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上海市市监局与福建省市监局共建全国首个反垄断审查合规辅导中心

2023年9月7日，上海市市场监督管理局（“上海市市监局”）、福建省市场监督管理局（“福建省市监局”）、厦门市海丝中央法务区建设工作领导小组办公室、厦门市市场监督管理局、厦门市思明区人民政府五方代表在第三届海丝中央法务区论坛上，共同签署合作框架协议，正式启动全国首个反垄断审查合规辅导中心建设项目。此次创建反垄断审查合规辅导中心，是对试点工作的深度探索和服务创新，将有效解决企业在并购申报过程中合规意识薄弱、法务能力不足、沟通协调不畅等问题，提升反垄断审查效率，推动企业建设高水平反垄断合规管理体系，进一步优化营商环境，为沪闽及周边地区经济社会高质量发展注入新动力。（[查看更多](#)）

Shanghai AMR and Fujian AMR jointly build First National Anti-Monopoly Review Compliance Counselling Centre

On September 7, 2023, representatives of five parties, namely, the Shanghai Municipal Administration for Market Regulation (“Shanghai AMR”), the Fujian Provincial Administration for Market Regulation (“Fujian AMR”), the Xiamen Construction Leading Group of the Maritime Silk Road Central Legal District, the Xiamen Municipal Administration for Market Regulation, and the People’s Government of Siming District of Xiamen, sign a cooperation framework agreement at the Third Forum of Maritime Silk Road Central Legal District, officially launching the construction project of the first anti-monopoly review and compliance counselling centre in China. The project is an in-depth exploration of the pilot work and service innovation, which will effectively solve the problems of weak compliance awareness, insufficient legal capacity and poor communication and coordination in the process of declarations of concentration of undertakings, enhance the efficiency of anti-monopoly review, promote the construction of a high level of anti-monopoly compliance management system by enterprises, further optimize the business environment, and inject new impetus for the high-quality economic and social development of Shanghai, Fujian and the surrounding areas. ([More](#))

北京市市监局发布《北京市反垄断合规指引》

2023年9月7日，北京市市场监督管理局（“北京市市监局”）发布《北京市反垄断合规指引》（“《指引》”）。《指引》适用于北京市行政区域内的相关经营者、行业协会，部分内容适用于行政机关及依法具有公共事务职能的组织，旨在引导经营者建立和完善反垄断合规管理制度，提高经营者对垄断行为的风险识别、防范及处置能力，保障经营活动的持续健康发展。《指引》以示例分析的形式详细介绍了如何识别并防范垄断行为，重点涉及中小经营者的合规工作重点、反垄断合规管理制度的基本要素、特别行业的合规提醒以及反垄断风险处置的具体做法。（[查看更多](#)）

Beijing AMR Issues Guidelines for Anti-Monopoly Compliance

On September 7, 2023, the Beijing Municipal Administration of Market Supervision (“Beijing AMR”) issues the *Beijing Guidelines on Anti-Monopoly Compliance* (“Guidelines”). The Guidelines are appli-

cable to relevant undertakings and trade associations within the administrative area of Beijing, and partly applicable to administrative organs and organisations with public affairs functions in accordance with the law, with the aim of guiding operators to establish and improve their anti-monopoly compliance management system, enhancing their ability to identify, prevent and deal with the risks of monopolistic conduct, and safeguarding the sustainable and healthy development of their business activities. The *Guidelines* provide detailed information on how to identify and prevent monopolistic behaviours in the form of sample analyses, focusing on the compliance priorities of small and medium-sized undertakings, the basic elements of an anti-monopoly compliance management system, compliance reminders for special industries, and specific practices for the disposal of anti-monopoly risks. ([More](#))

HKCC结束对国泰和马航共享航班协议的调查

2023年9月7日，香港竞争事务委员会（HKCC）发布公告，决定结束对国泰航空有限公司（“国泰”）及马来西亚国际航空公司（“马航”）拟达成共享航班协议的调查。上述两家航空公司订立共享航班的商务合作协议（metal-neutral joint business agreement），约定航空公司之间分摊国泰及马航营运、往返香港与马来西亚的定期客运航班的收益及成本。HKCC初步评估认为，往来香港与马来西亚的航空客运服务市场高度集中，上述两家航空公司的市场占有率相当高，协议等可能完全消除它们之间的竞争，同时其他航空公司目前并未构成足够的竞争制约，因此该协议可能会削弱两家航空公司降价、改善服务质量的激励，从而影响往来香港与马来西亚的乘客。2023年7月下旬，两家航空公司通知HKCC表示不会落实该协议，HKCC因此决定结束相关调查。（[查看更多](#)）

HKCC Concludes Investigation into Cathay Airways and Malaysia Airlines Joint Business Agreement

On September 7, 2023, the Hong Kong Competition Commission (HKCC) announces its decision to conclude its investigation into a proposed joint business agreement (“JBA”) between Cathay Pacific Airways Limited (Cathay Airways) and Malaysia International Airlines (Malaysia Airlines). The two airlines have entered into a metal-neutral JBA for the sharing of revenues and costs between the airlines for scheduled passenger flights operated by Cathay Airways and Malaysia Airlines between Hong Kong and Malaysia. The market for air passenger services between Hong Kong and Malaysia is highly concentrated, with the two airlines having a significant market share, and the agreement is unlikely to eliminate competition between them, while other airlines do not currently pose sufficient competitive constraints, and therefore the agreement may reduce the incentives for the two airlines to reduce fares and improve the quality of their services, which in turn may affect the travelling public between HongKong and Malaysia. In late July 2023, the two airlines notified HKCC that they would not implement the agreement, and HKCC therefore decided to close the investigation. ([More](#))

推动民营经济高质量发展政策吹风会：营造公平竞争的市场环境

2023年9月4日，国务院新闻办公室举行新闻发布会，介绍推动民营经济高质量发展有关情况，国家发展改革委、工业和信息化部、国家市场监督管理总局（“市场监管总局”）、全国工商联相关管理人员出席会议。会议提到，为营造公平竞争的市场环境，市场监管总局加强了反垄

断方面的监管执法。自2023年以来，市场监管总局聚焦工程建设、公用事业、政府采购等领域，深入开展执法，依法查处滥用行政权力排除限制竞争案件13起，开展行政性垄断执法约谈8次，依法查处垄断协议、滥用市场支配地位行为案件17件，罚没款总额9.1亿元；深入实施公平竞争审查制度，全国共审查增量政策措施16.38万件，清除各类存量政策措施45.2万件，废止、修订妨碍统一市场和公平竞争的政策措施2万多件。（[查看更多](#)）

State Council Briefing on Promoting High-Quality Development of Private Economy: Creating Fair and Competitive Market Environment

On September 4, 2023, the Information Office of the State Council held a press conference on the promotion of high-quality development of the private economy, which was attended by relevant managers from the National Development and Reform Commission, the Ministry of Industry and Information Technology, the State Administration for Market Regulation (SAMR) and the All-China Federation of Industry and Commerce. The meeting mentioned that in order to create a fair and competitive market environment, the SAMR has strengthened its regulatory enforcement in the area of anti-monopoly. Since 2023, the SAMR has focused on the fields of engineering and construction, public utilities, and government procurement, carried out the in-depth enforcement, investigated and dealt with 13 cases of abuse of administrative power to exclude and restrict competition in accordance with the law, carried out 8 administrative monopoly enforcement interviews, and investigated and dealt with 17 cases of monopoly agreements and abuse of dominant market position behaviours in accordance with the law, with a total amount of fines and forfeitures of CYN 910 million; and carried out in-depth implementation of the Fair Competition Review System, with a total of nationally reviewing 163,800 incremental policies and measures, removing 452,000 various types of stock policies and measures, and repealing and revising more than 20,000 policies and measures that impede unified markets and fair competition. ([More](#))

JFTC修改《促进电信业务领域竞争指南》

2023年9月7日，日本公正交易委员会（JFTC）发布公告，公布了《促进电信业务领域竞争指南》（“《指南》”）的最新修订版，对反垄断法和电气通信事业法的基本概念和问题行为等进行了说明。2023年2月，JFTC和日本总务省开展了有关低价销售移动电话终端设备的紧急实况调查，并根据调查结果对《指南》进行了修改。2023年6月14日，JFTC和日本总务省公布了《指南》的修改草案，并于截止日期前征集到各方意见共6份，并考虑以上意见对《指南》进行了部分修正。为了确保电信业务领域的公平和自由竞争，JFTC和日本总务省将充分宣传《指南》，防止企业做出可能违反反垄断法或电气通信事业法的行为。（[查看更多](#)）

JFTC Revises Guidelines for Promotion of Competition in the Telecommunications Business Field

On September 7, 2023, the Japan Fair Trade Commission (JFTC) issues a public notice announcing the latest revision of the *Guidelines for Promotion of Competition in the Telecommunications Business Field* (“Guidelines”), which explains basic concepts and problematic behaviours of the Antimonopoly Act and the Telecommunications Business Act. In February 2023, the JFTC and the Ministry of Internal Affairs and Communications of Japan conducted an urgent fact-finding investigation regarding the

sale of mobile telephone terminal equipment at low prices and revised the *Guidelines* based on the results of the investigation. on June 14, 2023, the JFTC and the MIC announced a draft revision of the *Guidelines* and collected a total of six opinions from various parties by the deadline, and partially revised the *Guidelines* taking into consideration the above opinions. In order to ensure fair and free competition in the field of telecommunications business, the JFTC and the Ministry of Internal Affairs and Communications of Japan will fully publicise the *Guidelines* and prevent companies from engaging in conduct that may violate the Antimonopoly Act or the Telecommunications Business Act. ([More](#))

谷歌在有关Google Play的反垄断诉讼中达成初步和解

2023年9月6日，谷歌已与美国所有50个州、哥伦比亚特区和波多黎各就2021年提起的一项反垄断诉讼达成初步和解。该起集体诉讼主要涉及谷歌涉嫌垄断控制手机应用程序的分发过程（app distribution）。各州的诉讼主要集中在谷歌对Google Play应用商店的控制，通过该应用商店，谷歌可以对运行安卓操作系统的智能手机上安装的应用程序中的数字交易收取高达30%的佣金，而这些智能手机占据了全球智能手机市场80%以上的份额。目前和解协议还有待原告总检察长和谷歌母公司董事会批准、签订交付并交由法院审核批准。（[查看更多](#)）

Google Reaches Tentative Settlement with All 50 States over Alleged App Store Monopoly

On September 6, 2023, Google has reached a tentative settlement of an anti-monopoly lawsuit filed in 2021 with all 50 US states, the District of Columbia and Puerto Rico. The class action lawsuit focuses on Google's alleged monopoly control over the process of distributing mobile phone applications. The states' lawsuits focused on Google's control of the Google Play app shop, through which Google can charge commissions of up to 30% on digital transactions in apps installed on smartphones running the Android operating system, which account for more than 80% of the global smartphone market. The settlement agreement is still pending approval by the plaintiffs' attorney general and the board of directors of Google's parent company, execution of delivery and submission to the court for review and approval. ([More](#))

美制药公司百时美施贵宝遭蓝十字蓝盾反垄断起诉

2023年9月6日，据媒体报道，抗多发性骨髓瘤药物Pomalyst的开发者百时美施贵宝（Bristol Myers Squibb Company）被指控使用欺诈性专利和其他非法手段维持其垄断地位，阻止仿制药进入市场。路易斯安那州的蓝十字蓝盾医疗保险公司（Blue Cross and Blue Shield of Louisiana）代表自2020年10月以来为Pomalyst付费的机构提起了诉讼，声称百时美施贵宝违反了美国反垄断法，导致该药物的购买者支付了“数百万，甚至数十亿美元”的过高费用。Pomalyst是百时美施贵宝的畅销产品之一，百时美施贵宝2021年的总收入为461.6亿美元，而Pomalyst为百时美施贵宝带来了近35亿美元的收入。然而随着越来越多的患者通过患者援助计划免费获得该药物，百时美施贵宝预测Pomalyst的销量将于今年下降。目前百时美施贵宝已经与Teva制药、Aurobindo Pharma、Breckridge Pharmaceutical、Natco Pharma达成协议，延迟仿制药上市时间至2026年。（[查看更多](#)）

Blue Cross and Blue Shield Sues Bristol Myers Squibb for Violating Antitrust Law

On September 6, 2023, according to the media, Bristol-Myers Squibb (Bristol Myers Squibb Company), the developer of the anti-multiple myeloma drug Pomalyst, has been accused of using fraudulent patents and other unlawful tactics to preserve its monopoly and keep generic versions of the drug from entering the market. Blue Cross and Blue Shield of Louisiana (Blue Cross and Blue Shield of Louisiana) filed the lawsuit on behalf of organisations that have paid for Pomalyst since October 2020, claiming that Bristol Myers Squibb has violated US anti-monopoly laws, resulting in purchasers of the drug paying “by many hundreds of millions, if not billions, of dollars” in excessive fees. Pomalyst is one of Bristol-Myers Squibb's top-selling products, with Bristol-Myers Squibb generating nearly \$3.5 billion in total revenues of \$46.16 billion in 2021. However, as more patients receive the drug for free through patient assistance programmes, Bristol-Myers Squibb predicts that Pomalyst sales will decline this year. Bristol Myers reached settlements with Teva Pharmaceutical Industries, Aurobindo Pharma, Breckridge Pharmaceutical, and Natco Pharma to delay the launch of generics until 2026. ([More](#))

德国表示对汽车行业在电线束方面的标准化合作不存在竞争担忧

2023年9月5日，德国联邦卡特尔局（Bundeskartellamt）发布公告，宣布其对旨在标准化电线束生产的汽车行业合作项目不存在竞争担忧。电线束几乎涵盖车辆中的所有电线，是最复杂和昂贵的车辆组件之一。目前为止，其生产主要由手工操作进行，生产过程极其复杂。电线束标准化倡议旨在开发插头连接和电线布线以及其他促进自动化的方法和工具，迄今为止取得的成果已纳入新的德国工业标准（DIN Standard），该标准是世界上第一个标准化汽车电线束生产工艺技术方面的标准。在联邦卡特尔局向其说明了合作项目相关的竞争法要求后，项目参与者重新调整了计划，以更清晰地地区分研发部分和标准化部分。（[查看更多](#)）

Germany Expresses No Competition Law Concerns regarding Automotive Industry Cooperation in Area of Wire Harnesses

On September 5, 2023, the German Federal Cartel Office (Bundeskartellamt) issues a public notice announcing that it has no competition concerns with regard to a cooperation project for the automotive industry aimed at standardising the production of wire harnesses. The wire harness comprises practically all wires in a vehicle and is one of the most complex and expensive vehicle components. Until now, their production has been largely manual and the process has been extremely complex. The results of the Innovation Initiative Wire Harness, which aims to develop methods and tools for plug connections and wire routing as well as other methods and tools to promote automation, have so far been incorporated into the new German Industrial Standard (DIN Standard), which is the world's first standard to standardise technical aspects of the automotive wire harness production process. After the Bundeskartellamt has explained the competition law requirements associated with the project, the project participants readjust their plans in order to separate its R&D parts more clearly from its standardisation part. ([More](#))

网络安全与数据合规 Cybersecurity and Data Protection

十四届全国人大常委会发布立法计划，包括修改《网络安全法》

2023年9月7日，十四届全国人大常委会公布立法规划（130件）。本次立法规划共包括三类立法项目：第一类项目为“条件比较成熟、任期内拟提请审议的法律草案”（79件）；第二类项目为“需要抓紧工作、条件成熟时提请审议的法律草案”（51件）；第三类项目为“立法条件尚不完全具备、需要继续研究论证的立法项目”。其中，涉及数据领域的立法包括：

第一类：《网络安全法》（修改）；

第二类：《数字经济促进法》《网络犯罪防治法》；

第三类：有关数据权属和网络治理等方面的立法项目。

[\(查看更多\)](#)

China's 14th National People's Congress (NPC) Standing Committee Releases its Legislative Plan, Including Amendments to the Cybersecurity Law

On 7 September 2023, China's 14th National People's Congress (NPC) Standing Committee released its legislative plan (130 pieces). The current legislative plan includes three categories of legislative projects: the first category refers to “drafts of legislation that are relatively mature and are to be submitted for review during the term” (79 items); the second category refers to “drafts of legislation that need to be worked on quickly and submitted for review when conditions are ripe” (51 items); and the third category refers to “drafts of legislation for which legislative conditions are not yet fully met and require continued research and demonstration.” Among these, legislation dealing with the area of data includes:

Category 1: *Cybersecurity Law (Amended)*;

Category 2: *Digital Economy Promotion Law and Cybercrime Prevention Law*;

Category 3: Legislative projects related to data ownership and network governance.

[\(MORE\)](#)

国家互联网信息办公室对知网（CNKI）依法作出网络安全审查相关行政处罚

2023年9月6日，国家互联网信息办公室根据网络安全审查结论及发现的问题和移送的线索，依法对知网（CNKI）涉嫌违法处理个人信息行为进行立案调查。经查实，知网（CNKI）主要运营主体为同方知网（北京）技术有限公司、同方知网数字出版技术股份有限公司、《中国学术期刊（光盘版）》电子杂志社有限公司三家公司，其运营的手机知网、知网阅读等14款App存在违反必要原则收集个人信息、未经同意收集个人信息、未公开或未明示收集使用规则、未提供账号注销功能、在用户注销账号后未及时删除用户个人信息等违法行为。

9月1日，国家互联网信息办公室依据《网络安全法》《个人信息保护法》《行政处罚法》等法律法规，综合考虑知网（CNKI）违法处理个人信息行为的性质、后果、持续时间，特别是网络安全审查情况等因素，对知网（CNKI）依法作出网络安全审查相关行政处罚的决定，责令停止违法处理个人信息行为，并处人民币5000万元罚款。（[查看更多](#)）

The Cyberspace Administration of China (CAC) Imposes Administrative Penalties Related to Network Security Review on CNKI

On 6 September 2023, the Cyberspace Administration of China (the “CAC”) launched an investigation into the suspected illegal handling of personal information by CNKI, based on the conclusions of a cybersecurity review, as well as the problems uncovered and the related clues referred to the CAC. After verification, the main operating entities of CNKI are three companies: Tongfang CNKI (Beijing) Technology Co., Ltd., Tongfang CNKI Digital Publishing Technology Co., Ltd., and “China Academic Journals (CD Version)” Electronic Magazine Co., Ltd. The companies’ 14 apps including Mobile CNKI and CNKI Reading were found to have violated the principle of necessity in the collection of personal information, collected personal information without requisite consent, failed to disclose or express the rules of collection and use, failed to provide account cancellation functions, and failed to delete users’ personal information in a timely manner after they cancelled their accounts, among other offences.

On 1 September, the CAC, in accordance with the *Cybersecurity Law*, *Personal Information Protection Law*, *Administrative Punishment Law* and other laws and regulations, comprehensively considers the nature, consequences and duration of CNKI’s illegal processing of personal information, especially taking into account factors such as the network security review situation, has imposed administrative penalties on CNKI related to network security review, ordered it to stop illegal processing of personal information, and imposed a fine of RMB 50 million. ([MORE](#))

中评协印发《数据资产评估指导意见》

2023年9月8日，为规范数据资产评估执业行为，保护资产评估当事人合法权益和公共利益，中国资产评估协会在财政部指导下，制定了《数据资产评估指导意见》（以下简称《指导意见》），自2023年10月1日起施行。

《指导意见》明确了数据资产的属性定义、评估对象、操作要求、评估方法和披露要求等。

《指导意见》强调，执行数据资产评估业务，应当根据数据来源和数据生成特征，关注数据资源所有权、数据加工使用权、数据产品经营权等数据产权，并根据评估目的、权利证明材料等，确定评估对象的权利类型。（[查看更多](#)）

The China Appraisal Society Issues the *Guidance on Data Asset Valuation*

On 8 September 2023, to regulate the practice of data asset appraisal and protect the legitimate interests of parties to asset appraisal and public interests, the China Asset Appraisal Society, under the guidance of the Ministry of Finance of PRC, issued the *Guidance on Data Asset Valuation* (the “Guidance”), effective from 1 October 2023.

The *Guidance* clarifies the definition of attributes of data assets, targets of assessment, operational requirements, assessment methods and disclosure requirements. The *Guidance* stresses that the execution of data asset appraisal operations should focus on data property rights, such as the right to hold data resources, the right to use and process data and the right to operate data products, in accordance with the source of the data and the attributes of the data generated, and identify the types of rights attached to the targets of the appraisal in accordance with the appraisal purpose, the supporting materials for the rights and so on. ([MORE](#))

国家邮政局、中央网信办、公安部联合召开邮政快递领域隐私运单应用工作推进会

2023年9月8日，国家邮政局、中央网信办、公安部三部门联合召开邮政快递领域隐私运单应用工作推进会，回顾总结工作成效，深入分析问题困难，进一步统一思想、提高认识、形成工作推进合力，持续深入推广应用隐私运单，全力保障邮政快递领域信息安全。

会议指出，国家邮政局将和中央网信办、公安部密切部际联系，强化协同配合和信息共享，加大邮政快递领域涉个人信息安全违法违规行为的查处力度，集中治理信息安全风险管控方面存在的隐患和薄弱环节，从技术、制度、管理层面加强信息安全风险管控。各电商平台和寄递企业要配合打好邮政快递领域个人信息保护攻坚战，联合打击涉邮信息违法犯罪行为。

([查看更多](#))

China Post, Cyberspace Administration of China (CAC) and Ministry of Public Security Jointly Held a Meeting to Promote the Application of Privacy Waybills in Postal Express Delivery

On 8 September 2023, China Post, Cyberspace Administration of China (the “CAC”) and the Ministry of Public Security jointly held a meeting to promote the application of privacy waybills in postal express delivery. The purpose of the meeting is to review and summarize the results of the work undertaken so far, conduct an in-depth analysis of problems and difficulties, further unify ideas, raise awareness, form synergy for work advancement, continue to promote the application of private waybills, and make every effort to ensure information security in the field of postal express delivery.

The meeting stated that China Post will closely cooperate with the CAC and the Ministry of Public Security to strengthen inter-ministerial contacts, enhance synergy and information sharing, further focus on the investigation and handling of violations of laws and regulations relating to personal information security in the field of postal express delivery, concentrate on the management of hidden dangers and weaknesses in the management and control of information security risks, and strengthen the management and control of information security risks from technological, systemic, and managerial perspectives. E-commerce platforms and delivery enterprises need to work together to fight for the protection of personal information in the field of postal and express delivery, and to combat illegal acts involving postal information. ([MORE](#))

工业和信息化部等五部门印发《元宇宙产业创新发展三年行动计划（2023—2025年）》

2023年9月8日，为贯彻落实党的二十大精神和《“十四五”规划纲要和2035远景目标》部署，加快培育未来产业新赛道新优势，工业和信息化部、教育部、文化和旅游部、国务院国资委、国家广播电视总局等五部门联合印发《元宇宙产业创新发展三年行动计划（2023—2025年）》（以下简称《行动计划》）。

《行动计划》以构建工业元宇宙、赋能制造业为主要目标，以融合新一代信息技术融合创新为驱动，从构建先进元宇宙技术和产业体系、培育三维交互的工业元宇宙、打造沉浸交互数字生活应用、构建系统完备产业支撑、构建安全可信产业治理体系等5方面提出了14条重点任务。（[查看更多](#)）

The Ministry of Industry and Information Technology (MIIT) and Five other Departments Issues a Three-year Action Plan for the Innovation and Development of the Meta-universe Industry (2023-2025)

On 8 September 2023, in order to implement the spirit of the 20th National Congress of the Party and the deployment of the *14th Five-Year Plan Outline and 2035 Vision Goals* and to accelerate the cultivation of new tracks and new advantages for future industries, five departments, including the Ministry of Industry and Information Technology (the “MIIT”), the Ministry of Education, the Ministry of Culture and Tourism, the State-owned Assets Supervision and Administration Commission of the State Council, and the National Radio and Television Administration, jointly issued the *Three-year Action Plan for the Innovation and Development of Meta-universe Industry (2023-2025)* (the “Action Plan”).

With the main goal of building an industrial meta-universe and empowering the manufacturing industry, and driven by the integration of a new generation of information technology, the *Action Plan* puts forward 14 key tasks in five areas, including building an advanced meta-universe technology and industrial system, fostering a three-dimensionally interactive industrial meta-universe, building immersive and interactive digital life applications, building a systematic and comprehensive industrial support mechanism, and constructing a safe and trustworthy industrial governance system. ([MORE](#))

国家市场监管总局开展个体工商户信用监管数据质量提升试点

2023年9月5日，为深入贯彻党中央、国务院关于促进个体工商户发展的决策部署，统筹推进经营主体信用监管数据质量全面提升和个体工商户精准帮扶，国家市场监管总局印发文件，部署在江西省、广西壮族自治区、广东省中山市、陕西省汉中市、江苏省常熟市、辽宁省沈阳市铁西区等6个地区，开展个体工商户信用监管数据质量提升试点工作。

这次试点是市场监管总局在今年4月部署的企业信用监管数据质量全面提升行动基础上，信用监管数据质量提升范围的一次拓展，主要工作包括建立数据管理制度、完善数据质量标准、强化技术支撑保障、加强数据开发应用等。（[查看更多](#)）

State Administration of Market Regulation (SAMR) Conducts a Pilot Project to Improve the Data Quality of Credit Supervision for Individual Industrial and Commercial Households

On 5 September 2023, in order to thoroughly implement the decision-making and deployment of the CPC Central Committee and the State Council on promoting the development of individual industrial and commercial households, and to co-ordinate and promote the comprehensive improvement of the quality of credit supervision data of business entities and the precision-focused assistance for individual industrial and commercial households, the State Administration of Market Regulation (the “SAMR”) issued a document deploying a pilot project to improve the quality of credit supervision data for individual business households in six areas, including Jiangxi Province, Guangxi Zhuang Autonomous Region, Zhongshan City of Guangdong Province, Hanzhong City of Shaanxi Province, Changshu City of Jiangsu Province, and Tiexi District of Shenyang City, Liaoning Province.

This pilot represents an expansion of the scope of the efforts undertaken by the SAMR in April this year to comprehensively improve the quality of credit supervision data of business entities. The main work includes establishing a data management system, improving data quality standards, and strengthening technical support and data development and applications, etc.

([MORE](#))

2023 中国国际智能产业博览会在渝举办

2023年9月4日，为期3天的2023中国国际智能产业博览会在重庆开幕，习近平主席向大会致贺信。工业和信息化部党组成员、副部长张克俭出席开幕式并致辞。张克俭表示，要认真贯彻落实习近平主席贺信精神，抢抓新一轮科技革命和产业变革的发展机遇，筑基础、促应用、优环境、拓合作，加快培育壮大智能产业，推动人工智能赋能新型工业化，助力我国经济高质量发展。

本次大会由工业和信息化部、国家发展改革委、科技部、国家网信办、中国科学院、中国科协、新加坡贸工部和重庆市政府共同主办，全球智能产业领域专家学者、企业家、行业机构负责人参加大会。（[查看更多](#)）

The Smart China Expo 2023 Opened in Chongqing

On 4 September 2023, the three-day Smart China Expo 2023 opened in Chongqing. President Xi Jinping sent a congratulatory letter to the conference. Zhang Kejian, member of the party group and vice minister of the Ministry of Industry and Information Technology (the “MIIT”), attended the opening ceremony and delivered a speech. Zhang Kejian emphasized that we should conscientiously implement the spirit of President Xi Jinping's congratulatory letter, seize the development opportunities of the new round of scientific and technological revolution and industrial change, build the foundation, promote the application, optimise the environment, expand cooperation, accelerate the cultivation and growth of intelligent industries, promote artificial intelligence to empower the new industrialisation, and promote the high-quality development of China's economy.

The conference was co-hosted by the MIIT, the National Development and Reform Commission, the Ministry of Science and Technology, the Cyberspace Administration of China, the Chinese Academy of

Sciences, the Chinese Association for Science and Technology, the Ministry of Trade and Industry of Singapore and the Chongqing Municipal Government, with experts, scholars, entrepreneurs and heads of industry organisations from across the globe in the field of the smart industry attending the conference.

([MORE](#))

国际标准化组织发布关于同意记录管理的指南

2023年8月8日，国际标准化组织（ISO）发布了关于同意记录管理的ISO/IEC TS 27560:2023指南。该指南旨在帮助组织和个人在收集和处理个人身份信息（PII）之前，管理从数据主体获得的同意记录。

此外，该指南还指定了一个可互操作、开放且可扩展的信息结构，用于记录PII主体对PII处理的同意信息。该指南还提供了有关同意收据和记录使用的要求和建议。

此外，该指南的附件中提供了同意记录、同意收据和同意记录生命周期的示例，以及有关在隐私信息管理系统中应用同意收据的建议。（[查看更多](#)）

International: ISO Publishes Guidance on Consent Records Management

On 8 August 2023, the International Standards Organization (the “ISO”) published the ISO/IEC TS 27560:2023 guidance on consent record information structure. In particular, the guidance aims to assist both organisations and individuals in managing records of consent obtained from data subjects before collecting and processing personally identifiable information (PII).

In addition, the guidance specifies an interoperable, open, and extensible information structure for recording PII principals’ consent to PII processing. The guidance also provides requirements and recommendations on the use of consent receipts and consent records with the view to help organisations.

Furthermore, the guidance includes annexes, which provide among other things, examples of consent records, consent receipts, and consent record life cycles, and advice on the application of consent receipts in the context of privacy information management systems. ([MORE](#))

瑞士数据保护机构发布数据保护影响评估信息表单

近日，瑞士联邦数据保护和信息专员发布了一份进行数据保护影响评估的信息表单。

自2023年9月1日起，按照修订后《数据保护法》（FADP）的第22条和第23条的规定，如果数据处理可能对数据主体的人格或基本权利造成高风险，则必须进行数据保护影响评估（DPIA）。

（[查看更多](#)）

Switzerland FDPIC Releases Data Protection Impact Assessment Guide

Recently, Switzerland’s Federal Data Protection and Information Commissioner (FDPIC) published an information sheet for conducting data protection impact assessments.

From 1 September 2023, in accordance with Articles 22 and 23 of the FADP, a data protection impact assessment (DPIA) must be carried out if processing is likely to result in a high risk to a data subject's personality or fundamental rights.

[\(MORE\)](#)

知识产权 Intellectual Property

最高知产法庭采纳侵权人宣传内容确定赔偿数额

近日，最高人民法院就福州百益百利自动化科技有限公司、上海点挂建筑技术有限公司、张守彬侵害实用新型专利权纠纷作出终审判决，判决中以侵权人对外宣称的经营业绩作为计算损害赔偿的依据，对专利权人主张的250万元赔偿数额予以全额支持。

法院认为，被告未提交有效反证证明其实际施工量，主张未使用被诉侵权产品与事实不符。综合考虑点挂公司和张某某经营规模，因其侵权时间长、侵权范围广、侵权恶意明显，以及百益百利公司为本案支出的律师费、公证费等合理维权费用等因素，依法对百益百利公司主张的250万元赔偿数额予以全额支持（含合理维权费用24000元）。

来源：最高人民法院知识产权法庭

Supreme People's Court Uses Infringer's Publicity Content to Determine the Amount of Damages

Recently, the Supreme People's Court issued a final judgement of utility model patent infringement between Fuzhou Baiyi Baili Automation Technology Co., Ltd. (the Plaintiff) against Shanghai Diangua Construction Technology Co., Ltd, and Zhang Shoubin (the Defendants). The court used the infringer's external reported business achievements as the basis for calculating the damages, and the claimed amount of RMB 2.5 million by the Plaintiff was fully supported. The Court held that the Defendants did not submit valid counter-evidence to prove its actual construction volume, and the claim that they did not use the infringing products is inconsistent with the facts. The court took into account the scale of the defendants' operation and the period, the wide range of infringement with obvious malice, as well as the plaintiff's expenses for lawyer's fees, notary fees, and other reasonable costs necessary in the case, to make a fair amount of damages amount.

Source: Intellectual Property Court of Supreme People's Court of China

北知院：游戏《神武4》侵犯“武神”商标权

近日，北京知识产权法院就北京武神世纪网络技术有限公司与广州多益网络股份有限公司、北京三鼎梦软件服务有限公司侵害商标权纠纷案作出二审判决，判决确认游戏名称“神武4”侵犯了武神公司涉案两枚注册商标专用权，被告多益公司需赔偿武神公司455293元。

法院认为，注册商标是否仅核定使用在《类似商品和服务区分表》第9类或第41类的情形，不影响对被诉游戏与涉案注册商标核定使用的商品或服务是否属于相同或类似的判断。在认定商标侵权与否时，考虑的是混淆可能性。本案中，“神武”与“武神”仅排列顺序不同，近似程度较高，相关公众施以一般注意力，容易对二者产生混淆。武神公司推出“武神”游戏，申请“武神”商标的时间均早于多益公司推出“神武逍遥外传”游戏时间，作为同业经营者，有合理避让义务。况且，多益公司是否有攀附“武神”游戏名称及商标的恶意也并非排除侵权认定的理由。

来源：北京知识产权法院

Beijing IP Court: Shenwu 4 Constitutes Trademark Infringement against Wushen

Recently, Beijing IP court issued a second-instance judgement of trademark infringement between Beijing Wushen Century Network Technology Co., Ltd (the Plaintiff) against Guangzhou Duoyi Network Co., Ltd. and others (the Defendants). The court affirmed that the game name of "Shenwu 4" infringed on Wu Shen's two registered trademarks in the case, and ordered the defendant Duoyi to pay damages of RMB 455,293.

The Court held that the approved use category of a registered trademark, whether Class 9 or Class 41 of the *Table of Classification of Similar Goods and Services*, has no influence on the judgement that, whether the accused game and the goods or services authorised for use by the registered trademark related are the same or similar. When assessing a potential trademark infringement, it is necessary to consider whether there is a likelihood of confusion. In this case, "Shenwu" and "Wushen" have a high degree of similarity as they are only arranged in a different order. The relevant public may confuse them by paying general attention to them. The Plaintiff launched the "Wushen" game and applied for the trademark earlier than the Defendant Duoyi launched the "Shenwu" game. As a business operator in the same industry, the Defendants has a reasonable obligation to avoid infringement.

Source: Beijing IP Court

四川高院：电视购物广告虚假宣传，电视台不承担责任

近日，四川省高级人民法院就周六福珠宝股份有限公司与四川广播电视台、香港周六福黄金钻石首饰集团有限公司侵害商标权及不正当竞争纠纷案作出二审判决。二审改判被告港周六福黄金钻石首饰集团有限公司构成商标侵权，酌定赔偿损失20万元。

法院认为，广告发布者应当依据法律、行政法规查验广告主提交的有关证明文件，核对广告的内容。但若要求其对电视台发布的所有广告内容是否存在商标侵权及不正当竞争行为进行实质审查，其责任过于严格，客观上难以实现。

来源：四川省高级人民法院

Sichuan High Court: TV Station Shall Not be Liable for False Publicity of TV Shopping Ads

Recently, the Sichuan High Court issued a second-instance judgement of trademark infringement and unfair competition between Zhouliufu Jewelry Co., Ltd. against Sichuan Radio and Television against Hong Kong Zhouliufu Gold and Diamond Jewelry Group Co., Ltd. (the Defendant). The judgement found that the Defendant constituted a trademark infringement, with damages of RMB 200,000.

The Court held that ad publishers ought to examine all relevant documents supplied by the advertiser, and confirm that the ad content complies with applicable laws and administrative regulations. If it is necessary to review all the advertisements published by the TV station, in order to identify trademark violations and unfair competition, the responsibility is excessively harsh and difficult to achieve.

Source: [Sichuan High Court](#)

假冒“马可波罗”销售卫浴产品适用惩罚性赔偿

近日，广东省东莞市第一人民法院收到一封盖着马可波罗公司公章的感谢信，感谢信的背后是一起知识产权案——一淘宝商家邱某因冒用马可波罗商标，故意侵权且情节严重，且构成虚假宣传不正当竞争行为，被法院判决赔偿880万元。

邱某在淘宝平台开设名为“马可波罗卫浴厂家店”的店铺，并在销售商品的名称、图片、外包装、商品实物和产品说明书等地方使用了马可波罗标识。使用手机扫产品防伪二维码时，页面显示所售产品“原厂正品，谨防假冒”，但仔细观察，其所售产品外包装没有标注生产商名称、厂址、联系电话、行业标准等内容，无法准确识别其产品来源。

法院审理后认为，邱某故意侵权且情节严重，同时还构成虚假宣传不正当竞争行为。法院结合侵权产品销售金额、利润率、侵权获利贡献率等因素，确定两倍惩罚性赔偿，依法判决邱某向马可波罗公司赔偿经济损失及合理维权费用共计880万元。

来源：中国法院网

Punitive Damages of RMB 8.8 million Awarded for Fraudulent Use of "Marco Polo" on Bathroom Products

Recently, Dongguan No.1 People's Court of Guangdong received a letter of thanks with the official seal of Marco Polo Company. Behind the letter was an IP case that, a Taobao merchant named Qiu was ordered to pay damages of RMB 8.8 million for fraudulent use of Marco Polo's trademark, which constituted a serious intentional trademark infringement and also constituted false publicity and unfair competition.

Qiu opened a "Marco Polo Sanitary Ware Manufacturer Shop" in Taobao, and used Marco Polo in the name, picture, packaging, product in kind and product manuals of the products sold. When scanning the QR code of product inspection, the page shows that the products sold are "original and genuine, beware of counterfeiting", but upon close observation, the packaging of the products sold is not la-

belled with the name of the manufacturer, factory address, contact phone number, industry standards, etc., which makes it impossible to accurately identify the source of the products.

The Court determined double punitive damages based on factors such as the sales amount, profit margin, and profit contribution rate of the infringing products from the infringement.

Source: China Court Network

Personal Audio LLC v. Google LLC 案反转

9月5日，特拉华州一名联邦法官裁定，陪审团对谷歌音乐应用Google Play Music播放列表功能的审判不能成立。

Personal Audio于2015年在德克萨斯州联邦法院起诉谷歌，后该案转移到特拉华州。Personal Audio表示，谷歌的流媒体音乐应用程序Google Play Music具有播放列表下载、导航和编辑功能，侵犯了其专利权。

特拉华州陪审团于6月判定Google故意侵犯了两项个人音频专利，需赔偿1510万美元。美国地区法官科尔姆·康诺利 (Colm Connolly)表示，陪审团难以合理地认定谷歌的技术与专利控股公司 Personal Audio的音频软件技术的工作方式相同。康诺利法官驳回了这一判决并表示，Personal Audio尚未证明侵权，因为谷歌的技术不包含专利中描述的“排序文件”，如果上诉法院推翻了该决定，谷歌有权进行新的审判。

来源: REUTERS

Case Reversed: Personal Audio LLC v. Google LLC

On 5 September, A jury trial on Google (GOOGL.O) over playlist features in its Google Play Music app cannot stand, a Delaware federal judge ruled on Tuesday.

Beaumont, Texas-based Personal Audio sued Google in 2015 in Texas federal court, in a lawsuit that was later moved to Delaware. Personal Audio said Google's streaming-music app Google Play Music featured playlist downloading, navigation and editing features that violated its patent rights.

A Delaware jury determined in June that Google infringed two Personal Audio patents willfully and awarded \$15.1 million in damages.

A jury could not have reasonably found that Google's technology works in the same way as patent holding company Personal Audio's audio-software technology, U.S. District Judge Colm Connolly said. Connolly threw out the verdict on Tuesday, and said that Personal Audio had not proven infringement because Google's technology did not include a "sequencing file" that the patents described. Connolly also said Google was entitled to a new trial if an appeals court overturns his decision.

Source: REUTERS

三名视觉艺术家起诉AI公司侵犯版权

近日，Kelly McKernan、Karla Ortiz和Sarah Andersen代表其他同类艺术家，向文本图像生成器Stable Diffusion制造商Stability AI公司提起诉讼。诉状中还提到了另一款流行的图像生成器Midjourney和在线画廊DeviantArt。该诉讼称，人工智能图像生成器通过摄取大量数字图像，然后制作与原件竞争的衍生作品，侵犯了数百万艺术家的权利。

艺术家们表示，他们本质上并不反对人工智能，但他们不想被人工智能利用。他们正在寻求集体诉讼损害赔偿和法院命令，以阻止人工智能公司未经同意的情况下利用其艺术作品。

Stability AI公司拒绝置评。该公司在一份法庭文件中表示，它使用简单的文字提示创建了“全新而独特的图像”，其图像与训练数据中的图像不相似或很少相似。Stability AI公司表示：“Stability AI公司能够创造，并不是版权侵权者。” Stability AI公司公共政策负责人Ben Brooks承认，艺术家不会因为他们的图像而获得报酬。

来源：AP NEWS

Three Visual Artists Sued AI Companies for Copyright Infringement

Recently, McKernan and fellow artists Karla Ortiz and Sarah Andersen, on behalf of others like them filed a case against Stability AI, the London-based maker of text-to-image generator Stable Diffusion. The complaint also named another popular image-generator, Midjourney, and the online gallery DeviantArt. The suit alleges that the AI image-generators violate the rights of millions of artists by ingesting huge troves of digital images and then producing derivative works that compete against the originals.

The artists say they are not inherently opposed to AI, but they don't want to be exploited by it. They are seeking class-action damages and a court order to stop companies from exploiting artistic works without consent.

Stability AI declined to comment. In a court filing, the company said it creates "entirely new and unique images" using simple word prompts, and that its images don't or rarely resemble the images in the training data. "Stability AI enables creation; it is not a copyright infringer," it said. Ben Brooks, head of public policy for Stability AI, acknowledged that artists are not paid for their images.

Source: AP NEWS

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 www.lifanglaw.com

 Email: info@lifanglaw.com

 Tel: +8610 64096099

 Fax: +8610 64096260/64096261