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立方竞争法周报 Weekly Competition Law News

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立方竞争法周报 Weekly Competition Law News

市场监管总局发布中国电信股份有限公司诸暨分公司等5家企业达成垄断协议案行政处罚决定书

2025年7月18日，国家市场监督管理总局（“市场监管总局”）发布中国电信股份有限公司诸暨分公司等5家企业达成垄断协议案行政处罚决定书。根据举报，浙江省市场监督管理局（“浙江省市监局”）于2021年4月12日立案调查。本案中，中国电信股份有限公司诸暨分公司（“诸暨电信”）、中国移动通信集团浙江有限公司诸暨分公司（“诸暨移动”）、中国联合网络通信有限公司诸暨市分公司（“诸暨联通”）、中移建设有限公司浙江分公司（“浙江中移建设”）和浙江省通信产业服务有限公司绍兴市分公司（“绍兴通服”）五家企业均可以单独参与诸暨市住宅区和住宅建筑内光纤到户通信设施工程项目的投标，属于具有竞争关系的经营者。经调查，2020年7月21日起，五家企业讨论并达成了一系列固定价格、划分市场的垄断协议；2021年2月，根据举报，五家涉案企业在行业监管部门监督下进行了自查整改，未实施已达成垄断协议；因此，2025年6月30日，浙江省市监局依法对涉案五家企业各自处以50万元罚款，共计250万元。（[查看更多](#)）

SAMR Publishes an Administrative Penalty Decision for the Monopolistic Agreement Case involving Five Enterprises including China Telecom Corporation Limited Zhuji Branch

On 18 July 2025, the State Administration for Market Regulation (“SAMR”) publishes the administrative penalty decisions for the monopolistic agreement case involving five enterprises including China Telecom Corporation Limited Zhuji Branch. Acting on a report, the Zhejiang Administration for Market Regulation (“Zhejiang AMR”) opened an investigation on April 12, 2021. In this case, the five enterprises China Telecom Corporation Limited Zhuji Branch (“Zhuji Telecom”), China Mobile Communications Group Zhejiang Co., Ltd. Zhuji Branch (“Zhuji Mobile”), China United Network Communications Co., Ltd. Zhuji Branch (“Zhuji Unicom”), China Mobile Construction Co., Ltd. Zhejiang Branch (“Zhejiang China Mobile Construction”) and Zhejiang Communications Industry Service Co., Ltd. Shaoxing Branch (“Shaoxing Tongfu”) are each able to participate independently in the bidding for fiber-to-the-home communication facilities projects in residential districts and residential buildings in Zhuji City and thus constitute operators in a competitive relationship. According to investigation, from 21 July 2020, the five enterprises discussed and concluded a series of [monopolistic](#) agreements on price-fixing and market allocation; in February 2021, acting on a report, the five enterprises, under the supervision of the industry regulator, conducted self-inspection and rectification and did not implement the concluded monopolistic agreements. Accordingly, on 30 June 2025, the Zhejiang AMR imposed a fine of RMB 500,000 on each of the five enterprises, totalling RMB 2.5 million. ([More](#))

市场监管总局发布潍坊金凯盛等4家公司拒绝、阻碍调查案行政处罚决定书

2025年7月18日，市场监管总局发布潍坊金凯盛等4家公司拒绝、阻碍调查案行政处罚决定书。山东省市场监督管理局（“山东省市监局”）于2019年10月对三硅酸镁原料药相关企业垄断行

为立案调查，过程中潍坊金凯盛医药有限公司、潍坊龙海诚医药有限公司、重庆明波医药有限公司、上海青平药业有限公司四家公司实施了拒绝、阻碍反垄断调查的行为，不履行配合调查义务，提交虚假证据，造成了执法资源的浪费，影响了行政执法工作正常开展。2024年10月15日，山东省市监局根据修改前的《中华人民共和国反垄断法》第五十二条对涉案四家公司各自处以20万元罚款，共计80万元。（[查看更多](#)）

SAMR Publishes an Administrative Penalty Decision for the Refusal and Obstruction of Investigation Case Involving Weifang Jinkai Sheng and Three Other Companies

On 18 July 2025, the SAMR published an administrative penalty decision for the refusal and obstruction of investigation case involving Weifang Jinkai Sheng and three other companies. The Shandong Administration for Market Regulation (“**Shandong AMR**”) launched an investigation in October 2019 into the monopolistic conduct related to magnesium trisilicate active pharmaceutical ingredients. During the investigation, four companies Weifang Jinkai Sheng Pharmaceutical Co., Ltd., Weifang Longhaicheng Pharmaceutical Co., Ltd., Chongqing Mingbo Pharmaceutical Co., Ltd., and Shanghai Qingping Pharmaceutical Co., Ltd. did not comply with their obligations of cooperating with the investigation by implementing conduct that refuses and obstructs the antitrust law investigation, submitted false evidence; such conduct eventually resulted in a waste of law enforcement resources and disrupted the proper execution of administrative law enforcement. On 15 October 2024, pursuant to *Article 52 of the Anti-Monopoly Law of the People’s Republic of China* (prior to its amendment), the Shandong AMR imposed a fine of RMB 200,000 on each company, totalling RMB 800,000. ([More](#))

市场监管总局发布潍坊中源医药有限公司滥用市场支配地位案行政处罚决定书

2025年7月18日，市场监管总局发布潍坊中源医药有限公司滥用市场支配地位案行政处罚决定书。山东省市监局于2019年10月17日立案调查。本案中，经查，2014年1月至2019年9月，潍坊中源医药有限公司滥用其在中国三硅酸镁原料药销售市场上的支配地位，实施了以不公平高价销售商品、拒绝交易、附加不合理交易条件的行为，排除、限制了市场竞争，损害了制剂生产企业的利益、患者利益和社会公共利益。2025年3月24日，山东省市监局依法没收潍坊中源医药有限公司违法所得15,894,127.80元，并处2018年度实际销售额7%的罚款21,758,102.64元，罚没款合计37,652,230.44元。（[查看更多](#)）

SAMR Publishes an Administrative Penalty Decision for the Abuse of Market Dominance Case Involving Weifang Zhongyuan Pharmaceutical Co., Ltd.

On 18 July 2025, the SAMR published an administrative penalty decision for the abuse of market dominance case involving Weifang Zhongyuan Pharmaceutical Co., Ltd. The Shandong AMR launched an investigation on 17 October 2019. According to the findings in this case, from January 2014 to September 2019, Weifang Zhongyuan Pharmaceutical Co., Ltd. abused its dominant position in the Chinese market for magnesium trisilicate active pharmaceutical ingredients by engaging in conduct such as selling commodities at unfairly high prices, refusing to deal, and imposing unreasonable trading conditions. These practices eliminated and restricted market competition, harmed the interests

of formulation manufacturers and patients, and undermined the public interest. On 24 March 2025, in accordance with the law, the Shandong AMR confiscated RMB 15,894,127.80 of illegal gains from the company and imposed a fine of RMB 21,758,102.64, equivalent to 7% of its turnover in 2018. The total amount of fines and confiscated gains amounted to RMB 37,652,230.44. ([More](#))

市场监管总局发布重庆市铜梁区7家驾驶员培训企业达成并实施垄断协议案行政处罚决定书

2025年7月17日，市场监管总局发布重庆市铜梁区7家驾驶员培训企业达成并实施垄断协议案行政处罚决定书。根据举报，重庆市市场监督管理局（“**重庆市市监局**”）于2023年6月8日立案调查。本案中，七家驾驶员培训企业属于经营同种业务的独立经营者，在铜梁区区域内具有明显的竞争关系。2023年3月6日至2023年5月9日期间，七家驾驶员培训企业通过收取保证金、统一分配统筹金等方式，固定了铜梁区小型汽车驾驶员培训科目二和科目三最低收费标准，并对驾培学费中的统筹金进行划分，排除、限制了市场竞争，损害了消费者利益和社会公共利益。因涉案企业积极配合调查，主动提供证据材料证明垄断协议达成实施情况，实施垄断协议持续时间仅2个月，实施范围仅限于C1、C2两项驾培服务，且在案件调查过程中及时终止了垄断协议，2025年7月7日，重庆市市监局依法对7家涉案企业处以各自2022年销售额1%的罚款，共计172,496.12元。（[查看更多](#)）

SAMR Publishes an Administrative Penalty Decision for the Monopolistic Agreement Case Involving Seven Driver Training Companies in Tongliang District, Chongqing

On 17 July 2025, the SAMR published an administrative penalty decision for the monopolistic agreement case involving seven driver training companies in Tongliang District, Chongqing. Acting on a report, the Chongqing Administration for Market Regulation (“**Chongqing AMR**”) launched an investigation on 8 June 2023. In this case, the seven driver training companies were independent operators engaged in the same line of business and had a clear competitive relationship within Tongliang District. Between 6 March and 9 May 2023, these companies reached and implemented a monopolistic agreement by collecting security deposits and uniformly allocating pooled funds to fix the minimum fees for training services for Subjects Two and Three of small vehicle driver training C1 and C2 licenses. They also divided the pooled funds among themselves, thereby eliminating and restricting market competition and harming the interests of consumers and the public. Given that the companies actively cooperated with the investigation, voluntarily provided evidence demonstrating the existence and implementation of the monopolistic agreement, limited the duration of the conduct to just two months, confined the scope of the said agreement only to C1 and C2 drivers’ training services, and promptly terminated the conduct during the investigation, the Chongqing AMR, on 7 July 2025, imposed fines equal to 1% of each company’s 2022 turnover according to the law. The total amount of fines imposed was RMB 172,496.12. ([More](#))

市场监管总局附加限制性条件批准新思科技公司收购安似科技公司股权案

2025年7月14日，市场监管总局发布反垄断审查决定，决定附加限制性条件批准新思科技公司（“新思科技”）收购安似科技公司（“安似科技”）全部股权案。本案于2024年7月10日以非简易程序申报，2024年12月5日正式受理并开始初步审查，审查过程中曾延长和中止审查期限。经分析，本案相关商品市场为全球光学软件、光子软件、部分电子设计自动化（“EDA”）软件及半导体功能模块知识产权（“设计IP”）同时考察中国境内市场情况，市场监管总局认为此项集中具有或可能具有排除、限制竞争的效果，并经多轮商谈后认为申报方提交的限制性条件承诺方案可以减少此项经营者集中对竞争造成的不利影响，因此决定附加限制性条件批准此项集中。根据承诺内容，集中双方和集中后实体须遵守八项限制性条件，含剥离存在严重竞争问题的相关业务、保证互操作性、维持服务水平、不捆绑搭售等。（[查看更多](#)）

SAMR Approves Synopsys, Inc.’s Equity Acquisition in Ansys, Inc. with Restrictive Conditions

On 14 July 2025, the SAMR published its antitrust review decision to grant conditional approval to Synopsys, Inc.’s (“**Synopsys**”) equity acquisition of Ansys, Inc. (“**Ansys**”). The transaction was filed under the normal non-simple procedure on 10 July 2024, and the SAMR formally accepted the case and commenced preliminary review on 5 December 2024, during which mechanisms such as extensions and ‘stop-the-clock’ were applied. Upon review, the SAMR identified the relevant product markets as the global markets for optical software, photonic software, certain categories of electronic design automation (“**EDA**”) software, and semiconductor intellectual property (“**design IP**”), while also considering the market conditions within China. SAMR concluded that this concentration would or might eliminate, restrict competition; after rounds of negotiation, the SAMR held that the restrictive commitments proposals raised by the notifying parties could reduce the negative impact on the competition brought by this concentration, therefore the SAMR decided to approve this concentration with restrictive conditions. According to the commitments, the parties to the concentration and the post-concentration entity must bear eight obligations, which include the divestiture of businesses with serious competitive concerns, ensuring interoperability, maintaining service levels, and refraining from tying or bundling practices. ([More](#))

中共中央提出加强新时代审判工作的意见，强化对垄断和不正当竞争行为的规制

2025年7月14日，中共中央人民政府官网公开发布了《中共中央关于加强新时代审判工作的意见》（“《意见》”）。《意见》第三节提出要以严格公正司法保障高质量发展和高水平安全，其中第五条指出要完善法治化营商环境，强化对垄断和不正当竞争行为的规制，维护公平竞争秩序；第七条指出要加强知识产权审判工作，加大对关键前沿领域科技创新和商业秘密的司法保护力度，充分发挥知识产权审判职能作用，完善知识产权案件上诉审理机制，健全知识产权领域行政执法和司法审判衔接机制，推动知识产权领域综合治理。（[查看更多](#)）

The CPC Central Committee Puts Forward Opinions on Strengthening Adjudication Work in the New Era, Emphasising Stricter Regulation of Monopolistic Conduct and Unfair Competition

On 14 July 2025, the CPC Central Committee's website officially put forward [*Opinions on Strengthening Adjudication Work in the New Era*](#) (“**Opinions**”). Section III of the *Opinions* calls for ensuring high-quality development and high-level security through strict and impartial judicial practices. Among Section III, Article 5 emphasises the need to improve a law-based business environment by strengthening the regulation of monopolistic conduct and unfair competition, and safeguarding fair competition. Article 7 highlights the importance of enhancing IP adjudication by increasing judicial protection for technological innovation and trade secrets in key and emerging areas, fully leveraging the adjudicative functions of IP trials, improving the appellate review mechanisms for IP cases, and refining the coordination between administrative law enforcement and judicial trials to promote comprehensive governance in the IP field. ([More](#))

欧盟委员会与康宁达成和解，康宁承诺保证手持电子设备盖板玻璃供应领域的竞争

2025年7月18日，欧盟委员会（“欧委会”）宣布接受康宁公司（Corning）作出的具有法律约束力的承诺，这些承诺解决了欧委会对康宁就供应碱铝硅酸盐玻璃达成反竞争排他性协议的竞争担忧，针对康宁公司的反垄断调查以和解结束。2024年11月6日，欧委会针对康宁开展正式调查，以评估康宁是否滥用其在全球碱铝硅酸盐玻璃市场中的支配地位。根据欧委会的初步评估，康宁与手持电子设备制造商（原始设备制造商，简称“OEM”）以及加工碱铝硅酸盐玻璃等原材料玻璃的公司签订了独家供应协议，可能滥用其在碱铝硅酸盐玻璃市场的支配地位，违反了《欧盟运作条约》（“TFEU”）第102条的规定。为了解决委员会的初步担忧，康宁公司做出了放弃现有协议中独家交易条款、不再要求OEM从康宁的采购额达到特定比重等承诺，适用于全球范围，有效期为九年。（[查看更多](#)）

The European Commission Accepts Commitments by Corning to Ensure Competition in the Supply of Cover Glass for Handheld Electronic Devices

On 10 July 2025, the European Commission (“the Commission”) announced the acceptance of commitments offered by Corning as legally binding; the commitments address the Commission's competition concerns over Corning's conclusion of allegedly anticompetitive exclusive agreements for the supply of Alkali-aluminosilicate glass, and the antitrust investigation into Corning ends with the parties' settlement. On 6 November 2024, the Commission launched a formal investigation against Corning over concerns that Corning may have abused its market dominance in the worldwide market for Alkali-AS Glass. According to the Commission's preliminary assessment, Corning may have abused its dominant position in the market for Alkali-AS Glass in breach of Article 102 of the *Treaty on the Functioning of the European Union* (“TFEU”) by concluding exclusive supply agreements with manufacturers (Original Equipment Manufacturers or “OEM”) of handheld electronic devices and with companies that process raw glass such as Alkali-AS Glass. To address the Commission's preliminary concerns, Corning offered commitments such as to waive all exclusive dealing clauses, not to specifically require OEMs to purchase certain percentage of their procurement amount from Corning and so on; such commitments apply worldwide and will remain in force for nine years. ([More](#))

欧盟委员会附条件批准 Brasserie Nationale 收购 Boissons Heintz

2025年7月17日，欧委会宣布附条件批准批准Munhowen S.A.收购Boissons Heintz S.à.r.l. (“**Boissons Heintz**”)的独家控制权。欧委会的调查发现，该交易如按最初申报的结构进行将引发竞争担忧，因为交易将合并卢森堡两家主要的酒店、餐厅和咖啡馆 (“**HoReCas**”) 饮料批发分销商，使合并后的实体拥有显著的竞争优势，导致HoReCas几乎没有其他替代批发商可供选择。此外，合并后的实体可能会偏袒Brasserie Nationale矿泉水的销售，从而损害本地和国际竞争品牌的利益，并最终损害消费者的利益。为了解决委员会的竞争担忧，双方提议一系列承诺，如剥离 Boissons Heintz 的大部分酒店餐饮业务并出售给合适的买家、以及买家可以收购 Boissons Heintz 的名称、在线商店和战略进口独家经营权。经评估，欧委会认为经上述结构性承诺修改后的交易将不再引发欧委会的竞争担忧，因此决定附条件批准该交易；欧委会将通过单独的程序批准剥离业务的合适买家。 ([查看更多](#))

The European Commission approves Brasserie Nationale’s acquisition of Boissons Heintz, subject to conditions

On 17 July 2025, the Commission announced its antitrust review decision to grant conditional approval to Boissons Heintz S.à.r.l. (“**Boissons Heintz**”)’s acquisition of sole control of Munhowen S.A. The Commission’s investigation found that the transaction, as initially notified, would have raised competition concerns by combining the two main wholesale distributors of beverages to hotels, restaurants and cafés (“**HoReCas**”) in Luxembourg, and would have given a significant competitive advantage to the combined entity, and left HoReCas with barely too few alternative wholesalers to turn to. In addition, the combined entity could have favoured the sale of Brasserie Nationale’s mineral water, to the detriment of competing local and international brands, and ultimately of consumers. To address the Commission’s competition concerns, the parties offered series of commitments such as divesting the majority of Boissons Heintz’s HoReCa business to a suitable purchaser, and the possibility for the purchaser to acquire Boissons Heintz’s name, online shop, and strategic import exclusivities. The Commission concluded that the transaction, as modified by the structural commitments, would no longer raise the Commission’s competition concerns, and therefore decided to grant conditional approval to the transaction; the Commission will approve a suitable purchaser of the divested business in a separate procedure. ([More](#))

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

中欧数据跨境流动交流机制第二次会议在布鲁塞尔举行

当地时间2025年7月17日，中欧数据跨境流动交流机制第二次会议在布鲁塞尔举行。会议回顾了机制建立以来取得的积极进展，认为机制在促进中欧数据跨境流动方面发挥了重要作用。双方就中欧数据跨境流动相关议题进行了深入、务实、富有建设性的交流，并结合双方企业诉求，就坚持双向对等原则进一步发挥机制作用，推动规则联通等达成广泛共识。双方同意设立工作组，就中欧汽车领域数据跨境流动开展合作。 ([查看更多](#))

The Second Meeting of the China-EU Data Cross-Border Flow Communication Mechanism Held in Brussels

On July 17, 2025, local time, the second meeting of the China-EU Data Cross-Border Flow Communication Mechanism was held in Brussels. The meeting reviewed the positive progress made since the establishment of the mechanism and believed that the mechanism has played an important role in promoting China-EU data cross-border flows. The two sides conducted in-depth, pragmatic and constructive communications on issues related to China-EU data cross-border flows, and reached extensive consensus on further giving play to the role of the mechanism in adherence to the principle of two-way reciprocity and promoting rule connectivity, in light of the demands of enterprises from both sides. The two sides agreed to set up a working group to carry out cooperation on data cross-border flows in the China-EU automotive sector. ([More](#))

国家网信办宣布开展个人信息保护负责人信息报送工作

2025年7月18日，国家网信办发布公告，宣布开展个人信息保护负责人信息报送工作，报送工作采用线上方式。处理100万人以上个人信息的个人信息处理者，应当向所在地设区的市级网信部门履行个人信息保护负责人信息报送手续。自公告发布之日起，个人信息处理者处理个人信息达到100万人的，应当自数量达到之日起30个工作日内完成信息报送。公告发布前，个人信息处理者处理个人信息数量已经达到100万人的，应当在2025年8月29日前完成信息报送。报送信息发生实质性变更的，应当在变更之日起30个工作日内办理信息变更手续。（[查看更多](#)）

CAC Announces the Launch of Information Reporting Work for Personal Information Protection Officers

On July 18, 2025, the CAC issued an announcement, announcing the launch of information reporting work for personal information protection officers, which will be conducted online. Personal information processors that process personal information of more than 1 million people shall complete the information reporting procedures for personal information protection officers with the municipal cyberspace administration at the prefecture level in their location. From the date of issuance of this announcement, if a personal information processor's processing of personal information reaches 1 million people, it shall complete the information reporting within 30 working days from the date when the number reaches 1 million. For personal information processors that had already processed personal information of 1 million people before the issuance of this announcement, they shall complete the information reporting by August 29, 2025. If there is a substantial change in the reported information, the information change procedures shall be handled within 30 working days from the date of the change. ([More](#))

中央网信办部署开展“清朗·2025年暑期未成年人网络环境整治”专项行动

2025年7月15日，中央网信办宣布在全国范围内部署开展为期2个月的“清朗·2025年暑期未成年人网络环境整治”专项行动，做好四方面问题整治：（1）实施网络侵害行为。以未成年人为对象，借明星周边等名义，侵扰未成年人，实施网络欺凌、隔空猥亵等恶性违法行为；（2）隐蔽传播违法不良信息。借未成年人喜爱的新载体、新手法，炮制网络黑话烂梗，虚构放大血腥暴力情节，包装美化不良亚文化，鼓吹不良价值观，危害未成年人身心健康；（3）诱导参与线下危险活动。引诱提供陪聊等违规服务，教授制作“笔枪”“牙签弩”等所谓

“创意手工”，鼓动未成年人模仿“楼梯跳跃”等危险动作，可能造成线下伤害；（4）利用未成年人形象牟利。恶意发布导向不良的未成年人出境内容，炮制软色情、软暴力“毒流量”，炒作儿童CP，摆拍虚假剧情，炫耀未成年人不良行为，博取眼球、营销牟利。（[查看更多](#)）

CAC Deploys and Carries Out the “Clear & Bright·2025 Summer Rectification of Online Environment for Minors” Special Campaign

On July 15, 2025, the CAC announced the deployment of a two-month “Clear & Bright·2025 Summer Rectification of Online Environment for Minors” special campaign nationwide, focusing on rectifying problems in four aspects: (1) Committing online infringement acts. Targeting minors, under the name of celebrity souvenirs and other pretexts, harassing minors and committing malicious illegal acts such as cyberbullying and online indecency. (2) Covertly spreading illegal and harmful information. Using new carriers and methods favored by minors to create online jargon and bad phrases, fabricate and exaggerate bloody and violent plots, package and glorify harmful subcultures, and advocate harmful values, endangering the physical and mental health of minors. (3) Inducing participation in offline dangerous activities. Luring minors to provide irregular services such as chatting companionship, teaching them to make so-called “creative handicrafts” like “pen guns” and “toothpick cross-bows”, and encouraging minors to imitate dangerous actions such as “stair jumping”, which may cause offline injuries. (4) Profiting from minors’ images. Maliciously releasing minor-related content with bad orientation, creating “toxic traffic” involving soft pornography and soft violence, hyping up child couples, staging fake plots, showing off minors’ bad behaviors to attract attention and make profits through marketing. ([More](#))

国家网信办发布《数据安全技术 电子产品信息清除技术要求（征求意见稿）》

2025年7月14日，国家网信办发布了《数据安全技术 电子产品信息清除技术要求（征求意见稿）》（以下简称《要求》），向社会公开征求意见，意见反馈截止时间为2025年9月13日。

《要求》适用于电子产品信息清除功能设计、开发和验证，也适用于规范电子产品回收环节的信息清除过程。《要求》明确，电子产品厂商应在电子产品操作系统或其他关联软件、系统中为用户提供一键清除所有用户数据的信息清除功能。《要求》提出，电子产品回收经营者应在电子产品回收时进行信息清除。《要求》强调，电子产品提供的信息清除功能和信息清除工具所使用的信息清除技术的效果应进行验证。（[查看更多](#)）

CAC Releases Data Security Technology· Technical Requirements for Information Erasure of Electronic Products (Draft for Comments)

On July 14, 2025, the CAC released the *Data Security Technology·Technical Requirements for Information Erasure of Electronic Products (Draft for Comments)* (Requirements) to solicit public opinions, with the deadline for feedback being September 13, 2025. The Requirements apply to the design, development and verification of information erasure functions for electronic products, as well as to standardizing the information erasure process in the electronic product recycling link. The Requirements specify that manufacturers of electronic products shall provide users with an information erasure function to erase all user data with one click in the electronic product’s operating system or other associated software and systems. The Requirements propose that operators engaged in electronic

product recycling shall perform information erasure when recycling electronic products. The Requirements emphasize that the effectiveness of the information erasure technology used in the information erasure functions and information erasure tools provided by electronic products shall be verified. ([More](#))

国家网信办发布第十二批深度合成服务算法备案信息

2025年7月14日，国家网信办发布了第十二批深度合成服务算法备案信息。《互联网信息服务深度合成管理规定》第十九条明确规定，具有舆论属性或者社会动员能力的深度合成服务提供者，应当按照《互联网信息服务算法推荐管理规定》履行备案和变更、注销备案手续。深度合成服务技术支持者应当参照履行备案和变更、注销备案手续。 ([查看更多](#))

CAC Releases the 12th Batch of Filing Information on Deep Synthesis Service Algorithms

On July 14, 2025, the CAC released the 12th batch of filing information on deep synthesis service algorithms. Article 19 of the *Provisions on the Administration of Deep Synthesis of Internet Information Services* clearly stipulates that providers of deep synthesis services with public opinion attributes or social mobilization capabilities shall go through the formalities of filing, modification, and cancellation of filing in accordance with the *Provisions on the Administration of Algorithm Recommendation of Internet Information Services*. Technical supporters of deep synthesis services shall go through the formalities of filing, modification, and cancellation of filing by reference. ([More](#))

中国香港&中国澳门：香港PCPD与澳门PDPB签署合作谅解备忘录

2025年7月15日，香港个人资料隐私专员公署（PCPD）宣布其与澳门个人资料保护局（PDPB）早前签署了合作谅解备忘录，以深化双方在个人资料私隐保障方面的协作和交流，共同推进香港、澳门，以至粤港澳大湾区的数字经济及高质量发展。根据备忘录，两个资料保障机构的合作范围包括就执法、教育及培训方面的工作交流经验和良好行事方式、协力促进大湾区内有序安全的个人资料跨境流动，以及在调查或执法方面互相提供协助等。 ([查看更多](#))

China Hong Kong & China Macau: Hong Kong PCPD Signs MOU with Macau PDPB

On July 15, 2025, the Office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD) announced that it had earlier signed a Memorandum of Understanding (MOU) with the Personal Data Protection Bureau, Macao (PDPB) to deepening collaboration and fostering exchange in the area of personal data privacy protection, and jointly propelling the digital economy and the high-quality development of Hong Kong, Macao and the Guangdong-Hong Kong-Macao Greater Bay Area. Pursuant to the MOU, the scope of collaboration between the two data protection authorities includes the sharing of experiences and good practices in the areas of law enforcement, education and training, the joining of efforts to facilitate the safe and orderly cross-boundary flow of personal information within the Greater Bay Area, as well as the provision of mutual assistance in investigations and enforcement actions, etc. ([More](#))

欧盟：欧盟委员会发布《未成年人保护指南》

2025年7月14日，欧盟委员会发布了《数字服务法》（DSA）下的《未成年人保护指南》（以下简称《指南》），以确保儿童和青少年获得安全的在线体验。《指南》适用于所有向未成年开放的在线平台，但微型与小型企业除外。主要建议包括以下内容：（1）将未成年人账户默认设置为私密；（2）修改平台推荐系统；（3）赋予儿童能够屏蔽和静音任何用户的能力；（4）禁止账户下载或截图未成年人发布的内容；（5）默认禁用会导致过度使用的功能；（6）确保儿童缺乏商业知识的情况不会被利用；（7）推出措施以提升内容审核与举报功能。《指南》还建议使用有效的年龄验证方法，前提是这些方法准确、可靠、稳健、非侵入性和非歧视性。（[查看更多](#)）

EU: European Commission Publishes *Guidelines on the Protection of Minors*

On July 14, 2025, the European Commission published the *Guidelines on the Protection of Minors* (Guidelines) under the Digital Service Act (DSA) to ensure a safe online experience for children and young people. The guidelines apply to all online platforms accessible to minors, with the exception of micro and small enterprises. Key recommendations include the following: (1) Setting minors' accounts to private by default. (2) Modifying the platforms' recommender systems. (3) Empowering children to be able to block and mute any user. (4) Prohibiting accounts from downloading or taking screenshots of content posted by minors. (5) Disabling by default features that contribute to excessive use. (6) Ensuring that children's lack of commercial literacy is not exploited. (7) Introducing measures to improve moderation and reporting tools. The guidelines also recommend the use of effective age assurance methods provided that they are accurate, reliable, robust, non-intrusive, and non-discriminatory. ([More](#))

知识产权 Intellectual Property

公安部印发实施《关于依法打击知识产权犯罪服务高质量发展的意见》

近日，公安部印发《关于依法打击知识产权犯罪服务高质量发展的意见》（简称《意见》），要求依法严厉打击侵犯商业秘密犯罪，制造业、生产性服务业、消费品领域侵权假冒犯罪，打击各类侵权盗版犯罪，严厉打击食品药品领域多发性犯罪，消防器材、建筑材料、电气设备等领域危害生产生活安全的假冒伪劣犯罪，涉种子、化肥等套牌侵权犯罪，以及制售假烟犯罪等。

《意见》强调，要严格执行接报案与立案、跨省涉企案件管辖、强制措施适用、涉案财物查封扣押冻结、异地办案协作等规定。要会同有关部门完善鉴定检验工作制度，建立跨部门专家共享制度，带动提升侦查办案能力水平。

来源：公安部

Ministry of Public Security: Issuance and Implementation of the "Opinions on Combating Intellectual Property Crimes According to Law to Support High-Quality Development"

Recently, the Ministry of Public Security issued the Opinions on Combating Intellectual Property Crimes According to Law to Support High-Quality Development ("Opinions"). The document mandates stringent legal actions against trade secret infringement crimes, counterfeiting and infringement offenses in manufacturing, producer services, and consumer goods industries all forms of copyright piracy crimes, high-incidence crimes in food and pharmaceutical sectors, production and distribution of counterfeit or substandard products endangering public safety in firefighting equipment, building materials, and electrical appliances. Dressing infringement crimes involving seeds and fertilizers, and manufacture and sale of counterfeit tobacco products.

The Opinions underscore rigorous enforcement of procedural requirements governing case acceptance and docketing, jurisdiction over cross-provincial enterprise-related cases, application of compulsory measures, seizure or freezing of case-related properties, and inter-jurisdictional law enforcement cooperation. Public security authorities shall further collaborate with relevant departments to refine appraisal and inspection work mechanisms and establish a cross-departmental expert-sharing system, thereby enhancing investigative and case-handling capabilities.

Source: Ministry of Public Security

最高人民法院：“标点，段落”并非确定权利要求最小技术特征单元的依据

近日，最高人民法院通过（2023）最高法知行终997号判决确立专利权利要求解释的核心规则。涉案“一种在线式烟支轴向槽孔成型装置”专利（ZL201620412747.2）被国知局宣告无效后，一审法院撤销该决定。最高人民法院在二审中厘清两项关键规则：首先，准确划分权利要求的技术特征，非简单地依据权利要求的文字表述以及标点、段落等将权利要求机械地切块。如果技术方案中的多处内容之间互不依存、彼此独立，通过各自所发挥的不同作用分别解决不同的技术问题、产生不同的技术效果，则应将其划分为不同的技术特征。反之，如果技术方案中的多处内容之间相互依存、紧密联系，通过协同作用共同解决同一技术问题、产生关联技术效果，则应当属于同一不可分割的技术特征。

其次，权利要求的解释必须严格遵循公示原则，一审法院错误将记载于说明书但未记载于权利要求的技术特征读入保护范围，限缩本专利权利要求1的保护范围，确有不妥。本案终审撤销一审判决，维持国知局无效宣告决定。

来源：最高人民法院

Supreme People's Court: Punctuation and Paragraphing are Not Basis for Determining Minimum Technical Features in Patent Claims Alone

Through its judgement in In re Patent Invalidation Dispute (2023) ZuiGaoFa ZhiXing Zhong No. 997, the Supreme People's Court (SPC) has established definitive principles for patent claim construction concerning the utility model patent "Online Cigarette Rod Axial Groove Forming Appa-

ratus" (ZL201620412747.2). SPC overturned the first-instance judgment that revoked CNIPA's invalidation decision and clarified two cardinal rules: Technical feature delimitation shall not be mechanically predicated on textual expressions, punctuation marks, or paragraph divisions. Where multiple elements within a technical solution function independently without interdependence, address distinct technical problems through separate mechanisms, and achieve independent technical effects, they constitute distinct technical features. Conversely, where elements are functionally interdependent and intrinsically linked, collectively resolving a unified technical problem through synergistic interaction and producing interrelated technical effects, they form an indivisible technical feature.

Claim interpretation must strictly adhere to the public notice principle. The first-instance court erred by improperly importing limitations from the specification into Claim 1, thereby narrowing the scope of protection in violation of fundamental claim construction canons. The final judgment sets aside the first-instance judgement and reinstates CNIPA's invalidation decision.

Source:SPC

中山市第一人民法院：作品登记证书不能单独作为美术作品认定依据

近日，广东省中山市法院审结一起涉及字体的著作权侵权纠纷案件，该案中，法院驳回了字心坊公司关于“字心坊童年体”字体美术作品著作权的主张。

法院认为，字心坊公司作品登记证书在中国版权保护中心及全国作品数据库均无备案记录，且登记PDF文件与主张发表的TTF格式存在矛盾。且其补充提交的CDR文件等未体现涉案字型图创作过程。涉案字体缺乏线条、色彩等构成的审美造型艺术特征，不符合《著作权法》美术作品定义。独创性层面，得利雪公司举证“汉仪太极字体简”等早于涉案字体创作日公开，该字体与涉案字体构成实质性相似。字心坊公司未能提供完整创作证据且无法合理解释相似性，应承担举证不能责任。

来源：广东省中山市第一人民法院

Zhongshan No.1 People's Court: Certificate of Works Registration Alone Insufficient Per Se to Establish Artistic Work Status in Font Copyright Dispute

The Zhongshan Primary People's Court of Guangdong Province recently adjudicated a font copyright infringement case concerning "Zixinfont Childhood Style." The court rejected Zixinfont Co.'s claim to artistic work copyright protection.

The court held that the Certificate of Works Registration lacked corresponding records in the China Copyright Protection Center's national database, while material inconsistencies existed between the registered PDF documentation and the asserted TTF publication format. Supplemental CDR files submitted by the claimant failed to demonstrate the creative process of the disputed font glyphs. Critically, the subject font lacked distinctive artistic configuration through lines, colors, or other aesthetic elements required for qualification as an artistic work under the Copyright Law of China. Regarding originality, Delixue Co. adduced prior art evidence including the public release of "Hanyi Taiji Font Simplified" predating the creation date of the disputed font, establishing substantial similarity between the works. Zixinfont Co. shall bear the consequence of burden of proof failure due to incomplete creation evidence and inability to reasonably justify the similarities.

Source: Guangdong Zhongshan Primary People's Court

上海知产法院：拉夫劳伦“POLO”商标侵权案判赔2000万

近日，上海知识产权法院审结了拉夫劳伦公司等联合起诉上海睿某服饰有限公司、清远市华某公司、广州市华某公司以及罗定市雅某服饰有限公司的一系列商标侵权案。认定被告使用“POLO SPORT”等标识构成侵权，判令停止侵权并赔偿2000万元，是中国商标侵权案获得最高赔偿的案件之一。

据悉，该系列案件始于10年前。拉夫劳伦公司发现市场上出现大量使用“POLO SPORT”等标识的门店，其商标、马球骑手图形及店面风格与自身品牌高度近似，极易混淆消费者，且这些商标均与美国波罗公司相关。美国波罗公司向中国商标局申请注册了多个“POLO”相关商标并获核准，后将这些商标授权或转让给国内数家公司。拉夫劳伦公司随即针对商标受让方广州爱某公司等展开维权，在与广州爱某公司的商标侵权及不正当竞争诉讼结案后，又提起新的诉讼。上海知识产权法院审结的正是后续新提起的案件。

来源：上海知识产权法院

Shanghai IP Court: Polo Ralph Lauren Awarded RMB 20 Million in Landmark Trademark Infringement Case

The Shanghai Intellectual Property Court recently adjudicated a series of trademark infringement actions filed by Polo Ralph Lauren Corp. et al.(plaintiff) against Shanghai Rui Mou Apparel Co., Ltd., Qingyuan Hua Mou Co., Ltd., Guangzhou Hua Mou Co., Ltd., and Luoding Ya Mou Apparel Co., Ltd. (defendant) The Court found that defendants' use of "POLO SPORT" and related indicia constituted infringement of Ralph Lauren's well-known polo player device marks, issuing permanent injunctions and awarding statutory damages totaling RMB 20 million – among the highest trademark infringement awards in Chinese judicial history.

This litigation originated from defendants' operation of retail establishments bearing confusingly similar trademarks, store layouts, and equestrian motifs to Ralph Lauren's distinctive trade dress, causing consumer confusion. Investigations revealed that the infringing marks derived from registrations obtained by U.S.-based Polo Co. at the China Trademark Office, subsequently licensed or assigned to domestic entities. Following prior successful enforcement against Guangzhou Ai Mou Co. (a transferee of Polo Co.'s marks) for trademark infringement and unfair competition, Ralph Lauren initiated these follow-on actions. The Shanghai Intellectual Property Court concluded the follow-up new cases.

Source: Shanghai Intellectual Property Court

上海普陀法院：认定在他人网络产品插入低价链接，构成流量劫持的不正当竞争

近日，上海市普陀区人民法院审结了上海某华门诊部有限公司与上海某箴健康咨询有限公司等不正当竞争纠纷案。

原告某华门诊部在涉案疫苗平台提供HPV疫苗接种服务。被告某箴公司在涉案疫苗平台提供HPV疫苗代预定服务。被告某里公司为涉案疫苗平台提供技术服务，被告某淘公司为涉案疫苗平台提供网络域名。原告发现，被告某箴公司擅自在涉案疫苗平台原告店铺自营链接项下添加低于原告售价的HPV疫苗接种代预定服务链接。原告认为其行为构成不正当竞争；某里公司、某淘公司属于帮助侵权，遂诉至法院。

法院认为，双方服务形式虽异但用户群体重叠，存在竞争关系，某箴公司通过技术手段侵入原告经营界面，以低价诱导用户跳转，实质减损原告流量及商誉，增加消费风险，扰乱市场秩序，违反《反不正当竞争法》第十二条第二款第一项。另两被告（平台技术服务商及域名提供商）因无共同侵权故意且履行事前审查、及时删除义务，不承担责任。故判令某箴公司刊登声明消除影响并赔偿经济损失及合理开支15万元，该判决已生效。

来源：上海高级人民法院

Shanghai Putuo People's Court: Unauthorized Embedding of Low-Price Links in Third-Party Digital Platforms Constitutes Illegal Traffic Diversion Under Unfair Competition

The Putuo District People's Court of Shanghai adjudicated the case of unfair competition disputes between Mouhua Medical Center Co., Ltd. (plaintiff) and Mouzhen Health Consulting Co., Ltd. et al. (defendant).

Defendant's practice of embedding unauthorized referral links offering discounted HPV vaccination booking services beneath plaintiff's self-operated listings on a shared vaccine platform constituted unfair competition. Plaintiff directly provided vaccination services while defendant operated as a booking agent on the same platform, with co-defendants Mouli (technical service provider) and Moutao (domain registrar) facilitating platform infrastructure.

Notwithstanding divergent business models, the Court determined competitive relations existed given overlapping consumer bases. By technologically intruding into plaintiff's operational interface to divert traffic through price undercutting, defendant materially eroded plaintiff's web traffic and commercial reputation, heightened consumer transaction risks, and disrupted market order in violation of Article 12 (2)(i) of China's Unfair Competition Law. Mouli and Moutao were absolved from contributory liability absent evidence of collusive intent, having executed preemptive vetting obligations and prompt link removal upon notification. The final and binding judgment orders defendant to publish corrective statements and pay RMB 150,000 in compensatory damages and reasonable litigation costs.

Source: Shanghai High People's Court

珠海中院：经销商重复侵权被判担责

近日，广东省珠海市中级人民法院审结一起西门子股份公司与珠海市西一门一子电器有限公司等涉不正当竞争纠纷案件。

该案中，众兴商行、水暖门市部、作某某系西一门一子公司的经销商，销售的被控侵权产品本身及外包装、使用说明书以及产品宣传手册上使用“SETNMVEIS”标识，在门头招牌处使用“西门子”字样、工作人员名片使用“SETNWVEIS”标识。部分被控侵权产品的宣传手册上使用“西门子厨房电器”字样中的“西门子”，与西门子股份公司“西门子”商标相同。法院认为，以上行为均起到识别商品来源作用，构成商标性使用，与西门子股份公司的“西门子”和“SIEMENS”商标核定使用商品相同或近似，极易使公众产生混淆，否成商标侵权

众兴商行、作某某、水暖门市部抗辩称，其销售商品具有合法来源。法院认为，三方主张的合法来源抗辩不成立。西门子商标在厨电领域具高知名度，经销商应负更高注意义务。佛山市禅城区人民法院作出的（2020）粤0604民初26818号民事判决已经认定众兴商行及作某某在售卖同样标有“西门子”字样的产品时构成侵权，即众兴商行及作某某对该行为的性质已经明晰，在本案中仍然实施相同的行为，其合法来源抗辩明显缺乏理据。

来源：广东省珠海市中级人民法院

Zhuhai Intermediate Court: Distributors Held Liable for Repeated Trademark Infringement

The Zhuhai Intermediate People's Court of Guangdong Province adjudicated the case of unfair competition between Siemens AG(plaintiff) and Zhuhai Xiyimen Yizi Electric Co., Ltd. et al.(defendant).

In this case, the court affirms trademark infringement liability against distributors defendant that systematically utilized the mark "SETNMVEIS" on products, packaging, and user manuals, displayed "SETNWVEIS" on employee business cards, and prominently featured the Chinese characters "西门子" (Siemens) on storefront signage and kitchen appliance promotional materials, including brochures declaring "西门子厨房电器" (Siemens Kitchen Appliances).

The Court determined such usage constituted trademark use under Article 48 of China's Trademark Law as source-identifying acts. These marks were identical or confusingly similar to Siemens' registered "西门子" and "SIEMENS" marks for identical or similar goods, creating a likelihood of consumer confusion. Defendants' legitimate source defense was rejected given Siemens' marks possessing notoriety in kitchen appliances, which imposed heightened duty of care upon distributors. Critically, the prior adjudication in (2020) Yue 0604 Min Chu No. 26818 had established identical infringements by defendant concerning "西门子"-branded products. Having been subject to this binding judgment yet persisting in the same infringing conduct, defendants' defense demonstrated manifest legal deficiency.

Source: Guangdong Zhuhai Intermediate People's Court

上海金山法院：录音制品使用费标准第一案

近日，上海市金山区人民法院审结一起中国音集协诉堂典公司、纤驿公司侵害录音录像著作权案

本案二被告通过淘宝直播间“简溪旗舰店”公开播送涉案录音制品，虽未侵犯录音制作者的专有权利（复制、信息网络传播等），但依法应支付报酬。音集协作为集体管理组织已获授权，有权主张获酬。

法院认为，本案中，虽然二被告并非侵权人，其向原告音集协所支付的使用费报酬亦非赔偿款，但关于报酬的计算方式，仍可参照相关权利使用费予以酌定。根据法院查明的事实，被告直播间在5个月内持续开展20场直播，长期稳定经营，且该标准已与行业多家头部企业签约适用，故全额支持年度使用费主张。另基于行业按年计费惯例，判决二被告支付2024年度报酬10,000元，合理开支3,000元。

来源：上海市金山区人民法院

Shanghai Jinshan People's Court: The First Case of the Standard for the Use Fee of Sound Recordings

The Jinshan District People's Court of Shanghai adjudicated China Audio-Video Copyright Association (CAVCA) v. Yingdian Co., Ltd. et al., the first judicial determination of statutory license royalty rates for sound recordings.

Defendants Yingdian and Qianyi publicly performed protected sound recordings via Taobao livestream channel "Jianxi Flagship Store" without authorization. Although such non-interactive streaming did not infringe exclusive reproduction or information network dissemination rights under Article 44 of China's Copyright Law, it triggered mandatory royalty obligations.

CAVCA, as the certified collective management organization, held standing to claim remuneration. The Court emphasized that defendants' liability arose from statutory license requirements rather than infringement, thus the payable sum constituted royalty fees (not damages). In quantifying remuneration, the Court referred to industry-standard statutory rates, noting defendants conducted 20 sustained livestreams over five months demonstrating stable commercial operations. Given CAVCA's established licensing agreements with industry leaders applying identical rates, the Court upheld the full annual royalty claim. Applying sector-wide annual billing conventions, defendants were jointly ordered to pay RMB 10,000 in 2024 royalties plus RMB 3,000 in reasonable enforcement costs.

Source: Shanghai Jinshan District People's Court

欧盟法院驳回EUIPO撤销法拉利“TESTAROSSA”商标的决定

近日，欧盟普通法院作出判决，推翻了欧盟知识产权局（EUIPO）及上诉委员会此前关于撤销法拉利“TESTAROSSA”欧盟商标注册的决定。

据悉，法拉利在1984年至1996年间生产了“TESTAROSSA”车型，总产量约10,000辆。2014年至2015年，一名德国自然人向欧盟知识产权局提起程序，请求撤销法拉利“TESTAROSSA”商标，理由是该商标在欧盟范围内已连续五年未进行真实使用。

欧盟知识产权局及上诉委员会均认定，法拉利未对该商标进行真实使用，并指出在2010年代的相关五年期间，法拉利未以“TESTAROSSA”名义生产或销售任何新车。法拉利就上述决定向欧盟普通法院提起上诉。法院认为，经法拉利授权的经销商或分销商销售二手车，构成销售行为获得法拉利默示同意的证明，可视为法拉利对商标进行了使用。故，法院驳回EUIPO撤销法拉利“TESTAROSSA”商标的决定。

来源：路透社

General Court of EU Reverses EUIPO Decision Revoking Ferrari's "TESTAROSSA" Mark

The General Court of the European Union has set aside the European Union Intellectual Property Office (EUIPO) and Board of Appeal decisions revoking registration of Ferrari's EU trademark "TESTAROSSA".

Ferrari produced approximately 10,000 units of the TESTAROSSA model between 1984 and 1996. During 2014-2015, a German natural person petitioned EUIPO for revocation, alleging non-genuine use in the Union for five consecutive years.

EUIPO and its Board affirmed revocation, noting Ferrari's cessation of new vehicle production and sales under the mark during the relevant 2010-2015 period. On appeal, the Court held that authorized dealers' and second-hand distributors' sales of TESTAROSSA vehicles constituted genuine use attributable to Ferrari through implied consent. Such commercial flows demonstrated Ferrari's continuous control over the mark's economic functions, satisfying the "use in accordance with honest practices" requirement under Article 18(1). The Court thus reversed the revocation decision, preserving the mark's validity.

Source: Reuters

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