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立方竞争法周报 Weekly Competition Law News

杜邦中国集团有限公司涉嫌违反反垄断法，市场监管总局依法决定立案调查

DuPont China Group Co., Ltd. Is Suspected of Violating *the Anti-Monopoly Law* and the SAMR Decided to Launch an Investigation According to the Law

国务院办公厅：加强自然垄断环节价格监管

General Office of the State Council of the People's Republic of China: Improves Price Supervision in the Field of Natural Monopolies

欧盟委员会附条件批准赛峰集团收购柯林斯宇航公司部分业务

The Commission Approves Safran's Acquisition of Part of Collins Aerospace's Actuation Business, Subject to Conditions

欧委会对主要汽车制造商和ACEA罚款约4.58亿欧元，涉案公司在报废汽车回收领域实施反竞争协议

The European Commission Fines Major Car Manufacturers and the ACEA EUR 458 Million over End-of-life Vehicles Recycling Cartel

法国竞争管理局对苹果公司滥用市场地位行为罚款1.5 亿欧元

French Competition Authority Imposes a Fine of EUR 150 Million on Apple for Its Abuse of Market Dominance

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

市监总局发布《网络交易合规数据报送管理暂行办法》

SAMR Issues the *Interim Measures for the Management of Online Transaction Compliance Data Reporting*



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中共中央办公厅、国务院办公厅发布《关于完善价格治理机制的意见》

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TC260 Releases the *Cybersecurity Standard Practice Guidelines-Technical Requirements for Mobile Internet Minor Mode*

全国网安标委发布2025年度第一批网络安全国家标准需求清单

TC260 Releases the First Batch of National Standards Demand List for Cybersecurity in 2025

中国香港：PCPD发布《雇员使用生成式AI的指引清单》

Hong Kong, China: PCPD Publishes the *Checklist on Guidelines for the Use of Generative AI by Employees*

欧盟：TikTok因向中国传输欧盟数据可能面临逾5亿欧元的罚款

EU: TikTok May Face Fine over 500 Million Euros for EU Data Sent to China

知识产权 Intellectual Property

最高院：合同保密条款对商业秘密认定及举证责任的影响

Supreme People's Court: Impact of Contract Confidentiality Clauses on Trade Secret Determination and Burden of Proof

最高院：技术秘密争议三大裁判规则

Supreme People's Court: Three Key Adjudication Rules for Technical Secret Disputes

最高院：再审裁定明确专利权评价报告效力

Supreme People's Court: Retrial Ruling Clarifies Validity of Patentability Evaluation Reports

福建法院：平衡私权与公益，商标侵权成立但未判令停止使用



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Guangdong Court: Sam's Membership Card Infringement Case—Split Sales Lead to RMB 2.04 Million Compensation

IP Bridge和SolIP寻求德国全国专利禁令

IP Bridge and SolIP Seek Nationwide Patent Injunctions in Germany

立方竞争法周报 Weekly Competition Law News

杜邦中国集团有限公司涉嫌违反反垄断法，市场监管总局依法决定立案调查

2025年4月4日，国家市场监督管理总局（“市场监管总局”）官网发布，因杜邦中国集团有限公司涉嫌违反《中华人民共和国反垄断法》，市场监管总局依法对杜邦中国集团有限公司开展立案调查。（[查看更多](#)）

DuPont China Group Co., Ltd. Is Suspected of Violating the Anti-Monopoly Law and the SAMR Decided to Launch an Investigation According to the Law

On April 4, 2025, the official website of the State Administration for Market Regulation (the “SAMR”) announced that the SAMR has investigated DuPont China Group Co., Ltd. for suspected violations of the *Anti-Monopoly Law of the People’s Republic of China*. ([More](#))

国务院办公厅：加强自然垄断环节价格监管

2024年4月2日，中共中央办公厅 国务院办公厅发布《关于完善价格治理机制的意见》（“《意见》”），其中多次提到反垄断工作。《意见》指出，要健全促进资源高效配置的市场价格形成机制，营造竞争有序市场环境，具体做法为有效规范自然垄断企业经营范围，防止利用垄断优势向上下游竞争性环节延伸；并加强输配电、天然气管道运输等网络型自然垄断环节价格监管。《意见》同时指出要强化价格监督检查，加强反垄断监管执法，预防和制止经营者实施垄断行为。（[查看更多](#)）

General Office of the State Council of the People’s Republic of China: Improves Price Supervision in the Field of Natural Monopolies

On April 2, 2024, the General Office of the CPC Central Committee and the General Office of the State Council issued *the Opinions on Improving the Price Regulation Mechanism* (“*the Opinions*”), which mentioned anti-monopoly work several times. *The Opinions* points out the necessity to improve the market-based price formation mechanisms which promotes the efficient allocation of resources and to create an orderly market environment for competition. The specific approaches include: effectively regulating the business scope of natural monopoly enterprises to prevent the expansion into upstream and downstream contestable segments by using the monopolistic advantages; strengthening price supervision on power transmission and distribution, natural gas pipeline transportation and other network-type natural monopoly segments. *The Opinions* also points out the strengthening on the inspection work for price regulation, the improvement of anti-monopoly regulation and law enforcement, and the prevention of and curb on implementing monopolistic conduct. ([More](#))

欧盟委员会附条件批准赛峰集团收购柯林斯宇航公司部分业务

2025年4月4日，欧盟委员会（“欧委会”）宣布附条件批准法国航空航天公司Safran S.A.旗下的美国主体Safran USA Inc.（“赛峰集团”）收购柯林斯宇航公司（Collins Aerospace）的部分航空航天驱动业务。欧委会的调查表明，交易双方业务主要呈互补关系，但如最初申报的形式，该交

易将减少可微调水平稳定器执行器系统（“THSA”）供应市场的竞争，因为THSA两大主要供应商将进行合并。欧委会认为，在本案相关市场进入壁垒高、开发周期长、供应合同期限长的情况下，合并后市场上将不存在足够的替代竞争对手以给合并后实体施加足够的竞争压力，这可能会导致向飞行器制造商供应THSA系统的价格更高。为解决欧委会的竞争担忧，赛峰集团提出剥离其在北美的全部THSA业务，完全消除交易双方THSA业务间的重叠。在市场测试收到积极反馈后，欧委会认为修改后的交易将不再引起竞争问题。（[查看更多](#)）

The Commission Approves Safran’s Acquisition of Part of Collins Aerospace’s Actuation Business, Subject to Conditions

On April 4, 2025, the European Commission (“*the Commission*”) announced that it has approved the proposed acquisition of part of the aerospace actuation business of Collins Aerospace by the US subsidiary of Safran S.A., **Safran USA Inc. (“Safran”)**, subject to conditions. The Commission’s investigation shows that the businesses of both parties to the transaction are largely complementary. However, the transaction, as initially notified, would have reduced competition in the markets for the supply of trimmable horizontal stabilizer actuator systems (“THSA”), because the two main suppliers of THSA systems would have been combined. Considering in this case that the relevant market is characterized by significant barriers to entry, long development cycles, and long supply contracts, the Commission found that after the merger there would not be enough alternative competitors to exert sufficient competitive pressure on the merged entity, which would have likely led to higher prices for the supply of THSA systems to aircraft manufacturers. To address the Commission’s competition concerns, Safran offered to divest the entirety of its North American THSA business and fully remove the overlap between the parties’ THSA businesses. Following the positive feedback received during the market test, the Commission concluded that the transaction, as modified by the commitments, would no longer raise competition concerns. ([More](#))

欧委会对主要汽车制造商和ACEA罚款约4.58亿欧元，涉案公司在报废汽车回收领域实施反竞争协议

2025年4月1日，欧委会宣布对15家主要汽车制造商和欧洲汽车制造商协会（“ACEA”）处以总计约4.58亿欧元的罚款，因为其参与了报废车辆回收的长期卡特尔。其中，因为梅赛德斯-奔驰根据欧盟的宽大制度向委员会披露了该垄断而获得了完全豁免权，其余所有涉案公司都承认参与垄断并同意和解。欧委会的调查显示，在2022年至2017年15年的时间里，16家主要汽车制造商和ACEA签订了反竞争协议，在报废汽车回收方面实施协同行为，包括一致不向汽车拆解商支付处理报废汽车的费用、一致不宣传报废汽车有多少部件可供回收、恢复并再利用的部件数量，以及新车使用了多少再生材料。根据宽大政策，欧委会对揭露卡特尔行为的梅赛德斯奔驰公司免除全部约3500万欧元的罚款，对与欧委会合作的斯泰兰蒂斯（包括欧宝）、三菱和福特免除部分罚款，并因为涉案公司均承认参与卡特尔并承担责任，委员会对所有涉案公司的罚款均减免10%，罚款总额约4.58亿欧元。（[查看更多](#)）

The European Commission Fines Major Car Manufacturers and the ACEA EUR 458 Million over End-of-life Vehicles Recycling Cartel

On April 1, 2025, the Commission announced that it had fined 15 major car manufacturers and the European Automobiles Manufacturers' Association ("ACEA") a total of around €458 million, because the said parties participated in a long-lasting cartel concerning end-of-life vehicles ("ELVs") recycling. Among them, Mercedes-Benz received full immunity as it revealed the cartel to the Commission under the Commission's leniency program, all other companies admitted their involvement in the cartel and agreed to settle the case. The Commission's investigation revealed that, for over 15 years, 16 major car manufacturers and ACEA entered into anticompetitive agreements and engaged in concerted practices related to the recycling of ELVs, including agreeing not to remunerate car dismantlers for processing ELVs and agreeing not to promote how much of an ELV can be recycled, recovered and reused and how much recycled material was used in new cars. Under the leniency program, the Commission waived the total fine of around EUR 35 million on Mercedes-Benz for its revelation of the cartel, and reduced parts of the fine on Stellantis (including Opel), Mitsubishi and Ford for their cooperation with the Commission; in addition, the Commission applied a reduction of 10% to the fines on all parties as they acknowledged their participation in the cartel and their liability, resulting in a total fine of around €458 million. ([More](#))

法国竞争管理局对苹果公司滥用市场地位行为罚款1.5 亿欧元

2025年3月31日，法国竞争管理局（“法国竞争局”）发布公告，对苹果公司滥用市场支配地位的行为处以1.5亿欧元罚款。本案的相关市场为2021年4月至2023年7月期间的iOS设备和iPadOS设备上的移动应用软件分发市场。具体而言，苹果公司于2021年4月推出了旨在更好地保护用户隐私的应用跟踪透明度（App Tracking Transparency, “ATT”）框架，在用户使用从应用商店下载应用软件前弹出窗口、以征求用户对所述应用软件为定向广告目的而收集用户数据的同意。经调查，法国竞争局认为ATT的实施方式构成法国竞争法意义上的滥用市场支配地位行为。因此，法国竞争局对苹果公司罚款1.5亿欧元，并责令其在苹果网站上连续七天发布处罚决定的摘要。（[查看更多](#)）

French Competition Authority Imposes a Fine of EUR 150 Million on Apple for Its Abuse of Market Dominance

On March 31, 2025, the French Competition Authority (“*the French Authority*”) announced that it fined Apple EUR 150 million for abusing its dominant position. The relevant market in this case is the market for the distribution of mobile applications on iOS and iPadOS devices between April 2021 and July 2023. Concretely speaking, Apple introduced the App Tracking Transparency (“ATT”) framework in April 2021, with a view to better protecting users' privacy; the ATT framework asks users for their consent before any use of a newly downloaded application from the App Store by displaying a pop-up window, in order to authorize the application in question to collect user data for targeted advertising purposes. Upon investigation, the French Authority concluded that how the ATT framework was implemented constituted conduct abusing market dominance within the meaning of French competition law. Hence, the French Authority decided to impose a fine of EUR 150 million on Apple and ordered Apple to publish the summary of the penalty decision on its website for seven consecutive days. ([More](#))

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

市监总局发布《网络交易合规数据报送管理暂行办法》

2025年4月2日，国家市场监督管理总局（以下简称“市监总局”）发布了《网络交易合规数据报送管理暂行办法》（以下简称《办法》）。《办法》共二十一条，旨在规范网络交易合规数据报送和管理活动，提高网络交易监管效能，促进平台经济持续健康发展。《办法》明确，网络交易合规数据是指网络交易平台经营者依据《电子商务法》《网络交易监督管理办法》向市场监管部门提供的，产生于中华人民共和国境内的网络交易经营者身份信息、违法行为线索数据、行政执法协查数据、特定商品或者服务交易数据等网络交易监管相关数据。（[查看更多](#)）

SAMR Issues the Interim Measures for the Management of Online Transaction Compliance Data Reporting

On April 2, 2025, the State Administration for Market Regulation (SAMR) issued the *Interim Measures for the Management of Online Transaction Compliance Data Reporting (Measures)*. The Measures consist of twenty-one articles, aiming to standardize online transaction compliance data reporting and management activities, improve the effectiveness of online transaction supervision, and promote the sustainable and healthy development of the platform economy. The Measures clarify that network transaction compliance data refers to network transaction platform operators in accordance with the *E-Commerce Law* and the *Measures for the Supervision and Administration of Network Transactions*, provided to the market supervision department, generated within the territory of the People's Republic of China, network transaction operator identity information, data on clues of violations, data on administrative law enforcement assistance, data on the transaction of specific commodities or services and other network transaction supervision-related data. ([More](#))

中共中央办公厅、国务院办公厅发布《关于完善价格治理机制的意见》

2025年4月2日，中共中央办公厅、国务院办公厅发布了《关于完善价格治理机制的意见》（以下简称《意见》）。《意见》提出，要创新促进数字经济发展的公共数据价格政策，建立健全符合数字经济发展需要的数据市场规则，加快制定符合公共数据要素特性的价格政策，促进公共数据安全高效开发利用。在公共数据授权运营中，用于公共治理、公益事业的公共数据产品和服务有条件无偿使用；用于产业发展、行业发展的公共数据产品和服务有条件有偿使用，按照补偿成本、合理盈利的原则确定收费标准并动态调整。（[查看更多](#)）

General Office of the CPC Central Committee and General Office of the State Council Release the Opinions on Improving Price Governance Mechanisms

On April 2, 2025, General Office of the CPC Central Committee and General Office of the State Council release the *Opinions on Improving Price Governance Mechanisms (Opinions)*. The Opinions propose to innovate public data pricing policies to promote the development of the digital economy, establish and improve data market rules that meet the needs of the development of the digital economy, ac-

celerate the formulation of pricing policies that are consistent with the characteristics of public data elements, and promote the safe and efficient development and utilization of public data. In the authorized operation of public data, public data products and services for public governance and public welfare undertakings shall be used conditionally without compensation; public data products and services for industrial development and sectoral development shall be used conditionally with compensation. The charges shall be determined and dynamically adjusted in accordance with the principle of compensating for costs and reasonable profitability. ([More](#))

中共中央办公厅、国务院办公厅发布《关于健全社会信用体系的意见》

2025年3月31日，中共中央办公厅、国务院办公厅发布了《关于健全社会信用体系的意见》（以下简称《意见》）。《意见》提出，要有序推进自然人信用建设，依法依规建立健全自然人信用记录，加快推进法律、金融、会计、审计等领域从业人员和取得国家职业资格人员等重点职业人群的信用管理制度建设。有条件的地方和部门可以开展自然人信用评价，用作为守信主体提供激励政策的参考，严禁将非信用信息和个人私密信息纳入信用评价。（[查看更多](#)）

General Office of the CPC Central Committee and General Office of the State Council Release the *Opinions on Improving the Social Credit System*

On March 31, 2025, General Office of the CPC Central Committee and General Office of the State Council released the *Opinions on Improving the Social Credit System (Opinions)*. The Opinions propose to promote the credit construction of natural persons in an orderly manner, establish and improve the credit records of natural persons in accordance with the law, and accelerate the construction of a credit management system for key occupational groups, such as practitioners in the fields of law, finance, accounting, auditing, and those who have obtained national vocational qualifications. Places and departments in a position to do so may carry out credit evaluations of natural persons, which will be used as a reference for providing incentives to credit-abiding subjects. It is strictly prohibited to include non-credit information and private personal information in credit evaluations. ([More](#))

全国网安标委发布《网络安全标准实践指南——移动互联网未成年人模式技术要求》

2025年4月3日，全国网络安全标准化技术委员会（以下简称“全国网安标委”）发布了《网络安全标准实践指南——移动互联网未成年人模式技术要求》（以下简称《实践指南》），旨在支撑未成年人网络保护的监督、管理、评估等工作。《实践指南》规定了移动互联网未成年人模式的技术要求，适用于移动互联网应用程序提供者、移动智能终端制造商和移动互联网应用程序分发平台提供者开展未成年人模式的研发和应用。《实践指南》也可作为监管部门、第三方评估机构对未成年人网络保护的监督、管理、评估提供参考。（[查看更多](#)）

TC260 Releases the *Cybersecurity Standard Practice Guidelines-Technical Requirements for Mobile Internet Minor Mode*

On April 3, 2025, the National Technical Committee 260 on Cybersecurity of Standardization Administration of China (TC260) released the *Cybersecurity Standard Practice Guidelines-Technical Re-*

quirements for Mobile Internet Minor Mode (Practice Guidelines), which is designed to support the supervision, management and evaluation of minor network protection. The Practice Guidelines set out the technical requirements for the mobile Internet minor mode, which is applicable to the research and development and application of minor modes by mobile Internet application providers, mobile intelligent terminal manufacturers and mobile Internet application distribution platform providers. The Practice Guidelines can also provide reference for supervision, management and evaluation of minor network protection by regulatory authorities and third-party evaluation agencies. ([More](#))

全国网安标委发布2025年度第一批网络安全国家标准需求清单

2025年4月1日，全国网安标委发布了2025年度第一批网络安全国家标准需求清单。有关个人与单位应于2025年4月8日前就需求清单涉及的30项标准进行申报，其中包括《数据安全技术 个人信息安全规范》。该标准拟修订GB/T 35273-2020《信息安全技术 个人信息安全规范》，根据《个人信息保护法》等法律法规最新要求，吸纳主管监管部门开展个人信息保护工作的相关经验，与现行法律法规配套衔接。（[查看更多](#)）

TC260 Releases the First Batch of National Standards Demand List for Cybersecurity in 2025

On April 1, 2025, TC260 released the First Batch of National Standards Demand List for Cybersecurity in 2025. Relevant individuals and organizations should make declarations before April 8, 2025 on the 30 standards involved in the demand list, including the Data Security Technology Personal Information Security Specification. This standard intends to revise GB/T 35273-2020 Information Security Technology Personal Information Security Specification, according to the Personal Information Protection Law and other laws and regulations of the latest requirements, absorb the relevant experience of the competent regulatory authorities to carry out personal information protection work, and support the existing laws and regulations. ([More](#))

中国香港：PCPD发布《雇员使用生成式AI的指引清单》

2025年3月31日，香港个人资料私隐专员公署（以下简称“PCPD”）发布了《雇员使用生成式AI的指引清单》（以下简称《指引清单》）。《指引清单》旨在协助机构制定雇员在工作时使用生成式AI的内部政策或指引，以及遵从《个人资料（隐私）条例》有关处理个人资料的规定，从而促进AI在香港的安全与健康发展。《指引清单》建议，机构在制定其雇员使用生成式AI的内部政策或指引时，应涵盖获准使用生成式AI的范围、保障个人资料私隐、合法及合乎道德的使用及预防偏见、数据安全以及违反政策或指引的后果等重点内容。（[查看更多](#)）

Hong Kong, China: PCPD Publishes the Checklist on Guidelines for the Use of Generative AI by Employees

On March 31, 2025, The Office of the Privacy Commissioner for Personal Data (PCPD) published the Checklist on Guidelines for the Use of Generative AI by Employees (Checklist on Guidelines). The Checklist on Guidelines aim to assist organizations in developing internal policies or guidelines on the use of Gen AI by employees at work while complying with the requirements of the Personal Data

(Privacy) Ordinance, so as to facilitate the safe and healthy development of AI in Hong Kong. The Checklist on Guidelines recommend that, when developing internal policies or guidelines on the use of Gen AI by employees, organizations should cover key aspects such as the scope of permissible use of Gen AI, protection of personal data privacy, lawful and ethical use and prevention of bias, data security, and the consequences of violations of policies or guidelines. ([More](#))

欧盟：TikTok因向中国传输欧盟数据可能面临逾5亿欧元的罚款

2025年4月3日，根据CNBC TV18报道，TikTok的所有者字节跳动公司可能因违规将欧洲用户的数据传输至中国，面临逾5亿欧元的隐私罚款。据知情人士透露，该公司在欧洲的主要监管机构爱尔兰数据保护委员会将在本月底前对TikTok开出罚单。具体违法情形可能是TikTok将有关用户数据传输至中国工程师访问时违反了欧盟GDPR的规定。（[查看更多](#)）

EU: TikTok May Face Fine over 500 Million Euros for EU Data Sent to China

On April 3, 2025, according to CNBC TV18, TikTok owner ByteDance Ltd. is set to be hit by a privacy fine of more than 500 million euros for illegally shipping European users' data to China. Ireland's data protection commission, the company's main regulator in Europe, will issue the penalty against TikTok before the end of the month, according to people familiar with the matter. The specific violation could be the Chinese business fell foul of the EU's GDPR in sending the information to China to be accessed by engineers. ([More](#))

知识产权 Intellectual Property

最高院：合同保密条款对商业秘密认定及举证责任的影响

近日，最高法审结一起商业秘密侵权纠纷二审案件。该案中最高法二审明确，因违反合同保密义务引发的商业秘密侵权纠纷中，保密条款可视为双方对保密信息构成商业秘密的认可，主张保密信息不构成商业秘密的一方需承担举证责任；权利人证明对方使用的信息与保密信息实质相同的，对方应证明其未侵权。

本案中，某实业公司与徐某伟的《模具采购合同》含保密条款，约定乙方对甲方提供的资料保密。徐某伟违反约定，将涉案技术信息用于申请专利。一审以原告未证明技术信息“不为公众所知悉”驳回请求，二审认为，根据现行反不正当竞争法第三十二条及“程序从新”原则，保密条款已体现保密意愿，徐某伟等人应举证证明涉案技术信息已公开或不构成商业秘密，但其未能举证，故涉案技术信息构成商业秘密。因徐某伟等人未证明技术方案合法来源，构成共同侵权。

二审判决确认专利权归原告所有，被告连带赔偿32万元，明确了保密条款的免证效力及举证责任转移规则，强化商业秘密司法保护。

来源：最高人民法院知识产权法庭

Supreme People's Court: Impact of Contract Confidentiality Clauses on Trade Secret Determination and Burden of Proof

Recently, the Supreme People's Court (SPC) concluded a second-instance case involving trade secret infringement. In this case, the SPC clarified in the second instance that in disputes arising from breaches of contractual confidentiality obligations, confidentiality clauses can be regarded as the parties' recognition that the confidential information constitutes a trade secret. The party asserting that the confidential information does not qualify as a trade secret bears the burden of proof. If the right holder demonstrates that the information used by the opposing party is substantially identical to the confidential information, the opposing party shall prove non-infringement.

In this case, the Mold Purchase Contract between a certain industrial company and Xu Wei included a confidentiality clause stipulating that the Party B shall keep the materials provided by the Party A confidential. Xu Wei violated the agreement by using the technical information in question to apply for a patent. The first instance court dismissed the claim on the grounds that the plaintiff failed to prove the technical information was "not generally known to the public." The second instance held that, in accordance with Article 32 of the current Anti-Unfair Competition Law and the "principle of procedural novelty," the confidentiality clause already reflected the intention to maintain secrecy. Xu Wei and others were required to prove that the technical information was publicly available or did not constitute a trade secret, but they failed to provide evidence. Thus, the technical information was deemed a trade secret. Since Xu Wei and others could not prove a legitimate source for the technical solution, they were found jointly liable for infringement.

The second-instance judgment confirmed the plaintiff's ownership of the patent, ordered the defendants to pay joint and several compensation of RMB 320,000, clarified the evidentiary effect of confidentiality clauses and the transfer rule for the burden of proof, and strengthened judicial protection of trade secrets.

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

最高院：技术秘密争议三大裁判规则

近日，最高法审结一起技术秘密侵权争议二审案件，原告沈阳工业大学通益科技公司主张的技术秘密被认定成立，被告方某石油等公司因擅自使用涉案技术秘密构成侵权。一审判决赔偿1000万元及合理支出15万元，二审维持主要判项，调整部分连带责任范围。

最高任审理认为，即使保密期限届满，侵权人仍需对非法获取的技术秘密承担持续保密责任，为同类案件中商业秘密权利认定及责任承担提供了裁判指引。

来源：最高人民法院

Supreme People's Court: Three Key Adjudication Rules for Technical Secret Disputes

Recently, the Supreme People's Court (SPC) concluded a second-instance case involving a technical secret infringement dispute, where the technical secret claimed by the plaintiff, Shenyang University

of Technology Tongyi Technology Company, was recognized as valid. The defendants, including a certain petroleum company, were found liable for infringement for unauthorized use of the technical secret. The first instance judgment awarded RMB 10 million in compensation and RMB 150,000 for reasonable expenses, with the second instance maintaining the main judgments and adjusting the scope of joint liability.

The SPC ruled that even after the confidentiality period expires, infringers shall continue to bear confidentiality obligations for illegally obtained technical secrets, providing adjudicatory guidance for determining trade secret rights and liability in similar cases.

Source: Supreme People's Court

最高法院：再审裁定明确专利权评价报告效力

近日最高人民法院再审裁定澄清了专利权评价报告在专利侵权诉讼中的效力问题。裁定指出，在专利有效期间，专利权人提起诉讼无需依赖评价报告，该报告仅作为判断专利稳定性的参考证据，不能替代专利无效行政决定或司法判决。这一裁定终结了司法实践中“以评价报告否定专利权”的争议，具有里程碑意义。

来源：企业专利观察

Supreme People's Court: Retrial Ruling Clarifies Validity of Patentability Evaluation Reports

Recently, the Supreme People's Court (SPC) clarified the validity of patentability evaluation reports in patent infringement litigation through a retrial ruling. The ruling states that during the effective term of a patent, the patentee does not need to rely on an evaluation report to initiate litigation. Such reports only serve as reference evidence for assessing patent stability and cannot replace administrative patent invalidation decisions or judicial judgments. This ruling resolves the judicial dispute over "using evaluation reports to negate patent rights," marking a milestone.

Source: PRIP

福建法院：平衡私权与公益，商标侵权成立但未判令停止使用

近日，福建省高级人民法院审结一起商标权及不正当竞争纠纷二审案件。中海置业公司在商品房建设、销售中使用“中海华侨城”名称，一审法院认定其与案涉权利商标近似，侵害了注册商标专用权，但考虑到商品房项目名称涉及公共利益，未判令停止侵权，而是让其在后续使用的可得利益中替代赔偿。福建高院二审认为，一审该处理方式并无不当，因商品房名称不仅标识服务来源，还涉及地名指示、政府管理及业主权益等，停止使用会影响公共利益。

关于不正当竞争，一审法院因证据不足未认定中海置业公司登记企业名称构成不正当竞争。然而，福建高院经审查发现，中海集团成立于1988年，早于中海置业公司，且“中海”字号在2007年前已具有一定市场知名度，通过多年开发项目和获得荣誉得以体现，其与系列商标

知名度相互辐射。中海置业公司作为同业竞争者，对“中海”字号的知名度理应知悉，却无法合理解释其企业字号由来，主观存在攀附故意，客观上易造成消费者混淆误认，因此构成不正当竞争，二审法院对此予以纠正。

在赔偿数额方面，法院综合多方面因素，确定中海置业公司赔偿经济损失83万元及合理支出86440元。福建高院认为该判决合理，因为商品房销售受多种因素影响，不能简单以楼盘销售额计算赔偿，上诉人主张的800万元赔偿缺乏依据，不予支持。最终，二审法院维持一审部分判决，撤销部分判决，并判令中海置业公司停止使用包含“中海”字样的企业名称。

来源：福建省高级人民法院

Fujian Courts: Balancing Private Rights and Public Interests—Trademark Infringement Established but No Cease-Use Order Issued

Recently, the Fujian Higher People's Court concluded a second-instance case involving trademark rights and unfair competition disputes. Zhonghai Real Estate used the name "Zhonghai Overseas Chinese Town" in commercial housing construction and sales. The first instance court found this name similar to the registered trademark in question, constituting infringement of the exclusive trademark rights. However, considering the public interest involved in the commercial housing project name, it did not order cessation of use but instead required compensation through future profits from continued use. The Fujian Higher Court upheld this approach in the second instance, noting that housing project names involve not only source identification but also geographical indication, government administration, and homeowner rights; ceasing use would harm public interests.

Regarding unfair competition, the first instance court did not recognize it due to insufficient evidence. The higher court, however, found that Zhonghai Group was established in 1988, earlier than Zhonghai Real Estate, and the "Zhonghai" trade name had gained market recognition by 2007 through project development and honors, intertwined with the fame of its series of trademarks. As a competitor, Zhonghai Real Estate shall have been aware of the "Zhonghai" name's reputation but could not reasonably explain its choice of business name, demonstrating intentional association and likelihood of consumer confusion, thus constituting unfair competition. The second instance corrected this.

In terms of damages, the court determined RMB 830,000 in economic losses and RMB 86,440 in reasonable expenses, considering multiple factors. It held that commercial housing sales are influenced by various elements, making simple calculation based on sales revenue inappropriate, and rejected the appellant's claim for RMB 8 million. The final judgment maintained part of the first instance decision, revoked part of it, and ordered Zhonghai Real Estate to cease using the business name containing "Zhonghai."

Source: Fujian Higher People's Court

广东法院：山姆会员卡侵权案，拆分销售被判赔204万元

近日，广东省深圳市中级人民法院审结一起侵害商标权及不正当竞争纠纷一案，引发广泛关注。

法院审理查明，沃尔玛提交的多份证据足以证明李某某系涉案淘宝店铺“山姆进场结账会员”的实际经营者。在商标侵权方面，李某某在店铺和APP中大量使用与沃尔玛山姆会员相关的标识，且拆分销售会员卡主副卡的服务与沃尔玛注册商标核定使用的服务相同，易使消费者混淆，超出“商标权利用尽”范围，构成商标侵权。在不正当竞争认定上，李某某租赁及销售会员卡、拆分销售主副卡的行为违反山姆会员商店会籍章程，利用山姆品牌影响力获取利益，破坏会员制度管理秩序，损害沃尔玛经营利益。同时，其在店铺和APP中使用“山姆”相关名称及相似界面，导致消费者产生混淆，损害了沃尔玛的商誉，构成不正当竞争。

沃尔玛以李某某销售分时段租赁及代购服务的获利为惩罚性赔偿计算基数。考虑到李某某侵权持续时间长、销量大、主观恶意明显等因素，法院酌定按侵权获利的三倍确定赔偿数额，最终判决李某某赔偿沃尔玛经济损失及维权合理开支共计2,040,272.01元。

来源：广东省深圳市中级人民法院

Guangdong Court: Sam's Membership Card Infringement Case—Split Sales Lead to RMB 2.04 Million Compensation

Recently, the Shenzhen Intermediate People's Court in Guangdong Province concluded a high-profile case involving trademark infringement and unfair competition.

The court found that Walmart provided sufficient evidence to show that Li XX was the actual operator of the Taobao store "Sam Entry Checkout Membership." Regarding trademark infringement, Li extensively used logos related to Walmart's Sam's Club in the store and app, and the service of splitting and selling main and supplementary membership cards matched the services covered by Walmart's registered trademarks, likely causing consumer confusion and exceeding the scope of "trademark exhaustion," thus constituting infringement. For unfair competition, Li's leasing and selling of membership cards, splitting main and supplementary cards, violated Sam's Club membership rules, exploited the Sam brand's influence for profit, disrupted membership management order, and harmed Walmart's business interests. Additionally, using "Sam"-related names and similar interfaces caused confusion, damaging Walmart's goodwill, constituting unfair competition.

Walmart calculated punitive damages based on Li's profits from time-sharing lease and purchasing agency services. Considering the long duration, high sales volume, and obvious subjective malice, the court determined damages at three times the infringement profits, ultimately ordering Li to compensate RMB 2,040,272.01 for economic losses and reasonable rights protection expenses.

Source: Shenzhen Intermediate People's Court, Guangdong Province

IP Bridge和SolIP寻求德国全国专利禁令

近日，IP Bridge已为其在慕尼黑针对比亚迪的两起案件增加了禁令请求，并在其中一起案件（案件编号 7 O 1583/2025）中增加了 SolIP的禁令请求。

SolIP是一家拥有美国法人实体的韩国许可公司，已在Landgericht München I（慕尼黑第一地区法院）起诉比亚迪，日本的IP Bridge也是如此。最初，这些只是损害赔偿投诉，没有寻求禁令救济。除了刚刚在英国上诉中败诉的特斯拉，比亚迪、更多的中国公司，也许还有一些印度汽车制造商，汽车行业已经接受并验证了Avanci的5G和24G专利许可条款。

来源: ipfray.com

IP Bridge and SolIP Seek Nationwide Patent Injunctions in Germany

IP Bridge has added injunction requests to its two Munich cases against BYD and included SolIP's injunction request in one case (Case No. 7 O 1583/2025).

SolIP, a Korean licensing company with a U.S. legal entity, and Japan's IP Bridge have both sued BYD at the Landgericht München I (Munich Regional Court I). Initially, these were damages claims without seeking injunctive relief. Alongside Tesla, which recently lost an appeal in the UK, BYD, more Chinese companies, and possibly some Indian automakers in the automotive industry have accepted and validated Avanci's 5G and 24G patent licensing terms.

Source: ipfray.com

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