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EU Reaches Political Agreement on Compulsory Licensing to Strengthen Crisis Response Capabilities

立方竞争法周报 Weekly Competition Law News

京沪区域竞争政策专题交流会在沪举办

2025年6月18日，上海市市场监督管理局（“上海市市监局”）官网发布京沪区域竞争政策专题交流会相关情况。京沪区域竞争政策专题交流会（上海场）于6月12日至13日在上海临港成功举行，由上海市市监局、上海市法学会和上海市律师协会等机构联合主办，聚焦《反垄断行政执法与公益诉讼》《公平竞争审查热点问题》及《经营者集中与企业“走出去”》三大核心议题展开研讨，会上有多位政策专家、学者、高校教授、律师、企业代表等发言。作为京沪两地的研讨交流机制，本次交流会汇聚了京沪、京津冀、长三角理论界和实务界的集体智慧，直面竞争政策实施和反垄断工作中的难题热点，为保护和促进公平竞争、加快建设全国统一大市场拓宽思路、提供借鉴、注入动能。（[查看更多](#)）

The Beijing-Shanghai Regional Competition Policy Symposium is held in Shanghai

On June 18, 2025, the Shanghai Administration for Market Regulation (“Shanghai AMR”) on its official website released information on the Beijing-Shanghai Regional Competition Policy Symposium. The event was successfully held in Shanghai Lingang from June 12 to 13, 2025, jointly organized by the Shanghai AMR, the Shanghai Law Society, and the Shanghai Bar Association, among other institutions. The symposium focused on three key topics: Antitrust Administrative Enforcement and Public Interest Litigations, Hot Issues in Fair Competition Review, and Concentration of undertakings and the “Going Global” of Enterprises, and multiple policy experts, scholars, university professors, lawyers, and business representatives spoke at the event. As part of the Beijing-Shanghai exchange mechanism, the symposium brought together collective wisdom from the theoretical and practical circles of Beijing-Shanghai, Beijing-Tianjin-Hebei, and the Yangtze River Delta regions. The discussions directly addressed hot issues and challenges in the implementation of competition policies and antitrust work, providing insights and injecting momentum to protect and promote fair competition while accelerating the development of a unified national market. ([More](#))

市场监管总局附加限制性条件批准邦吉全球有限公司收购蔚特有限公司股权

2025年6月16日，国家市场监督管理总局（“市场监管总局”）官网发布附加限制性条件批准邦吉全球有限公司（“邦吉”）收购蔚特有限公司（“蔚特”）股权案的审查决定。本案于2023年10月7日申报，市场监管总局于2024年1月26日受理并开始初步审查，审查期间曾适用中止计算审查期限等制度。经审查，本案相关市场有9个，分别是中国境内进口玉米、进口小麦、进口大麦、进口大豆、进口油菜籽贸易市场，中国境内大豆油、大豆豆粕贸易市场，和全球豌豆贸易、葵花籽粕贸易市场。经分析，市场监管总局认为此项集中在中国境内进口大豆贸易、进口大麦贸易、进口油菜籽贸易市场具有或可能具有排除、限制竞争效果，因此决定附加限制性条件批准此项集中。根据承诺内容，交易双方和集中后实体将负有继续履行现有客户合同和其中所有商业条款；保持及时、稳定、可靠、充足地向中国客户供应大豆、大麦和油菜籽等五项义务。（[查看更多](#)）

SAMR Approves Bunge Global Limited's Equity Acquisition in Viterra Limited with Restrictive Conditions

On 16 June 2025, the State Administration for Market Regulation (“SAMR”) published on its official website its decision to grant conditional approval to Bunge Global Limited’s (“Bunge”) equity acquisition of Viterra Limited (“Viterra”). The transaction was filed on 7 October 2023, and the SAMR accepted the case and commenced preliminary review on 26 January 2024, during which mechanisms such as “stop-the-clock” were applied. Upon review, the SAMR identified nine relevant markets: the Chinese trading markets for imported corn, imported wheat, imported barley, imported soybeans and imported rapeseed; the Chinese trading markets for soybean oil and soybean meal; and the global trading markets for peas and sunflower-seed meal. After analysis, the SAMR concluded that this concentration would or might eliminate, restrict competition in the Chinese trading markets for imported soybeans, imported barley and imported rapeseed, and therefore decided to approve this concentration with restrictive conditions. Under the commitments, the parties to the concentration and the post-concentration entity must bear five obligations, which include continuing to perform all existing customer contracts and every commercial term therein; maintaining the timely, stable, reliable and adequate supply of soybeans, barley and rapeseed to Chinese customers, et cetera. ([More](#))

北京市开展2025年融资租赁行业商业保理行业公平竞争合规培训

2025年6月16日，北京市市场监督管理局（“北京市市监局”）发布开展2025年融资租赁行业商业保理行业公平竞争合规培训相关情况。北京市市监局联合北京市地方金融管理局先后举办面向融资租赁行业和商业保理行业的合规培训，全市130余家相关企业主要负责人及合规部门负责人参加。培训从宏观政策环境切入，聚焦《中华人民共和国反垄断法》修订后的监管趋势，采用“常见问题+情景讨论”教学模式，系统剖析企业在达成实施垄断协议、滥用市场支配地位及经营者集中申报等核心领域的反垄断合规风险。此外，培训强调企业需从风险自查、制度完善、员工培训等方面构建反垄断和反不正当竞争合规管理体系，助力企业在法治化营商环境中实现高质量发展。（[查看更多](#)）

Beijing Holds 2025 Fair-Competition Compliance Training for the Financial Leasing and Commercial Factoring Industries

On 16 June 2025, the Beijing Administration for Market Regulation (“Beijing AMR”) released information on the fair competition compliance training for the financial leasing and commercial factoring industry in 2025. In cooperation with the Beijing Municipal Bureau of Local Financial Regulation and Supervision, the Beijing AMR conducted fair competition compliance training for the city’s financial leasing and commercial factoring industries respectively, where major persons in charge and heads of compliance from more than 130 companies participated. Starting from the macro-policy environment, the training examined law enforcement trends after the amendment of the *Anti-Monopoly Law of the People’s Republic of China*. Using a “frequently asked questions plus scenario discussions” teaching format, the training systematically analysed antitrust compliance risks in core fields, namely concluding or implementing monopoly agreements, abusing dominant market positions and the notifications of concentrations of undertakings. Besides, the training also underscored the need for enterprises to build anti-monopoly and anti-unfair-competition compliance management systems from aspects such as risk self-examination, system improvement and employee training, thereby fostering the high-quality growth in the rule-of-law business environment. ([More](#))

土耳其竞争委员会正式对谷歌数字广告经营行为启动反垄断调查

2025年6月20日，土耳其竞争委员会（“TCA”）宣布依据土耳其《竞争保护法》（第4054号法案）第41条正式对谷歌启动反垄断调查，以评估谷歌是否违反该法第6条的禁止滥用市场支配地位规定。调查聚焦于谷歌自2021年推出的Performance Max（“PMAX”）广告活动，以查明相关指控是否属实——有指控称，谷歌通过PMAX将其在在线搜索广告服务领域的市场力量传导至其他在线广告服务领域、且因PAX活动缺乏透明度和控制，谷歌对使用该活动的广告主实施了剥削性行为、并通过整合其从不同渠道（如谷歌浏览器、安卓操作系统等）获取的数据实施剥削性滥用行为，从而扭曲了在线广告市场中的竞争。在2025年6月12日召开的会议上，TCA讨论了初步调查阶段所获取的信息、文件及观察结果，认为相关发现具有重要意义且足够充分，因此决定针对谷歌启动调查。（[查看更多](#)）

Turkish Competition Authority Launches Antitrust Probe into Google's Digital Advertising Practices

On 20 June 2025, the Turkish Competition Authority (“TCA”) announced, pursuant to Article 41 of Law No. 4054 on the Protection of Competition, that it has formally opened an antitrust investigation into Google to determine whether the company has violated Article 6 of the said law which prohibits the abuse of market dominance. The inquiry focuses on Performance Max (“PMAX”), an advertising programme Google introduced in 2021, and seeks to verify whether the following allegations are true: that Google has transferred its market power in online search advertising services to other online advertising services via PMAX campaign; that Google carried out exploitative practices against advertisers who use this campaign due to lack of transparency and control in PMAX campaign, and that Google carried out exploitative practices by combining data it obtained from different channels (such as Google Chrome and the Android operating system) and therefore distorted competition in the online advertising market. The TCA reviewed the information, documents and observations gathered during the preliminary investigation phase at the meeting on 12 June 2025, and concluded that the findings were sufficient and significant to warrant an investigation against Google. ([More](#))

英国竞争和市场管理局启动对道路和铁路领域土木工程的评估

2025年6月19日，英国竞争与市场管理局（“CMA”）宣布启动一项针对道路与铁路土木工程市场的市场研究，旨在改善关键基础设施的设计、规划与交付机制，推动英国经济增长与十年基础设施战略的实施。本次市场研究CMA将遵循“4Ps”承诺，即速度、可预测性、比例性、流程强化性，重点审查公共部门是否能合理决策并与市场高效合作，以建设最有成本效益的基础设施。本次市场研究有望协助提升生产力、提升采购效率、减少行业范围内的市场进入壁垒，甚至通过更广泛的商业活动（例如改善就业机会的获取以及降低货物运输成本）对经济增长产生乘数效应。此次市场研究将关注道路和铁路的全生命周期，包括其提升与维护事宜，预计将于2025年11月发布中期报告。（[查看更多](#)）

CMA Launches Review of Civil Engineering for Roads and Railways

On 19 June 2025, the UK Competition and Markets Authority (“CMA”) announced the launch of a market study of the civil-engineering sector that designs, plans and delivers road and railway infrastructure, with the objective of advancing the UK government’s growth mission and ten-year infrastructure strategy. Guided by its “4Ps” pledge of pace, predictability, proportionality and stronger processes, the CMA in this market study will examine whether public bodies are making sound decisions and working efficiently with industry to deliver the most cost-effective infrastructure projects. The market study is expected to boost productivity, improve procurement efficiency and reduce entry barriers across the sector, and even create a multiplier effect on growth through wider businesses activity (such as improving access to jobs and reducing the costs of moving goods). The market study will focus on the full life cycle of road and railways, including their enhancement and maintenance, and the CMA plans to publish an interim report in November 2025. ([More](#))

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

国家网信办发布《可能影响未成年人身心健康的网络信息分类办法（征求意见稿）》

2025年6月20日，国家网信办发布了《可能影响未成年人身心健康的网络信息分类办法（征求意见稿）》（以下简称《办法》），向社会公开征求意见，意见反馈截止时间为2025年7月19日。《办法》作为《未成年人网络保护条例》的配套文件，主要是细化其第23条可能影响未成年人身心健康的网络信息的具体种类、范围、判断标准和提示办法，进一步健全完善未成年人网络保护制度，营造有利于未成年人身心健康的网络环境。《办法》明确了能引发或者诱导未成年人模仿或实施不良行为的信息、可能对未成年人价值观造成负面影响的信息、不当使用未成年人形象的信息、不当披露和使用未成年人个人信息、诱导未成年人沉迷网络的信息等网络不良信息的范围。 ([查看更多](#))

CAC Releases Classification Measures for Online Information That May Affect the Physical and Mental Health of Minors (Draft for Comments)

On June 20, 2025, the CAC issued the *Classification Measures for Online Information That May Affect the Physical and Mental Health of Minors (Draft for Comments)* (Measures), seeking public comments until July 19, 2025. As a supporting document to the *Regulations on the Protection of Minors on the Internet*, the Measures aim to elaborate on the specific categories, scope, judgment criteria, and prompting methods for information that may affect minors’ physical and mental health as stipulated in Article 23 of the Regulations, further improving the online protection system for minors and fostering a cyberspace conducive to their well-being. The Measures clarify the scope of harmful online information, including information that triggers or induces minors to imitate or engage in inappropriate behaviors, information that may have negative impacts on minors’ values, information involving improper use of minors’ images, improper disclosure and use of minors’ personal information, and information that induces minors to become addicted to the Internet. ([More](#))

工信部组织发布《未成年人个人信息保护倡议》

2025年6月18日，工信部组织中国信息通信研究院联合电信终端产业协会发布了《未成年人个人信息保护倡议》，提出5方面15条举措：（1）强化行业自律，压实保护责任。推动企业严格落实未成年人个人信息保护义务，定期开展自查评估，接受社会监督；（2）加强技术防护，构建保护网络。研发具备一键启动、防绕过功能的未成年人模式，完善涉未成年人相关应用上架审核机制，推动终端设备、应用程序、分发平台加强协同防护；（3）优化服务供给，健全保护体系。积极开发符合未成年人身心特点的专用产品和服务，以显著方式明示未成年人个人信息处理规则，畅通个人信息查询、更正、删除等权利响应渠道；（4）创新技术应用，筑牢保护屏障。加强匿名化、统一身份认证等技术研发应用，优化完善家长辅助管理功能及交互界面；（5）凝聚行业合力，共筑健康生态。加强信息共享、标准宣贯、案例推广等工作，共同营造有利于未成年人健康成长的良好环境。（[查看更多](#)）

MIIT Organizes and Releases the *Initiative on the Protection of Minors' Personal Information*

On June 18, 2025, the MIIT organized the China Academy of Information and Communications Technology and the Telecommunications Terminal Industry Association to release the *Initiative on the Protection of Minors' Personal Information*, which put forward 15 measures in 5 aspects: (1) Strengthen industry self-discipline and compact the protection responsibility. Promote enterprises to strictly implement the obligation to protect minors' personal information, regularly conduct self-inspection and evaluation, and accept social supervision. (2) Strengthen technical protection and build a protection network. Develop a minor-mode with one-click activation and anti-circumvention functions, improve the review mechanism for the shelving of applications related to minors, and promote terminal devices, application programs, and distribution platforms to strengthen collaborative protection. (3) Optimize service supply and improve the protection system. Actively develop special products and services that are in line with the physical and mental characteristics of minors, clearly indicate the rules for processing minors' personal information in a prominent manner, and unblock the channels for responding to the rights of personal information query, correction, and deletion. (4) Innovate technical applications and build a solid protection barrier. Strengthen the research and development and application of technologies such as anonymization and unified identity authentication, and optimize and improve the parental assistance management function and the interactive interface. (5) Pool industry forces to build a healthy ecosystem. Strengthen information sharing, standard promotion, case promotion, and other work to jointly create a good environment conducive to the healthy growth of minors. ([More](#))

国家计算机病毒应急处理中心检测发现64款违法违规收集使用个人信息的移动应用

2025年6月18日，国家计算机病毒应急处理中心检测发现64款移动应用存在违法违规收集使用个人信息情况，包括但不限于：（1）在App首次运行时未通过弹窗等明显方式提示用户阅读隐私政策等收集使用规则；个人信息处理者在处理个人信息前，未以显著方式、清晰易懂的语言真实、准确、完整地向个人告知个人信息处理者的名称或者姓名、联系方式、个人信息的保存期

限等；（2）隐私政策未逐一列出App（包括委托的第三方或嵌入的第三方代码、插件）收集使用个人信息的目的、方式、范围等；（3）个人信息处理者向其他个人信息处理者提供其处理的个人信息的，未向个人告知接收方的名称或者姓名、联系方式、处理目的、处理方式和个人信息的种类，并取得个人的单独同意；（4）未向用户提供撤回同意收集个人信息的途径、方式；个人信息处理者未提供便捷的撤回同意的方式；（5）未采取相应的加密、去标识化等安全技术措施。（[查看更多](#)）

National Computer Virus Emergency Response Center Detects 64 Mobile Apps Illegally Collecting and Using Personal Information

On June 18, 2025, the National Computer Virus Emergency Response Center detected that 64 mobile applications had illegally and irregularly collected and used personal information, including but not limited to: (1) Failing to prompt users to read privacy policies and other collection and use rules through pop-ups or other obvious means when the App first runs; before processing personal information, personal information processors failing to truthfully, accurately, and completely inform individuals in a prominent manner and clear, understandable language of the name or surname of the personal information processor, contact information, the retention period of personal information, etc. (2) Privacy policies failing to list one by one the purposes, methods, scope, etc., of the App (including entrusted third parties or embedded third-party codes and plugins) collecting and using personal information. (3) When personal information processors provide the personal information they process to other personal information processors, failing to inform individuals of the name or surname of the recipient, contact information, processing purpose, processing method, and type of personal information, and obtaining the individual's separate consent. (4) Failing to provide users with channels and methods to withdraw consent to the collection of personal information; personal information processors failing to provide convenient means to withdraw consent. (5) Failing to adopt corresponding security technical measures such as encryption and de-identification. ([More](#))

北京市开展民生消费领域数据安全和个人信息保护专项整治

2025年6月21日，北京市网信办发布公告称其联合市场监管等行业主管部门，聚焦智慧停车、线上点餐、运动健身、酒店住宿、线上诊疗、少儿培训、房产中介、租借充电宝、生活服务（洗衣、理发）、电影购票、网上加油共11个民生消费领域经营主体自主或委托建设运维的应用程序，扎实开展数据安全和个人信息保护专项整治。此次专项整治覆盖全市各类经营主体（服务商）5万余家，随机抽取197款应用程序进行远程技术检测，发现并督导整改未公开收集使用规则、未征得用户同意收集个人信息、传输通道认证授权机制不完善等各类问题388个。（[查看更多](#)）

Beijing Launches Special Rectification of Data Security and Personal Information Protection in Livelihood Consumption Sectors

On June 21, 2025, the Beijing Cyberspace Administration announced in a public notice that it has joined hands with industry regulators including market supervision departments to carry out a special rectification of data security and personal information protection. The campaign focuses on applications

independently built or operated or commissioned by business entities in 11 livelihood consumption sectors: intelligent parking, online ordering, sports and fitness, hotel accommodation, online medical diagnosis, children's training, real estate intermediary, shared power bank rental, daily services (laundry, hairdressing), movie ticketing, and online fueling. The rectification covers over 50,000 business entities (service providers) across the city. A total of 197 applications were randomly selected for remote technical testing, identifying 388 issues that required supervision and rectification, including: failure to publicly disclose data collection and use rules, collecting personal information without user consent, and inadequate authentication and authorization mechanisms for transmission channels. ([More](#))

广东省通信管理局发布《关于规范开展2025年信息通信网络安全防护工作的通知》

2025年6月17日，广东省通信管理局发布了《关于规范开展2025年信息通信网络安全防护工作的通知》，要求如下：（1）落实网络安全防护措施的三同步要求。各企业应按照网络安全防护同规划、同建设、同运行实施要求，对新建、改建、扩建、已建的信息通信网络，实施网络安全防护措施的同规划、同建设、同运行；（2）落实通信网络安全防护管理要求。各企业应按照有关规定要求，全面系统梳理本单位已正式投入运行的信息通信网络相关情况，开展定级备案、符合性评测和风险评估；（3）做好暴露面风险管理。各企业应系统梳理互联网暴露面，包括承载电信业务等的各类信息通信网络单元互联网出入口，严控互联网出入口数量，做好边界隔离和安全防护，采取关闭高危端口等措施；（4）加强网络安全威胁监测。各企业应按照有关规定要求，做好常态化网络安全威胁监测与处置；（5）强化网络安全事件应急处置。各企业应按照有关规定要求，提升网络安全突发事件应急处置能力。（[查看更多](#)）

Guangdong Communications Administration Issues Notice on Standardizing Information and Communication Network Security Protection Work in 2025

On June 17, 2025, the Guangdong Communications Administration issued the *Notice on Standardizing Information and Communication Network Security Protection Work in 2025*, putting forward the following requirements: (1) Implementing the three synchronizations requirement for network security protection measures. Enterprises shall, in accordance with the requirements of simultaneous planning, construction, and operation of network security protection, implement simultaneous planning, construction, and operation of network security protection measures for newly built, reconstructed, expanded, and existing information and communication networks. (2) Implementing management requirements for communication network security protection. Enterprises shall, in accordance with relevant regulations, comprehensively and systematically sort out the information on information and communication networks that have been officially put into operation, and carry out classification and filing, compliance evaluation, and risk assessment. (3) Doing a good job in exposure surface risk management. Enterprises shall systematically sort out the Internet exposure surface, including the Internet access points of various information and communication network units carrying telecommunications services, strictly control the number of Internet access points, do a good job in boundary isolation and security protection, and take measures such as closing high-risk ports. (4) Strengthening network security threat monitoring. Enterprises shall, in accordance with relevant regulations, do a good job in normalized network security threat monitoring and disposal. (5) Strengthening emergency re-

sponse to network security incidents. Enterprises shall, in accordance with relevant regulations, enhance the emergency response capability for network security emergencies. ([More](#))

法国：CNIL发布关于以合法性利益作为AI训练合法性基础的建议

2025年6月19日，法国数据保护局（CNIL）发布了针对AI开发者的两项建议。第一项建议涉及在开发AI模型时依赖GDPR中的合法性利益作为合法性基础。CNIL承认，考虑到获得数据主体同意的挑战，合法性利益是AI开发者最有可能依赖的合法性基础。CNIL明确数据控制者可以在以下情况下依赖合法性利益：（1）所追求的利益是“合法的”，商业利益也可能构成合法性利益；（2）处理是实现所追求的合法性利益所必需的；（3）处理不会不成比例地影响当事人的权益。第二项建议讨论了在通过“网络爬虫”收集个人数据时应采取的措施，包括精确的数据收集标准、排除收集某些数据类别，以及及时删除已收集的无关数据。若严格遵循这些措施，即可确保符合GDPR的可问责性原则。（[查看更多](#)）

France: CNIL Publishes Recommendations on Legitimate Interest as a Legal Basis for AI Training

On June 19, 2025, the French Data Protection Authority (CNIL) published two recommendations for AI developers. The first recommendation covers reliance on the GDPR's legitimate interest legal basis for developing an AI model. The CNIL acknowledges that legitimate interest is the most likely legal basis for AI developers to rely upon, given the challenges in obtaining data subjects' consent. The CNIL specifies that data controllers can rely on legitimate interest when: (1) The interest pursued is "legitimate" and commercial interests may also constitute a legitimate interest. (2) The processing is necessary to achieve the legitimate interest pursued. (3) The processing does not disproportionately affect the rights and interests of the persons. The second recommendation discusses measures to implement when collecting personal data through "web scraping", including precise collection criteria, the exclusion of certain data categories from collection, and the timely deletion of irrelevant data collected. Strict adherence to these measures ensures compliance with the GDPR's accountability principle. ([More](#))

欧盟：欧盟理事会和欧洲议会达成一项协调数据保护机构在跨境执法中合作的临时协议

2025年6月16日，欧盟理事会和欧洲议会达成了一项临时协议，其是旨在协调欧盟成员国数据保护机构在跨境执法案件中合作的关键立法。最终文本将在议会和理事会正式通过后公布。然而，根据官方声明，该临时协议包括以下核心要素：（1）欧盟范围内的受理规则，确保所有有欧盟成员国使用一致的标准评估投诉；（2）当事人的程序性权利，包括在投诉和调查阶段陈述意见的权利、执法对象获得初步调查结果的权利，以及投诉人获得案件资料的权利；（3）有约束力的强制执行程序最后期限：较简单的合作程序为12个月，复杂的案件为15个月，其中最复杂的案件可延长12个月；（4）一项早期解决机制，允许数据保护机构在不正式涉及其他机构的情况下解决无争议案件，但需遵守四周的异议期。（[查看更多](#)）

EU: Council of the European Union and European Parliament Reach a Provisional Agreement to Coordinate Data Protection Authorities' Cross-Border Enforcement Cooperation

On June 16, 2025, the Council of the European Union and European Parliament reached a provisional agreement, which serves as a key legislation aimed at harmonizing cooperation between EU member state data protection authorities in cross-border enforcement cases. The final text will be published following formal adoption by the Parliament and Council. However, based on the official announcements, the provisional agreement includes the following core elements: (1) EU-wide admissibility rules, ensuring complaints are assessed using consistent criteria across all EU member states. (2) Procedural rights for parties, including the right to be heard during complaint and investigation stages, the right for enforcement targets to receive preliminary findings and the right for complainants to access case information. (3) Binding deadlines for enforcement procedures: 12 months for simpler cooperation procedures and 15 months for complex cases, with a possible 12-month extension for those most complex. (4) An early resolution mechanism allowing data protection authorities to resolve noncontentious cases without formal involvement of other authorities, subject to a four-week objection period. ([More](#))

知识产权 Intellectual Property

最高法知产法庭：二审改判，明晰职务与非职务作品的著作权归属依据

近日，最高人民法院知识产权法庭在二审计算机软件著作权权属纠纷案中，对职务与非职务作品著作权归属作出重要改判。本案涉及自然人开发者在职期间完成并发布于GitHub的软件著作权归属争议。一审法院曾认定涉案软件为职务作品，判决著作权归单位所有。

最高法二审明确：对于自然人在职期间或离职一段时间内完成的非职务作品，虽然单位可以通过与作者签订合同的方式约定该作品的著作权归属于单位，但是在理解相关合同约定时，必须遵循公平原则和诚信原则，结合双方签订合同的背景和目的、作品与作者工作任务的关系、行业惯例、单位为著作权支付的对价等因素确定相关约定的含义，合理解释相关合同约定，避免出现用人单位与劳动者之间利益失衡，确保公民进行科学研究、文学艺术创作的自由得以实现。最终，最高法撤销一审判决，驳回原告诉请。

来源：最高人民法院

The Supreme People's Court: Retrial Judgement Overturned, Clarifying Criteria for Copyright Ownership of Work-for-Hire vs. Non-Work-for-Hire Creations

The Supreme People's Court (SPC) recently issued a pivotal retrial judgement in a copyright dispute over computer software ownership, revising the determination of copyright attribution for work-for-hire versus non-work-for-hire creations. This case involved a dispute over software developed and published on GitHub by a natural person developer during their employment tenure. The first-instance court had

previously ruled that the software constituted a work-for-hire, awarding copyright ownership to the employer.

In its retrial decision, the Supreme People's Court explicitly stated: While employers may contractually agree with authors to assign copyright of non-work-for-hire creations completed during employment or within a reasonable period post-employment, such agreements must be interpreted in compliance with principles of fairness and good faith. Courts must consider factors including the contractual context, purpose, the work's relevance to the author's job duties, industry norms, and the employer's compensation for the copyright when clarifying contractual terms. This ensures a balanced interpretation that prevents undue advantage to employers over employees and safeguards individuals' freedom to engage in scientific research and artistic creation. Ultimately, the SPC revoked the first-instance judgment and dismissed the plaintiff's claims.

Source: SPC

北京通州法院：全市首例利用AI技术侵犯著作权的刑事案件，4人被判刑

近日，北京市通州区人民法院审理了全市首例利用AI技术侵犯著作权的刑事案件。被告人罗某某、姚某某等四人于2024年3月至7月间，通过下载他人美术作品并使用开源软件生成侵权图片，制成拼图进行销售。经比对，其销售的拼图图样与多作品著作权人的作品关键元素一致，构成实质性侵权。涉案期间，四人共售出侵权拼图3000余件，非法经营数额达27万余元。检察机关提前介入侦查，追加5名被侵权人，并查明涉案公司存在单位犯罪行为。最终，法院以侵犯著作权罪判处被告单位福州市某电子商务有限公司罚金10万元，罗某某等四人分别被判处有期徒刑一年六个月至缓刑，并处罚金6万元至2.5万元不等。

来源：北京市通州区人民法院

Beijing Tongzhou Court: In the City's First Criminal Case of Copyright Infringement Leveraging AI Technology, Four Individuals Receive Sentences

Recently, the Beijing Tongzhou District People's Court adjudicated the city's inaugural criminal case involving copyright infringement through AI technology. The defendants, Luo, Yao and two others, downloaded others' artworks and utilized open-source software to generate infringing images between March and July 2024. These images were then assembled into jigsaw puzzles for sale. Comparative analysis revealed that the puzzle designs sold by the defendants shared key elements with works owned by multiple copyright holders, constituting substantial infringement. During the period in question, the quartet sold over 3,000 infringing puzzles, generating illegal proceeds exceeding RMB 270,000. Prosecutors intervened early in the investigation, identifying five additional victims and uncovering corporate criminal conduct by the implicated company. Ultimately, the court sentenced the defendant company, an e-commerce firm based in Fuzhou, to a RMB 100,000 fine for copyright infringement. Luo and the three other individuals received prison terms ranging from one year and six months (with probation for some) to fines between RMB 60,000 and RMB 25,000.

Source: Beijing Tongzhou District People's Court

上海高院：二审维持原判，德国“博世”获驰名商标跨类保护

近日，上海高院审理了一起驰名商标跨类保护案。原告博世集团为全球知名工业企业，拥有“博世”“BOSCH”字号及注册商标。被告上海博世汽修学校自2002年起，在教育培训、招生宣传中大量使用“博世”“博世汽修”等标识，导致公众误认其与博世集团存在关联。一审法院认定，博世集团“博世”商标经长期使用已构成驰名商标，被告在汽修培训领域使用相同标识的行为构成商标侵权。同时，被告将“博世”注册为企业字号的行为，主观存在攀附故意，客观易引发混淆，构成不正当竞争。法院判令被告立即停止侵权、停止使用“博世”字号，并承担经济损失赔偿。上海市高院二审驳回被告上诉，维持原判，指出被告行为违反反不正当竞争法。

来源：上海市高级人民法院

Shanghai High People's Court: Retrial Upholds Original Ruling, Germany's "Bosch" Secures Cross-Category Protection for Well-Known Trademark

Recently, the Shanghai High People's Court adjudicated a case concerning cross-category protection for a well-known trademark. The plaintiff, Bosch Group—a globally renowned industrial enterprise—holds the “Bosch” and “BOSCH” brand names along with registered trademarks. Since 2002, the defendant, Shanghai Bosch Auto Repair School, has extensively used identifiers such as “Bosch” and “Bosch Auto Repair” in educational training and recruitment promotions, leading the public to mistakenly associate it with Bosch Group. The first-instance court ruled that Bosch Group's “Bosch” trademark had achieved well-known status through prolonged use and that the defendant's use of identical marks in auto repair training constituted trademark infringement. Furthermore, the defendant's registration of “Bosch” as its corporate name demonstrated intentional free-riding and objectively caused confusion, amounting to unfair competition. The court ordered the defendant to immediately cease infringement, discontinue use of the “Bosch” name, and compensate for economic losses. The Shanghai High People's Court dismissed the defendant's appeal in the retrial, upholding the original judgment and emphasizing that the defendant's actions violated China's Anti-Unfair Competition Law.

Source: Shanghai High People's Court

西安中院：二审改判，“爱电竞”缺乏显著性，用于住宿服务不构成商标侵权

近日，西安中院审理了一起“爱电竞”商标侵权上诉案，认定原告据以起诉的“爱电竞”标识因缺乏显著性不构成侵权。原告河南艾电竞公司曾申请“爱电竞”商标被驳回，行政部门明确该标识在住宿服务领域无法作为商标注册，消费者难以将其视为区分服务来源的标志。一审法院虽认定被告春之谷电竞酒店在网络平台使用“爱电竞酒店(高新木塔寺地铁站店)”名称与原告“IDJ爱电竞”商标服务类别相同，且标识主要识别部分一致，但二审法院指出，因“爱电竞”本身不具备商标应有的显著特征，原告不享有独占使用权，被告使用行为不构成侵权。一审判决被撤销，一审原告全部诉讼请求遭驳回。

来源：西安市中级人民法院

Xi'an Intermediate People's Court: "Ai Dianjing" Lacks Distinctiveness and Does Not Constitute Trademark Infringement in Accommodation Services

Recently, the Xi'an Intermediate People's Court adjudicated an appeal case concerning trademark infringement involving the mark "Ai Dianjing", ruling that the plaintiff's claimed infringement lacked merit due to the mark's lack of distinctiveness. The plaintiff, Henan Ai Dianjing Company, had previously had its application for the "Ai Dianjing" trademark rejected, with administrative authorities explicitly stating that the mark could not be registered for accommodation services as consumers were unlikely to perceive it as an indicator of service origin. While the first-instance court found that the defendant, Chunzhigu E-Sports Hotel, used the name "Ai Dianjing Hotel (Gaoxin Mutasi Subway Station Branch)" on online platforms—a designation falling under the same service category as the plaintiff's "IDJ Ai Dianjing" trademark and sharing identical key identifying elements—the appellate court emphasized that "Ai Dianjing" inherently lacked the distinctiveness required for trademark protection. Consequently, the plaintiff held no exclusive rights to the mark, and the defendant's usage did not constitute infringement. The first-instance judgment was revoked, and all claims by the original plaintiff were dismissed.

Source: Xi'an Intermediate People's Court

上海闵行法院：“REXROTH”商标假冒案宣判，被告人缓刑期内禁入液压阀泵行业

近日，上海闵行法院对“REXROTH”液压阀泵假冒案作出判决，两名主犯被判缓刑并遭行业禁入。2021年至2023年，被告人张某儒、张某雨通过其控制的多家公司，雇佣销售人员利用上百个微信号推广假冒“REXROTH”商标的液压阀泵产品，通过更换铭牌、改装产品等方式非法经营，涉案金额达47万余元。法院认定二人构成假冒注册商标罪，且系共同犯罪主犯，但鉴于其坦白、认罪认罚并退缴违法所得，于2025年4月25日判处二人有期徒刑三年、缓刑三年，并处罚金。同时，为预防再犯，法院在知识产权刑事案件中适用“禁止令”，禁止二人在缓刑考验期内从事液压阀泵相关行业。

来源：上海市闵行区人民法院

Shanghai Minhang District Court: Sentencing in "REXROTH" Trademark Counterfeiting Case, Defendants Banned from Hydraulic Valve and Pump Industry During Probation

Recently, the Shanghai Minhang District People's Court handed down a judgment in a counterfeiting case involving "REXROTH" hydraulic valves and pumps, sentencing two primary offenders to probation with an industry ban. From 2021 to 2023, defendants Zhang Moru and Zhang Muyu, through multiple companies under their control, employed sales personnel to promote counterfeit "REXROTH"-branded hydraulic valve and pump products using hundreds of WeChat accounts. They engaged in illegal operations by altering nameplates, modifying products, and other means, with the total involved amount exceeding RMB 470,000. The court ruled that the two defendants constituted the crime of counterfeiting registered trademarks and were principal offenders in a joint crime. However, considering their confession, acceptance of punishment, and surrender of illicit gains, they were sentenced on

April 25, 2025, to three years' imprisonment with a three-year probation period, along with fines. Additionally, to prevent recidivism, the court imposed a "prohibition order"—a measure applied in intellectual property criminal cases—barring the two defendants from engaging in the hydraulic valve and pump industry during their probationary period.

Source: Shanghai Minhang District Court

美国上诉法院撤销“Optis v 苹果”案3亿美元赔偿

2025年6月16日，美国联邦巡回上诉法院（CAFC）对“Optis诉苹果”4G专利侵权案作出关键裁决，推翻下级法院判决并要求重审。案件背景可追溯至双方2017年启动的专利许可谈判，Optis于2019年起诉苹果，指控其iPhone、iPad、Watch等产品侵犯从三星、LG、松下收购的专利。2020年陪审团初审裁定苹果“故意侵权”并判赔5.06亿美元，但2021年二审将赔偿额降至3亿美元，随后苹果提出六大争议点上诉，Optis则反诉要求恢复原判。在此次裁决中，CAFC撤销苹果需支付3亿美元过往损失赔偿的判决，同时驳回Optis恢复5.06亿美元赔偿的交叉上诉请求。

据悉，就在CAFC裁决前8天，英国上诉法院曾判苹果需向Optis支付5.02亿美元，创下欧洲专利赔偿纪录。然而，CAFC指出，因美国判决被撤销且未恢复高额赔偿，英国法院需重新考量其判决执行问题，可能面临“礼让原则”冲突。目前案件前景仍不明朗。

来源：美国联邦巡回上诉法院

U.S. Appeals Court Overturns \$300 Million Damages in “Optis v. Apple” Case

On June 16, 2025, the U.S. Court of Appeals for the Federal Circuit (CAFC) issued a pivotal ruling in the “Optis v. Apple” 4G patent infringement case, overturning the lower court’s decision and ordering a retrial. The dispute dates back to 2017 when the two parties began patent licensing negotiations. Optis sued Apple in 2019, alleging that iPhones, iPads, Watches, and other products infringed patents acquired from Samsung, LG, and Panasonic. In 2020, a jury initially found Apple guilty of “willful infringement” and awarded \$506 million in damages, but a 2021 retrial reduced the amount to \$300 million. Apple later appealed on six key issues, while Optis cross-appealed to reinstate the original award. In its latest decision, the CAFC vacated the \$300 million past-damages ruling against Apple and rejected Optis’ request to restore the \$506 million award.

Notably, just eight days before the CAFC’s ruling, the UK Court of Appeals had ordered Apple to pay Optis \$502 million—a record-breaking patent damages award in Europe. However, the CAFC noted that with the U.S. judgment overturned and no reinstatement of the higher damages, the UK court may now face a “comity principle” conflict and must reconsider the enforceability of its ruling. The case’s outcome remains uncertain.

Source: CAFC

欧洲G1/24决定出炉：解释权利要求必须始终参考说明书和附图

2025年6月18日，欧洲专利局（EPO）扩大上诉委员会就G1/24案作出裁决，该案核心争议聚焦于在依据《欧洲专利公约》第52-57条评估发明可专利性时，是否必须参考说明书及附图解释权利要求。

委员会明确两大原则：1. 权利要求是评估可专利性的起点和基础；2. 解释权利要求时必须始终参考说明书及附图，而非仅在权利要求存在歧义时。这一结论推翻了此前“仅在权利要求不明确时参考说明书”的判例。

来源：欧洲专利局

Europe's G1/24 Decision Released: Claims Must Always Be Interpreted in Light of Description and Drawings

On June 18, 2025, the Enlarged Board of Appeal of the European Patent Office (EPO) issued a ruling in Case G1/24, with the core dispute centered on whether the description and drawings must be referenced when interpreting claims during the assessment of patentability of an invention under Articles 52-57 of the *European Patent Convention*.

The Board clarified two key principles: 1. Claims serve as the starting point and foundation for evaluating patentability; 2. The description and drawings must always be consulted when interpreting claims, not merely when the claims are ambiguous. This conclusion overturned previous precedents holding that the description should only be referenced when claims lack clarity.

Source: European Patent Office

欧盟就强制许可达成政治协议，以增强欧盟应对危机的能力

2025年5月22日，欧洲议会和欧盟成员国就强制许可的新规则达成政治协议。新规定确立了一个欧盟层面的框架，以便在特定的跨境危机或紧急情况下有效实施强制许可。新规定指出，根据相关欧盟危机应对机制，若已宣布或已启动危机或紧急状态，欧盟委员会可授予相关产品的受保护发明，欧盟范围内的强制许可。

欧盟层面的框架包括，对许可范围和期限的明确限制，以及根据《与贸易有关的知识产权协定》向权利所有人提供公平和适当报酬的要求。虽然各国的强制许可制度依旧有效，但该条例为需要采取跨境行动的情况提供了一个协调的解决方案，并确保在紧急情况下与危机有关的货物可自由流动，强化了单一市场的完整性。

来源：欧盟委员会

EU Reaches Political Agreement on Compulsory Licensing to Strengthen Crisis Response Capabilities

On May 22, 2025, the European Parliament and EU member states reached a political agreement on new rules for compulsory licensing. The regulations establish an EU-wide framework to enable effective implementation of compulsory licenses during specific cross-border crises or emergencies. The new provisions state that, in line with relevant EU crisis response mechanisms, if a crisis or emergency has been declared or activated, the European Commission may grant compulsory licenses across the EU for protected inventions related to relevant products.

The EU-level framework includes clear restrictions on the scope and duration of licenses, as well as requirements to provide fair and adequate compensation to rights holders in accordance with the Agreement on *Trade-Related Aspects of Intellectual Property Rights (TRIPS)*. While national compulsory licensing systems remain valid, the regulation offers a coordinated solution for cross-border actions and ensures the free movement of crisis-related goods during emergencies, reinforcing the integrity of the single market.

来源: [European Commission](#)

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 www.lifanglaw.com

 Email: info@lifanglaw.com

 Tel: +86 10 64096099

 Fax: +86 10 64096260/64096261