

# 电子知识产权

曾培炎题字

Electronics  
Intellectual Property

总第 359 期 / 2021 年 10 期

- ▶ 公有领域作为著作权纠纷裁判理据的正当性——基于法理、规范、经济与道德的四维视角
- ▶ 《中美第一阶段经贸协议》知识产权核心条款解读与执行难题破解之路径

CULTURAL PARTICIPATION  
STANDARD ESSENTIAL  
PATENTS PATENT QUALITY CONTROL  
INDUSTRY 4.0 ILLEGAL PUBLICATION  
SYNCHRONIZATION OF PROCEEDINGS  
RESTRICTION OF INJUNCTION  
ANTI-MONOPOLY LAWS  
AND REGULATIONS  
RESTRICTION OF BASIC RIGHTS  
DIGITAL AGE

ISSN 1004-9517



邮发代号: 2-738  
零售价: 人民币 28 元

万方数据

2021 / 10

## Electronics Intellectual Property

### 学术研究

公有领域作为著作权纠纷裁判理据的正当性——基于法理、规范、经济与道德的四维视角 .....	梁九业	4
从新《著作权法》反规避条款看知识产权与言论自由的冲突.....	龚珊珊 严小翔	15
美国专利再审查制度的反思与借鉴——兼议中国专利确权制度的完善.....	黄运康	25
工业 4.0 时代的第一次工业产权法大修——《德国专利法律之二次简化和现代化法》评述 .....	刘昶	36

### 业界实务

论不以使用为目的恶意注册商标的转让.....	袁杏桃 叶悦	47
滥用标准必要专利行为的反垄断法规制困境及其对策.....	冉隆宇 吴太轩	56
《中美第一阶段经贸协议》知识产权核心条款解读与执行难题破解之路径 .....	程华儿 盛建明	72
论非法出版行为的刑事规制.....	何腾蛟	93

////// **Academic** ////

The Legitimacy of Public Domain as the Reason of Copyright Dispute Judgment:  
A Four - dimensional Perspective Based on Jurisprudence, Norms, Economy and  
Morality ..... **Liang Jiuye** 4

On the Conflict between Intellectual Property Rights and Freedom of Speech from  
the Anti-circumvention Clause in the New Copyright Law  
..... **Gong Shanshan Yan Xiaoxiang** 15

Introspection and Reference on the U.S. Patent Reexamination——Concurrently  
Discussing the Improvement of China's Patent Right Confirmation System  
..... **Huang Yunkang** 25

The First Renovation of the Whole Protection of Industrial Property in the Era of  
Industry 4.0——A Commentary on the Second Act concerning the Simplification and  
Modernization of German Patent Law ..... **Liu Chang** 36

////// **Practice** ////

On the Transfer of Bad Faith Registered Trademarks Not for the Purpose of Use  
..... **Yuan Xingtao Ye Yue** 47

The Anti-monopoly Regulation Dilemma and Countermeasures of Abusing Standard  
Essential Patent.....**Ran Longyu Wu Taixuan** 56

Interpretation of Core Terms,Analysis of Implementation Issues and Solutions on  
the IP Chapter under the Economic and Trade Agreement between China and United  
States..... **Cheng Huaer Sheng Jianming** 72

Criminal Regulation of Illegal Publication ..... **He Tengjiao** 93