



# NEWSLETTER

LIFANG & PARTNERS **立方观评**



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No. **407**

2025.10

## 立方要闻周报

### Weekly News By Lifang & Partners

**NO.143**

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SAMR Holds Antitrust Compliance Lecture for Funeral Services Industry

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*The Regulations on the Management of Clinical Research and Clinical Translation of New Biomedical Technologies* Formally Issued

中央网信办、国家发改委联合印发《政务领域人工智能大模型部署应用指引》

CAC and NDRC Jointly Issue the *Guidelines for Deployment and Application of Large AI Models in Government Affairs*

九部门联合印发《关于促进服务出口的若干政策措施》

Nine Departments Jointly Issue *Several Policy Measures to Promote Service Exports*

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The Cyber Security Association of China Publishes the *Consensus on Ethical Guidelines for AI Services for Minors*

全国网安标委发布《网络安全标准实践指南——生成式人工智能服务安全应急响应指南》

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The CAC Launches *Clear and Bright Campaign to Tackle Malicious Incitement of Negative Sentiment*

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Ireland: the Irish Data Protection Commission Published the Full Text of the 530 Million Euro Penalty Decision Made against TikTok

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欧盟：欧盟委员会发布关于严重AI事件的指南和报告模板草案

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Shanghai Pudong New Area Court: Court awards RMB 4.1 million in damages over AI roadshow memorandum infringement dispute

汕头中院：法院不鼓励批量图片维权牟利，判赔人民币50元

Shantou Intermediate Court: The court discourages the practice of mass image copyright infringement for profit, awarding damages of RMB 50

南平延平法院：审慎适用一般条款认定“刮码销售”行为是否构成不正当竞争

Nanping Yanping District Court: Exercise caution in applying general provisions to determine whether “scratch-off sales” constitute unfair competition

北京三中院：全国首例主题乐园领域服务商标刑事案件生效

Beijing Third Intermediate Court: First criminal case in China involving service marks in the theme park sector becomes final



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英国上诉法院澄清对保密的第三方信息公开原则

The Court of Appeal clarifies the principle of disclosure of confidential third-party information

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

### 市场监管总局发布市场监管行业标准《经营者集中申报规范》

2025年9月29日，市场监管总局发布市场监管行业标准《经营者集中申报规范》（“《申报规范》”）。《申报规范》明确了经营者集中申报的申报条件、申报材料、申报流程的相关要求，具体包括：范围、规范性引用文件、术语和定义，以及经营者集中申报条件、申报材料、申报流程及附录等内容。《申报规范》的出台有望促进政务服务标准化规范化便利化、助力企业投资并购激活市场投资活力、积极响应企业诉求强化助企服务，以及健全完善经营者集中监管制度体系。《申报规范》将于自2025年10月1日起实施。（[查看更多](#)）

### SAMR Issues Regulative Industry Standard Specification for Notification of Concentration of Undertakings

On 29 September 2025, the State Administration for Market Regulation (“the SAMR”) promulgated the regulatory industry standard *Specification for Notification of Concentration of Undertakings* (“the **Specification**”). *The Specification*, regarding the notifications of concentration of undertakings, definitively stipulates requirements related to the notification thresholds, documentary requirements and procedural sequence, specifically encompassing the scope, normative documents references, terms and definitions, notification thresholds for filing notifications, filing materials, filing processes and annexes. *The Specification*’s promulgation is expected to standardise and streamline administrative services, invigorate merger-and-acquisition activities and stimulate market investment incentives, actively respond to enterprises’ demands by reinforcing supportive services for enterprises, and further improve the regulatory framework governing the notification of concentration of undertakings. The Specification shall be effective from 1 October 2025. ([More](#))

### 市场监管总局约谈货拉拉，提示经营者落实反垄断合规

2025年9月23日，市场监管总局发布约谈货拉拉相关消息。市场监管总局要求货拉拉严格遵守《中华人民共和国反垄断法》等法律规定，落实反垄断合规主体责任，及时规范经营行为，公平参与市场竞争，维护货车司机、消费者等相关主体合法权益，推动平台规则和算法公平公正、公开透明，促进行业规范健康发展。（[查看更多](#)）

### SAMR Conducts Administrative Interview with Huolala and Reminds the Company of Implementing Anti-monopoly Compliance Work

On September 23, 2025, the SAMR announced that it had conducted an administrative interview with Huolala. The SAMR requires the company to strictly adhere to the *Anti-Monopoly Law of the People’s Republic of China* and other relevant laws, fulfill its primary responsibility for antitrust compliance, promptly standardize its operating practices, ensure fair participation in market competition, safeguard the legitimate rights and interests of relevant parties such as truck drivers and consumers, promote fairness, impartiality, and transparency in platform rules and algorithms, and contribute to the healthy and orderly development of the industry. ([More](#))

## 市场监管总局举办殡葬领域反垄断合规讲堂

2025年9月22日，市场监管总局以“加强殡葬领域反垄断合规建设”为主题举办2025年第九期反垄断合规讲堂，通过“政策解读+案例剖析”的形式，系统梳理殡葬领域涉嫌垄断行为，引导殡葬领域经营者强化合规意识，防范垄断风险，保障人民群众合法权益。（[查看更多](#)）

## SAMR Holds Antitrust Compliance Lecture for Funeral Services Industry

On September 22, 2025, the SAMR organized the ninth Antitrust Compliance Seminar of 2025 under the theme *Strengthening Antitrust Compliance in the Funeral Services Sector*. The Lecture employs a combined approach of “policy interpretation and case analysis” to systematically outline conduct suspected of violating antitrust laws within the industry, guide industry participants in enhancing compliance awareness, prevent monopoly risks, and safeguard the legitimate rights and interests of the people and the public. ([More](#))

## 市场监管总局面向外资企业举办反垄断合规讲堂

2025年9月18日，市场监管总局在北京举办2025年第八期反垄断合规讲堂，邀请国务院反垄断反不正当竞争委员会专家咨询组成员针对经济全球化背景下外资企业在华经营中存在的竞争合规关注提供指导。本次讲堂结合国内外反垄断执法典型案例，深入剖析垄断行为表现形式与企业合规管理要点，帮助企业准确理解立法意图和执法趋势，建立健全反垄断合规管理机制，维护市场公平竞争秩序。（[查看更多](#)）

## SAMR Holds Antitrust Compliance Lecture for Foreign-funded Enterprises

On September 18, 2025, the SAMR organized the eighth Antitrust Compliance Lecture of 2025 in Beijing; the SAMR invited experts from the Expert Advisory Group of the State Council’s Anti-Monopoly and Anti Unfair Competition Committee to provide guidance on competition compliance concerns faced by foreign-funded enterprises operating in China against the backdrop of economic globalization. Through analysis of representative antitrust enforcement cases from both domestic and international jurisdictions, the lecture delivered an in-depth examination of common forms of monopolistic conduct and key aspects of corporate compliance management, assisting enterprises in accurately understanding the legislative intent and enforcement trends, establishing sound antitrust compliance mechanisms, and maintaining a market environment characterized by fair competition. ([More](#))

## 英伟达违反反垄断法 市场监管总局依法决定实施进一步调查

2025年9月15日，市场监管总局发布对英伟达实施进一步调查相关消息。经初步调查，英伟达公司违反《中华人民共和国反垄断法》和《市场监管总局关于附加限制性条件批准英伟达公司收购迈络思科技有限公司股权案反垄断审查决定的公告》，市场监管总局依法决定对其实施进一步调查。（[查看更多](#)）

## SAMR Initiates Further Investigation into NVIDIA for Its Antitrust Law Violation

On September 15, 2025, the SAMR released information regarding initiating further investigation into NVIDIA. Based on the preliminary investigation, NVIDIA Corporation has violated the Anti-Monopoly Law of the People's Republic of China and the Announcement of the State Administration for Market Regulation on Approving the Acquisition of Equity in Mellanox Technologies Ltd. by NVIDIA Corporation Subject to Restrictive Conditions, and the State Administration for Market Regulation has decided to implement a further investigation into NVIDIA according to the law. ([More](#))

## 欧盟委员会对时尚品牌Gucci, Chloé和Loewe转售价格维持行为处罚款1.57亿欧元

2025年10月14日，欧盟委员会（“欧委会”）宣布对时尚品牌Gucci, Chloé和Loewe处以共计1.57亿欧元的罚款，原因是三家公司实施转售价格维持行为，违反了欧盟竞争法。欧委会调查显示，三家公司限制其线上及实体零售商（均为独立经销商）就Gucci、Chloé及Loewe各自品牌名下设计并销售的几乎全部产品自主设定零售价格的能力，如限制其不得偏离建议零售价、不得超过最高折扣率、必须在特定期间内进行促销等，产品包括包括服装、皮具、鞋履及时尚配饰，行为涉及整个欧洲经济区。欧委会认为，上述反竞争行为剥夺了零售商的定价独立性，减少了它们之间的竞争；同时三家公司还意图保护自身销售不受零售商竞争的影响。欧委会于2024年7月正式启动调查，鉴于三家公司的合作态度，欧委会分别适用50%或15%的罚金减免，最终罚款金额合计1.57亿欧元。（[查看更多](#)）

## European Commission fines fashion brands Gucci, Chloé and Loewe over €157 Million for Implementing Resale Price Maintenance Practices

On October 14, 2025, the European Commission (“the Commission”) announced that it has fined fashion brands Gucci, Chloé and Loewe over €157 million, because the three companies have engaged in the resale price maintenance practice in breach of the European Union's competition policy. The Commission's investigation revealed that these three fashion companies restricted the ability of both their online and brick-and-mortar retailers (both categories being independent resellers), to set their own retail prices for almost the entire range of products designed and sold by Gucci, Chloé and Loewe under their respective brand names, such as requiring them to not deviate from recommended retail prices, maximum discounts rates and specific periods for sale etc.; the covered products including apparel, leather goods, shoes and fashion accessories, and the infringements covered the whole territory of the European Economic Area. The Commission holds that such anticompetitive practices deprived the retailers of their pricing independence and reduced competition between them; meanwhile, the three companies aimed to protect their own sales from competition from their retailers. The Commission launched formal proceedings in July, 2024, considering the cooperating manners by the three companies, the Commission has applied a 50% or 15% reduction of the fines, with the ultimate fines totalling €157 million. ([More](#))

## 德国联邦卡特尔局对Temu开展反垄断调查

2025年10月8日，据媒体报道，德国竞争监管部门德国联邦卡特尔局对电商平台Temu启动反垄断调查，以审查Temu是否对其平台内第三方商户的定价行为施加不当影响。具体被调查对象是

Temu位于都柏林的欧洲运营实体Whaleco Technology Limited。联邦卡特尔办公室主任安德烈亚斯·蒙特特表示，当局怀疑Temu可能对商家定价施加了“不可容许的要求”，并警告此类行为可能限制公平市场竞争，最终导致其他销售渠道的价格上涨。（[查看更多](#)）

## German FCO Launches Antitrust Investigation against Temu

On October 8, 2025, according to media reports, the German competition regulator, German Federal Cartel Office has opened an investigation into e-commerce platform Temu to determine whether the company is exerting undue influence over how third-party merchants set prices on its marketplace. The specific target under investigation is Whaleco Technology Limited, the Dublin-based entity operating Temu in Germany. Andreas Mundt, president of the Federal Cartel Office, stated that authorities suspect Temu may be enforcing “inadmissible requirements” on merchants’ pricing, and warned that such actions could limit fair market competition and lead to higher prices across other sales channels. ([More](#))

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

### 最高人民法院发布《最高人民法院关于互联网法院案件管辖的规定》

2025年10月11日，最高人民法院发布了《最高人民法院关于互联网法院案件管辖的规定》（以下简称《规定》），自2025年11月1日起施行，施行前已经受理的案件由原受理人民法院继续审理。《规定》共4条，明确了互联网法院的案件管辖范围、协议管辖规则、上诉审理机制等内容。《规定》新增四类网络案件由互联网法院集中管辖。《规定》施行后，北京市、杭州市、广州市应由基层法院审理的“网络数据权属、侵权、合同纠纷”“网络个人信息保护、隐私权纠纷”“网络虚拟财产权属、侵权、合同纠纷”“网络不正当竞争纠纷”案件将分别由三家互联网法院集中管辖。《规定》将部分案件调整出互联网法院管辖范围。《规定》施行后，北京市、杭州市、广州市网络侵害名誉权、一般人格权、财产权等传统网络侵权纠纷等将按照地域管辖和指定管辖等标准，由相关基层法院受理。行政案件方面，《规定》明确互联网法院集中管辖所在市的辖区应当由基层法院受理的涉及网络数据监管、网络个人信息保护监管、网络不正当竞争监管、网络交易管理、网络信息服务管理等行政案件。（[查看更多](#)）

### The Supreme People’s Court Issues *Provisions of the Supreme People’s Court on Jurisdiction of Internet Courts*

On October 11, 2025, the Supreme People’s Court promulgated the *Provisions of the Supreme People’s Court on Jurisdiction of Internet Courts* (Provisions), which shall come into effect on November 1, 2025. Cases already accepted prior to implementation shall continue to be heard by the original accepting people’s court. Comprising four articles, the Provisions clarify the scope of jurisdiction for internet courts, rules on agreed jurisdiction, and appeal hearing mechanisms. The Provisions introduce four new categories of online cases to be centrally adjudicated by internet courts. Following implementation, cases involving *online data ownership, infringement, and contractual disputes, online personal*

information protection and privacy rights disputes, online virtual property ownership, infringement, and contractual disputes, and online unfair competition disputes that would otherwise fall under the jurisdiction of primary-level courts in Beijing, Hangzhou, and Guangzhou shall instead be centrally adjudicated by the respective internet courts in those cities. The Provisions also remove certain cases from the jurisdiction of internet courts. Following implementation, traditional online infringement disputes concerning defamation, general personality rights, and property rights in Beijing, Hangzhou, and Guangzhou shall be accepted by relevant primary-level courts based on territorial and designated jurisdiction criteria. Regarding administrative cases, the Provisions stipulate those administrative cases involving online data regulation, online personal information protection oversight, online unfair competition supervision, online transaction management, and online information service administration within the jurisdiction of cities where internet courts exercise centralized jurisdiction shall be accepted by primary-level courts. ([More](#))

### 《生物医学新技术临床研究和临床转化应用管理条例》正式发布

2025年10月10日，《生物医学新技术临床研究和临床转化应用管理条例》（以下简称《条例》）正式公布。《条例》共7章58条，自2026年5月1日起施行。《条例》指出，临床研究机构实施生物医学新技术临床研究，应当取得受试者的书面知情同意。受试者为无民事行为能力人或者限制民事行为能力人的，应当依法取得其监护人的书面知情同意。《条例》明确，临床研究机构应当及时、准确、完整记录生物医学新技术临床研究实施情况，留存相关原始材料。记录和原始材料应当自临床研究结束起保存30年；临床研究涉及子代的，记录和原始材料应当永久保存。《条例》强调，临床研究发起机构、临床研究机构以及其他与生物医学新技术临床研究有关的机构应当依法保护受试者的个人隐私、个人信息。（[查看更多](#)）

### *The Regulations on the Management of Clinical Research and Clinical Translation of New Biomedical Technologies Formally Issued*

On October 10, 2025, the *Regulations on the Management of Clinical Research and Clinical Translation of New Biomedical Technologies* (Regulations) were formally promulgated. Comprising 7 chapters and 58 articles, the Regulations shall come into force on May 1, 2026. The Regulations stipulate that clinical research institutions conducting clinical research on biomedical new technologies must obtain written informed consent from participants. Where participants are persons without or with limited capacity for civil conduct, written informed consent from their legal guardians must be obtained in accordance with the law. The Regulations stipulate that clinical research institutions shall promptly, accurately, and comprehensively document the implementation of clinical research involving biomedical technologies, retaining all relevant original materials. Such records and original materials shall be preserved for 30 years following the conclusion of the clinical research; where the research involves offspring, the records and original materials shall be preserved indefinitely. The Regulations emphasize that clinical research sponsors, clinical research institutions, and other entities involved in clinical research concerning biomedical technologies shall protect the personal privacy and information of subjects in accordance with the law. ([More](#))

### 中央网信办、国家发改委联合印发《政务领域人工智能大模型部署应用指引》

2025年10月10日，中央网信办和国家发改委联合印发了《政务领域人工智能大模型部署应用指引》（以下简称《指引》），旨在为各级政务部门提供人工智能大模型部署应用的工作导向和基本参照。《指引》强调场景牵引。政务部门可围绕政务服务、社会治理、机关办公和辅助决策等工作中的共性、高频需求，因地制宜、结合实际，选择典型场景进行人工智能大模型探索应用。《指引》强调规范部署。政务部门应根据不同政务场景需求与现有技术基础，审慎选择人工智能大模型实施路径。《指引》强调运行管理。政务部门应统筹减负和赋能，避免盲目追求技术领先、概念创新，切实防范“数字形式主义”。《指引》指出，要加强组织实施，加快推进政务领域人工智能大模型国家标准体系建设和重点标准研制，及时总结推广典型场景和创新应用。（[查看更多](#)）

### **CAC and NDRC Jointly Issue the Guidelines for Deployment and Application of Large AI Models in Government Affairs**

On October 10, 2025, the CAC and the NDRC jointly issued the *Guidelines for Deployment and Application of Large AI Models in Government Affairs* (Guidelines), aiming to provide government departments at all levels with a working orientation and fundamental reference for deploying and applying large AI models. The Guidelines emphasize scenario-driven approaches. Government departments may select typical scenarios for exploring AI large model applications based on common, high-frequency needs within public services, social governance, administrative operations, and decision support, adapting to local conditions and practical circumstances. The Guidelines emphasize standardized deployment. Government departments should prudently select implementation pathways for large AI models based on the requirements of different administrative scenarios and existing technological foundations. The Guidelines stress operational management. Government departments should balance the reduction of administrative burdens with the empowerment of services, avoiding blind pursuit of technological leadership or conceptual innovation, and effectively guard against ‘digital formalism’. The Guidelines indicate that organizational implementation should be strengthened, accelerating the development of a national standard system for large AI models in the government sector and the formulation of key standards, while promptly summarizing and promoting typical scenarios and innovative applications. ([More](#))

### **九部门联合印发《关于促进服务出口的若干政策措施》**

2025年9月24日，商务部、中央网信办等九部门联合印发了《关于促进服务出口的若干政策措施》（以下简称《措施》），旨在更大力度促进服务出口，推动服务贸易高质量发展。《措施》第十一点提出，要促进和规范数据跨境流动：制订重要数据目录，出台更具操作性的重要数据识别指南。优化调整和动态更新自由贸易试验区数据出境负面清单，研究探索形成全国自由贸易试验区数据出境负面清单。支持具备条件的地区探索跨国公司内部个人信息跨境传输便捷化安排，允许通过评估或认证的跨国公司内部自由跨境流动个人信息。在遵守国家网络管理制度前提下，支持相关企业、科研机构更便利地使用网络开展国际贸易和学术研究，参与国际竞争。《措施》第十二点指出，要加快发展国际数据服务业务：支持在上海自贸试验区临港新片区、海南自由贸易港等有条件的地区开展国际数据服务业务。适应服务贸易新业态新模式发

展需要，支持在自贸试验区、海南自由贸易港、国家服务业扩大开放综合试点示范地区等建立国际数据中心和云计算中心，面向各类有需求的企业提供数据处理服务。（[查看更多](#)）

### **Nine Departments Jointly Issue *Several Policy Measures to Promote Service Exports***

On September 24, 2025, the Ministry of Commerce, the CAC and seven other departments jointly issued the *Several Policy Measures to Promote Service Exports* (Measures), aiming to further boost service exports and advance the high-quality development of service trade. The eleventh point of the Measures proposes promoting and standardizing cross-border data flows: Establish a catalogue of important data and issue more operational guidelines for identifying such data. Optimize, adjust and dynamically update the negative list for data outbound transfers in pilot free trade zones, and explore establishing a unified national negative list for data outbound transfers across all pilot free trade zones. Support eligible regions in exploring streamlined arrangements for cross-border transfers of personal information within multinational corporations, permitting the free cross-border flow of personal information within such corporations upon assessment or certification. Subject to compliance with national cyber management systems, support relevant enterprises and research institutions in more conveniently utilizing networks for international trade and academic research, and participating in international competition. The twelfth point of the Measures states that the development of international data services should be accelerated: Support should be provided for the development of international data services in qualified regions such as the Lingang New Area of the Shanghai Pilot Free Trade Zone and the Hainan Free Trade Port. To meet the needs of new forms and models of service trade development, support should be given to establishing international data centers and cloud computing centers in pilot free trade zones, the Hainan Free Trade Port, and national comprehensive pilot demonstration zones for expanding service sector opening-up, providing data processing services to enterprises with diverse requirements. ([More](#))

### **中国网络空间安全协会发布《人工智能服务未成年人伦理规范共识》**

2025年9月23日，中国网络空间安全协会发布了《人工智能服务未成年人伦理规范共识》（以下简称《共识》），旨在进一步加强未成年人网络保护工作，推动人工智能技术健康有序发展。《共识》聚焦人工智能服务未成年人面临的现实挑战，从健康优先、内容保障、隐私守护、规则清晰、透明可信、协同共治、伦理先行共七个方面提出行业规范，倡导人工智能服务提供者在产品设计、内容管理、隐私保护、心理健康引导等方面切实履行社会责任，共同营造安全、健康、可信的数字环境。（[查看更多](#)）

### **The Cyber Security Association of China Publishes the *Consensus on Ethical Guidelines for AI Services for Minors***

On September 23, 2025, the Cyber Security Association of China published the *Consensus on Ethical Guidelines for AI Services for Minors* (Consensus), aiming to further strengthen online protection for minors and promote the healthy and orderly development of AI technology. The Consensus addresses the practical challenges faced by AI services for minors, proposing industry standards across seven key areas: prioritizing health, safeguarding content, protecting privacy, ensuring clear rules, promoting transparency and trustworthiness, fostering collaborative governance, and upholding ethical principles. It advocates that AI service providers diligently fulfil their social responsibilities in product

design, content management, privacy protection, and mental health guidance, collectively cultivating a secure, healthy, and trustworthy digital environment. ([More](#))

## 全国网安标委发布《网络安全标准实践指南——生成式人工智能服务安全应急响应指南》

2025年9月22日，全国网安标委发布了《网络安全标准实践指南——生成式人工智能服务安全应急响应指南》（以下简称《指南》）。《指南》描述了生成式人工智能服务安全事件的分类、分级方法和生成式人工智能服务安全应急响应过程的管理措施和技术方法，适用于生成式人工智能服务提供者以及相关部门开展安全应急响应活动。《指南》明确，生成式人工智能服务安全事件按照事件影响对象（生成式人工智能服务业务应用及数据）的重要程度、业务损失的严重程度和社会危害的严重程度三个要素进行分级。综合上述三个要素的级别，生成式人工智能服务安全事件可分为四个级别：特别重大事件、重大事件、较大事件和一般事件，由高到低分别为一级、二级、三级和四级。 ([查看更多](#))

### ***TC260 Issues Practical Guide to Cybersecurity Standards: Emergency Response Guidelines for Generative AI Services***

On September 22, 2025, the TC260 released the *Practical Guide to Cybersecurity Standards: Emergency Response Guidelines for Generative AI Services* (Guidelines). The Guidelines outline classification and grading methodologies for security incidents involving generative AI services, alongside management measures and technical approaches for emergency response processes. They apply to generative AI service providers and relevant authorities conducting security emergency response activities. The Guidelines specify that security incidents involving generative AI services shall be graded based on three factors: the criticality of affected assets (business applications and data of generative AI services), the severity of operational losses, and the magnitude of societal harm. Combining the levels of these three factors, such incidents are categorized into four tiers: Extraordinary Major Incident, Major Incident, Significant Incident, and General Incident, corresponding to Levels 1, 2, 3, and 4 respectively in descending order of severity. ([More](#))

## 中央网信办部署开展“清朗·整治恶意挑动负面情绪问题”专项行动

2025年9月22日，中央网信办宣布在全国范围内部署开展为期2个月的“清朗·整治恶意挑动负面情绪问题”专项行动，着力整治以下问题：（1）挑动群体极端对立情绪：借社会热点事件强行关联身份、地域、性别等信息标签化、污名化炒作，挑动群体间矛盾等行为。（2）宣扬恐慌焦虑情绪：恶意虚构散布灾情、险情、警情等可能影响公共安全的突发事件，伪造发布政府部门公告等行为。（3）挑起网络暴力戾气：策划、演绎打架斗殴、恶意刁难等剧本，宣扬“以暴制暴”等行为。（4）过度渲染消极悲观情绪：集中发布、片面鼓吹“努力无用论”“读书无用论”等绝对化、消极化论调等行为。 ([查看更多](#))

### ***The CAC Launches Clear and Bright Campaign to Tackle Malicious Incitement of Negative Sentiment***

On September 22, 2025, the CAC announced a nationwide two-month special campaign titled *Clear and Bright: Tackling Malicious Incitement of Negative Sentiment*. The campaign will focus on addressing the following issues: (1) Inciting extreme group antagonism: Forcibly linking social hot topics to identity, regional, or gender-based information for labelling, stigmatization, and denationalization, thereby provoking inter-group conflicts. (2) Propagating panic and anxiety: Maliciously fabricating and disseminating false information about disasters, emergencies, or police incidents that may impact public safety, including forging and publishing fake government announcements. (3) Inciting online violence and hostility: Orchestrating and dramatizing scenarios involving physical altercations or malicious harassment, while promoting the notion of *countering violence with violence*. (4) Excessively amplifying pessimistic sentiments: Concentrated dissemination and one-sided promotion of absolutist, negative narratives such as the *futility of effort* or *the futility of education*. ([More](#))

### 国家网络安全通报中心通报34款违法违规收集使用个人信息的App

2025年10月10日，国家网络安全通报中心通报了34款违法违规收集使用个人信息的App，所涉问题包括：（1）未逐一列出收集、使用个人信息的目的、方式、范围；（2）在申请打开可收集个人信息的权限时，未同步告知用户其目的；（3）在申请收集用户等个人敏感信息时，未同步告知用户其目的；（4）征得用户同意前就开始收集个人信息；（5）实际收集的个人信息超出用户授权范围；（6）个人信息保护政策中描述需要收集的个人信息超出相关功能的必要范围；（7）配置文件中声明的可收集个人信息的权限超出相关功能的必要范围；（8）实际收集的个人信息超出相关功能的必要范围；（9）实际收集个人信息的频率超出相关功能的必要范围；（10）提前要求用户打开非当前功能所需的可收集个人信息权限；（11）强制要求用户提供非必要的个人信息；（12）未向用户提供个人信息相关投诉渠道或功能；（13）未向用户提供更正或补充其个人信息的具体途径；（14）注销账户的流程中设置不合理的条件或提出额外要求；（15）广告存在误导、欺骗用户行为。 ([查看更多](#))

### National Computer Network Emergency Response Technical Team/Coordination Center of China Notifies 34 Apps for Illegal Collection and Use of Personal Information

On October 10, 2025, the National Computer Network Emergency Response Technical Team/Coordination Center of China notified 34 Apps for illegally collecting and using personal information. The issues involved include: (1) Failure to itemize the purpose, method, and scope of collecting and using personal information; (2) Failure to concurrently inform users of the purpose when requesting permissions to access personal information; (3) Failure to concurrently inform users of the purpose when requesting collection of sensitive personal information such as user data; (4) Commencing collection of personal information prior to obtaining user consent; (5) Actual collection of personal information exceeding the scope authorized by users; (6) Personal information protection policies describing required data collection exceeding the necessary scope for relevant functions; (7) Permissions declared in the configuration file for collecting personal information exceeded the necessary scope for relevant functions; (8) The actual personal information collected exceeded the necessary scope for relevant functions; (9) The frequency of actual personal information collection exceeded the necessary scope for relevant functions; (10) Users were required to enable permissions for collecting personal information not required for the current function in advance; (11) Compulsory requirement for users to provide non-

essential personal information; (12) Failure to provide users with complaint channels or functions concerning personal information; (13) Failure to provide users with specific means to rectify or supplement their personal information; (14) Imposition of unreasonable conditions or additional requirements during account cancellation procedures; (15) Advertising containing misleading or deceptive practices towards users. ([More](#))

## 欧盟：欧盟委员会与EDPB就《DMA与GDPR协同适用指南》征集意见

2025年10月9日，欧盟委员会和欧洲数据保护委员会（EDPB）启动了一项公开咨询，以收集关于《DMA与GDPR协同适用指南》（以下简称《指南》）的反馈。《指南》将帮助企业解读并遵守这两套规则及其交叉点，其中包括《数字市场法》（DMA）中关于用户数据合并与可携带性的条款，这些条款涉及个人数据处理，因此必须符合GDPR的要求。此外，DMA预见替代性应用商店及应用程序分发渠道的出现，对此，守门人可采取严格必要且相称的措施，但这些措施也必须同时满足GDPR的规定。相关方可在2025年12月4日前提交意见。在对收集到的反馈进行评估后，最终指南将于2026年通过。 ([查看更多](#))

## EU: European Commission and EDPB Gather Feedback on Draft Guidelines on Interplay between DMA and GDPR

The European Commission and the EDPB have launched a public consultation to gather feedback on draft guidelines on the interplay between DMA and GDPR. The guidelines will aid companies to interpret and comply with the two sets of rules and the points in which they intersect. This includes provisions in the DMA on the combination and portability of users' data, which involve processing personal data and therefore require compliance with GDPR. Also, the DMA foresees alternative app stores and distribution channels for apps, for which gatekeepers may put in place strictly necessary and proportionate measures that must also comply with GDPR. Interested parties have until December 4, 2025, to submit their input. Following the assessment of the feedback collected, the final guidelines will be adopted in 2026. ([More](#))

## 爱尔兰：爱尔兰数据保护委员会公布对TikTok作出的5.3亿欧元处罚决定全文

2025年10月2日，爱尔兰数据保护委员会公布了对TikTok作出的5.3亿欧元处罚决定全文。决定中所审查的个人数据传输，是指TikTok通过位于中国的字节跳动集团员工远程访问的方式，将欧洲经济区用户数据传输至中国。决定评估了这些传输是否符合GDPR第五章的规定。决定还审查了TikTok就此类传输向用户提供的信息是否满足GDPR的透明度要求。该决定得出结论：

- (1) 在调查期间，TikTok违反了GDPR第46条第1款，因其在进行数据传输时，未能核实、保障并证明受传输影响的欧洲经济区用户个人数据，获得了与欧盟内部保障水平基本相当的保护；
- (2) 2020年7月29日至2022年12月1日期间，TikTok违反了GDPR第13条第1款（f）项，因其未向数据主体提供关于数据传输的必要信息，也未说明位于中国的员工如何远程访问存储在新加坡和美国的个人数据。 ([查看更多](#))

## Ireland: the Irish Data Protection Commission Published the Full Text of the 530 Million Euro Penalty Decision Made against TikTok

On October 2, 2025, the Irish Data Protection Commission (DPC) released the full text of the 530 million euro penalty decision made against TikTok. The transfers of personal data considered in the Decision consisted of TikTok's transfers of EEA User Data to China by way of remote access to that personal data by personnel of the ByteDance group of companies in China. The Decision considered whether those transfers complied with Chapter V of the GDPR. The Decision also considered whether TikTok's provision of information to users in relation to such transfers met TikTok's transparency requirements as required by the GDPR. The decision concluded that: (1) The DPC found that TikTok infringed Article 46(1) GDPR during the temporal scope of the Inquiry by carrying out the Data Transfers while failing to verify, guarantee and demonstrate that the personal data of EEA users subject to the Data Transfers was afforded a level of protection essentially equivalent to that guaranteed within the EU. (2) From July 29, 2020 to December 1, 2022, TikTok infringed Article 13(1)(f) GDPR that fails to provide data subjects with required information on the Data Transfers and also fails to explain how the employees based in China can remotely access the personal data stored in Singapore and the United States. ([More](#))

## 美国：加州通过《前沿人工智能透明度法案》

2025年9月29日，加州州长签署了《前沿人工智能透明度法案》（SB 53，以下简称《法案》），为开发先进AI系统的企业建立了监管框架。《法案》对训练高容量AI模型的实体新增了透明度、报告及风险管理义务，是美国首个此类法案。《法案》仅适用于某些功能强大的AI模型，其将AI模型广义界定为能够根据其接收的信息做出决策或生成回应的计算机系统。此类系统可在不同程度上自主运行，并被设计用于影响现实或数字环境，例如控制设备、回答问题或创作内容。《法案》规定的主要合规要求包括：（1）前沿AI框架：大型前沿开发者必须发布并维护一份书面框架，说明其如何评估和缓解与其模型相关的灾难性风险；（2）透明度报告：在部署新的或经过重大修改的前沿模型之前，开发者必须在其网站上发布报告，详细说明模型功能及预期用途、风险评估与缓解策略，以及第三方评估机构的参与情况；（3）事件与风险报告：重大安全事件必须在15天内向应急服务办公室报告。 ([查看更多](#))

## USA: California Signed the *Transparency in Frontier Artificial Intelligence Act*

On September 29, 2025, California's governor signed the *Transparency in Frontier Artificial Intelligence Act* (SB 53, Act), establishing a regulatory framework for developers of advanced AI systems. The Act imposes new transparency, reporting, and risk management requirements on entities developing high-capacity AI models. It is the first of its kind in the United States. The Act is meant to cover only certain powerful AI models and it defines AI models generally as computer systems that can make decisions or generate responses based on the information they receive. Such systems can operate with varying levels of independence and are designed to affect real-world or digital environments, such as controlling devices, answering questions, or creating content. The Act provides some key compliance requirements including: (1) Large frontier developers must publish and maintain a documented framework outlining how they assess and mitigate catastrophic risks associated with their models. (2) Transparency Reporting: Prior to deploying a new or substantially modified frontier model, developers must publish on their websites a report detailing the model capabilities and intended uses, risk assessments

and mitigation strategies, and involvement of third-party evaluators. (3) Incident and Risk Reporting: Critical safety incidents must be reported to the Office of Emergency Services (OES) within 15 days. ([More](#))

## 欧盟：欧盟委员会发布关于严重AI事件的指南和报告模板草案

2025年9月26日，欧盟委员会发布了关于严重AI事件的指南和报告模板草案。根据《AI法案》第73条，高风险AI系统的提供者将必须向国家主管部门报告严重事件，旨在及早发现风险、确保问责、实现快速行动，并建立公众对AI技术的信任。尽管这些规则将在2026年8月才开始适用，但指南和报告模板草案已可下载，其将帮助提供者做好准备。指南草案澄清了定义，提供了实际示例，并解释了新规则与其他法律义务的关系。欧盟的做法还寻求与国际倡议保持一致，例如经合组织的AI事件监测和共同报告框架。 ([查看更多](#))

## EU: European Commission Issues Draft Guidance and Reporting Template on Serious AI Incidents, and Seeks Stakeholders' Feedback

On September 26, 2025, European Commission issued draft guidance and reporting template on serious AI incidents, and seeks stakeholders' feedback. According to its Article 73, providers of high-risk AI systems will be required to report serious incidents to national authorities. It aims to detect risks early, ensure accountability, enable quick action, and build public trust in AI technologies. While the rules will only become applicable from August 2026, the draft guidance and reporting template can already be download and both these documents will help providers to prepare. The draft guidance clarifies definitions, offers practical examples, and explains how the new rules relate to other legal obligations. The EU's approach also seeks alignment with international initiatives, such as the OECD's AI Incidents Monitor and Common Reporting Framework. ([More](#))

## 知识产权 Intellectual Property

### 最高人民法院发布互联网法院案件管辖规定

2025年10月11日，最高人民法院发布《最高人民法院关于互联网法院案件管辖的规定》（法释〔2025〕14号，以下简称《规定》），对互联网法院案件管辖范围作出调整完善。《规定》自2025年11月1日起施行。

2018年9月，最高人民法院制定印发《最高人民法院关于互联网法院审理案件若干问题的规定》（法释〔2018〕16号，以下简称《2018年规定》），明确了互联网法院集中管辖所在市的辖区内应当由基层人民法院受理的网络购物、网络服务、网络金融借款、网络小额借款、网络著作权、网络域名、网络侵权、网购产品责任、网络公益诉讼等十一类纠纷。《规定》在《2018年规定》确定的互联网法院案件管辖范围基础上，按照党中央关于互联网法院发展建设改革要求，结合网络空间治理新形势、数字经济发展新要求，优化完善互联网法院管辖案件类型，既

巩固完善“网上纠纷网上审理”的高效便民审理机制，又推动聚焦审理新型、前沿、复杂、规则意义突出的网络案件。

《规定》共4条，明确了互联网法院的案件管辖范围、协议管辖规则、上诉审理机制等内容。

来源：最高人民法院

## Supreme People's Court issues Provisions on Jurisdiction of Internet Courts

On 11 October 2025, the Supreme People's Court (SPC) issued the 'Provisions of the SPC on the Jurisdiction of Internet Courts', which refined and adjusted the scope of jurisdiction for cases handled by internet courts. The Provisions came into effect on 1 November 2025.

In September 2018, the SPC formulated and issued the SPC Provisions on Several Issues Concerning the Trial of Cases by Internet Courts, which specified that internet courts shall have exclusive jurisdiction over eleven categories of disputes within the jurisdiction of the city where the court is located, including online shopping, online services, online financial loans, online micro-loans, online copyright, online domain names, online infringement, online product liability, and online public interest litigation, which should be accepted by the basic-level people's courts. Building upon the jurisdiction scope established by the 2018 Provisions, the Regulations optimise and refine the types of cases under the jurisdiction of internet courts in accordance with the Central Committee's requirements for the development, construction and reform of internet courts, while integrating new developments in cyberspace governance and the evolving demands of digital economic growth. This approach both consolidates and enhances the efficient and convenient mechanism of 'online adjudication for online disputes' and promotes a focus on adjudicating novel, cutting-edge, complex and rule-significant internet cases.

Comprising four articles, the Regulations clarify the jurisdiction scope of internet courts, rules on contractual jurisdiction, and appeal adjudication mechanisms.

Source: SPC

## 北京高院：二审改判，明确涉外贸商品商标使用证据认定标准

在林某某商标撤销复审行政纠纷案中，北京高院指出，使用诉争商标的商品未在中国境内流通且直接出口的，诉争商标注册人主张维持注册的，可以予以支持，并明确了涉外贸商品商标使用证据认定标准。

本案中，诉争商标为核定使用在第16类纸平版印刷工艺品；包装用纸袋或塑料袋（信封、小袋）等商品上的“ÉLÉPHANT JUMEL”商标。法院认为，林某某在二审诉讼阶段提交的证据显示，林某某设立的布鲁克斯公司与国内专营塑料制品生产的外贸工厂聚丰公司工作人员在诉争期间内就定制和采购印有诉争商标标志的塑料袋商品的外贸订单的磋商、履行行为等进行了微信沟通，前述沟通记录明确显示了诉争商标标志、商标号、海关备案号、塑料袋商品图样、订单批量生产照片、生产视频、商品出口装箱照片等有关带有诉争商标标志的塑料袋商品的生产、运输、出口海外的客观交易记录，并有账户交易流水单予以佐证等。虽林某某提交的前述订单所

涉海关出口货物报关单中并未显示诉争商标或品牌，但结合经公证的微信聊天记录的内容、海关官网查询舱单（海运提单）信息、交易流水单、各扣款通知书以及林某某在另案中提交的显示诉争商标品牌的海关出口货物报关单等相关证据，在无其他明确相反证据的情况下，在案证据可以形成完整的证据链足以证明诉争商标于指定期间在“包装用纸袋或塑料袋（信封、小袋）”商品上进行了商标法意义上的使用，该商标在此商品上的注册应当予以维持。鉴于“纸制或塑料制垃圾袋；包装用塑料膜；纸”商品与“包装用纸袋或塑料袋（信封、小袋）”商品在《类似商品和服务区分表》中属于同一类似群组，故诉争商标在前述商品上的注册亦应予以维持。一审判决对此认定错误，本院予以纠正。

来源：北京市高级人民法院

### **Beijing High Court: Appeal court overturns department, clarifying standards for assessing evidence of trademark use in foreign trade goods**

In the administrative dispute concerning the revocation review of Lin Moumou's trademark, the Beijing High People's Court stated that where goods bearing the disputed trademark have not been circulated within China and were directly exported, the registrant's claim to maintain registration may be upheld. The court further clarified the standards for assessing evidence of trademark use on foreign trade goods.

In this case, the disputed trademark was ‘ÉLÉPHANT JUMEL’, registered for use on goods in Class 16, namely: paper lithographic printed articles; paper or plastic bags for packaging (envelopes, pouches, etc.). The court held that evidence submitted by Mr Lin during the second-instance proceedings demonstrated that during the relevant period, staff of Brooks Company (established by Mr Lin) and Jufeng Company (a domestic foreign trade factory specialising in plastic product manufacturing) communicated via WeChat regarding the negotiation and fulfilment of foreign trade orders for customised and procured plastic bags bearing the disputed trademark. The aforementioned communication records unequivocally documented objective transaction evidence concerning the production, transportation, and overseas export of plastic bag products bearing the disputed trademark, including: the disputed trademark logo, trademark registration number, customs filing number, product designs, photographs of batch production, production videos, and images of goods packed for export. This evidence was corroborated by account transaction statements. Although the customs export declaration forms submitted by Lin Moumou for the aforementioned orders did not display the disputed trademark or brand, when considered alongside the content of the notarised WeChat chat records, the manifest (bill of lading) information queried from the official customs website, transaction statements, various deduction notices, and the customs export declaration forms bearing the disputed trademark brand submitted by Lin Moumou in another case, the evidence on file, absent other clear contradictory evidence, forms a complete chain of evidence sufficient to prove that the disputed trademark was used within the meaning of the Trademark Law on the goods ‘paper or plastic bags for packaging (envelopes, pouches)’ during the specified period. The registration of this trademark for these goods should therefore be upheld. Given that the goods ‘paper or plastic refuse bags; plastic film for packaging; paper’ and ‘paper or plastic bags for packaging (envelopes, pouches)’ belong to the same similarity group under the Classification of Goods and Services for the Purposes of the Registration of Marks, the registration of the disputed trademark for the aforementioned goods should also be upheld. The first-instance judgment erred in this determination, which this Court hereby corrects.

Source: Beijing High Court

## 北京知产法院：认定“抖音”互联网平台企业核心服务商标构成驰名

在“抖海音”商标权无效宣告请求行政纠纷案中，某科技公司于2018年8月31日申请注册“抖海音”商标，核定使用在第39类“旅行预订”等服务上。某网络公司于2022年1月4日以诉争商标违反《中华人民共和国商标法》第十三条关于不得摹仿他人驰名商标的规定为由提出无效宣告请求，国家知识产权局经审查认定某网络公司主张驰名的“抖音”商标使用时间较短，不足以证明已达到驰名状态，裁定诉争商标予以维持。

某网络公司不服向北京知识产权法院提起行政诉讼。北京知识产权法院作出一审判决，认定“抖音”商标使用距离诉争商标申请日虽然不足两年，但抖音APP自2016年9月上线以来，以短视频和社交平台为核心业务，2018年以后进入爆发式增长，6月即登顶国内短视频软件榜首、市场渗透率达到29.8%，7月月活超过5亿，9月累计总下载量已超31亿。本案中，某科技公司发布“带着抖音去打卡”等宣传文案，明显具有攀附某网络公司商誉的恶意，故应认定“抖海音”商标系对“抖音”商标的摹仿，违反了商标法第十三条第三款的规定。北京知识产权法院作出一审判决，撤销被诉裁定并责令重作，后北京市高级人民法院驳回上诉，维持一审判决。

来源：北京知识产权法院

## Beijing Intellectual Property Court: Determination that the core service trademark of the Douyin internet platform enterprise constitutes a well-known trademark

In the administrative dispute concerning the request for invalidation of the ‘Dou Hai Yin’ trademark rights, a technology company applied to register the ‘Dou Hai Yin’ trademark on 31 August 2018, approved for use in Class 39 services including ‘travel booking’. On 4 January 2022, a certain internet company filed a request for invalidation of the disputed trademark, alleging it violated Article 13 of the Trademark Law of the People's Republic of China prohibiting the imitation of others' well-known trademarks. After examination, the National Intellectual Property Administration determined that the internet company's claimed well-known ‘Douyin’ trademark had been in use for an insufficient period to establish well-known status, and ruled to uphold the disputed trademark.

The Internet Company appealed to the Beijing Intellectual Property Court. The court's first-instance judgment acknowledged that although the ‘Douyin’ trademark had been in use for less than two years prior to the disputed trademark's application date, the Douyin app had operated since its September 2016 launch with short videos and social networking as its core business. It experienced explosive growth after 2018, topping China's short video app rankings by June with a market penetration rate of 29.8%. by July its monthly active users exceeded 500 million, and by September its cumulative downloads surpassed 3.1 billion. In this case, the technology company's promotional copy such as ‘Take Douyin with you to check-in’ clearly demonstrated malicious intent to free-ride on the internet company's goodwill. Therefore, the “Douhaiyin” trademark should be deemed an imitation of the ‘Douyin’ trademark, violating Article 13(3) of the Trademark Law. The Beijing Intellectual Property Court issued a first-instance department overturning the contested decision and ordering a retrial. Subsequently, the Beijing Higher People's Court dismissed the appeal and upheld the original judgment.

Source: Beijing Intellectual Property Court

## 上海浦东新区法院：关于AI路演纪要侵权之争，法院判赔410万元

近日，进门平台与讯兔科技不正当竞争纠纷一案迎来一审判决。民事判决书显示，法院判令讯兔科技立即停止涉案不正当竞争行为，删除全部侵权线上路演会议数据内容，并向进门赔偿经济损失及合理开支共计410万元，同时需在指定平台刊登声明消除不良影响。

上海浦东新区法院认为，被告讯兔科技获取原告进门平台线上会议数据内容后续的不当使用行为既未经权利人许可、又超越白名单机制，向不特定公众提供特定范围数据信息，违反诚信原则及商业道德，扰乱市场竞争秩序，损害原告的合法竞争利益，构成不正当竞争。判决书显示，被告涉案行为使券商等卖方线上会议白名单机制形同虚设，会议数据内容超范围传播，并直接危及原告作为线上会议服务平台的竞争利益，故应予负面评价。关于本案的另一个争议点，即使用AI技术生成的纪要是否也构成侵权行为，法院认为，利用AI人工智能技术不能成为规避侵权责任的借口。讯兔科技曾以“技术中立”为由进行抗辩，声称其内容由AI生成。但法院认定，AI在目前发展阶段仍属工具性质，使用何种工具并不影响对竞争行为正当性的判断。而在某种程度上，更高效的工具可能使不正当竞争行为损害后果进一步扩大。法院认为，解决买方高效参会这一“痛点”的同时不能制造另一个“痛点”，甚至是“堵点”。

来源：上海浦东新区人民法院

## Shanghai Pudong New Area Court: Court awards RMB 4.1 million in damages over AI roadshow memorandum infringement dispute

Recently, the first-instance judgment was delivered in the unfair competition dispute between Jinmen Platform and XunTu Technology. The civil judgment reveals that the court ordered XunTu Technology to immediately cease the unfair competition practices in question, delete all infringing online roadshow meeting data content, and compensate Jinmen for economic losses and reasonable expenses totalling RMB 4.1 million. Additionally, XunTu must publish a statement on designated platforms to mitigate adverse effects.

The Shanghai Pudong New Area Court held that XunTu Technology's subsequent improper use of the plaintiff's online meeting data—without the rights holder's authorisation and circumventing the whitelist mechanism—constituted an unlawful provision of specific data to the general public. This violated principles of good faith and commercial ethics, disrupted market competition order, harmed the plaintiff's legitimate competitive interests, and constituted unfair competition. The judgment revealed that the defendant's actions rendered the whitelist mechanisms of securities firms and other sellers ineffective, allowing meeting data to be disseminated beyond authorised scope. This directly jeopardised the plaintiff's competitive interests as an online meeting service provider, warranting negative evaluation. Regarding another point of contention—whether AI-generated meeting minutes also constituted infringement—the court ruled that employing artificial intelligence technology could not serve as a pretext to evade liability. XunTu Technology had defended itself on grounds of ‘technological neutrality’, asserting that its content was AI-generated. However, the court determined that AI, at its current developmental stage, remains a tool. The choice of tool does not affect the assessment of the legitimacy of competitive conduct. To some extent, more efficient tools may even amplify the detrimental consequences of

unfair competition. The court held that while addressing the 'pain point' of enabling efficient buyer participation, one must not create another 'pain point' or even a 'blockage'.

Source: Shanghai Pudong New Area Court

### 汕头中院：法院不鼓励批量图片维权牟利，判赔人民币50元

在卢某某与东吉社公司著作权权属、侵权纠纷案中，汕头中院认为，卢某某通过信息网络向不特定人传播与涉案作品相同的图片的行为，已侵犯东吉社公司对涉案作品享有的著作财产权，依法应承担相应的民事赔偿责任，从卢某某的主观过错程度和侵权情节可知，卢某某实施的是一般侵权行为，对卢某某的赔偿责任应适用补偿性赔偿标准。

在无证据证明东吉社公司已就本案侵权遭受显著损失且其维权成本因批量诉讼显著降低，而卢某某的违法获利亦十分有限的情况下，本院适用侵权获利计算赔偿数额，同时结合东吉社公司的合理维权费用，确定卢某某应赔偿东吉社公司包括合理维权费用在内的经济损失50元。一审法院在计算卢某某的赔偿金额时未充分考虑东吉社公司提起批量维权诉讼、卢某某的侵权情节显著轻微、本案维权成本低等情况，对卢某某判处与其侵权程度不符的过高的赔偿责任不当，本院对此予以调整。

来源：汕头市中级人民法院

### Shantou Intermediate Court: The court discourages the practice of mass image copyright infringement for profit, awarding damages of RMB 50

In the case concerning copyright ownership and infringement between Lu Moumou and Dongjishu Company, the Shantou Intermediate People's Court held that Lu Moumou's act of disseminating images identical to the work in question to unspecified persons via information networks constituted an infringement of Dongjishu Company's economic rights over the work. Lu Moumou was therefore legally liable for corresponding civil compensation. Considering the degree of Lu Moumou's subjective fault and the circumstances of the infringement, Lu's actions constituted a general infringement, warranting the application of compensatory damages.

In the absence of evidence demonstrating that Dongjisha Co., Ltd. had suffered significant losses due to the infringement in this case, and given that its enforcement costs were substantially reduced by the batch litigation approach, coupled with Lu's very limited illegal profits, this Court applied the calculation of damages based on the profits derived from the infringement. Taking into account Dongjisha Co., Ltd.'s reasonable enforcement expenses, it was determined that Lu should compensate Dongjisha Co., Ltd. for economic losses, including reasonable enforcement expenses, amounting to RMB 50. The court of first instance failed to adequately consider factors such as Dongjisha Company's initiation of batch litigation, the notably minor nature of Lu's infringement, and the low cost of rights protection in this case when calculating Lu's compensation amount. The imposition of an excessively high liability on Lu that was disproportionate to the severity of his infringement was inappropriate, and this Court hereby adjusts it accordingly.

Source: Shantou Intermediate Court

## 南平延平法院：审慎适用一般条款认定“刮码销售”行为是否构成不正当竞争

某茶业公司是一家集茶叶种植、加工、销售、科研、出口及白茶文化推广为一体的企业，该公司生产的茶产品包装盒附有防伪溯源二维码，具有防伪与溯源两个功能。罗某某在某网络公司运营的电商平台上经营网店，销售刮除防伪溯源码的某茶业公司产品。某茶业公司认为罗某某的“刮码销售”行为构成商标侵权及不正当竞争，要求罗某某赔偿损失等。

南平延平法院经审理认为，首先，罗某某的刮码销售行为符合商标权利用尽原则，商标侵权行为，不构成商标侵权。

其次，在罗某某的刮码销售行为明显不属于混淆仿冒、商业贿赂等典型不正当竞争行为的前提下，若要适用反不正当竞争法第二条，应当判断案涉行为是否扰乱了市场竞争秩序，是否损害了其他经营者或者消费者的合法权益。法院分别以罗某某刮除的防伪溯源方形码所具有溯源、防伪两项功能为角度，从市场竞争秩序、经营者合法权益、消费者合法权益三个方面展开分析。

从溯源功能角度出发：首先，经营者不负有维护其他经营者商业模式以维持现有竞争秩序的义务；其次，在某茶业公司向经销商销售商品的环节中，已经获取了应得的销售利益，对嗣后的商品销售环节中价格的控制，仅是其商业模式，不应适用反不正当竞争法进行保护。至于下游经销商由此可能间接导致的竞争利益受损，系内部竞争行为，不具有适用外部规制予以救济的必要；最后，消费者合法权益并未因溯源功能破坏而受到损害。故，从罗某某刮码销售行为从破坏溯源角度出发尚不具有纳入反不正当竞争法予以规制的必要。

从防伪功能角度出发：首先，防伪功能的破坏导致某茶业公司快速识别商品真伪的渠道缺失，客观上不必要地增加了该公司的经营成本，造成了该公司的经营者合法权益的损害；其次，罗某某的刮码销售行为致使消费者无法通过防伪功能快捷方便准确地核验产品真伪、了解产品是否为回收产品或是否存在二次销售等，罗某某刮码销售行为明显造成对消费者合法权益的损害；最后，罗某某破坏防伪溯源方形码的防伪功能，确实造成经营者合法权益与消费者合法权益的损害，该行为在一定程度上扰乱了市场竞争秩序。故，从罗某某刮码销售行为从破坏防伪功能的角度出发，该行为构成不正当竞争。

来源：福建省高级人民法院

## Nanping Yanping District Court: Exercise caution in applying general provisions to determine whether “scratch-off sales” constitute unfair competition

A certain tea company is an enterprise integrating tea cultivation, processing, sales, scientific research, export, and the promotion of white tea culture. The packaging boxes of its tea products feature anti-counterfeiting traceability QR codes, serving dual functions of anti-counterfeiting and traceability. Luo Moumou operated an online store on an e-commerce platform run by a certain internet company, selling

products from the aforementioned tea company with their anti-counterfeiting traceability codes scratched off. The tea company contended that Luo's 'scratch-off sales' constituted trademark infringement and unfair competition, demanding compensation for damages.

The Yanping District Court of Nanping ruled that: Firstly, Luo's scratch-off sales practice aligns with the principle of exhaustion of trademark rights and does not constitute trademark infringement.

Secondly, given that Luo's scraping-off practice clearly did not constitute typical unfair competition acts such as counterfeiting or commercial bribery, the applicability of Article 2 of the Anti-Unfair Competition Law required assessing whether the conduct disrupted market competition order or harmed the legitimate rights and interests of other operators or consumers. The court analysed the matter from three perspectives: market competition order, legitimate rights and interests of operators, and legitimate rights and interests of consumers, based on the dual functions of traceability and anti-counterfeiting inherent in the square anti-counterfeiting traceability codes removed by Luo.

Regarding the traceability function: Firstly, operators bear no obligation to uphold other operators' business models to maintain existing competitive order. Secondly, in the stage where a certain tea company sells goods to distributors, it has already obtained its due sales profit. Subsequent price control in the goods sales chain constitutes merely its business model and should not be protected under the Anti-Unfair Competition Law. As for any potential indirect competitive disadvantage to downstream distributors, this constitutes internal competitive behaviour not warranting external regulatory intervention. Finally, consumers' legitimate rights and interests remain unaffected by the disruption of traceability functions. Therefore, Luo's code-scraping sales practices, viewed solely through the lens of traceability disruption, do not necessitate regulation under the Anti-Unfair Competition Law.

From the perspective of anti-counterfeiting functions: Firstly, the disruption of anti-counterfeiting functionality deprived a certain tea company of its rapid product authentication channel, objectively and unnecessarily increasing the company's operational costs and thereby infringing upon the lawful rights and interests of its operators. Secondly, Luo's scratch-off sales practice prevented consumers from swiftly, conveniently, and accurately verifying product authenticity through anti-counterfeiting features, or determining whether products were recycled or subject to secondary sales. Luo's actions thus demonstrably harmed consumers' lawful rights and interests. Finally, Luo Moumou's destruction of the anti-counterfeiting traceability square code's security features has indeed harmed both the legitimate rights and interests of the business operator and those of consumers. This conduct has, to a certain extent, disrupted the order of market competition. Therefore, from the perspective of undermining anti-counterfeiting functionality, Luo Moumou's practice of selling goods with scratched codes constitutes unfair competition.

Source: [Fujian High Court](#)

## 北京三中院：全国首例，主题乐园领域服务商标刑事案件生效

北京通州区法院审理的北京通州区检察院指控原审被告张某某、赵某某、等侵犯假冒注册商标罪案中，环球公司在第41类“导游服务”上注册有环球影城、UNIVERSAL RESORT等注册商标，被告人在其经营的“北京环球影城贵宾预定中心”网站销售“北京环球影城贵宾套餐”，网页显著位置使用带有“北京环球度假区”“环球影城度假区”等标识的图片、文字以及环球度假区经

典游玩项目宣传图片，通过自制网页、百度推广等方式宣传、售卖环球影城套餐，其中包含导览等服务。

一审北京通州区法院认为：被告人在网页上使用的商标与权利人的注册商标属于“相同商标”，被告人所提供的“导览服务”与权利人注册商标上核定使用的服务属于“同一服务”，且被告人在其网页上使用环球影城相关图片、文字的行为属于“商标性使用”，故一审判决认为被告人共六人未经注册商标所有人许可，在同一服务上使用与其注册商标相同的商标，以收取服务费的方式营利，情节特别严重，六被告人的行为均构成假冒注册商标罪。

五被告不服上诉，北京三中院作出裁定，同意一审判决就“相同商标”“同一种服务”以及“商标性使用”的认定意见，并补充如下：其一，上诉人自制网站提供的环球影城贵宾套餐中导览服务不论是名称使用、套餐项目具体介绍上，还是实际提供的导游服务上都与被害单位注册商标中所核定使用的导游服务属于“同一种服务”，对消费者具有误导性。假冒注册商标行为侵犯的是权利人的注册商标专用权，本罪的成立并不以造成权利人实际损害为构成要件。其二，关于“商标性使用”：在案证据证明被告人自制网站上使用的“环球影城”文字、带有“环球影城”图片与被害单位注册商标属于“相同商标”，均提供相同导游服务，已经足以对公众产生误导，属于商标性使用。而在案被告人供述、书证等证明，其自制网站并没有在显著位置标明其公司名称，反而形成固定的“话术”应对消费者疑问，回避其并非官方授权。最终，北京三中院裁定驳回上诉，维持原判。

来源：北京市第三中级人民法院

## **Beijing Third Intermediate Court: First criminal case in China involving service marks in the theme park sector becomes final**

In the case prosecuted by the Tongzhou District People's Procuratorate of Beijing against defendants Zhang Moumou, Zhao Moumou, and others for infringing registered trademarks, as heard by the Tongzhou District People's Court of Beijing, Universal Studios holds registered trademarks including 'UNIVERSAL RESORT' in Class 41 for 'tour guide services'. The defendants sold 'Beijing Universal Studios VIP Packages' on their operated website 'Beijing Universal Studios VIP Booking Centre'. prominently displayed images and text bearing identifiers such as 'Beijing Universal Resort' and 'Universal Studios Resort', alongside promotional images of classic Universal Resort attractions. They advertised and sold Universal Studios packages—including guided tours—via self-created webpages and Baidu promotions.

The Beijing Tongzhou District Court at first instance held: The trademarks used by the defendants on their webpage constituted 'identical trademarks' to the registered trademarks of the rights holder. The 'guidance services' provided by the defendants constituted 'the same services' as those approved for use under the rights holder's registered trademarks. Furthermore, the defendants' use of Universal Studios-related images and text on their webpage constituted 'trademark use'. Therefore, the first-instance judgment held that all six defendants, without the permission of the registered trademark owner, used a trademark identical to the registered trademark on the same services for profit by charging service fees,

constituting particularly serious circumstances. The actions of all six defendants constituted the crime of counterfeiting a registered trademark.

Five defendants appealed against this department. The Beijing Third Intermediate People's Court issued a department affirming the first-instance court's determinations regarding the 'identical trademark', 'same type of service', and 'trademark-related use', while supplementing as follows: Firstly, the guided tour services offered in the Universal Studios VIP package on the appellants' self-created website constituted 'the same type of service' as the guided tour services covered by the victim company's registered trademark, whether in terms of the name used, the specific description of the package items, or the actual tour guide services provided. This was misleading to consumers. The offence of counterfeiting a registered trademark infringes upon the exclusive right of the trademark owner to use the registered trademark; the establishment of this offence does not require actual damage to the rights holder as an essential element. Secondly, regarding 'trademark-like use': evidence in the case demonstrates that the 'Universal Studios' text and images bearing 'Universal Studios' used on the defendant's self-created website constitute 'identical trademarks' to the victim organisation's registered trademark. Both provided identical tour guide services, which was sufficient to mislead the public and thus constitutes trademark-like use. Furthermore, the defendant's confessions and documentary evidence demonstrate that their self-created website did not prominently display their company name. Instead, they developed a fixed 'script' to deflect consumer enquiries about their lack of official authorisation. Ultimately, the Beijing Third Intermediate People's Court ruled to dismiss the appeal and uphold the original judgment.

Source: [Beijing Third Intermediate Court](#)

## 英国上诉法院澄清对保密的第三方信息公开原则

2025年10月7日，英国上诉法院作出了一项重要的判决，就英国法院在FRAND诉讼中对于保密的第三方信息公开的标准做出了澄清。上诉法院认为，必须要对判决公开版本的第三方保密许可信息进行编辑，如果披露的话，将会对许可人和被许可人造成商业上的损害，因为这将导致未来许可谈判中一方要求更低的费率或条款。但是在没有这些内容的情况下，其实并不影响公众理解判决的推理思路。

来源: [PRIP Research](#)

## The Court of Appeal clarifies the principle of disclosure of confidential third-party information

On 7 October 2025, the Court of Appeal of England and Wales delivered a significant judgment clarifying the standard for disclosure of confidential third-party information in FRAND litigation before the English courts. The Court of Appeal held that confidential third-party licensing information must be redacted from the publicly available version of the judgment. Disclosure would cause commercial detriment to both licensor and licensee, as it could lead to one party demanding lower rates or less favourable terms in future licensing negotiations. However, the absence of such details does not impede the public's understanding of the reasoning behind the judgment.

Source: [PRIP Research](#)

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