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广州市推出全国首批“数据经纪人”名单

Guangzhou Launches the Country's First Batch of "Data Brokers"

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U.S. Senate and House of Representatives Release Draft of *Data Privacy and Protection Act*

美国联邦贸易委员会启动修订《数据广告披露指南》

Federal Trade Commission Looks to Modernize its *Guidance on Data Advertising Disclosure*

美法院裁定BrandTotal的数据采集行为违反Meta的使用条款和反计算机欺诈相关法律

US Court Rules BrandTotal's Data Harvesting Violates Meta's Terms of Use and Anti Computer Fraud Laws

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CNIL Issues New FAQ Guidance on Usage of Google Analytics

卢森堡出台首个欧盟GDPR合规认证机制GDPR-CARPA

Luxembourg Issues the First EU GDPR Compliance Certification Mechanism GDPR-CARPA

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Danish Data Protection Agency Initiates New Inspections on Data Breach Notices



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China Declared 18,000 5G Standards Essential Patents, Ranking First in the World

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A U.S. Scientist Tried to Persuade an Appeals Court to Accept Artificial Intelligence as Patent Inventors

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立方竞争法周报 Weekly Competition Law News

国家市场监督管理总局公布2022年制止滥用行政权力排除、限制竞争执法专项行动第一批案件

2022年6月9日，国家市场监督管理总局（“市场监管总局”）公布2022年制止滥用行政权力排除、限制竞争执法专项行动第一批案件。今年以来，市场监管总局部署在全国范围内开展制止滥用行政权力排除、限制竞争执法专项活动。各地市场监管部门积极行动，依法查处了一批行政机关实施限定交易、制定含有排除限制竞争内容的规定等行为，如高密市综合行政执法局滥用行政权力推行共享单车独家经营，被山东省市场监督管理局（“山东省市监局”）依法查处。（[查看更多](#)）

The State Administration for Market Regulation Announces the First Batch of Cases in the Special Action against Abuse of Administrative Power in 2022

On June 9, 2022, the State Administration for Market Regulation (“SAMR”) released the first batch of cases in the special enforcement action against abuse of administrative power that excludes or restricts competition in 2022. Since this year, SAMR has deployed a nationwide special action to prevent the abuse of administrative power that excludes or restricts competition. In accordance with the law, all regional market regulation authorities actively investigated and punished a number of administrative authorities for implementing restrictions on transactions or formulating regulations containing contents which exclude and restrict competition. For example, Shandong Administration for Market Regulation (“Shandong AMR”) investigated and punished Gaomi Administrative Law Enforcement Bureau for abusing its administrative power in promoting exclusive operation of bike sharing. ([More](#))

浙江一供水公司因滥用市场支配地位被罚没近1100万元

2022年6月9日，市场监管总局发布对绍兴市上虞区供水有限公司（“上虞供水公司”）行政处罚决定书。经查明，上虞供水公司在区域内供水市场中具有市场支配地位，指定供水工程施工企业，限定二次供水设施、设备及部件的品牌、供货厂商，附加不合理交易条件额外收取费用，排除、限制了市场竞争，损害了交易相对人的利益。因此浙江省市场监督管理局（“浙江省市监局”）对其作出处罚决定，没收违法所得并处2020年度销售额3%的罚款，共计约1100万元。（[查看更多](#)）

A Zhejiang Water Supply Company is Fined Nearly CNY 11 Million for Abusing of Dominant Market Position

On June 9, 2022, SAMR issued an administrative penalty decision against Shaoxing Shangyu District Water Supply Co., Ltd. (“Shangyu Water Supply Company”). It has been found out that Shangyu Water Supply Company had a dominant market position in the regional water supply market. It designated certain companies to deal with the construction of water supply projects, restricted the brands and suppliers of secondary water supply facilities, equipment and components, and charged extra transaction fees without justified reasons, which resulted in exclusion and restriction of market competition and damage to transaction counterparties. Therefore, Zhejiang Administration for Market Regulation (“Zhejiang AMR”) made a penalty decision to confiscate its illegal gains and impose a fine of 3% of its 2020 annual sales, totaling about CNY 11 million. ([More](#))

市场监管总局发布《中国反垄断执法年度报告（2021）》

2022年6月8日，市场监管总局发布《中国反垄断执法年度报告（2021）》（“《报告》”）。

《报告》共分为九章，详细介绍了2021年市场监管总局在完善公平竞争制度体系、强化事前事中事后全链条监管、提升反垄断监管效能、积极营造公平竞争市场环境等方面的重要工作。市场监管总局始终坚持在维护公平竞争中激发市场创新活力和发展动力，在保护消费者权益和社会公共利益中提高人民满意度，推动公平、开放、透明、高效、有序的市场竞争环境不断改善。（[查看更多](#)）

SAMR Releases the 2021 China Anti-Monopoly Law Enforcement Annual Report

On June 8, 2022, SAMR released the *2021 China Anti-Monopoly Law Enforcement Annual Report* (“*Report*”). The *Report* was divided into nine chapters, detailing the important work in 2021 of SAMR, such as improving fair competition system, strengthening the “ex-ante and ex-post” whole-chain supervision, enhancing the efficiency of anti-monopoly supervision and actively creating a fair competitive market environment. SAMR has always insisted on maintaining fair competition to stimulate market’s innovation vitality and development momentum, protecting consumer rights and social public interests to improve people’s satisfaction, continuously promoting the fair, open, transparent, efficient and orderly market competition environment. ([More](#))

天津发布《市场监管现代化规划实施方案》，加强反垄断执法

2022年6月6日，天津市市场监督管理委员会（“天津市市监委”）发布公告，就《天津市贯彻落实〈“十四五”市场监管现代化规划〉实施方案》（“《实施方案》”）向社会征求意见。

《实施方案》将营造公平竞争市场环境和维护完善国内统一大市场列为重点任务，提出要完善反垄断和反不正当竞争规则，提高竞争执法水平，加强平台经济监管，推进自然垄断行业竞争性环节市场化改革。（[查看更多](#)）

Tianjin Releases the Implementation Plan for the Modernization of Market Regulation to Strengthen Anti-Monopoly Law Enforcement

On June 6, 2022, Tianjin Administration for Market Regulation (“**Tianjin AMR**”) issued an announcement regarding the *Tianjin Implementation Plan of the 14th Five-Year Plan for the Modernization of Market Regulation* (“*Implementation Plan*”) and solicited public opinions. The *Implementation Plan* lists the creation of a fair competitive market environment and the improvement of the unified domestic market as key tasks. It proposes to enhance anti-monopoly and anti-unfair competition rules, improve competition law enforcement capabilities, strengthen platform economics supervision and promote the market-oriented reform of competitive links in natural monopoly industries. ([More](#))

增强新业态领域反垄断规制：《广东省优化营商环境条例》自7月1日起实施

近日，广东省第十三届人民代表大会常务委员会通过《广东省优化营商环境条例》（“《条例》”），将于2022年7月1日起施行。《条例》指出，各类市场主体在经济活动中权利平等、机会平等、规则平等。县级以上人民政府及其市场监管等有关部门应当加强平台经济、共享经济等新业态领域反垄断规制，按照法定职责加大反垄断执法力度，依法查处或者配合查处市场

主体达成垄断协议、滥用市场支配地位等行为以及行政主体滥用行政权力排除、限制竞争等行
为。 ([查看更多](#))

Strengthening Anti-Monopoly Regulations in New Fields: Guangdong Provincial Regulations on Optimizing the Business Environment Takes Effect on July 1

Recently, the Standing Committee of the 13th People's Congress of Guangdong Province passed the *Guangdong Provincial Regulations on Optimizing the Business Environment* (“*Regulations*”), which will come into force on July 1, 2022. The *Regulations* point out that various market entities shall have equal rights, equal opportunities and apply to equal rules in economic activities. The people's governments at or above the county level and their administrations for market regulation or other relevant departments shall strengthen anti-monopoly regulations in new business fields such as platform economy and sharing economy, increase anti-monopoly law enforcement in accordance with their statutory duties, and separately or cooperatively investigate and punish market entities reaching monopoly agreements, abusing market dominant position and so on, as well as investigate and punish administrative entities abusing its administrative power that excludes or restricts competition. ([More](#))

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

市场监管总局、网信办发布《关于开展数据安全认证工作的公告》

2022年6月9日，国家市场监督管理总局与国家互联网信息办公室发布《关于开展数据安全认证工作的公告》，开展数据安全认证工作，鼓励网络运营者通过认证方式规范网络数据处理活动，要求从事数据安全认证活动的认证机构按照《数据安全认证实施规则》（“《规则》”）实施认证。《规则》将网络运营者认定为数据安全认证的主体，规定了对网络运营者开展网络数据收集、存储、使用、加工、传输、提供、公开等处理活动进行认证的基本原则和要求。 ([查看更多](#))

The State Administration for Market Regulation and the Cyberspace Administration of China Issued the *Announcement on Carrying out Data Security Management Certification*

On June 9, 2022, the State Administration for Market Regulation and the Cyberspace Administration of China issued the *Announcement on Carrying out Data Security Management Certification*. Network operators are encouraged to regulate network data processing activities through certification methods, and certification bodies engaged in activities of data security management certification are required to implement certification in accordance with the *Implementation Rules for Data Security Management Certification* (“*Rules*”). The Rules identify network operators as the subject of data security management certification, and stipulate the basic principles and requirements for network operators to conduct network data collection, storage, use, processing, transmission, provision, disclosure and other processing activities. ([More](#))

北京拟出台规范保护电子产品回收隐私安全

2022年6月6日，北京市市场监督管理局针对北京市地方标准《废弃电器电子产品回收规范》（“《规范》”）公开征求意见。《规范》强调在电子产品回收过程中，保护个人信息和隐私

安全，要求回收废旧手机、电脑等涉及个人隐私的电子产品时，回收经营者应当面清理用户个人信息，维护客户隐私权，并且不得向第三方透露客户相关信息。（[查看更多](#)）

Beijing Plans to Introduce Regulations to Protect the Privacy and Security in Electronic Product Recycling

On June 6, 2022, the Beijing Municipal Administration for Market Regulation publicly solicited opinions on Beijing's local standard: *Specifications for the Recycling of Waste Electrical and Electronic Products* ("Specifications"). The Specifications emphasize the protection of personal information and privacy in the process of electronic product recycling. When recycling electronic products such as used mobile phones and computers that involve personal privacy, the operators should clean up the users' personal information, to safeguard the customers' privacy rights, and must not disclose customer-related information to third parties. ([More](#))

《厦门经济特区数据条例（草案征求意见稿）》公开征求意见

近日，厦门市司法局公布《厦门经济特区数据条例（草案征求意见稿）》（“《条例》”），公开征求意见。《条例》为今年厦门市人大常委会、厦门市政府立法计划确定的法规正式项目，共分为七章，分别为总则、数据资源、数据要素市场、数据安全、应用与发展、法律责任和附则，旨在规范数据处理活动，保障数据安全，保护个人、组织的合法权益，加快数据要素市场培育，促进数据应用，推动数字经济发展。（[查看更多](#)）

Data Regulations of Xiamen Special Economic Zone (Draft) Solicits Public Opinions

Recently, the Xiamen Municipal Bureau of Justice released the *Data Regulations of Xiamen Special Economic Zone (Draft)* ("Regulations") for public comment. The Regulations are the official legislative projects determined by the Standing Committee of the Xiamen Municipal People's Congress and the Xiamen Municipal Government in this year, which are divided into seven chapters, namely General Provisions, Data Resources, Data Element Market, Data Security, Application and Development, Legal Responsibilities and Supplementary Provisions. The Regulations aim to regulate data processing activities, ensure data security, protect the legitimate rights and interests of individuals and organizations, accelerate the cultivation of the data element market, improve data application, and promote the development of the digital economy. ([More](#))

湖北省通信管理局开展网络和数据安全督导检查

2022年6月7日，湖北省通信管理局发布公告，对湖北电信、湖北移动及湖北联通公司开展网络和数据安全督导检查。要求各企业高度重视，制定专项工作方案，严格对照法律法规和标准规范，认真组织开展自查评估，认真整改发现的问题和隐患，确保检查工作取得实效，全面提升行业网络和数据安全工作水平。（[查看更多](#)）

Hubei Provincial Communications Administration Conducts Network and Data Security Supervision and Inspection

On June 7, 2022, the Hubei Provincial Communications Administration issued an announcement to conduct network and data security supervision and inspections on Hubei Telecom, Hubei Mobile and Hubei Unicom. All enterprises are required to attach great importance to it, formulate special work plans, strictly comply with laws, regulations and standards, carefully organize and carry out self-inspection and evaluation, conscientiously rectify the problems and hidden dangers, ensure the effec-

tiveness of the inspection work and comprehensively improve the level of industry network and data security. ([More](#))

广州市推出全国首批“数据经纪人”名单

近日，经广东省政务服务数据管理局批准同意，在广州市政务服务数据管理局支持下，广州市海珠区率先推出全国首批“数据经纪人”名单，分别是广东电网能源投资有限公司、广州金控征信服务有限公司、广州唯品会数据科技有限公司。“数据经纪人”是在政府的监管下，具备开展数据经纪活动资质的机构，该机构要具备生态协同能力、数据运营能力、技术创新能力、数据安全能力和组织保障能力，围绕重点领域开展数据要素市场中介服务，推动数据流通规范化。据悉，首批入选的三家“数据经纪人”企业，拥有丰富的社会数据和成熟的运营经验，涉及电力行业、电子商务、金融等领域。 ([查看更多](#))

Guangzhou Launches the Country's First Batch of "Data Brokers"

Recently, with the approval of the Guangdong Provincial Government Service Data Administration, and, with the support of the Guangzhou Municipal Affairs Service Data Administration, Guangzhou Haizhu District took the lead in launching the first batch of "data brokers" in the country. The data brokers include Guangdong Electric Power Investment Co., Ltd., Guangzhou Financial Holding Credit Reference Service Co., Ltd. and Guangzhou Vipshop Data Technology Co., Ltd. "Date broker" refers to an institution that is qualified to carry out data brokerage activities under the supervision of the government. The institution must have ecological coordination capabilities, data operation capabilities, technological innovation capabilities, data security capabilities and organizational guarantee capabilities, to develop data elements market intermediary services around key areas and promote the standardization of data circulation. It is reported that the first selected batch of three "data brokers" companies have rich social data and mature operating experience, involving the power industry, e-commerce, finance and other fields. ([More](#))

合肥警方破获高价倒卖“差评”消费者信息案

2022年6月6日，据媒体报道，安徽省合肥市公安局蜀山分局破获一起侵害公民信息案。经查，犯罪嫌疑人以660元至1.2万元的价格向商家推广“删差评”服务，并通过联系平台内部客服，以每条80元至150元的价格购买用户姓名、手机号码等个人信息，冒充商家反复拨打用户电话，以“好处费”等诱导、迫使用户删除差评信息，从而牟取利益。 ([查看更多](#))

Hefei Police Cracked a Case of Reselling Consumer Information of Negative Reviews

On June 6, 2022, according to media reports, the Shushan Branch of the Public Security Bureau of Hefei City, Anhui Province cracked a case of infringement of citizen information. It was found out that the suspects promoted service of "deleting negative reviews" to merchants at a price of CNY 660 to 12,000. By contacting the platform's internal customer service, the suspects purchased the user's name, mobile phone number and other individual information at a price of CNY 80 to 150. Then, the suspects pretended to be the merchants and repeatedly phoned the users, inducing with "benefits" or forcing them to delete their negative reviews. Obtaining illegal profits by conducting such behavior. ([More](#))

美国两院发布《美国数据隐私和保护法案》草案

近日,《美国数据隐私和保护法案》(“ADPPA”)草案对外公布。ADPPA是首个获得两党、两院支持的、全面关于数据隐私和数据安全框架的国家立法。它旨在从联邦层面建立一个强有力的框架来保护消费者数据隐私和安全,要求相关实体在特定场景下遵守忠诚义务,确保消费者不必为隐私支付对价。此外,ADPPA对儿童和未成年人提供更大力度的保护,保障初创企业成长和竞争的机会。(查看[更多](#))

U.S. Senate and House of Representatives Release Draft of *Data Privacy and Protection Act*

Recently, a discussion draft of the American *Data Privacy and Protection Act* (“ADPPA”) was released. ADPPA is the first comprehensive national data privacy and data security framework to gain bipartisan, bicameral support. It aims to establish a strong national framework to protect consumer data privacy and security, require covered entities to comply with loyalty duties with respect to specific circumstances while ensuring consumers do not have to pay for privacy. Besides, it provides enhanced data protections for children and minors, as well as preserves the opportunity for start-ups to grow and compete. ([More](#))

美国联邦贸易委员会启动修订《数据广告披露指南》

近日,美国联邦贸易委员会(“FTC”)官网宣布,将修订标题为《在线披露:如何在数字广告中进行有效披露》的商业指南(“《指南》”)。《指南》首次发布于2013年3月,旨在为企业提供数字广告和营销指导。随着数字欺诈的复杂化,一些公司不当引用《指南》以证明其在线误导消费者的行为具有合理性,如部分公司通过将披露信息隐藏在超链接之后以避免承担责任。为此,FTC公开征求对《指南》的修订意见,以确保《指南》有助于诚实的企业公平对待消费者,而不是被试图实施欺诈的公司用作挡箭牌。(查看[更多](#))

Federal Trade Commission Looks to Modernize its *Guidance on Data Advertising Disclosure*

Recently, the Federal Trade Commission (“FTC”) announced on its website that it will modernize the business guidance titled “*.com Disclosures: How to Make Effective Disclosures in Digital Advertising*” (“Guidance”). First published in March 2013, the Guidance led businesses on digital advertising and marketing. As digital deception grows in sophistication, some companies are wrongly citing the Guidance to justify practices that mislead consumers online. For example, firms avoid liability by burying disclosures behind hyperlinks. Therefore, FTC is seeking public suggestions to ensure the Guidance is helping honest businesses treat consumers fairly, rather than being used as a shield by firms looking to deceive. ([More](#))

美法院裁定BrandTotal的数据采集行为违反Meta的使用条款和反计算机欺诈相关法律

近日,美国首席地方法官Joseph Spero在为期两年的法律交锋中作出最新裁决,认定BrandTotal在未经许可的情况下自动进行数据收集,违反了Meta的使用条款。此外Spero还发现,在Meta于2020年至2021年2月期间禁用其帐户后,BrandTotal的遗留产品仍在继续访问Facebook和Instagram,这违反了联邦《计算机欺诈和滥用法》和加利福尼亚州的《计算机数据和访问欺诈法》。BrandTotal的律师表示,Spero的裁决与第九巡回法院对LinkedIn诉hiQ案

的裁决相冲突，该裁决禁止LinkedIn阻止其潜在的竞争对手hiQ搜索其用户资料数据。而Spero认为，这两个案件有所不同，因为hiQ还根据加州的《不公平竞争法》提出了针对不公平行为的索赔。（[查看更多](#)）

US Court Rules BrandTotal's Data Harvesting Violates Meta's Terms of Use and Anti Computer Fraud Laws

Recently, U.S. Chief Magistrate Judge Joseph Spero delivered his latest ruling in the two-year legal battle, finding BrandTotal breached Meta's terms of use by engaging in automated data collection without permission. Spero also found that BrandTotal's legacy products continued to access Facebook and Instagram after Meta disabled its accounts in 2020 through February 2021 in violation of the federal Computer Fraud and Abuse Act and California's Computer Data and Access Fraud Act. BrandTotal's attorney said Spero's ruling conflicted with a Ninth Circuit decision that kept LinkedIn from blocking would-be competitor hiQ from scouring its user profiles for data. While Spero wrote that, the cases differed because hiQ also brought a claim for unfairness under California's Unfair Competition Law. ([More](#))

法国数据保护机构发布关于使用Google Analytics的常见问题解答通知

2022年6月7日，法国隐私监管机构（“CNIL”）发布了新的指导方针，重申在欧盟以目前的形式使用Google Analytics属于非法，因为它违反了通用数据保护条例（“GDPR”）。Google Analytics是网站用来追踪和收集流量意见的流行工具。自2月份以来，CNIL一直在研究欧洲组织对Google Analytics的使用。现在，该机构发布了一个常见问题解答，力图以便于理解的方式概括其调查结果。CNIL认定，目前形式下的Google Analytics不能为欧洲公民提供足够的保护。原因在于该工具的工作原理是为访问网站的每个人分配唯一标识符，当与浏览器和操作系统元数据结合时，此信息可用于追踪个人。此外，Google Analytics将其收集的数据存储在美国的服务器上，这为美国政府的“非法访问”提供了可能。（[查看更多](#)）

CNIL Issues New FAQ Guidance on Usage of Google Analytics

On June 7, 2022, France's privacy regulator, Commission nationale de l'informatique et des libertés (“CNIL”), issued a new guidance, re-affirming that using Google Analytics in its current form is illegal in the European Union as it violates the General Data Protection Regulation (“GDPR”). Google Analytics is a popular tool used by websites to track and gather insights about traffic. Since February, CNIL has examined the use of Google Analytics by European organizations. Now, the agency has issued an FAQ that attempts to put across its findings in an easy-to-grasp manner. CNIL has determined that Google Analytics in its current form does not offer sufficient data protection to European citizens. This is because of how the tool works. It assigns a unique identifier to every person visiting a website. When combined with browser and OS metadata, this information can be used to track individuals. Furthermore, Google Analytics stores the data it collects on servers in the U.S., which opens the possibility of “unlawful access” by American authorities. ([More](#))

卢森堡出台首个欧盟GDPR合规认证机制GDPR-CARPA

2022年6月8日，卢森堡数据保护局（“CNPD”）发表声明，准备推出其基于欧盟 GDPR 认证报告的处理活动（“GDPR-CARPA”）认证计划。GDPR-CARPA项目是在国家和国际层面采用的第一个GDPR下的认证机制。它对组织的处理操作进行认证，并为数据控制者和分包商提供更高水平

的GDPR合规工作。GDPR认证机制可提高透明度和合规性，并允许数据主体更好地衡量处理其个人数据的组织产品、服务、流程或系统所提供的的数据保护水平。 ([查看更多](#))

Luxembourg Issues the First EU GDPR Compliance Certification Mechanism GDPR-CARPA

On June 8, 2022, The Luxembourg data protection authority (“CNPD”) issued a statement that it is preparing to launch its EU GDPR Certified Assurance Report-based Processing Activities (“GDPR-CARPA”) certification scheme. The GDPR-CARPA program is the first certification scheme under the GDPR at a national and international level. It certifies an organization’s processing operations and offers data controllers and subcontractors a high level of GDPR compliance. GDPR certification encourages transparency and compliance and allows data subjects to better assess the level of data protection offered by the products, services, processes or systems of organizations that process their personal data. ([More](#))

丹麦数据保护机构启动对数据泄露通知的新检查

2022年6月9日，丹麦数据保护局（“DPA”）宣布其正在启动一系列新检查，以确定在个人数据安全受到破坏的情况下，数据控制者向数据主体发出的通知信函是否符合要求。当公司或机关检测到个人数据泄露时，必须通知数据主体，即信息被泄露的客户或公民。这一通知旨在使数据主体在个人数据泄露可能导致其面临高度风险时，能够采取必要的预防措施，因此数据控制者发出的通知必须清晰易懂，并包含必要的信息。通过上述检查，DPA将评估数据控制者向数据主体发出的通知信函是否符合GDPR第34（2）条的要求，包括通知是否以清晰易懂的语言描述个人数据泄露的性质以及泄露可能导致的后果。 ([查看更多](#))

Danish Data Protection Agency Initiates New Inspections on Data Breach Notices

On June 9, 2022, the Danish Data Protection Agency (“DPA”) announced that it is now initiating new inspections to determine whether the data controllers’ notification letters to the data subjects in the case of a breach of personal data security meet the requirements. When a company or authority detects a personal data breach, it must notify the data subjects, those customers or citizens whose information has been compromised. The notifications are intended to enable the data subject to take necessary precautions when a personal data breach is likely to result in a high risk, so it is important that the controller’s notifications are clear and understandable, and contain the necessary information. With the inspections, DPA will assess whether the data controllers’ notification letters to the data subjects meet the requirements Article 34(2) GDPR, that the notifications describe in clear and intelligible language the nature of the personal data breach and the likely consequences of the breach. ([More](#))

意大利工伤保险局因数据泄露被罚款5万欧元

2022年6月10日，欧盟数据保护委员会（“EDPB”）公布，意大利工伤保险局（“INAIL”）因数据泄露被意大利执法机构处以5万欧元的行政罚款。该泄露源于三起事件，这些事件导致他人未经授权即可访问员工数据，特别是员工健康和职业事故数据。INAIL所管理的“虚拟办公”功能赋予少数用户访问其他员工工伤事故和疾病相关档案的权利，在一起事件中，由于人为错误运行了旧版本的“虚拟办公”功能，从而导致泄露事故发生。调查发现，INAIL 应对未经授权访问他人个人数据（包括健康数据）负责，因为这相当于未经授权而披露个人数据。 ([查看更多](#))

Italian Occupational Accidents Insurance Agency is Fined EUR 50,000 for Data Breach

On June 10, 2022, the European Data Protection Board (“EDPB”) announced that Istituto Nazionale Assicurazione Infortunio sul Lavoro (“INAIL”), the Italian National Agency for Insurance Against Occupational Accidents was imposed an EUR 50,000 administrative fine by the Italian SA for data breach. The breach originated from three incidents that resulted into unauthorized accesses to the data relating to employees, in particular data on their health and occupational accidents. The “Virtual Desk” managed by INAIL enabled a few users to access other workers’ files relating to occupational accidents and diseases. In one case the incident occurred following execution of an obsolete release of the “Virtual Desk” on account of a human error. The investigations found that INAIL was liable for unauthorized accesses to third parties’ personal data including health data, which amounted to the unauthorized disclosure of personal data. ([More](#))

苹果推行passkeys密钥无密码登录以规避数据泄露风险

2022年6月7日，苹果在其2022全球开发者大会上推出一项新的密码管理功能：passkeys密钥。Passkeys密钥基于账户身份验证的行业标准技术，通过使用手机或电脑等设备上的面容ID和触控ID生物识别身份验证来登录账户。由于其不存储在服务器上，因此passkeys密钥不会被黑客入侵或泄露，并且可以有效防止网络钓鱼。平台供应商已在FIDO联盟内实施合作，以确保passkeys密钥实现跨平台兼容。（[查看更多](#)）

Apple Unveils No-Password Feature Passkeys to Prevent Risks of Data Leakage

On June 7, 2022, at its 2022 Worldwide Developers Conference, Apple has unveiled a new password management feature: passkeys. Based on industry standards for account authentication, passkeys designed to use Face ID and Touch ID biometric authentication on devices like phone or computer for account logins. Since they are not stored on web servers, passkeys cannot be hacked or leaked, and are highly phishing-resistant. Furthermore, platform vendors have worked together within the FIDO Alliance to make sure that passkey implementations are compatible cross-platform. ([More](#))

知识产权 Intellectual Property

国家知识产权局公布2021年度报告

近日，国家知识产权局公布2021年度报告，根据该报告，2021年专利、商标、地理标志、集成布图设计等部分官方大数据情况如下：

（一）专利

- 1) 发明专利申请量为158.6万件，同比增长5.9%；授权发明专利69.6万件，同比增长31.3%；
- 2) 实用新型专利申请量为285.2万件，同比下降2.5%；授权实用新型专利312.0万件，同比增长31.2%。
- 3) 外观设计专利申请量为80.6万件，同比增长4.6%。授权外观设计专利78.6万件，同比增长7.3%；

4) 2021年,我国发明专利授权率为55.0%。

(二) 商标

1) 2021年,我国商标注册申请量945.1万件,其中国内商标申请919.3万件,占总量的97.3%,同比增长0.8%;

商标注册审查1056.8万件,同比增长 20.3%;

商标注册量为773.9万件,同比增加 34.3%;

4) 2021年,我国商标注册审查签发量中初步审定占56.9%,部分驳回占15.2%,驳回占27.8%。

(三) 地理标志

受理地理标志产品保护申请22个,批准保护地理标志产品99个,核准使用地理标志产品专用标志市场主体7677家。新核准注册地理标志商标477件。

(四) 集成电路布图设计

2021年,共收到集成电路布图设计登记申请2.0万件,同比增长41.6%;予以公告并发出证书1.3万件,同比增长11.6%。

来源: 国家知识产权局

CNIPA Issued 2021 Annual Report on Patent, Trademark, GI and Integrated Circuits Layout Design

Recently, China National Intellectual Property Administration (CNIPA) issued 2021 Annual Report, which showed the official big data on patents, trademarks, geographical indications and integrated layout-design as follows:

(I) Patents

(1) The number of applications for invention patent was 1.586 million, up 5.9% year-on-year; 696,000 were authorized, up 31.3% year-on-year;

(2) The number of applications for utility model patents was 2.852 million, down 2.5% year-on-year; 3.120 million were authorized, up 31.2% year-on-year;

(3) The number of applications for design patent was 806,000, up 4.6% year-on-year, 786,000 were authorized, up 7.3% year-on-year;

(4) In 2021, China's invention patent authorization rate was 55.0%.

(II) Trademark

(1) In 2021, the number of applications for trademark registration was 9.451 million, of which 9.193 million were domestic trademark applications, accounting for 97.3% of the total, an increase of 0.8% year-on-year;

(2) 10,568,000 trademark registration were examined, an increase of 20.3% year-on-year;

(3) 7.739 million trademark was registered, an increase of 34.3% year-on-year;

In 2021, among the number of trademark registration examination and issuance in China, preliminary approval, partial rejection and rejection accounted for 56.9%, 15.2% and 27.8% respectively.

(III) geographical indications

22 applications for the protection of geographical indication products were accepted; 99 geographical indication products were approved for protection, and 7,677 market entities were approved to use geographical indication products; 477 geographical indication trademarks were newly approved for registration.

(IV) Integrated Circuit Layout Design

20,000 applications for registration of integrated circuit layout design were accepted, a year-on-year increase of 41.6%; 13,000 certificates were announced and issued, a year-on-year increase of 11.6%.

Source: CNIPA

中国声明5G标准必要专利1.8万项，居全球首位

6月6日，国家知识产权局知识产权发展研究中心发布相关报告显示，当前全球声明的5G标准必要专利共21万余件，涉及近4.7万项专利族，其中中国声明1.8万余项专利族，占比接近40%，排名世界第一。

此次发布的报告显示，当前全球声明的5G标准必要专利共21.7749万件，共涉及4.6879万项专利族，其中中国声明1.8728万项，排名第一，占比39.9%，美国声明1.6206万项，排名第二，占比34.6%，其他排名前列的国家或地区包括韩国（4293项，占比9.2%）、日本（3736项，占比8%）和欧洲（1833项，占比3.9%）。中美两国的5G标准必要专利合计占比达到74.6%，中、美、韩、日、欧5个国家或地区声明的5G标准必要专利数量合计占全球总量的95.5%。

报告表明，美国、中国、欧洲是全球5G标准必要专利最重要的布局目标区域，布局数量依次为：美国4.6123万件、中国3.9224万件和欧洲3.0704万件，占比分别为21.2%、18%、14.1%。这意味着这3个国家或地区也是5G标准必要专利最重要的目标市场。

据统计，在5G标准必要专利的全球专利申请人中，华为公司声明6583项专利族，排名第一，占比14%。以专利申请人在美国、中国、欧洲这3个国家或地区布局的同族专利数量来看，华为同样排名第一，随后是高通、三星、LG和OPPO。在全球排名前15的专利申请人中，除美国、日本、欧洲、韩国各有2家外，中国企业独占7席。

来源：知识产权报

China Declared 18,000 5G Standards Essential Patents, Ranking First in the World

On June 6, Intellectual Property Development & Research Center of CNIPA issued a report, showing that there are 217,749,000 5G standards essential patents declared worldwide, involving 46,879,000 patent families, among which China declared 18,720,280, ranking first, accounting for 39.9%. The United States declared 16,206,000, ranking second, accounting for 34.6%, and other top-ranking countries or regions include South Korea (4,293, 9.2%), Japan (3736, 8%) and Europe (1833, 3.9%). China and the United States together accounted for 74.6%, and China, the United States, Korea, Japan and Europe, together accounted for 95.5%.

The report shows that the United States, China and Europe are the most important target regions for global 5G standard essential patents, with the following layout numbers in order: 46.123 million in the United States, 39.224 million in China and 30.704 million in Europe, accounting for 21.2%, 18% and 14.1% respectively. This means that these three countries or regions are also the most important target markets for 5G standard essential patents.

Among the global patent applicants for 5G standard essential patents, Huawei declared 6,583 patent families, ranking first and accounting for 14%. In terms of the number of homologous patents laid out by applicants in the United States, China and Europe, Huawei also ranked first, followed by Qualcomm, Samsung, LG and OPPO. Among the top 15 patent applicants in the world, two each from Japan, Europe and South Korea, and seven from China.

Source: [China Intellectual Property News](#)

徐悲鸿美术馆针对徐悲鸿数字藏品发布版权声明

5月30日，腾讯旗下NFT交易软件幻核联合北京皇城艺术品交易中心发售8幅徐悲鸿数字墨马藏品，发售价格为128元，藏品上线不到一分钟即售罄。

在此之前，徐悲鸿美术馆曾发布版权声明，称“某些数字平台以徐悲鸿先生的名义为噱头发售相关数字藏品，这些数字藏品的原始作品有些为假冒作品，有些不能提供完整的溯源证据，有些作品与徐悲鸿先生根本无任何关联”，“这些鱼龙混杂的现象，严重损害消费者的权益、侵犯了徐悲鸿的名誉权及徐悲鸿后人依法取得的各项知识产权”，并在评论区指出其并未授权幻核发售徐悲鸿的数字藏品。

6月2日，针对徐悲鸿数字藏品版权问题，徐悲鸿美术馆再发声明，表示对于以上行为，其与消费者均有权利向相关平台追究相应的法律责任。

来源: [中国知识产权报](#)

Peon Art Museum Issued a Copyright Statement for Xu Beihong's Digital Collections

On May 30, Tencent's NFT trading software Huanhe and Beijing Huangcheng Artwork Exchange Center released 8 pieces of Xu Beihong's digital collection at a price of RMB 128. The collections were sold out in less than a minute.

Earlier, Peon Art Museum issued a copyright statement, stating that "some digital platforms use Mr. Xu Beihong's name as a gimmick to sell related digital collections. Some of the original works of these digital collections are counterfeit works, some cannot provide complete traceability evidence, and some works have nothing to do with Mr. Xu Beihong at all", "It seriously damaged the rights and interests of consumers, infringed on Xu Beihong's reputation and the intellectual property rights of Xu Beihong's descendants", and pointed out that it did not authorized Huanhe to sell Xu Beihong's digital collections.

On June 2, Peon Art Museum issued a statement again, stating that for the above actions, it and consumers have the right to pursue corresponding legal responsibilities from relevant platforms.

Source: [China Intellectual Property News](#)

美科学家试图说服美国上诉法院接受人工智能作为专利发明人

6月6日，计算机科学家Stephen Thaler试图说服美国上诉法院，他的人工智能系统DABUS应被授予由其产生的两项发明专利，这是关于人工智能在专利法中的适当作用的一个新的争议。然而，一个由三名法官组成的小组似乎对人类以外的其他个体可被视为发明者的说法持怀疑态度。Thaler一直在全球范围内努力争取DABUS专利，只有南非的专利局授予了DABUS专利，英国、欧盟和澳大利亚均拒绝了其专利申请。

来源：知识产权家

A U.S. Scientist Tried to Persuade an Appeals Court to Accept Artificial Intelligence as Patent Inventors

Stephen Thaler, a computer scientist on June 6 tried to persuade a U.S. appeals court that his artificial intelligence system DABUS (Device for the Autonomous Bootstrapping of Unified Science), should be credited for two inventions it generated, in a novel dispute on the proper role of AI in patent law. However, a three-judge panel seemed skeptical, of the argument that entities other than human beings can be considered inventors. Thaler has been engaged in a worldwide effort to win DABUS patents, the applications of which have been rejected by the United Kingdom, the European Union and Australia, though South Africa's patent office has awarded a DABUS patent.

Source: Intellectual Property Specialist

欧盟知识产权局发布知识产权侵权和执法最新判例

2022年6月2日，欧盟知识产权局（EUIPO）发布欧洲知识产权侵权和执法最新判例，涵盖234项国家法院的重大判决摘要和欧盟法院的初步裁决。

报告分为两个部分：

（1）欧盟法院、荷兰、法国、西班牙、英国、丹麦和比利时等最新案例集，例如：欧盟法院对C-401/19案的裁决，确认关于数字单一市场中的版权和相关权的指令欧盟2019/790第17条（C-DSM指令）与欧盟基本权利宪章兼容；荷兰最高法院肯定了商业视频中使用相似内容会构成对肖像权的侵犯；法国巴黎司法法庭发布动态封锁禁令；西班牙马德里商业法院最新解释，新闻出版商可以因在线平台（包括新闻聚合）使用其内容而获得补偿；此外，关于版权和外观设计保护的内容，例如：丹麦东部高等法院认可利用艺术作品（即植物箱设计）的版权保护和侵权行为。

（2）涵盖2018至2022年4月期间发布的决定，旨在为从业人员、法官和立法者提供该领域法理学最新发展和趋势。

来源：EUIPO

Update of Recent European Case-law on the Infringement and Enforcement of IPRs

On June 2, 2022, the European Union Intellectual Property Office (EUIPO) issued the recent European Case-law on the infringement and enforcement of IPRs in Europe, the document contains 234 summaries of key judgments from national courts and preliminary rulings from the Court of Justice of the European Union (CJEU).

The first part features the most recent cases. On 26 April, the CJEU delivered its long-awaited ruling in case C-401/19. It confirmed that Article 17 of Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market (C-DSM Directive) is compatible with the EU Charter of Fundamental Rights.

In Holland, the Dutch Supreme Court examined whether the use of a lookalike in a commercial video could constitute a violation of an image right.

In France, the Tribunal judiciaire de Paris issued another so called ‘dynamic blocking injunction’ in the sport sector.

In Spain, the Madrid Commercial Court interpreted the now abolished article 32(2) of the Spanish Intellectual Property Law.

In the United Kingdom, the High Court of Justice found in favour of Ed Sheeran in a proceeding in which his song ‘Shape of You’ was alleged to infringe upon Sami Chokri’s song ‘Oh Why’.

The update includes other national developments, in particular those on the interface between copyright and design protection, such as: in Denmark, where the Danish Eastern High Court recognised copyright protection and subsequent infringement in a work of applied art (i.e. a plant box design); in Belgium, where the Tribunal de l’Entreprise de Liège similarly confirmed the copyright protection and subsequent infringement of the model ‘Le pliage’ (a Longchamp handbag).

The second part covers decisions issued between 2018 and April 2022.

Source: EUIPO

USPTO局长使用特别审查权，介入21.8亿美元英特尔专利侵权案

6月7日，美国专利及商标局（USPTO）局长Kathi Vidal宣布，她将启动局长审查程序（Director review）介入美国专利法历史上最大的案件之一“VLSI科技有限责任公司诉英特尔（VLSI Technology LLC v. Intel Corporation，案件号码：6:21-cv-00057）”一案。

2019年，VLSI在美国德克萨斯西区联邦地区法院起诉了英特尔，指控其侵犯了VLSI的两个专利。2021年3月，该地区法院的一个陪审团判英特尔侵权成立，需赔偿VLSI共计21.8亿美元。当年7月和12月两个案外公司分别向PTAB提出了复审涉案的两个专利的申请，获得了PTAB的同意。目前，VLSI总共面临39个IPR程序。

本月，Vidal宣布其将介入这两个专利的复审过程。她表示由VLSI提起的关于重审的申请和关于先例意见合议庭（POP）审查的申请已被拒绝，所以她的介入是“由自己主动提出，无他方要求的审查（sua sponte review）”，因为这些案件“提出了新的法律和政策问题，以及对USPTO和专利界特别重要的问题”。Vidal还表示，她将在审查期间让这些程序继续进行。

来源：知识产权家

Director of USPTO Used Special Review Authority to Intervene in the USD 2.18 Billion Patent Infringement Case

On June 7, Kathi Vidal, director of the United States Patent and Trademark Office (USPTO), announced that she would initiate a Director review in the case of “VLSI Technology LLC v. Intel Corporation, Case No. 6:21-cv-00057”, one of the largest cases of U.S. patent law.

In 2019, VLSI sued Intel in the U.S. District Court for the Western District of Texas, alleging infringement of two of VLSI's patents. In March 2021, a jury in the district court ordered Intel to pay damages of USD 2.18 billion to VLSI. In July and December of 2021, two companies filed applications to reexamine the two patents. Currently, VLSI faces a total of 39 IPR proceedings.

This month, Vidal announced that she would intervene in the reexamination process of the two patents. She stated that VLSI's applications for reexamination and/or precedent-opinion Collegial Panel (POP) review had been rejected, so her intervention was "sua sponte review" because the cases "raised new legal and policy issues. Vidal also said that she would allow those proceedings continue during the review.

[Source: Intellectual Property Specialist](#)

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 www.lifanglaw.com

 Email: info@lifanglaw.com

 Tel: +8610 64096099

 Fax: +8610 64096260/64096261