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立方竞争法周报 **Weekly Competition Law News**

市场监管总局举办公平竞争审查能力建设专题培训班（第2期）

SAMR Holds the Second Special Training on the Capacity Building of Fair Competition Review

市场监管总局面向供水行业举办反垄断合规讲堂

SAMR Holds the Anti-Monopoly Compliance Lecture for the Water Supply Industry

国务院反垄断反不正当竞争委员会专家咨询组召开2025年全体会议

The Expert Consultation Group of the Anti-Monopoly and Anti-Unfair Competition Committee of the State Council Holds the Plenary Meeting for 2025

欧盟委员会针对线上食品配送企业卡特尔行为罚款3.29亿欧元

The European Commission Fines Two Companies €329 Million for Participation in the Online Food Delivery Cartel

美国FTC：新思科技和安斯科技并购双方应剥离资产以解决反垄断担忧

FTC to Require Synopsys and Ansys to Divest Assets to Resolve Antitrust Concerns

巴西反垄断监管机构恢复对谷歌涉嫌滥用搜索市场中支配地位的调查

Brazil's Antitrust Authority Reopens Google Probe over Alleged Abuse of Dominant Position in the Search Market

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

国家网信办发布《网信部门行政处罚裁量权基准适用规定（征求意见稿）》

The CAC Issues the Provisions on the Application of Administrative Penalty Discretionary Benchmarks by Cyberspace Administration Departments (Draft for Public Comment)



No. 397

2025.6

中国人民银行发布《中国人民银行业务领域网络安全事件报告管理办法》

The People's Bank of China Issues the Management Measures for Reporting Cybersecurity Incidents in the Business Operations of the People's Bank of China

国家网信办发布《关于开展人脸识别技术应用备案工作的公告》

The CAC Issues the Notice on the Implementation of Filing Procedures for the Application of Facial Recognition Technology

公安部印发《网络安全等级保护测评高风险判定实施指引（试行）》

The Ministry of Public Security Issues the Implementation Guidelines for High-Risk Assessment in Cybersecurity Level Protection Evaluation (Trial)

国家网信办就《个人信息保护合规审计管理办法》实施有关事项答记者问

The CAC Answers Questions from Journalists Regarding the Implementation of the Personal Information Protection Compliance Audit Management Measures

韩国：PIPC调查Dior和Tiffany的数据泄露事件

South Korea: PIPC Launches Investigation into Dior and Tiffany Data Breach

欧盟：欧盟委员会和消费者保护机构敦促SHEIN遵守欧盟消费者保护法规

EU: European Commission and Consumer Protection Authorities Urge SHEIN to Respect EU Consumer Protection Laws

知识产权 Intellectual Property

商标局2025“撤三”具体要求修订发布

2025 Revision to the “Cancellation for Three-Year Non-Use” Requirements Released by Trademark Office

最高法知产庭：专利侵权判决中多个被诉侵权人赔偿义务执行时间不同时无效宣告决定的追溯力认定

Intellectual Property Court of Supreme People's Court of China: Determination of Retroactive Effect of Invalidation Decisions When Compensation Enforcement Timelines Differ Among Multiple Alleged Infringers in Patent Infringement Judgments



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No.397

2025.6

北京高院：再审改判，“撤三”案件中微信朋友圈截图作为证据使用的认定标准

Beijing High People's Court: Criteria for Admissibility of WeChat Moments Screenshots as Evidence in Trademark Cases on Cancellation for Three-Year Non-Use

北京海淀法院：全国首例涉百科词条数据不正当竞争纠纷案，判赔800万

Beijing Haidian District Court: China's First Unfair Competition Lawsuit Over Encyclopedia Entry Data Results in RMB 8 Million Damages Award

浙江高院：“三顿半”胜诉，独创咖啡包装、装潢再获司法保护

Zhejiang High People's Court: "SATURNBIRD" Prevails in Lawsuit, Original Coffee Packaging and Decor Receive Judicial Protection

上海静安法院：全市首例！程序化批量售卖实名制“网游”账号案，判了

Shanghai Jing'an District Court: First Case in the City, Judgment Issued in Programmatic Bulk Sale of Real-Name Verified Online Gaming Accounts Case

欧盟法院将首次审理生成式AI未经授权的“复制”及“传播”的法律问题

CJEU Set to Rule on Legal Issues Surrounding Unauthorized Reproduction and Dissemination by Generative AI

韩国半导体公司Siliconarts对英伟达提起专利侵权诉讼

South Korean semiconductor firm Siliconarts files patent infringement lawsuit against Nvidia

美国版权局前局长起诉特朗普，称解雇她的决定非法

Former U.S. Copyright Office Director sues Trump, alleges her firing was unlawful

立方竞争法周报 Weekly Competition Law News

市场监管总局举办公平竞争审查能力建设专题培训班（第2期）

2025年5月29日，国家市场监督管理总局（“市场监管总局”）公布举办公平竞争审查能力建设专题培训班（第2期）有关情况。本次培训班在5月19日至23日举办，围绕公平竞争审查制度实施中的重点难点问题，聚焦公平竞争法律政策、公平竞争审查理论和实务、国际经验借鉴等内容，邀请反垄断反不正当竞争、宏观经济治理等领域专家学者和公平竞争审查业务骨干授课，采用政策解读、专家讲座、现场答疑、案例研讨、座谈交流等多种方式开展培训活动。培训班有望加强审查人才队伍能力建设、扎实推动公平竞争审查制度深入实施。（[查看更多](#)）

SAMR Holds the Second Special Training on the Capacity Building of Fair Competition Review

On May 29, 2025, the State Administration for Market Regulation (“SAMR”) posted the relevant information of holding the second special training on the capacity building of fair competition review. This training course was held from May 19th to 23rd, which focused on key and difficult issues in the implementation of the fair competition review regime, concentrated on fair competition laws and policies, theories and practices of fair competition review and international experience references. The training invited experts and scholars from the fields of anti-monopoly and anti-unfair competition, macroeconomic governance and work backbones of fair competition review to give lectures, and the training activities are carried out through various means such as policy interpretation, expert lectures, on-site Q&A sessions, case studies, and symposiums. The training is expected to enhance the capacity building of the review personnel team and solidly promote the in-depth implementation of the fair competition review regime. ([More](#))

市场监管总局面向供水行业举办反垄断合规讲堂

2025年5月28日，市场监管总局在北京举办面向供水行业经营主体的反垄断合规讲堂。本期反垄断合规讲堂全面梳理供水行业反垄断案例，系统分析供水行业多发易发的垄断问题，深入解读《中华人民共和国反垄断法》及配套法规，引导经营主体科学识别、精准评估、有效防范垄断风险，积极营造更加公平、更有活力的市场环境。市场监管总局强调，供水行业经营主体要高度重视反垄断合规建设，主动排查可能存在的垄断风险，防止利用垄断优势向上下游竞争性环节延伸，切实保护市场公平竞争和人民群众合法权益。（[查看更多](#)）

SAMR Holds the Anti-Monopoly Compliance Lecture for the Water Supply Industry

On May 28, 2025, the SAMR held an anti-monopoly compliance lecture for businesses in the water supply industry in Beijing. This time the lecture comprehensively reviews anti-monopoly cases in the water supply industry, systematically analyzes the frequent and easily occurring monopolistic issues in the water supply industry, deeply interprets *the Anti-Monopoly Law of the People's Republic of China* and its supporting regulations, guides businesses to scientifically identify, accurately assess, and effectively prevent monopolistic risks, and actively creates a fairer and more dynamic market environment. The

SAMR emphasized that business entities in the water supply industry should attach great importance to the construction of anti-monopoly compliance, proactively identify possible monopolistic risks, prevent the extension of monopolistic advantages to upstream and downstream contestable sectors, and effectively protect the fair market competition and legitimate rights and interests of the people. ([More](#))

国务院反垄断反不正当竞争委员会专家咨询组召开2025年全体会议

2024年5月27日，市场监管总局公布国务院反垄断反不正当竞争委员会专家咨询组全体会议召开情况。会议于5月21日在京召开，市场监管总局局长要求专家咨询组要牢牢把握正确政治方向，聚焦公平竞争治理领域新问题新挑战，开展前瞻性针对性研究，为委员会科学决策提供有力支撑，为构建全国统一大市场、推动高质量发展作出新贡献。 ([查看更多](#))

The Expert Consultation Group of the Anti-Monopoly and Anti-Unfair Competition Committee of the State Council Holds the Plenary Meeting for 2025

On May 27, 2024, the SAMR announced the convening of the plenary meeting of the Expert Consultation Group of the Anti-Monopoly and Anti-Unfair Competition Committee of the State Council (“the Committee”). The meeting was held in Beijing on May 21. The Director of the SAMR opined that the Expert Consultation Group should firmly grasp the correct political orientation, focus on new issues and challenges in the field of fair competition governance, conduct forward-looking and targeted research, provide strong support for the scientific decision-making of the Committee, and make new contributions to building a unified national market and promoting high-quality development. ([More](#))

欧盟委员会针对线上食品配送企业卡特尔行为罚款3.29亿欧元

2024年6月2日，欧盟委员会宣布对两家主要食品配送公司 Delivery Hero 和 Glovo 处以总计 3.29 亿欧元的反垄断罚款，原因是双方参与在线食品配送行业的卡特尔。据悉，两家企业两家公司实施了以下行为：（1）达成互不挖角对方雇员的合意；（2）交换商业敏感信息；（3）分割地理市场，且行为发生在欧洲经济区内，持续约4年。欧盟委员会认为上述三种卡特尔行为减少了消费者和商业伙伴的选择，减少了员工的机会，并降低了竞争和创新的动力，构成单一且持续的侵权行为，违反《欧盟运行条约》第101条。两家公司均承认参与卡特尔并同意和解，欧盟委员会依法适用10%的罚款减免。本案是欧盟委员会首次在劳动市场认定卡特尔。 ([查看更多](#))

The European Commission Fines Two Companies €329 Million for Participation in the Online Food Delivery Cartel

On June 2, 2025, the European Commission (“the Commission”) has fined Delivery Hero and Glovo, two major food delivery companies, a total fine of €329 million for their participation in the cartel in the online food delivery sector. In particular, the two companies (i) agreed not to poach each other’s employees; (ii) exchanged commercially sensitive information; and (iii) allocated geographic markets; such infringement covered the European Economic Area (“EEA”) and lasted four years. The Commission holds that cartels like this reduce choice for consumers and business partners, reduce opportunities

for employees and reduce incentives to compete and innovate and that the three anti-competitive practices constitute a single and continuous infringement, amounting to an infringement of Article 101 of the Treaty on the Functioning of the European Union (“TFEU”). Because both companies acknowledged their participation in the cartel and agreed to a settlement, the Commission applied a standard reduction of 10% to the fines according to the law. This is the first decision where the Commission finds a cartel in the labor market. ([More](#))

美国FTC：新思科技和安斯科技并购双方应剥离资产以解决反垄断担忧

2024年5月28日，美国联邦贸易委员会（“FTC”）宣布要求新思科技（Synopsys）和安斯科技（Ansys）剥离部分资产，以解决监管部门针对双方350亿美元并购交易的反垄断担忧。新思科技是电子设计自动化软件（用于设计半导体）的领先开发商和供应商，安斯科技则提供仿真与分析软件工具（用于测试半导体等产品）。根据拟议的和解令（consent order），新思科技将剥离其光学软件工具和光子软件工具；安斯科技将剥离其功耗分析工具，二者都将把各自的资产剥离给是德科技（Keysight Technologies）。在分析本案拟议收购和潜在救济的过程中，FTC工作人员与欧盟、英国、日本和韩国竞争监管部门开展了密切合作。公众有30天的时间针对拟议的和解令反馈意见。（[查看更多](#)）

FTC to Require Synopsys and Ansys to Divest Assets to Resolve Antitrust Concerns

On May 28, 2025, the Federal Trade Commission (“FTC”) requires Synopsys, Inc. and Ansys, Inc. to divest certain assets to resolve the authority’s antitrust concerns surrounding their \$35 billion merger. Synopsys is a leading developer and supplier of software (used to design semiconductors), Ansys is a provider of simulation and analysis software tools (used to test products including semiconductors). Under the proposed consent order, Synopsys will divest its optical software tools and its photonic software tools, and Ansys will divest its power consumption analysis tool. Both Synopsys and Ansys will divest their assets to Keysight Technologies, Inc. In analyzing the proposed acquisition and potential remedies, the FTC staff cooperated closely with the staff of competition agencies in the European Union, the United Kingdom, Japan, and South Korea. The public will have 30 days to submit comments on the proposed consent order. ([More](#))

巴西反垄断监管机构恢复对谷歌涉嫌滥用搜索市场中支配地位的调查

2025年5月28日，据媒体报道，巴西反垄断监管机构巴西经济防御行政委员会（“CADE”）已恢复对谷歌的反垄断调查，后者被指控滥用其在搜索市场中的支配地位、滥用第三方网站上的新闻内容。调查原本在2018年启动，2024年12月被搁置。本调查将关注针对谷歌的如下指控：从其他网站上“搜刮”新闻内容、直接展示在搜索结果中进而转移本属于新闻网页的流量；在搜索结果中优先展示自身服务，进一步对独立媒体的发展造成不利。据悉，CADE法庭在5月28日对本案进行了审查。（[查看更多](#)）

Brazil’s Antitrust Authority Reopens Google Probe over Alleged Abuse of Dominant Position in the Search Market

On May 28, 2025, according to the media, Brazil's antitrust authority, the Administrative Council for Economic Defense ("CADE"), has reopened its probe into Google over the alleged abuse of its dominant position in the search market and the use of journalistic content from third-party sites. The probe was initially launched in 2018 but was shelved in December 2024. The probe will focus mainly on the following allegations against Google: that Google has engaged in "scraping" news content from other websites, displaying it directly in its search results and thereby diverting traffic away from news outlets; prioritizing the display of its own services in search results further hinders the development of independent media. The case was reportedly reviewed by the CADE's tribunal on May 28. ([More](#))

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

国家网信办发布《网信部门行政处罚裁量权基准适用规定（征求意见稿）》

2025年5月30日，国家网信办发布了《网信部门行政处罚裁量权基准适用规定（征求意见稿）》（以下简称《规定》），向社会公开征求意见，意见反馈截止时间为2025年6月14日。

《规定》指出，行政处罚裁量权基准是指网信部门在实施行政处罚时，按照裁量涉及的违法行为的事实、性质、情节、社会危害程度、当事人主观过错等因素，对法律、法规、规章中的原则性规定或者具有一定弹性的执法权限、裁量幅度等内容进行细化量化而形成的具体执法尺度和标准。《规定》明确，网信部门行政处罚裁量权基准划分为不予处罚、减轻处罚、从轻处罚、一般处罚、从重处罚等裁量阶次。 ([查看更多](#))

The CAC Issues the Provisions on the Application of Administrative Penalty Discretionary Benchmarks by Cyberspace Administration Departments (Draft for Public Comment)

On May 30, 2025, the Cyberspace Administration of China (CAC) issued *the Provisions on the Application of Administrative Penalty Discretionary Benchmarks by Cyberspace Administration Departments (Draft for Public Comment) (Provisions)*, soliciting public opinions. The deadline for feedback is June 14, 2025. The Provisions state that administrative penalty discretion benchmarks refer to the specific enforcement standards and criteria established by cyberspace administration departments when imposing administrative penalties. These benchmarks are derived by quantifying and specifying the principles outlined in laws, regulations, and rules, as well as the discretionary authority and discretion margins with a certain degree of flexibility, based on factors such as the facts, nature, circumstances, social harmfulness, and subjective fault of the parties involved in the violation. The Provisions clarify that the administrative penalty discretion benchmarks of the Cyberspace Administration are divided into the following discretion tiers: no penalty, reduced penalty, lenient penalty, general penalty, and severe penalty. ([More](#))

中国人民银行发布《中国人民银行业务领域网络安全事件报告管理办法》

2025年5月30日，中国人民银行发布了《中国人民银行业务领域网络安全事件报告管理办法》（以下简称《办法》）。《办法》共五章三十三条，自2025年8月1日起实施。《办法》规定，

中国人民银行业务领域网络安全事件指由于人为原因、遭受网络攻击、存在漏洞隐患、软硬件缺陷或故障、不可抗力等因素，对本机构建设、运营、维护、管理的中国人民银行业务领域网络或者处理的中国人民银行业务领域数据造成危害的事件。《办法》明确，网络安全事件分为特别重大、重大、较大和一般四个等级。金融从业机构发生较大等级以上网络安全事件后，应当于1小时内报送网络安全事件事发简要报告，并在24小时内报送网络安全事件事发报告；尚未达到较大等级，但出现相关舆情信息进入社交媒体、搜索引擎或者新闻网站热点榜等情形，引发较大舆情的，应当按照前款规定报告。（[查看更多](#)）

The People's Bank of China Issues the Management Measures for Reporting Cybersecurity Incidents in the Business Operations of the People's Bank of China

On May 30, 2025, the People's Bank of China issued *the Management Measures for Reporting Cybersecurity Incidents in the Business Operations of the People's Bank of China (Measures)*. The Measures consist of 5 chapters and 33 articles, and will take effect on August 1, 2025. The Measures define a cybersecurity incident in the business domain of the People's Bank of China as an event caused by human factors, cyberattacks, vulnerabilities, software or hardware defects or failures, or force majeure, which results in harm to the network built, operated, maintained or managed by the institution or data processed by the institution in the business domain of the People's Bank of China. The Measures classify cybersecurity incidents into four levels: particularly serious, serious, significant, and general. Financial institutions that experience a cybersecurity incident of significant level or above must submit a brief report on the incident within one hour and a detailed report within 24 hours. If the incident does not reach the significant level but related public opinion information appears on social media, search engines, or news website hotlists, triggering significant public opinion, the institution must report the incident in accordance with the aforementioned provisions. ([More](#))

国家网信办发布《关于开展人脸识别技术应用备案工作的公告》

2025年5月30日，国家网信办发布了《关于开展人脸识别技术应用备案工作的公告》（以下简称《公告》）。根据《人脸识别技术应用安全管理规定》第十五条规定，应用人脸识别技术处理的人脸信息存储数量达到10万人的个人信息处理者，应当向所在地省级网信部门履行备案手续。《公告》指出，自2025年6月1日起，应用人脸识别技术处理的人脸信息存储数量达到10万人的，应当自数量达到之日起30个工作日内履行备案手续。2025年6月1日前，应用人脸识别技术处理的人脸信息存储数量已经达到10万人的，应当在2025年7月14日前履行备案手续。备案信息发生实质性变更的，应当在变更之日起30个工作日内办理备案变更手续。（[查看更多](#)）

The CAC Issues the Notice on the Implementation of Filing Procedures for the Application of Facial Recognition Technology

On May 30, 2025, the CAC issued *the Notice on the Implementation of Filing Procedures for the Application of Facial Recognition Technology (Notice)*. In accordance with Article 15 of *the Measures for the Security Management of Facial Recognition Technology Applications*, personal information processors that handle facial information processed using facial recognition technology and whose storage volume reaches 100,000 individuals must file with the provincial-level cyberspace administration de-

partment in their jurisdiction. The Notice states that starting from June 1, 2025, entities processing facial information using facial recognition technology that reach a storage volume of 100,000 individuals must complete the filing procedures within 30 working days from the date the volume is reached. For entities that had already reached a storage volume of 100,000 individuals prior to June 1, 2025, filing procedures must be completed by July 14, 2025. If there are substantial changes to the filing information, the entity must complete the filing change procedures within 30 working days from the date of the change. ([More](#))

公安部印发《网络安全等级保护测评高风险判定实施指引（试行）》

2025年5月26日，公安部印发了《网络安全等级保护测评高风险判定实施指引（试行）》（以下简称《指引》）。《指引》中每一个判例由标准要求、适用范围、问题描述、可能的缓解措施及风险评价构成：（1）标准要求表述该条判例对应GB/T22239-2019的具体要求条款；（2）适用范围表述该条判例适用的定级对象等级；（3）问题描述为不符合该条标准要求的可能问题场景，其中任一安全问题均可能导致定级对象面临高风险；（4）可能的缓解措施则给出经综合风险分析可酌情缓解风险等级的其他安全措施；（5）风险评价为该问题经可能的缓解措施后风险是否可酌情降低的分析及结果。（[查看更多](#)）

The Ministry of Public Security Issues the Implementation Guidelines for High-Risk Assessment in Cybersecurity Level Protection Evaluation (Trial)

On May 26, 2025, the Ministry of Public Security issued the *Implementation Guidelines for High-Risk Assessment in Cybersecurity Level Protection Evaluation (Trial) (Guidelines)*. Each case in the Guidelines consists of standard requirements, scope of application, problem description, possible mitigation measures, and risk assessment: (1) Standard requirements describe the specific clauses of GB/T 22239-2019 corresponding to each case. (2) Scope of application describes the grading level of the target applicable to each case. (3) Problem description outlines potential scenarios where the standard requirements are not met, any of which may result in the classification object facing high risk. (4) Possible mitigation measures provide other security measures that may be considered to mitigate the risk level after comprehensive risk analysis. (5) Risk assessment analyzes and evaluates whether the risk can be appropriately reduced after applying the possible mitigation measures. ([More](#))

国家网信办就《个人信息保护合规审计管理办法》实施有关事项答记者问

2025年5月27日，国家网信办有关负责人就《个人信息保护合规审计管理办法》实施有关事项回答了记者提问：（1）问：个人信息保护合规审计是否有可参考的操作指南？答：《网络安全标准实践指南——个人信息保护合规审计要求》对合规审计的实施流程等作出规范，个人信息处理者、专业机构可以参照其开展审计。（2）问：个人信息保护合规审计专业机构如何申请认证？答：三家单位已向国家认证认可监督管理委员会备案相关认证规则，专业机构可向其申请认证。（3）问：个人信息保护合规审计人员应当具备哪些能力？答：有关标准将合规审计人员分为初级、中级、高级三个等级，明确了不同等级合规审计人员的能力要求。（4）个人信息保护合规审计人员能力如何进行评价？回答：《个人信息保护合规审计人员能力评价要点》明确不同等级合规审计人员的能力评价目标、方式、要点等。（[查看更多](#)）

The CAC Answers Questions from Journalists Regarding the Implementation of the Personal Information Protection Compliance Audit Management Measures

On May 27, 2025, a representative from the CAC answered questions from journalists regarding the implementation of the *Personal Information Protection Compliance Audit Management Measures*: (1) Q: Are there any operational guidelines that can be referenced for personal information protection compliance audits? A: *The Cybersecurity Standards Practice Guide: Requirements for Personal Information Protection Compliance Audits* establishes norms for the implementation process of compliance audits. Personal information processors and professional institutions may refer to it when conducting audits. (2) Q: How can professional institutions apply for certification for personal information protection compliance audits? A: Three organizations have filed relevant certification rules with the National Certification and Accreditation Administration. Professional institutions may apply for certification through them. (3) Q: What capabilities should personal information protection compliance auditors possess? A: Relevant standards classify compliance audit personnel into three levels: junior, intermediate, and senior, and specify the capability requirements for personnel at different levels. (4) Q: How are the capabilities of personal information protection compliance audit personnel evaluated? A: *The Key Points for Evaluating the Capabilities of Personal Information Protection Compliance Audit Personnel* specifies the evaluation objectives, methods, and key points for personnel at different levels. ([More](#))

韩国：PIPC调查Dior和Tiffany的数据泄露事件

2025年6月1日，韩国个人信息保护委员会（PIPC）宣布其正在调查涉及奢侈品牌Dior和Tiffany的数据泄露事件。根据《个人信息保护法》的执行法令，公司必须在获悉后的72小时内向PIPC报告任何数据泄露事件。PIPC怀疑Dior的数据泄露事件发生在1月份，但其直到5月10日才报告这一事件，并称其在5月7日才意识到数据泄露。随后，Dior于5月13日通知了客户，并在网站上披露未经授权的第三方访问了部分客户数据，包括姓名、电话号码、电子邮箱地址和购买信息。Tiffany于5月9日报告了4月份发生的数据泄露事件，并于5月22日提交了正式报告。PIPC已经确定，这两个品牌的客户数据是通过访问其在线客户管理系统的员工账户泄露的。（[查看更多](#)）

South Korea: PIPC Launches Investigation into Dior and Tiffany Data Breach

On June 1, 2025, South Korea's Personal Information Protection Commission (PIPC) announced that it is investigating data breaches involving luxury brands Dior and Tiffany. According to the enforcement decree of the *Personal Information Protection Act*, companies must report any data breaches to the PIPC within 72 hours of becoming aware of the incident. The PIPC suspects that Dior's breach occurred in January, but the company only reported the incident on May 10, stating that it became aware of the breach on May 7. Subsequently, on May 13, Dior informed its customers about the breach, revealing on its website that unauthorized third parties had accessed some customer data, including names, phone numbers, email addresses, and purchase information. Tiffany also reported a data breach that occurred in April on May 9, with a formal report submitted on May 22. The PIPC has identified that both brands' customer data was compromised through employee accounts that had access to their online customer management systems. ([More](#))

欧盟：欧盟委员会和消费者保护机构敦促SHEIN遵守欧盟消费者保护法规

2025年5月26日，经过欧洲层面的协同调查，欧盟委员会宣布，由各国消费者保护机构组成的消费者保护合作网络（CPC）和欧盟委员会通知了在线市场和电子零售商 SHEIN，其平台上的一些做法违反了欧盟消费者法规：（1）虚假折扣：通过显示并非基于实际“先前价格”的降价，假装提供更好的优惠；（2）压力销售：利用虚假的购买截止日期等策略，迫使消费者完成购买；（3）不完整、不正确和误导性信息：展示不完整、不正确的消费者退货退款权利信息，不按照消费者的相关权利处理退货退款；（4）欺骗性商品标签：使用商品标签暗示商品具有某种特殊功能，而实际上相关功能是法律要求的；（5）误导性的可持续声明：提供有关其商品可持续性收益的虚假或欺骗性信息；（6）隐蔽的联系方式：消费者无法轻松联系 SHEIN 反馈问题或投诉。（[查看更多](#)）

EU: European Commission and Consumer Protection Authorities Urge SHEIN to Respect EU Consumer Protection Laws

On May 26, 2025, following a coordinated investigation at European level, the European Commission announced that the Consumer Protection Cooperation (CPC) Network of national consumer authorities and the European Commission notified the online marketplace and e-retailer SHEIN of a number of practices on its platform that infringe EU consumer law: (1) Fake discounts: pretending to offer better deals by showing price reductions that are not based on the actual ‘prior prices’. (2) Pressure selling: putting consumers under pressure to complete purchases using tactics like false purchase deadlines. (3) Missing, incorrect and misleading information: displaying incomplete and incorrect information about consumers’ legal rights to return goods and receive refunds and failing to process returns and refunds in accordance with consumers’ relevant rights. (4) Deceptive product labels: using product labels that suggest that the product offers something special when in fact the relevant feature is required by law. (5) Misleading sustainability claims: providing false or deceptive information about the sustainability benefits of its products. (6) Hidden contact details: consumers cannot easily contact SHEIN for questions or complaints. ([More](#))

知识产权 Intellectual Property

商标局2025“撤三”具体要求修订发布

2025年5月26日，国家知识产权局商标局发布新修订的《申请撤销无正当理由连续三年不使用注册商标》规定，自发布之日起实施。修订重点完善了撤销申请的证据要求，明确规定申请人需提交涵盖被申请商标注册人经营状况、商标市场使用情况等多维度证据，包括但不限于企业工商信息、官方宣传平台（官网/公众号/电商平台）使用记录、线下经营场所调查及第三方市场调研报告等。

根据《商标法》第四十九条，注册商标连续三年无正当理由未使用者，任何主体可向商标局申请撤销。申请途径包含线上商标网服务系统、线下商标注册大厅及委托代理机构三种方式，需提交《撤销申请书》、初步使用证据、身份证明等材料，并严格按格式要求填写。新

规特别强调，撤销申请须在商标注册公告满三年后提出，国际注册商标需满足驳回期届满或复审决定生效满三年等条件。

商标局收到申请后将核发缴费通知，按类别收取规费。后续流程包括受理通知、要求商标注册人提交使用证据、审查证据并作出撤销决定。当事人如不服决定，可在收到通知15日内申请复审。此次修订进一步规范了撤销申请流程，强化了商标实际使用证据的审查标准。

来源：国家知识产权局商标局

2025 Revision to the “Cancellation for Three-Year Non-Use” Requirements Released by Trademark Office

On May 26, 2025, the China National Intellectual Property Administration (CNIPA) Trademark Office issued the newly revised *Provisions on Applying for Cancellation of Registered Trademarks Not Used for Three Consecutive Years Without Justifiable Reason*, effective from the date of issuance. The revisions focus on improving the evidence requirements for cancellation applications, explicitly stipulating that applicants must submit multi-dimensional evidence covering the business status of the trademark registrant and market usage of the trademark. This includes, but is not limited to, enterprise industrial and commercial information, usage records on official promotional platforms (official websites/official accounts/e-commerce platforms), on-site investigations of physical business premises, and third-party market research reports.

According to Article 49 of the *Trademark Law*, any entity may apply to the Trademark Office for cancellation of a registered trademark that has not been used for three consecutive years without justifiable reason. Application channels include the online trademark service system, offline trademark registration halls, and authorized agencies. Applicants must submit the *Application for Revocation*, preliminary evidence of use, identity documents, and other materials, strictly complying with format requirements. The new regulations specifically emphasize that cancellation applications must be filed after the registered trademark has been announced for three full years. For international registered trademarks, conditions such as the expiration of the refusal period or the effective date of the review decision being three years prior must be met.

Upon receiving the application, the Trademark Office will issue a fee payment notice, collecting official fees by class. Subsequent procedures include issuing an acceptance notice, requiring the trademark registrant to submit evidence of use, reviewing the evidence, and issuing a cancellation decision. If dissatisfied with the decision, the concerned party may apply for review within 15 days of receiving the notice. This revision further standardizes the cancellation application process and strengthens the examination standards for evidence of actual trademark use.

Source: CNIPA

最高法知产庭：专利侵权判决中多个被诉侵权人赔偿义务执行时间不同时无效宣告决定的追溯力认定

近日，最高法知产庭在一起侵害专利权纠纷案件中明确，专利无效决定对侵权判决的追溯力认定需兼顾法律效果与社会公平。本案中，周某实用新型专利被宣告无效后，因被诉侵权人宸

某公司、某电子公司执行款缴纳时间分处无效决定生效日前后，引发执行回转争议。法院指出，《专利法》第47条虽规定无效决定对已履行义务原则上不具追溯力，但若机械以执行时间划界，将导致积极履约者反受不利，违背诚信原则。宸某公司因执行款缴纳于无效决定生效后，其款项可执行回转；某电子公司虽履约在先，但为避免鼓励消极履约，法院突破形式标准，适用公平原则统一启动回转程序。最终判决撤销原判，驳回周某诉请，并责令返还执行款及孳息。

来源：最高人民法院知识产权法庭

Intellectual Property Court of Supreme People's Court of China: Determination of Retroactive Effect of Invalidation Decisions When Compensation Enforcement Timelines Differ Among Multiple Alleged Infringers in Patent Infringement Judgments

Recently, the Intellectual Property Court of the Supreme People's Court (SPC) clarified in a patent infringement dispute case that the recognition of the retroactive effect of a patent invalidation decision on infringement judgments must balance legal effect and social equity. In this case, after Zhou's utility model patent was declared invalid, a dispute arose over legal restitution because the timing of the execution payments made by the defendants, Chen Company and an electronics company, straddled the effective date of the invalidation decision. The court pointed out that although Article 47 of the *Patent Law* stipulates that an invalidation decision generally has no retroactive effect on obligations already performed, mechanically demarcating liability based solely on the date of payment execution would penalize parties who actively fulfill their obligations, thereby violating the bona fide principle. As Chen Company paid the execution amount after the invalidation decision took effect, its payment was subject to restitution. Although the electronics company performed its obligation earlier, the court—to avoid incentivizing non-compliance—transcended formal criteria and uniformly initiated restitution proceedings under the principle of equity. The final judgment revoked the original ruling, dismissed Zhou's claims, and ordered the return of the executed payments along with accrued interest.

Source: SPC

北京高院：再审改判，“撤三”案件中微信朋友圈截图作为证据使用的认定标准

近日，北京市高级人民法院再审审结赵某与国家知识产权局、某某某生物公司商标撤销复审行政纠纷案。赵某作为商标申请人及家纺店经营者，通过微信朋友圈发布带诉争商标的商品图片及交易记录，结合线下实体店运营证据，证明商标在指定期间内于“床罩、被罩”等商品上进行了公开、真实、合法的使用。法院依据2013年《商标法》第四十八条关于商标使用的界定，认定微信朋友圈作为商业推广载体，其证据效力结合发布主体、使用意图及公开性综合判断，符合商标法意义的使用要求。法院最终撤销原审判决，维持商标效力，并强调商标使用的认定应契合小微企业实际经营模式，避免机械适用形式要件。

来源：北京市高级人民法院

Beijing High People's Court: Criteria for Admissibility of WeChat Moments Screenshots as Evidence in Trademark Cases on Cancellation for Three-Year Non-Use

Recently, the Beijing High People's Court concluded the retrial of the administrative dispute case over trademark cancellation review between Zhao and CNIPA and a certain biotechnology company. As a trademark applicant and operator of a home textile shop, Zhao proved public, genuine, and lawful use of the trademark on designated goods such as "bedspreads and quilt covers" during the specified period by posting product images and transaction records bearing the disputed trademark on WeChat Moments, combined with evidence of offline physical store operations. The court, invoking Article 48 of the *Trademark Law (2013)* regarding the definition of trademark use, recognized WeChat Moments as a commercial promotion vehicle. Its evidentiary validity assessed comprehensively based on the publisher's identity, intent of use, and public accessibility, was deemed compliant with trademark use requirements under the law. The court ultimately overturned the original judgment and maintained the trademark's validity. It emphasized that determinations of trademark use should align with the actual business models of micro and small enterprises, avoiding mechanically applied formal requirements.

Source: Beijing High People's Court

北京海淀法院：全国首例涉百科词条数据不正当竞争纠纷案，判赔800万

原告某网讯公司（甲百科运营方）与某在线公司（技术及商标权方）诉称，被告通过技术手段非法抓取甲百科60余万条词条内容，伪造用户身份上传至乙百科，构成不正当竞争。北京海淀法院一审认定，原告对海量词条整合形成的竞争性权益受反不正当竞争法保护。被告行为未经授权，实质性替代原告服务，损害市场秩序与公共利益，违反诚实信用原则。据此判决被告停止侵权、消除影响，并赔偿经济损失500万元及合理开支300万元。二审维持原判。本案系全国首例百科词条数据竞争案，明确平台对数据集合的竞争权益独立于用户个体权益，需通过合法投入获取。

来源：北京海淀法院

Beijing Haidian District Court: China's First Unfair Competition Lawsuit Over Encyclopedia Entry Data Results in RMB 8 Million Damages Award

Plaintiffs Netcom Co., Ltd. (operator of Jia Wiki) and Online Co., Ltd. (technology and trademark rights holder) alleged that the defendant unlawfully scraped over 600,000 entries from Jia Wiki through technical means, falsified user identities to upload the content to Yi Wiki, and engaged in unfair competition. The Beijing Haidian District People's Court ruled in first instance that the plaintiffs' competitive interests in the aggregated massive database were protected under the Anti-Unfair Competition Law. The court found the defendant's actions constituted unauthorized substantial substitution of the plaintiffs' services, disrupted market order and public interests, and violated the principle of good faith. Consequently, the defendant was ordered to cease infringements, eliminate adverse impacts, and compensate 5 million yuan in economic losses plus 3 million yuan in reasonable litigation costs. The second-instance court upheld the ruling. As China's first judicial precedent on encyclopedia data competition, this case clarifies that platforms' competitive interests in data aggregations exist independently from individual users' rights and must be acquired through lawful investments.

Source: Beijing Haidian District Court

浙江高院：“三顿半”胜诉，独创咖啡包装、装潢再获司法保护

三顿半咖啡公司与某某熊公司、某旺公司不正当竞争纠纷案中，法院认定三顿半“冷萃超即溶咖啡”系列商品的立体迷你杯包装及文字、图案、色彩组合装潢构成反不正当竞争法保护的“有一定影响的商品包装、装潢”。该包装通过独特设计形成显著视觉特征，经长期宣传使用已具备识别商品来源功能。两被诉公司在咖啡及红糖姜茶商品上使用近似包装，且二者通过同一店铺销售，易使消费者误认商品来源或存在关联。法院指出，尽管红糖姜茶与咖啡功能不同，但销售渠道与消费群体高度重合，被告标注自有商标不足以消除混淆可能性。据此，二审法院认定两被告构成不正当竞争，维持一审判决，强调对跨类别混淆行为的规制需结合商品关联性、实际销售模式综合判断。

来源：浙江省高级人民法院

Zhejiang High People's Court: "SATURNBIRD" Prevails in Lawsuit, Original Coffee Packaging and Decor Receive Judicial Protection

In the unfair competition dispute case between coffee company Saturnbird and defendants Xiong Company and Wang Company, the court ruled that the three-dimensional mini-cup packaging of Saturnbird's "Cold Brew Super Instant Coffee" series, along with its textual, graphic, and color combinations, constitutes "well-known packaging and decoration" protected under the Anti-Unfair Competition Law. The packaging's distinctive design creates unique visual characteristics and, through long-term marketing and use, has acquired the function of identifying the product's origin.

The two defendants used similar packaging on their coffee and brown sugar ginger tea products, which were sold through the same store, likely causing consumers to confuse the products' origin or assume an association between them. The court noted that although brown sugar ginger tea and coffee serve different functions, their highly overlapping sales channels and consumer bases, coupled with the defendants' use of their own trademarks, were insufficient to eliminate the likelihood of confusion.

Accordingly, the second-instance court affirmed that both defendants engaged in unfair competition and upheld the first-instance judgment. The judgement emphasized that regulating cross-category confusion requires comprehensive consideration of product relevance and actual sales models.

Source: Zhejiang High People's Court

上海静安法院：全市首例！程序化批量售卖实名制“网游”账号案，判了

上海静安法院审结全市首例程序化批量注册实名网游账号案。被告人马某利用技术手段绕过游戏平台验证，非法获取6万余条公民信息，批量注册11万余组实名账号，并提供给刘某某出售牟利。法院认定马某犯非法获取计算机信息系统数据罪和侵犯公民个人信息罪，判处有期徒刑四年六个月，并处罚金十八万元；刘某某犯掩饰、隐瞒犯罪所得罪和侵犯公民个人信息罪，判处有期徒刑四年三个月，并处罚金十八万元。同时，两人需删除非法获取的公民个人信息数据，并在国家级媒体公开赔礼道歉。法院强调，此类犯罪破坏网络实名制秩序，威胁未成年人保护及交易安全，将依法严惩。

来源：上海市静安区人民法院

Shanghai Jing'an District Court: First Case in the City, Judgment Issued in Programmatic Bulk Sale of Real-Name Verified Online Gaming Accounts Case

Shanghai Jing'an District Court has concluded the city's first case involving programmatic batch registration of real-name online game accounts. Defendant Ma used technical means to bypass verification mechanisms of gaming platforms, illegally obtained over 60,000 pieces of citizens' personal information, batch-registered more than 110,000 sets of real-name accounts, and provided them to co-defendant Liu for sale and profit.

The court convicted Ma of illegally obtaining computer information system data and infringing on citizens' personal information, sentencing him to four years and six months imprisonment with a fine of RMB 180,000. Liu was convicted of concealing criminal proceeds and infringing on citizens' personal information, receiving a sentence of four years and three months imprisonment and a fine of RMB 180,000.

Both defendants were ordered to delete all illegally obtained personal data and issue public apologies in state-level media. The court emphasized that such crimes undermine the real-name registration system, threaten minors protection and transaction security, and will be severely punished according to law.

Source: Shanghai Jing'an District Court

欧盟法院将首次审理生成式AI未经授权的“复制”及“传播”的法律问题

欧盟法院（CJEU）近日首次受理生成式AI聊天机器人复制受版权保护新闻内容是否构成侵权的司法审查，案件结果或将重塑欧盟对人工智能的监管框架。本案原告为匈牙利新闻出版商Like公司，其指控谷歌旗下AI工具Google Gemini（原Bard）在生成用户查询的新闻摘要时，直接复制了该公司文章中关于匈牙利歌手Kozsó的独家报道内容，要求依据欧盟《数字单一市场指令》第15条获得赔偿。该条款规定数字服务商若超出“合理引用”范围使用版权内容，需向权利人支付费用。

案件核心争议聚焦于四个法律问题：AI生成内容是否受指令监管、训练AI使用版权材料是否构成“复制”、此类行为能否豁免于文本数据挖掘例外，以及平台是否需为AI输出内容担责。若欧盟法院判定谷歌侵权，美国科技巨头可能面临高额版权许可成本，这或将对AI技术发展模式产生深远影响。谷歌辩称其AI通过动态预测生成内容，未存储原文，相似性属技术“幻觉”或巧合。

此案恰逢全球范围内AI版权监管争议加剧：美国版权局因发布倾向权利人的AI使用报告，引发特朗普政府解雇局长事件，凸显政策分歧。中国同样面临平衡版权保护与技术创新的挑战，案件裁决或将成为全球AI监管趋势的重要风向标。

来源：企业专利观察

CJEU Set to Rule on Legal Issues Surrounding Unauthorized Reproduction and Dissemination by Generative AI

CJEU has for the first time accepted a judicial review concerning potential copyright infringement by generative AI chatbots replicating protected journalistic content, a case outcome that could reshape the EU's regulatory framework for artificial intelligence. Hungarian news publisher Like Kft. alleges that Google's AI tool Google Gemini (formerly Bard) directly reproduced exclusive coverage of Hungarian singer Kozsó from their articles when generating news summaries for user queries. The plaintiff seeks compensation under Article 15 of the EU's Digital Single Market Directive, which mandates fees for rights holders when digital services exceed "fair quotation" boundaries in using copyrighted material.

Central legal disputes revolve around four pivotal questions: whether AI-generated content falls under the directive's purview, if AI training using copyrighted materials constitutes "reproduction", whether such activities qualify for text-and-data-mining exceptions, and whether platforms bear liability for AI outputs. A ruling against Google could impose substantial licensing costs on U.S. tech giants, potentially altering AI development paradigms globally. Google contends its AI employs dynamic predictive generation without storing original texts, attributing similarities to technical "hallucinations" or coincidental patterns.

This case emerges amid escalating global debates on AI copyright regulation. In the U.S., the Copyright Office's rights-holder-leaning AI usage report precipitated the Trump administration's dismissal of its director, underscoring policy divisions. China similarly faces balancing copyright protection with technological innovation, making this ruling a critical bellwether for global AI governance trends.

Source: Enterprise Patent Observation

韩国半导体公司Siliconarts对英伟达提起专利侵权诉讼

《科创板日报》27日讯，韩国半导体公司Siliconarts在美国对英伟达提起专利侵权诉讼，指控其GPU产品侵犯“实时光线追踪”技术专利。若Siliconarts胜诉，有望获赔数千亿韩元。

来源：科创板日报

South Korean semiconductor firm Siliconarts files patent infringement lawsuit against Nvidia

South Korean semiconductor firm Siliconarts has filed a patent infringement lawsuit against NVIDIA in the United States, alleging that the latter's GPU products infringe its patents related to "real-time ray tracing" technology. A favorable verdict for Siliconarts could result in damages potentially reaching hundreds of billions of South Korean won, as reported by the Science and Technology Innovation Board Daily on the 27th.

Source: China Starmarket Daily

美国版权局前局长起诉特朗普，称解雇她的决定非法

最近被解职的美国版权局局长希拉·珀尔穆特周四起诉美国总统特朗普和代理国会图书馆馆长，寻求一项紧急禁令，以阻止她被撤职。

根据向华盛顿特区地方法院提交的一份起诉书，珀尔穆特表示，特朗普政府试图解除她的职务是“公然非法的”，因为任命和解除版权局局长职位的权力属于国会图书馆馆长，而不是总统。这起诉讼发生在白宫于5月10日解雇珀尔穆特不到两周后。

来源：新浪财经

Former U.S. Copyright Office Director sues Trump, alleges her firing was unlawful

Shira Perlmuter, the recently fired U.S. register of copyrights, sued President Donald Trump and the acting librarian of Congress on Thursday, seeking an emergency order to block her removal. In a lawsuit filed in federal court in Washington, D.C., Perlmuter said the Trump administration's attempt to remove her was "blatantly unlawful" because the power to appoint and remove the copyright register belongs to the librarian of Congress, not the president. The lawsuit comes less than two weeks after the White House fired Perlmuter on May 10.

Source: Sina Finance

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