



No.411

2025.11

立方要闻周报

Weekly News By Lifang & Partners

NO.147

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German Court Grants InterDigital Injunction Against Disney

立方竞争法周报 Weekly Competition Law News

最高人民法院发布上海市人民检察院督促整治卫生健康领域行政主体排除、限制竞争行政公益诉讼案

2025年11月6日，最高人民法院官网发布公益诉讼大数据法律监督模型办案典型案例，其中含一起卫生健康领域行政主体排除、限制竞争行政公益诉讼案。本案中，上海市人民检察院研建“行政主体排除限制竞争公益诉讼监督模型”，用以筛选上海市卫生健康领域的上千条公开招标信息，查明53个涉及技能培训、运维服务等项目的公开招标中存在的设置不合理条件排除、限制竞争的问题。根据《中华人民共和国反垄断法》等规定，上海市人民检察院审查认为相关行政主体违法通过排除、限制竞争方式使用财政性资金，减损了财政性资金使用效益；且行为持续时间较长，涉及数额较大，侵害国家利益和社会公共利益。上海市人民检察院随后通过磋商、检察建议等方式督促行政机关依法履职，保障财政性资金使用效益和市场公平竞争秩序。

[\(查看更多\)](#)

Supreme People's Procuratorate Publishes an Administrative Public Interest Litigation where the Shanghai People's Procuratorate Urges the Rectification of Administrative Authorities in the Health Sector for Their Acts of Excluding and Restricting Competition

On November 6, 2025, the Supreme People's Procuratorate on its official website released a batch of typical public interest litigation involving big-data legal-supervision models, and one of them concerns an administrative public interest litigation in the health sector where the administrative authorities excluded or restricted competition. In this case, the Shanghai People's Procuratorate researched and built the "Public Interest Litigation Supervision Model for Administrative Authorities' Exclusion or Restriction of Competition", aiming at sifting thousands of open-tender notices in Shanghai's health sector; the sifting identified 53 bidding processes, specifically involving skills training, operation and maintenance projects and similar projects, which imposed unreasonable conditions excluding or restricting competition. According to laws including *the Anti-Monopoly Law of the People's Republic of China*, the Shanghai People's Procuratorate concluded that the relevant administrative authorities had unlawfully used fiscal funds in ways that excluded or restricted competition, thereby diminishing the efficiency of public spending; such conduct had also lasted a long time and involved large sums, harming both national and public interests. The Shanghai People's Procuratorate then used consultation and procuratorial suggestions to urge the administrative authorities to perform their duties lawfully, safeguarding the efficient use of fiscal funds and the fair competition order of the market. [\(More\)](#)

市场监管总局发布2025年第二批整治滥用行政权力排除、限制竞争专项行动案件

2025年10月31日，国家市场监督管理总局（“市场监管总局”）发布2025年第二批整治滥用行政权力排除、限制竞争专项行动案件。在该专项行动中，各地市场监管部门积极作为，依法调查纠正了一批行政机关违反《中华人民共和国反垄断法》不当干预市场竞争的行为，助力稳定市

场预期、激发企业活力。本次发布的第二批案件共六起，涉及广东省、福建省、山东省、西藏自治区、广西壮族自治区、安徽省等6个地区，涉及教育局、水利局、科技局、人民政府等行政部门。（[查看更多](#)）

SAMR Releases the Second Batch of Typical Cases of 2025 from the Special Action Targeting the Abuse of Administrative Power to Exclude and Restrict Competition

On 31 October 2025, the State Administration for Market Regulation (“the SAMR”) published the second batch of cases of 2025 from the special action targeting the abuse of administrative power to exclude or restrict competition. During the special action, market regulation authorities nationwide acted promptly to investigate and corrected a series of government authorities’ intervening conduct in the market competition that violated *the Anti-Monopoly Law of the People’s Republic of China*, helping to stabilise market expectations and promote the vigour of enterprises. The second batch of cases published this time comprises six cases, covering the provinces of Guangdong, Fujian, Shandong, Anhui and Xizang Autonomous Region and Guangxi Zhuang Autonomous Region, and the administrative authorities involved include education bureaus, water-resources bureaus, science and technology bureaus and people’s governments at various levels. ([More](#))

欧盟委员会对德交所和纳斯达克涉嫌共谋行为展开调查

2025年11月6日，欧盟委员会宣布已经对德国德意志交易所（“德交所”）和纳斯达克启动正式反垄断调查，以评估德交所与纳斯达克是否在欧洲经济区金融衍生品的上市、交易及清算领域实施共谋行为、进而违反欧盟竞争规则。欧盟委员会担忧，德交所与纳斯达克旗下实体可能就特定衍生品的上市、交易及清算业务达成欧洲经济区范围内的不竞争协议或协同行为；此外，欧盟委员会还担心两实体可能实施了分割需求、协调定价及交换商业敏感信息的行为。上述行为如被证实可能违反欧盟禁止卡特尔和限制性商业行为的竞争规则。2024年9月，欧盟委员会曾对德交所和纳斯达克的经营场所进行现场检查。（[查看更多](#)）

European Commission Opens Antitrust Investigation into Alleged Collusion between Deutsche Börse and Nasdaq

On November 6, 2025, the European Commission (“the Commission”) announced that it had opened a formal antitrust investigation into Deutsche Börse and Nasdaq, in order to assess whether Deutsche Börse and Nasdaq have breached EU competition rules by coordinating their conduct in the sector for listing, trading and clearing of financial derivatives in the European Economic Area. The Commission was concerned that Deutsche Börse and Nasdaq entities may have entered into agreements or concerted practices not to compete in the EEA for the listing, trading and clearing of certain derivatives; besides, the Commission was concerned that the entities may have implemented conduct such as allocating demand, coordinating prices and exchanging commercially sensitive information. If proven, this behaviour may breach EU competition rules that prohibit cartels and restrictive business practices. In September 2024, the Commission carried out unannounced inspections at the premises of Deutsche Börse and Nasdaq. ([More](#))

美国司法部批准Alphabet对网安公司Wiz的收购

2025年11月5日，据媒体报道，美国司法部已经批准Alphabet对网络安全公司Wiz的收购，该交易估值约320亿美元；交易完成后，Wiz将被整合进谷歌云业务。据报道，美国司法部此前已经在2025年针对该交易启动反垄断审查，以评估该收购是否可能损害网络安全及云服务领域的竞争。该交易在2025年3月首次宣布，目前仍面临美国以外其他辖区的监管审查，预计在满足常规条件的情况下可在2026年完成交割。（[查看更多](#)）

US DOJ Clears Alphabet's \$32 Billion Acquisition of the Cyber Security Company Wiz

On November 5, 2025, according to media reports, the U.S. Department of Justice (“DOJ”) approved Alphabet’s \$32 billion acquisition of cybersecurity company Wiz; the transaction, once finalized, will embed Wiz’s into Google Cloud’s suite of products. As reported, DOJ launched an antitrust review earlier in 2025 to determine whether the purchase could harm competition in the cybersecurity and cloud services sectors. The transaction was first revealed in March 2025 and is currently working through regulatory reviews in other jurisdictions; it is expected to close in 2026 pending the satisfaction of standard conditions. ([More](#))

英国CMA对Getty Images对Shutterstock收购案开展深入调查

2025年11月3日，英国市场与竞争管理局（“CMA”）宣布将对Getty Images收购Shutterstock案启动第二阶段深入调查，原因是CMA担忧该交易可能导致新闻社评类及素材库图片的价格上涨、商业条款恶化，或服务质量下降。Getty Images和Shutterstock均提供数字内容，涵盖照片、插图、视频及音乐；收购完成后，新公司实体估值将超过30亿英镑。在第一阶段调查中，CMA听取了英国媒体及创意产业企业、行业协会和其他利益相关方的意见，各方普遍担忧此次交易可能对编辑类及素材库内容的供应造成影响。Getty与Shutterstock在第一阶段后期提出补救方案；经评估，CMA认为目前方案未能充分消除其担忧。第二阶段深度调查将由独立专家小组牵头、详细审查相关竞争担忧。（[查看更多](#)）

UK CMA Conduct In-depth Investigation into Getty Images and Shutterstock Merger

On November 3, 2025, the Competition and Markets Authority (“the CMA”) announced that it initiated an in-depth Phase 2 investigation into the Getty Images and Shutterstock merger, because the CMA is concerned that the deal may lead to higher prices, worse commercial terms and/or lower quality provision of editorial and stock imagery. Both Getty Images and Shutterstock supply digital content, including photos, illustrations, videos and music; once the merger closes, the new combined entity would have a value of more than £3 billion. In its Phase 1 investigation, the CMA heard widespread concerns from businesses, trade associations and other stakeholders across the UK media and creative sectors about the potential impact of this deal in the supply of editorial and stock content. Getty Images and Shutterstock offered a complex package of remedies at a late stage in the Phase 1 process. Following an assessment, the CMA concluded these did not fully address its concerns. The in-depth Phase 2 inquiry

which will be led by an independent panel of experts who will investigate these concerns in more detail. ([More](#))

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

五部门联合发布《关于促进和规范“人工智能+医疗卫生”应用发展的实施意见》

2025年11月4日，国家卫健委等五部门联合发布了《关于促进和规范“人工智能+医疗卫生”应用发展的实施意见》（以下简称《意见》），旨在以新一代人工智能深度赋能卫生健康行业高质量发展。《意见》分为五个部分：（1）第一部分为总体要求，提出“人工智能+医疗卫生”应用发展的指导思想，基于各地实际情况，确定了2027年和2030年的主要发展目标。（2）第二部分为深化重点应用。主要包括人工智能在基层应用、临床诊疗、患者服务、中医药、公共卫生、科研教学、行业治理、健康产业等8个方向24项重点应用。（3）第三部分为夯实应用基础。提出强化基础设施建设、丰富医疗数据供给、优化人工智能算力算法等5个方面内容。（4）第四部分为规范安全监管。提出优化行业管理和审核体系、创新监管方式和预警机制、强化数据安全和个人隐私保护3个方面内容。（5）第五部分为加强组织保障。加强制度建设、加强试点示范、加强宣传合作，推动人工智能互利共赢、智能向善，技术普惠、成果共享。
([查看更多](#))

Five Departments Jointly Issue *Implementation Opinions on Promoting and Regulating the Application and Development of “AI + Medical and Health Care”*

On November 4, 2025, five departments including the National Health Commission of the People’s Republic of China jointly issued the *Implementation Opinions on Promoting and Regulating the Application and Development of “AI + Medical and Health Care”* (Opinions), aiming to deeply empower the high-quality development of the health care industry with a new generation of AI. The Opinions consist of five parts: (1) The first part is general requirements, proposing the guiding ideology for the application and development of “AI + Medical and Health Care”, and setting the main development goals for 2027 and 2030 based on the actual conditions of various regions. (2) The second part is deepening key applications, including 24 key applications in 8 areas such as AI application at the grassroots level, clinical diagnosis and treatment, patient services, traditional Chinese medicine, public health, scientific research and teaching, industry governance, and health industry. (3) The third part is consolidating the application foundation, putting forward contents in 5 aspects such as strengthening infrastructure construction, enriching medical data supply, and optimizing AI computing power and algorithms. (4) The fourth part is regulating safety supervision, proposing contents in 3 aspects such as optimizing the industry management and review system, innovating supervision methods and early warning mechanisms, and strengthening data security and personal privacy protection. (5) The fifth part is strengthening organizational guarantee, including strengthening system construction, pilot demonstrations, publicity and cooperation, so as to promote mutually beneficial win-win results of AI, intelligent development for good, technology for the public good, and shared achievements. ([More](#))

《中国互联网发展报告2025》和《世界互联网发展报告2025》蓝皮书发布

2025年11月8日，由中国网络空间研究院牵头编撰的《中国互联网发展报告2025》和《世界互联网发展报告2025》蓝皮书在2025年世界互联网大会乌镇峰会上正式发布。《中国互联网发展报告2025》总结了一年来中国互联网发展实践成效和趋势。一年来，信息基础设施持续优化升级，数字经济向质向深向实向稳发展，数字产业化亮点和创新不断，产业数字化转型持续深入，人工智能、区块链、量子计算等前沿技术赋能效应凸显。《世界互联网发展报告2025》立足全球视野，梳理总结世界互联网发展情况。一年来，信息基础设施建设为数字化转型提供有力支撑，持续向智能化、绿色化升级演进。（[查看更多](#)）

Blue Books *China Internet Development Report 2025* and *World Internet Development Report 2025* Released

On November 8, 2025, the blue books *China Internet Development Report 2025* and *World Internet Development Report 2025*, compiled under the leadership of the China Academy of Cyberspace Studies, were officially released at the 2025 World Internet Conference Wuzhen Summit. *China Internet Development Report 2025* summarizes the practical achievements and trends of China's internet development over the past year. During this period, information infrastructure continued to be optimized and upgraded, the digital economy developed toward higher quality, greater depth, more solid foundation and stability, the digital industry witnessed continuous highlights and innovations, the digital transformation of industries advanced steadily, and the enabling effects of cutting-edge technologies such as AI, blockchain and quantum computing became prominent. *World Internet Development Report 2025* takes a global perspective to sort out and summarize the development of the world's internet. Over the past year, the construction of information infrastructure has provided strong support for digital transformation, and continued to evolve toward intelligence and greenization. ([More](#))

全国网安标委发布支撑《网络数据安全条例》生效施行的国家标准梳理

2025年11月7日，全国网安标委发布了支撑《网络数据安全条例》（以下简称《条例》）生效施行的国家标准梳理。2025年1月1日，《条例》生效施行，规定了开展网络数据处理活动及其安全监管须遵守的各项要求。全国网安标委围绕数据安全和个人信息保护，已经发布了44项国家标准，正在制定2项强制性国家标准和15项推荐性国家标准，研制发布2项委员会技术文件和22项网络安全标准实践指南。全国网安标委分析了《条例》标准化需求，梳理出69项标准文件（内容包括一般规定、个人信息保护、重要数据安全、网络数据跨境安全管理、网络平台服务提供者义务）可为《条例》落地实施提供支撑。（[查看更多](#)）

TC260 Issues Sorting-out of National Standards Supporting the Implementation of *Regulations on the Administration of Cybersecurity Data*

On November 7, 2025, the National Technical Committee 260 on Cybersecurity of the Standardization Administration of China (TC260) issued a sorting-out of national standards supporting the entry into force and implementation of the *Regulations on the Administration of Cybersecurity Data* (Regulations). The Regulations officially came into force on January 1, 2025, specifying various re-

quirements that must be complied with in conducting cybersecurity data processing activities and related security supervision. Focusing on data security and personal information protection, the TC260 has issued 44 national standards, is formulating 2 mandatory national standards and 15 recommended national standards, and has developed and released 2 committee technical documents and 22 cybersecurity standard practice guidelines. The TC260 analyzed the standardization needs of the Regulations and sorted out 69 standard documents (covering general provisions, personal information protection, key data security, cross-border security management of cybersecurity data, and obligations of online platform service providers) that can provide support for the implementation of the Regulations. ([More](#))

北京互联网法院审结一起关联App共享用户数据引发的人格权侵权案

2025年11月5日，北京互联网法院审结了一起关联App共享用户数据引发的人格权侵权纠纷案件，最终认定App运营方构成侵权需承担相应责任。被告某信息公司和某科技公司系关联企业，分别运营三款关联App。原告在注册并使用一款App过程中发现，另外两款App也自动生成了原告所属的账号。通过使用任一App形成的用户数据会自动同步至另外两款App，且发布、修改、删除内容的操作也会同步。法院经审理认为：（1）原告对使用三款App中形成的昵称、头像、简介、动态、粉丝及关注列表、实名认证信息、私信等可识别到本人且与本人有关的各种信息享有个人信息权益。（2）二被告作为个人信息处理者共同决定用户数据的处理目的和处理方式，并约定了各自的权利和义务，应属于多主体共同处理个人信息的行为，向其他个人信息处理者提供其处理的个人信息的行为。（3）二被告的告知内容不够完整、全面，导致原告的同意非有效，因此侵害了原告的个人信息权益。对于实名认证、私信等私密信息的处理，依照《个人信息保护法》关于敏感个人信息处理的规则，即使是共同处理行为也仍需取得个人单独同意，但二被告未取得原告的单独同意，侵害了原告的隐私权。（[查看更多](#)）

Beijing Internet Court Concludes a Personality Right Infringement Case Arising from Associated Apps Sharing User Data

On November 5, 2025, the Beijing Internet Court concluded a personality right infringement dispute case caused by associated Apps sharing user data, and finally determined that the App operators constituted infringement and should bear corresponding liabilities. The defendants, an information company and a technology company, are affiliated enterprises operating three associated Apps respectively. During the registration and use of one App, the plaintiff found that the other two Apps had automatically generated accounts belonging to the plaintiff. User data formed through the use of any one App would be automatically synchronized to the other two Apps, and operations such as publishing, modifying, and deleting content would also be synchronized. After trial, the court held that: (1) The plaintiff enjoys personal information rights and interests in various identifiable and personally relevant information formed through the use of the three Apps, including nicknames, avatars, profiles, updates, fan and follow lists, real-name authentication information, and private messages. (2) As personal information handlers, the two defendants jointly determine the purposes and methods of user data processing and agree on their respective rights and obligations. This constitutes a multi-subject joint processing of personal information, involving the provision of processed personal information to other personal information handlers. (3) The content informed by the two defendants is not complete and comprehensive, resulting in the plaintiff's consent being invalid, thus infringing on the plaintiff's personal information rights and interests. For the processing of private information such as real-name authentication and private mes-

sages, in accordance with the rules on the processing of sensitive personal information in the *Personal Information Protection Law*, even for joint processing, separate consent from the individual is still required. However, the two defendants failed to obtain the plaintiff's separate consent, infringing on the plaintiff's right to privacy. ([More](#))

上海市通管局通报53款侵害用户权益的App (SDK)

2025年11月4日，经组织第三方检测机构进行抽查，上海市通管局发现53款App (SDK) 存在侵害用户权益行为并进行通报。所涉问题包括：（1）未明示个人信息处理规则；（2）超范围收集个人信息；（3）未妥善处理用户投诉；（4）账号注销难。所涉App (SDK) 应对存在的问题立即整改，并对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 Communications Administration Notifies 53 Apps (SDKs) Infringing on Users' Rights and Interests

On November 4, 2025, after organizing random inspections by third-party testing institutions, the Shanghai Communications Administration detected and notified 53 Apps (SDKs) of behaviors infringing on users' rights and interests. The involved issues include: (1) Failure to explicitly state personal information processing rules. (2) Collecting personal information beyond the specified scope. (3) Failure to properly handle user complaints. (4) Difficulty in account cancellation. The involved 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 Communications Administration 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 Communications Administration will handle them in accordance with laws and regulations. ([More](#))

欧盟：EDPB通过对巴西充分性决定草案意见

2025年11月5日，欧洲数据保护委员会（EDPB）通过了一项关于欧盟委员会对巴西个人数据充分保护水平决定草案的意见。该决定一经通过，将确保个人数据可从欧洲自由流向巴西，且个人能够保留对其数据的控制权。应欧盟委员会的请求，EDPB在其意见中评估了巴西数据保护框架，以及巴西政府访问从欧洲传输的个人数据的相关规则，是否提供了与欧盟立法基本等同的保障措施。该委员会积极肯定巴西相关框架与欧盟立法及欧盟法院判例法的高度一致性，同时也审查了巴西法律框架下的保障措施是否已落实到位且切实有效。 ([查看更多](#))

EU: EDPB Adopts Opinion on the Draft Adequacy Decision for Brazil

On November 5, 2025, the European Data Protection Board (EDPB) adopted an opinion on the European Commission's draft decision on the adequate level of protection of personal data in Brazil. Once adopted, the decision will ensure that personal data can flow freely from Europe to Brazil and that individuals can retain control over their data. In its opinion, requested by the Commission, the EDPB

assesses whether the Brazilian data protection framework and the rules on government access to personal data transferred from Europe provide safeguards essentially equivalent to the ones in EU legislation. The Board positively notes the close alignment with EU legislation and the case law of the Court of Justice of the EU. The EDPB also examines whether the safeguards provided under the legal framework in Brazil are in place and effective. ([More](#))

美国：纽约州总检察长就新法案生效发布警示，提醒纽约市民警惕算法定价

2025年11月5日，纽约州总检察长就算法定价问题向纽约市民发布了消费者警示，并鼓励他们举报企业未充分披露却使用算法定价的行为。算法定价允许企业根据个人数据自动调整价格，会依据消费者的地理位置、收入状况、过往购物习惯等因素，对部分消费者收取更高费用。2025年11月10日，纽约州《算法定价披露法案》正式生效，该法案要求大多数使用算法定价的企业明确公示相关信息，告知消费者其价格是通过个人数据设定的。总检察长呼吁，若纽约市民认为遭遇未充分披露的算法定价行为，可向纽约州总检察长办公室提起投诉。
([查看更多](#))

USA: New York Attorney General Issues Warning as New Law Takes Effect, Alerting New Yorkers to Algorithmic Pricing

On November 5, 2025, the New York Attorney General issued a consumer alert warning New Yorkers about algorithmic pricing and encouraging them to report cases of companies using algorithmic pricing without properly disclosing it. Algorithmic pricing allows companies to automatically adjust prices based on individuals' personal data, charging some consumers more than others depending on factors like their location, income, and previous shopping habits. On November 10, 2025, New York's *Algorithmic Pricing Disclosure Act* takes effect, requiring most companies that use algorithmic pricing to clearly display a disclosure notifying consumers that prices are set using their personal data. Attorney General is urging New Yorkers who believe they have encountered algorithmic pricing that is not properly disclosed to file a complaint with the Office of the Attorney General. ([More](#))

知识产权 Intellectual Property

我国首部AI知识产权团体标准发布

近日，我国首部聚焦生成式人工智能（AI）领域的知识产权团体标准《生成式人工智能知识产权指南》（以下简称《指南》）已由中国电子商会正式发布实施。

《指南》的正式实施为生成式人工智能不同场景下的主体提供了明确指引：生成式人工智能大模型开发者可依指南明确数据合规、专利保护、商业秘密管理要点，降低侵权风险；生成式人工智能服务提供者可依指南开展大模型审查、投诉渠道搭建等工作，平衡服务效率与知识产权保护；生成式人工智能服务使用者可依指南在使用前进行规范的信息确认、在使用中

合理有效留痕，厘清合规边界。此外，《指南》还专门设有知识产权争议处理专章，为各主体提供侵权风险防范、应急措施以及多元维权途径，助力各方主体高效应对知识产权纠纷。

来源：中国质量报

China's first AI intellectual property group standard released

Recently, China's inaugural group standard for intellectual property in the generative artificial intelligence (AI) sector, the Generative Artificial Intelligence Intellectual Property Guidelines (hereinafter referred to as the Guidelines), has been formally released and implemented by the China Electronics Chamber of Commerce.

The formal implementation of the Guidelines provides clear direction for entities operating across diverse generative AI scenarios: developers of generative AI large models may utilise the Guidelines to clarify key aspects of data compliance, patent protection, and trade secret management, thereby mitigating infringement risks; Generative AI service providers may utilise the Guidelines to conduct large model reviews and establish complaint channels, balancing service efficiency with intellectual property protection; Generative AI service users may follow the Guidelines to conduct standardised information verification prior to use and maintain reasonable and effective records during use, thereby clarifying compliance boundaries. Additionally, the Guidelines feature a dedicated chapter on intellectual property dispute resolution, offering entities measures for infringement risk prevention, emergency response protocols, and diverse avenues for rights protection, thereby assisting all parties in efficiently addressing intellectual property disputes.

Source: China Quality Daily

最高法：外观设计对比时对尺寸绝对值和相对比例关系的考量

近期，最高法知产法庭审结一起外观设计专利权无效行政纠纷上诉案件，明确在外观设计对比中，当无法对比具体尺寸绝对值时，应重点考量产品各部分的相对比例关系。

该案中，戴某是“座椅（EPP笑脸2）”外观设计专利的专利权人。苏州华某包装股份有限公司请求宣告该专利权无效。国家知识产权局经审查认为，涉案专利与对比设计的主要区别在于座椅主体高度不同，而此变化属常用设计手法，故宣告专利权全部无效。戴某不服，提起诉讼。

最高法认为，外观设计专利的保护范围以图片或照片为准，公告文本通常不记载具体尺寸数值。因此，一般无法对长宽高的绝对值进行精确对比。但是，如果图片能清晰体现产品不同部分之间的相对比例关系，则该比例关系应作为确定相同点或区别点的依据。本案中，一般消费者通过直接观察，可以确认涉案专利与对比设计在“座椅主体高度与靠背高度的比例”上确实存在区别。尽管存在上述比例区别，但法院认为这种比例关系在座椅这类设计空间很大的产品中属于惯常设计，对整体视觉效果不具有显著影响。因此，涉案专利与对比设计相比不具有明显区别，维持了专利权无效的决定。

来源：最高人民法院

Supreme People's Court: Consideration of Absolute Dimensions and Relative Proportional Relationships in Design Comparisons

Recently, the Intellectual Property Tribunal of the Supreme People's Court (SPC) concluded an appeal concerning an administrative dispute over the invalidation of a design patent. It clarified that when comparing designs, where specific absolute dimensions cannot be directly compared, the relative proportions of the product's various parts should be the primary consideration.

In this case, Dai was the patent holder for the design patent titled 'Seat (EPP Smiley 2)'. Suzhou Hua Packaging Co., Ltd. sought to invalidate this patent. Following examination, the China National Intellectual Property Administration (CNIPA) determined that the primary difference between the patented design and the prior art design lay in the varying heights of the seat bodies, a modification deemed a common design technique. Consequently, the patent was declared wholly invalid. Dissatisfied with this ruling, Dai initiated legal proceedings.

The SPC held that the scope of protection for a design patent is determined by the drawings or photographs, with the published text typically not recording specific dimensional values. Consequently, precise comparisons of absolute values for length, width, and height are generally not feasible. However, if the drawings clearly illustrate the relative proportions between different parts of the product, such proportional relationships should serve as the basis for determining points of similarity or difference. In this case, ordinary consumers could directly observe that the patented design and the prior art design differed in the 'proportion between the height of the main seat body and the height of the backrest'. Despite this proportional difference, the court held that such a ratio constituted a conventional design in products with considerable design latitude, such as seats, and did not significantly affect the overall visual effect. Consequently, the patented design did not exhibit a clear distinction compared to the prior art design, and the decision to invalidate the patent was upheld.

Source: SPC

最高法：恶意注册的商标权瑕疵不因转让而涤除

纽贝卡公司与国家知识产权局、中烟公司商标权无效宣告请求行政纠纷案中，最高法明确了恶意注册的商标权瑕疵不因转让而涤除的裁判要旨。

该案诉争商标为“雨花石”，原注册人为超世代公司。纽贝卡公司后受让取得该商标。中烟公司对该商标提出无效宣告请求。原审判决认定超世代公司“以其他不正当手段取得注册”，应撤销诉争商标。纽贝卡公司不服，提起再审。

最高人民法院经审查认为，原审法院已查明，超世代公司除注册“雨花石”商标外，还在多个类别申请注册了“广药”、“泰赫雅特”等众多与他人知名品牌相同或近似的商标。其原股东曾自认存在抢注商标行为。此外，诉争商标因连续三年未使用被撤销，证明其缺乏使用商标的真实意图。因此，原审认定超世代公司不以使用为目的，恶意抢注商标，扰乱商标注册秩序，构成“以其他不正当手段取得注册”，并无不当。纽贝卡公司作为受让人，应对该商标原注册行为的法律后果承担责任。

来源：最高人民法院

Supreme People's Court: Defects in Trademark Rights Arising from Malicious Registration Are Not Removed by Transfer

In the administrative dispute concerning the request for declaration of invalidity of the trademark rights between Newbeika Company, CNIPA, and China Tobacco Company, the SPC clarified the judicial principle that defects in trademark rights arising from malicious registration are not extinguished by transfer.

The disputed trademark in question was 'Yuhua Stone', originally registered by Super Generation Company. Nuobeka Company subsequently acquired the trademark through assignment. China Tobacco filed a request for invalidation of the trademark. The original judgment determined that Super Generation Company had 'obtained registration through other improper means' and that the disputed trademark should be revoked. Nuobeka Company appealed the decision.

Upon review, the SPC determined that the original court had established that, in addition to registering the 'Yuhua Stone' trademark, Super Generation had applied to register numerous trademarks identical or similar to others' well-known brands across multiple categories, such as "Guangyao" and 'Taiheyaite'. Its former shareholders had previously admitted to engaging in trademark squatting. Furthermore, the contested trademark was revoked due to non-use for three consecutive years, demonstrating a lack of genuine intent to use the mark. Consequently, the original court's determination that Super Generation Company had maliciously registered trademarks without intent to use them, thereby disrupting trademark registration order and constituting 'obtaining registration by other improper means,' was deemed appropriate. As the assignee, Nuo Beika Company should bear legal responsibility for the original registration actions concerning this trademark.

Source: SPC

上海知产法院：“三毛”二审胜诉，法院厘清经典作品保护原则

成都地图出版社与孟某等著作权侵权纠纷案中，本案核心争议在于被诉图书是否侵犯了经典漫画《三毛流浪记》的改编权。

法院认定，尽管根据早期电影《三毛流浪记》改编的图书可能已超过电影本身的著作权保护期，但漫画原作《三毛流浪记》仍在保护期内。根据法律规定，对改编作品进行再改编，必须同时获得改编作品和原作品著作权人的双重许可。因此，出版社未经漫画作品当前权利人（孟某等人）的许可，出版改编图书，侵害了他们对原漫画作品所享有的改编权。

关于赔偿数额，因双方均未能提供实际损失或侵权获利的确切证据，法院综合考虑原作的知名度、市场价值、出版社的侵权方式、主观过错及在诉讼中仍持续侵权等因素，认定一审判决的40万元赔偿金额合理。出版社关于印刷数量少的辩解，因未能提供实际发行量证据且线上销量数据显示较高，未被法院采纳。

来源：上海知识法院

Shanghai Intellectual Property Court: ‘Sanmao’ Wins Appeal, Court Clarifies Protection Principles for Classic Works

In the copyright infringement dispute between Chengdu Map Publishing House and Meng et al., the core contention revolves around whether the contested book infringed upon the adaptation rights of the classic comic strip *The Adventures of Sanmao*.

The court determined that although the book adapted from the earlier film *The Adventures of Sanmao* may have exceeded the copyright protection period of the film itself, the original comic strip *The Adventures of Sanmao* remains within its protection period. Under statutory provisions, re-adapting an adapted work requires dual authorisation from both the copyright holder of the adapted work and the original work. Consequently, the publisher's unauthorised publication of the adapted book infringed upon the adaptation rights held by Meng et al. over the original comic.

Regarding the compensation amount, as neither party provided conclusive evidence of actual losses or profits derived from the infringement, the court comprehensively considered factors including the original work's reputation, market value, the publisher's method of infringement, subjective fault, and the continued infringement during litigation. It thus upheld the first-instance ruling's compensation of 400,000 yuan as reasonable. The publisher's defence based on low print runs was rejected, as it failed to provide evidence of actual circulation figures while online sales data indicated substantial sales.

Source: [Shanghai Intellectual Property Court](#)

上海浦东法院：短期内大量仿冒他人服装款式，适用反法原则条款规制

本案中，原告某风公司旗下的“歌某娅”是知名女装品牌。被告张某等人生产、销售的“伊某拉”品牌服装，在原告推出新款后一年内，大量仿冒其56款服装设计，款式高度相似。原告认为该行为构成不正当竞争，诉请被告停止侵权、消除影响并赔偿500万元。

法院认为，服装款式是企业的核心经营资源和竞争力。被告在短期内系统性、大规模地仿冒原告新款，此举并非善意竞争，而是不正当地攫取了原告的交易机会，损害了激励创新的市场机制，违背了《反不正当竞争法》第二条规定的诚信原则，构成不正当竞争。据此，判决被告停止侵权行为，张某等赔偿70万元，另一被告汇某公司连带赔偿8万元，并刊登声明消除影响。二审维持原判。

来源：上海浦东法院

Shanghai Pudong Court: Mass Imitation of Others' Clothing Designs within a Short Period Warrants Regulation under the Principle of Anti-counterfeiting Provisions

In this case, the plaintiff, Feng Company, owns the well-known women's apparel brand ‘Geoya’. Within a year of the plaintiff launching new designs, the defendants, Zhang et al., produced and sold a large quantity of counterfeit garments under the ‘Yila’ brand, replicating 56 of the plaintiff's designs with a high degree of similarity. The plaintiff contends that this constitutes unfair competition and seeks an

order requiring the defendants to cease infringement, eliminate the adverse impact, and pay compensation of RMB 5 million.

The court held that garment designs constitute core business assets and competitive advantages for enterprises. The defendants' systematic and large-scale counterfeiting of the plaintiff's new designs within a short period did not constitute fair competition. Instead, it improperly appropriated the plaintiff's commercial opportunities, undermined market mechanisms incentivising innovation, and violated the principle of good faith stipulated in Article 2 of the Anti-Unfair Competition Law, thereby constituting unfair competition. Accordingly, the court ordered the defendant to cease the infringing activities, with Zhang Mou et al. jointly liable for 700,000 yuan in damages and the other defendant, Hui Mou Company, jointly liable for 80,000 yuan. The defendants were further ordered to publish a statement to mitigate the adverse impact. The appellate court upheld the original judgment.

Source: [Shanghai Pudong Court](#)

上海金山法院：上海首例人工智能大模型著作权侵权案一审宣判，用户构成侵权

近期，上海首例AI大模型著作权侵权案一审宣判。原告是知名IP《斗破苍穹》中“美杜莎”角色形象的著作权人。被告李某是某AI图像生成平台的用户，其截取该角色二十余张图片作为训练素材，通过平台功能生成并发布了两款“美杜莎”LoRA模型。其他用户使用该模型可生成与原著形象高度相似的图片。原告认为此举构成侵权，遂将平台方与用户李某共同诉至法院。

法院认为，用户李某以商业使用为目的，在训练素材截取及模型发布阶段，再现了原作的独创性表达，构成对复制权和信息网络传播权的侵害。但涉案模型及生成图未见李某的实质性智力投入，故不构成改编权侵权。平台方提供的是中立技术，属于网络服务提供者，其在事前已尽到合理告知义务，设置了投诉机制；事后及时下架模型并更新审核关键词，履行了“通知-删除”和转通知义务，主观上无过错，故不构成侵权。法院判定被告李某的行为侵犯了原告享有的复制权和信息网络传播权，判令其停止侵权，并赔偿经济损失及合理开支共计5万元，并驳回原告其他诉请。

来源：[上海金山法院](#)

Shanghai Jinshan Court: First-instance Ruling Handed Down in Shanghai's Inaugural Case of Copyright Infringement Involving Large-scale Artificial Intelligence Models, with Users Found Liable for Infringement

Recently, the first AI large model copyright infringement case in Shanghai reached its first-instance verdict. The plaintiff holds the copyright to the character 'Medusa' from the renowned IP 'Battle Through the Heavens'. Defendant Li, a user of an AI image generation platform, extracted over twenty images of this character as training material. Utilising the platform's functionality, he generated and released two 'Medusa' LoRA models. Other users could employ these models to produce images bearing a striking resemblance to the original character. The plaintiff contended this constituted infringement and consequently sued both the platform operator and user Li in court.

The court ruled that user Li, acting for commercial purposes, reproduced the original work's creative expression during both the training material extraction and model release stages, thereby infringing the rights of reproduction and dissemination via information networks. However, as the models and generated images did not demonstrate substantial intellectual input from Li, they did not constitute an infringement of adaptation rights. The platform provider supplied neutral technology as an internet service provider. It had fulfilled its reasonable duty of prior notification by establishing a complaint mechanism. Subsequently, it promptly removed the model and updated review keywords, thereby discharging its 'notice-and-takedown' and secondary notification obligations. Lacking subjective fault, it was not found liable for infringement. The court ruled that the defendant Li infringed the plaintiff's reproduction rights and information network dissemination rights. It ordered Li to cease the infringement and compensate the plaintiff for economic losses and reasonable expenses totalling RMB 50,000, while dismissing the plaintiff's other claims.

Source: [Shanghai Jinshan Court](#)

上海黄浦法院：涉案AI提示词不构成著作权法所保护的作品

近日，上海黄浦法院审结上海首例涉AI提示词著作权侵权案，认定涉案提示词不构成著作权法所保护的作品。

该案中，原告系一家美术创作公司，于2022年撰写了六组用于AI绘画的提示词，内容涉及艺术风格、主体元素、材质细节等。原告使用这些提示词在Midjourney平台生成画作并公开发表。后发现二被告在小红书平台及出版书籍中使用了由相同提示词生成的近似画作，遂以侵犯其提示词作为“文字作品”的著作权为由，诉请被告停止侵权并赔偿合理开支。

法院认为，提示词仅为艺术风格、主体元素等关键词的简单罗列，缺乏语法结构与逻辑关联，未形成有机的语句表达；所选用的词汇均为该领域常见表达，未体现作者独特的智力创作与审美判断，不具备个性化特征；提示词本质是向AI系统发出的指令与描述，其内容是对创作构思的抽象罗列，属于“思想”层面，而非受保护的“表达”。因此，法院认为原告对涉案提示词不享有著作权，并据此判决驳回其全部诉讼请求。

来源：上海高级人民法院

Shanghai Huangpu Court: AI Prompt Words Involved in the Case Do Not Constitute Works Protected by Copyright Law

Recently, the Huangpu District People's Court in Shanghai concluded the city's first case concerning copyright infringement involving AI prompt words, ruling that the prompt words in question did not constitute works protected under copyright law.

In this case, the plaintiff, an art creation company, authored six sets of prompt words for AI painting in 2022. These covered artistic styles, primary elements, and material details. The plaintiff utilised these prompt words to generate artwork on the Midjourney platform and subsequently published it publicly. Subsequently, the plaintiff discovered that the two defendants had used similar paintings generated from identical prompts on the Xiaohongshu platform and in published books. The plaintiff therefore

sued, alleging infringement of the copyright in the prompts as ‘literary works,’ and sought an injunction to cease the infringement along with compensation for reasonable expenses.

The court held that the prompts merely constituted a simple listing of keywords such as artistic styles and main elements, lacking grammatical structure and logical coherence, and thus failed to form organic sentence expressions. The selected vocabulary comprised common expressions within the field, failing to reflect the author's unique intellectual creation or aesthetic judgement, and thus lacking distinctive characteristics. Essentially, the prompt constituted instructions and descriptions issued to an AI system, abstractly listing creative concepts at the level of ‘idea’ rather than protected ‘expression’. Consequently, the court determined the plaintiff held no copyright over the disputed prompt and dismissed all claims accordingly.

Source: [Shanghai High Court](#)

小米在UPC法院成功阻击NPE诉讼扩张

2025年10月6日，欧洲统一专利法院（UPC）慕尼黑分庭发布命令，驳回了非专利实施实体（NPE）Advanced Standard Communication LLC（ASC）在一起专利纠纷中新增5G侵权主张的请求。

ASC是一家NPE，于2024年在UPC对小米提起诉讼。其最初基于4G标准主张EP3016464B1号专利侵权，但在后续答辩中，临时新增该专利同样被5G标准实施的论点，试图将诉讼范围扩大至5G领域。

小米对此提出异议，认为此举构成对诉讼案件的“不可接受的修改”。UPC法院支持了小米的立场，裁定ASC新增的5G主张属于实质性变更，且未能证明其无法更早提出，可能妨碍小米应诉，因此不予接受。

本案涉案专利转让自中兴通讯，此类“专利私掠”行为加剧了行业许可复杂性。此次裁决不仅是小米对抗NPE诉讼策略的阶段性胜利，也对遏制NPE在诉讼中随意扩大权利要求具有参考意义。

来源：[欧洲统一专利法院](#)

Xiaomi Successfully Thwarts NPE Litigation Expansion in UPC Court

On 6 October 2025, the Munich Division of the Unified Patent Court (UPC) issued an order dismissing the request by non-practising entity (NPE) Advanced Standard Communication LLC (ASC) to introduce new 5G infringement claims in a patent dispute.

ASC, an NPE, initiated proceedings against Xiaomi at the UPC in 2024. Its initial claim alleged infringement of European Patent EP3016464B1 based on 4G standards. However, in subsequent pleadings, ASC provisionally introduced arguments asserting that the same patent was also implemented by 5G standards, seeking to broaden the litigation scope to encompass 5G technology.

Xiaomi objected, contending this constituted an ‘unacceptable amendment’ to the case. The UPC upheld Xiaomi’s position, ruling that ASC’s new 5G claims constituted a substantive change. ASC failed to demonstrate that it could not have raised these claims earlier, potentially hindering Xiaomi’s defence, and thus the claims were rejected.

The patent in question was transferred from ZTE, exemplifying how such ‘patent privateering’ exacerbates licensing complexities within the industry. This ruling represents not only a tactical victory for Xiaomi in countering NPE litigation strategies but also sets a precedent for curbing NPEs’ arbitrary expansion of claims during litigation.

Source: [UPC](#)

InterDigital获德国法院对迪士尼颁发禁令

InterDigital是一家全球性的研发公司，主要专注于无线、视频、人工智能及相关技术。InterDigital设计和开发基础技术，使广泛的通信和娱乐产品及服务能够实现互联、沉浸式的体验。

近期，InterDigital宣布已获得德国一家法院对迪士尼颁发的禁令。慕尼黑地区法院裁定，InterDigital有权就迪士尼侵犯其一项专利获得禁令。该专利实现了一种动态地将第一视频流（例如包含字幕的第二视频流）叠加的方法。迪士尼可以对该判决提出上诉。

慕尼黑法院的判决紧随巴西一家法院在平行诉讼中的决定，该巴西法院在认定迪士尼侵犯了InterDigital涉案的两项专利后，作出了有利于InterDigital的初步禁令。

来源: [InterDigital](#)

German Court Grants InterDigital Injunction Against Disney

InterDigital is a global research and development company primarily focused on wireless, video, artificial intelligence and related technologies. InterDigital designs and develops foundational technologies enabling a wide range of communications and entertainment products and services to deliver interconnected, immersive experiences.

Recently, InterDigital announced it had secured an injunction against Disney from a German court. The Munich Regional Court ruled that InterDigital was entitled to an injunction for Disney’s infringement of one of its patents. The patent in question enables a method for dynamically overlaying a first video stream with a second video stream, such as one containing subtitles. Disney may appeal this ruling.

The Munich court’s decision follows a parallel ruling by a Brazilian court, which granted an initial injunction in favour of InterDigital after finding Disney had infringed two of InterDigital’s patents involved in the case.

Source: [InterDigital](#)

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