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

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Beijing Intellectual Property Court: Infringing copies of imitation exhibition sculptures must be destroyed and an apology issued

上海知产法院：利用电商平台规则实施著作权恶意诉讼应承担侵权责任

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Shandong Higher People's Court: Final judgement in enterprise name rights dispute handed down, defendant's use found not to constitute infringement

安徽高院：前员工“带走”技术秘密，惩罚性赔偿2200余万元

Anhui Higher People's Court: Former employee ‘took’ trade secrets, awarded punitive damages of over RMB 22 million

厦门思明法院：基于数字藏品所产生的权益仍属于著作权法上的权利

Xiamen Siming Court: Rights arising from Non-Fungible Token still fall under copyright law

香奈儿遭AR技术专利侵权案，AR专利诉讼激增

Chanel faces AR technology patent infringement case, AR patent litigation surges

立方竞争法周报 Weekly Competition Law News

甘肃省市监局召开2025年全省市场监管工作推进会，深化民生领域反垄断执法专项行动

2025年8月7日，甘肃省市场监督管理局（“**甘肃省市监局**”）召开2025年全省市场监管工作推进会，回顾总结工作，分析研判形势，深刻汲取教训，深化集中整治，全面推动下一步重点任务落实。会议强调，要聚力提升公平竞争审查质效，持续深化民生领域反垄断执法专项行动；聚力提升知识产权质效，加快推动知识产权领域改革。（查看更多）

Gansu AMR Convenes 2025 Provincial Market Regulation Work Promotion Meeting, Deepening Special Antitrust Enforcement Campaign in the Filed of People's Livelihood

On 7 August 2025, the Gansu Administration for Market Regulation ("**Gansu AMR**") convened the 2025 provincial market regulation work promotion meeting to review and summarise the work, analyse and assess the situation, draw profound lessons, intensify rectification, and fully promote the implementation of the key tasks for the next step. The meeting emphasised the need to focus on improving the quality and efficiency of fair competition review, to continuously deepen the special antitrust enforcement campaign in the field of people's livelihood, and to focus on enhancing the quality and efficiency of intellectual property work and accelerating reforms in the field of intellectual property. (More)

贵州省市场监督管理局开展行政约谈整治平台企业价格乱象

2025年8月5日，贵州省市场监督管理局集中约谈携程、同程、抖音、美团、飞猪等五家涉旅平台企业，要求相关平台企业严格遵守《中华人民共和国价格法》《中华人民共和国反垄断法》《明码标价和禁止价格欺诈规定》等法律法规规章，坚决制止价格乱象，维护公平、有序、诚信的市场环境。约谈会上，贵州省市监局针对相关平台企业可能存在的实施“二选一”、利用技术手段干预商家定价、订单生效后毁约或加价、价格欺诈、哄抬价格等问题进行了通报，进一步提示了违法风险；要求严格遵守相关法律法规，积极履行平台主体责任，切实加强自律和合规建设；立即开展全面自查自纠，禁止价格欺诈、哄抬价格、价格串通，严禁滥用市场支配地位实施不公平高价、限定交易等违法行为，切实维护公平竞争的市场秩序。（查看更多）

Guizhou AMR Carries Out Administrative Interviews to Rectify Price Irregularities of Platform Enterprises

On 5 August 2025, the Guizhou Administration for Market Regulation ("**Guizhou AMR**") conducted administrative interviews with five tourism-related platform enterprises which were Ctrip, Tongcheng, Douyin, Meituan, and Fliggy, requiring the relevant platform enterprises to strictly comply with the *Pricing Law of the People's Republic of China*, the *Anti-Monopoly Law of the People's Republic of China*, the *Provisions on Clear Price Marking and Prohibition of Price Fraud*, and other laws, regulations, and rules, to resolutely stop price irregularities and maintain a fair, orderly, and honest market environ-

ment. At the interview meeting, the Guizhou AMR reported on issues that the relevant platform enterprises might be involved in, such as conducting "either-or" practices, using technical means to interfere with merchants' pricing, breaching or raising prices after orders take effect, committing price fraud, and driving up prices, and further alerted them to legal risks. It required strict compliance with relevant laws and regulations, proactive fulfilment of platform entities' responsibilities, and earnest strengthening of self-discipline and compliance construction. The enterprises were ordered to immediately carry out comprehensive self-inspection and rectification, to prohibit price fraud, price gouging, and price collusion, and to strictly refrain from abusing market dominance to impose unfairly high prices or to restrict transactions, so as to effectively safeguard a fair and competitive market order. (More)

北京市餐饮行业协会发布倡议书，坚决抵制垄断行为

2025年8月5日，北京市餐饮行业协会发布《关于联合抵制“内卷式”竞争 维护公平竞争市场秩序的倡议书》。北京市餐饮行业协会共发出四大倡议：在“坚守底线，坚决抵制非理性式竞争”倡议中，倡导坚决抵制排除、“二选一”“独家合作”等排除、限制竞争的垄断行为。在“强化自律，严格落实企业主体责任”倡议中，倡导企业定期对照《中华人民共和国反垄断法》《中华人民共和国反不正当竞争法》《中华人民共和国价格法》等相关法律法规，以及行业规范，排查潜在的不正当竞争、价格违法、垄断违法等方面的风险点，及时整改；建立健全企业内部公平竞争合规管理体系，加强员工合规培训，明确行为准则，防范系统性风险。（查看更多）

Beijing Food and Beverage Industry Association Issues Initiative to Firmly Resist Monopolistic Conduct

On 5 August 2025, the Beijing Food and Beverage Industry Association issued the *Initiative on Jointly Resisting "Involution-Style" Competition and Safeguarding the Fair Competition Market Order*, in which the association put forward four major proposals. In the proposal on "Upholding the Bottom Line and Firmly Resisting Irrational Competition", it advocates resolutely resisting monopolistic conduct that excludes or restricts competition, such as exclusionary practices, "either-or" arrangements, and exclusive cooperation. In the proposal on "Strengthening Self-Discipline and Strictly Fulfilling Enterprises' Primary Responsibilities", it calls on enterprises to regularly review potential risks of unfair competition, price violations, and monopolistic violations against relevant laws and regulations including the *Anti-Monopoly Law of the People's Republic of China*, the *Anti-Unfair Competition Law of the People's Republic of China* and the *Pricing Law of the People's Republic of China* as well as industry norms, and to promptly rectify any issues; to establish and improve internal fair competition compliance management systems, strengthen employee compliance training, clarify codes of conduct, and prevent systemic risks. (More)

波音公司470亿美元收购Spirit AeroSystems交易获英国反垄断批准

2025年8月10日，波音公司计划以 47 亿美元收购 Spirit AeroSystems Holdings Inc.的交易获得英国竞争与市场管理局 (“**CMA**”) 的批准，CMA 选择不进行更广泛的调查。Spirit AeroSystems是波音737、787梦想飞机和其他机型零部件的主要制造商。波音公司于去年7月宣布，将以每股

37.25美元的全股票交易方式重新收购Spirit AeroSystems，如果计入Spirit AeroSystems的净债务，该收购协议总体估值为83亿美元。据报道，该交易有望在2025年第四季度完成交割。（查看更多）

Boeing's $4.7 Billion Spirit AeroSystems Deal Wins UK Antitrust Approval

On 10 August 2025, Boeing Co.'s planned $4.7 billion acquisition of Spirit AeroSystems Holdings Inc. has secured approval from the UK's Competition and Markets Authority ("**CMA**"), which opted not to escalate its review into a more extensive probe. Spirit is a key manufacturer of components for Boeing's 737, 787 Dreamliner, and other aircraft models. Boeing announced in July last year that it would reacquire Spirit in an all-stock deal priced at $37.25 per share. Including Spirit's net debt, the total value of the agreement is estimated at $8.3 billion. Per media reports, the acquisition is on track for completion in the fourth quarter of 2025. (More)

印尼商业竞争监督委员会对三一集团印尼关联公司处以反垄断罚款

2025年8月6日，印度尼西亚商业竞争监督委员会（"**KPPU**"）对中国重型设备制造商三一集团（Sany Group）的三家当地子公司处以创纪录的 4490 亿印尼盾（合2740 万美元）罚款，认定它们从事了反竞争行为，导致两家分销商停业。此案源于三一国际于 2023 年做出的决定，该决定要求两家长期的当地非独家经销商仅通过三一国际在印尼的三家子公司独家采购卡车、重型设备和零配件；上述子公司还绕过当地分销商，直接向最终用户销售设备——KPPU认为该行为违反了要求大型公司使用当地分销渠道的法律规定。此外，三一集团旗下子公司将两家当地经销商视为最终客户，并对其施加更严格的付款条件——KPPU认为该行为不公平且具有歧视性。KPPU表示，涉案三家公司从事了歧视性的垂直整合，违反了《印度尼西亚竞争法》第14条，和第19条关于禁止市场封锁、阻碍竞争对手和造成经济损害行为的规定。（查看更多）

Indonesia's KPPU Imposes Antitrust Fine on Affiliates of China's Sany Group

On 6 August 2025, the Indonesian Competition Commission ("**KPPU**") today imposed a record fine of 449 billion rupiah (totaling $27.4 million) on three local subsidiaries of Chinese heavy equipment manufacturer Sany Group, finding they engaged in anticompetitive conduct that pushed two distributors out of business. The case stems from Sany International's 2023 decision to require two long-time local non-exclusive dealers to purchase trucks, heavy equipment and spare parts exclusively through the company's three Indonesian subsidiaries. These subsidiaries also sold equipment directly to end-users, bypassing local distributors, constituting a practice the KPPU found violated Indonesian regulations requiring large businesses to use local distribution channels. In addition, the subsidiaries of the Sany Group treated the two local dealers as end customers, imposing stricter payment terms on them, and the KPPU found these actions to be unfair, discriminatory. The KPPU said the companies engaged in discriminatory vertical integration that violated *Article 14 of Indonesia's Competition Law*, and Article 19 provisions prohibiting market foreclosure, obstruction of competitors and conduct that causes economic harm. (More)

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

工信部发布《工业和信息化部行政执法事项清单（2025年版）》

2025年8月8日，工信部发布了《工业和信息化部行政执法事项清单（2025年版）》，涉及268项工业信息化领域行政执法事项。网络安全与数据合规领域重点执法内容包括：（1）行政检查：对信息通信业安全生产和网络运行安全工作开展情况的监督检查；对网络运营者落实网络日志留存义务的行政检查；对网络运营者落实网络数据安全保护责任及管理措施的行政检查等；（2）行政处罚：对电信业务经营者、互联网信息服务提供者未进行用户个人信息保护自查的行政处罚；对网络运营者未向电信管理机构报告用户个人信息泄露、损毁、丢失情况的行政处罚；对网络运营者未采取网络数据分类、重要数据备份和加密等措施的行政处罚等。（查看更多）

MIIT Issues the *List of Administrative Enforcement Items of the Ministry of Industry and Information Technology (2025 Edition)*

On August 8, 2025, the MIIT issued the *List of Administrative Enforcement Items of the Ministry of Industry and Information Technology (2025 Edition)*, covering 268 administrative enforcement matters in the field of industrial and information technology. Key enforcement areas in the field of cybersecurity and data compliance include: (1) Administrative inspections: Supervision and inspection of the implementation of safety production and network operation security measures in the information and communications industry; administrative inspections of network operators' compliance with their obligation to retain network logs; administrative inspections of network operators' implementation of network data security protection responsibilities and management measures, etc.; (2) Administrative penalties: Administrative penalties for telecommunications service providers and internet information service providers that fail to conduct self-inspections on the protection of user personal information; administrative penalties for network operators that fail to report incidents of user personal information leakage, damage, or loss to telecommunications regulatory authorities; administrative penalties for network operators that fail to implement measures such as network data classification, backup of important data, and encryption, etc. (More)

三部门联合发布《金融机构客户尽职调查和客户身份资料及交易记录保存管理办法（征求意见稿）》

2025年8月4日，中国人民银行、国家金融监督管理总局和中国证券监督管理委员会联合发布了《金融机构客户尽职调查和客户身份资料及交易记录保存管理办法（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9月3日。《办法》共五章五十一条，旨在预防和遏制洗钱和恐怖融资活动，规范金融机构客户尽职调查、客户身份资料及交易记录保存行为，维护国家安全和金融秩序。《办法》指出，金融机构应当采取必要的管理措施和技术措施，逐步实现以电子化方式完整、准确保存客户身份资料及交易信息，依法保护商业秘密和个人信息，防止客户身份资料及交易记录缺失、损毁，防止泄漏客户身份资料及交

易信息。《办法》明确，客户身份资料自业务关系结束后或者一次性金融服务结束后至少保存10年；交易记录自交易结束后至少保存10年。（查看更多）

Three Departments Jointly Issue the *Measures for the Administration of Customer Due Diligence, Customer Identity Information and Transaction Record Keeping by Financial Institutions (Draft for Comment)*

On August 4, 2025, the People's Bank of China, the National Financial Supervisory Administration, and the China Securities Regulatory Commission jointly issued the *Measures for the Administration of Customer Due Diligence, Customer Identity Information and Transaction Record Keeping by Financial Institutions (Draft for Comment)* (Measures), soliciting public opinions. The deadline for feedback is September 3, 2025. The Measures consist of five chapters and 51 articles, aiming to prevent and combat money laundering and terrorist financing activities, standardize financial institutions' customer due diligence, customer identification records, and transaction record retention practices, and safeguard national security and financial order. The Measures stipulate that financial institutions shall implement necessary management and technical measures to gradually achieve the complete and accurate retention of customer identification records and transaction information in electronic form, protect commercial secrets and personal information in accordance with the law, prevent the loss or damage of customer identification records and transaction records, and prevent the leakage of customer identification records and transaction information. The Measures specify that customer identification records shall be retained for at least 10 years after the termination of the business relationship or the completion of a one-time financial service; transaction records shall be retained for at least 10 years after the completion of the transaction. (More)

工信部通报23款侵害用户权益的App（SDK）

2025年8月4日，经组织第三方检测机构进行抽查，工信部通报了23款App（SDK）存在侵害用户权益的行为，所涉问题包括：（1）违规收集个人信息；（2）超范围收集个人信息；（3）App强制、频繁、过度索取权限；（4）信息窗口乱跳转；（5）信息窗口无法关闭；（6）SDK信息公示不到位；（7）强制用户使用定向推送功能。（查看更多）

MIIT Reports 23 Apps (SDKs) That Violate User Rights

On August 4, 2025, after organizing a third-party testing agency to conduct random checks, the MIIT reported that 23 Apps (SDKs) had violated user rights. The issues involved included: (1) Illegal collection of personal information. (2) Collection of personal information beyond the scope of necessity. (3) Apps forcing, frequently, or excessively requesting permissions. (4) Random redirection of information windows. (5) Information windows that cannot be closed. (6) Inadequate disclosure of SDK information. (7) Forcing users to use targeted push notification features. (More)

中国网络空间安全协会发布完成个人信息收集使用优化改进App清单

2025年8月4日，中国网络空间安全协会发布了2025年第3批完成个人信息收集使用优化改进App清单。为规范App收集使用个人信息行为，保护个人信息权益，推动形成全社会共同维护个人信息安全的良好环境，中国网络空间安全协会组织指导邮件快件寄递、二手车交易、旅游服务

等3类5款App运营方，对照有关法律法规，重点针对超范围收集个人信息、过度调用敏感权限、权限设置和账号注销不便等个人信息收集使用问题完成了优化改进。5款App运营方已在应用商店或者官网上架优化改进版本，并承诺升级版本持续保持合规水平。（查看更多）

CSAC Releases *List of Apps That Have Optimized and Improved Personal Information Collection and Use*

On August 4, 2025, the Cyber Security Association of China (CSAC) released the third batch of Apps that have optimized and improved personal information collection and use in 2025. To standardize the collection and use of personal information by Apps, protect personal information rights, and promote a favorable environment where the entire society works together to safeguard personal information security, the CSAC organized and guided the operators of three categories of five Apps, including mail and express delivery, used car transactions, and tourism services, to align with relevant laws and regulations. The focus was on addressing issues such as excessive collection of personal information, overuse of sensitive permissions, inconvenient permission settings, and difficulties in account cancellation. The operators of the five apps have already released the optimized and improved versions on App stores or their official websites and have committed to maintaining compliance levels in future updates. (More)

上海市通管局通报145款侵害用户权益的App（SDK）

2025年8月5日，经组织第三方检测机构进行抽查，上海市通管局通报了145款App（SDK）存在侵害用户权益的行为，所涉问题包括：（1）未明示个人信息处理规则；（2）违规收集个人信息；（3）超范围收集个人信息；（4）未建立已收集个人信息清单；（5）未合理申请使用权限；（6）过度申请权限；（7）强制用户使用定向推送功能；（8）App自启动和关联启动；（9）App强制、频繁、过度索取权限；（10）未成年人身份验证；（11）跨境传输未明确安全措施；（12）未提供投诉渠道；（13）未及时响应用户投诉；（14）未妥善处理用户投诉；（15）账号注销难；（16）应用名称变更备案未更新。（查看更多）

Shanghai Communications Administration Reports 145 Apps (SDKs) Violating User Rights

On August 5, 2025, following random inspections conducted by a third-party testing agency, the Shanghai Communications Administration reported that 145 apps (SDKs) were found to be violating user rights. The issues involved include: (1) Failure to clearly state personal information processing rules. (2) Illegal collection of personal information. (3) Collection of personal information beyond the scope of necessity. (4) Failure to establish a list of personal information collected. (5) Failure to reasonably request permission to use. (6) Excessive request for permissions. (7) Forcing users to use targeted push notifications. (8) Apps self-start and associated start. (9) Forcing, frequently, or excessively requesting permissions. (10) Verification of minors' identities. (11) Cross-border data transmission without clear security measures. (12) Failure to provide a complaint channel. (13) Failure to promptly respond to user complaints. (14) Failure to properly handle user complaints. (15) Difficulty in account cancellation. (16) Failure to update the application name change filing. (More)

韩国：PIPC发布《生成式人工智能开发和利用个人信息处理指南》

2025年8月6日，韩国个人信息保护委员会（PIPC）发布了《生成式人工智能开发和利用个人信息处理指南》（以下简称《指南》）。《指南》将在生成式人工智能开发和利用的全过程中，对消除《个人信息保护法》适用的不确定性、提高企业及机构自主遵守法律的能力起到重要作用。《指南》重点关注三部分内容：（1）将生成式人工智能开发和利用的生命周期分为四个阶段（目的设定、策略制定、训练与开发、应用与管理），系统地提出了各阶段应确认的最低安全措施；（2）针对在生成式人工智能开发和利用过程中不确定性较高的问题，基于PIPC的政策及执法案例，提出具体的解决方法；（3）反映与生成式人工智能开发、利用相关的人工智能代理、知识蒸馏、机器反向学习等最新技术动向和研究成果。（查看更多）

South Korea: PIPC Issues *Guidelines on the Development and Use of Generative Artificial Intelligence and the Processing of Personal Information*

On August 6, 2025, the Personal Information Protection Commission of South Korea (PIPC) issued the *Guidelines on the Development and Use of Generative Artificial Intelligence and the Processing of Personal Information* (Guidelines). The Guidelines will play an important role in eliminating uncertainties regarding the application of the *Personal Information Protection Act* throughout the entire process of developing and using generative artificial intelligence, and in enhancing the ability of businesses and institutions to comply with the law on their own initiative. The Guidelines focus on three key areas: (1) Dividing the lifecycle of generative artificial intelligence development and use into four stages (purpose setting, strategy formulation, training and development, application and management), and systematically outlining the minimum security measures that should be confirmed at each stage. (2) Addressing issues with high uncertainty in the development and use of generative artificial intelligence, the Guidelines propose specific solutions based on PIPC policies and enforcement cases. (3) Reflecting the latest technological trends and research findings related to the development and use of generative artificial intelligence, including artificial intelligence agents, knowledge distillation, and machine reverse learning. (More)

欧盟：欧盟委员会公布《通用人工智能行为准则》签署方名单

2025年8月4日，欧盟委员会公布了《通用人工智能行为准则》的签署方名单，包括亚马逊、谷歌、微软、OpenAI等26家公司。部分签署方可能不会立即显示，但欧盟委员会正确保随着签署得到确认，持续更新该名单。此外，xAI已签署了安全与保障章节，这意味着其必须通过其他适当手段证明其符合《人工智能法案》关于透明度和版权的义务。（查看更多）

EU: European Commission Publishes List of Signatories to the *General-Purpose AI Code of Practice*

On August 4, 2025, the European Commission published the list of signatories to the *General-Purpose AI Code of Practice*, including 26 companies such as Amazon, Google, Microsoft, and OpenAI. Some signatories may not appear immediately, but the European Commission is making sure to continuously update the list as signatures are confirmed. In addition, xAI signed up to the

Safety and Security Chapter. This means that it will have to demonstrate compliance with the AI Act's obligations concerning transparency and copyright via alternative adequate means. (More)

知识产权 Intellectual Property

2025年8月25日始，北京互联网法院新址正式启用

近日北京互联网法院发布迁址公告，定于2025年8月11日至2025年8月24日期间进行搬迁工作，由现址北京市丰台区汽车博物馆东路2号院3号楼整体搬迁至新址北京市海淀区西四环中路16号院3号楼（邮编：100039）。自2025年8月25日始，北京互联网法院新址正式启用。搬迁期间，网上立案、在线庭审等工作可以通过北京互联网法院电子诉讼平台进行，诉讼服务、信访接待等工作暂停以线下方式进行。如需联系法官、询问案件进展、反映相关问题等，可通过联系法官留言平台、12368诉讼服务热线进行处理。

来源：北京互联网法院

Starting from 25 August 2025, the new premises of the Beijing Internet Court will officially come into use

Recently, the Beijing Internet Court issued an announcement regarding its relocation, stating that the move will take place from 11 August 2025 to 24 August 2025. The court will relocate from its current address at Building 3, No. 2 Compound, Automobile Museum East Road, Fengtai District, Beijing, to its new address at Building 3, No. 16 Compound, West Fourth Ring Road Middle Road, Haidian District, Beijing (Postal Code: 100039). Starting from 25 August 2025, the new premises of the Beijing Internet Court will officially commence operations. During the relocation period, online case filing, online court hearings, and other related work can be conducted through the Beijing Internet Court's electronic litigation platform. Litigation services, petition reception, and other related work will be temporarily suspended in person. If you need to contact a judge, inquire about the progress of a case, or report related issues, you may do so through the Judge Contact Message Platform or the 12368 Litigation Service Hotline.

Source: Beijing Internet Court

最高法知产法庭：评价专利创造性应从区别特征的技术效果确定技术问题

近日，最高人民法院在（2024）最高法知行终105号发明专利权无效行政纠纷案中明确专利创造性判断及公知常识证明规则，具体如下：

1.创造性判断方法：进行创造性判断时，应当客观分析并确定发明实际解决的技术问题。为此，首先应当分析要求保护的发明与最接近的现有技术相比有哪些区别特征，然后根据该区别特征在要求保护的发明中所能达到的技术效果确定发明实际解决的技术问题。

2.公知常识的证明标准：对于公知常识的证明，可以通过举证来证明，也可以通过充分说理的方式来论述，多篇专利文献可以用于证明一项技术特征属于公知常识，但需要考虑所述知识或者技术在该技术领域中，是否已经被本领域技术人员所普遍知晓并被普遍接受。对技术特征属于公知常识的说理，首先，应当确定该技术特征所体现的技术手段本身是公知的；其次，还应当确定该技术特征所体现的技术手段在技术方案中所起的功能和作用是公知的。

来源：最高人民法院知识产权法庭

Supreme Court Intellectual Property Tribunal: The technical problem should be determined based on the technical effect of the distinguishing features when evaluating the inventiveness of a patent

Recently, the Supreme People's Court (SPC) clarified the rules for determining the inventive step of a patent and proving prior art in an administrative dispute over the invalidity of a patent. The specific rules are as follows:

1. Method for determining inventive step: When determining inventive step, one should objectively analyse and identify the actual technical problem solved by the invention. To this end, one should first analyse the distinguishing features of the invention seeking protection compared to the closest prior art, and then determine the actual technical problem solved by the invention based on the technical effects achieved by these distinguishing features in the invention seeking protection.

2. Standard for Proving Common Knowledge: The proof of common knowledge may be established through evidence or through thorough reasoning. Multiple patent documents may be used to prove that a technical feature constitutes common knowledge, but it is necessary to consider whether the knowledge or technology in question has been widely known and accepted by those skilled in the relevant technical field. When arguing that a technical feature constitutes common knowledge, first, it must be determined that the technical means embodied by the feature itself is common knowledge; second, it must also be determined that the functional role and effect of the technical means embodied by the feature in the technical solution is common knowledge.

Source: SPC Intellectual Property Tribunal

北京知产法院：仿制展览雕塑作品应销毁侵权复制品并赔礼道歉

郑某对某美术作品依法享有著作权,发现某楼盘现场摆放侵犯其作品著作权的雕塑，故对涉案楼盘项目的开发商、实际经营者、管理者及被诉侵权雕塑所有权人正德丰泽公司，以及涉案楼盘项目景观设计者、实际施工方笛东公司提起著作权权属及侵权诉讼。

法院认为，郑某依法享有涉案作品的著作权,被诉侵权雕塑与涉案权利作品构成实质性相似，系在未经许可的情况下复制而成，在公开场所陈列，且并未署名，侵犯了郑某对涉案权利作品享有的复制权署名权、展览权。正德丰泽公司系涉案楼盘项目开发商，以及该项目设计工作的发包人，其未尽到合理审查义务，同时自认其委托第三方公司制作并安装放置被诉侵权雕塑，应就被诉侵权雕塑侵害郑某复制权、署名权、展览权承担责任。笛东公司作为设计单位，在知晓

且接触涉案权利作品的基础上，未对正德丰泽公司进行必要的侵权风险提示，且就被诉侵权行为的实施提供了细化设计和施工指导服务，两公司存在共同侵权行为和侵权合意，应当就前述被诉侵权行为承担连带责任。法院最终认定二公司承担停止侵权、消除影响、赔偿30万损失、赔礼道歉等责任。

来源：北京知识产权法院

Beijing Intellectual Property Court: Infringing copies of imitation exhibition sculptures must be destroyed and an apology issued

Zheng Mou holds the copyright to a certain work of art in accordance with the law. Upon discovering that a sculpture infringing upon the copyright of his work was displayed at the site of a certain real estate project, he filed a copyright ownership and infringement lawsuit against the developer, actual operator, manager, and owner of the allegedly infringing sculpture, Zhengde Fengze Company, as well as the landscape designer and actual contractor of the real estate project, Dido Company.

The court ruled that Zheng legally holds the copyright to the work in question. The alleged infringing sculpture is substantially similar to the work in question and was created without permission. It was displayed in a public place without attribution, thereby infringing upon Zheng's rights to reproduction, attribution, and exhibition of the work in question. Zhengdefengze Company, as the developer of the real estate project and the contractor for the design work, failed to fulfil its duty of reasonable review. Additionally, it admitted that it commissioned a third-party company to produce and install the infringing sculpture, and should therefore be held liable for the infringement of Zheng's rights to reproduction, attribution, and exhibition. As the design firm, Dido Company, despite being aware of and having access to the copyrighted work in question, failed to provide Zheng Mou with necessary warnings about potential infringement risks. Furthermore, it provided detailed design and construction guidance services for the implementation of the alleged infringing acts. The two companies are deemed to have engaged in joint infringement and shared intent to infringe, and should therefore bear joint and several liability for the aforementioned alleged infringing acts. The court ultimately ruled that the two companies should bear liability for ceasing the infringement, eliminating the adverse effects, compensating for RMB 300,000 in losses, and issuing a public apology.

Source: Beijing Intellectual Property Court

上海知产法院：利用电商平台规则实施著作权恶意诉讼应承担侵权责任

在徐某苗与陈某平、上海某公司因恶意提起知识产权诉讼损害责任纠纷案中，徐某苗与陈某平均系上海某公司运营的电子商务平台内经营者，双方出售外观特征相似的牛仔裤商品。陈某平曾联系徐某苗要求调价，并建议其不要主推，徐某苗未予认可。陈某平遂以其侵害其美术作品“INC牛仔裤”著作权为由向法院提起诉讼。后陈某平向法院申请撤诉，法院裁定予以准许。陈某平撤诉后，徐某苗因其商品仍处禁售状态，以存在经济损失等为由提起诉讼，请求判令陈某平、上海某公司连带赔偿经济损失及合理开支，上海某公司恢复涉案商品链接。

法院认为，陈某平明知其不享有著作权，且具有打压竞争对手的主观恶意，其恶意起诉行为给徐某苗造成了损失（如经营损失、律师费等诉讼成本），故陈某平诉讼行为属于恶意提起知识

产权诉讼，应向对方承担赔偿经济损失及合理开支的责任，上海某公司也应解除对涉案商品的禁售措施。二审对此予以维持。

来源：上海知识产权法院

Shanghai Intellectual Property Court: Those who use e-commerce platform rules to engage in malicious copyright litigation should bear liability for infringement

In the case of Xu Moumiao v. Chen Mouping and Shanghai Mou Company regarding liability for damages arising from malicious intellectual property litigation, both Xu Moumiao and Chen Mouping were operators within the e-commerce platform operated by Shanghai Mou Company, and both sold jeans with similar appearance features. Chen Mouping had contacted Xu Moumiao to request a price adjustment and suggested that she not promote the product prominently, but Xu Moumiao did not agree. Chen Mouping then filed a lawsuit with the court, alleging that Xu Moumiao had infringed upon the copyright of his artistic work 'INC Jeans.' Subsequently, Chen Mouping applied to the court to withdraw the lawsuit, and the court ruled to grant the request. After Chen Mouping withdrew the lawsuit, Xu Moumiao, whose products remained under a sales ban, filed a lawsuit claiming economic losses and other damages, seeking joint and several compensation from Chen Mouping and the Shanghai-based company for economic losses and reasonable expenses, as well as the restoration of the product links by the Shanghai-based company.

The court ruled that Chen Mouping was fully aware that he did not hold the copyright and acted with malicious intent to suppress his competitors. His malicious lawsuit caused losses to Xu Moumiao (such as operational losses and litigation costs like legal fees). Therefore, Chen Mouping's lawsuit constituted a malicious intellectual property lawsuit, and he should be held liable for compensating the other party for economic losses and reasonable expenses. Shanghai Company should also lift the sales ban on the involved products. The second-instance court upheld this judgement.

Source: Shanghai Intellectual Property Court

山东高院：企业名称权纠纷终审落槌，被诉使用行为未侵权

近期，山东高院对上诉人佳木斯电机公司、佳木斯电机厂与被上诉人佳木斯防爆电机公司、王某、王某霞不正当竞争纠纷案作出判决，认定被上诉人不构成不正当竞争。

法院认为，上诉人提交的刊物和文件证据中，或未使用过其主张的有一定影响的企业简称“佳电”、“佳木斯电机”，或系上诉人或其当地主管部门出具的内部刊物；其提交的微信公众号、黑龙江日报文章发布时间均在被诉侵权行为实施之后，其提交的相关《证明》均系案外人单方陈述，且无其他证据予以佐证，故依据上诉人提交的证据，无法证明在被诉侵权行为发生时，“佳电”、“佳木斯电机”经过使用已经与上诉人建立了稳定的对应关系并成为其有一定影响的企业简称。此外，上诉人虽主张被上诉人将其历史荣誉宣传为本公司的历史荣誉构成不正当竞争，但其主张的该被诉侵权行为不属于反不正当竞争法第六条第四项调整规制的不正当竞争行为。因此，被上诉人不构成不正当竞争。

来源：山东省高级人民法院

Shandong Higher People's Court: Final judgement in enterprise name rights dispute handed down, defendant's use found not to constitute infringement

Recently, the Shandong Higher People's Court issued a judgement in the unfair competition dispute case involving the appellants Jiamusi Electric Motor Company and Jiamusi Electric Motor Factory, and the respondents Jiamusi Explosion-Proof Electric Motor Company, Wang Mou, and Wang Mouxia, concluding that the respondents did not engage in unfair competition.

The court noted that the publications and documents submitted by the appellants either did not use the abbreviated company names 'Jia Dian' or 'Jiamusi Electric Motor' that they claimed had a certain influence, or were internal publications issued by the appellants or their local authorities; The publication dates of the WeChat official accounts and Heilongjiang Daily articles submitted by the appellants were all after the alleged infringing acts were committed. The relevant 'Certificates' submitted by the appellants were all unilateral statements by third parties and were not supported by other evidence. Therefore, based on the evidence submitted by the appellants, it cannot be proven that at the time of the alleged infringing acts, "Jiadian" and 'Jiamusi Electric Motor' had established a stable association with the appellants through use and had become their well-known abbreviated names. Additionally, although the appellant claims that the respondent's promotion of its historical honours as the appellant's historical honours constitutes unfair competition, the alleged infringing act does not fall under the scope of unfair competition regulated by Article 6(4) of the Anti-Unfair Competition Law. Therefore, the respondent does not constitute unfair competition.

Source: Shandong Higher People's Court

安徽高院：前员工"带走"技术秘密，惩罚性赔偿2200余万元

硅某公司与沸某公司为有机硅产品竞争对手。席某曾任硅某公司技术部经理，接触其技术秘密，且签有保密协议。2018年至2019年，席某等三人离职加入沸某公司任要职。2019年，沸某公司在环评报告中披露了与硅某公司相同的工艺技术。故硅某公司起诉沸某公司使用上述工艺生产并销售相关产品，侵害其商业秘密，要求停止侵权并适用惩罚性赔偿。

法院认定沸某公司明知席某系从硅某公司离职，从席某处不当获取硅某公司的技术秘密，具有侵权故意；沸某公司无正当理由拒不配合法院证据保全，已构成故意侵权且"情节严重"，依法应对其适用惩罚性赔偿，判令沸某公司等连带赔偿硅某公司经济损失2200余万元。

来源：安徽省高级人民法院

Anhui Higher People's Court: Former employee 'took' trade secrets, awarded punitive damages of over RMB 22 million

Silicon Company and Boil Company are competitors in the organic silicon product market. Xi, a former technical department manager at Silicon Company, had access to its trade secrets and had signed a confidentiality agreement. Between 2018 and 2019, Xi and two others resigned and joined Boil Company in key positions. In 2019, Boil Company disclosed in an environmental impact assessment report a production process identical to that of Silicon Company. Consequently, Silicon Company sued Boil Company for using the said process to manufacture and sell related products, infringing on its trade secrets, and demanded cessation of the infringement and the application of punitive damages.

The court ruled that Boil Company knowingly obtained Silicon Company's trade secrets improperly from Xi, who had left Silicon Company, demonstrating intentional infringement. Additionally, Boil Company refused to cooperate with the court's evidence preservation without justifiable cause, constituting willful infringement with "serious circumstances." As a result, the court applied punitive damages and ordered Boil Company and the other defendants to jointly compensate Silicon Company for economic losses exceeding RMB 22 million.

Source: Anhui Higher People's Court

厦门思明法院：基于数字藏品所产生的权益仍属于著作权法上的权利

厦门思明法院在一起著作权权属、侵权纠纷案中明确了数字藏品（Non-Fungible Token，NFT）是原作的数字化形式，不构成新作品的著作权属性。该案中，原告北京金某公司获雕刻家高某授权，意将高某的版画"十二生肖"系列开发为数字藏品并销售，却发现被告折某公司、趣某公司未经许可，在网络平台预售宣传，并通过其自有平台销售该数字藏品。金某公司起诉要求停止侵权并赔偿70余万元及合理费用。

法院认为，数字藏品是原作的数字化形式，不构成新作品，受著作权法第十条第一款第十七项"应当由著作权人享有的其他权利"保护，被告擅自销售数字藏品的行为侵害了该权益。此外，被告将讼争作品上传至网络平台、供用户进行浏览、下载，是通过信息网络的途径向不特定的公众提供作品，使得公众可以在其选定的时间和地点获得作品，属于侵害信息网络传播权的行为。法院判决折某公司赔偿5万元及合理费用19530元，趣某公司赔偿3300元及合理费用1380元。目前该判决已生效。

来源：福建省高级人民法院

Xiamen Siming Court: Rights arising from Non-Fungible Token still fall under copyright law

In a case involving copyright ownership and infringement disputes, the Siming District Court of Xiamen clarified that Non-Fungible Tokens (NFTs) are digital forms of original works and do not constitute new works with copyright attributes. In this case, the plaintiff, Beijing Jin Mou Company, obtained authorisation from sculptor Gao Mou to develop and sell Gao Mou's print series 'The Twelve Zodiac Animals' as digital collectibles. However, the plaintiff discovered that the defendants, Zhe Mou Company and Qu Mou Company, had pre-sold and promoted the digital collectibles on online platforms without permission and sold them through their own platforms. Jin Mou Company filed a lawsuit seeking to stop the infringement and compensate for over RMB 700,000 and reasonable expenses.

The court ruled that digital collectibles are the digital form of the original work and do not constitute a new work. They are protected under Article 10(1)(17) of the Copyright Law, which states, 'Other rights that should be enjoyed by the copyright holder.' The defendants' unauthorised sale of the digital collectibles infringed upon this right. Additionally, the defendants uploaded the disputed works to online platforms for users to browse and download, which constitutes providing works to the public through information networks, allowing the public to access the works at their chosen time and location. This constitutes an infringement of the right of information network dissemination. The court ordered Zhe Mou

Company to compensate RMB 50,000 and reasonable expenses of RMB 19,530, and Qu Mou Company to compensate RMB 3,300 and reasonable expenses of RMB 1,380. The judgment has taken effect.

Source: Fujian Higher People's Court

香奈儿遭AR技术专利侵权案，AR专利诉讼激增

美国AR技术公司Zugara近日在德克萨斯州西部地区法院对香奈儿提起专利侵权诉讼，，指控其虚拟彩妆试用工具（VIRTUALTRY-ON）侵犯其实时人体追踪与数字叠加技术专利（US 10,482,517）。Zugara称香奈儿诱导消费者使用侵权界面，构成诱导侵权，要求赔偿并申请禁令。今年，Zugara也曾起诉雅诗兰黛，双方已于7月和解。

近期AR专利诉讼激增：谷歌在北加州起诉EyesMatch寻求不侵权确认，而其参股的Niantic（《精灵宝可梦GO》开发商）在特拉华州遭Imagine AR起诉，此前Niantic还因AR技术被NantWorks指控侵权（2023年法院裁定涉案专利无效）。Lennel Image Technologies起诉梅西百货等零售商，导致多家电商下架虚拟试妆功能。Meta因8项AR游戏专利被Mullen Industries起诉，已申请多方复审，裁决将于9月公布。Virtual Immersion Technologies同样发起大规模诉讼，波及43家被告，包括VRChat与通用动力公司。

来源：ip fray

Chanel faces AR technology patent infringement case, AR patent litigation surges

U.S. AR technology company Zugara recently filed a patent infringement lawsuit against Chanel in the Western District Court of Texas, alleging that its virtual makeup try-on tool (VIRTUALTRY-ON) infringes on its real-time human tracking and digital overlay technology patent (US 10,482,517). Zugara claims that Chanel induced consumers to use the infringing interface, constituting contributory infringement, and is seeking damages and an injunction. Earlier this year, Zugara also sued Estée Lauder, with the two parties reaching a settlement in July.

AR patent litigation has surged recently: Google filed a lawsuit in Northern California against EyesMatch seeking a declaration of non-infringement, while its subsidiary Niantic was sued by Imagine AR in Delaware. Previously, Niantic was also accused of infringement by NantWorks over AR technology. (the court ruled the involved patent invalid in 2023). Lennel Image Technologies sued retailers like Macy's, leading multiple e-commerce platforms to remove virtual try-on features. Meta was sued by Mullen Industries over eight AR game patents and has filed for multiple reexaminations, with the judgement expected in September. Virtual Immersion Technologies also launched a large-scale lawsuit involving 43 defendants, including VRChat and General Dynamics.

Source: ip fray

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www.lifanglaw.com
Email：info@lifanglaw.com
Tel：+86 10 64096099
Fax：+86 10 64096260/64096261