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市场监管总局就《互联网平台反垄断合规指引（征求意见稿）》公开征求意见

2025年11月15日，国家市场监督管理总局（“**市场监管总局**”）发布《互联网平台反垄断合规指引（征求意见稿）》并面向社会公开征求意见。《指引（征求意见稿）》共有38条，分为总则、风险识别、风险管理、合规保障机制和附则共5个章节，具有紧扣行业特点、注重内容衔接、明确防控措施的三大创新点。市场监管总局在起草过程中开展专题研究、深入开展调研并广泛征求意见。本《指引》是对反垄断合规制度规则的进一步细化，涉及“二选一”行为、平台间算法共谋、封禁屏蔽、“全网最低价”等场景中的垄断风险，有利于回应平台经营者关切，支持、引导其精准识别、评估、防范垄断风险。（查看更多）

SAMR Seeks Public Opinion regarding *Guidelines for Antitrust Compliance of Internet Platforms (Draft for Public Comment)*

On November 15, 2025, the State Administration for Market Regulation (“**the SAMR**”) released the *Guidelines for Antitrust Compliance of Internet Platforms (Draft for Public Comment)* (“***the Draft Guidelines***”) and invited public feedback. *The Draft Guidelines* contains 38 articles divided into five chapters: General Principles, Risk Identification, Risk Management, Compliance Safeguards, and Supplementary Provisions; *the Draft Guidelines* also introduces three key innovations: staying closely attuned to industry characteristics, emphasizing content coherence, and setting out clear preventive measures. During the drafting process, the SAMR conducted specialized research, in-depth investigations, and extensive consultations. *The Draft Guidelines* further refine the antitrust compliance framework and rules, addressing monopolistic risks in scenarios such as “either-or” arrangements, algorithmic collusion across platforms, blocking or de-platforming, and “lowest price on the entire network” campaigns; such content responds to platform operators’ concerns and can support and guide them in accurately identifying, assessing, and guarding against monopolistic risks. (More)

市场监管总局附加限制性条件批准智利国家铜业公司与智利化工矿业公司新设合营企业案

2025年11月10日，市场监管总局公布智利国家铜业公司与智利化工矿业公司新设合营企业案反垄断审查决定，附加限制性条件批准本集中。2024年10月22日，市场监管总局收到本案经营者集中反垄断申报；2025年1月7日，市场监管总局受理本集中并开始初步审查；2025年1月27日，市场监管总局决定对本集中实施进一步审查，目前案件处于进一步审查延长阶段。市场监管总局认定本案相关市场是中国进口碳酸锂市场、全球氢氧化锂市场，合营企业成立后将从事碳酸锂和氢氧化锂业务，与智利化工、智利铜业存在横向重叠。经审查，市场监管总局认为此项集中对中国境内进口碳酸锂市场具有或可能具有排除、限制竞争效果，经评估后认为申报方在2025年11月6日提交的限制性条件承诺可以有效减少本集中对竞争造成的不利影响，因此附条件批准本集中。自生效日起，交易双方和集中后实体每半年向市场监管总局报告本承诺方案的履行情况，所涉5项承诺自本集中交割日起10年内有效，期限届满后自动终止。（查看更多）

SAMR Approved the Joint Venture Deal between Chile's Codelco and SQM subject to Restrictive Conditions

On November 10, 2025, the SAMR announced its antitrust clearance of the joint venture between Chile's Corporación Nacional del Cobre de Chile ("**Codelco**") and Sociedad Química y Minera de Chile ("**SQM**"), approving this concentration of undertakings subject to restrictive conditions. The SAMR received the notification filing of this concentration of undertakings on October 22, 2024, accepted this filing on January 7, 2025 and began preliminary review; on January 27, 2025, the SAMR decided to conduct further review of this concentration, and currently this filing remains in the extended review stage. The SAMR held that the relevant markets for this case are the China's lithium-carbonate import market and the global lithium-hydroxide market, and that the joint venture would be conducting businesses relating to lithium-carbonate and lithium-hydroxide, therefore generating horizontal overlap with businesses of Codelco and SQM. Upon review, the SAMR held that this concentration could exclude or restrict competition in China's domestic lithium-carbonate imports market, and after assessment the SAMR concluded that five commitments that the notifying parties submitted on November 6, 2025 adequately mitigated the adverse impact of the concentration, therefore the SAMR decided to clear this concentration subject to restrictive conditions. Since the effective date, the two parties to the transaction and the post-concentration entity are obligated to report the performance of the commitments every half year to the SAMR, and the relevant 5 commitments shall remain effective for ten years since the date of closing, after which the commitments automatically expire. (More)

欧盟委员会对红牛潜在反竞争行为启动反垄断调查

2025年11月13日，欧盟委员会宣布对功能饮料制造商红牛启动反垄断调查，以评估红牛是否在功能饮料行业滥用市场支配地位限制竞争、违反欧盟竞争规则。欧盟委员会认为有迹象表明，红牛公司可能制定了一项覆盖整个欧洲经济区的策略，该策略旨在限制容量超过250毫升的功能饮料在"非即饮"渠道（即超市、加油站商店等供消费者外带饮用的销售点）的竞争。欧盟委员会具体对红牛的以下两项涉嫌反竞争的行为产生担忧：（1）向其非即饮渠道客户提供货币及非货币激励，促使这些客户"下架"或在陈列可见度等方面劣后对待容量超250毫升的竞品功能饮料；（2）滥用其作为非即饮渠道客户品类管理方的地位，使容量超过250毫升的竞品功能饮料被下架或受到不利待遇。本案是欧盟委员会首次对供应商滥用品类管理相关的市场地位行为正式启动反垄断调查。（查看更多）

European Commission Opens Investigation into Possible Anticompetitive Conduct by Red Bull

On November 13, 2025, the European Commission ("**the Commission**") announced that it had opened an antitrust investigation into the energy drinks company Red Bull to assess whether the company had illegally restricted competition in the energy drinks sector in breach of EU competition rules that prohibit the abuse of a dominant market position. The Commission has indications that Red Bull may have developed a European Economic Area-wide strategy to restrict competition from energy drinks larger than 250ml, as regards sales in the "off-trade" channel (sale points where the drinks are purchased for consumption elsewhere, like supermarkets and petrol station shops). The Commission is concerned about the following two types of conduct by Red Bull: (1) granting monetary and non-monetary incentives to its off-trade customers to stop selling ("delist") or disadvantage, for example, in

terms of visibility, competing energy drinks sold in sizes exceeding 250ml; and (ii) misusing its position as category manager at off-trade customers so that competing energy drinks sold in sizes exceeding 250ml are delisted or disadvantaged. This is the Commission's first formal investigation into a potential abuse relating to the misuse of a category management position by a supplier to limit or disadvantage competing products. (More)

法国竞争管理局首次适用禁止滥用市场支配地位条款处罚未达申报标准的交易

2025年11月6日，法国竞争管理局宣布对Doctolib处以466.5万欧元反垄断罚款，因该公司滥用其在线上医疗预约挂号服务和远程医疗咨询技术解决方案市场上的支配地位。具体而言，Doctolib实施了以下滥用行为：（1）通过在订购合同中设置排他性条款、强制用户预先订阅预约挂号服务等方式，限制用户只能使用Doctolib提供的服务；（2）Doctolib通过在2018年7月收购其主要竞争对手的方式将竞对逐出市场，意图封锁法国线上医疗预约挂号服务市场的竞争，进一步巩固自身在该新兴市场中的地位。针对其中的排他行为和搭售行为，法国竞争管理局对Doctolib处以461.5万欧元的罚款。根据欧盟法院在*Towercast (C-449/21)*案中的裁判主旨，法国竞争管理局认定尽管Doctolib的收购交易未达申报标准、该收购仍构成滥用市场支配地位行为；鉴于2023年3月16日欧盟法院就*Towercast*案作出判决之前行为的法律状态存在不确定性，法国竞争管理局决定针对Doctolib的收购交易处以5万欧元的固定金额罚款。本案是法国竞争管理局首次适用《欧盟运行条约》和《法国商法典》中滥用市场支配地位条款对未达申报标准的交易进行反垄断处罚。（查看更多）

French Competition Authority for the First Time Applies Provisions Prohibiting the Abuse of Market Dominance in Penalizing Concentration not Reaching the Notification Threshold

On November 6, 2025, the French Competition Authority announced that it had imposed an antitrust fine of €4,665,000 on Doctolib, for Doctolib abused its dominant position in the markets for online medical appointment booking services and remote medical consultation technology solutions. Specifically, Doctolib implemented the following abusive conduct: (1) requiring its subscribers to use only its services, by including exclusivity clauses in its subscription contracts, and requiring subscribers to have a prior subscription to medical appointment booking services; (2) eliminating its main competitor through its acquisition on July 2018, with the aim of foreclosing the French market for online medical appointment booking services and consolidating its position in a still emerging market. In respect of the exclusivity and tied selling practices, the French Competition Authority has imposed a fine of €4,615,000 on Doctolib. According to the ruling in *Towercast* (*C-449/21*) case law by the Court of Justice of the European Union, the French Competition Authority held that although Doctolib's acquisition deal did not reach the notification thresholds, the said acquisition still constituted conduct abusing the market dominance; taking account the legal uncertainty that prevailed prior to the *Towercast* judgment of the Court of Justice of the European Union of March 16, 2023, the French Competition Authority imposed a fixed fine of €50,000. This case marks the first time that the French Competition Authority has imposed an antitrust penalty on an acquisition not reaching the notification threshold according to provisions prohibiting the abuse of market dominance in the Treaty on the Functioning of the European Union and the French Commercial Code. (More)

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

十部门联合发布《关于推动物流数据开放互联 有效降低全社会物流成本的实施方案》

2025年11月10日，发改委等十部门联合发布了《关于推动物流数据开放互联 有效降低全社会物流成本的实施方案》（以下简称《方案》），旨在推动建立物流数据资源开放互联机制，促进有效降低全社会物流成本。《方案》包括以下主要内容：（1）夯实物流数据开放互联基础：推动数据高效采集汇聚、健全物流数据标准规范；（2）推动物流公共数据开放互联：加强物流公共数据共享开放、完善物流公共数据授权运营机制、提升物流公共数据应用服务水平；（3）促进企业物流数据市场化流通利用：推动企业物流数据开放互联、扩大物流数据产品和服务供给、打通多式联运数据堵点、加快释放产业赋能潜力；（4）保障措施：加强统筹协调、强化激励引导、筑牢安全保障。《方案》提出了《国家物流公共数据共享开放清单（2025）》，就物流企业数据等数据的内容、共享开放方式、责任部门单位、更新频率做出规定。（查看更多）

Ten Departments Jointly Issue *Implementation Plan for Promoting the Opening and Interconnection of Logistics Data and Effectively Reducing Logistics Costs Across Society*

On November 10, 2025, ten departments including the National Development and Reform Commission (NDRC) jointly issued the *Implementation Plan for Promoting the Opening and Interconnection of Logistics Data and Effectively Reducing Logistics Costs Across Society* (Plan), aiming to establish a mechanism for the opening and interconnection of logistics data resources and effectively reduce logistics costs across society. The main contents of the Plan include: (1) Consolidating the foundation for the opening and interconnection of logistics data: promoting efficient data collection and aggregation, and improving logistics data standards and specifications. (2) Promoting the opening and interconnection of public logistics data: strengthening the sharing and opening of public logistics data, improving the authorized operation mechanism of public logistics data, and enhancing the application and service level of public logistics data. (3) Promoting the market-oriented circulation and utilization of enterprise logistics data: advancing the opening and interconnection of enterprise logistics data, expanding the supply of logistics data products and services, addressing data bottlenecks in multimodal transport, and accelerating the release of industrial enabling potential. (4) Safeguard measures: strengthening overall coordination, intensifying incentive and guidance, and consolidating safety guarantees. The Plan proposes the *National List of Shared and Open Public Logistics Data (2025)*, which specifies the content, sharing and opening methods, responsible departments and units, and update frequency of data such as logistics enterprise data. (More)

网信部门从严整治利用AI仿冒公众人物开展直播营销问题乱象

2025年11月14日，国家网信办发布通告称，近期有网络账号利用AI技术仿冒公众人物形象，在直播、短视频等环节发布营销信息，误导网民，涉嫌虚假宣传和网络侵权，严重破坏网络生态，造成不良影响。网信部门严厉处置了一批违法违规网络账号，同时督促网站平台发布治理公告，举一反三，开展集中清理整治，目前已累计清理相关违规信息8700余条，处置仿冒公众人物账号1.1万余个。下一步，网信部门将继续压实网站平台主体责任，对利用AI仿冒公众人物

开展直播营销问题保持高压严管态势，对恶意营销账号，发现一批、处置一批、曝光一批，维护良好网络生态。（查看更多）

Cyberspace Administration Intensifies Crackdown on Chaos of Live Streaming Marketing Using AI to Impersonate Public Figures

On November 14, 2025, the Cyberspace Administration of China (CAC) issued a notice stating that recently some online accounts have used AI technology to impersonate the images of public figures, releasing marketing information in links such as live streaming and short videos. These acts mislead netizens, are suspected of false advertising and online infringement, seriously disrupt the online ecosystem, and cause adverse impacts. The cyberspace administration has severely dealt with a number of illegal and irregular online accounts, and urged website platforms to issue governance announcements, draw inferences from one instance, and carry out centralized cleanup and rectification. Up to now, a total of more than 8,700 relevant irregular pieces of information have been cleaned up, and more than 11,000 accounts impersonating public figures have been disposed of. In the next step, the cyberspace administration will continue to consolidate the main responsibility of website platforms, maintain a high-pressure and strict supervision posture against the problem of live streaming marketing using AI to impersonate public figures, and detect, dispose of, and expose batches of malicious marketing accounts to safeguard a sound online ecosystem. (More)

工信部通报39款App（SDK）存在侵害用户权益行为

2025年11月10日，经组织第三方检测机构进行抽查，工信部发现了39款App（SDK）存在侵害用户权益行为，所涉问题包括：（1）隐私政策默认同意；（2）未明示收集个人信息清单；（3）违规收集个人信息；（4）超范围收集个人信息；（5）强制用户使用定向推送功能；（6）App强制、频繁、过度索取权限；（7）强制下载第三方App；（8）强制自动续费；（9）应用分发信息未明示；（10）SDK信息公示不到位；（11）信息窗口无法关闭。所涉App（SDK）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 39 Apps (SDKs) of Behaviors Infringing on Users' Rights and Interests

On November 10, 2025, after organizing random inspections by third-party testing institutions, the Ministry of Industry and Information Technology (MIIT) detected 39 Apps (SDKs) with behaviors infringing on users' rights and interests. The involved issues include: (1) Default consent to privacy policies. (2) Failure to explicitly state the list of collected personal information. (3) Illegally collecting personal information. (4) Collecting personal information beyond the specified scope. (5) Forcing users to use targeted push functions. (6) Apps compulsorily, frequently, or excessively demanding permissions. (7) Forcing the download of third-party Apps. (8) Forcing automatic renewal. (9) Failure to explicitly state app distribution information. (10) Inadequate public disclosure of SDK information. (11) Inability to close information windows. (More)

某科技公司因未及时修复安全漏洞被网警依法处罚

2025年11月17日，公安部网安局发布通告称，山东青岛公安网安部门在日常工作中发现，某机构对外提供公共服务的网络平台长时间持续存在SQL注入漏洞、越权访问漏洞，存在网络数据安全隐患。经查，某科技公司在为该机构提供系统运行、维护时，未按照法律法规相关规定和合同约定履行网络数据安全保护义务，未采取必要的技术措施，未及时修复安全漏洞，存在数据泄露风险。青岛崂山网安部门依据《网络数据安全管理条例》对该公司予以行政处罚。（查看更多）

Technology Company Legally Penalized by Cyberspace Police for Failing to Promptly Fix Security Vulnerabilities

On November 17, 2025, the Cyberspace Security Bureau of the Ministry of Public Security issued a notice stating that during daily work, the Cyberspace Security Department of the Qingdao Public Security Bureau in Shandong Province discovered that a network platform providing public services to the outside world operated by an institution had long-standing SQL injection vulnerabilities and unauthorized access vulnerabilities, posing cybersecurity risks to network data. Upon investigation, a technology company, when providing system operation and maintenance services for the institution, failed to fulfill its obligation to protect network data security in accordance with relevant provisions of laws and regulations and the terms of the contract. It did not take necessary technical measures and failed to promptly fix the security vulnerabilities, resulting in a risk of data leakage. The Cyberspace Security Department of the Laoshan Branch of Qingdao Public Security Bureau imposed an administrative penalty on the company in accordance with the *Regulations on the Administration of Network Data Security*. (More)

北京拟将自贸区数据出境负面清单推广应用到北京全市

2025年11月10日，网信北京发布通告称北京将整体迭代升级负面清单政策体系，拟将自贸区数据出境负面清单推广应用到北京全市。在覆盖领域上，北京采取“自主扩容+跨省互认”方式双轨推进。一方面，在首批发布的5个领域基础上，着眼北京市生物医疗、高级别自动驾驶等重点产业发展方向，加紧自主编制第二批负面清单；另一方面，按照“一地制定、多地适用”原则，与外省市自贸区建立清单互认机制，将外省市已发布的再保险、清结算等26个领域清单全部在北京参照使用，后续各地新发布的也将同步动态纳入。在适用区域上，北京探索将原自贸区负面清单推广应用到国家服务业扩大开放综合示范区（北京全市域）。通过以上领域、区域两方面的政策拓展，今后所有有数据出境需求的在京企业，即可在北京全域全面享受全国范围的数据出境政策红利。目前，涉及到的具体政策正在向国家部委按程序报批。（查看更多）

Beijing Plans to Extend FTZ Negative List for Cross-Border Data Flows to the Entire Municipality

On November 10, 2025, Cyberspace Administration of Beijing issued a notice stating that Beijing will iteratively upgrade its negative list policy system as a whole and plans to extend the Negative List for Cross-Border Data Flows applicable in the Free Trade Zone (FTZ) to the entire Beijing municipality. In

terms of coverage areas, Beijing advances through a two-track approach of "independent expansion + cross-provincial mutual recognition". On one hand, building on the initial 5 fields released, it focuses on the development directions of key industries in Beijing such as the biomedical industry and high-level autonomous driving, and accelerates the independent formulation of the second batch of the negative list. On the other hand, in accordance with the principle of "formulated in one place, applicable in multiple places", it has established a list mutual recognition mechanism with FTZs in other provinces and cities, allowing all 26 fields included in the lists released by other provinces and cities (such as reinsurance and clearing and settlement) to be referenced and applied in Beijing. Lists newly released by various regions in the future will also be dynamically incorporated in a synchronized manner. In terms of applicable regions, Beijing explores extending the original FTZ negative list to the National Comprehensive Demonstration Zone for Expanding Opening-Up in the Service Sector (covering the entire Beijing municipality). Through the policy expansion in both fields and regions mentioned above, all enterprises in Beijing with cross-border data flow needs will henceforth be able to fully enjoy the national-level policy dividends related to cross-border data flows across the entire Beijing municipality. Currently, the specific policies involved are undergoing the approval process with national ministries and commissions in accordance with procedures. (More)

欧盟：EDPS发布《AI风险管理指南》

2025 年 11 月 11 日，欧洲数据保护监督机构（EDPS）发布了《AI风险管理指南》（以下简称《指南》）。该《指南》旨在支持作为数据控制者的欧盟机构、实体、办事处及机关（EUI）识别并降低AI系统部署相关的风险。EDPS表示，《指南》并非详尽无遗，而是鼓励EUI开展量身定制的风险评估，因其认识到数据处理活动的具体场景可能会产生独特挑战。《指南》由EDPS以数据保护监督者身份（而非《人工智能法案》规定的市场监管机构身份）发布，且不影响《人工智能法案》的效力。《指南》建议EUI按照以下方式系统评估和处理风险：（1）风险管理基础：借鉴ISO 31000:2018标准，《指南》引入一套方法，用于识别、评估和降低AI系统内个人数据处理相关风险。（2）AI开发生命周期：概述了构建和采购AI解决方案的典型阶段，旨在帮助相关方定位风险可能出现的环节。（3）可解释性与可说明性：此类概念被强调为透明度和合规性的关键要素，影响风险管理的各个方面。（4）数据保护原则：《指南》拆解了四项核心数据保护原则，为每项原则考量了具体风险及缓解措施，包括公平性、准确性、数据最小化和安全性。（查看更多）

EU: EDPS Publishes *AI Risk Management Guidance*

On November 11, 2025, the European Data Protection Supervisor (EDPS) published *AI Risk Management Guidance* (Guidance). The Guidance aims to support European Union Institutions, Bodies, Offices and Agencies (EUIs) acting as data controllers in identifying and mitigating risks associated with the deployment of AI systems. The EDPS stated that the Guidance is not intended to be exhaustive, instead encouraging EUIs to conduct their own tailored risk assessment, recognizing that the specific context of processing activities may yield unique challenges. The Guidance is issued in the EDPS's capacity as data protection supervisor (not as market surveillance authority under the *AI Act*) and is provided without prejudice to the *AI Act*. The Guidance suggests EUIs systematically assess and treat risks as follows: (1) Risk Management Foundations: Drawing on ISO 31000:2018, the Guidance introduces a methodology for identifying, evaluating and mitigating risks related to personal

data processing within AI systems. (2) AI Development Lifecycle: It outlines the typical stages of building and procuring AI solutions, aiming to help stakeholders pinpoint where risks may emerge. (3) Interpretability and Explainability: Such concepts are highlighted as essential for transparency and compliance, influencing all aspects of risk management. (4) Data Protection Principles: The Guidance breaks down four key data protection principles, considering specific risks and mitigation measures for each: fairness, accuracy, data minimization and security. (More)

中国香港：PCPD完成对两间教育机构个人资料系统的视察

2025年11月13日，香港个人资料隐私专员公署（PCPD）完成了对香港兆基创意书院（兆基书院）和香港专业进修学校（港专）的个人资料系统的视察。兆基书院和港专于2024年分别向私隐专员公署通报资料外泄事故，两宗事故均涉及载有个人资料的资讯系统遭黑客入侵。整体来说，私隐专员认为两间教育机构在处理学生及教职员的个人资料方面，符合《个人资料（私隐）条例》中附表1保障资料第4原则有关资料保安的规定。根据上述视察结果，私隐专员亦希望向日常需要处理大量学生及教职员个人资料的教育机构提供下列建议，以加强数据安全，包括但不限于：（1）设立个人资料私隐管理系统，并委任专责人员作为保障资料主任；（2）制定明确针对资料管治和资料保安的内部政策和程序，并贯彻执行相关政策和程序；（3）在员工入职时及往后定期向他们提供有关个人资料保障及资讯安全的培训。（查看更多）

Hong Kong, China: PCPD Completes Inspections of Personal Data Systems of Two Educational Institutions

On November 13, 2025, the Privacy Commissioner for Personal Data, Hong Kong (PCPD) completed inspections of the personal data systems of HKICC Lee Shau Kee School of Creativity (HKICC) and Hong Kong College of Technology (HKCT). The HKICC and the HKCT had notified the PCPD of their respective data breach incidents in 2024, both involving unauthorized access by hackers into information systems containing personal data. Overall, the Privacy Commissioner considers that the two educational institutions have complied with the data security requirements under Data Protection Principle 4 (DPP 4) in Schedule 1 to the Personal Data (Privacy) Ordinance (PDPO) in handling the personal data of students and staff. Through the above inspection results, the Privacy Commissioner would also like to make the following recommendations to educational institutions that handle vast amounts of personal data of students and staff members to ensure data security, including: (1) Establish a Personal Data Privacy Management Programme and appoint designated officer(s) as Data Protection Officer(s). (2) Establish clear internal policies and procedures on data governance and data security, and ensure thorough implementation of the same. (3) Provide staff with training on the protection of personal data and information security upon onboarding and at regular intervals. (More)

知识产权 Intellectual Property

2024年中国以180万件专利申请蝉联全球第一

世界知识产权组织近日发布《世界知识产权指标》年度报告。报告显示，2024年全球知识产权申请量总体保持增长，中国在专利、商标和外观设计三大领域的申请量均位居全球首位。

具体数据显示，2024年全球专利申请量达370万件，连续五年增长。中国以180万件申请量稳居第一，美国、日本分别位列第二、三位。计算机技术仍是专利申请最活跃的领域。全球商标申请量在经历两年回落后趋于稳定，2024年总量达1520万件。中国申请量约730万件，约占全球总量一半，美国、俄罗斯紧随其后。外观设计申请量同比增长2.2%，达160万件。中国申请量超过90万件，占全球总量半数以上，德国、美国分列二、三位。

来源：央视新闻

China Tops Global Patent Applications in 2024 with 1.8 Million Filings

The World Intellectual Property Organization recently released its annual World Intellectual Property Indicators report. The report indicates that global intellectual property applications continued to grow overall in 2024, with China leading in the number of applications across three key areas: patents, trademarks, and industrial designs.

Detailed data shows that global patent applications reached 3.7 million in 2024, marking the fifth consecutive year of growth. China maintained its top position with 1.8 million applications, followed by the United States and Japan in second and third place, respectively. Computer technology remained the most active field for patent applications.

Global trademark applications stabilized after a two-year decline, reaching 15.2 million in 2024. China accounted for approximately 7.3 million applications, nearly half of the global total, with the United States and Russia following. Industrial design applications increased by 2.2% year-on-year, reaching 1.6 million. China contributed over 900,000 applications, more than half of the global total, while Germany and the United States ranked second and third, respectively.

Source: CCTV

最高院：专利侵权“行行交叉”案件的衔接处理

近日，最高人民法院审结一起专利侵权行政裁决纠纷案，明确专利行政裁决后相关专利权被最终宣告无效的，该裁决应予撤销。

该案中，张某荣以联某公司侵害其“新能源茶叶摇青倒青热风炉”实用新型专利权为由，请求南平市知识产权局行政裁决。该局认定侵权成立并责令联某公司停止侵权。联某公司不服，提起诉讼。案件二审期间，涉案专利权被国家知识产权局宣告全部无效，该决定经司法程序后已

生效。最高人民法院认为，专利权既已无效，原行政裁决及一审判决所依据的权利基础不复存在，故改判撤销一审判决及被诉行政裁决。

本案明确了专利侵权行政裁决程序与专利无效宣告程序“行行交叉”案件的处理方式，即专利权被最终宣告无效对已作出的侵权行政裁决具有追溯力。

来源：最高人民法院

Supreme Court: Coordination in Handling "Cross-Industry" Patent Infringement Cases

Recently, the Supreme People's Court (SPC) concluded a patent infringement administrative ruling dispute, clarifying that if a patent is ultimately declared invalid after an administrative ruling, the ruling shall be revoked.

In this case, Zhang Murong alleged that Lianmu Company had infringed upon his utility model patent for a “New Energy Tea Withering and Heating Wind Furnace” and requested the Nanping Intellectual Property Office to issue an administrative ruling. The office determined that infringement had occurred and ordered Lianmu Company to cease the infringing activities. Lianmu Company disagreed and filed a lawsuit. During the second instance of the case, the involved patent was declared entirely invalid by the China National Intellectual Property Administration (CNIPA), and this decision had already taken effect following judicial procedures. The SPC held that since the patent right had been invalidated, the legal basis for the original administrative ruling and the first-instance judgment no longer existed. Accordingly, it overturned the first-instance judgment and the contested administrative ruling.

This case established a coordination mechanism for handling “cross-procedural” patent infringement administrative rulings and patent invalidation procedures. It clarified that the final invalidation of a patent has retroactive effect on previously issued administrative rulings regarding infringement.

Source: SPC

江苏高院：New Balance诉“新百伦领跑”侵权案件判赔5890万

近日，江苏省高级人民法院就New Balance诉“新百伦领跑”商标侵权及不正当竞争纠纷案作出二审判决，认定江西轻跑公司及个体经营者曾某构成商标侵权及不正当竞争，判令其赔偿新平衡公司、新百伦公司共计5890万元。

本案争议焦点在于侵权赔偿数额的确定及惩罚性赔偿的适用。法院认为，江西轻跑公司长期使用与权利人高度近似的“N”标识及“新百伦”字号，侵权故意明显，在收到侵权通知乃至相关判决后仍未停止，侵权规模大、范围广、持续时间长，情节严重。

关于赔偿数额，法院综合考虑该公司在2018至2023年间的销售数据、行业合理利润率及侵权产品占比等因素，确认其侵权获利，并依法顶格适用惩罚性赔偿，最终确定其赔偿经济损失及合理开支5870万元。

来源：江苏省高级人民法院

Jiangsu High Court: New Balance Awarded RMB 58.9 Million in Infringement Case Against "Xin Bai Lun Ling Pao"

Recently, the Jiangsu Provincial High People's Court issued a second-instance judgment in the trademark infringement and unfair competition dispute case filed by New Balance against "Xin Bai Lun Ling Pao". The court ruled that Jiangxi Qingpao Company and individual operator Zeng Mou had committed trademark infringement and unfair competition, ordering them to pay a total of RMB 58.9 million in damages to New Balance Trading (China) Co., Ltd. and New Balance Athletic Shoe, Inc.

The key issues in this case were the determination of the infringement damages and the application of punitive compensation. The court found that Jiangxi Qingpao Company had long used an "N" logo highly similar to the rights holder's mark and the trade name "Xin Bai Lun", demonstrating clear malicious intent. The company continued its activities even after receiving infringement notices and relevant judgments, engaging in large-scale, widespread, and prolonged infringement with serious circumstances.

Regarding the damages amount, the court comprehensively considered factors such as the company's sales data from 2018 to 2023, reasonable industry profit margins, and the proportion of infringing products. It confirmed the company's profits derived from infringement and applied the maximum statutory punitive compensation, ultimately awarding RMB 58.7 million for economic losses and reasonable expenses.

Source: Jiangsu Provincial High People's Court

南京中院：冒用“通义千问”大模型，构成商标侵权与不正当竞争

近日，南京中院审结一起冒用“通义千问”大模型案。被告通过注册“通义千问大模型”公众号（后更名为“通义ai”）及“通意千问ai”等微信小程序，在简介及服务中直接使用“通义千问”字样，并自称“由阿里云开发”。

法院经审理认为，被告提供的服务与阿里云公司涉案商标核定使用的服务相同或类似，使用相关标识易导致公众混淆，侵害了原告的涉案注册商标专用权。被告经营的“豆苞ai”等微信小程序，声称通用全能ai深度求索，通过调用豆包、deepseek深度求索等api提供智能问答服务，而被告实际调用的是阿里云公司的大模型，该宣传行为与事实不符，其虚假宣传行为亦构成不正当竞争。

来源：南京市中级人民法院

Nanjing Intermediate Court: Misappropriation of "Qwen" Large Model Constitutes Trademark Infringement and Unfair Competition

Recently, the Nanjing Intermediate Court concluded a case involving the misappropriation of the "Qwen large AI model". The defendant had registered a WeChat public account named "Tongyi Qianwen Large AI Model" (later renamed "Tongyi AI") and WeChat mini-programs such as "Tongyi Qianwen AI", directly using the "Tongyi Qianwen" designation in their descriptions and services, and claiming to be "developed by Alibaba Cloud".

The court found that the services provided by the defendant were identical or similar to those covered by Alibaba Cloud's registered trademark. The use of the relevant identifiers was likely to cause public confusion, thereby infringing upon the plaintiff's exclusive rights to the registered trademark. Additionally, the defendant operated WeChat mini-programs such as "Doubao AI", which claimed to offer universal, all-purpose AI services through APIs like Doubao and DeepSeek, while actually utilizing Alibaba Cloud's large AI model. This promotional conduct was inconsistent with the facts and constituted false advertising, which also amounted to unfair competition.

Source: Nanjing Intermediate Court

上海知产法院：明确权利归属与授权边界，“奥特曼”商标获保护

近日，上海知识产权法院审结“奥特曼”商标侵权及不正当竞争纠纷案，明确著作权许可合同中的元素使用权限不等于独立的商标授权。该案中，上诉人奇某公司主张依据1976年其与奥特曼著作权人签订的合同，获得了9部奥特曼影视剧中“可商标性元素”的独占使用权，并据此授权第三方在餐饮项目中使用“奥特曼”“ULTRAMAN”等标识。被上诉人新创华公司则经原始权利人授权，享有“奥特曼”系列商标在中国境内的独占使用权。

法院经审理认为，1976年合同授权被许可方在行使特定9部作品著作权权益时，并未授予其将相关元素作为独立商标跨类别使用的权利。被授权方在餐饮服务中突出使用“奥特曼”等标识，已构成商标性使用，且与权利商标核定服务类别相同或类似，易导致消费者混淆，构成商标侵权。奇某公司在明知权利商标存在的情况下，仍审批通过含有侵权标识的店铺设计，构成帮助侵权。

来源：上海知识产权法院

Shanghai IP Court: Clarifying Rights Ownership and Authorization Boundaries, “Ultraman” Trademark Protected

Recently, the Shanghai Intellectual Property Court concluded a case regarding trademark infringement and unfair competition disputes involving “Ultraman”. The court clarified that the right to use elements granted in a copyright licensing agreement does not equate to independent trademark authorization. In this case, the appellant, Qi Mou Company, claimed that based on a 1976 contract with the copyright owner of Ultraman, it had obtained the exclusive right to use “trademarkable elements” from nine Ultraman film and television works. Accordingly, it authorized third parties to use the “Ultraman” and “ULTRAMAN” identifiers in catering projects. The respondent, New Creation Hua Company, held the exclusive right to use the “Ultraman” series of trademarks in China through authorization from the original rights holder.

The court found that the 1976 contract authorized the licensee to exercise copyright interests related to nine specific works but did not grant the right to use the relevant elements as independent trademarks across different categories. The prominent use of “Ultraman” and other identifiers by the authorized party in catering services constituted trademark use, which fell within the same or similar service categories as those covered by the rights holder's trademark. This was likely to cause consumer confusion and constituted trademark infringement. Qi Mou Company, despite being aware of the existence of the

rights holder's trademark, approved store designs containing the infringing identifiers, thereby engaging in contributory infringement.

Source: Shanghai Intellectual Property Court

北京朝阳法院：盗用知名“剧本杀”营利，顶格适用5倍惩罚性赔偿

北京市朝阳区法院近日审结一起“剧本杀”侵权案件，某科技公司与某传播公司未经授权，通过App、小程序等平台擅自传播、销售某知名“剧本杀”作品。权利方多次发出侵权通知后，两公司不仅未停止侵权，反而声称具有合法授权，甚至在诉讼期间作出停止侵权的书面承诺后仍持续侵权。

法院认为，两公司主观恶意明显，侵权范围覆盖全国，持续时间长，情节严重，符合惩罚性赔偿适用条件。在确认其侵权获利为5万元的基础上，综合考虑其侵权模式、故意程度及后果，法院顶格适用5倍惩罚性赔偿，判决两公司公开消除影响，并赔偿经济损失30万元及合理开支6万余元。

来源：北京市朝阳区人民法院

Beijing Chaoyang Court: Maximum Statutory Punitive Damages Applied in “Scripted Murder” Game Infringement Case

The Beijing Chaoyang District Court recently concluded a copyright infringement case involving a “scripted murder” game. A technology company and a media company had unauthorized distribution and sales of a well-known “scripted murder” work through apps and mini-programs. Despite multiple infringement notices from the rights holder, the two companies not only continued their activities but also falsely claimed to have legitimate authorization. They persisted in the infringement even after providing written commitments to cease during litigation.

The court determined that both companies acted with clear malicious intent, engaging in large-scale infringement across the country over an extended period, constituting severe circumstances that warranted punitive damages. Based on confirmed illicit gains of RMB 50,000 , and considering their infringement pattern, degree of intentional misconduct, and consequences, the court applied the maximum statutory punitive damages multiplier of five times. The companies were ordered to issue a public statement clarifying the facts and to pay RMB 300,000 in economic losses plus over RMB 60,000 in reasonable expenses.

Source: Beijing Chaoyang Primary People's Court

杭州余杭法院：海底捞胜诉，违规兑换“捞币”变现构成不正当竞争

杭州余杭法院近日审结一起涉海底捞“捞币”套利的不正当竞争纠纷案，认定被告朱某通过规模化代付订单、集中捞币并兑换代金券牟利的行为构成不正当竞争。

法院认为，海底捞公司的会员制度及捞币体系属于其合法竞争利益。朱某通过控制多个会员账号，以代付方式将本应归属消费者的捞币集中至其账号，进而兑换代金券赚取差价。该行为不仅突破了海底捞会员协议中“账号禁止提供给他人使用”的限制，还削弱了用户注册与使用海底捞会员的积极性，降低了用户粘性，损害了海底捞公司的商业利益与会员管理秩序。

朱某的行为规模大、持续时间长，其获利建立在海底捞运营成本之上，增加了原告的运营治理成本与系统风险，违背诚实信用原则和商业道德，构成不正当竞争。

来源：杭州市余杭区人民法院

Hangzhou Yuhang District Court: Haidilao Prevails in Unfair Competition Case Over Illegal “Laobi” Points Redemption

The Hangzhou Yuhang District Court recently concluded an unfair competition dispute involving arbitrage activities concerning Haidilao’s “Laobi” loyalty points. The court determined that defendant Zhu Mou had engaged in unfair competition by systematically making payments for other customers’ orders, consolidating Laobi points, and converting them into vouchers for profit.

The court affirmed that Haidilao’s membership program and Laobi points system represent legitimate competitive advantages. Zhu Mou, by controlling multiple membership accounts and utilizing the “pay-for-others” function, centralized Laobi points that should have belonged to individual consumers into his own accounts. He subsequently converted these accumulated points into vouchers to profit from price differentials. This scheme not only violated the “prohibition against account sharing” clause in Haidilao’s membership agreement but also diminished users’ incentive to register and maintain Haidilao memberships, reduced customer loyalty, and ultimately harmed Haidilao’s commercial interests and membership management system.

The court emphasized that Zhu Mou’s operations were conducted on a large scale over an extended period. His profits were essentially derived from Haidilao’s operational costs, while simultaneously increasing the company’s management expenses and system risks. Such conduct was found to violate fundamental principles of good faith and commercial ethics, thus constituting unfair competition.

Source: Hangzhou Yuhang District Court

欧洲首例：生成式AI被判侵犯歌曲版权

近日，德国慕尼黑地区法院就GEMA诉OpenAI版权侵权案作出一审判决，认定ChatGPT在训练中使用并生成受版权保护的音乐歌词构成侵权，支持GEMA提出的停止侵权、披露信息及赔偿损失等主张。

法院明确，使用受保护作品进行AI训练以及模型对作品的“记忆化”与复现，均构成版权法意义上的复制行为。该判决否定了被告关于其模型“仅学习模式、不存储具体数据”的技术抗辩，强调人工智能提供商必须确保训练素材来源合法，不得滥用文本与数据挖掘（TDM）例外条款。

值得注意的是，GEMA此前已通过声明保留其作品的TDM权利，并为AI开发者提供了合规的许可模式，但OpenAI未予采纳。此案与近期美国法院在类似案件中倾向于将AI训练归为“合理使用”的立场形成对比，凸显了欧洲在AI发展与著作权保护之间更倾向于严格保护权利人的司法导向。

来源：GEMA

Europe’s First Case: Generative AI Found to Infringe Song Copyrights

Recently, the Munich Regional Court in Germany issued a first-instance ruling in the case of GEMA versus OpenAI for copyright infringement. The court determined that ChatGPT’s use of copyrighted music lyrics during training and its generation of such lyrics constituted infringement. It upheld GEMA’s claims, including demands to cease infringement, disclose information, and compensate for losses.

The court clarified that using protected works for AI training, as well as the model’s “memorization” and reproduction of such works, constitutes acts of reproduction under copyright law. The ruling rejected the defendant’s technical defense that its model “only learns patterns and does not store specific data”, emphasizing that AI providers must ensure the legality of training material sources and must not abuse the Text and Data Mining (TDM) exception.

It is noteworthy that GEMA had previously reserved TDM rights for its works through declarations and provided compliant licensing models for AI developers, but OpenAI did not adopt them. This case contrasts with recent U.S. court rulings in similar cases, which tend to classify AI training as “fair use”, highlighting Europe’s stricter judicial approach to favoring the protection of rights holders in the balance between AI development and copyright.

Source: GEMA

欧洲专利局上诉委员会重申：匿名对专利提出异议，合法

欧洲专利局上诉委员会于2025年11月作出裁定，再次明确认可“稻草人异议”在欧洲专利体系中的合法性，即允许个人代表未具名的第三方对专利提出异议。

本案源于Belparts集团在统一专利法院提起专利侵权诉讼后，被告方通过律师N.N.先生以个人名义对该专利提出异议。专利权人主张，该异议实为被告方幕后操纵，属于滥用程序，应不予受理。

上诉委员会援引扩大上诉委员会先例G 3/97与G 4/97号裁决，重申核心原则：仅因异议人充当“稻草人”不能认定其不合法。关键在于，若其背后的委托人本身有权提出异议，则此举不构成程序滥用。委员会指出，欧洲专利异议程序旨在维护公共利益，向“任何人”开放，且不要求异议人证明自身具有直接利害关系。

该裁定再次巩固了欧洲与美国及中国等在“稻草人”策略上的立场差异，凸显了EPO在程序受理上注重开放性，而将证明存在滥用的举证责任归于提出质疑的一方。

来源：PRIP Research

European Patent Office Board of Appeal Reaffirms: Anonymous Patent Challenges Are Legal

In a ruling issued in November 2025, the European Patent Office Board of Appeal once again explicitly affirmed the legality of “strawman oppositions” within the European patent system, allowing individuals to challenge patents on behalf of undisclosed third parties.

The case originated after the Belparts Group filed a patent infringement lawsuit at the Unified Patent Court. The defendant party subsequently challenged the patent through a lawyer, Mr. N.N., who filed the opposition in his own name. The patent holder argued that this opposition was actually orchestrated by the defendant behind the scenes, constituted an abuse of procedure, and should be deemed inadmissible.

Citing precedents set by the Enlarged Board of Appeal in decisions G 3/97 and G 4/97, the Board of Appeal reaffirmed the core principle: the mere fact that an opponent acts as a “strawman” does not render their actions illegitimate. The key issue is that if the party behind the opposition would itself have been entitled to file the opposition, then this does not constitute an abuse of procedure. The Committee emphasized that the European patent opposition procedure is designed to safeguard the public interest and is open to “any person”, without requiring the opponent to demonstrate a direct personal stake in the matter.

This ruling further solidifies the differing stances on “strawman” strategies between Europe and jurisdictions like the United States and China, highlighting the EP’s emphasis on procedural openness and its practice of placing the burden of proof for demonstrating abuse on the party raising the objection.

Source: PRIP Research

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