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### 市场监管总局附加限制性条件批准美国车桥制造控股有限公司收购道莱斯集团公众有限公司股权案

2026年1月16日，国家市场监督管理总局（“市场监管总局”）发布美国车桥制造控股有限公司（“美国车桥”）收购道莱斯集团公众有限公司（“道莱斯”）股权案反垄断审查决定，将附加限制性条件批准该项收购。根据《反垄断法》《经营者集中审查规定》等规定，市场监管总局从参与集中的经营者在相关市场的市场份额及其对市场的控制力、相关市场的市场集中度、集中对下游用户和其他有关经营者的影响等方面分析本集中的竞争影响，最终认定此项集中可能对中国境内汽车动力传输单元市场产生排除、限制竞争影响；可能对中国境内后驱模块市场产生排除、限制竞争影响；对中国境内汽车动力传输单元和后驱模块市场产生搭售等风险。市场监管总局将本案具有或可能具有排除、限制竞争效果的审查意见及时告知申报方，并认为申报方于2026年1月5日提交的附加限制性条件承诺方案可以有效减少此项经营者集中对竞争造成的不利影响，因此附加限制性条件批准本案集中。（[查看更多](#)）

### SAMR Approves American Axle Manufacturing’s Acquisition of Equity in Dowlais Group plc subject to Restrictive Conditions

On January 16, 2026, the State Administration for Market Regulation (“the SAMR”) released its merger review decision regarding the acquisition of equity in Dowlais Group plc (“Dowlais”) by American Axle Manufacturing, Inc. (“American Axle”), granting approval of the transaction subject to restrictive conditions. Pursuant to the *Anti-Monopoly Law of the People’s Republic of China* and the *Provisions on the Review of Concentrations of Undertakings*, the SAMR assessed the competitive impact of the concentration by examining, among other factors, the market shares and degree of market control of the undertakings participating in the concentration, the level of market concentration of relevant markets, and the impact of the concentration on downstream clients and other relevant business operators. The SAMR ultimately concluded that the transaction may have the effect of eliminating or restricting competition in the Chinese market for automotive power transmission unit; may have the effect of eliminating or restricting competition in the Chinese market for rear-wheel-drive modules; and may generate risks such as tying in the Chinese markets for automotive power transmission unit and rear-wheel-drive module markets. The SAMR timely communicated its review opinions regarding the actual or potential anticompetitive effects of excluding or restricting competition by the transaction to the notifying parties, and the SAMR further determined that the proposed commitments of attaching restrictive conditions, as submitted by the notifying parties on January 5, 2026, were capable of effectively mitigating the adverse effects on competition arising from the concentration. Accordingly, the SAMR approved the transaction subject to the implementation of such restrictive conditions. ([More](#))

### 市场监管总局发布《市场监督管理行政处罚案件违法所得认定办法》

2026年1月16日，市场监管总局发布《市场监督管理行政处罚案件违法所得认定办法》（“《办法》”）。《办法》共17条，明确了市场监管领域违法所得认定的基本原则、计算规则及疑难

问题的处理规则，为监管执法提供清晰指引。鉴于反垄断等市场监管领域执法案件的实际情况以及违法所得计算的复杂性，《办法》第十二条规定，市场监督管理部门可以委托具备专业核算能力且无利害关系的第三方机构开展违法所得核算、评估，以保障认定结果的客观公正，提升执法的规范化水平和社会公信力。（[查看更多](#)）

### ***SAMR Issues Measures on the Determination of Illegal Gains in Administrative Penalty Cases in fields of Market Regulation and Administration***

On January 16, 2026, the SAMR issued the *Measures for the Determination of Illegal Gains in Administrative Penalty Cases in fields of Market Regulation and Administration* (“*the Measures*”). The *Measures* comprise 17 articles and set out the basic principles, calculation rules, and approaches for addressing complex issues relating to the determination of illegal gains in the field of market regulation, thereby providing clear guidance for law enforcement activities of regulatory authorities. In light of the practical circumstances of enforcement cases in areas such as antitrust and other market regulation matters, as well as the inherent complexity involved in calculating illegal gains, Article 12 of *the Measures* provides that market regulation and administration authorities may entrust third-party institutions with professional accounting capabilities and no conflict of interest to conduct the calculation and assessment of illegal gains. This mechanism is intended to ensure the objectivity and fairness of determinations, enhance the standardization of enforcement practices, and strengthen public confidence in regulatory law enforcement. ([More](#))

### **市场监管总局依法对携程集团有限公司启动反垄断调查**

2026年1月14日，市场监管总局官网发布消息，称根据前期核查，依据《中华人民共和国反垄断法》，对携程集团有限公司涉嫌滥用市场支配地位实施垄断行为立案调查。（[查看更多](#)）

### **SAMR Launches an Antitrust Investigation into Trip.com Group according to the Laws**

On January 14, 2026, the SAMR announced on its official website that, following a preliminary review and pursuant to the Anti-Monopoly Law of the People’s Republic of China, it has formally opened an investigation into Trip.com Group Co., Ltd. for suspected monopolistic conduct involving the abuse of a dominant market position. ([More](#))

### **国务院反垄断反不正当竞争委员会办公室对外卖平台服务行业市场竞争状况开展调查、评估**

2026年1月9日，市场监管总局官网发布消息，称国务院反垄断反不正当竞争委员会办公室已于近日依据《中华人民共和国反垄断法》，对外卖平台服务行业市场竞争状况开展调查、评估。（[查看更多](#)）

### **State Council Anti-Monopoly and Anti-Unfair Competition Commission Office Conducts Review of Competition in the Food Delivery Platform Services Sector**

On January 9, 2026, the SAMR announced on its official website that, pursuant to *the Anti-Monopoly Law of the People's Republic of China*, the Office of the State Council Anti-Monopoly and Anti-Unfair Competition Commission has recently initiated an investigation and assessment of market competition conditions in the food delivery platform services industry. ([More](#))

### 法国竞争委员会对审计公司进行反垄断突袭检查

2026年1月14日，据媒体报道，法国竞争管理局近日在一项正在进行的反垄断调查中，对多家审计及财务报告服务机构实施了突击现场检查。据悉，法国竞争管理局进入相关公司经营场所并查扣了与审计及财务认证服务有关的文件资料。该局未披露涉案公司的具体名称，并指出调查仍处于初期阶段，上述检查措施并不当然意味着相关企业存在违法行为。（[查看更多](#)）

### French Competition Authority Conducts Antitrust Raids to Auditing Firms

On January 14, 2026, according to media reports, the French Competition Authority has recently conducted surprise raids on several auditing and financial reporting firms as part of an ongoing antitrust investigation. Reportedly, the French Competition Authority visited company premises and seizing documents linked to auditing and financial certification services. The regulator did not disclose the names of the firms involved, noting that the investigation was still at an early stage and that such actions do not imply wrongdoing. ([More](#))

### 巴西反垄断监管机构叫停WhatsApp的人工智能政策并启动反垄断调查

2026年1月13日，据媒体报道，巴西的反垄断监管机构巴西经济防御管理委员会（“CADE”）已经要求WhatsApp暂停实施一项AI相关政策，该政策限制第三方人工智能公司通过WhatsApp的商业API提供聊天机器人服务，并同时就该政策是否违反竞争法展开调查。根据CADE发布的声明，该机构正在审查更新后的WhatsApp商业解决方案条款是否属于限制竞争的行为；CADE将评估相关条款是否不公平地限制了竞争对手的访问权限，或为Meta旗下在WhatsApp上提供的自有聊天机器人Meta AI带来了不正当的竞争优势。据悉，本次反垄断审查将主要围绕这些限制是否超出运营服务的必要范围，以及是否对快速增长的AI聊天机器人市场的竞争机制造成扭曲。对WhatsApp此政策的监管审查并不仅限于巴西，此前欧盟及意大利均已针对此事启动反垄断调查。（[查看更多](#)）

### Brazil's Antitrust Regulator Halts WhatsApp AI Policy and Opens an Antitrust Investigation

On January 14, 2026, according to media reports, Brazil's antitrust regulator Administrative Council for Economic Defense (“CADE”) has ordered WhatsApp to suspend an AI-related policy which restricts third-party artificial intelligence companies from using the platform's Business API to provide chatbots; the CADE also launched an investigation into whether the rule violates competition laws. According to a statement from the CADE, the authority is examining whether the updated WhatsApp Business Solution Terms could amount to anti-competitive behavior; the CADE will assess whether the terms unfairly limit competitors' access or provide an undue advantage to Meta AI, Meta Platforms' own chatbot

available on WhatsApp. Reportedly, the antitrust investigation will focus on whether the restrictions go beyond what is necessary to operate the service and whether they distort competition in the fast-growing AI chatbot market. Regulatory scrutiny of the new terms is not limited to Brazil; previously the European Commission and Italy have both opened antitrust investigations into this issue. ([More](#))

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

### 中央网信办召开全国网络辟谣联动机制第三次全体会议

2026年1月16日，中央网络安全和信息化委员会办公室（以下简称“中央网信办”）在北京召开了全国网络辟谣联动机制第三次全体会议。会议总结了过去一年网络联动辟谣的工作成效。各单位认真落实了全国网络辟谣联动机制部署要求，健全工作体系、开展权威辟谣、创新辟谣宣传、强化依法打谣，推动联动辟谣各项工作取得积极进展。会议强调，要充分认识到做好网络辟谣工作，对健全网络综合治理体系、构建良好网络生态意义重大。会议部署了2026年联动辟谣重点工作，要求坚持强基固本，全面深化机制建设；构建工作闭环，着力提升辟谣实效；聚焦涉企辟谣，优化营商环境；迎接技术挑战，一体推进管治融合；践行群众路线，凝聚多元共治力量，以网络辟谣工作新成效，助力营造风清气正的网络空间。 ([查看更多](#))

### Central CAC Holds the Third Plenary Meeting of the National Online Rumor Refutation Coordination Mechanism

On January 16, 2026, the Office of the Central Cyberspace Affairs Commission (Central CAC) convened the third plenary meeting of the National Online Rumor Refutation Coordination Mechanism in Beijing. The meeting summarized the work achievements of coordinated online rumor refutation over the past year. All participating entities fully implemented the deployment requirements of the National Online Rumor Refutation Coordination Mechanism, improved the working system, issued authoritative rumor refutations, innovated rumor refutation publicity, and strengthened law-based crackdown on rumors, thus promoting positive progress in various coordination-based rumor refutation efforts. The meeting emphasized that it is of great significance to fully recognize the importance of doing a good job in online rumor refutation for improving the comprehensive internet governance system and fostering a sound online ecosystem. The meeting arranged the key tasks of coordinated rumor refutation for 2026, requiring all parties to adhere to consolidating the foundation and comprehensively deepen mechanism construction; establish a closed-loop workflow and strive to improve the effectiveness of rumor refutation; focus on rumor refutation related to enterprises and optimize the online business environment; meet technological challenges and advance the integration of regulation and governance in a coordinated manner; practice the mass line and pool the forces of diversified governance, so as to contribute to building a clean and upright cyberspace with new achievements in online rumor refutation work. ([More](#))

### 五部门联合发布《关于规范网络平台招聘类信息发布的通知》

2026年1月15日，中央网信办等五部门联合发布了《关于规范网络平台招聘类信息发布的通知》（以下简称《通知》），旨在进一步压实网络平台信息内容管理主体责任，规范招聘类信

息发布，防范虚假招聘信息误导求职者，维护求职者合法权益。《通知》内容包括：（1）加强网络招聘服务许可监管。（2）强化账号注册管理。（3）分类核验认证账号资质。（4）明示账号资质信息。（5）规范招聘信息格式标准。（6）严禁以招聘信息为名非法引流。（7）严肃处置违法违规账号。各级人力资源社会保障部门应加强对网络招聘行为的规范管理，对涉嫌违法违规的人力资源服务机构和非法职业中介机构，依法依规予以处理；各级网信部门应加强对网络平台的督促指导，强化招聘服务类账号管理及处置；各级电信主管部门应加强对提供号码保护服务应用平台的监管，降低求职用户手机号码泄露风险；各级公安机关应加强互联网安全监管，对有关违法犯罪行为进行立案侦查，形成震慑；各级金融监管部门应督促金融机构和地方金融组织加强贷款审核与风控机制建设，严格规范与网络平台的助贷业务合作，遏制培训贷风险。（[查看更多](#)）

### **Five Departments Jointly Issue the *Notice on Regulating the Publication of Recruitment-related Information on Internet Platforms***

On January 15, 2026, five departments including the Central CAC jointly issued the *Notice on Regulating the Publication of Recruitment-related Information on Internet Platforms* (Notice), aiming to further strengthen the primary responsibility of internet platforms for information content management, regulate the publication of recruitment-related information, prevent false recruitment information from misleading job seekers, and safeguard the legitimate rights and interests of job seekers. The contents of the Notice are as follows: (1) Strengthen supervision over permits for online recruitment services. (2) Intensify the management of account registration. (3) Conduct classified verification and authentication of account qualifications. (4) Clearly indicate account qualification information. (5) Standardize the format standards for recruitment information. (6) Strictly prohibit illegal traffic diversion in the name of recruitment information. (7) Seriously handle illegal and irregular accounts. Human resources and social security departments at all levels shall strengthen the standardized management of online recruitment activities, and deal with human resources service institutions and illegal employment intermediaries suspected of violations of laws and regulations in accordance with laws and regulations. Cyberspace administration departments at all levels shall strengthen supervision and guidance over internet platforms, and enhance the management and disposal of accounts providing recruitment services. Telecommunications regulatory authorities at all levels shall strengthen supervision over application platforms providing phone number protection services, so as to reduce the risk of disclosure of job seekers' mobile phone numbers. Public security organs at all levels shall strengthen internet security supervision, file cases for investigation into relevant illegal and criminal acts, and form a deterrent effect. Financial regulatory authorities at all levels shall urge financial institutions and local financial organizations to strengthen loan review and risk control mechanism construction, strictly regulate cooperation on loan facilitation services with internet platforms, and curb the risks of training-related loans. ([More](#))

### **交通运输部发布《交通运输数据安全管理办法（征求意见稿）》**

2026年1月14日，交通运输部发布了《交通运输数据安全管理办法（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2月13日。《办法》共七章四十五条，旨在规范交通运输数据处理活动，保障数据安全，促进数据要素安全合规流通和高效开发利用，保护个人、组织的合法权益，维护国家安全和公共利益。《办法》明确，将交通运输

数据划分为一般数据、重要数据、核心数据三个级别，其中一般数据从高到低分为一般3级数据、一般2级数据和一般1级数据。《办法》指出，交通运输数据处理者利用人工智能技术开展数据处理活动，应当在模型算法投入使用前，评估语料库、训练数据及算法的合理性、正当性、可解释性以及数据利用对相关主体合法权益的影响、伦理风险和防控措施有效性，保证数据处理安全合理、公平透明。《办法》规定，交通运输部统筹建立交通运输行业网络和数据安全风险监测预警与信息通报工作机制，省级交通运输主管部门建立本地区工作机制，加强与网信、公安、国家安全、数据管理等部门的信息共享。（[查看更多](#)）

### **Ministry of Transport Issues the *Measures for the Administration of Data Security in the Transport Sector (Draft for Comment)***

On January 14, 2026, the Ministry of Transport issued the *Measures for the Administration of Data Security in the Transport Sector (Draft for Comment)* (Measures) to solicit public comments, with the deadline for feedback set as February 13, 2026. Consisting of seven chapters and forty-five articles, the Measures aim to regulate data processing activities in the transport sector, safeguard data security, promote the safe and compliant circulation as well as efficient development and utilization of data elements, protect the legitimate rights and interests of individuals and organizations, and uphold national security and public interests. The Measures specify that transport data shall be classified into three levels, namely general data, important data and core data, among which general data is further categorized into Level-3 general data, Level-2 general data and Level-1 general data in descending order of sensitivity. The Measures point out that where transport data processors conduct data processing activities using artificial intelligence technologies, prior to the deployment of models and algorithms, they shall assess the rationality, legitimacy and interpretability of the corpus, training data and algorithms, as well as the impact of data utilization on the legitimate rights and interests of relevant entities, ethical risks and the effectiveness of prevention and control measures, so as to ensure that data processing is safe, reasonable, fair and transparent. The Measures stipulate that the Ministry of Transport shall coordinate the establishment of a working mechanism for cybersecurity and data security risk monitoring, early warning and information notification in the transport sector. Transport competent departments at the provincial level shall establish local working mechanisms and strengthen information sharing with relevant departments including cyberspace administration, public security, state security and data administration. ([More](#))

### **全国网安标委发布四项网络安全标准实践指南征求意见稿**

2026年1月13日，全国网络安全标准化技术委员会（以下简称“全国网安标委”）发布了四项网络安全标准实践指南征求意见稿，意见反馈截止时间为2026年1月27日。（1）《网络安全标准实践指南——人工智能应用安全指引 总则》：规定了人工智能应用安全总则，包括基本原则以及人工智能应用的前期规划、设计开发、验证确认、部署、运行和监控、持续验证评估、退役下线等各阶段的通用安全指引。（2）《网络安全标准实践指南——人工智能应用安全指引 广播电视和网络视听》：规定了广播电视和网络视听领域人工智能应用的基本安全要求，以及策划创作、制作播出、传输覆盖、集成分发等环节人工智能应用的安全要求。（3）《网络安全标准实践指南——用户使用人工智能服务安全指南》：给出了用户使用人工智能服务的安全指引，包括安全意识提升、安全使用指引、使用行为规范等。（4）《网络安全标准实践指南——

人工智能训练数据清洗安全指南》：给出了训练数据清洗活动的安全原则、风险识别维度、清洗方法和实施流程。（[查看更多](#)）

## TC260 Issues Four Drafts of Information Security Standard Practice Guides on Cybersecurity for Public Comment

On January 13, 2026, the National Technical Committee 260 on Cybersecurity of SAC (TC260) issued four drafts of information security standard practice guides on cybersecurity for public comment, with the deadline for feedback set as January 27, 2026. (1) *Information Security Standard Practice Guide - Security Guidelines for Artificial Intelligence Applications: General Principles*: It specifies the general principles for the security of artificial intelligence applications, including basic principles as well as general security guidelines for all stages of artificial intelligence applications such as preliminary planning, design and development, verification and validation, deployment, operation and monitoring, continuous verification and evaluation, and decommissioning and offline removal. (2) *Information Security Standard Practice Guide - Security Guidelines for Artificial Intelligence Applications: Broadcasting, Television and Online Audio-visual*: It specifies the basic security requirements for artificial intelligence applications in the field of broadcasting, television and online audio-visual, as well as the security requirements for artificial intelligence applications in links such as planning and creation, production and broadcasting, transmission and coverage, and integration and distribution. (3) *Information Security Standard Practice Guide - User Security Guidelines for Using Artificial Intelligence Services*: It provides security guidelines for users to use artificial intelligence services, including improvement of security awareness, safe usage guidelines, and standardization of usage behaviors. (4) *Information Security Standard Practice Guide - Security Guidelines for Artificial Intelligence Training Data Cleansing*: It sets out the security principles, risk identification dimensions, cleansing methods and implementation processes for training data cleansing activities. ([More](#))

## 上海网信办发布2025年执法典型案例

2026年1月16日，上海市网信办发布了2025年执法典型案例，涉及三大类型：（1）未依法履行网络数据安全主体责任，导致发生数据泄露。网络数据处理者在境内开展网络数据处理活动，应当加强网络数据安全防护，建立健全网络数据安全管理制度，采取相应技术措施和其他必要措施，保护网络数据免遭篡改、破坏、泄露或者非法获取、非法利用等，并对所处理网络数据的安全承担主体责任。网信部门办案中发现，部分涉案企业未能依法履行网络数据安全主体责任，未采取有效安全防护措施，致使网络数据遭到攻击窃取而泄露。（2）未落实网络数据跨境安全管理要求，导致数据违法违规出境。网络数据处理者向境外提供重要数据或个人信息，应当遵循合法正当必要原则，按照国家网信部门的规定，选择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等多种方式合规开展数据出境活动。网信部门办案中发现，部分涉案企业未能真正落实相关规定要求，导致数据违规出境造成个人信息安全风险。（3）未有效履行个人信息安全保护义务，导致个人信息权益受到侵害。网络数据处理者收集、处理个人信息，不得超范围收集个人信息，不得通过强制、误导、欺诈、胁迫等方式取得个人信息，并对收集的用户个人信息做好相应安全防护措施。网信部门办案中发现，部分涉案企业未能依法履行个人信息保护义务，违规收集、处理个人信息导致公民权益受到侵害。（[查看更多](#)）

## Cyberspace Administration of Shanghai Releases Typical Law Enforcement Cases of 2025

On January 16, 2026, the Cyberspace Administration of Shanghai released the typical law enforcement cases of 2025, which fall into three categories: (1) Failure to fulfill the primary responsibility for online data security in accordance with the law, leading to data leakage. Online data processors conducting online data processing activities within the territory shall strengthen online data security protection, establish and improve online data security management systems, take corresponding technical and other necessary measures to protect online data from tampering, damage, leakage, or illegal acquisition and utilization, and bear primary responsibility for the security of the online data they process. In handling cases, cyberspace administration departments found that some involved enterprises failed to fulfill their primary responsibility for online data security in accordance with the law and did not take effective security protection measures, resulting in online data being compromised due to hacking and theft, which led to data leakage. (2) Failure to comply with requirements for cross-border online data security management, leading to illegal and irregular outbound data transfer. When providing important data or personal information to overseas parties, online data processors shall abide by the principles of legality, legitimacy and necessity. In accordance with the provisions of national cyberspace administration departments, they shall select and adopt multiple compliant approaches for outbound data transfer, such as applying for security assessment for data outbound transfer, concluding standard contracts for personal information outbound transfer, and obtaining personal information protection certification. In handling cases, cyberspace administration departments found that some involved enterprises failed to truly implement the requirements of relevant provisions, leading to illegal and irregular outbound data transfer and creating personal information security risks. (3) Failure to effectively fulfill obligations for personal information security protection, leading to infringement on personal information rights and interests. When collecting and processing personal information, online data processors shall not collect personal information beyond the authorized scope, nor obtain personal information through coercion, misleading, fraud, duress or other improper means, and shall take appropriate security protection measures for the collected user personal information. In handling cases, cyberspace administration departments found that some involved enterprises failed to fulfill their personal information protection obligations in accordance with the law and illegally collected and processed personal information, thus infringing on citizens' rights and interests. ([More](#))

### 英国：ICO更新《个人信息国际传输指引》

2026年1月15日，英国信息专员办公室（ICO）更新了《个人信息国家传输指引》（以下简称《指引》），以帮助企业更快地理解和遵守《英国通用数据保护条例》下的传输规定。此次更新的《指引》清晰阐述了关键要求，降低了复杂性，并支持个人信息的安全传输，体现了ICO对促进创新与经济增长的承诺。精简后的《指引》为各组织制定了明确的“三步测试法”，用于判断是否涉及受限传输。ICO还新增了内容，针对各组织普遍存在疑问的领域提供明确解释。针对多层传输场景的复杂性，新增了关于角色与责任的内容说明。此外，简要指南、快速参考问答表和术语表将为缺乏国际传输专业知识或经验的机构提供支持。此次更新是ICO持续完善指引项目的一部分，后续将进一步拓展指引内容，包括传输风险评估方法，以及关于国际数据传输协议和云服务的补充指引。ICO计划增加交互式工具，帮助机构识别是否涉及受限传输，并提供更多反映全球传输场景复杂性的案例研究。 ([查看更多](#))

## UK: ICO Updates the *Guidance on International Transfers of Personal Information*

On January 15, 2026, the UK Information Commissioner's Office (ICO) updated the *Guidance on International Transfers of Personal Information* (Guidance), making it quicker for businesses to understand and comply with the transfer rules under *UK General Data Protection Regulation*. The streamlined Guidance sets out a clear 'three step test' for organizations to use to identify if they're making restricted transfers and ICO added new content to help provide clarity on areas ICO knows organizations have questions on. Additional new content has been added on roles and responsibilities, which reflects the complexity of multi-layered transfer scenarios. In addition, a brief guide, quick reference FAQs and a Glossary will support organizations which don't have specialist knowledge or experience in making international transfers. The update is part of an ongoing project which will further develop parts of ICO's guidance, such as approach to transfer risk assessments (TRAs), and additional guidance on the international data transfer agreement (IDTA) and cloud services. ICO also plans to add an interactive tool to help organizations identify whether they're making a restricted transfer, and more examples and case studies that reflect the complexity of global transfer scenarios. ([More](#))

## 美国：美国众议院通过《远程访问安全法案》

2026年1月12日，美国众议院通过了《远程访问安全法案》，旨在关闭立法者所称的“云服务漏洞”，以限制外国对手远程获取包括人工智能芯片在内的美国技术。根据美国众议院美中战略竞争特别委员会的网站，该委员会声称，该法案扩大了联邦政府限制外国对手通过云计算服务远程获取包括人工智能芯片在内的技术能力的权力，从而更新了《出口管制改革法案》。据该委员会官网，美中战略竞争特别委员会主席、该法案的共同提案人约翰·穆勒纳尔表示，“这项法案使我们的法律进入数字时代，并明确指出云计算要受到美国出口管制法的约束，就像物理芯片一样。堵塞这些漏洞将加强美国国家安全并保护美国创新。” ([查看更多](#))

## US: U.S. House of Representatives Passes the *Remote Access Security Act*

On January 12, 2026, the U.S. House of Representatives passed the *Remote Access Security Act*, which aims to close what lawmakers claimed as a “cloud loophole” to limit foreign adversaries gaining remote access to US technologies including AI chips. The committee claimed that the bill modernizes the *Export Control Reform Act* by expanding federal authority to restrict foreign adversaries' ability to access technologies, including AI chips, remotely through cloud computing services, according to the website of the US House select committee on strategic competition with China. As posted on the committee's official website, Select Committee on China Chairman John Moolenaar, a cosponsor of the legislation, commented, “This bill brings our laws into the digital age and makes it clear that cloud compute is subject to US export control law, just like physical chips. Closing these loopholes will strengthen US national security and protect American innovation.” ([More](#))

## 知识产权 Intellectual Property

最高法：二审改判，全额支持 2250 万诉请，明晰软件著作权侵权举证、认定规则

近日，最高人民法院二审审结北京英福美公司与某某（中国）有限公司等四被上诉人及某某医院侵害计算机软件著作权纠纷案，撤销一审判决，全额支持英福美公司诉请。

法院查明，英福美公司提交涉案“i-DiaPro 血液透析电子病历系统”V3.0的著作权登记证书、开发文件、源代码等完整证据链，完成权属初步举证；被上诉人吴某某在职期间具备接触涉案软件源代码的条件，被诉侵权软件存在多重异常相似点，四被上诉人有刻意规避行为，某某医院实际使用侵权产品。

法院明确，原告已完成权属初步举证。被告仅抽象质疑数据可能被修改但未能提供反证的，应承担举证不能之后果。员工在职期间具备接触条件即可认定接触可能，多重异常相似点可认定实质性相似。被诉侵权人无法合理解释的，即可认定侵权成立。最终判令四被上诉人停止侵权、连带赔偿 2250 万元及合理开支 20 万元，某某医院停止使用侵权产品。

来源：最高人民法院

### **Supreme People's Court: Second-Instance Judgment Overturned, Full Claim of 22.5 Million RMB Supported, Clarifying Rules for Evidence Presentation and Determination in Software Copyright Infringement**

Recently, the Supreme People's Court (SPC) concluded the second-instance trial of the computer software copyright infringement. The court revoked the first-instance judgment and fully upheld the claims filed by Plaintiff.

The court found that Plaintiff had submitted a complete chain of evidence including the copyright registration certificate, development documents, and source code of the disputed i-DiaPro Hemodialysis Electronic Medical Record System V3.0, thereby fulfilling the prima facie burden of proof regarding ownership of the software. Defendant Mr. Wu had the access to the source code of the disputed software during his employment. The alleged infringing software showed multiple unusual similarities to the copyrighted software. The four Defendants had committed acts of deliberate circumvention, and the other Defendant, the hospital, had actually put the infringing products into use.

The court clarified that the Plaintiff had performed its prima facie burden of proof on the ownership of the software copyright. If the Defendants merely raised abstract allegations that the data might have been tampered with but failed to provide counterevidence, they shall bear the consequences of failure to discharge the burden of proof. The mere fact that an employee had access to the copyrighted software during employment is sufficient to establish the possibility of access; multiple unusual similarities between the two software programs may serve as the basis for determining substantial similarity. If the alleged infringers are unable to provide a reasonable explanation for the aforesaid circumstances, copyright infringement may be determined to be established. The court ultimately ruled that the four appellees shall cease the infringement, and bear joint and several liability for compensating the plaintiff RMB 22.5 million in damages plus RMB 200,000 for reasonable expenses; the Hospital shall cease the use of the infringing products.

Source: SPC

## 最高法：明确他人擅自泄密情形下不丧失新颖性宽限期声明规则

近日，最高人民法院知识产权法庭审结一起外观设计专利行政纠纷上诉案，明确了以“他人未经同意泄露”为由提出不丧失新颖性宽限期的声明期限及起算点的裁判规则。

法院查明，海某公司的“震动按摩枪”专利被诉无效，无效证据为一则NBA比赛直播视频，显示相关产品在专利申请日前被公开使用。海某公司在得知该视频证据后，未在法定期限内主张新颖性宽限，直至专利被宣告无效后方才提出声明。

法院认为，为保障公众预期并督促权利人及时行使权利，无论专利处于审查或无效阶段，提出宽限期声明均应适用两个月的法定期限。该期限的起算点，是权利人“知道或应当知道”泄密客观事实发生之时，而非其知晓该事实被官方确认为“专利法意义上的公开”之日。该期限规则适用于无效宣告程序。海某公司声明超期，故维持原判。

来源：最高人民法院

## Supreme People's Court: Clarifies Rules on Declaration of Grace Period for Non-Loss of Novelty in Cases of Unauthorized Disclosure by Others

Recently, SPC concluded an appeal case involving an administrative dispute over a design patent. SPC clarified the adjudication rules regarding the declaration period and its commencement point for claiming a grace period for non-loss of novelty on the grounds of "unauthorized disclosure by others."

The court found that the "Vibration Massage Gun" patent held by Company H was asserted to be invalid. The invalidation evidence was a live broadcast video of an NBA game, which demonstrated that the relevant product had been publicly used prior to the patent application date. After becoming aware of this video evidence, Company H failed to claim the novelty grace period within the statutory time limit, only submitting a declaration after the patent had been declared invalid.

SPC held that, in order to safeguard public expectations and prompt right holders to exercise their rights in a timely manner, the two-month statutory period for submitting a grace period declaration applies irrespective of whether the patent is in the examination or invalidation stage. The commencement point of this period is when the right holder "knew or should have known" the objective fact of the disclosure, not when they became aware that such fact had been officially recognized as a "disclosure under the Patent Law." This time limit rule applies to invalidation proceedings. As Company H's declaration was filed beyond the prescribed period, the original judgment was upheld.

Source: SPC

## 最高法：二审维持，涉制造业SEP“专利埋伏”案，未披露专利信息构成权利滥用

近日，最高人民法院知识产权法庭审结一起涉标准必要专利（SEP）的侵权纠纷上诉案，认定专利权人参与国标制定却未披露专利的行为构成权利滥用，终审驳回其全部诉讼请求。

法院查明，上诉人安徽欣意公司作为主要起草单位，在参与制定一项电缆领域的国家标准期间，主动将其涉案专利技术方案纳入标准，但始终未依照规定披露该专利信息。随后，其关联公司以被上诉人河北华伦公司执行该国家标准为由，提起专利侵权诉讼。

法院认为，专利权行使须遵循诚实信用原则。欣意公司参与标准制定时隐瞒专利，事后又针对标准实施者主张权利，该行为违反了专利信息披露义务，有悖于标准制定的公共利益属性，构成滥用专利权。其维权主张缺乏正当性，不应受到法律保护。据此，法院判决驳回上诉、维持原判。

来源：最高人民法院

### **Supreme People's Court: "Patent Ambush" Case Involving Manufacturing SEPs; Failure to Disclose Patent Information Constitutes Abuse of Rights**

Recently, SPC concluded an appeal case involving infringement of a Standard-Essential Patent (SEP). The SPC determined that the patentee's act of participating in the formulation of a national standard without disclosing the patent constituted an abuse of rights, and ultimately dismissed all its claims.

The court found that the appellant, Anhui Xinyi Company, as a primary drafting unit, proactively incorporated the technical solution of its involved patent into a national standard in the cable field during the standard-setting process, but consistently failed to disclose the patent information as required. Subsequently, its affiliated company filed a patent infringement lawsuit against the appellee, Hebei Hualun Company, on the grounds that the latter implemented said national standard.

SPC held that the exercise of patent rights shall adhere to the principle of good faith. Xinyi Company concealed the patent during its participation in the standard-setting process and later asserted rights against implementers of the standard. This conduct violated the obligation to disclose patent information, contradicted the public-interest nature of standard-setting, and constituted an abuse of patent rights. Its claim for protection lacked legitimacy and should not be protected by law. Accordingly, the court dismissed the appeal and upheld the original judgment.

Source: SPC

### **北京高院：最高检抗诉后改判，明确在先使用抗辩不等于在先字号权益**

近日，北京市高级人民法院审结一起经最高人民检察院抗诉的商标权无效宣告请求行政纠纷再审查案，判决撤销原二审判决，支持诉争商标“华美牙科”的延伸注册。

法院查明，成都华美公司注册了第44类“华美牙科”商标，重庆华美公司以其损害在先字号权益为由请求宣告无效。该案历经一审、二审、再审及最高检抗诉后的二次再审。

法院认为，需严格区分《商标法》中的“在先使用抗辩”与“在先字号权益”，前者不能直接推导出后者。成都华美公司的“华美牙科”商标是对其已有一定知名度的基础商标的正当延伸注册，具有合理性。且该商标核定的“牙科、医疗诊所服务”与重庆华美公司主营的“整形美容

容”服务不构成类似，不易导致混淆。据此，北京高院最终判决撤销原一、二审判决及国家知识产权局裁定，并要求就无效宣告请求重新作出裁定。

来源：北京市高级人民法院

## Beijing High People's Court: Judgment Modified Following SPP Protest; Clarifying That Prior Use Defense Does Not Equate to Prior Trade Name Rights

Recently, the Beijing High People's Court concluded a retrial case involving an administrative dispute over a trademark invalidation request, which was protested by the Supreme People's Procuratorate (SPP). The court ruled to revoke the original second-instance judgment and supported the extension registration of the disputed trademark "Huamei Dental" .

The court ascertained that Chengdu Huamei Company had registered the trademark "Huamei Dental" in Class 44. Chongqing Huamei Company subsequently filed a request to declare the trademark invalid, claiming it infringed upon its prior trade name rights. The case underwent first-instance and second-instance trials, followed by a retrial and a second retrial after the SPP's protest.

The court held that a clear distinction must be made between the "prior use defense" and "prior trade name rights" under the Trademark Law, as the former does not directly establish the latter. Chengdu Huamei's registration of the "Huamei Dental" trademark constituted a legitimate extension of its existing, somewhat well-known, basic trademark and was therefore reasonable. Furthermore, the services approved for the trademark, namely "dental services, medical clinic services," were not similar to the "plastic surgery and cosmetic services" primarily offered by Chongqing Huamei Company, and were unlikely to cause confusion. Accordingly, the Beijing High People's Court ultimately ruled to revoke the original first and second-instance judgments as well as the ruling made by the China National Intellectual Property Administration, and ordered a new ruling to be made regarding the invalidation request.

Source: Beijing High People's Court

## 沈阳中院：获虚假授权使用“熊出没”相关元素，构成著作权侵权及不正当竞争

近日，沈阳中院审结一起涉“熊出没”著作权侵权及不正当竞争纠纷案，认定被告行为构成侵权及不正当竞争，判决其赔偿损失。

法院查明，原告华强方特公司是《熊出没》系列动画片的出品方，享有“熊大”“熊二”等动漫形象的美术作品著作权，已将相关元素排他授权给维达纸业。被告通过河南某公司获得虚假授权，在其纸巾产品包装及网店页面使用与“熊大”“熊二”实质性相似的形象，且标注“熊出没”相关作品名称及联名字样。

法院认为，被告行为构成对涉案美术作品的复制与发行，侵犯著作权；其擅自使用知名作品名称牟利，易引人混淆，构成不正当竞争。据此，判令被告停止侵权行为，并赔偿原告经济损失及合理维权费用共计 50 余万元。

来源：沈阳市中级人民法院

## **Shenyang Intermediate People's Court: Use of "Boonie Bears" Elements Based on Fraudulent Authorization Constituting Copyright Infringement and Unfair Competition**

Recently, the Shenyang Intermediate People's Court concluded a case involving copyright infringement and unfair competition related to "Boonie Bears." The court affirmed that the defendant's acts constituted infringement and unfair competition, and ordered it to pay damages.

The court ascertained that the plaintiff, Shenzhen Fantawild, is the producer of the Boonie Bears animated series and owns the copyright in the artistic works for the cartoon characters "Briar" and "Bramble." It had exclusively licensed the related elements to Vinda Paper. The defendant, having obtained a fraudulent authorization from a company in Henan province, used images substantially similar to "Briar" and "Bramble" on its tissue product packaging and online store pages, and marked them with the titles of works related to "Boonie Bears" and wording indicating a collaboration.

The court held that the defendant's acts constituted reproduction and distribution of the involved artistic works, thereby infringing the copyright. Furthermore, its unauthorized use of the names of well-known works for profit was likely to cause confusion among the public and constituted unfair competition. Accordingly, the court ordered the defendant to cease the infringing acts and compensate the plaintiff for economic losses and reasonable enforcement costs, totaling over RMB 500,000.

Source: [Shenyang Intermediate People's Court](#)

## **福建高院：二审维持，认定“天猫”图形商标为驰名商标，判令五被告停止侵权并连带赔偿200万元**

近日，福建省高级人民法院就（2025）闽民终361号上诉人厦门广盛通节能科技有限公司等与被上诉人阿里巴巴集团控股有限公司、浙江天猫网络有限公司侵害商标权纠纷一案作出终审判决。

法院审理查明，被上诉人阿里巴巴集团与天猫公司是第21774503号“”图形商标等涉案商标的权利人。涉案商标经长期持续使用与广泛宣传，在相关公众中已具有很高知名度。五被告在其生产、销售的插线板等商品上使用了与原告图形商标相同或近似的猫头图案标识。

法院认为，猫头图形商标与“天猫”文字商标形成稳定对应、知名度可互相辐射，应认定为驰名商标；电商场景下该使用属于商标性使用，出借资质构成帮助侵权。据此，判令被告停止侵权，广盛通公司等连带赔偿200万元（含合理费用），陈某滨对其中20万元承担连带责任。

来源：[福建省高级人民法院](#)

## **Fujian High People's Court: Recognizing "Tmall" Device Mark as Well-Known Trademark; Ordering Five Defendants to Cease Infringement and Jointly Compensate RMB 2 Million**

Recently, the Fujian High People's Court issued a final judgment in the case (2025) Min Min Zhong No. 361, concerning a trademark infringement dispute between the appellants Xiamen Guangshengtong Energy-Saving Technology Co., Ltd. et al. and the appellees Alibaba Group Holding Limited and Zhejiang Tmall Network Co., Ltd.

The court affirmed that the appellees Alibaba Group and Tmall Company are the rights holders of the involved trademarks, and through long-term and continuous use as well as extensive promotion, the involved trademarks have acquired a high degree of recognition among the relevant public. The five defendants used a cat-head logo identical or similar to the plaintiff's figurative mark on goods they produced and sold, such as power strips.

The court held that the cat-head figurative mark and the word mark "Tmall" have formed a stable correspondence, and their fame can be mutually reinforced; therefore, it should be recognized as a well-known trademark. The use in the e-commerce context constitutes trademark use, and the lending of business qualifications constitutes contributory infringement. Accordingly, the court ordered the defendants to cease the infringement, with Guangshengtong Company et al. jointly liable for compensation of RMB 2 million (including reasonable costs), and Chen Moubin jointly liable for RMB 200,000.

Source: Fujian High People's Court

### 苏州中院：明确植物新品种司法鉴定以田间观察检测为准，驳回甘蓝品种侵权索赔

近日，苏州市中级人民法院审结一起侵害植物新品种权纠纷案，在基因检测与田间观察检测结论不一致时，采纳田间结论，认定“华奇”甘蓝未侵害“探春”甘蓝品种权，驳回原告嘉某公司100万元赔偿诉请。

法院查明，“探春”甘蓝由江苏省农科院培育并登记，嘉某公司获其独占实施许可及维权授权。2022年，嘉某公司公证购买“华奇”种子，基因检测判定二者疑同，遂诉网店经营者与耕某公司。法院启动双鉴定，田间观察检测显示二者在外叶形状、裂球性等性状存在显著差异。

法院认为，依《种子法》及相关司法解释，植物新品种权授权以田间DUS（特异性、一致性、稳定性）测试为依据，分子标记检测核心位点与田间性状未必对应，故田间观察检测结论应优先适用。虽耕某公司“华奇”未登记销售不规范，但不构成侵权。据此，法院判决驳回嘉某公司全部诉讼请求。

来源：苏州市中级人民法院

### Suzhou Intermediate People's Court: Clarifying that Judicial Appraisal of New Plant Varieties Relies on Field Observation Tests, Dismisses Cabbage Variety Infringement Claim

Recently, the Suzhou Intermediate People's Court concluded a case involving infringement of new plant variety rights. When the conclusions from genetic testing and field observation testing were incon-

sistent, the court adopted the field-based findings. It ruled that the "Huaqi" cabbage variety did not infringe upon the variety rights of the "Tanchun" cabbage, thereby dismissing the plaintiff Company J's claim for RMB 1 million in damages.

The court ascertained that the "Tanchun" cabbage was bred and registered by the Jiangsu Academy of Agricultural Sciences. Company J obtained an exclusive implementation license and rights enforcement authorization for it. In 2022, Company J made a notarized purchase of "Huaqi" seeds. Genetic testing indicated a suspected identity between the two varieties, which led to a lawsuit against the online store operator and Company G. The court initiated a dual appraisal process. Field observation testing revealed significant differences between the two varieties in traits such as outer leaf shape and head-splitting tendency.

The court held that, according to the Seed Law and relevant judicial interpretations, the grant of new plant variety rights is based on field DUS (Distinctness, Uniformity, Stability) testing. Molecular marker detection of core loci does not necessarily correspond to field phenotypic traits; therefore, the conclusion from field observation testing should be given precedence. Although Company G's sale of the unregistered "Huaqi" variety was non-compliant, it did not constitute infringement. Accordingly, the court dismissed all of Company J's claims.

Source: Suzhou Intermediate People's Court

## 美国法院命令Onesta撤回在德专利诉讼，宝马与Onesta专利纠纷管辖权之争升级

2026年1月13日，美国德克萨斯州联邦法院作出裁决，准许了宝马公司提出的禁诉令动议，命令非专利实施实体Onesta IP立即撤回其在德国慕尼黑法院提起的两项美国专利侵权诉讼。

此前，Onesta于2025年10月在德国慕尼黑起诉宝马，主张其出口至美国的车机芯片侵犯两项美国专利。宝马随后在美提起确权之诉，指控Onesta进行“域外择地行诉”，试图利用德国法院程序绕过美国严格的禁令标准以达成高额和解。法院认为，美国专利理应在美审理，Onesta的行为可能侵犯美国司法权威，故将临时限制令转换为初步禁令。

此案凸显了专利权人为规避美国eBay案确立的严格禁令标准而转向欧洲法院的策略。若Onesta的上诉未能推翻此裁决，该案可能成为限制此类跨国管辖选择的先例。Onesta已表示将向美国联邦巡回上诉法院提出紧急上诉。

来源：知产前沿

## U.S. Court Ordering Onesta to Withdraw Patent Lawsuits in Germany, Escalating Jurisdictional Battle Between BMW and Onesta

On January 13, 2026, a U.S. federal court in Texas ruled in favor of BMW's motion for an anti-suit injunction, ordering the non-practicing entity (NPE) Onesta IP to immediately withdraw the two U.S. patent infringement lawsuits it had filed with the Munich Regional Court in Germany.

Previously, in October 2025, Onesta sued BMW in Munich, Germany, alleging that the car infotainment chips exported by BMW to the United States infringed two U.S. patents. BMW subsequently filed

a declaratory judgment action in the U.S., accusing Onesta of "forum shopping abroad"—attempting to leverage German court procedures to circumvent the strict injunction standards of the U.S. and secure high-value settlements. The court held that U.S. patents should be litigated in the U.S., and that Onesta's actions could undermine U.S. judicial authority. Consequently, the court converted a temporary restraining order into a preliminary injunction.

This case highlights a strategy adopted by some patent holders to sidestep the strict injunction standards established by the U.S. Supreme Court in *eBay v. MercExchange* by turning to European courts. If Onesta's appeal fails to overturn this ruling, the case could set a precedent limiting such cross-border jurisdictional tactics. Onesta has indicated it will file an emergency appeal with the U.S. Court of Appeals for the Federal Circuit.

Source: [Intellectual Property Front](#)

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