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市场监管总局在陕西举办反垄断合规讲堂 引导制造业企业理性竞争

2025年10月24日，国家市场监督管理总局（“市场监管总局”）在陕西省西安市举办2025年第十期反垄断合规讲堂，以增强企业反垄断合规意识，提升企业反垄断合规能力，促进制造业领域公平竞争和创新发展。本期讲堂的主题是“反垄断合规引导制造业企业理性竞争”，聚焦制造业领域公平竞争，深入宣介反垄断法律法规，推动构建公平有序的市场环境。100余家制造业企业主体通过线上和线下形式参加。（[查看更多](#)）

SAMR Holds Antitrust Compliance Lecture in Shaanxi to Guide Manufacturing Enterprises in Rational Competition

On 24 October 2025, the State Administration for Market Regulation (“SAMR”) convened the tenth Antitrust Compliance Lecture of 2025 in Xi’an, Shaanxi Province. The lecture aimed to strengthen enterprises’ awareness of antitrust compliance, enhance their capacity of antitrust compliance, and foster fair competition and innovative development in the manufacturing sector. Under the theme “Antitrust Compliance: Guiding Manufacturing Enterprises toward Rational Competition,” the lecture focused on fair competition in manufacturing, provided in-depth instruction on antitrust laws and regulations, and promoted the establishment of a fair and orderly market environment. More than 100 manufacturing enterprises participated either on-site or online. ([More](#))

美国联邦法院裁定Yelp诉谷歌垄断本地搜索市场案可继续推进

2025年10月24日，据媒体报道，美国加州联邦地区法院Keulen法官裁定允许Yelp针对Google的反垄断诉讼继续推进。案件中Yelp指控Google滥用其在通用搜索领域的支配地位、不公平地抑制本地搜索领域的竞争：谷歌将本地商户信息搜索结果整合到其OneBox展示框内，实际上将用户引导至谷歌自身服务、同时隐藏了竞争对手的搜索结果。Keulen法官认为，Yelp在修订后的诉讼请求中提出了“强制性引导”的合理理论，表明谷歌是蓄意将用户引导至谷歌的本地内容，而OneBox展示框在上述被控引导过程中发挥了核心作用，据此法官认为Yelp修改后的诉讼请求足以证明谷歌界面限制用户接触非谷歌搜索结果的可能性，谷歌将用户限制在自身生态系统内的行为可能对市场竞争和消费者选择均构成限制。（[查看更多](#)）

US Federal Court Rules That Yelp Can Pursue Claims Alleging Google Monopolized Local Search Market

On 24 October 2025, according to media reports, Judge Keulen of the U.S. District Court for the Northern District of California issued a decision allowing Yelp’s antitrust claims against Google to move forward. In this case, Yelp alleged that Google used its dominance in general search to unfairly suppress competition in the local search market: Google intergrated local business listings into its “OneBox” display, which effectively directed users to Google’s own services while burying competitors’ results. Judge Keulen concluded that Yelp’s revised caliphs establish a plausible “theory of coercion”, suggest-

ing that users were steered toward Google’s local content by design, and that the OneBox feature played a central role in the alleged steering. Accordingly, the judge found that Yelp’s refined claims sufficiently demonstrated how Google’s interface could limit user exposure to non-Google listings, and that Google’s conduct of keeping users within its own ecosystem could restrict both market competition and consumer choice. ([More](#))

英国竞争上诉法庭认定苹果应用商店30%佣金违反反垄断法

2025年10月23日，英国竞争上诉法庭（“CAT”）作出判决，认定苹果通过应用商店向开发者征收30%佣金的行为构成滥用市场支配地位。本案原告是英国学者肯特博士，其代表约3600万消费者提起本集体诉讼，指控苹果公司在iOS应用分发服务市场、iOS应用内支付服务市场实施了滥用支配地位的行为，CAT认同本案原告对相关市场的界定，认定苹果通过实施搭售、收取过高且不公平价格的行为排除相关市场内的竞争，违反英国《1998年竞争法》第二章和《欧盟运行条约》第102条。CAT认为原告方有权获得赔偿，并将在11月开庭审理赔偿金额的计算、任何上诉申请的相关问题。 ([查看更多](#))

UK’s Competition Appeal Tribunal Holds that Apple Store’s 30% Commission Violated Antitrust Law

On October 23, 2025, the UK Competition Appeal Tribunal (“CAT”) issued the judgment holding that Apple’s conduct of charging developers a 30% commission through App Store constituted an abuse of market dominance. The plaintiff of this case is scholar Dr. Kent, who represented approximately 36 million class members consumers to raise this class action, alleging that Apple implemented conduct abusing its market dominance in both the iOS app distribution services market and the iOS in-app payment services market. The CAT accepted the plaintiff’s market definition, finding that Apple’s tying conduct and the imposition of excessive and unfair prices had excluded competition in the relevant market, thereby violating Chapter II of *the Competition Act 1998* and Article 102 of *the Treaty Functioning of the European Union*. The CAT held that the plaintiff was entitled to damages, and that the CAT would convene a hearing in November to hear submissions on any matters including the calculation of quantum and applications for permission to appeal. ([More](#))

欧盟委员会对数家滑雪装备公司进行突袭现场检查

2025年10月20日，欧盟委员会（“欧委会”）宣布其正在对多家滑雪装备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101条所规定的禁止卡特尔行为及限制性商业行为。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 Ski Equipment Sector

On October 20, 2025, the European Commission (“the Commission”) released that it was carrying out unannounced inspections at the premises of several companies active in the ski equipment sector. The

Commission has concerns that the inspected companies may have violated EU antitrust rules, namely the prohibition of cartels and restrictive business practices stipulated in Article 101 of the Treaty on the Functioning of the European Union. The Commission officials were accompanied by their counterparts from the relevant national competition authority. Unannounced inspections are a preliminary step into suspected anticompetitive practices. The fact that the Commission carries out such inspections does not mean that the companies in question are guilty of anticompetitive behaviour, nor does it prejudice the outcome of the investigation itself. ([More](#))

美国FTC附条件批准新思科技与安斯科技并购，要求双方剥离核心资产

2025年10月17日，美国联邦贸易委员会（“FTC”）发布同意令（consent decree），附条件批准新思科技（Synopsys）与安斯科技（Ansys）的350亿美元并购，并要求双方剥离部分资产以解决监管部门针对该交易的反垄断担忧。根据该和解令（consent order），新思科技将剥离其光学软件工具和光子软件工具；安斯科技将剥离其功耗分析工具，双方都将把所述资产剥离给是德科技（Keysight Technologies）。如果不进行资产剥离，FTC称该交易最终将损害设备制造商和消费者的利益。在公众评论期结束后，FTC以3比0的投票结果批准了该最终同意命令。（[查看更多](#)）

FTC Conditionally Approves the Synopsys and Ansys Deal, Requesting Both Parties to Divest Core Assets

On October 17, 2025, the US Federal Trade Commission (“the FTC”) issued the consent decree, which conditionally approved the \$35 billion merger between Synopsys and Ansys by requiring both parties to divest certain assets to resolve the antitrust concerns by the regulator regarding this deal. According to the consent decree, Synopsys would divest its optical software tools and its photonic software tools, while Ansys would divest a power consumption analysis tool, both would divest their assets to Keysight Technologies, Inc.. Without the divestitures, the FTC alleged that the deal would ultimately harm device manufacturers and consumers. Following a public comment period, the FTC voted 3-0 to approve the final order. ([More](#))

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

《网络安全法》修正草案拟提交二次审议

2025年10月24日至28日，十四届全国人大常委会第十八次会议在北京举行。《网络安全法》修正草案（以下简称“草案”）拟提交二次审议，根据各方意见，拟作以下主要修改：（1）充实网络安全工作指导原则；（2）增加促进人工智能安全与发展的内容；（3）在个人信息保护方面进一步做好与《民法典》和《个人信息保护法》的衔接；（4）进一步完善相关处罚规定。为应对人工智能既带来前所未有的发展机遇，也带来前所未遇的风险挑战这一现实情况，草案拟增加一条关于人工智能安全与发展的框架性规定，主要内容包括：支持人工智能基础理论研究

和算法等关键技术研发，推进人工智能基础设施建设，完善人工智能伦理规范，加强安全风险监测评估，创新并加强人工智能安全监管，促进人工智能健康发展。（[查看更多](#)）

Revised Draft of the *Cybersecurity Law* to Be Submitted for the Second Deliberation

From October 24 to 28, 2025, the 18th session of the Standing Committee of the 14th National People's Congress was held in Beijing. The Revised Draft of the *Cybersecurity Law* (Draft) is to be submitted for the second deliberation. Based on opinions from all parties, the following major revisions are proposed: (1) Enrich the guiding principles for cybersecurity work; (2) Add content to promote the security and development of AI; (3) Further strengthen the connection with the *Civil Code* and the *Personal Information Protection Law* in terms of personal information protection; (4) Further improve the relevant penalty provisions. To address the reality that AI brings both unprecedented development opportunities and hitherto unknown risks and challenges, the Draft intends to add a framework provision on the security and development of AI. Its main contents include: supporting the research on basic AI theories and the R&D of key technologies such as algorithms; advancing the construction of AI infrastructure; improving AI ethical norms; strengthening the monitoring and assessment of security risks; innovating and enhancing AI security supervision; and promoting the healthy development of AI. ([More](#))

最高人民检察院发布侵犯公民个人信息犯罪新特点新趋势

2025年10月23日，最高人民检察院发布了侵犯公民个人信息犯罪的新特点新趋势，包括：

（1）根据“市场需求”瞄准特定对象，有针对性地获取公民个人信息。一些不法分子紧密追踪“黑灰产市场”对公民个人信息的需求，有针对性地猎取、梳理、分析公民个人信息，甚至形成专门数据服务商，为下游犯罪提供定制化“原料”支持；（2）犯罪技术迭代更新，犯罪手段更趋智能化隐蔽化。一些不法分子利用网络爬虫、木马病毒、渗透工具等黑客技术入侵存有公民个人信息的各类系统，批量获取信息后出售，非法牟利。部分个人信息售出后被用于电信诈骗等违法犯罪活动；（3）网络“开盒”助推网暴升级，严重侵害公民合法权益。网络“开盒”行为目的多样。“开盒”行为人通过“社工库”（不法分子通过非法手段收集公民个人信息而搭建的数据库）等非法获取他人隐私信息，并散布引导网民对其进行攻击骚扰，对社会、个人及网络生态均造成严重危害。（[查看更多](#)）

Supreme People's Procuratorate Releases New Characteristics and Trends of Crimes Infringing on Citizens' Personal Information

On October 23, 2025, the Supreme People's Procuratorate released the new characteristics and trends of crimes infringing on citizens' personal information, including: (1) Targeting specific groups based on "market demand" to obtain citizens' personal information in a targeted manner. Some lawbreakers closely track the demand for citizens' personal information in the "black and gray industry market", hunt, sort out and analyze citizens' personal information in a targeted way, and even form specialized data service providers to provide customized "raw material" support for downstream crimes; (2) The iteration and update of criminal technologies, with criminal methods becoming more intelligent and concealed. Some lawbreakers use hacking technologies such as web crawlers, Trojan viruses and pene-

tration tools to invade various systems storing citizens' personal information, obtain information in batches and then sell it to make illegal profits. After being sold, part of the personal information is used for illegal and criminal activities such as telecom fraud; (3) Online "doxxing" promotes the escalation of online violence and seriously infringes on citizens' legitimate rights and interests. Online "doxxing" behaviors have diverse purposes. Perpetrators of "doxxing" illegally obtain others' private information through "social engineering databases" (databases built by lawbreakers through illegal means to collect citizens' personal information), and spread such information to guide netizens to attack and harass the victims, causing serious harm to society, individuals and the online ecology. ([More](#))

工信部通报20款智能终端存在侵害用户权益行为

2025年10月22日，工信部通报了20款智能终端存在侵害用户权益行为，涉及家庭摄像头、儿童电话手表、智能音箱、智能锁、智能机器人、智能玩具、智能学习终端等产品。所涉问题包括：（1）未提供个人信息处理规则；（2）收集人脸信息未单独告知；（3）超范围收集非必要个人信息；（4）违规传输个人信息至云端；（5）未提供权限管控机制；（6）应用分发平台明示不到位；（7）强制自动续费。存在问题的智能终端应按有关规定进行整改，整改落实不到位的，工信部将依法依规组织开展相关处置工作。（[查看更多](#)）

MIIT Notifies 20 Smart Terminals of Violations Infringing on Users' Rights and Interests

On October 22, 2025, the Ministry of Industry and Information Technology (MIIT) notified 20 smart terminals of violations infringing on users' rights and interests. These terminals cover products such as home cameras, children's smartwatches, smart speakers, smart locks, smart robots, smart toys, and smart learning terminals. The involved issues include: (1) Failure to provide personal information processing rules; (2) Collecting facial information without separate notification; (3) Collecting unnecessary personal information beyond the specified scope; (4) Illegally transmitting personal information to the cloud; (5) Failure to provide a permission management mechanism; (6) Inadequate explicit information on application distribution platforms; (7) Forced automatic renewal. Smart terminals with the above issues shall rectify in accordance with relevant regulations. If the rectification is not implemented properly, MIIT will organize and carry out relevant disposal work in accordance with laws and regulations. ([More](#))

中央网信办公布通过个人信息保护合规审计服务认证的专业机构名单

2025年10月21日，中央网信办公布了通过个人信息保护合规审计服务认证的专业机构名单。为落实《中华人民共和国个人信息保护法》《个人信息保护合规审计管理办法》相关要求，中央网信办等三个主体依据《中华人民共和国认证认可条例》以及相关认证规则、实践指南开展专业机构认证工作。首批专业机构认证工作已完成，包括国家计算机网络与信息安全管理中心、中国信息通信研究院在内的13家机构获得个人信息保护合规审计服务认证证书。（[查看更多](#)）

CAC Announces List of Professional Institutions Certified for Personal Information Protection Compliance Audit Services

On October 21, 2025, the Cyberspace Administration of China (CAC) announced the list of professional institutions that have obtained certification for personal information protection compliance audit services. To implement the relevant requirements of the *Personal Information Protection Law* and the *Measures for the Administration of Personal Information Protection Compliance Audits*, three entities including the CAC carried out the certification work for professional institutions in accordance with the *Regulations of the People's Republic of China on Certification and Accreditation*, as well as relevant certification rules and practice guidelines. The certification work for the first batch of professional institutions has been completed, and 13 institutions including the National Computer Network and Information Security Management Center and the China Academy of Information and Communications Technology have obtained the certification certificate for personal information protection compliance audit services. ([More](#))

上海市通管局通报42款App（SDK）存在侵害用户权益行为

2025年10月20日，上海市通管局通报了42款App（SDK）存在侵害用户权益的行为，所涉问题包括：（1）未明示个人信息处理规则；（2）未妥善处理用户投诉；（3）账号注销难；（4）App强制、频繁、过度索取权限。存在问题的App（SDK）应对存在的问题立即整改，并对该App（SDK）个人信息和用户权益保护工作开展全面自评估，自通报之日起5个工作日内将整改报告和自评估报告书面报送上海市通管局。对未能在限期内完成整改并提交报告的，上海市通管局将依法依规予以处理。（[查看更多](#)）

Shanghai Municipal Bureau of Communications Regulates and Notifies 42 Apps (SDKs) of Violations Infringing on Users' Rights and Interests

On October 20, 2025, the Shanghai Municipal Bureau of Communications Regulates notified 42 Apps (SDKs) of violations infringing on users' rights and interests. The involved issues include: (1) Failure to explicitly state personal information processing rules; (2) Failure to properly handle user complaints; (3) Difficulty in account cancellation; (4) Apps compulsorily, frequently, or excessively demanding permissions. The problematic Apps (SDKs) shall immediately rectify the existing issues, conduct a comprehensive self-assessment on the protection of personal information and users' rights and interests for the respective Apps (SDKs), and submit the rectification report and self-assessment report in writing to the Shanghai Municipal Bureau of Communications Regulates within 5 working days from the date of the notification. For those that fail to complete rectification and submit the reports within the time limit, the Shanghai Municipal Bureau of Communications Regulates will handle them in accordance with laws and regulations. ([More](#))

澳大利亚：NAIC发布《AI应用指南》

2025年10月21日，澳大利亚国家AI中心（NAIC）发布了《AI应用指南》（以下简称《指南》），旨在支持AI开发者和部署者在AI系统的整个生命周期中嵌入负责任的AI实践。《指南》引入了六项组织应采纳的基本实践：（1）确定责任主体；（2）了解影响并相应规划；（3）评估和管理风险；（4）分享关键信息；（5）测试和监控；（6）保持人类控制。《指南》分为两个版本：（1）基础版：为处于AI采用初期的组织量身定制的指导性指南；（2）实施实践：为治理专业人士和技术专家提供的详细指南，与ISO/IEC 42001和NIST AI风险管理框

架保持一致，确保与国际标准接轨。为推动落地，NAIC同步发布了一套实用工具，包括：（1）AI 筛查工具；（2）政策指南与模板；（3）AI登记册模板；（4）术语与定义词汇表。这些资源旨在降低负责任使用AI的门槛，特别是针对中小企业。（[查看更多](#)）

Australia: NAIC Releases *Guidance for AI Adoption*

On October 21, 2025, Australia's National AI Centre (NAIC) released the *Guidance for AI Adoption* (Guidance), which aim to support both AI developers and deployers in embedding responsible AI practices throughout the lifecycle of AI systems. The Guidance introduces six fundamental practices that organizations should adopt: (1) Decide who is accountable; (2) Understand impacts and plan accordingly; (3) Measure and manage risks; (4) Share essential information; (5) Test and monitor; (6) Maintain human control. The Guidance is structured in two versions: (1) Foundations: A foundational guide tailored for organizations at the early stages of AI adoption; (2) Implementation Practices: Detailed guidance for governance professionals and technical experts which is aligned with ISO/IEC 42001 and the NIST AI Risk Management Framework, ensuring consistency with international standards. To support adoption, the NAIC has also released a suite of practical tools, including: (1) An AI screening tool; (2) A policy guide and template; (3) An AI register template; (4) A glossary of terms and definitions. These resources aim to lower the barrier to responsible AI use, particularly for small and medium-sized enterprises. ([More](#))

欧盟：EDPB通过关于延长英国充分性决定效力的意见

2025年10月20日，欧洲数据保护委员会（EDPB）通过了欧盟委员会关于根据《通用数据保护条例》（GDPR）和《执法指令》（LED）将英国充分性决定的效力延长至2031年12月的两项意见。英国充分性决定效力的延长将使欧洲境内的组织和主管机关能够继续向英国的组织和机构传输数据，而无需采取额外保障措施。EDPB鼓励欧盟委员会进一步细化其评估，并监控英国向第三国转移数据的规则。根据2025年《数据（使用与访问）法》引入的新充分性测试，第三国保护水平“不得实质低于”英国框架为数据主体提供的保护水平，但该测试未涉及政府访问风险、个人救济的存在及独立监督机构的需求。（[查看更多](#)）

EU: EDPB Adopts Opinions on Extending the Validity of the UK Adequacy Decisions

On October 20, 2025, the European Data Protection Board (EDPB) adopted two opinions of the European Commission on extending the validity of the UK adequacy decisions until December 2031 in accordance with the *General Data Protection Regulation* (GDPR) and the *Law Enforcement Directive* (LED). The extension of the validity of the UK adequacy decisions will allow organizations and competent authorities based in Europe to continue transferring data to UK-based organizations and authorities without implementing additional guarantees. The EDPB encourages the Commission to further elaborate its assessment and monitor the rules on transfers from the UK to third countries. The new adequacy test, introduced by the *Data (Use and Access) Act 2025*, requires the level of protection of the third country to be not materially lower than the one provided for data subjects by the UK framework, but this test does not refer to the risk of government access, the existence of redress for individuals and the need for an independent supervisory authority. ([More](#))

知识产权 Intellectual Property

全国首个网络游戏领域商业秘密保护标准发布

近日，上海市徐汇区市场监管部门发布《网络游戏企业商业秘密管理规范》（以下简称“《规范》”），作为全国首份网络游戏领域商业秘密管理标准化指导性技术文件，其核心聚焦破解行业商业秘密“取证难、维权慢”及属性认定难等痛点，为行业保护提供上海方案。

《规范》由徐汇区市场监管局联合多方起草，精准适配行业特性，首次系统界定商业秘密范畴：经营信息包含未公开角色、技能特效等，技术信息涵盖源代码、核心设计文档等，还建立密级动态调整机制。《规范》是对前期行业保护指引的升级，推动企业从“被动维权”转向“主动防护”，明确政企司协同治理流程，为数字文创领域提供标准化样本。

来源：[上海市徐汇区市场监督管理局](#)

Nation's First Commercial Secrets Protection Standard for Online Gaming Sector Released

Recently, the Xuhui District Market Regulation Authority in Shanghai issued the ‘Guidelines for the Management of Trade Secrets in Online Gaming Enterprises’ (hereinafter referred to as the ‘Guidelines’). As the nation's first standardised technical guidance document for trade secret management in the online gaming sector, its core focus addresses industry pain points such as the difficulty in obtaining evidence, slow enforcement of rights, and challenges in defining the nature of trade secrets, thereby providing a Shanghai-based solution for industry protection.

Jointly drafted by the Xuhui District Market Regulation Bureau and multiple stakeholders, the Specifications precisely align with industry characteristics. They systematically define the scope of trade secrets for the first time: operational information includes undisclosed characters, skill effects, etc., while technical information encompasses source code, core design documents, and more. A dynamic classification adjustment mechanism is also established. Representing an upgrade to prior industry protection guidelines, the Specifications propel enterprises from ‘reactive rights enforcement’ towards ‘proactive safeguarding’. They clarify collaborative governance procedures involving government, enterprises and law firms, thereby furnishing a standardised model for the digital cultural and creative sector.

Source: [Shanghai Xuhui District Market Supervision Bureau](#)

最高法：仅涉及对计算机软件程序的改进不属于实用新型专利保护客体

近期，最高人民法院知识产权法庭审结一起涉及“基于计算机视觉技术的智能称重装置”的实用新型专利权无效行政纠纷上诉案件，二审改判认定该专利不属于实用新型专利保护的客体。

该案中，涉案专利形式上撰写为产品权利要求，但实质上涉及计算机程序模块构架。最高法指出，本专利权利要求中的主要内容，本质上都是对计算机程序模块本身的限定，而非仅通过硬件连接关系实现。根据专利法规定，仅涉及对计算机程序本身改进的权利要求，不属于实用新型专利保护的客体。尽管一审法院认为相关程序属于已知技术，但最高法指出该认定并无证据证明，且相关区别特征恰恰体现了对计算机程序本身的改进。最高院撤销了一审判决和被诉决定，要求国家知识产权局重新作出审查。

本案明确了此类专利申请的审查标准，同时要求审查中重点分析权利要求是否包含对计算机程序的改进。

来源：最高人民法院

Supreme People's Court: Improvements Solely Pertaining to Computer Software Programmes do not Constitute Subject Matter Eligible for Utility Model Patent Protection

Recently, the Intellectual Property Tribunal of the Supreme People's Court (SPC) concluded an appeal concerning the invalidation of a utility model patent for an 'intelligent weighing device based on computer vision technology'. The second-instance judgement overturned the original decision, determining that the patent did not fall within the scope of subject matter protected by utility model patents.

In this case, the contested patent was formally drafted as product claims but essentially concerned the architecture of computer program modules. The SPC noted that the core elements within the patent claims essentially constituted limitations on the computer program modules themselves, rather than being realised solely through hardware connection relationships. Under patent law provisions, claims solely involving improvements to computer programs themselves do not fall within the scope of utility model protection. Although the court of first instance deemed the relevant program to be prior art, the SPC pointed out that this finding lacked evidentiary support, and that the distinguishing features precisely reflected improvements to the computer program itself. The SPC overturned the first-instance judgment and the contested decision, directing the National Intellectual Property Administration to conduct a fresh examination.

This case clarifies the examination criteria for such patent applications, emphasising that the focus of examination must be on whether the claims contain improvements to computer programs.

Source: SPC

最高法：最高法知产法庭作出全国首例支持行为保全复议裁定

近日，最高法知产庭审结一起全国首例涉集成电路布图设计专有权纠纷行为保全复议案。作出首例支持停止侵权行为的保全复议裁定。

本案中，泽某公司起诉芯某公司与驰某公司侵犯其集成电路布图设计专有权，并向无锡中院申请行为保全。法院裁定两被告在诉讼期间暂停生产、销售涉案芯片。两被告不服，向最高人民法院提出复议。

最高法复议认为：泽某公司已对其布图设计进行登记，初步证据显示侵权产品与其设计相似度较高；被诉侵权芯片即将交付上市，可能对权利人造成价格侵蚀、交易机会减少等难以弥补的损害；泽某公司已提供担保，且市场上替代产品充足，保全措施不损害社会公共利益。据此，最高法裁定驳回复议。本案作为全国首例集成电路布图设计专有权行为保全案件，法院及时发布行为禁令，有效阻止了侵权损害的扩大，维护半导体企业的创新成果与市场权益。

来源：最高人民法院

Supreme People's Court: The Supreme People's Court Intellectual Property Tribunal Issues the Nation's First Judgement Upholding a Reconsideration Decision on Interim Measures

Recently, the Intellectual Property Tribunal of the SPC concluded the nation's first case involving a review of interim measures concerning integrated circuit layout design exclusive rights. It issued the inaugural judgement upholding interim measures to cease infringing activities.

In this case, Ze Company sued Xin Company and Chi Company for infringing its integrated circuit layout design exclusive rights, applying to the Wuxi Intermediate People's Court for interim measures. The court ordered both defendants to suspend production and sales of the implicated chips during litigation. The defendants contested the judgement and sought reconsideration from the SPC.

The SPC upheld the original injunction, reasoning that: Ze Company had registered its layout design; Preliminary evidence indicated substantial similarity between the infringing products and the design; The allegedly infringing chips were imminent for market release, posing irreparable harm to the rights holder through price erosion and lost commercial opportunities; Ze Company had provided adequate security; and sufficient market substitutes existed, ensuring the injunction did not harm public interest. Accordingly, the SPC ruled to dismiss the reconsideration. As the nation's first case involving provisional measures for integrated circuit layout design exclusive rights, the court's timely injunction effectively halted the expansion of infringing harm, safeguarding the innovative achievements and market rights of semiconductor enterprises.

Source: SPC

北京高院：“笔趣阁”商标因系网文盗版代名词，终被认定无效

近日，北京市高级人民法院就“笔趣阁”商标无效宣告请求行政纠纷一案作出二审判决，该案的争议焦点为诉争“笔趣阁”商标是否属于《商标法》第十条第一款第八项所规定的“有害于社会主义道德风尚或者有其他不良影响”的标志。

法院经审理认为，从网络文学领域一般公众的普遍认知来看，“笔趣阁”已被视为“网文盗版聚集地”或“盗版网文检索词”，实际形成代指“盗版”的隐语，其注册及使用损害版权管理公共秩序与行业公共利益。从判断标准来看，审查商标是否具有不良影响，一般以申请或核准注册时事实状态为准，但为维护公共利益，注册后能证明商标含义或维持注册违背公序良俗的证据可作为依据；且应结合“网络文学领域相关公众”的认知判断，而非泛化公众认知等。

关于商标权利人主张，权利人提交的证据尚不足以证明“笔趣阁”商标经使用已与其形成紧密对应关系，或在相关公众中形成脱离“盗版”的新积极含义。综上，法院判决驳回上诉，维持一审判决。

来源：北京市高级人民法院

Beijing High Court: 'BiQuGe' Trademark Ruled Invalid as It has Become Synonymous with Online Literature Piracy

Recently, the Beijing High Court issued its second-instance judgement in the administrative dispute concerning the invalidation request for the“BiQuGe”trademark. The focal point of contention in this case was whether the disputed“BiQuGe”trademark constituted a mark“detrimental to socialist morals or having other adverse effects”as stipulated in Article 10(1)(viii) of the Trademark Law.

The court determined that, from the perspective of general public perception within the online literature sphere, “BiQuGe”had become widely recognised as a“hub for pirated online literature”or a“search term for pirated online texts”, effectively forming a code word synonymous with“piracy”.Its registration and use undermined public order in copyright management and harmed the public interest of the industry. Regarding the assessment criteria, while the factual status at the time of application or registration generally determines whether a trademark has adverse effects, evidence demonstrating that the trademark's meaning or continued registration violates public order and good morals after registration may be considered to uphold public interests. Furthermore, the assessment should be based on the perception of the“relevant public within the online literature sector”, rather than generalised public perception.

Regarding the trademark proprietor's claims, the evidence submitted by the proprietor remains insufficient to demonstrate that the“BiQuGe”trademark has, through usage, established a close association with the proprietor or developed a new positive connotation detached from “piracy”among the relevant public. In summary, the court ruled to dismiss the appeal and uphold the original judgment.

Source: Beijing High Court

金山法院：低价倒卖88VIP网易云音乐会员，构成网络不正当竞争

近日，上海金山法院审结了一起不正当竞争纠纷案，明确了低价倒卖88VIP网易云音乐会员行为构成网络不正当竞争。

法院认为，淘宝平台及网易云音乐平台均规定，不得将通过淘宝88VIP会员权益所获得的网易云音乐黑胶会员资格转让或转移给他人使用，音乐平台作为音乐软件付费会员服务的提供者，销售付费会员服务是其主要的营利模式，网店经营者以远低于官方价格，在违反平台规则的情况下向网络用户销售网易云音乐付费会员服务，使得网络用户无须向原告支付费用即可获取原告提供的服务，该行为扰乱了正常的市场秩序。网店经营者将淘宝88VIP会员权益所获得的权益资格转让或转移给他人使用，使得网络平台需另行付出大量成本筛查违规购买会员服务的网络用户并冻结其权益，加大了原告的运营成本，提升了原告的安全风险，妨碍了原告所提供的网络产品或服务的正常运行，构成网络不正当竞争。

来源：上海市金山区人民法院

Jinshan Court: Reselling NetEase Cloud Music 88VIP Memberships at Discounted Prices Constitutes Unfair Online Competition

Recently, the Shanghai Jinshan Court concluded a case concerning unfair competition, clarifying that the resale of NetEase Cloud Music 88VIP memberships at below-market rates constitutes unfair online competition.

The court determined that both the Taobao platform and NetEase Cloud Music stipulate that 88VIP members may not transfer or assign their obtained vinyl membership privileges to others for use. As providers of paid membership services for music applications, music platforms rely on the sale of such subscriptions as their primary revenue model. By selling NetEase Cloud Music paid memberships to internet users at prices significantly below official rates and in violation of platform rules, online store operators enabled users to access the plaintiff's services without payment. This conduct disrupted normal market order. The transfer or assignment of membership rights obtained through Taobao 88VIP membership benefits to third parties compels the online platform to incur substantial additional costs in screening users who have acquired membership services through non-compliant means and freezing their privileges. This increases the plaintiff's operational expenses, heightens security risks, and impedes the normal operation of the plaintiff's online products or services, constituting unfair competition in the online sphere.

Source: Shanghai Jinshan Court

无锡中院：利用AI批量“测评”引流，构成不正当竞争

近日，无锡中院审结了一起不正当竞争纠纷案件，明确了同行竞争者在未有基础事实情况下利用AI批量生成点评文章并发布，以此引流到自家产品或服务上的行为构成不正当竞争。

法院认为，法律并不禁止经营者评价他人产品、服务的行为，同行评价更是规范行业经营行为的重要方式，但是经营者对他人产品、服务或经营活动的评论或者批评必须客观真实。如果经营者依据真实体验对其他经营者进行真实、公允而非虚假、诋毁的评价，即便在相应内容中提及自身产品，司法亦无须介入并限制经营者之间的自由竞争。然而，本案被告批量发布的文章完全系AI生成，未体现其基于使用软件而形成的观点，该行为本质上是其通过大量发布带有同行软件关键词的文章，并在其中搭载自有软件以谋取利益为目标的推广行为。这将导致搜索“原告公司进销存软件”或其他品牌进销存软件的用户被引流至被告公司网站，在一定程度上会降低原告公司及其他同行的用户流量、交易机会，进而损害其经营利益。同时，该行为带来了大量低质信息，造成数据污染，增加消费者获取正确信息的难度，有损社会利益。综上，法院认定被告公司实施的上述行为违反诚实信用原则和商业道德，突破自由竞争边界，构成不正当竞争。

来源：无锡市中级人民法院

Wuxi Intermediate Court: Using AI for Mass ‘Assessment’ to Drive Traffic Constitutes Unfair Competition

Recently, the Wuxi Intermediate People's Court concluded a case concerning unfair competition, clarifying that competitors utilising AI to mass-generate review articles without factual basis and publishing them to divert traffic towards their own products or services constitutes unfair competition.

The court held that while the law does not prohibit operators from evaluating others' products or services – with peer evaluation serving as a vital means to regulate industry conduct – such commentary or criticism must be objective and truthful. Where operators provide genuine, fair assessments based on authentic experience, rather than false or disparaging remarks, judicial intervention to restrict free competition between operators is unnecessary even if their own products are mentioned in the content. Nevertheless, the articles mass-published by the defendant in this case were entirely AI-generated and did not reflect views formed through actual software usage. This conduct essentially constituted promotional activity aimed at generating profit by disseminating numerous articles containing keywords of competitors' software while embedding references to its own software. This redirects users searching for ‘Plaintiff Company's inventory management software’ or other branded inventory management solutions to the Defendant's website. Consequently, it diminishes user traffic and transactional opportunities for the Plaintiff and other competitors, thereby harming their commercial interests. Simultaneously, this practice disseminates substantial low-quality information, polluting data sources and complicating consumers' access to accurate information, thus undermining societal interests. In summary, the court finds that the aforementioned conduct by the defendant company violates the principles of good faith and commercial ethics, transgresses the boundaries of free competition, and constitutes unfair competition.

Source: [Wuxi Intermediate Court](#)

英国法院针对InterDigital与亚马逊的流媒体专利许可纠纷发布AASI

近日，英国高等法院米德法官针对InterDigital与亚马逊的流媒体专利许可纠纷发布反禁诉令（AASI）。

该案因双方流媒体专利许可谈判未果引发：2025年8月，亚马逊向英国法院起诉，请求确认四项欧洲专利的RAND许可条款等，同时在巴西提起专利非必要性确认之诉。InterDigital担忧英国法院授予临时许可，遂向德国及欧洲统一专利法院（UPC）申请“反临时许可禁令（AILI）”，获两院含高额罚金、行政拘留的处罚支持。

近日英国法院发布了反禁诉令，明确该命令可申请变更或撤销，计划10月下旬庭审。更关键的是，附随的终局救济内容直指核心：宣告编码专利须遵循RAND义务，若InterDigital或原权利人汤姆森拒绝授权，法院可宣告专利无效、撤销或认定违约赔偿。这将打碎InterDigital或诺基亚等企业试图脱离RAND义务自由定价的努力，对同类跨国专利纠纷亦将产生重要影响。

来源： [PRIP Research](#)

The UK courts have Issued an AASI in the Streaming Patent licensing Dispute Between InterDigital and Amazon

Recently, Lord Justice Mead of the High Court of Justice issued an Anti-Injunctions Application (AASI) concerning the streaming patent licensing dispute between InterDigital and Amazon.

The case arose from unsuccessful negotiations between the parties over streaming patent licensing: in August 2025, Amazon filed suit in the UK courts seeking confirmation of RAND licensing terms for four European patents, while simultaneously initiating a non-essentiality declaration action in Brazil. Concerned that the UK court might grant provisional licences, InterDigital applied for an Anti-Injunctions in Licence (AILI) order in Germany and the Unified Patent Court (UPC). Both courts upheld the application, imposing penalties including substantial fines and administrative detention.

The UK court's recent Anti-Injunctions in Licence order explicitly permits applications for its amendment or revocation, with a hearing scheduled for late October. More significantly, the accompanying final relief provisions strike at the heart of the matter: declaring that coding patents must comply with RAND obligations. Should InterDigital or the original rights holder Thomson refuse to grant licences, the court may declare the patents invalid, revoke them, or award damages for breach of contract. This will shatter attempts by companies such as InterDigital or Nokia to evade RAND obligations and set prices freely, while also carrying significant implications for similar multinational patent disputes.

Source: PRIP Research

欧盟统一专利法院作出跨14国禁令裁决

近日，UPC海牙地方法院作出里程碑式判决，认定荷兰Black Sheep公司生产的货架配件系统侵犯瑞典HL Display公司欧洲专利，并下达覆盖14国的禁令。此次裁决首次突破性地对非UPC成员国及非《卢加诺公约》成员国的专利有效性抗辩作出认定，显著拓展了UPC的司法管辖边界。

法院在判决中确立了针对不同非成员国的审查标准：对非UPC欧盟成员国需评估其本地法院宣告专利无效的“合理可能性”；对其他非欧盟国家则可作当事人间有效性认定。基于本案情况，法院最终支持了这项跨越8个UPC成员国及其他6个非成员国的广泛禁令。

根据判决，Black Sheep必须立即在14国停止一切侵权活动，一周内召回并销毁侵权产品，三周内披露完整供应链信息。若违反禁令，将面临每日最高2.5万欧元或每件产品250欧元的罚金，累计上限200万欧元。

来源：EPLAW

The Unified Patent Court of the European Union Issues a Cross-border Injunction Judgement Covering 14 Countries

Recently, the UPC District Court in The Hague delivered a landmark judgment finding that shelf accessory systems manufactured by Dutch company Black Sheep infringed a European patent held by Swedish firm HL Display, issuing an injunction covering 14 countries. This judgement represents a groundbreaking first in adjudicating patent validity defences against non-UPC member states and non-Lugano Convention signatories, significantly expanding the UPC's jurisdictional reach.

The court established distinct examination criteria for different non-member states: for non-UPC EU member states, it requires an assessment of the ‘reasonable likelihood’ of the patent being invalidated

by their domestic courts; for other non-EU countries, validity determinations may be made between the parties. Based on the circumstances of this case, the court ultimately upheld this extensive injunction spanning eight UPC member states and six additional non-member states.

Pursuant to the judgment, Black Sheep must immediately cease all infringing activities across 14 jurisdictions, recall and destroy infringing products within one week, and disclose full supply chain information within three weeks. Violations of the injunction will incur daily penalties of up to €25,000 or €250 per infringing item, capped at a cumulative maximum of €2 million.

Source: [EPLAW](#)

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