



# NEWSLETTER

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无锡中院：企业在境外网站虚假宣传，构成不正当竞争

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Lawyer fined US\$10,000 for using AI to fabricate false case histories



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迪士尼、环球影业、华纳兄弟起诉中国AI公司MiniMax版权侵权

Disney, Universal Studios and Warner Bros. have filed a copyright infringement lawsuit against Chinese AI company MiniMax

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

### 国家网信办发布《未成年人用户数量巨大和对未成年人群体具有显著影响的网络平台服务提供者认定办法（征求意见稿）》

2025年9月16日，国家网信办发布了《未成年人用户数量巨大和对未成年人群体具有显著影响的网络平台服务提供者认定办法（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10月15日。《办法》共六章十九条，明确符合以下情形之一的，应当认定为未成年人用户数量巨大的网络平台服务提供者：（1）该网络平台提供的产品或者服务专门以未成年人为服务对象，注册用户在1000万以上或者月活跃用户在100万以上；（2）该网络平台提供的产品或者服务的对象不局限于未成年人的，未成年人注册用户数量在1000万以上或者月活跃未成年人用户在100万以上。《办法》规定，认定对未成年人群体具有显著影响的网络平台服务提供者，应当综合考虑以下因素：（1）该网络平台下载量、注册用户数量、月活跃用户数量规模较大，或网络产品的销售额、交易量等较大；（2）该网络平台未成年人登录频次、使用时长、喜爱程度、消费金额等指标较高；（3）该网络平台涵盖大量涉及或面向未成年人的信息内容；（4）该网络平台在3年内存在较多涉未成年人突出情况，违法违规问题较为突出，受到社会广泛关注；（5）该网络平台在相关垂直领域排名靠前；（6）其他对未成年人群体具有显著影响的因素。（[查看更多](#)）

### **CAC Releases Measures for Identifying Online Platform Service Providers with a Huge Number of Minor Users or Significant Impact on Minor Groups (Draft for Comments)**

On September 16, 2025, the CAC released the *Measures for Identifying Online Platform Service Providers with a Huge Number of Minor Users or Significant Impact on Minor Groups (Draft for Comments)* (Measures), and publicly solicited opinions from the society. The deadline for feedback on opinions is October 15, 2025. The Measures consist of six chapters and 19 articles, and clarify that an online platform service provider shall be identified as one with a huge number of minor users if it meets one of the following circumstances: (1) The products or services provided by the online platform are specifically targeted at minors, with more than 10 million registered users or more than 1 million monthly active users. (2) The objects of the products or services provided by the online platform are not limited to minors, but the number of minor registered users is more than 10 million or the number of monthly active minor users is more than 1 million. The Measures stipulate that to identify an online platform service provider with significant impact on minor groups, the following factors shall be comprehensively considered: (1) The online platform has a large scale in terms of download volume, number of registered users, number of monthly active users, or the sales volume and transaction volume of online products, etc. (2) The online platform has high indicators such as minor login frequency, usage duration, preference level, and consumption amount. (3) The online platform contains a large amount of information content related to or targeted at minors. (4) The online platform has had many prominent issues involving minors within 3 years, with relatively prominent illegal and irregular problems, and has attracted widespread social attention. (5) The online platform ranks high in relevant vertical fields. (6) Other factors that have a significant impact on minor groups. ([More](#))

## 国家网信办发布《国家网络安全事件报告管理办法》

2025年9月15日，国家网信办发布了《国家网络安全事件报告管理办法》（以下简称《办法》）。《办法》共十四条，自2025年11月1日起施行。《办法》明确，网络安全事件是指由于人为原因、网络遭受攻击、网络存在漏洞隐患、软硬件缺陷或故障、不可抗力等因素，对网络和信息系统或其中的数据和业务应用造成危害，对国家、社会、经济造成负面影响的事件。

《办法》规定，网络运营者在发生网络安全事件时，应当按照本办法的规定进行报告。《办法》针对关键信息基础设施、中央和国家机关及直属单位，以及其他网络运营者，分别明确了网络安全事件报告的流程和时限要求。作为《办法》附件，《网络安全事件分级指南》以有限枚举的方式给出特别重大、重大、较大、一般等四个级别网络安全事件的分级定量指标。（[查看更多](#)）

## CAC Releases Measures for the Administration of National Cybersecurity Incident Reporting

On September 15, 2025, the CAC released the *Measures for the Administration of National Cybersecurity Incident Reporting* (Measures). The Measures, consisting of 14 articles, shall come into force on November 1, 2025. The Measures clarify that a cybersecurity incident refers to an incident that causes harm to networks, information systems, or the data and business applications therein, and exerts negative impacts on the country, society, and economy due to factors such as human causes, cyber attacks, network vulnerabilities and hidden risks, software and hardware defects or malfunctions, and force majeure. The Measures stipulate that network operators shall report cybersecurity incidents in accordance with the provisions of these Measures when such incidents occur. For critical information infrastructure, central and state organs and their directly affiliated units, as well as other network operators, the Measures respectively specify the procedures and time limit requirements for reporting cybersecurity incidents. As an annex to the Measures, the *Guidelines for Classifying Cybersecurity Incidents* provides quantitative indicators for classifying cybersecurity incidents into four levels - extraordinarily serious, serious, relatively serious, and general - through limited enumeration. ([More](#))

## 工信部通报29款侵害用户权益的App

2025年9月18日，经组织第三方检测机构进行抽查，工信部发现29款App存在侵害用户权益的行为，应用来源主要为微信小程序与支付宝小程序。所涉问题问题具体包括：（1）违规收集个人信息；（2）App强制、频繁、过度索取权限；（3）强制用户使用定向推送功能。存在问题的App应按有关规定进行整改，整改落实不到位的，工信部将依法依规组织开展相关处置工作。（[查看更多](#)）

## MIIT Issues Notice on 29 Apps That Infringe on Users' Rights and Interests

On September 18, 2025, after organizing third-party testing institutions to conduct random inspections, the MIIT found that 29 apps have committed acts of infringing on users' rights and interests. The main sources of these Apps are WeChat Mini Programs and Alipay Mini Programs. The specific issues involved include: (1) Illegally collecting personal information. (2) Forcibly, frequently, and excessively

requesting permissions. (3) Forcing users to use targeted push functions. The problematic Apps shall carry out rectification in accordance with relevant regulations. If the rectification is not fully implemented, the MIIT will organize and conduct relevant disposal work in accordance with laws and regulations. ([More](#))

## 公安部公布“护网—2025”专项工作6起行政执法典型案例

2025年9月18日，公安部公布了6起不履行网络安全、数据安全、个人信息保护义务的行政执法典型案例：（1）某政务服务系统未采取技术防护措施被网络攻击案。有关部门查明该系统运营者等未落实网络安全主体责任，未采取相应技术措施，未按规定留存网络日志，未及时处置系统漏洞等安全风险。（2）某短信平台未采取技术防护措施被网络攻击案。有关部门查明相关短信群发平台未进行等保备案测评，未采取技术防护措施。（3）某学校系统遭攻击导致数据泄露案。有关部门查明该校智慧刷卡计费系统存在高危漏洞且数据未采取加密存储，系统未设置访问控制等技术措施，该校在委托第三方处理数据时，未在合同中明确接收方的数据安全保护义务并监督其履约。（4）某电子商务公司旅客购票信息泄露案。有关部门查明该公司未制定网络安全管理和个人信息保护制度，未开展等级保护工作，未按规定要求留存网络日志数据，未采取技术防护措施，未及时处置系统漏洞风险。（5）某科技公司App数据泄露案。有关部门查明该公司缺乏用户身份信息核对机制，对公民信息数据未尽到保护责任，保护措施不力。（6）某跨国公司不履行个人信息保护义务案。有关部门查明该品牌中国公司违规向境外总部传输用户个人信息，未向用户充分告知其个人信息境外接收方的处理方式，未取得用户“单独同意”，未对收集的个人信息采取加密、去标识化等安全技术措施。（[查看更多](#)）

## Ministry of Public Security Releases 6 Typical Administrative Law Enforcement Cases from the “Network Protection – 2025” Special Work

On September 18, 2025, the Ministry of Public Security released 6 typical administrative law enforcement cases involving failure to fulfill obligations regarding cybersecurity, data security, and personal information protection: (1) Case of a government service system being cyber-attacked due to failure to adopt technical protection measures. Relevant authorities found that the system operator and other parties failed to fulfill their primary responsibility for cybersecurity, failed to adopt corresponding technical measures, failed to retain network logs as required, and failed to promptly address security risks such as system vulnerabilities. (2) Case of a SMS platform being cyber-attacked due to failure to adopt technical protection measures. Relevant authorities found that the relevant mass SMS platforms failed to undergo filing and evaluation for cybersecurity level protection, and failed to adopt technical protection measures. (3) Case of data leakage caused by an attack on a school system. Relevant authorities found that the school’s smart card payment system had high-risk vulnerabilities, data was not stored with encryption, the system lacked technical measures such as access control, and when entrusting a third party to process data, the school failed to clearly specify the data security protection obligations of the recipient in the contract and supervise the fulfillment of such obligations. (4) Case of leakage of passengers’ ticket booking information by an e-commerce company. Relevant authorities found that the company failed to formulate cybersecurity management and personal information protection systems, failed to carry out cybersecurity level protection work, failed to retain network log data as required, failed to adopt technical protection measures, and failed to promptly address system vulnerability risks.

(5) Case of App data leakage by a technology company. Relevant authorities found that the company lacked a mechanism for verifying user identity information, failed to fulfill its responsibility for protecting citizens' information data, and implemented ineffective protection measures. (6) Case of a multinational company failing to fulfill personal information protection obligations. Relevant authorities found that the Chinese subsidiary of the brand illegally transferred users' personal information to its overseas headquarters, failed to fully inform users of the processing methods of the overseas recipients of their personal information, failed to obtain users' "separate consent", and failed to take security technical measures such as encryption and de-identification for the collected personal information.

[\(More\)](#)

## 公安网安部门依法对某人工智能服务科技有限公司予以行政处罚

2025年9月15日，据国家网络安全通报中心通报，公安网安部门在“护网—2025”专项工作中发现，某主营业务为对外提供人工智能模型训练基础数据（算力）的科技有限公司，在处理人脸等生物识别类敏感个人信息前，未按《个人信息保护法》有关规定进行个人信息保护影响评估。属地公安机关依据有关规定，对该公司依法予以行政处罚，并责令整改。国家网络安全通报中心提示，提供生成式人工智能服务的网络数据处理者应当加强对训练数据和训练数据处理活动的安全管理，采取有效措施防范和处置网络和数据安全风险。 ([查看更多](#))

## Public Security Cyber Security Authorities Impose Administrative Penalty on a Certain AI Service Technology Co., Ltd. in Accordance with the Law

On September 15, 2025, according to the notification from the National Cyber Security Notification Center, public security cyber security authorities discovered during the "Network Protection – 2025" special work that a technology company whose main business is to provide basic data for AI model training (computing materials) to the outside world failed to conduct a personal information protection impact assessment in accordance with the relevant provisions of the *Personal Information Protection Law* before processing sensitive personal information such as facial biometrics. In accordance with relevant regulations, the local public security organ imposed an administrative penalty on the company in accordance with the law and ordered it to make rectification. The National Cyber Security Notification Center reminds that network data processors providing generative AI services should strengthen the security management of training data and training data processing activities, and take effective measures to prevent and address cyber and data security risks. ([More](#))

## 《中华人民共和国网络安全法（修正草案）》提请审议

2025年9月8日，《中华人民共和国网络安全法（修正草案）》（以下简称《草案》）首次提请第十四届全国人大常委会审议。《草案》共九条。在完善不依法履行网络运行安全保护义务行为的法律责任方面，《草案》区分造成大量数据泄露、关键信息基础设施丧失局部功能等严重情形，以及造成关键信息基础设施丧失主要功能等特别严重情形，参照《数据安全法》有关规定，提高罚款幅度。同时，对销售或者提供未经安全认证、安全检测或者安全认证不合格、安全检测不符合要求的网络关键设备和网络安全专用产品的行为，增加规定法律责任。与此同时，对违反规定开展网络安全认证、检测、风险评估等活动或者向社会发布网络安全信息的行

为，完善处置处罚措施。《草案》完善不依法履行违法信息处置义务行为的法律责任，结合近年来执法实践，对网络运营者发现网络违法信息未依法采取相应处置措施，或者不按照有关部门的要求采取相应处置措施的行为，完善处置处罚措施；对造成特别严重影响、特别严重后果的违法情形，加大处罚力度。此外，《草案》还做好侵害个人信息权益等行为法律责任的衔接，增加从轻、减轻或者不予行政处罚的规定。（[查看更多](#)）

## Cybersecurity Law of the People's Republic of China (Amendment Draft) Submitted for Deliberation

On September 8, 2025, the *Cybersecurity Law of the People's Republic of China (Amendment Draft)* (Draft) was submitted to the Standing Committee of the 14th National People's Congress for deliberation for the first time. The Draft consists of nine articles. In terms of improving the legal liabilities for acts of failing to fulfill cybersecurity protection obligations for network operation in accordance with the law, the Draft distinguishes between serious circumstances (such as causing massive data leakage and partial loss of function of critical information infrastructure) and especially serious circumstances (such as causing major loss of function of critical information infrastructure). With reference to the relevant provisions of the *Data Security Law*, it increases the range of fines. At the same time, it adds provisions on legal liabilities for acts of selling or providing network key equipment and network security-specific products that have not undergone security certification or security testing, or that fail to pass security certification or meet security testing requirements. In the meantime, for acts of conducting network security certification, testing, risk assessment and other activities in violation of regulations or releasing network security information to the public, the Draft improves the disposal and punishment measures. The Draft improves the legal liabilities for acts of failing to fulfill the obligation to dispose of illegal information in accordance with the law. Based on law enforcement practices in recent years, it refines the disposal and punishment measures for network operators that fail to take corresponding disposal measures in accordance with the law after discovering illegal information on the network, or fail to take corresponding disposal measures as required by relevant authorities; it also increases the intensity of punishment for illegal circumstances that cause especially serious impacts or consequences. In addition, the Draft ensures the connection of legal liabilities for acts such as infringing on personal information rights and interests, and adds provisions on lighter, mitigated or exemption from administrative penalties. ([More](#))

## 国家网信办发布《大型网络平台设立个人信息保护监督委员会规定（征求意见稿）》

2025年9月12日，国家网信办发布了《大型网络平台设立个人信息保护监督委员会规定（征求意见稿）》（以下简称《规定》），向社会公开征求意见，意见反馈截止时间为2025年10月12日。《规定》适用于中国境内提供重要互联网平台服务、用户数量巨大、业务类型复杂的个人信息处理者（即大型网络平台服务提供者）设立、运行个人信息保护监督委员会。《规定》明确，个人信息保护监督委员会成员人数应与大型网络平台业务规模、用户数量等相匹配，一般不得少于7人，外部成员占比不低于三分之二。《规定》提出，监督委员会应当至少每三个月召开一次定期会议，就大型网络平台个人信息保护监督事项进行审议，并作出监督意见。（[查看更多](#)）

## **CAC Releases Provisions on the *Establishment of Personal Information Protection Supervision Committees by Large-Scale Online Platforms (Draft for Comment)***

On September 12, 2025, the CAC released the *Provisions on the Establishment of Personal Information Protection Supervision Committees by Large-Scale Online Platforms (Draft for Comment)* (Provisions), and publicly solicited opinions from the society. The deadline for feedback on opinions is October 12, 2025. The Provisions apply to the establishment and operation of Personal Information Protection Supervision Committees by personal information processors that provide important internet platform services, have a huge number of users, and engage in complex business types within the territory of China (i.e., large-scale online platform service providers). The Provisions clarify that the number of members of the Personal Information Protection Supervision Committee shall be commensurate with the business scale and number of users of the large-scale online platform, and generally shall not be less than 7, with external members accounting for no less than two-thirds. The Provisions propose that the Supervision Committee shall hold a regular meeting at least once every three months to deliberate on the supervision matters concerning personal information protection of the large-scale online platform and issue supervision opinions. ([More](#))

## **国家能源局发布《能源行业数据安全管理办法（试行）（征求意见稿）》**

2025年9月10日，国家能源局发布了《能源行业数据安全管理办法（试行）（征求意见稿）》（以下简称《办法》），向社会公开征求意见，意见需在《办法》发布之日起30日内反馈。《办法》适用于在中国境内开展能源行业数据处理活动及其安全监督管理。《办法》所称能源行业数据，是指在开展能源活动中收集和产生的数据。能源活动主要包括与能源相关的规划、建设、生产、储运、消费等。《办法》规定，根据数据重要性、精度、规模、安全风险等，能源行业数据分为一般、重要、核心三级。《办法》明确，能源数据处理者应依照能源行业数据分类分级标准规范，识别并编制本单位能源行业重要数据目录，按照数据载体所在地省级能源主管部门要求报送重要数据目录。 ([查看更多](#))

## **National Energy Administration Releases *Measures for the Administration of Data Security in the Energy Industry (Trial) (Draft for Comment)***

On September 10, 2025, the National Energy Administration released the *Measures for the Administration of Data Security in the Energy Industry (Trial) (Draft for Comment)* (Measures), and publicly solicited opinions from the society. Opinions shall be fed back within 30 days from the date of the release of the Measures. The Measures apply to the conduct of data processing activities in the energy industry and the security supervision and administration thereof within the territory of China. As defined in the Measures, data in the energy industry refers to the data collected and generated in the course of conducting energy-related activities. Energy-related activities mainly include energy-related planning, construction, production, storage and transportation, consumption, etc. The Measures stipulate that data in the energy industry shall be classified into three levels: general, important, and core, based on factors such as data importance, accuracy, scale, and security risks. The Measures clarify that energy data processors shall, in accordance with the standards and norms for the classification and grading of energy industry data, identify and compile the catalog of important data in the energy industry of their own entities, and submit the catalog of important data in accordance with the requirements of the provincial energy administrative departments where the data carriers are located. ([More](#))

## 国家计算机病毒应急处理中心检测发现69款违法违规收集使用个人信息的App

2025年9月10日，国家计算机病毒应急处理中心检测发现了69款违法违规收集使用个人信息的App，所涉问题包括但不限于：（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；隐私政策难以访问；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）隐私政策未逐一系列出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；App客户端向第三方提供个人信息，包括通过客户端嵌入的第三方代码、插件等方式向第三方提供个人信息，未经过用户同意，未做匿名化处理；（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 69 Apps Illegally Collecting and Using Personal Information

On September 10, 2025, the National Computer Virus Emergency Response Center detected 69 Apps that illegally collect and use personal information. The involved issues include but are not limited to: (1) Failing to prompt users to read personal information collection and use rules such as privacy policies through prominent means like pop-ups when the App is run for the first time; making privacy policies difficult to access; before processing personal information, failing to truthfully, accurately and completely inform individuals of the name or title of the personal information processor, contact information, retention period of personal information, etc., in a prominent manner and in clear and understandable language. (2) Failing to list one by one in the privacy policy the purposes, methods, scopes, etc., of collecting and using personal information by the App (including entrusted third parties or embedded third-party codes and plug-ins). (3) When providing the personal information it processes to other personal information processors, failing to inform the individual of the name or title of the recipient, contact information, processing purposes, processing methods and types of personal information, and failing to obtain the individual's separate consent; the App client providing personal information to third parties (including providing personal information to third parties through means such as third-party codes and plug-ins embedded in the client) without the user's consent and without conducting anonymization processing. (4) Failing to provide users with channels and methods to withdraw consent for personal information collection; the personal information processor failing to provide convenient means for withdrawing consent. (5) Failing to take corresponding security technical measures such as encryption and de-identification. ([More](#))

## 公安网安部门依法查处迪奥（上海）公司未依法履行个人信息保护义务案

2025年9月9日，公安网安部门依法查处了迪奥（上海）公司未依法履行个人信息保护义务案。今年5月，多家媒体报道迪奥发生数据泄露事件，中国大陆地区用户也陆续收到迪奥官方警示短信。对此，公安网安部门组织对迪奥（上海）公司依法开展行政调查。经查，该公司

存在三项违法事实：（1）未通过数据出境安全评估、订立个人信息出境标准合同或通过个人信息保护认证，违规向法国迪奥总部传输用户个人信息；（2）向法国迪奥总部提供用户个人信息前，未向用户充分告知其个人信息境外接收方的处理方式，未取得用户“单独同意”；（3）未对收集的个人信息采取加密、去标识化等安全技术措施。属地公安机关依据《个人信息保护法》规定，对迪奥（上海）公司依法予以行政处罚。（[查看更多](#)）

## Public Security Cyber Security Authorities Lawfully Investigate and Handle the Case of Dior (Shanghai) Co., Ltd. Failing to Fulfill Personal Information Protection Obligations in Accordance with the Law

On September 9, 2025, the public security cyber security authorities lawfully investigated and handled the case where Dior (Shanghai) Co., Ltd. failed to fulfill its personal information protection obligations in accordance with the law. In May this year, multiple media outlets reported a data breach incident at Dior, and users in the Chinese mainland also successively received official warning text messages from Dior. In response, the public security cyber security authorities organized and conducted an administrative investigation into Dior (Shanghai) Co., Ltd. in accordance with the law. Upon investigation, the company was found to have three illegal facts: (1) It transferred users' personal information to Dior's headquarters in France in violation of regulations, without going through the cross-border data transfer security assessment, concluding standard contracts for cross-border transfer of personal information, or obtaining personal information protection certification. (2) Before providing users' personal information to Dior's headquarters in France, it failed to fully inform users of the processing methods of the overseas recipients of their personal information and failed to obtain "separate consent" from users. (3) It failed to take security technical measures such as encryption and de-identification for the collected personal information. In accordance with the provisions of the *Personal Information Protection Law*, the local public security organ imposed an administrative penalty on Dior (Shanghai) Co., Ltd. in accordance with the law. ([More](#))

## 韩国：韩国与欧盟就个人数据传输达成充分性决定

2025年9月16日，在韩国个人信息保护委员会（PIPC）承认欧盟的数据保护框架具有同等效力后，结合2021年欧盟委员会针对韩国作出的“充分性认定”决定，两个司法管辖区之间建立起了一个全面的、个人数据可自由且安全流动的区域。这一创新性的双向充分性安排涵盖私营部门与公共部门。如今，欧盟和韩国公民的个人数据在两地区间传输时，将获得强有力的保护；同时，双方的企业及公共机构也将受益于无阻碍的数据传输。该安排将补充并强化《欧盟—韩国自由贸易协定》及近期达成的《数字贸易协定》所带来的效益。这不仅将进一步促进贸易，还将推动双方的联合研究及监管合作。此外，该安排还将成为双方更紧密合作的基础，以共同主导全球范围内关于个人数据保护、人工智能的相关讨论，并积极推动数字信任在世界范围内的普及。（[查看更多](#)）

## South Korea: South Korea and EU Reach Adequacy Decision on Personal Data Transfers

On September 16, 2025, after South Korea's Personal Information Protection Commission (PIPC)

recognized the European Union's personal data protection framework as equivalent, and together with the 2021 European Commission's adequacy decision on the South Korea, a comprehensive area of free and safe personal data flows between the two jurisdictions has been established. This innovative mutual adequacy arrangement covers both the private and public sectors. European and Korean citizens will now enjoy strong protections of their personal data when transferred between the two jurisdictions, while their companies and public authorities will benefit from unobstructed data transfers. This arrangement will complement and enhance the benefits of the EU-Korea Free Trade Agreement and the recently concluded Digital Trade Agreement. This will not only further facilitate trade, but also joint research, as well as regulatory cooperation between the two sides. In addition, this arrangement will also be the basis for working even closer together to shape global discussions on personal data protection, artificial intelligence and to contribute proactively to the spread of digital trust worldwide. ([More](#))

### 英国：ICO为小型企业分享网络安全提示

2025年9月17日，英国信息专员办公室（ICO）为小型企业分享了网络安全提示。根据政府数据，企业在过去一年中遭遇的网络犯罪案件估计达 770 万起。鉴于大多数小型企业都存储个人信息并通过数字化方式开展业务，网络安全必须成为首要任务。以下是企业及其员工可采取的一些实用措施：（1）备份数据；（2）使用强密码和多因素身份验证；（3）注意周围环境；（4）警惕可疑电子邮件；（5）安装防病毒和恶意软件防护软件，并保持其更新；（6）在无人值守时保护设备；（7）确保Wi-Fi连接安全；（8）仅限需要的人员访问；（9）小心分享；（10）数据保留时间不超过需要的时间；（11）安全地处理旧IT设备和记录。 ([查看更多](#))

### UK: ICO Shares Cyber Security Tips for Small Businesses

On September 17, 2025, the UK Information Commissioner's Office (ICO) shared cyber security tips for small businesses. Businesses experienced an estimated 7.7 million cyber crimes over the past year, according to government figures. Most small businesses hold personal information and conduct business digitally, so cyber security must be a priority. The following are some practical measures that businesses and their employees can take: (1) Back up your data. (2) Use strong passwords and multi-factor authentication. (3) Be aware of your surroundings. (4) Be wary of suspicious emails. (5) Install anti-virus and malware protection and keep it up-to-date. (6) Protect your device when it's unattended. (7) Make sure your Wi-Fi connection is secure. (8) Limit access to those who need it. (9) Take care when sharing. (10) Don't keep data for longer than you need it. (11) Dispose of old IT equipment and records securely. ([More](#))

### 欧盟：EDPB通过关于DSA与GDPR之间相互作用的指南

2025年9月12日，欧洲数据保护委员会（EDPB）通过了关于《数字服务法》（DSA）与《通用数据保护条例》（GDPR）之间相互作用的指南，这是EDPB关于GDPR和欧盟最近通过的数字法律之间相互作用的第一套指南。DSA旨在补充GDPR的规则，以确保数字空间中的基本权利获得最高水平的保护。其主要目标是创建一个更安全的网络环境，在此环境中，所有用户的基本权利，包括言论自由权，都受到保护。其适用于网络中介服务，如搜索引擎和平台。DSA的一些条款涉及中介服务提供商对个人数据的处理。EDPB的指南有助于DSA和GDPR的一致应用，

因为DSA的一些条款涉及中介服务提供商对个人数据的处理，并引用了GDPR的概念和定义。EDPB的指南也有助于理解如何在DSA义务背景下应用GDPR。 ([查看更多](#))

## EU: EDPB Adopts Guidelines on the Interplay Between DSA and GDPR

On September 12, 2025, the European Data Protection Board (EDPB) adopted guidelines on the interplay between the Digital Services Act (DSA) and the General Data Protection Regulation (GDPR). These are the first set of EDPB guidelines on the interplay between the GDPR and the EU's recently adopted digital laws. The DSA aims to complement the rules of the GDPR to ensure the highest level of protection of fundamental rights in the digital space. Its main goal is to create a safer online environment in which the fundamental rights of all users, including the right to freedom of expression, are protected. It applies to online intermediary services, such as search engines and platforms. Several provisions included in the DSA entail the processing of personal data by intermediary service providers. The EDPB guidelines contribute to the consistent application of the DSA and of the GDPR, insofar as some provisions of the DSA concern the processing of personal data by intermediary service providers and include references to GDPR concepts and definitions. The EDPB guidelines also help to understand how the GDPR should be applied in the context of DSA obligations. ([More](#))

## 美国：FTC启动对作为伴侣的AI聊天机器人的调查

2025年9月11日，美国联邦贸易委员会（FTC）宣布正向七家提供面向消费者的AI聊天机器人服务的公司发出指令，要求这些公司说明如何衡量、测试和监控该技术对儿童及青少年可能产生的负面影响。AI聊天机器人可能运用生成式人工智能技术，模拟与用户之间类人化的交流及人际关系。这类聊天机器人能有效模仿人类特征、情感与意图，通常被设计成以朋友或知己的身份进行交流，这可能促使部分用户，尤其是儿童和青少年，对聊天机器人产生信任并建立情感联系。作为调查的一部分，FTC正在调查这些公司如何：（1）货币化用户参与；（2）处理用户输入并响应用户询问生成输出；（3）开发并审批聊天机器人角色；（4）衡量、测试和监测部署前后的负面影响；（5）减轻负面影响，特别是对儿童的负面影响；（6）通过披露信息、广告及其他说明，向用户和家长告知功能特性、适用对象、潜在负面影响以及数据收集和处理方式；（7）监督并执行公司规则及服务条款（例如社区准则和年龄限制）的合规性；（8）使用或分享通过用户与聊天机器人的对话获取的个人信息。 ([查看更多](#))

## USA: FTC Launches Inquiry into AI Chatbots Acting as Companions

On September 11, 2025, the Federal Trade Commission (FTC) announced that it is issuing orders to seven companies that provide consumer-facing AI-powered chatbots seeking information on how these firms measure, test, and monitor potentially negative impacts of this technology on children and teens. AI chatbots may use generative artificial intelligence technology to simulate human-like communication and interpersonal relationships with users. AI chatbots can effectively mimic human characteristics, emotions, and intentions, and generally are designed to communicate like a friend or confidant, which may prompt some users, especially children and teens, to trust and form relationships with chatbots. As part of its inquiry, the FTC is seeking information about how the companies: (1) Monetize user engagement. (2) Process user inputs and generate outputs in response to user inquiries. (3) Develop and approve characters. (4) Measure, test, and monitor for negative impacts before and after deployment. (5)

Mitigate negative impacts, particularly to children. (6) Employ disclosures, advertising, and other representations to inform users and parents about features, capabilities, the intended audience, potential negative impacts, and data collection and handling practices. (7) Monitor and enforce compliance with Company rules and terms of services (e.g., community guidelines and age restrictions). (8) Use or share personal information obtained through users' conversations with the chatbots. ([More](#))

## 知识产权 Intellectual Property

### 最高法：整体考量认定恶意诉讼，全面赔偿经济损失

近日，最高人民法院知识产权法庭对一起因恶意提起知识产权诉讼损害责任纠纷案作出终审判决，通过整体考量涉案6件专利权的权利由来、诉讼请求、起诉时机、诉讼行为等的合理性、正当性，综合认定构成恶意诉讼，并认定分工协作、共同实施恶意诉讼的主体构成共同侵权，全额支持起诉人100万元经济赔偿。

本案中，顺某公司、雄某公司均是位于英国的案外人博某公司的代工生产商，八某公司是台湾地区的雄某公司在大陆的代工厂，八某公司、雄某公司的实际控制人为台湾地区居民许某。雄某公司在为博某公司代工生产行车记录仪产品的过程中，为博某公司完成了涉案6件专利对应的设计方案和技术方案，并将6件专利以许某或八某公司监事陈某的名义提出专利申请并获得授权。后涉案6件专利一并转让给八某公司。在博某公司改由顺某公司代工生产行车记录仪产品后，八某公司依据涉案6件专利（4件被宣告无效，剩余2件经无效宣告程序被维持有效），先后3次以顺某公司为被告提起了18件专利侵权诉讼，但无一胜诉。顺某公司认为雄某公司、八某公司、许某滥用知识产权恶意提起18件诉讼，提起本案诉讼。

最高院认为，对于涉及多次、批量提起的专利侵权诉讼是否主观上存在恶意的审查，可以从专利技术方案的产生、专利权的申请、侵权诉讼的提起时机以及诉讼中起诉人的具体行为等各个环节进行综合判断。涉案6件专利所涉及的技术方案和设计方案均系雄某公司为博某公司所作的设计。八某公司明知其中4件专利应被宣告无效的事实，明知博某公司和顺某公司有权使用另2件专利对应的设计方案，却在博某公司选择顺某公司作为代工生产商之后，针对顺某公司提起专利侵权诉讼，意在利用司法程序打击竞争对手，具有明显的主观恶意，属于滥用权利的行为。许某利用其实际控制的八某公司、雄某公司，三者分工协作，共同实施了针对顺某公司恶意提起知识产权诉讼的侵权行为，构成共同侵权。

在确定赔偿时，最高法院指出，因恶意提起知识产权诉讼损害责任纠纷属于一般侵权行为，其侵权赔偿范围，应按照全面赔偿的原则，审查原告主张的损害赔偿与侵权行为之间是否具有法律上的因果关系。本案中，因恶意诉讼导致的资金冻结利息损失、为规避风险而放弃订单的预期利益损失，以及相关合理律师费用，均属于赔偿范围。

来源：最高人民法院知识产权法庭

## **Supreme People's Court: Malicious litigation to be determined through comprehensive assessment; full compensation for economic losses to be awarded**

Recently, the Intellectual Property Tribunal of the SPC delivered a final judgment in a case concerning liability for damages arising from the malicious initiation of intellectual property litigation. After comprehensively assessing the legitimacy and reasonableness of the origin of rights, claims, timing of filing, and litigation conduct pertaining to the six patents involved, the tribunal determined that malicious litigation had been committed. It further established that entities collaborating to jointly perpetrate such malicious litigation constituted joint infringement, fully upholding the claimant's claim for economic compensation of RMB 1 million.

In this case, Shun Company and Xiong Company were both contract manufacturers for Bo Company, a non-party based in the United Kingdom. Ba Company served as the mainland manufacturing facility for Xiong Company, which is based in Taiwan. The actual controller of both Ba Company and Xiong Company was Mr Xu, a resident of Taiwan. During its contract manufacturing of dashcam products for Bo Company, Xiong Company completed the design and technical solutions corresponding to the six involved patents. These patents were subsequently applied for and granted under the names of Xu or Chen, the supervisor of Company 8. Subsequently, all six patents were collectively transferred to Company Ba. After Company Bo switched its dashcam production to Company Shun, Company Ba initiated 18 patent infringement lawsuits against Company Shun on three separate occasions, relying on the six patents (four of which were subsequently invalidated, while the remaining two were upheld after invalidation proceedings). None of these lawsuits were successful. Shun Company contended that Xiong Company, Ba Company, and Xu had abused intellectual property rights by maliciously initiating the eighteen lawsuits, prompting Shun Company to bring the present action.

The SPC held that determining whether multiple, batch-filed patent infringement lawsuits involve subjective malice requires comprehensive assessment across various stages: the origin of the patented technical solutions (design schemes), the patent application process, the timing of infringement suit initiation, and the plaintiff's specific conduct during litigation. The technical and design solutions covered by the six patents in question were all designs created by Xiong Company for Bo Company. Company B, fully aware that four of these patents should have been declared invalid and that Companies A and C held legitimate rights to utilise the design solutions corresponding to the remaining two patents, nevertheless initiated patent infringement proceedings against Company C after Company A selected Company C as its contract manufacturer. This action demonstrated clear subjective malice, constituting an abuse of rights aimed at leveraging judicial proceedings to undermine a competitor. Xu, utilising the companies he effectively controlled—Company 8 and Company Xiong—coordinated the division of labour among the three entities to jointly commit the malicious infringement of intellectual property rights against Company Shun, constituting joint infringement.

In determining damages, the SPC noted that liability disputes arising from malicious intellectual property litigation constitute general tortious acts. The scope of compensation should be assessed under the principle of full compensation, examining whether a legal causal link exists between the damages claimed by the plaintiff and the tortious conduct. In this case, losses encompassed interest on frozen funds resulting from the malicious litigation, anticipated profits forfeited by abandoning orders to mitigate risks, and reasonable legal fees incurred.

Source: Intellectual Property Tribunal of the SPC

## 广州互联网法院：游戏用户只对合法取得的虚拟物品享有交易的权利

本案中，原告深圳某计算机公司系某游戏的运营商，被告郑州某信息技术公司通过其游戏交易平台向用户提供该游戏的游戏币交易。原告认为被告明知案涉游戏的用户协议已经明确不能交易游戏账号、游戏道具和游戏币，却提供便利快捷的游戏币交易服务，严重危害了案涉游戏的安全性和游戏秩序，损害了其经济利益和商誉，且给外挂、刷金、盗号等网络游戏黑灰产谋取违法利益创造有利条件，给游戏行业的发展带来不良影响，提起不正当竞争之诉。

广州互联网法院一审认为，网络游戏价值的形成以及增加，是由游戏用户和运营商共同构建完成的，故应当合理确定游戏运营商和用户之间的权利和义务。记录在游戏账号之下的游戏币，应当属于游戏用户的虚拟财产，游戏用户能够支配和使用，并享有排除他人妨害的权利，包括运营商在内的其他人不得擅自对账号内的游戏币进行删除和篡改等。在没有法律法规明确禁止交易的情况下，案涉游戏币应能成为交易的客体。但游戏用户对案涉游戏币的虚拟财产权益受限于游戏规则和游戏运营周期，而且只能对其合法取得的游戏币享有相关的权益，如游戏用户实施非正常游戏行为，利用外挂等破坏计算机程序的非法行为获取游戏币，则相关利益不应得到保护。被告明知其游戏交易平台上可能存在利用外挂等破坏计算机程序的非法行为，仍提供便捷的涉案游戏币交易服务，损害了消费者利益、社会公共利益和原告的合法权益，构成不正当竞争，判令郑州市某信息技术有限公司停止为不能证明合法来源的游戏币提供交易服务的行为，且应向深圳市某计算机系统有限公司赔偿损失。宣判后，双方当事人提起上诉。广州知识产权法院二审判决驳回上诉，维持原判。

来源：广东省最高人民法院

## Guangzhou Internet Court: Game users only possess the right to trade virtual items lawfully acquired

In this case, the plaintiff, a Shenzhen-based computer company, is the operator of a certain game. The defendant, a Zhengzhou-based information technology company, provided users with a trading platform for the game's virtual currency through its game transaction platform. The plaintiff contends that the defendant, being fully aware that the game's user agreement explicitly prohibits the trading of game accounts, items, and currency, nonetheless facilitated convenient and expeditious currency trading services. This action severely jeopardised the game's security and operational order, undermined the plaintiff's economic interests and commercial reputation, and created favourable conditions for illicit gains within the grey and black markets of online gaming – including through the use of third-party software, gold farming, and account theft. Such conduct has adversely impacted the development of the gaming industry, prompting the plaintiff to initiate proceedings for unfair competition.

The Guangzhou Internet Court held at first instance that the formation and enhancement of online game value are jointly constructed by game users and operators, necessitating a reasonable delineation of rights and obligations between them. Game currency recorded under a game account constitutes the virtual property of the game user, who possesses the right to control and utilise it, including the right to exclude interference from others. No party, including the operator, may arbitrarily delete or tamper with

the game currency within the account. In the absence of explicit legal prohibitions against trading, the game currency in question should be capable of becoming the subject of transactions. However, the virtual property rights of game users over such currency are constrained by game rules and operational cycles, and such rights only apply to currency lawfully acquired. Should a user engage in abnormal gameplay or employ illegal means such as third-party software to obtain currency by compromising computer programmes, the associated interests should not be protected. The defendant, being aware that its gaming platform might facilitate illegal activities such as using third-party software to tamper with computer programmes, nonetheless provided convenient transaction services for the disputed currency. This conduct harmed consumer interests, public welfare, and the plaintiff's lawful rights, constituting unfair competition. The court ordered Zhengzhou Information Technology Co., Ltd. to cease providing transaction services for currency of unverified lawful origin and to compensate Shenzhen Computer System Co., Ltd. for losses incurred. Following the judgment, both parties lodged appeals. The Guangzhou Intellectual Property Court dismissed the appeal in its second-instance judgement, upholding the original judgment.

Source: [Guangdong High Court](#)

### 上海知产法院：“大王”纸尿裤包装装潢获司法保护

在大王制纸株式会社与福建百某卫生用品公司、黄某某等侵害商标权及不正当竞争纠纷案中，法院认为，大王光羽鎏金系列婴儿纸尿裤的包装、装潢，均具有统一的设计风格，区别于市场上其他商家生产的婴儿纸尿裤商品的包装、装潢；经过长期、大量、稳定的使用，该商品包装、装潢已产生与大王株式会社的对应性，在市场中起到了识别商品来源的作用，构成有一定影响的商品包装、装潢。四款被控侵权商品的包装装潢与权利商品包装、装潢相比，两者在设计风格、主体配色选择、排列布局、金色勾边设计、婴儿配图位置等处高度近似，仅在部分商品外包装的线条选择、底色分布上存在不同，两者在整体外观和视觉效果上较为近似，考虑到大王光羽鎏金系列婴儿纸尿裤商品具有的知名度和显著性而言，易使相关公众对两者的包装、装潢产生误认，构成不正当竞争。

来源：[上海知识产权法院](#)

### Shanghai Intellectual Property Court: GOON Nappy packaging design granted judicial protection

In the case concerning trademark infringement and unfair competition disputes between Daio Paper Corporation and Fujian Bai Mou Sanitary Products Company, Huang Mou Mou et al., the court held that the packaging and decoration of GOON Guang Yu Liu Jin Series infant nappies possessed a unified design style, distinguishing them from the packaging and decoration of infant nappy products manufactured by other market participants. Through prolonged, substantial and consistent usage, this packaging and decoration had developed an association with Daio Paper Corporation, serving to identify the source of goods in the marketplace and thus constituted packaging and decoration of a certain influence. When compared to the packaging and decoration of the protected goods, the packaging and decoration of the four allegedly infringing products exhibited a high degree of similarity in design style, primary colour scheme selection, layout arrangement, gold-edged design, and the positioning of infant illustrations. Differences were only observed in the line choices and background colour distribution on the out-

er packaging of some products. The overall appearance and visual effect of the two are highly similar. Considering the reputation and distinctiveness of the GOON Guangyu Gold Series infant diapers, this similarity is likely to cause confusion among the relevant public regarding the packaging and decoration of the two products, constituting unfair competition.

Source: Shanghai Intellectual Property Court

### 北京高院：二审改判，Apollo商标获驰名认定

阿波罗公司在第9类“计算机程序（可下载软件）”等商品上享有第25047207号“**Apollo**”商标权（百度公司转让至其名下），对赛麦斯公司申请注册在第12类汽车内饰件等商品上的第45434591号“**Apola**”商标提出无效宣告请求，国家知识产权局及一审法院均认为，在诉争商标申请日前，阿波罗公司提交的证据不足以证明其引证商标在核定商品上已达到为相关公众广泛知晓的驰名程度，亦未认定诉争商标构成摹仿。

北京高院二审作出改判，法院认定：阿波罗公司提交的专项审计报告、媒体报道、广告宣传、获奖情况、市场份额、行业排名等证据足以证明在诉争商标申请日之前，引证商标在“计算机程序（可下载软件）”商品上经过百度公司、阿波罗公司持续广泛的使用和宣传，已经在我国境内为相关公众广泛知晓并享有较高的声誉，构成驰名商标。且诉争商标与引证商标在字母构成、字体设计上高度近似，构成复制摹仿。尽管诉争商标核定使用在“运载工具用行李架”等商品上，与引证商标赖以驰名的软件商品不类似，但商品之间存在较强关联性，加之赛麦斯公司具有明显主观恶意，诉争商标的使用易导致相关公众产生混淆，可能损害阿波罗公司的利益，因此违反《商标法》第十三条第三款规定，撤销了一审判决及国家知识产权局裁定。

来源：北京市高级人民法院

### Beijing High Court: Appeal court overturns judgement, granting Apollo trademark renowned status

Apollo Company holds trademark rights for the mark ‘Apollo’ (registration no. 25047207) in respect of goods including ‘computer programs (downloadable software)’ under Class 9 (transferred to it by Baidu Company). It has filed a request for invalidation against the trademark ‘Apola’ (registration no. 45434591) applied for by Saimes Company for goods including automotive interior fittings under Class 12. Both the China National Intellectual Property Administration (CNIPA) and the court of first instance held that, prior to the application date of the contested trademark, Apollo Company had failed to provide sufficient evidence demonstrating that its cited trademark had attained the level of widespread recognition among the relevant public for the approved goods. Nor did they find that the contested trademark constituted an imitation.

The Beijing High Court overturned the judgement on appeal, finding that: The evidence submitted by Apollo Company, including specialised audit reports, media coverage, advertising materials, awards, market share data, and industry rankings, sufficiently demonstrated that prior to the filing date of the disputed trademark, the cited trademark had gained widespread recognition and enjoyed a high reputation among the relevant public within China through continuous and extensive use and promotion by

Baidu Company and Apollo Company in relation to the goods ‘computer programs (downloadable software)’. It thus constituted a well-known trademark. Furthermore, the disputed trademark and the cited trademark were highly similar in letter composition and font design, constituting copying and imitation. Although the contested trademark is registered for use on goods such as ‘luggage racks for vehicles’, which are dissimilar to the software goods for which the cited trademark is renowned, there exists a strong connection between the goods. Coupled with the evident bad faith of Saimasi Company, the use of the contested trademark is likely to cause confusion among the relevant public and may harm Apollo Company's interests. thereby contravening Article 13(3) of the Trademark Law. Consequently, the first-instance judgment and the judgement of the CNIPA were overturned.

Source: Beijing High Court

### 山东高院：高知名度企业构成反向混淆

天某肥业公司系“天禾”商标权人，核定使用商品为肥料等，天某农资公司在其生产销售的肥料商品上突出使用“天禾以钾”“天禾钾肥”等标识，并使用了含有“天禾”文字的企业名称。天某肥业公司认为天某农资公司上述行为侵害了其涉案商标权，请求法院判令其停止侵权并赔偿经济损失。

法院经审理认为，天某农资公司突出使用的“天禾以钾”“天禾钾肥”等被诉侵权标识包含了“天禾”文字，与涉案商标构成近似。但天某肥业公司提交的证据不足以证明涉案商标具有较高知名度，而天某农资公司长期持续在肥料商品上使用被诉侵权标识，具有较高知名度，容易导致相关公众将天某肥业公司使用涉案商标的肥料商品误以为来源于天某农资股份公司或与天某农资公司具有特定联系，损害了天某肥业公司涉案商标识别商品来源的功能。

故天某农资公司被诉侵权行为构成反向混淆，侵害了天某肥业公司涉案商标权，应承担停止侵权并赔偿经济损失等民事责任。法院判决其停止侵权并赔偿天某肥业公司经济损失300万元以及合理开支18多万元。

来源：山东省高级人民法院

### Shandong High Court: High-profile enterprises constitute reverse confusion

Tianmo Fertiliser Company is the proprietor of the ‘Tianhe’ trademark, with approved goods including fertilisers. Tianmo Agricultural Supplies Company prominently used marks such as ‘Tianhe Potassium’ and ‘Tianhe Potassium Fertiliser’ on its produced and sold fertiliser goods, and employed a corporate name containing the characters ‘Tianhe’. Tianmo Fertiliser Company contended that Tianmo Agricultural Supplies Company's aforementioned conduct infringed its trademark rights in the case, requesting the court to order cessation of the infringement and compensation for economic losses.

The court, upon hearing the case, held that the allegedly infringing marks prominently used by Tianmo Agricultural Supplies Company, such as ‘Tianhe Potassium’ and ‘Tianhe Potassium Fertiliser’, contained the word ‘Tianhe’ and were similar to the trademark at issue. However, the evidence submitted by Tianmo Fertiliser Company was insufficient to prove that the trademark in question enjoyed a high degree of recognition. Conversely, Tianmo Agricultural Supplies Company had used the disputed in-

fringing marks on fertiliser products for an extended period, achieving significant recognition. This was likely to cause the relevant public to mistakenly believe that the fertiliser products bearing the trademark in question were sourced from Tianmou Agricultural Supplies Co., Ltd. or had a specific connection with Tianmou Agricultural Supplies Company, thereby impairing the function of Tianmou Fertiliser Company's trademark in identifying the source of goods.

Consequently, Tianmo Agricultural Materials Company's alleged infringing acts constitute reverse confusion, infringing upon Tianmo Fertiliser Company's trademark rights. It should bear civil liabilities including cessation of infringement and compensation for economic losses. The court ordered it to cease infringement and compensate Tianmo Fertiliser Company for economic losses amounting to RMB 3 million, plus reasonable expenses exceeding RMB 180,000.

Source: Shandong High Court

### 深圳中院：与已注册的驰名商标核定使用商品构成相同或者类似商标的近似商标，亦应纳入驰名商标保护范畴

在原告小熊电器股公司与被告小沃熊电器公司、小妖熊电子商务公司等侵害商标权及不正当竞争纠纷案中，法院在认为原告涉案商标是否有认定驰名商标的必要时指出：虽然商标法第十三条第三款规定的字面解释是对在中国已经注册的驰名商标给予不相同或者不相类似商品上的保护，但是基于法律规定的“举重以明轻”的原则，显然与已经注册的驰名商标核定使用商品构成相同或者类似商标的近似商标，亦应当纳入到驰名商标保护的范畴中。根据上述法律规定，基于诚实信用的商业经营道德，即使他人使用的为已经获准注册的商标，但是由于驰名商标更高、更强、更宽保护范围与程度的考量，此时只要不超过商标法所规定撤销期限及被控侵权人的注册商标申请时，在先要求保护的商标已经构成驰名，此时人民法院可以据此解决不同注册商标之间的权利冲突问题，并根据在案情况认定是否构成驰名。鉴于原告提出了前述认定驰名商标制止侵权行为的主张，故本案符合个案认定、被动认定以及按需认定的原则，有认定驰名商标的必要。

来源：深圳市中级人民法院

### Shenzhen Intermediate People's Court: Trademarks similar to registered well-known trademarks in relation to the goods for which the well-known trademark is approved shall also be included within the scope of protection afforded to well-known trademarks

In the case concerning trademark infringement and unfair competition disputes between the plaintiff, Xiao Xiong Electrical Appliances Co., Ltd., and the defendants, Xiao Wo Xiong Electrical Appliances Co., Ltd., Xiao Yao Xiong E-commerce Co., Ltd., and others, the court, when considering whether it was necessary to recognise the plaintiff's involved trademark as a well-known trademark, stated: Although the literal interpretation of Article 13(3) of the Trademark Law provides protection for well-known trademarks already registered in China on dissimilar or unrelated goods, based on the legal principle of 'inference from the weightier to the lighter,' it is evident that trademarks constituting near-identical or similar marks to those approved for use on goods covered by a registered well-known trade-

mark should also fall within the scope of well-known trademark protection. Pursuant to the aforementioned legal provisions and in accordance with the commercial ethics of good faith, even where another party uses a trademark that has been duly registered, given the higher, stronger, and broader scope and degree of protection afforded to well-known trademarks, provided that the trademark in question was already well-known at the time the alleged infringer applied for their registered trademark and within the period for cancellation stipulated by the Trademark Law, the People's Court may resolve conflicts between registered trademarks based on this principle and determine whether the mark qualifies as well-known according to the facts of the case. Given the plaintiff's assertion that the well-known trademark should be recognised to prevent infringement, this case meets the criteria for individual determination, passive recognition, and recognition when necessary, rendering the recognition of the well-known trademark essential.

Source: Shenzhen Intermediate People's Court

### 武汉中院：教师、学院不因传授方法成为学生作品的作者

本案中，陈某系某美术学院雕塑系毕业生。黄某系该美术学院原雕塑系副教授。2010年，陈某在指导教师为黄某的“等大泥塑人体”课程中，完成了涉案“等大女人体”雕塑。雕塑泥稿完成后，由黄某出资翻制两个玻璃钢材质的雕塑，二人各留一件。2012年，黄某在陈某“等大女人体”雕塑翻制件上进行部分修改制作了命名为《春》的雕塑。后黄某在工作室及工厂中对《春》进行制作、复制，并将相关制作图片、视频等发在朋友圈、抖音等社交账号中，获得较高关注度。陈某认为黄某侵犯其著作权，提起诉讼。

法院认为，陈某提供证据证实雕塑由其实际创作，则陈某为雕塑作品的作者。陈某将内心的思想感情借助符号体系转化为艺术形式的表达，这种符号体系的使用需要方法、练习或天赋，但教授方法的教师、组织教师教授方法的学院不因传授方法这一不受著作权法保护的客体就成为学生作品的作者，从而成为著作权人。黄某的作品《春》是在陈某作品基础之上进行的创作，但其创作成果在视觉上与原作品差异很小，则该劳动成果仍然不能达到独创性的要求而成为新的作品，该作品是侵权复制品。黄某未经陈某许可，在陈某“等大女人体”雕塑翻制件的基础上进行部分修改、制作，并以黄某自己的名义署名、复制，通过信息网络向不特定公众传播的行为，侵犯了陈某对其作品享有的发表权、署名权、修改权、保护作品完整权、复制权、发行权、信息网络传播权等权利，应承担民事责任。

来源：湖北省高级人民法院

### Wuhan Intermediate People's Court: Teachers and institutions shall not be deemed authors of students' works by virtue of teaching methods employed

In this case, Mr Chen is a graduate of the Sculpture Department at a certain art academy. Mr Huang was formerly an associate professor in the Sculpture Department of the same academy. In 2010, under Mr Huang's supervision during the 'Life-Size Clay Sculpture of the Human Form' course, Mr Chen completed the contested 'Life-Size Female Figure' sculpture. Following completion of the clay model, Mr Huang funded the production of two fibreglass replicas, with each party retaining one piece. In 2012,

Huang made partial modifications to Chen's cast 'Life-Size Female Figure' to create a sculpture titled Spring. Huang subsequently produced and replicated Spring in his studio and workshop, posting related production images and videos on social media accounts such as WeChat Moments and Douyin, garnering significant attention. Chen alleged copyright infringement by Huang and initiated legal proceedings.

The court held that Chen provided evidence establishing his actual creation of the sculpture, thereby confirming his authorship. Chen transformed his inner thoughts and emotions into artistic expression through a symbolic system, the use of which requires method, practice, or innate talent. However, teachers imparting such methods, or institutions organising such instruction, do not become authors of students' works—and thus copyright holders—merely by teaching methods, which are not protected subjects under copyright law. Huang's work Spring was created based on Chen's work, but its visual differences from the original were minimal. Consequently, this labour product failed to meet the requirement of originality to constitute a new work, rendering it an infringing reproduction. Without Chen's authorisation, Huang made partial modifications and reproductions based on casts of Chen's 'Life-Size Female Figure' sculpture. Huang then attributed the work to himself, reproduced it, and disseminated it to the unspecified public via information networks. This infringed upon Chen's rights to publication, attribution, modification, protection of the integrity of the work, reproduction, distribution, and dissemination via information networks. Huang shall bear civil liability.

Source: Hubei High Court

### 北互法院：主张AI文生图版权但无法提供生成过程记录证明智力投入，证据不足予以驳回

本案中，原告周某为文化创意行业的内容创作者，其主张自己在与被告北京某科技公司合作创业期间，独立使用某AI绘画软件创作完成“猫咪晶钻吊坠”一图，并在微信群聊中公开发表。在双方未就涉案图片的使用达成合意的情况下，原告于2023年10月发现被告未经许可擅自在多个平台使用涉案图片进行宣传，后在原告要求下被告删除涉案图片。2024年3月，原告再次发现被告在相关平台使用涉案图片进行宣传。原告将被告起诉到法院，主张被告未经许可使用涉案图片，侵犯了其对涉案图片享有的署名权和信息网络传播权，应当赔偿原告经济损失并赔礼道歉。

本案系侵害著作权纠纷，原告诉请能否得到支持的前提是确定涉案图片是否构成作品，构成何种类型作品。本案中，首先，原告并未提交涉案图片在AI软件中的创作过程记录，无法展现原告使用该工具生成涉案图片的具体过程。其次，原告提交的涉案图片在“describe（描述）”指令项下的具体结果，仅为利用AI软件中的描述词生成功能对涉案图片进行的事后描述，而非原始提示词或生成指令的还原，不能说明原告在原始生成过程中输入的指令及提示词内容。再次，原告提交的“复现描述”输入情况无法客观还原涉案图片的原始生成过程。从复现过程来看，相关过程仅为原告对照涉案图片进行的事后模拟，在软硬件设备、网络环境、输入指令、操作步骤等方面缺乏与涉案图片原始生成过程的同一性和可比性，无法以上述事后模拟操作推定原告在涉案图片原始生成过程中作出相应的选择、安排与判断，付出创造性劳动；从复现结果来看，事后模拟结果也与涉案图片在风格、样式、构图等方面存在一定出入。因此，在案证

据不足以认定涉案图片具有独创性，涉案图片不构成著作权法意义上的作品。一审判决驳回原告周某的全部诉讼请求。原告不服提起上诉，二审判决驳回上诉，维持原判。目前，该案判决已生效。

来源：北京互联网法院

### **Beijing Internet Court: Claims for copyright over AI-generated images were dismissed due to insufficient evidence, as the applicant could not provide records of the generation process to substantiate intellectual input**

In this case, the plaintiff, Mr Zhou, is a content creator in the cultural and creative industry. He claims that during his collaborative entrepreneurial venture with the defendant, a Beijing-based technology company, he independently created an image titled ‘Cat Crystal Pendant’ using a certain AI painting software and publicly shared it in a WeChat group chat. Without reaching an agreement on the use of the image in question, the plaintiff discovered in October 2023 that the defendant had used the image without permission for promotional purposes across multiple platforms. The defendant subsequently removed the image at the plaintiff’s request. In March 2024, the plaintiff again discovered the defendant using the image for promotional purposes on relevant platforms. The plaintiff brought legal proceedings against the defendant, alleging unauthorised use of the image infringed upon their rights of attribution and information network dissemination. The plaintiff sought compensation for economic losses and a formal apology.

This case concerns a copyright infringement dispute. The viability of the plaintiff’s claims hinges on determining whether the images in question constitute a work and, if so, what type of work they represent. In this instance: Firstly, the plaintiff failed to submit records of the creation process for the images within the AI software, thereby unable to demonstrate the specific steps taken to generate the images using this tool. Secondly, the specific results of the disputed images submitted by the plaintiff under the ‘describe’ command merely represent a post-hoc description of the images generated using the AI software’s description-based generation function. These do not constitute a reconstruction of the original prompt words or generation instructions, and thus fail to clarify the content of the instructions and prompt words input during the original generation process. Furthermore, the ‘reproduction description’ input submitted by the plaintiff cannot objectively reconstruct the original generation process of the disputed images. Regarding the reproduction process, the relevant steps constitute merely a post-hoc simulation by the plaintiff against the disputed image. They lack identity and comparability with the original generation process in terms of hardware/software equipment, network environment, input commands, and operational steps. Consequently, the aforementioned post-hoc simulation cannot be used to infer that the plaintiff made corresponding choices, arrangements, and judgements during the original generation process, thereby exerting creative labour. Regarding the reproduction results, the retrospective simulation also exhibits certain discrepancies with the disputed image in terms of style, form, and composition. Consequently, the evidence on file is insufficient to establish that the disputed image possesses originality, and it does not constitute a work within the meaning of the Copyright Law. The first-instance judgment dismissed all claims brought by the plaintiff, Mr Zhou. The plaintiff appealed against this decision, but the second-instance judgment dismissed the appeal and upheld the original judgement. The judgment in this case has now taken effect.

Source: [Beijing Internet Court](#)

## 广东高院：历峰维权胜诉，卡地亚Tank系列腕表装潢获反法保护，获赔500万

卡地亚公司与斯某表业公司等擅自使用他人有一定影响的商品装潢纠纷案中，关于卡地亚Tank系列腕表的装潢是否构成反不正当竞争法规定的“有一定影响的商品装潢”，法院认为，卡地亚公司主张保护的卡地亚Tank腕表在借鉴坦克形状的基础上进行了独特设计，其装潢固有的显著性表现为矩形表盘、垂直平行的表耳、轨道式分钟刻度。卡地亚品牌自进入中国市场后进行了大量的、持续性的宣传，具有较高知名度，卡地亚Tank系列腕表亦成为有一定影响的商品。同时，卡地亚Tank系列腕表装潢中的剑形指针、从中轴向外辐射的罗马数字、凸圆形蓝宝石表冠亦在持续性的宣传和使用中取得了显著性特征。卡地亚Tank系列腕表固有装潢中显著性设计元素和使用获得的显著性设计元素共同构成具有较高知名度、能够区别商品来源的商品装潢，属于反不正当竞争法第六条规定的“有一定影响的商品装潢”。

关于被诉侵权产品的装潢是否会让相关公众混淆商品来源。被告擅自在腕表上使用与卡地亚Tank腕表近似的商品装潢，易使相关公众误认为两者来源于同一提供者或者存在许可使用特定联系。即便二被告在其商品上还使用自己的商标，亦不能由此消除使用近似商品装潢造成的来源混淆。另，相关公众并不限于实际购买被诉侵权商品的消费者，还包括经营者以及其他潜在的购买者，被诉侵权产品与卡地亚公司商品价格悬殊，不能否定两者商品可能产生来源混淆。

最后，法院综合考虑被告的主观恶意、侵权情节、侵权时间、侵权产品销量等因素，判决被告共同赔偿卡地亚经济损失及合理支出共计500万元。

来源：广东省高级人民法院

## Guangdong High Court: Richemont prevails in legal action, securing protection under the Anti-Unfair Competition Law for the design of Cartier's Tank watch collection, with damages awarded amounting to RMB five million

In the case concerning the unauthorised use of another party's trade dress with established recognition by Cartier and certain watch manufacturers, the court examined whether the design of Cartier's Tank series wristwatches constituted 'trade dress with established recognition' as defined under the Anti-Unfair Competition Law. The court held that the Tank watch design sought to be protected by Cartier incorporated distinctive elements beyond its tank-inspired form, with inherent distinctiveness manifested through its rectangular dial, vertically aligned lugs, and railway-track minute markers. Since entering the Chinese market, the Cartier brand has undergone extensive and sustained promotion, achieving high recognition, with the Cartier Tank series watches becoming goods of a certain influence. Concurrently, the sword-shaped hands, Roman numerals radiating outward from the central axis, and the convex oval sapphire crown within the Tank series' decoration have also acquired distinctive characteristics through continuous promotion and use. The distinctive design elements inherent to the Cartier Tank series, combined with those acquired through use, collectively form a highly recognisable product decoration capable of distinguishing the source of goods. This constitutes a 'product decoration with a certain degree of influence' as defined under Article 6 of the Anti-Unfair Competition Law.

Regarding whether the design of the alleged infringing products could cause confusion among the relevant public as to the source of the goods: the defendants' unauthorised use of a design on the watches that is similar to that of the Cartier Tank watches is likely to lead the relevant public to mistakenly believe that the two products originate from the same provider or that there exists a specific licensing relationship. Even if the two defendants use their own trademarks on their goods, this cannot eliminate the confusion as to the source caused by the use of a similar design. Moreover, the relevant public is not confined to consumers who actually purchased the alleged infringing goods, but also encompasses traders and other potential purchasers. The significant price disparity between the alleged infringing products and Cartier's goods does not negate the possibility of confusion regarding their source.

Finally, the court comprehensively considered factors including the defendants' subjective malice, the circumstances of the infringement, the duration of the infringement, and the sales volume of the infringing products. It ordered the defendants jointly to compensate Cartier for economic losses and reasonable expenses totalling RMB 5 million.

Source: Guangdong High Court

### 无锡中院：企业在境外网站虚假宣传，构成不正当竞争

近日，无锡中院对一起涉境外网站的不正当竞争纠纷案作出终审判决，维持一审判决，明确通过境外网站实施的不正当竞争行为，损害境内经营者合法权益的，应当适用我国反不正当竞争法的规定处理，判决被告企业立即停止侵权、赔偿经济损失及合理开支30万元，并公开消除影响。

本案中，原告博宇公司成立于2009年，是一家专注于塑料挤出机研发与生产的企业，长期以“博宇”为字号开展产品销售、运营管理和对外宣传，在国内外行业内积累了一定知名度及影响力。被告帝翔公司成立于2018年8月，与博宇公司同属塑料加工企业，业务范围存在交叉重合，具有竞争关系。公司法定代表人刘某某与股东、监事马某某均曾为博宇公司员工，马某某还长期负责博宇公司的外贸业务。博宇公司发现，境外视频网站YouTube上一账号发布的大量视频中不仅出现博宇公司企业名称及“博宇塑机”等公司信息，部分视频标题还标注帝翔公司英文名“KINGSHINE”。同时，该账号主页简介、视频评论区回复中，不仅有“KINGSHINE江苏帝翔”、帝翔公司企业名称及官网链接，还包含马某某的手机号码、电子邮箱、英文名“jayma”及WhatsApp账号等信息，评论回复中留言人提供的亦是马某某的WhatsApp账号。博宇公司认为，帝翔公司的行为涉嫌盗用自身商标及企业名称造成公众混淆，还通过虚假宣传抢占客户资源，遂提起诉讼。

本案中，法院查明，涉案账号发布的视频内容与马某某工作变动时间基本吻合。法院据此认定涉案账号由帝翔公司实际经营具有高度盖然性，依法确认帝翔公司为该账号的实际经营者。

关于行为是否构成不正当竞争，法院指出，博宇公司在国际市场的竞争利益应受保护，帝翔公司在涉案账号发布博宇公司企业名称、商标的视频，甚至在2018年12月1日的三个博宇公司视频

名称中标注帝翔公司的英文名简称，必然会引起境外消费者的混淆，误以为两家企业一脉相承，进而损害博宇公司合法权益，抢占其商业机会并造成损失。法院还认为，尽管YouTube网站在中国大陆无法直接访问，但国内企业可通过合法渠道登录并开展业务，实践中也存在使用虚拟专用网络（VPN）等访问方式，帝翔公司的行为也可能对国内公众产生影响，误以为帝翔公司与博宇公司存在特定联系。因此，帝翔公司的行为构成博宇公司诉称的混淆行为，应承担停止侵权、赔偿损失、消除影响的责任。

来源：法治日报

### **Wuxi Intermediate People's Court: Enterprises engaging in false advertising on overseas websites constitute unfair competition**

Recently, the Wuxi Intermediate People's Court issued a final judgment in an unfair competition dispute involving an overseas website, upholding the original judgement. The court clarified that unfair competition practices conducted via overseas websites which infringe upon the lawful rights and interests of domestic operators shall be addressed under China's Anti-Unfair Competition Law. The defendant enterprise was ordered to immediately cease infringement, compensate for economic losses and reasonable expenses amounting to RMB 300,000, and publicly rectify the impact.

In this case, the plaintiff, Boyu Company, established in 2009, specialises in the research, development, and production of plastic extrusion machines. It has long conducted product sales, operational management, and external promotion under the trade name 'Boyu', accumulating considerable recognition and influence within the domestic and international industry. The defendant, Dixiang Company, established in August 2018, is also a plastic processing enterprise. Its business scope overlaps with that of Boyu Company, creating a competitive relationship. The company's legal representative, Liu XX, and shareholder/supervisor Ma XX were both former employees of Boyu Company. Ma XX had also long been responsible for Boyu Company's foreign trade operations. Boyu Company discovered that numerous videos posted on an account on the overseas video platform YouTube not only featured Boyu Company's corporate name and company information such as 'Boyu Plastic Machinery,' but some video titles also included the English name of Dixiang Company, 'KINGSHINE.' Furthermore, the account's profile description and video comment sections contained not only references to 'KINGSHINE Jiangsu DIXIANG', the company name, and its official website link, but also Ma's mobile number, email address, English name 'jayma', and WhatsApp account details. Commenters also provided Ma's WhatsApp account information. Boyu Company contends that Kingshine's actions constitute trademark infringement and corporate name misappropriation, causing public confusion, while also seizing client resources through false advertising. Consequently, Boyu initiated legal proceedings.

In this case, the court established that the timing of video postings on the account largely coincided with Ma's employment transition. The court therefore determined that it was highly probable Dixiang Company actually operated the account, legally confirming Dixiang as its actual operator.

Regarding whether the conduct constituted unfair competition, the court noted that Boyu Company's competitive interests in the international market deserved protection. Dixiang Company's posting of videos bearing Boyu Company's corporate name and trademarks on the account in question, including the inclusion of Dixiang Company's English acronym in the titles of three Boyu Company videos dated 1 December 2018, would inevitably cause confusion among overseas consumers. This would lead them to mistakenly believe the two enterprises share a common origin, thereby damaging Boyu Company's

legitimate interests, seizing its commercial opportunities, and causing losses. The court further held that although YouTube is inaccessible directly within mainland China, domestic enterprises may access and conduct business through legitimate channels. In practice, methods such as virtual private networks (VPNs) are also employed for access. Dixiang Company's actions could consequently influence the domestic public, leading to the mistaken belief that Dixiang Company maintains a specific connection with Boyu Company. Therefore, Dixiang Company's conduct constituted the confusion alleged by Boyu Company, and Dixiang Company should bear responsibility for ceasing the infringement, compensating for losses, and eliminating the adverse impact.

Source: Legal Daily

## 德国法院认定OPPO不侵权，KPN在欧洲诉讼接连受挫

德国杜塞尔多夫地区法院于2025年9月11日判决OPPO未侵犯KPN持有的EP 2377337号专利，驳回KPN全部诉讼请求。这是KPN在欧洲对OPPO发起的多起专利诉讼中的又一次失利，目前其仅剩在统一专利法院（UPC）的一起诉讼仍在进行中。

KPN自2022年起在德国起诉OPPO专利侵权，试图以诉讼推动许可谈判。然而，其涉案专利稳定性屡受挑战：EP 2377337专利虽部分有效，但未被认定侵权；另一专利EP 2291033在德国和荷兰均被宣告无效。KPN随后将诉讼重点转向UPC，但其所依据的EP 2387844专利也在2024年被欧洲专利局上诉委员会全部无效。

来源：juve patent

## German court rules OPPO not infringing, KPN suffers successive setbacks in European litigation

On 11 September 2025, the Regional Court of Düsseldorf, Germany, ruled that OPPO had not infringed KPN's EP 2377337 patent, dismissing all of KPN's claims. This marks yet another setback for KPN in its multiple patent lawsuits against OPPO across Europe, with only one case currently ongoing before the Unified Patent Court (UPC).

KPN initiated patent infringement proceedings against OPPO in Germany from 2022 onwards, seeking to leverage litigation to advance licensing negotiations. However, the validity of its contested patents has repeatedly been challenged: while EP 2377337 was partially upheld, no infringement was found; another patent, EP 2291033, was declared invalid in both Germany and the Netherlands. KPN subsequently shifted its litigation focus to the UPC, but the EP 2387844 patent it relied upon was also declared invalid in its entirety by the European Patent Office's Board of Appeal in 2024.

Source: juve patent

## 律师因使用AI生成虚假案例被罚款1万美元

近日，美国第二巡回上诉法院对一名律师处以1万美元罚款，因其提交的法律意见书中包含由人工智能生成的虚假案例引述。法院认为，这些不准确内容导致上诉构成轻率诉讼。

事实上，全球多地出现律师因使用人工智能生成虚假法律依据而遭受处罚的事件。康涅狄格州联邦法官警告称可能对一名承认“过度信任AI工具”的独立执业律师实施重大制裁。阿拉巴马州联邦法官Anna Manasco则已对Butler Snow律师事务所三名律师作出实质处罚，指责其提交由ChatGPT生成的虚假案例引证行为属“极端鲁莽”，除将涉事律师撤换案件外，更要求其向所有客户、对方律师及法官通报处罚决定。爱荷华州律师纪律委员会也要求撤销前律师候选人David Turner提交的多份包含AI虚构法律引文的文件。英国高等法院法官同样发出严厉警告，使用AI引用虚假案例的律师可能面临藐视法庭甚至刑事指控。

来源：[legalnewsfeed](#)

### Lawyer fined US\$10,000 for using AI to fabricate false case histories

Recently, the United States Court of Appeals for the Second Circuit imposed a \$10,000 fine on a solicitor for including AI-generated false case citations in a legal brief. The court determined that these inaccuracies constituted frivolous litigation.

Indeed, instances of lawyers facing penalties for using AI to fabricate legal precedents have emerged globally. A federal judge in Connecticut warned of substantial sanctions against an independent practitioner who admitted to ‘over-relying on AI tools’. Federal Judge Anna Manasco in Alabama has imposed substantive sanctions on three attorneys from Butler Snow LLP, denouncing their submission of fabricated case citations generated by ChatGPT as ‘extremely reckless.’ Beyond removing the implicated lawyers from the case, she mandated notification of the disciplinary decision to all clients, opposing counsel, and the presiding judge. The Iowa Disciplinary Board has also demanded the withdrawal of multiple documents containing fabricated legal citations by former bar candidate David Turner. A High Court judge in the United Kingdom similarly issued a stern warning that lawyers using AI to cite false precedents could face contempt of court proceedings or even criminal charges.

Source: [legalnewsfeed](#)

### 迪士尼、环球影业、华纳兄弟起诉中国AI公司MiniMax版权侵权

近日，迪士尼、环球影业和华纳兄弟这三大影视巨头在加州联邦地方法院共同起诉，指控[中国AI公司MiniMax](#)（上海稀宇科技）旗下的“海螺AI”应用侵犯版权。MiniMax是2021年12月成立的中国大模型初创公司，总部位于上海，专注于研发文本、语音、视觉多模态融合的通用人工智能技术，推出ABAB系列大模型及Glow、海螺AI等应用产品。

诉状指出，MiniMax通过其“海螺AI”图像视频生成服务系统性地盗用原告作品，未经授权使用原告旗下蜘蛛侠、达斯·维达、怪物史莱克等经典角色，用户输入提示即可生成带品牌标识的图片视频。

原告还指控MiniMax在收到停止侵权要求后仍持续违规，并指出该公司虽具备过滤暴力色情内容的技术能力，却未建立版权保护机制。同时，原告方要求法院判处未明确的赔偿金额，或按每部作品最高15万美元标准法定赔偿，并申请禁令禁止继续侵权。

来源: PRIP Research

## **Disney, Universal Studios and Warner Bros. have filed a copyright infringement lawsuit against Chinese AI company MiniMax**

Recently, Disney, Universal Pictures and Warner Bros. – three major film and television giants – jointly filed a lawsuit in the US District Court for the Central District of California, accusing the ‘Hailuo AI’ application developed by Chinese AI company MiniMax (Shanghai Xiyu Technology) of copyright infringement. MiniMax, a Chinese large-model startup established in December 2021 and headquartered in Shanghai, specialises in developing general artificial intelligence technologies integrating text, speech, and visual modalities. It has launched the ABAB series of large models alongside application products such as Glow and Conch AI.

The complaint alleges that MiniMax systematically appropriated the plaintiffs' works through its ‘Hai Luo AI’ image and video generation service, unauthorisedly utilising iconic characters such as Spider-Man, Darth Vader, and Shrek. Users could generate branded images and videos by inputting prompts.

The plaintiff further alleges that MiniMax persisted in infringing activities after receiving cease-and-desist demands, noting that while the company possesses technical capabilities to filter violent and pornographic content, it has failed to establish copyright protection mechanisms. The plaintiff seeks unspecified damages or statutory damages of up to US\$150,000 per infringed work, alongside an injunction to halt further infringements.

Source: PRIP Research

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