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立方竞争法周报 Weekly Competition Law News

修订后的《制止滥用行政权力排除、限制竞争行为规定》公布

2025年12月26日，国家市场监督管理总局（“市场监管总局”）发布修订后的《制止滥用行政权力排除、限制竞争行为规定》（“《规定》”）。《规定》修订内容主要有五大点：强化责任追究和程序衔接；加强与公平竞争审查制度衔接；进一步明确调查措施、限制整改结案案件；综合运用多元执法手段提升执法效能；丰富违法行为表现形式。（[查看更多](#)）

Revised Provisions on Prohibiting the Abuse of Administrative Power to Exclude or Restrict Competition Released

On December 26, 2025, the State Administration for Market Regulation (“SAMR”) released the revised *the Provisions on Prohibiting the Abuse of Administrative Power to Exclude or Restrict Competition* (“*the Provisions*”). The revisions to *the Provisions* mainly focus on five aspects: (1) strengthening accountability mechanisms and procedural coordination; (2) enhancing alignment with the fair competition review system; (3) further clarifying investigative measures and restricting the use of rectification-based case conclusion; (4) improving enforcement effectiveness through the integrated use of diversified law enforcement tools; and (5) expanding and refining the manifestations of unlawful conduct. ([More](#))

市场监管总局发布浙江省人才发展集团有限公司与浙江省公众信息产业有限公司设立合营企业违法实施经营者集中案行政处罚决定书

2025年12月24日，市场监管总局发布浙江省人才发展集团有限公司与浙江省公众信息产业有限公司设立合营企业违法实施经营者集中案行政处罚决定书。2024年3月6日，浙江人才、浙江公众向市场监管总局提交经营者集中反垄断申报材料，主动告知合营企业已于2023年12月12日注册成立。2024年10月14日，市场监管总局对本案立案调查。经调查，浙江人才和浙江公众负有依法申报经营者集中的法律义务，未依法事先申报实施经营者集中，违反《中华人民共和国反垄断法》第二十六条规定，构成违法实施经营者集中。依据《中华人民共和国反垄断法》第三十三条，市场监管总局经评估认为本项集中不具有排除、限制竞争的效果。考虑到两家公司存在主动报告违法实施经营者集中行为、在发现违法事实后积极整改等情节，市场监管总局对浙江人才处以80万元罚款、对浙江公众处以90万元罚款。（[查看更多](#)）

SAMR Issues Administrative Penalty Decision in Illegal Implementation of a Concentration of Undertakings Case Involving the Establishment of a Joint Venture by Zhejiang Talent Development Group Co., Ltd. and Zhejiang Public Information Industry Co., Ltd.

On December 24, 2025, the SAMR issued an administrative penalty decision in the case concerning the illegal implementation of a concentration of undertakings arising from the establishment of a joint ven-

ture between Zhejiang Talent Development Group Co., Ltd. (“Zhejiang Talent”) and Zhejiang Public Information Industry Co., Ltd. (“Zhejiang Public”). On March 6, 2024, Zhejiang Talent and Zhejiang Public submitted a notification regarding the concentration of undertakings to the SAMR, voluntarily disclosing that the joint venture had already been incorporated on December 12, 2023. The SAMR initiated an investigation into the case on October 14, 2024. Following the investigation, the SAMR found that Zhejiang Talent and Zhejiang Public were subject to a statutory obligation to notify the concentration of undertakings but implemented the concentration without any prior notification, in violation of Article 26 of the *Anti-Monopoly Law of the People’s Republic of China*, thereby constituting an illegal implementation of a concentration of undertakings as prohibited pursuant to Article 33 of the *Anti-Monopoly Law of the People’s Republic of China*. The SAMR assessed that the concentration did not have the effect of eliminating or restricting competition. Taking into account mitigating circumstances, including the parties’ voluntary reporting of the illegal implementation of the concentration and their active remedial actions after the violation was identified, the SAMR imposed a fine of RMB 800,000 on Zhejiang Talent and a fine of RMB 900,000 on Zhejiang Public. ([More](#))

市场监管总局发布2025年第三批整治滥用行政权力排除、限制竞争专项行动案件

2025年12月23日，市场监管总局官网发布2025年第三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。本次共公布了10起案件，涉及贵州、辽宁、江西、浙江、新疆维吾尔自治区、陕西、湖北、安徽、福建和广西壮族自治区10个省（自治区），涉及人民政府、住房和城乡建设局、发改委、自然资源局、综合执法中心等行政部门。 ([查看更多](#))

SAMR Releases the Third Batch of Cases Under the 2025 Special Action to Address the Abuse of Administrative Power to Exclude or Restrict Competition

On December 23, 2025, the official website of the SAMR published the third batch of cases under the 2025 special action to address the abuse of administrative power to exclude or restrict competition. In the course of this action, market regulation authorities across China actively carried out their enforcement duties, lawfully investigated and rectified a number of conduct in which administrative authorities improperly intervened in market competition in violation of the *Anti-Monopoly Law of the People’s Republic of China*, thereby assisting to stabilize market expectations and stimulate business vitality. A total of 10 cases were released in this batch, involving provinces (autonomous regions) including Guizhou, Liaoning, Jiangxi, Zhejiang, the Xinjiang Uygur Autonomous Region, Shaanxi, Hubei, Anhui, Fujian, and the Guangxi Zhuang Autonomous Region, and concerning various administrative bodies, including people’s governments, housing and urban-rural development bureaus, development and reform commissions, natural resources bureaus, and comprehensive law enforcement centers. ([More](#))

《行政执法监督条例》公布

2025年12月23日，国务院公布《行政执法监督条例》（“《条例》”）。《条例》于2025年12月5日国务院第74次常务会议通过，自2026年2月1日起施行。《条例》全文共四十四条，分为七个章节，分别是总则、监督范围、监督方式、监督处理、保障措施、法律责任和附则。根据

《条例》第二条内容，县级以上人民政府依法对本级人民政府所属部门、派出机关和下级人民政府以及法律法规授权的具有管理公共事务职能的组织的行政执法工作开展的行政系统内部监督，适用本条例。此外，《条例》第十二条明确行政执法监督机构对行政执法机关按照国家有关规定落实“与推进全国统一大市场建设相关的”行政执法制度情况进行监督，因此市场监管领域的反垄断执法情况预计也将受到《条例》的规制。（[查看更多](#)）

Regulations on the Supervision of Administrative Law Enforcement Promulgated

On December 23, 2025, the State Council promulgated the *Regulations on the Supervision of Administrative Law Enforcement* (“*the Regulations*”). *The Regulations* were adopted at the 74th Executive Meeting of the State Council on December 5, 2025 and will come into effect on February 1, 2026. *The Regulations* consist of 44 articles divided into seven chapters, namely General Provisions, Scope of Supervision, Methods of Supervision, Supervisory Handling, Safeguard Measures, Legal Liability, and Supplementary Provisions. Pursuant to Article 2 of *the Regulations*, administrative law enforcement supervision carried out by people’s governments at or above the county level, in accordance with the law, over the administrative law enforcement activities of departments under the same-level people’s government, dispatched offices, lower-level people’s governments, and organizations authorized by laws and regulations to perform public affairs management functions shall be governed by *the Regulations*. In addition, Article 12 of *the Regulations* expressly provides that administrative law enforcement supervision authorities shall supervise whether administrative law enforcement authorities have implemented, in accordance with relevant national regulations, administrative law enforcement systems “related to advancing the development of a unified national market,” therefore anti-monopoly enforcement in the field of market regulation is also expected to fall within the scope of *the Regulations*. ([More](#))

意大利竞争管理局认定苹果公司滥用市场支配地位，罚款逾9800万欧元

2025年12月22日，意大利竞争管理局（“AGCM”）发布公告，认定苹果公司相关主体滥用市场支配地位。AGCM与欧盟委员会、其他国家竞争主管机构以及意大利数据保护局协同开展调查，重点审查了苹果自2021年4月起在 iOS 设备上实施并对通过 App Store 分发应用的第三方开发者强制适用的“应用追踪透明度”（“ATT”）政策，并最终认定其具有排除、限制竞争性质。具体而言，该政策要求第三方应用开发者必须通过苹果的 ATT 弹窗，就出于广告目的对数据的收集及关联使用取得用户的特定同意，进而迫使开发者出于同一目的向用户征求“重复同意”。AGCM认定ATT政策的相关条款系苹果单方面施加，损害了其商业合作伙伴的利益，且与实现苹果宣称的数据保护目标相比明显不成比例，其“重复同意”机制限制了相关数据的收集、关联和使用，损害了开发者及广告商的利益。因此，意大利竞争管理局认定苹果公司违反《欧盟运行条约》第102条，并对其处以超过9800万欧元的反垄断罚款。（[查看更多](#)）

Italian Competition Authority Finds Apple Liable for Abuse of Dominant Position and Imposes a Fine Exceeding EUR 98 Million

On December 22, 2025, the Italian Competition Authority (“AGCM”) announced that it had found Apple and its relevant entities to have abused market dominance. In coordination with the European Com-

mission, other national competition authorities and the Italian Data Protection Authority, the AGCM conducted an investigation focusing on Apple's App Tracking Transparency ("ATT") policy, which had been implemented on iOS devices since April 2021 and imposed on third-party developers distributing apps through the App Store; the AGCM ultimately concluded that the ATT policy is in nature restrictive from a competition-law perspective. In particular, the ATT policy requires third-party app developers to obtain users' specific consent, via Apple's ATT prompt, for the collection and linking of data for advertising purposes, while at the same time forcing developers to request consent again for the same purpose, resulting in a "double consent" situation. The AGCM found that the relevant terms of the ATT policy are imposed unilaterally by Apple, harm the interests of Apple's commercial partners, and are disproportionate to the achievement of Apple's stated data protection objectives, and that the double consent requirement restricts the collection, linking, and use of such data, thereby harming the interests of developers as well as advertisers. Therefore, the AGCM held that Apple had infringed Article 102 of the *Treaty on the Functioning of the European Union* and imposed an antitrust fine of more than EUR 98 million. ([More](#))

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

国家网信办发布《人工智能拟人化互动服务管理暂行办法（征求意见稿）》

2025年12月27日，国家互联网信息办公室（以下简称“国家网信办”）发布了《人工智能拟人化互动服务管理暂行办法（征求意见稿）》（以下简称《办法》），向社会公开征求意见，意见反馈截止时间为2026年1月25日。《办法》共四章三十二条，旨在促进人工智能拟人化互动服务健康发展和规范应用，维护国家安全和社会公共利益，保护公民、法人和其他组织的合法权益。《办法》适用于利用人工智能技术，向中华人民共和国境内公众提供模拟人类人格特征、思维模式和沟通风格，通过文字、图片、音频、视频等方式与人类进行情感互动的产品或者服务。《办法》明确，提供者应当落实拟人化互动服务安全主体责任，建立健全算法机制机理审核、科技伦理审查、信息发布审核、网络安全、数据安全、个人信息保护、反电信网络诈骗、重大风险预案、应急处置等管理制度，具有安全可控的技术保障措施，配备与产品规模、业务方向和用户群体相适应的内容管理技术和人员。《办法》规定，提供者向未成年人提供情感陪伴服务时，应当取得监护人的明确同意。《办法》强调，除法律、行政法规另有规定或者取得用户单独同意外，提供者不得将用户交互数据、用户敏感个人信息用于模型训练。（[查看更多](#)）

CAC Issues *Interim Measures for the Administration of AI Anthropomorphic Interactive Services (Draft for Comment)*

On December 27, 2025, the Cyberspace Administration of China (CAC) issued the *Interim Measures for the Administration of AI Anthropomorphic Interactive Services (Draft for Comment)* (Measures) to solicit public comments, with the deadline for feedback set as January 25, 2026. Consisting of four chapters and thirty-two articles, the Measures aim to promote the healthy development and standardized application of AI anthropomorphic interactive services, safeguard national security and public in-

terests, and protect the legitimate rights and interests of citizens, legal persons and other organizations. The Measures shall apply to products or services that utilize AI technology to provide the public within the territory of the People's Republic of China with emotional interaction through text, images, audio, video and other means, simulating human personality traits, thinking patterns and communication styles. The Measures clarify that providers shall fulfill the main responsibility for the security of anthropomorphic interactive services, establish and improve management systems such as review of algorithmic mechanisms and principles, scientific and technological ethics review, information release review, cybersecurity, data security, personal information protection, anti-telecommunications and cyber fraud, major risk prevention plans, and emergency response. They shall also have safe and controllable technical support measures, and be equipped with content management technologies and personnel compatible with the product scale, business direction and user groups. The Measures stipulate that when providing emotional companionship services to minors, providers shall obtain explicit consent from their guardians. The Measures emphasize that except as otherwise provided by laws and administrative regulations or with the separate consent of users, providers shall not use user interaction data or users' sensitive personal information for model training. ([More](#))

国家数据局发布《关于加强数据科技创新的实施意见》

2025年12月25日，国家数据局发布了《关于加强数据科技创新的实施意见》（以下简称《意见》）。《意见》计划，到2027年，建成一批具有引领性和支撑性的数据科技创新平台，形成以企业为主体、产学研用深度融合的高效创新机制，初步建立数据驱动的产业创新体系，数据供给、流通、利用、安全等关键技术和设备实现阶段性突破；到2030年，数据领域关键技术达到国际领先水平，数据科技创新和产业生态体系实现整体性跃升，对数据要素市场体系建设形成有力支撑，数据要素对经济社会高质量发展的赋能作用全面显现。《意见》提出三点共十二条具体措施，包括：（1）加强技术攻关与高水平应用：加强关键数据技术攻关突破、加强试验验证和规模化应用、推动数据科技创新成果高效转化；（2）培育数据科技创新产业生态：打造数据领域创新平台体系、发展壮大重点创新主体、推动数据科技开源创新发展、强化数据驱动的科研体系建设、深化数据领域国际合作；（3）夯实数据科技创新基础支撑：夯实数据科技创新设施底座、加强人才培养力度、加大财税金融支持力度、提升数据标准支撑水平。（[查看更多](#)）

National Data Administration Issues *Implementation Opinions on Strengthening Data Science and Technology Innovation*

On December 25, 2025, the National Data Administration issued the *Implementation Opinions on Strengthening Data Science and Technology Innovation* (Opinions). Opinions plan that by 2027, a number of leading and supporting data science and technology innovation platforms will be established, an efficient innovation mechanism with enterprises as the mainstay and deep integration of industry, academia, research, and application will be formed, a data-driven industrial innovation system will be initially built, and phased breakthroughs will be achieved in key technologies and equipment for data supply, circulation, utilization, and security; by 2030, key technologies in the data field will reach an internationally leading level, data science and technology innovation and the industrial ecosystem will achieve an overall leap forward, forming strong support for the construction of a data factor market system, and the enabling role of data factors in the high-quality development of the economy and society

will be fully demonstrated. The Opinions propose three categories with twelve specific measures: (1) Strengthening technological breakthroughs and high-level applications: Enhance breakthroughs in key data technologies, strengthen experimental verification and large-scale application, promote efficient transformation of data science and technology innovation achievements. (2) Cultivating a data science and technology innovation industry ecosystem: Build an innovation platform system in the data field, develop and strengthen key innovation entities, promote open source innovation development in data science and technology, strengthen data-driven research system construction, deepen international cooperation in the data field. (3) Consolidating the foundation for data science and technology innovation: Build a solid infrastructure base for data science and technology innovation, strengthen talent cultivation, increase fiscal, taxation, and financial support, improve the level of data standard support. ([More](#))

个人信息出境认证依据标准变更

2025年12月25日，国家市场监督管理总局和国家网信办发布公告，变更了个人信息出境认证依据标准。为确保个人信息出境认证工作的有序实施，《关于实施个人信息保护认证的公告》（国家市场监督管理总局、国家互联网信息办公室公告2022年第37号）附件《个人信息保护认证实施规则》中，涉及跨境处理活动的个人信息保护认证依据标准变更为GB/T 35273《信息安全技术 个人信息安全规范》和GB/T 46068《数据安全技术 个人信息跨境处理活动安全认证要求》。（[查看更多](#)）

Underlying Standards for Personal Information Cross-Border Transfer Certification Change

On December 25, 2025, the State Administration for Market Regulation and CAC issued an announcement, changing the underlying standards for personal information cross-border transfer certification. To ensure the orderly implementation of personal information cross-border transfer certification work, the underlying standards for personal information protection certification involving cross-border processing activities, as specified in the *Implementation Rules for Personal Information Protection Certification* (Annex to Announcement No. 37 of 2022 issued by the State Administration for Market Regulation and the Cyberspace Administration of China), are changed to GB/T 35273 *Information Security Technology - Personal Information Security Specifications* and GB/T 46068 *Data Security Technology - Security Certification Requirements for Personal Information Cross-Border Processing Activities*. ([More](#))

全国网安标委发布《网络安全标准实践指南——粤港澳大湾区（内地、澳门）个人信息跨境处理保护要求（征求意见稿）》

2025年12月22日，全国网络安全标准化委员会（以下简称“全国网安标委”）发布了《网络安全标准实践指南——粤港澳大湾区（内地、澳门）个人信息跨境处理保护要求（征求意见稿）》（以下简称《要求》），向社会公开征求意见，意见反馈截止时间为2026年1月5日。

《要求》规定了粤港澳大湾区（内地、澳门）个人信息处理者或者接收方，在粤港澳大湾区内内地和澳门间通过安全互认方式进行粤港澳大湾区内个人信息跨境流动应遵守的基本原则和要求。《要求》作为粤港澳大湾区（内地、澳门）个人信息跨境安全互认的认证（就内地个人信息处理者或者接收方而言）及认可（就澳门个人信息处理者或者接收方而言）依据，适用于粤

港澳大湾区（内地、澳门）个人信息处理者或者接收方，按照粤港澳大湾区个人信息跨境安全互认相关文件要求，通过自愿申请粤港澳大湾区个人信息跨境安全认证的方式，进行粤港澳大湾区内地和澳门之间的个人信息跨境流动。被相关部门、地区告知或者公开发布为重要数据的个人信息除外。就澳门特别行政区而言，可以以《要求》及相关认证为便利方式，作为已经采取适当个人信息保护措施的依据，但不直接视作任何已履行法律规定义务的认定。同时，不直接适用于受澳门《网络安全法》规范的关键基础设施公共运营者。（[查看更多](#)）

TC260 Issues Information Security Standard Practice Guide - Protection Requirements for Cross-Border Processing of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland China and Macao) (Draft for Comment)

On December 22, 2025, the National Technical Committee 260 on Cybersecurity of SAC (TC260) issued the *Information Security Standard Practice Guide - Protection Requirements for Cross-Border Processing of Personal Information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland China and Macao) (Draft for Comment)* (Requirements) to solicit public comments, with the deadline for feedback set as January 5, 2026. The Requirements specify the basic principles and requirements that personal information processors or recipients in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland China and Macao) shall comply with when conducting cross-border flow of personal information within the Greater Bay Area between Mainland China and Macao through the method of mutual recognition of security. As the basis for certification (for personal information processors or recipients in Mainland China) and accreditation (for personal information processors or recipients in Macao) of mutual recognition of security for cross-border personal information in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland China and Macao), the Requirements apply to personal information processors or recipients in the Guangdong-Hong Kong-Macao Greater Bay Area (Mainland China and Macao) that conduct cross-border flow of personal information between Mainland China and Macao within the Greater Bay Area by voluntarily applying for the mutual recognition of security certification for cross-border personal information in the Greater Bay Area in accordance with the requirements of relevant documents on mutual recognition of security for cross-border personal information in the Guangdong-Hong Kong-Macao Greater Bay Area, excluding personal information that has been informed by relevant authorities or regions or publicly announced as important data. For the Macao Special Administrative Region, the Requirements and relevant certifications may be used as a convenient method to serve as the basis for having adopted appropriate personal information protection measures, but shall not be directly regarded as confirmation of the fulfillment of any legal obligations. Meanwhile, the Requirements shall not be directly applicable to public operators of critical information infrastructure regulated by Macao's Cybersecurity Law. ([More](#))

福建省三部门联合发布福建自贸区数据出境负面清单

2025年12月25日，福建省互联网信息办公室等三部门联合发布了《中国（福建）自由贸易试验区数据出境负面清单管理办法（试行）》（以下简称《办法》）和《中国（福建）自由贸易试验区数据出境管理清单（负面清单）（2025版）》（以下简称《负面清单》）。《办

法》共六章二十四条，适用于福建自由贸易试验区（以下简称“福建自贸区”）内开展数据出境负面清单制定、执行和管理等活动。《办法》规定，数据处理者在数据出境前应先自行研判是否适用负面清单。属于已公布负面清单的行业、领域，数据处理者向境外提供负面清单外的数据，可以免于申报数据出境安全评估、订立个人信息出境标准合同、通过个人信息保护认证。《负面清单》针对医药行业、车联网行业、零售行业、航空维修行业四大行业，就需要通过数据出境安全评估、个人信息出境标准合同备案、个人信息保护认证才可出境的数据作出了细致分类并提供数据基本特征与描述。（[查看更多](#)）

Three Fujian Provincial Departments Jointly Issue Negative List for Data Cross-Border Transfer in Fujian FTZ

On December 25, 2025, three departments including the Fujian Provincial Cyberspace Administration jointly issued the *Measures for the Administration of the Negative List for Data Cross-Border Transfer in China (Fujian) Pilot Free Trade Zone (Trial Implementation)* (Measures) and the *List for the Administration of Data Cross-Border Transfer in China (Fujian) Pilot Free Trade Zone (Negative List) (2025 Version)* (Negative List). Consisting of six chapters and twenty-four articles, the Measures apply to activities such as the formulation, implementation and management of the negative list for data cross-border transfer carried out within the China (Fujian) Pilot Free Trade Zone (Fujian FTZ). The Measures stipulate that data processors shall first conduct a self-assessment on whether the negative list applies before transferring data overseas. For industries and fields included in the published negative list, data processors providing data outside the scope of the negative list to overseas parties may be exempt from declaring a security assessment for data cross-border transfer, concluding a standard contract for personal information cross-border transfer, and obtaining personal information protection certification. Targeting four key industries - pharmaceutical industry, internet of vehicles industry, retail industry, and aviation maintenance industry - the Negative List provides detailed classification, basic characteristics and descriptions of data that can only be transferred overseas after completing the security assessment for data cross-border transfer, filing the standard contract for personal information cross-border transfer, or obtaining personal information protection certification. ([More](#))

韩国：PIPC设立新部门防止数据泄露

2025年12月23日，韩国个人信息保护委员会（PIPC）宣布新设一局一科，并扩充总计17名人员编制。PIPC将新设负责先天性风险识别和预防检查功能的预防协调审议官和事前实态检查科。预防协调审议官将统筹、协调向以预防为中心的保护体系转换，发挥核心作用，支持事前风险管理功能稳定运作；事前实态检查科将针对与国民生活密切相关且个人信息侵害风险较高的领域，在事故发生前检查个人信息处理实态。PIPC将追加确保总计7名人员，包括调查官6名和应对争议调解需求的人员1名，以加强调查及争议应对功能。通过此次增员，预计调查将得以更迅速、精准地执行，争议调解将能更专注于强化损害救济功能。PIPC为加强基于线上的全民沟通，并迅速应对国内外个人信息问题，将确保2名数字宣传专职人员，新设数字沟通科。此举旨在考虑到大规模泄露事故的社会影响力，加强准确、迅速的信息提供功能。

（[查看更多](#)）

South Korea: PIPC Establishes New Departments to Prevent Data Leakage

On December 23, 2025, the Personal Information Protection Commission (PIPC) of South Korea announced the establishment of one new bureau and one new division, along with an expansion of its total staffing by 17 positions. The PIPC will set up a new Preventive Coordination Review Officer and a Preventive Fact-Finding Division, both responsible for proactive risk identification and preventive inspection functions. The Preventive Coordination Review Officer will play a core role in coordinating and overseeing the transition to a prevention-centered protection system, supporting the stable operation of pre-event risk management functions. The Preventive Fact-Finding Division will conduct pre-accident inspections of personal information processing practices in areas closely related to people's daily lives and with a high risk of personal information infringement. To strengthen its investigation and dispute resolution capabilities, the PIPC will secure an additional 7 personnel, including 6 Investigators and 1 specialist responsible for handling dispute mediation requests. Through this staffing expansion, investigations are expected to be conducted more quickly and accurately, while dispute mediation will be better focused on enhancing damage relief functions. In order to strengthen online communication with the public and promptly respond to domestic and international personal information issues, the PIPC will recruit 2 full-time digital publicity personnel and establish a new Digital Communication Division. This initiative aims to enhance the function of providing accurate and timely information, taking into account the significant social impact of large-scale data leakage incidents. ([More](#))

英国：ICO回应《网络安全与韧性（网络与信息系统）法案》

2025年12月23日，英国信息专员办公室（ICO）回应了《网络安全与韧性（网络与信息系统）法案》（以下简称《法案》），其于2025年11月12日由科学、创新与技术部国务大臣向议会提交。《法案》扩大了ICO的权力：（1）扩大ICO向受监管实体及任何可能持有相关信息的其他人员送达信息通知的能力；（2）扩大信息共享门户，确保《2018年网络与信息系统法规》（NIS）监管机构能够在保障措施下，与英国公共机构和政府部门共享和接收信息，以便利NIS职能的行使；（3）引入对未能注册及未能保持注册信息最新的行为进行执法的权力；（4）扩大信息共享权限应有助于ICO和其他NIS主管机构努力减轻对那些可能收到多个信息请求的组织的监管负担。ICO认为，《法案》是对现行NIS的一次有意义且必要的更新，其要求应能支持受监管实体确保其清晰且自信地达到所需的网络安全和韧性水平。ICO欢迎政府就主要立法和次级立法的任何制定进行进一步的沟通和磋商。 ([查看更多](#))

UK: ICO Responds to *Cybersecurity and Resilience (Network and Information Systems) Bill*

On December 23, 2025, the UK Information Commissioner's Office (ICO) responded to the *Cybersecurity and Resilience (Network and Information Systems) Bill* (Bill), which was introduced to Parliament by the Secretary of State for the Department for Science, Innovation and Technology on November 12, 2025. The Bill expands the ICO's powers as follows: (1) An expanded ability for ICO to serve information notices on regulated entities and any other person likely to hold relevant information. (2) Expanded information gateways to ensure the *Network and Information Systems Regulations 2018* (NIS) regulators can share and receive information with and from UK public authorities and government departments to facilitate the exercise of NIS functions, subject to safeguards. (3) The introduction of powers to enforce a failure to register and keep registration details up to date. (4) The expansion of the in-

formation sharing powers should support ICO's and other NIS competent authorities' efforts to reduce the regulatory burden on those organizations that might otherwise receive multiple requests for information. The Bill represents a meaningful and necessary update to the existing NIS regulations. The Bill's requirements should support regulated entities ensure they are clearly and confidently meeting the required levels of cybersecurity and resilience. ICO welcomes further engagement and consultation from government on any development of both the primary and secondary legislation. ([More](#))

知识产权 Intellectual Property

商标法修订草案首次提请审议 以误导公众的方式使用注册商标或面临严惩

商标法修订草案12月22日首次提请全国人大常委会会议审议，并于27日公开征求意见。修订草案共9章84条，完善商标注册、管理和保护制度，加强对商标侵权行为的查处。

从依法打击恶意抢注“冰墩墩”“谷爱凌”等商标，到“树上熟”“千禾0+”等带有欺骗性的注册商标被宣告无效，近年来，国家知识产权局商标局持续打击行业乱象。国家知识产权局局长申长雨介绍，此次商标法修订坚持问题导向，聚焦商标领域突出问题，完善商标注册、管理和保护制度，并把实践中一些成熟的做法上升为法律。

在规范商标注册方面，修订草案增设专章将原来分散在各章的商标注册条件集中规定并予以完善。明确不以使用为目的、明显超出正常生产经营需要申请商标注册的，不予注册。明确加强驰名商标保护，将禁止在不相同、不相类似的商品上抢注他人已注册驰名商标，扩大至不区分注册与否均禁止抢注。

在强化商标管理方面，修订草案增加规定，明确以误导公众的方式使用注册商标的，由负责商标执法的部门责令限期改正；逾期不改正的，处五万元以下的罚款；情节严重的，由国务院商标管理部门撤销其注册商标。此外，加强对商标代理机构、商标代理从业人员的规范。

在加强商标专用权保护方面，修订草案加强对商标侵权行为的查处，增加对商标侵权涉嫌犯罪的移送、协同办理规定。同时也明确恶意提起商标诉讼的，依法给予处罚，造成损失的依法承担民事责任。

来源：中国人大网

Draft Trademark Law Amendment Submitted for First Review: Misleading Use of Registered Trademarks May Face Severe Penalties

A draft amendment to *Trademark Law* was submitted for its first review to the Standing Committee of the National People's Congress on December 22 and opened for public comment on December 27. The draft, consisting of 9 chapters and 84 articles, aims to improve the systems for trademark registration, management, and protection, while strengthening the crackdown on trademark infringement.

In recent years, the Trademark Office of the China National Intellectual Property Administration (CNIPA) has consistently combated malpractices in the field, from cracking down on the malicious squatting of trademarks like “Bing Dun Dun” and “Eileen Gu” to invalidating deceptive registered trademarks such as “Tree Ripened” and “Qianhe 0+”. Shen Changyu, head of the CNIPA, stated that this revision is problem-oriented, focusing on prominent issues in the trademark domain. It seeks to refine the registration, management, and protection systems while codifying mature practices from enforcement into law.

To standardize trademark registration, the draft adds a dedicated chapter to consolidate and improve registration requirements previously scattered across different chapters. It specifies that applications filed without intent to use or that are obviously beyond normal business needs will be rejected. Protection for well-known trademarks is strengthened, extending the prohibition against squatting on others’ registered well-known marks on dissimilar goods to cover both registered and unregistered well-known trademarks.

Regarding trademark management, the draft introduces new provisions stating that using a registered trademark in a way that misleads the public will result in an order from the trademark enforcement authority to rectify within a time limit. Failure to comply may incur a fine of up to 50,000 yuan. In serious cases, the State Council’s trademark administration department may revoke the registration. The draft also strengthens regulations for trademark agencies and practitioners.

To enhance the protection of trademark exclusive rights, the draft bolsters the investigation and handling of infringements. It adds provisions for transferring cases involving suspected criminal trademark infringement to judicial authorities for coordinated handling. It also clarifies that malicious trademark litigation will be punished according to law, and perpetrators will bear civil liability for any losses caused.

Source: [National People’s Congress Website](#)

司法部与国家知识产权局印发《关于加强知识产权纠纷仲裁工作的指导意见》

司法部与国家知识产权局于近日联合印发《关于加强知识产权纠纷仲裁工作的指导意见》。该《意见》旨在加强知识产权纠纷仲裁工作，充分发挥仲裁在知识产权全链条保护中的重要作用。

《意见》提出的具体工作举措包括：支持仲裁机构设立知识产权专业内设部门并建立全国推荐名录，设立专业仲裁员名册与专家库。推动制定专门的知识产权仲裁规则，并探索技术调查官参与仲裁程序。鼓励将仲裁解决机制拓宽至专利开放许可、标准必要专利许可费等纠纷领域。在涉外方面，支持仲裁机构参与国际纠纷解决，引导企业选择国内机构处理涉外争议。此外，还将建立部门会商机制，推动仲裁与行政保护等环节衔接，并加强专业研究、培训与案例发布工作。

来源：司法部、国家知识产权局

Ministry of Justice and CNIPA Issue Guiding Opinions on Strengthening Arbitration for Intellectual Property Disputes

The Ministry of Justice and the China National Intellectual Property Administration (CNIPA) recently jointly issued the *Guiding Opinions on Strengthening Arbitration for Intellectual Property Disputes*. The document aims to bolster arbitration work in this field and give full play to arbitration's important role in the full-chain protection of intellectual property rights.

The specific measures outlined in the *Opinions* include: supporting qualified arbitration institutions to establish specialized internal departments (e.g., IP arbitration centers) and a national recommended list of such institutions; setting up specialized panels of arbitrators and expert databases. It advocates for formulating specialized IP arbitration rules and exploring the participation of technical investigation officers in arbitration procedures. The mechanism is encouraged to be extended to disputes in areas like patent open licensing and standard essential patent (SEP) royalty fees. For international aspects, arbitration institutions are supported to engage in resolving foreign-related disputes, guiding enterprises to choose domestic institutions for handling such IP conflicts. Furthermore, an inter-departmental consultation mechanism will be established to better connect arbitration with administrative protection and other channels, alongside enhancing professional research, training, and case publication.

Source: Ministry of Justice, CNIPA

最高法：涉AI算法商业秘密案件可适用举证责任转移规则

近日，最高人民法院审结一起侵害技术秘密纠纷上诉案，明确在涉人工智能算法等技术秘密案件中可适用举证责任转移规则。

本案中，甲公司主张其“指尖识别”算法等技术秘密被前员工张某等人披露给其新设立的乙公司使用。最高法二审审理后认为，根据《反不正当竞争法（2019年修订）》第32条，甲公司提交的系列证据已足够“合理表明”其商业秘密被乙公司侵害，故举证责任应转移至被诉侵权人。

法院指出，从零开始开发此类人工智能识别产品通常需要长期的数据训练与算法打磨，乙公司关于技术仅来源于开源代码的主张，与其在两个月内即推出成熟商用产品的研发周期明显矛盾，违背技术常识，故未能完成其举证义务。综上，法院改判认定乙公司及张某等人侵权行为成立并承担相应责任。

来源：最高人民法院知产庭

Supreme People's Court: Rules on Shifting Burden of Proof Applicable in Trade Secret Cases Involving AI Algorithms

The Supreme People's Court (SPC) recently concluded an appeal case concerning the infringement of technical secrets, clarifying that the rule on shifting the burden of proof is applicable in cases involving trade secrets related to technologies like artificial intelligence algorithms.

In this case, Company A claimed that its technical secrets, such as a “fingertip recognition” algorithm, were disclosed by former employee Mr. Zhang and others to Company B, which they subsequently established. After a second-instance trial, the SPC held that, according to Article 32 of the *Anti-Unfair Competition Law (2019 Revision)*, the series of evidence submitted by Company A was sufficient to

“reasonably indicate” that its trade secrets had been infringed upon by Company B. Therefore, the burden of proof shifted to the accused infringer.

The court pointed out that developing such an AI recognition product from scratch typically requires long-term data training and algorithm refinement. Company B's claim that its technology came solely from open-source code was clearly contradicted by its launch of a mature commercial product within two months, defying technical common sense. Thus, Company B failed to fulfill its burden of proof. Consequently, the court revised the judgment, ruling that Company B, Mr. Zhang, and others had committed infringement and were liable.

Source: SPC

最高法：判赔3.8亿元，高端机床装备领域侵犯商业秘密案终审宣判

近日，最高人民法院就北京精雕公司前员工田某及深圳某公司侵害技术秘密案作出终审判决。田某离职前窃取了精雕公司数万份核心机床设计图纸与技术文档，并带入其入职的某公司用于生产侵权产品。法院终审认定，涉案技术信息构成商业秘密，双方构成共同侵权，判决其立即停止侵害、销毁涉密载体，并连带赔偿精雕公司经济损失及合理开支共计约3.8亿元。

本案明确了刑事侦查程序中对技术秘密“非公知性”的鉴定范围，并不当然等同于民事案件中权利人主张的保护范围，在民事诉讼中应遵循当事人处分原则。其次，在计算侵权赔偿时，若侵权产品被认定整体性使用了权利人的技术秘密，且不使用该秘密则难以在短期内研制出侵权产品，则该技术秘密对侵权产品价值的技术贡献率可推定为100%。这一认定是本案确定高额赔偿数额的基础。

来源：最高人民法院

Supreme People's Court: Final Ruling Orders RMB 380 Million in Damages in High-End CNC Machine Tool Trade Secret Case

The Supreme People's Court (SPC) recently issued a final judgment in a trade secret infringement case involving Beijing Jingdiao Group and a former employee, Tian, alongside Shenzhen Company X. Before leaving Jingdiao, Tian stole tens of thousands of core machine tool design drawings and technical documents, which he later used at Company X to produce infringing products. The court finally determined that the technical information constituted trade secrets, that the parties acted jointly in infringement, and ordered them to immediately cease the infringement, destroy carriers containing the secrets, and jointly pay Jingdiao approximately 380 million yuan in compensation for economic losses and reasonable expenses.

This case clarified two key points. First, the scope of “non-public knowledge” identified in criminal investigation procedures does not automatically equate to the scope claimed by the right holder in subsequent civil trade secret infringement cases; the principle of party disposition should be followed in civil litigation. Second, when calculating damages, if the infringing product is found to have entirely utilized the right holder's trade secret, and it would have been difficult to develop the infringing product in a short time without using that secret, the technical contribution rate of the trade secret to the value of the

infringing product can be presumed to be 100%. This presumption formed the basis for determining the high compensation amount in this case.

Source: SPC

最高法：首次认定“丸美MARUBI”为驰名商标，抢注“丸美”商标被宣告无效

最高人民法院近日审结一起商标权无效宣告行政再审案件，首次在司法程序中认定“MARUBI 丸美”商标在“化妆品”商品上已达到驰名程度。

诉争商标“丸美”直接复制、摹仿了该驰名商标的显著中文识别部分。尽管诉争商标指定使用的“广告”等服务与引证商标驰名的“化妆品”商品不属于同一类别，但二者均与日常生活消费密切相关，消费群体存在重叠与关联。这种跨类使用容易导致相关公众误认为服务提供者与丸美公司存在特定联系，从而不当攀附驰名商标的市场声誉，损害丸美公司的合法权益。因此，诉争商标的注册违反了《商标法》第13条第3款关于禁止复制、摹仿驰名商标进行误导性注册的规定。

故法院最终维持了对抢注商标“丸美”宣告无效的裁决。

来源：最高人民法院

Supreme People's Court: Recognizes “丸美MARUBI” as a Well-Known Trademark for the First Time, Invalidates Squatted “丸美” Mark

The Supreme People's Court (SPC) recently concluded a retrial case regarding an administrative dispute over trademark invalidation, marking the first judicial recognition that the trademark “丸美 MARUBI” has achieved well-known status for “cosmetics” goods.

The disputed trademark “丸美” directly copied and imitated the distinctive Chinese portion of that well-known mark. Although the disputed mark was designated for services like “advertising”, which differ from the “cosmetics” goods for which the cited mark is well-known, both are closely related to daily life consumption, and their consumer groups overlap and are connected. Such cross-class use is likely to cause the relevant public to mistakenly believe there is a specific connection between the service provider and Marubi Company, thereby improperly free-riding on the market reputation of the well-known trademark and harming Marubi's legitimate rights and interests. Therefore, the registration of the disputed trademark violated Article 13(3) of the *Trademark Law*, which prohibits the registration of marks that are copies or imitations of well-known trademarks in a misleading manner.

Consequently, the SPC ultimately upheld the ruling to declare the squatted trademark “丸美” invalid.

Source: SPC

苏州中院：旺旺公司商标诉讼期间遭持续侵权，法院判决后及时作出行为保全禁令

近日，苏州中院在审理旺旺公司诉丰成乳业、旺仔广州公司商标侵权案中，在一审判决后依据新情况作出行为保全裁定，责令两被告立即停止生产、销售11款侵权“旺仔”系列产品。

尽管一审已认定侵权，旺旺公司发现判决后仍有标注2025年10月、11月生产日期的侵权产品在电商平台销售。法院审查认为，侵权产品通过线上线下广泛销售，正处于销售旺季，若不立即制止将给权利人造成难以弥补的商誉与市场份额损失。同时，侵权产品主要针对儿童市场，部分含有婴幼儿禁用的食品添加剂，危及儿童健康，损害社会公共利益。

法院此举及时制止了被告利用诉讼周期继续侵权的行为，保护了商标权人的合法权益，也体现了司法对公共利益与社会责任的积极关注。

来源：苏州市中级人民法院

Suzhou Intermediate Court: Want Want Company Faces Ongoing Infringement During Trademark Litigation; Court Issues Behavior Preservation Injunction Promptly After Judgment

Recently, in a trademark infringement case filed by Want Want Company against Fengcheng Dairy and Wangzai Guangzhou Company, the Suzhou Intermediate Court issued a behavior preservation ruling after the first-instance judgment based on new developments, ordering the two defendants to immediately cease producing and selling 11 infringing “Wangzai” series products.

Although the first-instance judgment had already established infringement, Want Want Company discovered that infringing products with production dates of October and November 2025 were still being sold on e-commerce platforms after the judgment. The court found that the infringing products were widely sold both online and offline during the peak sales season, and failure to immediately stop the infringement would cause irreparable damage to the trademark owner’s reputation and market share. Additionally, the infringing products primarily targeted the children’s market, with some containing food additives prohibited for infants and young children, endangering children’s health and harming public interests.

The court’s action promptly prevented the defendants from continuing their infringement during the litigation period, protecting the legitimate rights of the trademark owner and reflecting the judiciary’s active concern for public interests and social responsibility.

Source: Suzhou Intermediate People’s Court

上海知产法院：咪咕视讯利用《恋与制作人》IP影响力引流，构成不正当竞争

近日，上海知产法院审结一起知名游戏IP不正当竞争案。该案中，被告咪咕视讯为宣传电视剧《温暖的，甜蜜的》，在微博发布了一则混剪视频。该视频未经许可，直接使用了《恋与制作人》中四位男主角的名称、宣传片片段、原创音乐及配音，导致公众误认为双方存在官方合作，意图借助该游戏庞大的用户基础和影响力为剧集引流。

上海知识产权法院审理后认定，该行为不当攀附了他人知名游戏的商誉，构成不正当竞争。作为中国移动旗下重要的视频内容运营平台，咪咕此举对其商业形象亦造成影响。日前，“咪咕电影”已通过官方微博发布道歉声明，游戏方亦已转发回应。

来源：上海知识产权法院

Shanghai Intellectual Property Court: Migu Video's Use of *Love and Producer* IP Influence for Traffic Diversion Constitutes Unfair Competition

Recently, the Shanghai Intellectual Property Court concluded a case involving unfair competition related to a well-known game IP. In this case, the defendant, Migu Video, released a mixed-edited video on Weibo to promote the TV series *Warm and Sweet*. The video used the names, promotional clips, original music, and voice-overs of the four male protagonists from *Love and Producer* without authorization, misleading the public into believing there was an official collaboration between the two parties, in an attempt to leverage the game's extensive user base and influence to divert traffic to the TV series.

The Shanghai Intellectual Property Court ruled that this behavior improperly capitalized on the reputation of the well-known game and constituted unfair competition. As an important video content operation platform under China Mobile, Migu's actions also negatively impacted its own business image. Recently, "Migu Movies" issued an apology statement via its official Weibo account, and the game developer has responded by reposting the statement.

Source: Shanghai Intellectual Property Court

上海嘉定法院：网游重复侵犯小说改编权，惩罚性赔偿300余万元

近日，上海市嘉定区人民法院审结一起涉及金庸小说改编权的网络游戏侵权纠纷案。此前双方曾就侵权事宜达成和解，被告承诺删除侵权内容。但法院审理认定，被告后续不仅未履行删除义务，反而在新版本中新增侵权元素，该“不删反增”的行为构成明知故犯的重复侵权，主观恶意明显，情节严重，依法适用惩罚性赔偿。

在确定赔偿数额时，法院综合考量了游戏营业收入、侵权内容贡献率及持续时间等因素计算侵权获利基数，并适用二倍惩罚性赔偿。同时，鉴于原告未完全履行和解协议约定的通知义务，法院在计算赔偿期间时酌情给予了被告整改宽限期，以平衡双方利益。最终，法院判决两被告停止侵权并赔偿经济损失及合理费用共计300余万元。

来源：上海市嘉定区人民法院

Shanghai Jiading Court: Online Game Repeatedly Infringes Novel Adaptation Rights, Awarded Over RMB 3 Million in Punitive Damages

Recently, the Shanghai Jiading District People's Court concluded a case involving the infringement of adaptation rights of Jin Yong's novels by an online game. The parties had previously reached a settlement on the infringement issue, with the defendant committing to remove the infringing content. How-

ever, the court found that the defendant not only failed to fulfill its deletion obligations but also added new infringing elements in subsequent versions. This “non-deletion and additional infringement” behavior constituted deliberate repeated infringement, with obvious malicious intent and severe circumstances, warranting punitive damages under the law.

When determining the compensation amount, the court considered factors such as the game’s operating revenue, the contribution rate of the infringing content, and the duration of infringement to calculate the base amount of illicit gains, applying double punitive damages. Meanwhile, given that the plaintiff did not fully fulfill the notification obligations stipulated in the settlement agreement, the court allowed a grace period for rectification when calculating the compensation period to balance the interests of both parties. Ultimately, the court ordered the two defendants to cease the infringement and pay over RMB 3 million in economic losses and reasonable expenses.

Source: Shanghai Jiading District People’s Court

欧洲UPC法院撤销基于科沃斯“不完整”陈述而作出的单方命令

欧洲统一专利法院（UPC）杜塞尔多夫地方分院近日作出裁决，撤销此前起诉石头科技专利侵权时仅依单方申请而对石头科技作出的证据保全命令。该命令是基于科沃斯声称“柏林IFA展会是获取侵权证据唯一机会”而紧急颁发的。

石头科技在异议中指出，科沃斯的申请陈述存在重大遗漏，因其在主诉讼起诉状中已承认，其可通过亚马逊网店公开购买到被控侵权产品，这一更直接的取证途径在紧急申请中却被刻意隐瞒。因此，本案实际上不具备不经听审对方意见即采取紧急措施所必需的紧迫性与唯一性。

UPC法院裁决支持了石头科技的主张。指出在单方命令程序中，法院完全依赖申请人的陈述作出判断，因此申请人负有最高标准的诚信义务，必须进行完整、准确的事实披露。法院强调，若事先知悉全部事实，则根本不会颁发该命令。

来源：PRIP Research

UPC Court Revokes Ex Parte Order Based on Ecovacs’ “Incomplete” Statements

The Düsseldorf Local Division of the Unified Patent Court (UPC) recently ruled to revoke an evidence preservation order issued ex parte against Roborock during a patent infringement lawsuit filed by Ecovacs. The order had been urgently granted based on Ecovacs’ claim that “the Berlin IFA exhibition was the only opportunity to obtain evidence of infringement”.

Roborock objected, pointing out significant omissions in Ecovacs’ application. In the main lawsuit complaint, Ecovacs had admitted that it could publicly purchase the allegedly infringing products through Amazon’s online store—a more direct means of evidence collection that was deliberately omitted in the urgent application. Therefore, the case lacked the urgency and uniqueness required for issuing emergency measures without hearing the opposing party’s arguments.

The UPC court upheld Roborock’s argument, noting that in ex parte proceedings, the court relies entirely on the applicant’s statements, imposing a highest standard of good faith obligation to disclose facts

completely and accurately. The court emphasized that the order would not have been issued had all facts been known in advance.

Source: PRIP Research

东京法院促成全球首例法院主导标准必要专利司法和解，谷歌Pixel禁令危机解除

近日，东京地方法院成功主导了韩国泛泰公司与谷歌之间的标准必要专利（SEP）全球纠纷达成司法和解，此为全球首例。该和解结束了双方在多国的诉讼，谷歌获得了泛泰全球SEP组合的许可，泛泰则撤回了包括针对Pixel手机在内的多项禁令申请。

本案的突破性在于法院开创了“法院主导型和解”模式。主审法官深度介入调解，依据FRAND原则提出许可费率建议，并成功引导双方接受，从而高效化解了僵局。此前，东京地方法院曾因认定谷歌谈判“缺乏善意”而颁发了日本首个SEP禁令，此次和解也解除了Pixel手机的市场准入风险。

业界专家指出，此案展现了日本法院在平衡权利人与实施者利益、解决复杂全球许可争端方面的高效与灵活性，可能提升日本作为专利诉讼地的吸引力。同时值得关注的是，法院在计算费率时仍沿用较为传统的“自上而下”方法，这与当前国际主流的“可比协议法”趋势存在差异。

来源：知产前沿

Tokyo Court Facilitates World's First Court-Led Judicial Settlement for Standard Essential Patents, Resolving Google Pixel Ban Crisis

Recently, the Tokyo District Court successfully facilitated a judicial settlement in the global standard essential patent (SEP) dispute between South Korea's Pantech and Google, marking the world's first such case. The settlement ended litigation between the parties in multiple countries, with Google obtaining a license to Pantech's global SEP portfolio and Pantech withdrawing several injunction applications, including those targeting Pixel phones.

The breakthrough in this case lies in the court's pioneering "court-led settlement" model. The presiding judge actively mediated the dispute, proposing licensing fee recommendations based on FRAND principles and successfully guiding both parties to accept them, thereby efficiently resolving the deadlock. Previously, the Tokyo District Court had issued Japan's first SEP injunction after finding Google's negotiations "lacked good faith." This settlement has also eliminated the market access risk for Pixel phones.

Industry experts note that this case demonstrates the efficiency and flexibility of Japanese courts in balancing the interests of rights holders and implementers and resolving complex global licensing disputes, potentially enhancing Japan's appeal as a patent litigation venue. Notably, the court still applied the relatively traditional "top-down" method when calculating licensing fees, which differs from the current international trend favoring the "comparable agreement" method.

Source: IP Frontiers

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