforcement provisions in Regional Trade Agreements 区域贸易协定的执行规定
 3. Amendments to TRIPS 与贸易有关的知识产权协议的修订
- E. Intellectual Property and Anti-Monopoly Laws 知识产权法和反垄断法
1. Relationship between temporary exclusive property rights and anti-monopoly Laws.
临时专属产权和反垄断法的关系
- F. Current Issues 当前的问题
1. TRIPs negotiations in the Doha Round 多哈回合与贸易有关的知识产权谈判
 2. Genetic Resources; Convention on Biological Diversity “生物多样性公约” 基因资源
 3. Traditional Knowledge 传统知识
 4. Free Trade Agreements 自由贸易协定