

cording to the Article of 337. They complained that the 17 enterprises violated the American patents No. 6, 006, 486, Nr 6, 490, 836 and No. 6, 874, 292 (patents '486', '836' and '292' respectively) and No. 6, 928, 779 (patent '779'). After that, on September 2nd, 2005, they appealed the American International Trade Committee to change the suit to add another Chinese enterprise as the defendant. They based their appeal on the Code of Federal Regulations of America, 19th Edition, Article 210.14 (b).

The Article 337 of the International Trade Committee was originally issued in the United States. Different countries have different regulations about the same issue regarding the intellectual property rights in trades. Therefore, the producers must be cautious against the specificity of the laws in each country. To win in these kinds of suits, the domestic enterprises should be well prepared in the following aspects: 1) a thorough research and investigation must be done about the patents in the industry around the world. The first step is to try to know all the details of the competitors so as to guard against any potential trouble; 2) the government and the industry association must play an active role in organizing the individual enterprises to get familiar with related laws and background knowledge, to adjust their position and rectify their concepts so as to form a team to react to the competition from overseas; 3) if any enterprise is faced with this kind of suit, it should react actively and try hard to defend. Only by doing this can it have a chance to win; 4) the enterprises in this industry should do research and try to develop new products with their independent intellectual property right. This is the ultimate way to prevent the difficulty of passively reacting to suits.


刘硕真 (LIU Shuo zhen)

在我国企业出口贸易方面,近年来连续出现“反倾销诉讼”及被控“专利侵权”等事件。一方面反映了贸易保护主义者滥用WTO协议对中国企业的全球拓展的一种敏感和封锁;另一方面不可否认的也是低价倾销及侵权行为的客观存在,以及出口企业自身对于全面开拓海外市场的准备不足。

新生活家企业,几年来一直在和全球排名前几位的建材巨头合作。我个人从多年来的国际贸易历程总结认为:首要的防范措施应是切实地加强企业的内功,即自身素质。其次,当然要抱着尊重国际贸易环境的态度,进行合法有序的市场经营。出口企业的作为,在很大程度上代表的是行业 and 国家的尊严。作为被投诉的企业应积极应诉,这其中更需要行业协会及国家进出口管理机构的干预,既保障企业的利益,又有利于提高和改进企业的海外贸易发展能力,主动防范和避免类似现象的发生。

Regarding the issue of export trade, some of China's enterprises got into the trouble of suits of anti-dumping or infringing upon the patents of the overseas enterprises. On the one hand, this phenomenon reflects that some countries protect their domestic economy by taking advantage of the rules of WTO. They are cautious against the global expansion of China's enterprises and try to blockade China's foreign trade. On the other hand, we must admit that to some extent there are some low-price dumping and violation of other's patents. Besides, some of China's enterprises are still not well prepared for expanding to the global market.

In recent years, the Elegant Living Company has been in cooperation with the world's top companies in the field of construction materials. Based on my experience of the foreign trade in these years, I come into the following conclusions. Firstly, the most important task is that the domestic enterprises must develop and strengthen themselves. Secondly, they must respect the rules and laws of the global market and do business according to the rules. The performance of an exporting enterprise represents the dignity of an industry and even a country. If an enterprise is charged with one suit, they should react actively to the suit and defend themselves. During the process, the trade association and the national foreign trade management organization should interfere in the issue. On the one hand, the association and the government can protect the legal interests of the domestic enterprise. On the other hand, they can learn the rules and laws of the international market so as to make good use of them and prevent similar issues to recur.

 2005年,人造板(含地板)木工机械和家具行业的技术创新和重要技术进展;拥有自主知识产权的重要性的意义(What are the major technology developments in the flooring, woodworking machinery, and furniture industry? What is the importance to have our own exclusive intellectual properties in the forest products industries?)

赵仁杰 (ZHAO Renjie)

我国人造板产量已位居世界第一,这是一个可喜的进步和成绩,但并非人造板强国,对此必须要有清醒的认识。我们不能仅仅满足于量的增加,而忽视质的提升,更不能陶醉于高成本、高消耗的奇迹,只顾眼前,不虑长远。由于科技创新能力不足,我国人造板并不具有实质性的国际竞争能力。据国家知识产权局资料:我国拥有自主知识产权核心技术的企业仅为万分之三,99%的企业没有申请专利,60%的企业没有自己的商标。全国如此,人造板行业的情况可能会更差,众多中小企业的设备和工艺技术落后、产品质量低劣,通过“杀鸡取卵”式的消耗资源来获取利润,甚至用“竭泽而渔”式的破坏生态环境来发展。大型人造板企业的设备与技术多从国外引进没有自主知识产权。应该认识到企业的强大不仅是规模,也不仅是一时的效益,而是自身是否具有良性的“造血功能”,企业创新能力强,小企业可以做大做强;创新能力弱,大企业也会变小变无。所以,我们应该遵照胡锦涛总书记在2006年全国科学技术大会上重要讲话中提出的“培育大批创新企业”目标,努力构建企业科技的新平台,企业要投入资金,引进人才,组建研发中心,进行新设备、新技术的研发工作,进而拥有较多的自主知识产权的原创性科技成果,早日实现人造板强国的目标。

The yield of wood-based panels in China is now ranked first in the world. This is a favourable achievement, but it does not imply that China is a great power of wood-based panels. On this point, we should always be clear-headed. We should not be merely content with the increase of yield, neglecting the improvement of quality, or revel in the marvel of high-cost and

high-consumption, only focusing on instant benefit and disregarding the future. Due to the deficiency of originality, the wood-based panel industry in China does not enjoy substantial international competitive capacity. Many medium or small-sized enterprises use outdated equipment and technologies, and thus produce low-quality products. They are eager for quick success and instant benefit, gaining profits by greatly consuming energy and developing at the cost of environment. The large-sized wood-based panel enterprises' equipment and technologies are mostly brought in from foreign countries without self-owned intellectual property. We should realize that the powerfulness of an enterprise does not lie in its size or instant benefit, but in its good capability of originality and self-reliance. With strong originality, a small-sized enterprise can develop into a big and powerful one; with weak originality, a large-sized enterprise may become small and lifeless. Therefore, we should follow the objective of "fostering large quantities of innovative enterprises" proposed by Hu Jintao in the "2006 National Science and Technology Conference" and make efforts to build a new platform for enterprises' science and technology development. Enterprises should invest capital, bring in talents, set up research centres and endeavor to develop new equipment and technologies, so as to harvest more original sci-tech fruits with self-owned intellectual property and realize the objective of "great power of wood-based panels".

张熙中(ZHANG Xizhong)

我认为中国人造板机械的水平在不断提高,代表人造板热压机最高技术水平的连续平压热压机即将在中国试制成功(尽管比我在去年预言的稍晚一些),这将具有划时代的意义。但我认为速度还应加快,国外知名公司早已把目光投向了在中国有巨大潜在市场的4宽连续平压热压机。

另外一个新技术体现在浸渍纸的耐磨材料涂覆上。将耐磨材料在浸渍时定量喷涂在装饰纸上的技术应用打破了美国耐磨纸的垄断,该技术可以根据需要调整喷涂量,生产出不同耐磨程度的浸渍纸,以适应不同消费需求的用户。

随着人造板生产线规模的不断增大,国内木工机械行业生产的各种人造板设备的生产规模不能只停留在10万 m^3/a 以内的产能上,应向大规模、高可靠性方向研发。因为产能一大,从量变会发生质变,从而提升我们的设计水平和制作水平。产能大了,以前可以忽视的或可以不考虑的热变形、振动、位移、振动加速度、应力循环等在设计时都必须考虑周全,否则设备就不可靠。因此主要零部件的可靠性设计都提到面前,而这对我国木工机械的设计水平确实大有好处。我国人造板和地板产能已成为世界第一,我们不能光靠进口来满足日益增长的对生产线装备和备件的需求,必须研发自己的、有自主知识产权的、能适应大规模化、自动化现代制造业所需的装备。我们不能靠用10条生产线相当于国外1条生产线的简单增值来成为人造板和地板的生产大国,我们要成为人造板和地板的生产大国和强国必须有强有力的装备进行技术支持。现在看到一些宣传材料上有许多人造板生产线所需的在线测试设备和仪器广告,现在有的在线含水率测试仪等一大批产品都已能替代进口产品,我们国家的一些木工机

械和压机生产线已进入欧共体国家市场。这是可喜的现象,希望这种“利好”消息不断涌现。

Personally, I think that China is making great progress in the manufacturing capability of the wood-based panel equipment. Soon China will succeed in manufacturing the continuous flat hot press, which represents the world first-class technology. However, I think we should not be satisfied nor stop making progress.

Another new technology is the application of abrasion-proof material on impregnated paper. When the paper is impregnated, abrasion-proof material is sprayed onto the paper. This technology has broken the monopoly of the United States in the field of abrasion-proof paper. This technology can change the spraying quantity according to the actual need so as to produce impregnated paper with different degree of abrasion-proofness. Thus, we can meet the needs of different consumers.

As the scale of wood-based panel production lines worldwide is becoming larger and larger, China should get rid of the situation that the annual capacity will remain no more than 100 000 m^3 for the complete equipment of wood-based panel made by the domestic woodworking machinery industry. The domestic wood-based panel machinery should develop in the direction of large scale and high reliability. Now China has become the largest producer of wood-based panel and flooring in the world. To meet the ever increasing needs of the panel and flooring equipment, we cannot depend on importing the equipment from overseas market. Instead, we must do research and develop the equipment with our own intellectual property rights. These equipment must cater for the needs of large scale and automatic production. Satisfyingly, we already see a lot of advertised online measuring and detecting instruments and equipment that can be used in panel production lines. We expect to see more good news like this.

李凯夫(LI Kaifu)

人造板热适应性是赋予材料温度记忆的特性。在结构材料中,人造板在使用过程中会产生疲劳龟裂和蠕变变形,导致其性能下降。使人造板本身具有检知损伤,从而具备抑制并自我修复的功能,在确保结构可靠性和使用安全性方面是极其有益的,这将是人造板智能化研究的突破口。

电磁屏蔽人造板可有效地抑制通过空间传播的各种电磁波及由此产生的电磁干扰,从而提高电子系统和电子设备的电磁兼容性,保证信息安全。人造板属于电的不良导体,不具有电磁屏蔽效能,但如果将木材与一定形态的金属材料通过适当方式结合,制成特殊的复合材料,将具有一定的电磁屏蔽效能。


美卓公司的板坯芯层加热器是加装在连续热压机前的一个楔形蒸汽喷射装置。安装快速、投资少。作用是增加板坯芯层温度,降低板材TS和回弹,可以提高设备的生产能力和产品质量。该产品应用于厚度12mm以上的板,产量可增20%。

Heat adaptation of wood-based panel is to bestow a material with the property of remembering temperature. In structural materials, wood-based panels are prone to chapping and deforming, which will damage their quality. If wood-based panels could have the function of detecting, restraining and repairing damages, it will be very useful to guarantee the reliability of panel

structure and the security of panel usage. This is going to be the way out for the intelligence research of wood-based panel research.

Electromagnetic screen wood-based panels can effectively prevent the electromagnetic interference caused by electromagnetic waves in air. Thus there panels can uplift the electromagnetic compatibility between electronic systems and equipment so as to ensure the security of information. Wood-based panels are poor conductors and have no electromagnetic screen function. Nevertheless, by integrating wood and metal materials of a certain form, we can get a special composite that has a function of electromagnetic screen.

The CoreHeater of Metso Corp. is a wedge-shaped vapor injection device that is added to the front of continuous hot press. It can be installed quickly with a little cost. The function is to increase the temperature in the core of the mat and reduce the TS and spring-back of the panel. Therefore, it can increase the productivity of equipment and uplift the quality of products. This device is used for producing panels no thinner than 12mm and can increase productivity by 20%.

 随着“绿色GDP”概念的提出并推广,我国人造板企业在环保方面应注意的问题(Since the conception of “Green GDP” is proposed and developed, what should the domestic flooring enterprises prepare concerning the environmental protection in order to accommodate themselves to this new evaluation system?)

张熙中(ZHANG Xizhong)

现在人造板企业不仅要关注产品本身的环保质量,更应该看重生产过程的环保,国家大力推行的ISO 14001环境体系认证和OHSAS 18001职业健康与安全管理体系认证正是体现了这一要点。如果一个企业不仅产品环保,而且生产过程也是环保和安全健康的,那么我们距“绿色GDP”就不远了。如果从现在开始认真重视FM和COC认证,通过认证是一回事,让通过认证的体系正常运转起来真正做到PDCA循环,那么我想我们已经踏进了“绿色GDP”的门槛。

The wood-based panel industry should not only emphasize the environmental friendliness of the products. More attention should be paid to the effect on environment of the production process. This necessity is reflected in the country's promotion of ISO14001 Environment System Certification and the OHSAS18001 Occupational Health and Safety Management System Certification. If the products of an enterprise are environmentally friendly and its production process is safe, healthy and environment friendly, the enterprise is coming close to "Green GDP". From now on, we should pay more attention to FM and COC Certifications. Furthermore, if the certificated systems can operate and meet the standards of PDCA recycle, we have achieved the preliminary goal of "Green GDP".

吕斌(LÜ Bin)

人造板环保要考虑以下几个方面:

- 1) 人造板立项要符合国家产业政策。
- 2) 原材料使用要环保。主要包括木材和胶粘剂两个方面:木材砍伐一定要在国家允许砍伐的范围内进行,购买合法的


木材,不能使用乱砍滥伐的木材。胶粘剂要环保,在生产、使用过程中不能有害于人体健康,要符合国家相关标准要求。

3) 人造板在生产过程中要环保。每道工序在释放的气体、粉尘、噪音、废水等方面都要符合环保标准要求。

4) 生产的产品要环保。即产品的环保指标必须达到国家要求,如人造板的甲醛释放量必须达到GB 18580 - 2001《室内装饰装修材料 人造板及其制品中甲醛释放限量》,产品的性能质量必须达到相应产品的国家要求或用户特殊要求及贸易双方协议要求。

The environmental protection of the wood-based panel concerns the following aspects:

1. Any initiation of the wood-based panel project must be in accordance with the national industry regulation.
2. Try to use environmentally friendly raw materials.
3. The process procedure must be environmentally friendly.
4. The production must be environmentally friendly. Namely, the quality of the flooring should meet the demands of the national regulations. For instance, the formaldehyde quantity released from the flooring must meet the demands of the GB 18580-2001 Indoor Decorating and Refurbishing Materials—Limit of Formaldehyde Emission of Wood-based Panels and Finishing products.

 近年来南美、非洲和东南亚等地限制砍伐原料林,这对我国人造板行业发展的影响;我国企业如何解决原材料供给问题(In recent years, South America, Africa and Southeast Asia have set limitations on the logging one after another, how will this impact the Chinese flooring industry? How should our domestic enterprises cope with the problem of raw material supply?)

张熙中(ZHANG Xizhong)

我想这主要是指胶合板材和实木地板用材的原料林。这也是该国保护自己的资源和生态环境的举措,无可厚非。进口原材料的企业可以利用一些所在国的政策进口适度加工的材料,只要价格合适也不失为一种方法。而我们应该做的,尤其是MDF和刨花板企业应参与到营造速生林的建设中来,逐渐建设企业自己的原料林基地,这可能是最终的解决办法和途径。

For me, basically it means the raw material forests for plywood and solid wood floor. These countries took this measure to preserve their resources and ecological environment, so it is indisputable. If any enterprises want to import materials from overseas countries, they can choose to import semi-processed materials according to the policies of the exporting countries as long as the prices are reasonable. However, the industry especially the MDF and the particleboard enterprises should take part in the work of establishing the fast growing forests. Gradually, the enterprises can set up their own raw material forest bases. This is the ultimate solution.

刘硕真(LIU Shuozhen)