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立方竞争法周报 Weekly Competition Law News

国家发改委 市场监管总局发布《关于治理价格无序竞争 维护良好市场价格秩序的公告》

2025年9月28日，国家发改委、国家市场监督管理总局联合发布《关于治理价格无序竞争 维护良好市场价格秩序的公告》（“**《公告》**”）。《公告》指出，价格竞争是市场竞争的重要方式之一，但无序竞争会对行业发展、产品创新、质量安全等造成负面影响，因此为规范市场价格行为、维护良好市场价格秩序发布《公告》。《公告》提出，对价格无序竞争问题突出的重点行业，行业协会等有关机构在国家发展改革委、市场监管总局和行业主管部门指导下，可以调研评估行业平均成本。同时，《公告》提示行业协会应当严格遵守《中华人民共和国价格法》《中华人民共和国反垄断法》规定，促进行业自律，引导经营者共同维护行业公平竞争秩序。（查看更多）

NDRC SAMR Jointly Promulgated the *Announcement on Curbing Disorderly Price Competition and Preserving Sound Market Price Order*

On 28 September 2025, the National Development and Reform Commission (“**NDRC**”) and the State Administration for Market Regulation (“**SAMR**”) jointly promulgated *the Announcement on Curbing Disorderly Price Competition and Preserving Sound Market Price Order* (“**the Announcement**”). *The Announcement* recognises that price competition is an important modality of market competition, yet disorderly competition may exert adverse effects on industrial development, product innovation, quality and safety. Therefore, to regulate market pricing conduct and preserve sound market pricing order, *the Announcement* was promulgated. *The Announcement* provides that, for key sectors in which disorderly price competition is pronounced, the relevant organizations such as industry associations and other entities may, under the guidance of the NDRC, the SAMR and the competent sector-specific authorities, conduct research and assessments of industry-wide average costs. *The Announcement* also reminds industry associations to strictly abide by *the Price Law of the People’s Republic of China* and *the Anti-Monopoly Law of the People’s Republic of China,* to strengthen industry self-discipline and to guide businesses to jointly safeguard fair competition order in their respective industries. (More)

土耳其竞争监管机构对17家企业劳动力市场反竞争行为处以约2.4亿里拉罚款

2025年10月17日，土耳其竞争监管机构宣布对17家企业（主要为药业）处以总计 2.3713 亿土耳其里拉（约 560 万美元）罚款，因相关企业签订了“互不挖角协议”和/或交换竞争敏感信息，违反《土耳其第4054号竞争保护法》第四条。根据土耳其竞争监管机构的调查，涉案企业就未来员工工资及福利待遇交换了竞争敏感信息，并认定上述行为违反了竞争法。涉案企业包括诺华、诺和诺德、辉瑞、赛诺菲等国际药企和土耳其本土药企。（查看更多）

Turkish Competition Authority Fines 17 Companies for Anti-competitive Conduct in the Labour Market for Approximately TRY 240 Million

On 17 October 2025, the Turkish Competition Authority announced an aggregate fine of TRY 237.13 million (approximately USD 5.6 million) against seventeen companies (principally operating in the pharmaceutical sector) because the aforementioned companies signed "no-poach agreements" and/or exchanged competitively sensitive information in breach of Article 4 of *the Act No.4054 On the Protection of Competition*. Following the investigation conducted by the Turkish Competition Authority, the companies had exchanged competitively sensitive information on future employee wages and benefits, and determined that such conduct constituted an infringement of the competition law. The companies concerned include international pharmaceutical companies Novartis, Novo Nordisk, Pfizer and Sanofi, as well as Turkish domestic pharmaceutical companies. (More)

欧盟委员会附条件批准波音公司收购势必锐航空系统公司

2025年10月14日，欧盟委员会（"欧委会"）宣布附条件批准波音公司收购势必锐航空系统公司（Spirit AeroSystems）。欧委会担忧，该交易如按最初申报的结构进行将显著减少航空结构件和大型商用飞机全球市场的竞争，集中后实体将具备对大型商用飞机制造商（尤其是空客）停止供应航空结构件或恶化供应条件的能力和动机，可能获取与空客相关的商业敏感信息并为自身谋求优势。为解决欧委会的初步竞争担忧，波音公司提出两项剥离措施：(1)将势必锐目前为空客供应航空结构件的全部业务（含全部必要资产和人员）剥离给空客；(2)将势必锐公司位于马来西亚的生产基地（现向空客等企业供应航空结构件）出售给马来西亚复合材料技术研究有限公司。上述结构性承诺彻底解决了欧委会识别的竞争担忧，能够保障空客供应链安全，并引入新的竞争力量进入航空结构件市场。在市场测试收到积极反馈后，欧委会认定调整后的交易将不再引发竞争烦忧。（查看更多）

European Commission Approved Boeing's Acquisition of Spirit AeroSystems subject to Conditions

On October 14, 2025, the European Commission ("**the Commission**") announced that it approved Boeing's acquisition of Spirit AeroSystems subject to conditions. The Commission had concerns that the transaction, as initially notified, would have significantly reduced competition in the global markets for aerostructures and large commercial aircraft; and that the merged entity would have the ability and the incentive to stop supplying aerostructures, or at least deteriorate the supply conditions, to manufacturers of large commercial aircraft (in particular Airbus) and could gain access to commercially sensitive information relating to Airbus and use it to its advantage. To address the Commission's preliminary competition concerns, Boeing offered to divest all Spirit's businesses that currently supply Airbus with aerostructures (including all necessary assets and personnel) to Airbus; and to divest Spirit's site in Malaysia (currently supplying, among others, Airbus with aerostructures) - to Composites Technology Research Malaysia Sdn. Bhd.. The above structural commitments could fully address the competition concerns identified by the Commission and they could secure Airbus's supply chain and allow a new competitive force to enter the market for aerostructures. Following the positive feedback received in the context of the market test, the Commission concluded that the transaction, as modified by the commitments, would no longer raise competition concerns.(More)

欧盟委员会对疫苗行业数家公司进行突袭现场检查

2025年9月30日，欧委会宣布其正在对多家疫苗领域公司的营业场所进行突袭检查。欧委会担忧被检查公司可能违反了欧盟反垄断规定，具体是《欧盟运行条约》第102条所规定的滥用市场支配地位行为，并在调查中特别关注可能构成反竞争性贬损行为的排他性行为。欧委会官员在相关国家竞争主管机构官员的陪同下展开此次行动。突袭检查是欧委会针对涉嫌反竞争行为的初步调查步骤，开展此类检查并不意味着相关公司确实存在反竞争行为，也不会预先判断调查的最终结果。（查看更多）

European Commission Carries out Unannounced Antitrust Inspections in the Vaccines Sector

On September 30, 2025, the European Commission announced that it was carrying out unannounced inspections at the premises of a company active in the vaccines sector. The Commission has concerns that the inspected company may have violated EU antitrust rules that prohibit abuses of a dominant market position (Article 102 of the Treaty on the Functioning of the European Union). In particular, the Commission is investigating possible exclusionary practices that may amount to anticompetitive disparagement. The Commission officials were accompanied by their counterparts from the relevant national competition authorities. Unannounced inspections are a preliminary investigative step into suspected anticompetitive practices; the fact that the Commission carries out such inspections does not mean that the company in question is guilty of anti-competitive behaviour, nor does it prejudge the outcome of the investigation itself. (More)

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

国家网信办和市场监管总局联合发布《个人信息出境认证办法》

2025年10月17日，国家网信办和市场监管总局联合发布了《个人信息出境认证办法》（以下简称《办法》），旨在保护个人信息权益，规范个人信息出境认证活动，促进个人信息高效安全跨境流动。《办法》共19条，自2026年1月1日起施行。《办法》明确，个人信息处理者通过个人信息出境认证的方式向境外提供个人信息的，应当同时符合下列情形：（1）非关键信息基础设施运营者；（2）自当年1月1日起累计向境外提供10万人以上、不满100万人个人信息（不含敏感个人信息）或者不满1万人敏感个人信息；（3）向境外提供的个人信息不包括重要数据。《办法》规定，个人信息处理者通过认证方式向境外提供个人信息的，应当向专业认证机构申请个人信息出境认证。《办法》指出，专业认证机构应当按照认证基本规范、个人信息保护认证规则开展个人信息出境认证活动。符合认证要求的，专业认证机构应当及时出具认证证书。认证证书的有效期为3年。证书到期需继续使用的，个人信息处理者应当在有效期届满前6个月提出认证申请。（查看更多）

CAC & SAMR Jointly Release *Measures for Personal Information Cross-Border Transfer Certification*

On October 17, 2025, the Cyberspace Administration of China (CAC) and the State Administration for Market Regulation (SAMR) jointly released the *Measures for Personal Information Cross-Border Transfer Certification* (Measures). The Measures aim to protect the rights and interests of personal information, standardize personal information cross-border transfer certification activities, and promote efficient and secure cross-border flow of personal information. The Measures, consisting of 19 articles, shall come into force on January 1, 2026. The Measures clarify that a personal information handler that provides personal information to overseas parties through personal information cross-border transfer certification shall simultaneously meet the following conditions: (1) Being a non-critical information infrastructure operator. (2) Having provided personal information (excluding sensitive personal information) of more than 100,000 but less than 1,000,000 individuals, or sensitive personal information of less than 10,000 individuals to overseas parties cumulatively since January 1 of the current year. (3) The personal information provided to overseas parties does not include important data. The Measures stipulate that a personal information handler that provides personal information to overseas parties through certification shall apply to a professional certification body for personal information cross-border transfer certification. The Measures point out that professional certification bodies shall conduct personal information cross-border transfer certification activities in accordance with the basic certification standards and personal information protection certification rules. For those that meet the certification requirements, the professional certification body shall issue a certification certificate in a timely manner. The validity period of the certification certificate is 3 years. If the certificate needs to be continued after expiration, the personal information handler shall submit a certification application 6 months before the expiration of the validity period. (More)

全国网安标委发布《网络安全标准实践指南——数据库联网安全要求（征求意见稿）》

2025年10月17日，全国网安标委发布了《网络安全标准实践指南——数据库联网安全要求（征求意见稿）》（以下简称《要求》），向社会公开征求意见，意见反馈截止时间为2025年10月31日。《要求》规定了数据库系统连接至公共网络场景下的安全技术要求、安全管理要求。《要求》适用于指导数据库系统接入公共网络开展数据处理活动，也可为评估机构提供参考。《要求》将数据库联网安全要求分为安全技术要求和安全管理要求两类。其中，安全技术要求是对数据库在联网环境中应具备的安全功能提出具体的要求；安全管理要求是对数据库联网系统的运行维护、制度建设和人员管理等提出的组织与流程性安全要求。《要求》依据数据库联网业务所处理数据的规模、敏感程度及业务重要性，将数据库联网安全要求划分为基本级与增强级。《要求》对数据处理者使用数据库的身份鉴别、访问控制、数据加密、边界防护、网络传输和日志审计的安全要求作出规定；对数据库的运维、合作外包、人员和供应链的管理要求作出规定。（查看更多）

TC 260 Releases *Practice Guide for Cybersecurity Standards - Cybersecurity Requirements for Database Networking (Draft for Comment)*

On October 17, 2025, the National Technical Committee 260 on Cybersecurity of Standardization Administration of China (TC 260) released the *Practice Guide for Cybersecurity Standards - Cybersecu-*

rity Requirements for Database Networking (Draft for Comment) (Requirements), and publicly solicited opinions from the society. The deadline for feedback on opinions is October 31, 2025. The Requirements specify cybersecurity technical requirements and cybersecurity management requirements for scenarios where database systems are connected to public networks. The Requirements are applicable to guiding database systems to access public networks for data processing activities, and can also serve as a reference for assessment institutions. The Requirements categorize cybersecurity requirements for database networking into two types: cybersecurity technical requirements and cybersecurity management requirements. Among them, cybersecurity technical requirements put forward specific demands on the security functions that databases should have in a networked environment; cybersecurity management requirements put forward organizational and procedural security demands for the operation and maintenance, system construction, and personnel management of database networking systems. Based on the scale, sensitivity of data processed by database networking services and the importance of related businesses, the Requirements classify cybersecurity requirements for database networking into basic level and enhanced level. The Requirements stipulate security requirements for data handlers regarding identity authentication, access control, data encryption, boundary protection, network transmission, and log auditing when using databases; they also stipulate management requirements for the operation and maintenance, cooperative outsourcing, personnel, and supply chain of databases. (More)

国家网信办通报违法违规涉军自媒体账号典型案例

2025年10月15日，国家网信办通报了违法违规涉军自媒体账号典型案例。部分自媒体账号违反《互联网军事信息传播管理办法》，违规发布涉军信息，误导公众认知，损害军队形象，社会影响恶劣。军地职能部门依法依规处置了一批网上违法违规信息及自媒体账号，所涉问题包括：（1）消费退役军人身份。部分账号借退役军人身份吸粉引流，违规着军服拍摄短视频、进行网络直播，诱导网民充值打赏；（2）兜售涉密敏感资料。部分账号售卖军事行动相关视频素材和限军队内部发行书籍，借涉密敏感军事资料违规牟利；（3）歪曲解读政策规定。部分账号长期发帖炒作涉军校招生等有关政策，唱衰军事职业前景，并有偿提供相关咨询指导服务。（4）抹黑军队军人形象。部分账号长期利用AI工具，制作发布丑化军队形象的图像视频。（查看更多）

CAC Issues Notice on Typical Cases of Illegal and Irregular Military-Related Self-Media Accounts

On October 15, 2025, the CAC issued a notice on typical cases of illegal and irregular military-related self-media accounts. Some self-media accounts violated the *Measures for the Administration of Internet Military Information Communication* by illegally publishing military-related information, misleading public perception, damaging the image of the military, and causing severe social impacts. Military and local functional departments have disposed of a batch of illegal and irregular online information and self-media accounts in accordance with laws and regulations. The involved issues include: (1) Exploiting the identity of veterans. Some accounts used the identity of veterans to attract followers and drive traffic, illegally wore military uniforms to shoot short videos and conduct live streams, and induced netizens to recharge and give rewards. (2) Peddling classified and sensitive materials. Some accounts sold video materials related to military operations and books restricted to internal military distribution, and illegally profited from classified and sensitive military materials. (3) Distorting and misinterpreting policies and regulations. Some accounts have long posted content to hype up policies related to military

academy enrollment, belittled the prospects of military careers, and provided relevant consulting and guidance services for a fee. (4) Smearing the image of the military and military personnel. Some accounts have long used AI tools to create and publish images and videos that uglify the military's image. (More)

最高人民检察院发布检察技术支持人脸信息行政公益诉讼典型案例

2025年10月14日，最高人民检察院发布了一批共6件检察技术支持公益诉讼检察典型案例，其中包括上海市青浦区人民检察院督促整治房地产企业违法使用人脸信息行政公益诉讼案。本案中，房地产企业自2023年10月起在售楼处违规安装多个人脸抓拍高清摄像头及人脸分析识别系统，用于客户类型甄别、信息分析后与中介结算佣金等商业用途。截至案发，共违法收集、使用人脸照片、视频等生物识别信息达2.8万余条，侵犯众多消费者合法权益，损害社会公共利益。检察机关调查取证过程中，针对数据定位和取证难题，充分发挥融合履职及检察技术部门支撑作用，采用逆向追踪、远程勘验等技术手段获取涉案公司隐匿于异地云服务器的人脸数据，为查明公益损害事实提供有力证据支撑。（查看更多）

Supreme People's Procuratorate Releases Typical Cases of Procuratorial Technology-Supported Administrative Public Interest Litigation Involving Facial Information

On October 14, 2025, the Supreme People's Procuratorate released a batch of 6 typical cases of procuratorial technology-supported public interest litigation, including the case handled by the People's Procuratorate of Qingpu District, Shanghai, which supervised and urged the rectification of illegal use of facial information by a real estate enterprise in an administrative public interest litigation. In this case, since October 2023, the real estate enterprise had illegally installed multiple high-definition cameras for facial capture and facial analysis and recognition systems in its sales offices. These devices were used for commercial purposes such as customer type identification, information analysis, and subsequent commission settlement with intermediaries. By the time the case was filed, the enterprise had illegally collected and used more than 28,000 pieces of biometric information including facial photos and videos, infringing on the legitimate rights and interests of numerous consumers and harming social public interests. During the investigation and evidence collection process, the procuratorial organ, in response to the difficulties in data positioning and evidence collection, gave full play to the role of integrated performance of duties and the support of the procuratorial technology department. It adopted technical means such as reverse tracking and remote inspection to obtain the facial data of the involved company hidden in off-site cloud servers, providing strong evidential support for clarifying the facts of public interest damage. (More)

辽宁省通信管理局通报10款侵害用户权益的App

2025年10月17日，经组织第三方检测机构进行抽查，辽宁省通信管理局共发现10款App存在侵害用户权益行为，所涉问题包括：（1）违规收集个人信息；（2）超范围收集个人信息；（3）违规使用个人信息；（4）App强制、频繁、过度索取权限。上述App应在2025年10月24日前完成整改落实工作，并将整改报告书面报送辽宁省通信管理局。对未能在限期内完成整改的App，辽宁省通信管理局将依法依规组织开展相关处置工作。（查看更多）

Liaoning Provincial Communications Administration Issues Notice on 10 Apps That Infringe on Users' Rights and Interests

On October 17, 2025, after organizing third-party testing institutions to conduct random inspections, the Liaoning Provincial Communications Administration found that a total of 10 Apps had committed acts of infringing on users' rights and interests. The involved issues include: (1) Illegally collecting personal information. (2) Collecting personal information beyond the specified scope. (3) Illegally using personal information. (4) Forcibly, frequently, and excessively requesting permissions. The above-mentioned Apps shall complete rectification work by October 24, 2025, and submit a written rectification report to the Liaoning Provincial Communications Administration. For Apps that fail to complete rectification within the time limit, the Liaoning Provincial Communications Administration will organize and conduct relevant disposal work in accordance with laws and regulations. (More)

欧盟：EDPB将透明度和信息告知义务作为2026年协同执法行动主题

2025年10月14日，欧洲数据保护委员会（EDPB）选定了其第五次协同执法行动的主题，该行动将围绕GDPR项下的透明度和信息告知义务的合规情况展开。GDPR确保个人在其数据被处理时能得到告知（依据第12、13和14条）。这种知情权是透明度的核心要素，能确保个人对自己的数据拥有更多控制权。在协同行动中，EDPB会确定某一主题作为优先事项，供各国数据保护机构（DPA）在国家层面开展工作。随后，这些国家层面行动的结果会被汇总分析，以加深对该主题的理解，并在必要时在国家和欧洲层面采取有针对性的后续措施。未来几周，各参与的DPA将自愿加入这一新行动，而行动本身将在2026年期间启动。（查看更多）

EU: EDPB Selects Obligations of Transparency and Information as Topic for 2026 Coordinated Enforcement Action

On October 14, 2025, the European Data Protection Board (EDPB) picked the topic for its fifth coordinated enforcement action, which will concern compliance with the obligations of transparency and information under the General Data Protection Regulation (GDPR). The GDPR ensures that individuals are informed when their data is being processed (under Art. 12, 13 and 14). This right to be informed is a core element of transparency and ensures that individuals have more control over their data. In a coordinated action, the EDPB prioritizes a certain topic for Data Protection Authorities (DPAs) to work on at national level. The results of these national actions are then aggregated and analyzed to generate deeper insight into the topic and allowing for targeted follow-up at both national and European level if needed. Participating DPAs will join this new action on a voluntary basis in the coming weeks and the action itself will be launched over the course of 2026. (More)

美国：加州更新《AI透明法》

2025年10月13日，加州州长签署了《AI透明法》（AB 853），对2024年发布的原AI透明法（SB 942）的规定进行了修订和扩展，最终《AI透明法》将于2026年8月2日生效。《AI透明法》规定，对于创建、编写或以其他方式开发生成式AI系统的主体，若该系统每月访问量或用户数超过 100 万，且在该州地理范围内可公开访问，则需向用户免费提供一款AI检测工

具。该工具的功能包括：允许用户评估图像、视频、音频内容或其组合内容是否由该主体的生成式AI系统创建或修改，并输出在内容中检测到的任何系统来源数据。（查看更多）

USA: California Updates *AI Transparency Act*

On October 13, 2025, the Governor of California signed the *AI Transparency Act* (AB 853), which amends and expands the provisions of the original *AI Transparency Act* (SB 942) released in 2024. The final *AI Transparency Act* will take effect on August 2, 2026. The *AI Transparency Act* requires a person that creates, codes, or otherwise produces a generative AI system that has over 1,000,000 monthly visitors or users and is publicly accessible within the geographic boundaries of the state to make available an AI detection tool at no cost to the user that, among other things, allows a user to assess whether image, video, or audio content, or content that is a combination thereof, was created or altered by that person's generative AI system and outputs any system provenance data that is detected in the content. (More)

知识产权 Intellectual Property

《中美欧日韩五局复审无效程序用户手册》首次发布

近日，2025年中美欧日韩知识产权五局复审机构高级别会议及系列活动在福州举行。活动期间，五局复审机构首次发布《中美欧日韩知识产权五局复审无效程序用户手册》（以下简称《手册》）。

《手册》是此次五局复审机构高级别会议的重要成果，也是该系列会议的首个汇编性成果和首个面向用户成果，具有里程碑意义。《手册》由中国国家知识产权局专利局复审和无效审理部发起倡议，欧美日韩复审机构积极响应，所载信息经由五局复审机构提供，并由中国国家知识产权局专利局复审和无效审理部整理汇总，经各方审核确认后编制成册。根据会议期间达成的共识，五局复审机构将根据自身安排将《手册》内容发布在各方官方网站并择机推广，促进《手册》的合理利用。各方还一致同意根据用户反馈对《手册》进行持续更新，为用户提供更好的指引。

《手册》提供中英文两种版本，将五局专利复审程序和授权后程序的基本程序规则和实务操作流程汇编成集，具体涵盖五局复审机构的基本信息、审理程序、修改规则、用户政策以及常用资源等内容，旨在帮助全球用户了解专利授权确权制度，灵活运用有关审理程序，助力全球用户实现跨国保护，赋能国际经贸交流合作。

来源：国家知识产权局

User Manual for the Five-Party Review and Invalidation Procedures in China, the United States, Europe, Japan, and Korea Released for the First Time

Recently, the 2025 High-Level Meeting of the Review Bodies of the China, US, EU, Japan, and Korea Intellectual Property Offices and a series of related events were held in Fuzhou. During the event, the review bodies of the five offices jointly released the *User Manual for Review and Invalidation Procedures of the China, US, EU, Japan, and Korea Intellectual Property Offices* (hereinafter referred to as the "Manual") for the first time.

The Handbook represents a significant outcome of this high-level meeting and marks the first compilation-based deliverable and user-oriented result from this series of conferences, making it a milestone achievement. Initiated by the Reexamination and Invalidation Division of the Patent Office of the China National Intellectual Property Administration (CNIPA), the Manual received active support from the reexamination offices of the United States, the European Union, Japan, and Korea. The information contained therein was provided by the five offices, compiled and organized by the Reexamination and Invalidation Division of the CNIPA Patent Office, and finalized after review and confirmation by all parties. In accordance with the consensus reached during the meeting, the five offices will publish the Handbook on their respective official websites based on their own schedules and promote it at appropriate times to facilitate its effective utilization. All parties also agreed to continuously update the Handbook based on user feedback to provide better guidance.

Available in both Chinese and English, the Handbook compiles the fundamental procedural rules and practical operational workflows for patent reexamination and post-grant procedures across the five offices. It specifically covers basic information about the reexamination bodies, examination procedures, amendment rules, user policies, and commonly used resources. The Handbook aims to help global users understand patent grant and validity systems, flexibly utilize relevant examination procedures, facilitate cross-border protection for global users, and empower international economic and trade exchanges and cooperation.

Source: CNIPA

最高法：可综合考虑名称核心要素相同且目测主要性状高度相似等认定品种的同一性

近日，最高人民法院知识产权法庭对涉及蝴蝶兰品种的侵害植物新品种权纠纷上诉案件作出终审判决，认定被诉侵权人未经品种权人许可，生产、繁殖、销售涉案蝴蝶兰繁殖材料，构成侵权，依法承担停止侵害和赔偿损失的民事责任。

在“钜宝紫水晶”蝴蝶兰品种侵权案中，钜某公司是台商投资企业，对“钜宝紫水晶”植物新品种享有独占实施权，其法定代表人是品种权人。钜某公司起诉称，其发现创某公司生产、繁殖、销售“钜宝紫水晶”的繁殖材料，遂从创某公司处购买了名为“紫水晶”被诉侵权繁殖材料。经检验，被诉侵权繁殖材料与钜某公司的“钜宝紫水晶”为极近似品种或相同品种。钜某公司认为创某公司侵害了其权利，应承担停止侵权、赔偿损失的民事责任。

最高人民法院认为，因并无农业农村部保存的“钜宝紫水晶”标准样品，该案缺乏有效证据证明涉案检测报告使用的对照样品系授权品种“钜宝紫水晶”的繁殖材料，故该报告尚不足以单

独证明被诉侵权品种与授权品种具有同一性。该案中，创某公司使用“紫水晶”名称销售侵权产品，所使用的品种名称系“钜宝紫水晶”的核心识别要素，与授权品种名称相似，且创某公司未能提供证据证明其所销售蝴蝶兰命名为“紫水晶”的合理依据，根据“一品一名”的植物新品种命名规则，被诉侵权品种系授权品种“钜宝紫水晶”的可能性较大。而且，经二审合议庭比对“钜宝紫水晶”DUS测试报告和涉案公证书中的被诉侵权植株照片，被诉侵权植株和授权品种在主要性状方面具有高度相似性。涉案检测报告虽系权利人自行委托检测，但也可以用于进一步佐证被诉侵权“紫水晶”与“钜宝紫水晶”系同一品种的可能性。综合来看，本案在案证据能够证明被诉“紫水晶”蝴蝶兰植株与“钜宝紫水晶”蝴蝶兰品种系同一品种的事实具有高度可能性，在创某公司未能提交育种来源等反驳证据的情况下，可以认定被诉侵权品种与授权品种具有同一性。在此基础上，二审法院判决驳回创某公司上诉，维持一审判决。

来源：最高人民法院

Supreme People’s Court: Variety Identity May Be Determined by Comprehensive Consideration of Same Core Elements in Names and High Visual Similarity in Main Traits

Recently, the Intellectual Property Tribunal of the Supreme People’s Court (SPC) issued a final judgment in an appeal case involving infringement of new plant variety rights related to Phalaenopsis varieties. The court determined that the accused infringer, without authorization from the variety rights holder, produced, propagated, and sold the reproductive materials of the involved Phalaenopsis varieties, constituting infringement. The infringer was thus held civilly liable for ceasing the infringement and compensating for losses.

In the infringement case of the “Ju Bao Zi Shui Jing” (Giant Treasure Amethyst) Phalaenopsis variety, Ju Company, a Taiwanese-invested enterprise, held the exclusive implementation right for the new plant variety “Ju Bao Zi Shui Jing”, and its legal representative was the variety rights holder. Ju Company filed a lawsuit, claiming that it discovered Chuang Company producing, propagating, and selling reproductive materials of “Ju Bao Zi Shui Jing”. Subsequently, Ju Company purchased the accused infringing reproductive materials named “Zi Shui Jing” (Amethyst) from Chuang Company. Inspection revealed that the accused infringing reproductive materials were either highly similar or identical to Ju Company’s “Ju Bao Zi Shui Jing”. Ju Company argued that Chuang Company had infringed its rights and shall bear civil liability for ceasing the infringement and compensating for losses.

The SPC held that, as there was no standard sample of “Ju Bao Zi Shui Jing” preserved by the Ministry of Agriculture and Rural Affairs, the case lacked valid evidence to prove that the control sample used in the inspection report was the reproductive material of the authorized variety “Ju Bao Zi Shui Jing”. Therefore, the report alone was insufficient to prove the identity between the accused infringing variety and the authorized variety. In this case, Chuang Company used the name “Zi Shui Jing’ to sell the infringing products, and the variety name used was the core identifying element of “Ju Bao Zi Shui Jing”, which was similar to the authorized variety name. Moreover, Chuang Company failed to provide evidence demonstrating a reasonable basis for naming the Phalaenopsis it sold as “Zi Shui Jing”. According to the “one variety, one name” rule for naming new plant varieties, it was highly likely that the accused infringing variety was the authorized variety “Ju Bao Zi Shui Jing”. Furthermore, after comparing the DUS test report of “Ju Bao Zi Shui Jing” with the photos of the accused infringing plants in the in-

volved notarial certificate, the second-instance collegiate bench found that the accused infringing plants and the authorized variety were highly similar in their main traits. Although the inspection report was commissioned by the rights holder, it could still be used to further corroborate the possibility that the accused infringing "Zi Shui Jing" and "Ju Bao Zi Shui Jing" were the same variety. Overall, the evidence in the case could highly likely prove that the accused "Zi Shui Jing" Phalaenopsis plants and the "Ju Bao Zi Shui Jing" Phalaenopsis variety were the same. In the absence of rebuttal evidence, such as the breeding source, submitted by Chuang Company, it could be determined that the accused infringing variety and the authorized variety were identical. On this basis, the SPC dismissed Chuang Company's appeal and upheld the first-instance judgment.

Source: SPC

最高法：首次审理深度学习算法商业秘密案，终审改判支持权利人

最高人民法院知识产权法庭近日对该法庭处理的首例涉及深度学习算法的技术秘密侵权纠纷作出二审判决，撤销一审判决，改判支持权利人上海翎腾公司的诉讼请求。本案系最高法知识产权法庭首次审理涉及人工智能深度学习训练方法、标注数据库等核心算法要素的商业秘密案件，对类案审理具有重要指导意义。

翎腾公司主张其投入巨资研发的"指尖识别"深度学习技术（包含训练代码和近百万张标注图像构成的数据库）被前员工张、李、王、黄非法披露给其新成立的纸上绝知公司。纸上绝知公司在成立后极短时间内即向合作伙伴提供技术支持，使相关学习平板产品快速具备与翎腾产品高度相似的指尖点读功能。

本案明确了深度学习算法商业秘密保护规则，认定翎腾公司通过Gitlab系统管理的训练代码及海量标注图像数据库构成商业秘密，强调该类技术的核心价值体现在"数据投喂量"与"算法训练度"的结合。以及明确技术秘密侵权的判断标准，商业秘密权利人提供初步证据合理表明商业秘密被侵害，并提供证据表明涉嫌侵权人有渠道或者机会获取商业秘密，且其使用的信息与该商业秘密实质相同的，涉嫌侵权人应当证明其不存在侵害商业秘密的行为。涉嫌侵权人主张被诉侵权技术信息系其自主研发，对涉嫌侵权人为此提供的相关证据应当进行全面、客观的审核，并运用逻辑推理和日常生活经验，结合被诉侵权产品的表现细节、被诉侵权产品与承载涉案商业秘密的权利人产品的表现比对情况加以综合审查判断。

来源：最高人民法院

Supreme People's Court: Overturns Original Judgement in First Trade Secret Case Involving Deep Learning Algorithm, Ultimately Supporting Rights Holder

The Intellectual Property Tribunal of the Supreme People's Court (SPC) recently issued a second-instance judgment in the first technical secret infringement dispute involving deep learning algorithms handled by the tribunal, overturning the first-instance judgement and judgement in favor of the rights holder, Shanghai Lingteng Company. This case marks the first time the (SPC) has adjudicated a trade secret case involving core algorithmic elements of artificial intelligence, such as deep learning training methods and annotated databases, setting an important precedent for similar cases.

Lingteng Company claimed that its deep learning technology for "fingertip recognition", which involved substantial investment in research and development (including training code and a database of nearly one million annotated images), was illegally disclosed by former employees Zhang, Li, Wang, and Huang to their newly established company, Zhishang Juezhi Company. In an extremely short period after its establishment, Zhishang Juezhi Company provided technical support to partners, enabling related learning tablet products to quickly possess fingertip point-reading functionality highly similar to that of Lingteng's products.

This case established the rules for protecting trade secrets related to deep learning algorithms, recognizing that the training code managed by Lingteng Company's Gitlab system and its massive annotated image database constituted trade secrets. It emphasized that the core value of such technologies lies in the combination of "data feeding volume" and "algorithm training degree". The case also clarified the criteria for determining technical secret infringement: where the rights holder provides preliminary evidence reasonably indicating that trade secrets have been infringed, and provides evidence showing that the alleged infringer had access to or the opportunity to obtain the trade secrets, and that the information used by the alleged infringer is substantially identical to the trade secrets, the alleged infringer bears the burden of proving that no infringement occurred. If the alleged infringer claims that the accused technical information was independently developed, the relevant evidence provided must be comprehensively and objectively reviewed. This includes applying logical reasoning and everyday experience, as well as conducting a thorough assessment based on the performance details of the accused infringing products and a comparison with the performance of the rights holder's products that embody the involved trade secrets.

Source: SPC

最高院：再审改判，顺洁柔公司图形商标有固有显著性

近日，最高院审结一起涉顺洁柔公司与中欣纸业公司、国家知识产权局商标权无效宣告请求行政纠纷案。

该案中，顺洁柔公司的图形商标“ ”（指定颜色）于2011年核准注册，核定使用在第16类“纸巾，卫生纸”等商品上。2021年，中欣纸业公司以诉争商标缺乏显著性、占用公共资源等为由，对诉争商标提出无效宣告申请。本案历经评审阶段以及诉讼阶段一审、二审、再审程序，焦点主要集中在诉争商标是否具有固有显著性。

最高院认为，该图形颜色及布局具有一定的设计感，符合识别商品或者服务来源的显著性要求。因此，将该商标使用在“卫生纸”等商品上，可以起到识别商品来源的作用，符合2013年商标法第十一条第一款之规定。对于中欣公司主张的中顺洁柔公司在实际使用诉争商标时，将该图形作为商品包装的装潢进行使用，存在使用不规范的情形。最高院认为，商标的实际使用方式，以及使用方式是否合法、规范与商标是否具有固有显著性不具有必然关系。二审法院将诉争商标的实际使用方式纳入商标的固有显著性审查判断之中，法律适用错误，最高院依法予以纠正。

来源：最高人民法院

Supreme People's Court: Affirms Shun Jierou Company's Figurative Trademark Possesses Inherent Distinctiveness

Recently, the Supreme People's Court (SPC) concluded the retrial of an administrative dispute involving a trademark invalidation request between Shun Jierou Company, Zhongxin Paper Co., Ltd., and the China National Intellectual Property Administration.

In this case, Shun Jierou Company's figurative trademark " " (in specified colors) was approved for registration in 2011, designated for use on Class 16 goods such as "paper towels" and "toilet paper". In 2021, Zhongxin Paper Co., Ltd. filed a request to declare the disputed trademark invalid, citing lack of distinctiveness and monopolization of public resources, among other reasons. The case underwent review proceedings, as well as first-instance, second-instance, and retrial litigation stages, with the primary focus being whether the disputed trademark possesses inherent distinctiveness.

The SPC held that the color combination and layout of the figurative mark reflect a certain degree of design effort, meeting the requirement of distinctiveness for identifying the source of goods or services. Therefore, using this trademark on goods such as "toilet paper" can serve to identify the origin of the goods, complying with the provisions of Paragraph 1, Article 11 of the 2013 Trademark Law. Regarding Zhongxin's argument that Shun Jierou Company used the figurative mark as decoration on product packaging in actual use, constituting non-standard use, the SPC found that the actual use of a trademark, including whether such use is legal or standard, is not necessarily related to whether the trademark possesses inherent distinctiveness. The second-instance court's incorporation of the actual use of the disputed trademark into the examination of inherent distinctiveness constituted an error in the application of law, which the SPC corrected in accordance with the law.

Source: SPC

福建高院：Dr. Martens 1460、1461款鞋履构成有一定影响的商品装潢和商品名称

近日，福建高院审结一起涉在埃瓦公司与莆田勇动奇迹公司等侵害商标权及不正当竞争纠纷案。该案的争议焦点为埃瓦公司主张应保护的“1460”“1461”款鞋履是否构成我国反法保护的有一定影响的商品装潢和商品名称。

法院经审理认为，埃瓦公司1460、1461所对应的装潢经过长期宣传、使用，具有较高的市场影响力。从装潢本身的显著性来看，1460、1461所对应的商品装潢具有显著性特征。首先，埃瓦公司主张应受保护的装潢点，即便更改其具体设计，也不影响其实现功能，因此不属于功能所决定的设计，不属于反法所排斥保护的范围。其次，埃瓦公司本案所主张保护的商品装潢包括1460款鞋履的7个装潢点及1461款鞋履的5个装潢点，虽然市场上可能存在同样使用与埃瓦公司涉案装潢中部分装潢点相同或近似的产品，但仅仅一项或两项装潢点的相似，并不会落入埃瓦公司所主张保护的商品装潢范围内。

关于1460、1461商品名称是否构成有一定影响的商品名称问题。消费者已经将1460、1461与埃瓦公司的两款经典鞋履商品联系在一起，已在相关公众中起到识别商品或服务来源的作用，构成有一定影响的商品名称。埃瓦公司在至少1万种的四位数商品名称中选择“1460”“1461”命名

其鞋履，具有显著性。除埃瓦公司之外，其他市场主体极少以4位数字命名其鞋履，因此“1460”“1461”具有固有显著特征。

来源：福建省高级人民法院

Fujian High People's Court: Dr. Martens Styles 1460 and 1461 Constitute Influential Product Packaging and Product Names

Recently, the Fujian High People's Court concluded a case involving trademark infringement and unfair competition disputes between Aiwa Company and Putian Yongdong Qiji Company, among others. The focus of the dispute was whether the "1460" and "1461" style shoes, for which Aiwa Company sought protection, constitute product packaging and product names with a certain influence protected under China's Anti-Unfair Competition Law.

The court, after reviewing the case, held that the packaging corresponding to Aiwa Company's 1460 and 1461 styles had acquired significant market influence through long-term promotion and use. Regarding the inherent distinctiveness of the packaging, the product packaging corresponding to the 1460 and 1461 styles possesses distinctive characteristics. First, the specific packaging elements for which Aiwa Company seeks protection are not functionally determined designs, as altering their specific designs would not affect their functionality; thus, they do not fall within the scope of protection excluded by the Anti-Unfair Competition Law. Second, the product packaging for which Aiwa Company seeks protection in this case includes seven packaging elements for the 1460 style shoes and five for the 1461 style shoes. Although other products in the market may use individual packaging elements identical or similar to those in Aiwa Company's packaging, similarity in only one or two elements would not fall within the scope of the product packaging for which Aiwa Company seeks protection.

Regarding whether the product names "1460" and "1461" constitute product names with a certain influence, the court found that consumers have come to associate "1460" and "1461" with Aiwa Company's two classic shoe products. These names have served to identify the source of the goods or services among the relevant public, thus constituting product names with a certain influence. Aiwa Company's choice of the names "1460" and "1461" for its shoes, selected from at least 10,000 possible four-digit product names, is distinctive. Furthermore, aside from Aiwa Company, other market entities rarely use four-digit numbers to name their shoes, thereby establishing that "1460" and "1461" possess inherent distinctive character.

Source: Fujian High People's Court

杭州萧山法院：生物医药供应商因侵犯商业秘密构成单位犯罪

2025年9月，杭州市萧山区人民法院就科百特公司与赛普公司侵犯商业秘密罪一案作出一审生效判决。该案中，涉案单位构成单位犯罪，其法定代表人及核心技术人员被判处一年十一个月至二年九个月不等有期徒刑，缓刑二年至三年六个月不等，企业及相关人员合计需支付罚金与赔偿金共1450万元。

该案中，科百特前员工朱某（原研发部主管）、王某（原分析工程师）均与公司签署有保密协议和竞业限制协议。2020年下半年，朱某与赛普法定代表人郑某筹备成立赛普，朱某化名入

职，负责膜核心技术研发生产。期间，郑某通过高薪拉拢尚在科百特工作的王某，且与朱某、王某等人合谋获取科百特的技术信息。2021年3月，在郑某授意下，王某趁模具测试之机，私自将科百特的“过滤膜包外围封装模具”带离厂区交由第三方测绘。后郑某某将测绘图纸及三维模型发送至赛普工作群供公司使用。2021年5月王某离职后又化名入职赛普，指导员工根据测绘信息绘制图纸，并委托第三方制造模具，用于赛普的产品生产。根据上述事实，杭州市萧山区人民检察院提起公诉，杭州市萧山区人民法院受理此案。

本案判决从“单位意志”和“单位行为及单位获利的认定”这两方面，对赛普成立单位犯罪进行了分析。其中，法院依据赛普主要控股股东东富龙公司的董秘“提示被告人郑某某规避知识产权风险并提出具体防范措施”这一关键事实，判断“东富龙公司对被告人郑某某等人窃取科百特公司的技术信息明知”，成为认定涉案行为体现了单位意志的重要理由。此外，被告人王入职赛普公司后，利用窃取的技术信息制造出单元层封装模具、外围封装模具供赛普公司生产牟利，符合单位行为以及单位获利的要素。综上，应当认定赛普公司构成单位犯罪。

来源：杭州市萧山区人民法院

Hangzhou Xiaoshan District Court: Biomedical Supplier Found Guilty of Unit Crime for Trade Secret Infringement

In September 2025, the Hangzhou Xiaoshan District People’s Court issued an effective first-instance judgment in the case involving the crime of trade secret infringement by Cobetter Filtration Co., Ltd. and Saipu Company. In this case, the involved company was found guilty of a unit crime, and its legal representative and core technical personnel were sentenced to fixed-term imprisonment ranging from one year and eleven months to two years and nine months, with probation periods ranging from two years to three years and six months. The company and relevant individuals were collectively required to pay fines and compensation totaling RMB 14.5 million.

In this case, former Cobetter employees Zhu Mou (former R&D Director) and Wang Mou (former Analysis Engineer) had both signed confidentiality agreements and non-compete agreements with the company. In the second half of 2020, Zhu Mou and Zheng Mou, the legal representative of Saipu, prepared to establish Saipu. Zhu Mou joined the company under an alias, responsible for the research, development, and production of core membrane technology. During this period, Zheng Mou lured Wang Mou, who was still working at Cobetter, with a high salary and conspired with Zhu Mou, Wang Mou, and others to obtain Cobetter’s technical information. In March 2021, under Zheng Mou’s instruction, Wang Mou took advantage of a mold testing opportunity to privately remove Cobetter’s “Filter Membrane Pack Peripheral Sealing Mold” from the factory and handed it over to a third party for mapping. Subsequently, Zheng Mou sent the mapped drawings and 3D models to Saipu’s work group for company use. After Wang Mou resigned in May 2021, he joined Saipu under an alias and guided employees in drawing blueprints based on the mapped information. He also commissioned a third party to manufacture the molds for use in Saipu’s product production. Based on the above facts, the Hangzhou Xiaoshan District People’s Procuratorate initiated a public prosecution, and the Hangzhou Xiaoshan District People’s Court accepted the case.

The judgment analyzed Saipu’s establishment of a unit crime from two aspects: “unit intent” and “identification of unit actions and unit benefits”. Among these, the court relied on the key fact that the

Secretary of the Board of Dongfulong Company, Saipu's major controlling shareholder, "warned defendant Zheng Mou to avoid intellectual property risks and proposed specific preventive measures", to determine that "Dongfulong Company was aware of defendant Zheng Mou and others stealing technical information from Cobetter Company". This became a crucial reason for concluding that the involved actions reflected unit intent. Additionally, after defendant Wang joined Saipu Company, he used the stolen technical information to manufacture unit layer sealing molds and peripheral sealing molds for Saipu's production and profit, meeting the elements of unit actions and unit benefits. In summary, Saipu Company shall be found guilty of a unit crime.

Source: Hangzhou Xiaoshan District Court

印度首个标准必要专利不侵权判决出炉

印度首个标准必要专利不侵权判决终于落地，涉及全球科技巨头公司飞利浦。2025年10月13日，印度德里高等法院就飞利浦公司诉M. BATHLA & ANR一案作出判决，认为被告未侵犯飞利浦的专利，并驳回飞利浦全部诉求。

原告飞利浦是一家总部位于荷兰的公司，在电视和数字、显示器、无线通信、语音识别、视频压缩等领域位于世界前沿，在提起诉讼时持有约100000项专利；被告是位于印度的一家公司以及该公司的董事。涉案专利为印度专利号175971，于1990年5月28日获得授权，名为“一种数字传输系统”，涵盖高效的音频信号压缩和传输系统，飞利浦声称该系统应用于 MPEG-1 和 MPEG-2 音频压缩系统标准，是一项标准必要专利，任何符合视频光盘（VCD）标准的产品都必须使用其技术。

德利高等法院认为，飞利浦未能证明当地竞争对手及其董事M. Bathla在其视频光盘中存在任何侵权行为，驳回了其诉讼。法院还认为，飞利浦没有将其所主张的专利确立为VCD的标准必要专利，其间接侵权和等同侵权理论也没有得到支持。最终，法院驳回了飞利浦的永久禁令以及损害赔偿等请求。

来源：知产前沿

India's First Standard-Essential Patent Non-Infringement Judgement Issued

India's first standard-essential patent (SEP) non-infringement judgement has finally been delivered, involving global technology giant Philips. On October 13, 2025, the Delhi High Court of India issued a judgment in the case of *Koninklijke Philips N.V. v. M. Bathla & Anr.*, judgement that the defendant did not infringe Philips' patent and dismissing all of Philips' claims.

The plaintiff, Philips, is a Netherlands-based company at the forefront of television and digital technology, displays, wireless communications, speech recognition, video compression, and other fields. At the time of filing the lawsuit, it held approximately 100,000 patents. The defendants are an Indian company and its director. The patent in question is Indian Patent No. 175971, granted on May 28, 1990, titled "A Digital Transmission System". It covers an efficient system for audio signal compression and transmission, which Philips claimed is applied in the MPEG-1 and MPEG-2 audio compression system stand-

ards and is a standard-essential patent. Philips argued that any product compliant with the Video CD (VCD) standard must use its technology.

The Delhi High Court held that Philips failed to prove any infringement by the local competitor and its director, M. Bathla, in their VCDs, and dismissed the lawsuit. The court also found that Philips did not establish the asserted patent as a standard-essential patent for VCDs, and its theories of indirect infringement and doctrine of equivalents were also unsupported. Ultimately, the court rejected Philips' requests for a permanent injunction and damages, among other claims.

Source：IP ForeFront

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