



# NEWSLETTER

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### Weekly News By Lifang & Partners

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## 立方竞争法周报 Weekly Competition Law News

### 市场监管总局召开2026年第一次企业公平竞争座谈会

2026年3月26日，国家市场监督管理总局（“市场监管总局”）召开2026年第一次企业公平竞争座谈会，围绕“规范企业竞争行为，构建企业出海良性竞争生态”主题，与五矿集团、中建集团、宁德时代、比亚迪、奇瑞汽车、滴滴、美团等企业有关负责人深入交流，听取意见建议。市场监管总局副局长孟扬出席会议，强调市场监管总局将加强反垄断执法，加强企业合规指导，深入整治“内卷式”竞争，深化竞争领域制度型开放，更大力度支持企业开拓国际市场、实现高质量发展。（[查看更多](#)）

### SAMR Holds First Fair Competition Roundtable for Enterprises in 2026

On March 26, 2026, the State Administration for Market Regulation (“the SAMR”) convened the first fair competition roundtable for enterprises of 2026. Centered on the theme of “regulating companies’ competitive conduct and fostering a sound competitive ecosystem for companies expanding overseas,” the roundtable brought together senior representatives from enterprises including China Minmetals Corporation, China State Construction Engineering Corporation, CATL, BYD, Chery Automobile, Didi, and Meituan to exchange views and offer suggestions. MENG Yang, Vice Minister of the SAMR, attended the roundtable and emphasized that the SAMR will strengthen antitrust enforcement, enhance guidance on corporate compliance, intensify efforts to address “rat-race” competition, deepen institutional opening-up in the competition field, and further support enterprises in expanding into international markets and achieving high-quality development. ([More](#))

### 上海市市场监管局开展平台企业合规辅导

2026年3月26日，上海市场监管微信公众号发布上海市市场监管局开展平台企业合规辅导相关情况。本次反垄断合规辅导活动，重点宣贯、解读《互联网平台反垄断合规指引》等规定；拼多多、携程、美团等40余家重点平台企业法务、合规及业务负责人参加会议。本次活动以示例方式为平台经营者列举了平台间算法共谋，组织帮助平台内经营者达成垄断协议，平台不公平高价，平台低于成本销售，封禁屏蔽，“二选一”行为，“全网最低价”和平台差别待遇共八种风险，这八种风险示例是对互联网平台具体场景中垄断风险的明确提示，涉及数据传输，算法适用，服务定价，搜索排序，推荐展示，流量分配，补贴优惠等多种平台经营活动。培训强调，平台企业要切实履行主体责任，将反垄断合规融入日常经营管理：一是健全内部合规管理体系，定期开展反垄断风险自查与评估；二是加强规则审查与算法筛查，杜绝通过平台规则、算法技术排除限制竞争的行为；三是强化合规培训，提升员工风险防范能力，筑牢合规经营底线。（[查看更多](#)）

### Shanghai AMR Conducts Compliance Guidance for Platform Enterprises

On March 26, 2026, the official WeChat account of the Shanghai Administration for Market Regulation (“**Shanghai AMR**”) released information regarding its compliance guidance activities for platform enterprises. The antitrust compliance guidance event focused on publicizing and interpreting regulations such as *the Guidelines on Antitrust Compliance for Internet Platforms*. More than 40 major platform enterprises, including Pinduoduo, Ctrip, and Meituan, participated, with representatives from legal, compliance, and business departments in attendance, identifying eight key risk scenarios in an example-based format, including algorithmic collusion among platforms, facilitation of monopoly agreements among operators within the platform, unfair high pricing by the platform, sales of below-cost pricing by the platform, blocking or restriction practices, “either-or” exclusive dealing conduct, “lowest price across the internet” practices, and differential treatment by platforms. These examples highlight antitrust risks in specific internet platform contexts, involving activities such as data transmission, algorithm application, service pricing, search ranking, recommendation display, traffic allocation, and subsidies or discounts. The guidance event also emphasized that platform enterprises should effectively fulfill their primary responsibilities by integrating antitrust compliance into daily operations: (i) establishing and improving internal compliance systems, and regularly conducting antitrust risk self-assessments and evaluations; (ii) strengthening rule review and algorithm screening to prevent exclusionary or restrictive practices through platform rules or algorithmic technologies; and (iii) enhancing compliance training to improve employees’ risk prevention capabilities and uphold compliance as a baseline for operations. ([More](#))

### 市场监管总局发布《公平竞争审查条例实施办法（修正草案征求意见稿）》

2026年3月24日，市场监管总局发布《公平竞争审查条例实施办法（修正草案征求意见稿）》并公开征求意见。自2024年8月1日《公平竞争审查条例》实施以来，市场监管总局认真推动贯彻落实；但在工作实践中，一些地方和部门审查责任压不实、审查机制不健全、审查能力跟不上等问题逐步显现，一定程度上影响了制度实施效果。在修正过程中，市场监管总局深入总结实践经验、扎实开展调查研究、广泛征求各方意见，主要围绕健全审查机制、规范审查程序、强化监督保障等方面对《实施办法》进行修改完善，共作出12处修正、新增2条规定，分别对应第一章总则、第二章审查标准、第三章审查机制和审查程序、第四章监督保障和第五章附则部分的相关内容。（[查看更多](#)）

### **SAMR Releases Draft Amendments to the Implementing Measures for the Fair Competition Review Regulations (for public comment)**

On March 24, 2026, the SAMR issued *the Draft Amendments to the Implementing Measures for the Fair Competition Review Regulations (for public comment)* (“**the Draft Amendment**”). Since the implementation of *the Fair Competition Review Regulations* on August 1, 2024, the SAMR has actively promoted their implementation. However, in practice, issues have emerged in some localities and departments, such as weak accountability for review, imperfect review mechanisms, and insufficient review capacity, which have to some extent affected the effectiveness of the system. In the revising process, the SAMR drew on practical experience, conducted solid research, and solicited broad input from multiple stakeholders. *The Draft Amendment* primarily aims to improve review mechanisms, standardize review procedures, and strengthen supervision and safeguards. A total of 12 revisions and 2 new provisions have been made, covering the General Provisions (Chapter I), Review Standards (Chapter II), Review Mechanisms and Procedures (Chapter III), Supervision and Safeguards (Chapter IV), and Supplementary Provisions (Chapter V). ([More](#))

## 市场监管总局举办2026年第一期反垄断合规讲堂

2026年3月24日，市场监管总局在北京举办2026年第一期反垄断合规讲堂，聚焦新修改的《禁止垄断协议规定》，以“制度解读+实务指导”的形式，对反垄断“安全港”制度及执法实践开展深度宣介，引导经营者准确把握竞争规则、提升合规能力。本次讲堂围绕“安全港”制度的立法目标、适用标准、适用范围及内在逻辑，结合国内外立法实践与典型案例，深入解析执法逻辑与合规要点，为汽车、医药、食品等重点行业经营者明晰依法竞争边界，提供精准合规指引。市场监管总局相关司局和直属单位、北京知识产权法院、上海知识产权法院、相关行业协会商会及100余家企业通过线下线上方式参加活动。（[查看更多](#)）

## SAMR Holds First Antitrust Compliance Lecture of 2026

On March 24, 2026, the SAMR held its first antitrust compliance lecture of 2026 in Beijing. Focusing on the newly revised *Provisions on the Prohibition of Monopoly Agreements*, the lecture adopted a format combining “institutional interpretation plus practical guidance” to provide an in-depth introduction to the antitrust “safe harbor” system and enforcement practices, and to guide market participants in accurately understanding competition rules and enhancing compliance capabilities. The lecture systematically explained the legislative objectives, application standards, scope of application, and underlying logic of the “safe harbor” system, and, drawing on both domestic and international legislative practice and typical cases, analyzed law enforcement logic and key compliance points. It provided targeted guidance for enterprises in key industries such as automotive, pharmaceuticals, and food, helping them clearly define the boundaries of lawful competition. Representatives from relevant departments and affiliated bodies of the SAMR, the Beijing Intellectual Property Court, the Shanghai Intellectual Property Court, industry associations and chambers of commerce of relevant industries, and more than 100 enterprises participated in the event both online and offline. ([More](#))

## 北京市市场监督管理局等三部门联合约谈12家平台企业 通报第一批“内卷式”竞争综合整治发现的问题

2026年3月23日，北京市市场监管局联合市商务局、市文化和旅游局，依法约谈和行政指导携程、高德、抖音、快手等十二家平台企业，集中通报开展平台“内卷式”竞争综合整治以来发现的第一批问题，并提出整改要求。自2025年10月起，北京市以住宿、餐饮行业为切口，开展平台“内卷式”竞争综合整治；目前第一批问题主要有四个方面：侵害商家自主经营权、设置不合理规则、虚假宣传行为以及部分平台合规经营管理体系存在的短板。约谈会上，市场监管部门向相关平台送达《行政告诫书》，要求严格落实主体责任，限期整改相关问题；保护平台内经营者和消费者合法权益，禁止强制或变相强制平台内经营者按照其定价规则，以低于成本的价格销售商品，扰乱市场竞争秩序。对涉嫌违法问题，有关部门将深入调查、依法查处，涉及京外平台企业的，依法移送属地市场监管部门调查。（[查看更多](#)）

## Three Departments including the Beijing AMR Hold Regulatory Interviews with 12 Platform Enterprises, Notify Issues Identified in the First Round of Rectification for “Rat-race” Competition

On March 23, 2026, the Beijing Administration for Market Regulation (“the Beijing AMR”), together with the Municipal Bureau of Commerce and the Municipal Bureau of Culture and Tourism, conducted regulatory interview meetings and provided administrative guidance, in accordance with the law, to twelve platform enterprises including Ctrip, Amap, Douyin, and Kuaishou; the authorities presented a centralized briefing on the first batch of issues identified since the launch of first round of rectification for “rat-race” competition among platforms, and put forward corresponding rectification requirements. Since October 2025, Beijing has carried out a comprehensive campaign against “rat-race” competition, initially focusing on the accommodation and catering sectors. The first batch of identified issues mainly falls into four categories: infringement of merchants’ autonomy in business operations, the imposition of unreasonable platform rules, false or misleading promotional practices, and deficiencies in the compliance management systems of certain platforms. At the interview meeting, market regulation authorities served Administrative Admonition Letters on the relevant platforms, requiring them to strictly fulfill their primary responsibilities and complete rectifications within a prescribed time limit; platforms were also instructed to safeguard the lawful rights and interests of both operators and consumers on their platforms, and to refrain from forcing or covertly compelling platform operators to sell goods below cost in accordance with platform pricing rules, thereby disrupting market competition order. For issues suspected of violating laws and regulations, the competent authorities will conduct in-depth investigations and take enforcement actions in accordance with the law. Where platform enterprises are located outside Beijing, the cases will be transferred to the relevant local market regulation authorities for investigation in accordance with relevant rules. ([More](#))

## 英国竞争与市场管理局终止对兽医领域的市场调查并责令整改

2026年3月24日，英国竞争与市场管理局（“CMA”）宣布责令英国宠物兽医行业进行整改，相关整改旨在提高宠物主对价格的透明度，并限制与诊疗和药品相关的部分费用。具体而言，CMA将要求兽医行业对书面处方收费设定上限，并要求在价格及机构所有权方面提高透明度，借此帮助宠物主人更便捷地比较不同服务提供者、并以更低成本获取药品和服务。上述举措源于CMA对兽医服务市场开展的为期两年的市场调查；调查结果显示，在大型连锁兽医机构就诊的宠物主人平均支付费用比在独立诊所高出约17%；在2016年至2023年期间，相关价格上涨了63%，且大型集团的涨价速度快于独立机构。CMA表示，现行体系使宠物主人更加难以理解其所支付费用的具体内容、以及是否存在更低价的替代选择；因此，CMA计划在9月23日前出台具有法律约束力的法令，并预计在随后3至12个月内逐步实施相关改革。 ([查看更多](#))

## UK Competition and Markets Authority Concludes Market Investigation into the Veterinary Sector and Orders Remedial Measures

On March 24, 2026, the Competition and Markets Authority (“CMA”) announced that it would require remedial measures in the UK pet veterinary sector. These measures are intended to enhance price transparency for pet owners and to limit certain costs associated with treatment and medicines. Specifically, the CMA will impose a cap on fees for written prescriptions and require increased transparency in relation to pricing and practice ownership, with a view to enabling pet owners to more easily com-

pare different service providers and obtain medicines and services at lower cost. The measures follow a two-year market investigation conducted by the CMA into the veterinary services sector; the investigation found that pet owners receiving treatment at large veterinary chains pay, on average, approximately 17% more than those attending independent clinics; it also found that prices increased by 63% between 2016 and 2023, with larger groups raising prices more rapidly than independent practices. The CMA expressed that the current system makes it more difficult for pet owners to understand what they are paying for and whether cheaper alternatives are available. Accordingly, the CMA plans to introduce legally binding orders by September 23, with the relevant reforms to be implemented over the following three to twelve months. ([More](#))

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

### 国家网信办发布《促进和规范数据跨境流动规定》实施两周年工作总结

2026年3月23日，国家网信办发布了《促进和规范数据跨境流动规定》实施两周年工作总结，主要内容包括：（1）数据出境安全管理制度体系不断健全，例如2026年2月，工业和信息化部（以下简称“工信部”）等部门印发实施《汽车数据出境安全指引（2026版）》，规定了汽车数据出境活动管理方式、适用条件和豁免情形，指导汽车企业高效便利安全开展数据出境活动。（2）数据出境安全管理工作举措更加有效，例如发布《数据出境安全评估申报指南（第三版）》明确企业申请延长数据出境安全评估结果有效期的条件、流程、材料等内容。（3）数据出境负面清单效果进一步显现，例如天津等9地自贸试验区（港）数据出境负面清单备案发布，对汽车等22个领域数据跨境流动发挥促进作用。（4）地方数据跨境服务能力明显提升，例如广东编制发布《粤港澳大湾区个人信息跨境流动标准合同备案指南》，便于粤港澳大湾区内地个人信息处理者或接收方规范有序开展备案工作。（5）数据出境安全管理政策宣贯力度不断加大，例如在中国网信网首页建立“数据治理”专栏，集中展示数据出境安全管理政策法规、标准指南、负面清单等文件，方便企业查阅使用。（6）数据跨境流动国际交流合作持续深化，例如践行《全球数据跨境流动合作倡议》，积极开展多双边数字治理合作。 ([查看更多](#))

### CAC Issues Work Summary on the Second Anniversary of the Implementation of the Provisions on Promoting and Regulating Cross-Border Data Flow

On March 23, 2026, the Cyberspace Administration of China (CAC) issued a work summary on the second anniversary of the implementation of the *Provisions on Promoting and Regulating Cross-Border Data Flow*. The main contents include: (1) The institutional system for security management of outbound data has been continuously improved. For instance, in February 2026, the Ministry of Industry and Information Technology (MIIT) and other departments issued and implemented the Guidelines for the Security of Automotive Data Outbound (2026 Edition), which stipulate the administration methods, applicable conditions and exemption scenarios for automotive data outbound activities, guiding automotive enterprises to conduct data outbound activities efficiently, conveniently and securely. (2) Measures for the security management of outbound data have become more effective. For example, the

release of the *Guidelines for the Application of Security Assessment of Outbound Data (Third Edition)* clarifies the conditions, procedures and materials for enterprises to apply for extending the validity period of the outbound data security assessment results. (3) The effect of the negative list for outbound data has been further demonstrated. For instance, the negative list filing for outbound data has been released in nine free trade zones (ports) including Tianjin, which promotes cross-border data flow in 22 sectors such as automobiles. (4) Local capacity for cross-border data services has been significantly enhanced. For example, Guangdong has formulated and issued the *Filing Guidelines for Standard Contracts on Cross-Border Personal Information Flow in the Guangdong-Hong Kong-Macao Greater Bay Area*, facilitating standardized and orderly filing by domestic personal information processors or recipients in the Greater Bay Area. (5) Efforts to publicize and implement policies on the security management of outbound data have been continuously strengthened. For example, a special column on “Data Governance” has been established on the homepage of CAC Online, centrally displaying policies, regulations, standards, guidelines and negative lists on the security management of outbound data for easy access by enterprises. (6) International exchanges and cooperation on cross-border data flow have been continuously deepened. For example, China has implemented the *Global Initiative on Cooperation on Cross-Border Data Flow* and actively carried out multilateral and bilateral digital governance cooperation. ([More](#))

## 第二批通过个人信息保护合规审计服务认证的专业机构名单公布

2026年3月26日，中央网信办数据与技术保障中心公布了第二批通过个人信息保护合规审计服务认证的专业机构名单，共十四家机构获个人信息保护合规审计服务认证证书。专业机构认证工作由中央网信办（国家网信办）数据与技术保障中心、中国网络安全审查认证和市场监管大数据中心、北京赛西认证有限责任公司依据《中华人民共和国认证认可条例》以及相关认证规则、实践指南开展。十四家获证专业机构的证书有效期为2026年3月至2029年3月。（[查看更多](#)）

## List of Second Batch of Professional Institutions Certified for Personal Information Protection Compliance Audit Services Released

On March 26, 2026, the Data and Technical Support Center of the Cyberspace Administration of China released the list of the second batch of professional institutions that have passed the certification for personal information protection compliance audit services, with a total of 14 institutions obtaining the certification for personal information protection compliance audit services. The certification of professional institutions is carried out by the Data and Technical Support Center of the CAC, the China Cybersecurity Review, Certification and Market Regulation Big Data Center, and Beijing CESEC Certification Co., Ltd. in accordance with the *Regulations of the People's Republic of China on Certification and Accreditation*, as well as relevant certification rules and practical guidelines. The validity period of the certificates for the 14 certified professional institutions is from March 2026 to March 2029. ([More](#))

## 两项汽车行业推荐性国家标准报批公示

2026年3月23日，工信部就《汽车数据安全保障要求》和《汽车安全漏洞分类分级评价》两项汽车行业推荐性国家标准公开征求报批意见，公示时间为2026年3月24日至2026年3月30日。《汽车数据安全保障要求》适用于汽车数据处理者，规定了组织的汽车数据安全、相关方汽车

数据安全治理、汽车数据全生命周期管理、汽车数据安全监测与处置、汽车数据安全工程、汽车数据安全风险评估等要求，描述了相应的检验方法。《汽车安全漏洞分类分级评价》适用于相关组织在漏洞管理、技术研发、产品生产、安全运营等活动中进行汽车安全漏洞分类分级评价，确立了汽车安全漏洞分类分级总体原则和评价指标体系，描述了汽车安全漏洞分类规则、分级的评价内容和评价方法，规定了评价指标的取值规则和评价结果的形成规则。

([查看更多](#))

## Public Consultation on Two Recommended National Standards for the Automotive Industry Submitted for Approval

On March 23, 2026, the MIIT released for public comment two recommended national standards for the automotive industry, namely *Requirements for Automotive Data Security Assurance* and *Classification and Grading Evaluation of Automotive Security Vulnerabilities*, with the public consultation period running from March 24, 2026 to March 30, 2026. *Requirements for Automotive Data Security Assurance* applies to automotive data processors. It specifies requirements for organizational automotive data security management, relevant party automotive data security management, full lifecycle management of automotive data, automotive data security monitoring and response, automotive data security engineering, and automotive data security risk assessment, and describes the corresponding test methods. *Classification and Grading Evaluation of Automotive Security Vulnerabilities* applies to relevant organizations in conducting classification and grading evaluation of automotive security vulnerabilities in activities such as vulnerability management, technology research and development, product manufacturing, and security operations. It establishes the general principles and evaluation indicator system for the classification and grading of automotive security vulnerabilities, describes classification rules, grading evaluation contents and methods for automotive security vulnerabilities, and specifies rules for the value assignment of evaluation indicators and the formulation of evaluation results. ([More](#))

## 北京市发布数据跨境流动便利化综合配套改革3.0版方案

2026年3月27日，北京市网信办等部门发布了数据跨境流动便利化综合配套改革3.0版方案。该方案全面推进负面清单推广应用，健全完善配套服务与管理机制，构建务实管用、灵活开放、高效便捷的清单应用体系。畅通重要数据识别认定机制，及时回应企业诉求，确保企业“找得到人、问得清事”。深化个人信息出境认证制度运用，推动“一次认证、多次使用”，助力跨国企业个人信息高效跨境传输。该方案更加强化标杆场景引领，聚焦医疗健康、人工智能、智能网联汽车、贸易物流、科技金融、商业航天六个重点领域，畅通数据获取、加工、传输、交易的全流程合规路径，推动数据跨境从支撑单一合规建设向赋能产业全链条协同拓展，加快释放数据要素价值。方案还加快推广数据跨境可信流通技术，围绕“可信数据空间、匿名化、沙盒应用”等技术方向分类施策、协同推进，推动数据跨境流通利用和安全治理从“人力密集型”向“技术密集型”转型。 ([查看更多](#))

## Beijing Releases Version 3.0 Comprehensive Supporting Reform Plan for Facilitating Cross-Border Data Flow

On March 27, 2026, the Cyberspace Administration of Beijing and other departments released the Version 3.0 Comprehensive Supporting Reform Plan for Facilitating Cross-Border Data Flow. The plan fully promotes the application of the negative list, improves supporting services and management mechanisms, and builds a practical, flexible, open, efficient and convenient list application system. It smoothens the mechanism for the identification and confirmation of important data, responds to corporate demands in a timely manner, and ensures that enterprises “can find the right person and get clear answers”. It deepens the application of the personal information export certification system, promotes the “one certification, multiple uses” model, and supports efficient cross-border transmission of personal information for multinational enterprises. The plan further strengthens the leadership of benchmark scenarios, focusing on six key areas including healthcare, artificial intelligence, intelligent connected vehicles, trade and logistics, technology finance, and commercial aerospace. It smoothens the full-process compliance path for data acquisition, processing, transmission and transaction, promotes the expansion of cross-border data flow from supporting single compliance construction to empowering the coordination of the entire industrial chain, and accelerates the release of the value of data elements. The plan also accelerates the promotion of technologies for trusted cross-border data circulation. It adopts categorized policies and coordinated promotion around technical directions such as “trusted data space, anonymization, and sandbox application”, and drives the transformation of cross-border data circulation, utilization and security governance from “labor-intensive” to “technology-intensive”. ([More](#))

### 浙江省批准《杭州市促进具身智能机器人产业发展条例》

2026年3月26日，浙江省十四届人大常委会第二十三次会议审议批准了《杭州市促进具身智能机器人产业发展条例》（以下简称《条例》），自2026年5月1日起施行。《条例》共七章五十条，内容包括技术创新、基础设施、产业发展、应用赋能、安全管理等。《条例》首次明确了具身智能机器人及其产业概念，针对目前产业面临的应用场景不足这一最大瓶颈，特别单设“应用赋能”专章，鼓励公共机构开放应用场景，探索“合作创新采购”机制，为新技术新产品提供“首试首用”通道，并明确应急管理、公安、文化旅游等部门应推动具身智能机器人在相关领域的应用。《条例》提出了应当坚持有效市场与有为政府相结合，明确鼓励营造创新、大胆试错的制度环境。《条例》还厘清了一系列红线，明确构建分级分类监管体系，确保行业安全有序发展。（[查看更多](#)）

### ***Zhejiang Approves Regulations of Hangzhou on Promoting the Development of Embodied Intelligent Robot Industry***

On March 26, 2026, the 23rd session of the Standing Committee of the 14th People’s Congress of Zhejiang Province reviewed and approved the *Regulations of Hangzhou on Promoting the Development of Embodied Intelligent Robot Industry* (Regulations), which shall come into force on May 1, 2026. Consisting of seven chapters and fifty articles, the Regulations cover technological innovation, infrastructure, industrial development, application empowerment, safety management and other aspects. The Regulations define the concepts of embodied intelligent robots and their related industries for the first time. In response to the biggest bottleneck facing the industry at present, namely insufficient application scenarios, a special chapter on “Application Empowerment” is specially set up to encourage public institutions to open up application scenarios, explore a “cooperative innovation procurement” mechanism, and provide a “first trial and first application” channel for new technologies

and new products. It also specifies that departments of emergency management, public security, culture and tourism shall promote the application of embodied intelligent robots in relevant fields. The Regulations propose to adhere to the combination of an efficient market and a promising government, and explicitly encourage the creation of an institutional environment that supports innovation and bold trial and error. The Regulations also clarify a series of red lines and stipulate the establishment of a categorized and graded regulatory system to ensure the safe and orderly development of the industry. ([More](#))

### 欧盟：欧盟委员会调查Snapchat在DSA下对儿童保护规则的遵守情况

2026年3月26日，欧盟委员会宣布启动了正式程序，调查Snapchat是否确保儿童在网络上的高度安全、隐私和保障，以符合《数字服务法案》（DSA）的规定。调查聚焦于五个领域：（1）年龄验证。根据Snapchat自身的服务条款，用户必须年满13岁才能使用该平台。欧盟委员会怀疑，Snapchat依赖用户自行声明作为年龄验证措施是不够充分的。（2）为犯罪活动诱导和招募未成年人。欧盟委员会怀疑，Snapchat未能充分保护未成年人，使其免受怀有恶意（如性剥削或招募其参与犯罪活动）意图的用户的联系。（3）默认账户设置不充分。欧盟委员会怀疑，Snapchat的默认设置未能为未成年人提供足够的隐私、安全和保障保护。（4）关于违禁产品销售信息的传播。根据DSA，在线平台必须减轻其服务带来的系统性风险。欧盟委员会怀疑Snapchat违反了此项义务。（5）非法内容举报。欧盟委员会怀疑，目前用于通知非法内容的机制既不易于访问，也不够用户友好，并且可能在设计中使用了所谓的“暗黑模式”。([查看更多](#))

### EU: European Commission Investigates Snapchat's Compliance with Child Protection Rules Under the DSA

On March 26, 2026, the European Commission announced the open of formal proceedings to investigate whether Snapchat ensures a high level of safety, privacy and protection for children online, in compliance with the Digital Services Act (DSA). The investigation will focus on five areas: (1) Age assurance. According to Snapchat's own Terms and conditions, users must be at least 13 years old to use the platform. The European Commission suspects that Snapchat's reliance on self-declaration as an age assurance measure is insufficient. (2) Grooming and recruitment of minors for criminal activities. The European Commission suspects that Snapchat is not adequately protecting minors from being contacted by users with harmful intent, such as sexual exploitation or recruitment for criminal activities. (3) Inadequate default account settings. The European Commission suspects that Snapchat's default settings do not provide sufficient privacy, safety, and security protections for minors. (4) Dissemination of information on the sale of prohibited products. Under the DSA, online platforms must mitigate systemic risks stemming from their service. The European Commission suspects that Snapchat is in breach of this obligation. (5) Reporting of illegal content. The European Commission suspects that the mechanisms currently in place to notify illegal content are neither easy to access nor user-friendly and may use so-called dark patterns in their design. ([More](#))

### 英国：ICO和Ofcom发布关于年龄保证的联合声明

2026年3月25日，信息专员办公室（ICO）和英国通信管理局（Ofcom）共同发布了一份联合声明，阐明在线安全与数据保护在涉及年龄保证方面的主要交互领域。ICO和Ofcom正紧密合作，致力于实现保护儿童免受网络伤害的共同目标。该声明面向属于《在线安全法》及英国数据保

护立法范围内、可能被儿童访问的服务。声明以实践性方式总结了ICO与Ofcom现有年龄保证政策的关键要点，以帮助相关服务同时履行在线安全与数据保护义务。（[查看更多](#)）

## UK: ICO and Ofcom Issue Joint Statement on Age Assurance

On March 25, 2026, the Information Commissioner's Office (ICO) and the Office of Communications (Ofcom) jointly issued a statement clarifying the main areas of interaction between online safety and data protection as they relate to age assurance. The ICO and Ofcom are working closely together on their shared goal of protecting children from harm online. The statement is aimed at services likely to be accessed by children that are in scope of the *Online Safety Act* and UK data protection legislation. It summarizes key aspects of existing ICO and Ofcom age assurance policy in a practical way to help organizations comply with both online safety and data protection obligations. ([More](#))

## 知识产权 Intellectual Property

### 最高人民法院发布第六批种业知识产权司法保护典型案例，强化种业创新司法保障

为深入实施种业振兴行动，最高人民法院近日发布第六批人民法院种业知识产权司法保护典型案例10件。这批案例涵盖玉米、小麦、水稻、大豆、番茄、苹果、石榴等主要农作物及蔬果品种，涉及“套牌”侵权、“白皮袋”侵权、存储侵权、进口侵权等多种行为类型，一审判决来自全国9个省、自治区法院，充分体现种业司法保护实践的不断丰富与持续拓展。案例鲜明彰显了人民法院加大保护力度、创新保护举措、拓展保护范围的司法导向：在“NP01154”玉米品种侵权案中，依法适用2倍惩罚性赔偿，判赔5334.7万余元，创植物新品种侵权赔偿额新高；在“农麦88”小麦品种侵权案中，明确储存行为构成直接侵权，适用3倍惩罚性赔偿；在“吉佳”番茄品种侵权案中，明确进口行为早于授权但销售行为在授权后的仍构成侵权；在“普瑞A280”苹果品种侵权案中，明确申请日前非法获取繁殖材料不能产生在先权利。这些案例充分彰显人民法院坚持对“真创新”给予“真保护”的鲜明态度，为种业振兴和粮食安全提供有力司法保障。

来源：最高人民法院

### Supreme People's Court Released Sixth Batch of Typical Judicial Protection Cases for Seed Industry IP, Strengthening Judicial Safeguards for Seed Industry Innovation

To further implement the seed industry revitalization initiative, SPC recently released 10 typical cases from people's courts on judicial protection of seed industry IP (sixth batch). These cases cover major crops and fruit and vegetable varieties such as corn, wheat, rice, soybean, tomato, apple, and pomegranate, involving various types of infringement including "brand-jacking," "white-bag" seeds, storage in-

fringement, and import infringement. The first-instance judgments came from courts in nine provinces and autonomous regions across China, fully demonstrating the continuous enrichment and expansion of judicial protection practices for the seed industry. These cases distinctly highlight the judicial orientation of people's courts to strengthen protection, innovate protection measures, and expand the scope of protection: in the "NP01154" corn variety infringement case, double punitive damages were applied in accordance with the law, awarding over RMB 53.347 million, setting a new record for damages in plant variety infringement cases; in the "Nongmai 88" wheat variety infringement case, storage conduct was held to constitute direct infringement, with triple punitive damages applied; in the "Jijia" tomato variety infringement case, it was clarified that although the import conduct occurred prior to grant of the variety right, the sales conduct after grant still constituted infringement; in the "Pulei A280" apple variety infringement case, it was clarified that illegal acquisition of reproductive materials before the filing date of the application shall not create prior rights. These cases fully demonstrate the people's courts' clear stance of providing "genuine protection" for "genuine innovation," offering strong judicial safeguards for the revitalization of the seed industry and food security.

Source: SPC

### 最高法：不宜仅凭原理相同推定专利显而易见，反复无效宣告时需审慎对待在先决定

近日，最高人民法院知识产权法庭审结一起发明专利权无效行政纠纷上诉案，明确在判断创造性时应避免仅凭“原理相同”即简单推定技术方案显而易见，当专利权被反复提起无效宣告时，更需审慎对待在先决定的相关认定。

法院查明，衡某公司系“磁斥型悬浮装置”发明专利的专利权人。莹某公司和宏某公司分别提出无效宣告请求，国家知识产权局合并审查后宣告专利权全部无效。一审法院判决驳回衡某公司诉讼请求。二审另查明，自2015年起，国家知识产权局针对10项无效宣告请求作出9份决定，均维持本专利权有效。

法院认为，判断创造性时，即使技术方案与最接近现有技术源于相同原理，二者的具体实现方式仍可能存在实质性差异。本案专利与现有技术实现方式、技术效果等方面存在不同，现有技术未给出相应技术启示。针对同一专利权被反复提起无效宣告的情形，审查过程中更需审慎对待在先决定。当后续审查面对相同或相似技术问题与法律争议时，若作出与在先决定存在实质性差异的认定，应全面谨慎评估偏离既有裁量标准的正当性。

据此，二审法院判决撤销一审判决及被诉决定，并判令国家知识产权局重新作出决定。

来源：最高人民法院

### SPC: Not Presuming Patent Obviousness Based Solely on Same Principle, Requiring Prudent Treatment of Prior Decisions in Repeated Invalidation Challenges

Recently, SPC concluded an appeal in an administrative dispute concerning the invalidation of an invention patent, clarifying that when assessing inventiveness, it shall avoid simply presuming a technical

solution to be obvious based solely on the same principle. When a patent is subject to repeated invalidation challenges, prior decisions shall be treated with prudence.

The court found that Company H was the owner of the invention patent for a "magnetic repulsion type levitation device." Company Y and Company M each filed requests for invalidation. CNIPA examined the requests jointly and declared the patent wholly invalid. The first-instance court dismissed Company H's claim. On appeal, it was further established that since 2015, CNIPA had issued nine decisions on ten invalidation requests, all maintaining the validity of the patent in question.

The court held that when assessing inventiveness, even if the technical solution and the closest prior art are derived from the same principle, there may still be substantial differences in their specific implementation. The patent in this case differed from the prior art in terms of implementation and technical effects, and the prior art did not provide the relevant technical teaching. In situations where the same patent is repeatedly challenged by invalidation requests, prior decisions shall be treated with prudence during examination. If a subsequent examination, facing the same or similar technical issues and legal disputes, reaches a finding materially different from a prior decision, the justification for deviating from the established standard shall be comprehensively and carefully evaluated.

Accordingly, the appellate court revoked the first-instance judgment and the appealed decision, and ordered CNIPA to issue a new decision.

Source: SPC

### 最高法：技术秘密侵权案二审改判，适用惩罚性赔偿全额支持5000万元

近日，最高人民法院审结一起侵害技术秘密纠纷上诉案，认定被告违反保密约定在后续项目中擅自使用原告技术，构成共同侵权，适用惩罚性赔偿，全额支持原告5000万元赔偿诉请。

法院查明，原告北京某科技公司拥有高炉煤气干法净化工艺技术秘密，与被告江苏某环保公司就某A项目签订保密协议并交付技术信息。后江苏某环保公司在不到一年内，与北京某环境公司、迁安某线材公司共同承接某B项目，所使用技术与涉案技术秘密实质相同。三被告未能证明技术来源尽到审慎审查义务。

法院认为，涉案技术信息整体上构成商业秘密，具有秘密性、保密性和价值性。江苏某环保公司接触并违反保密约定使用涉案技术，主观恶意明显、情节严重。以某B项目中江苏某环保公司的取酬数额4458.49万元作为补偿性赔偿基数，适用2倍惩罚性赔偿，但因原告主张5000万元，故全额支持。北京某环境公司与迁安某线材公司未尽审慎审查义务，分别在相应范围内承担连带责任。

据此，二审法院撤销一审判决，改判三被告立即停止侵权，并连带赔偿原告经济损失5000万元及维权合理开支30万元。

来源：最高人民法院

## SPC: Second-Instance Reversing in Trade Secret Infringement Case, Applying Punitive Damages and Fully Upholding RMB 50 Million

Recently, SPC concluded an appeal in a dispute concerning infringement of technical secrets, holding that the defendants, by breaching confidentiality obligations and using the plaintiff's technology without authorization in subsequent projects, constituted joint infringement. The court applied punitive damages and fully upheld the plaintiff's claim for RMB 50 million in compensation.

The court found that the plaintiff, Company B, a Beijing-based technology company, owned technical secrets related to a dry purification process for blast furnace gas. It entered into a confidentiality agreement with the defendant, Company J, a Jiangsu-based environmental protection company, for Project A and delivered the technical information. Within less than a year, Company J, together with Company B2, a Beijing-based environmental company and Company Q, a Qian'an-based wire rod company, jointly undertook Project B, using technology substantially identical to the technical secrets in question. The three defendants failed to prove that they had exercised due diligence in verifying the source of the technology.

The court held that the technical information as a whole constituted trade secrets, possessing secrecy, confidentiality measures, and value. Company J had accessed the technology and used it in breach of confidentiality obligations, demonstrating clear subjective malice and severe circumstances. Using Company J's compensation amount of RMB 44.5849 million from Project B as the base for compensatory damages, the court applied double punitive damages. However, as the plaintiff had claimed RMB 50 million, the court fully upheld that amount. Company B2 and Company Q failed to exercise due diligence in verifying the technology source and shall bear joint and several liability within their respective scopes.

Accordingly, the appellate court reversed the first-instance judgment, ordering the three defendants to cease the infringement immediately, and to jointly and severally pay the plaintiff economic losses of RMB 50 million and reasonable enforcement expenses of RMB 300,000.

Source: SPC

## 杭州互联网法院：AI生成虚假文案构成不正当竞争，使用者不能以“AI幻觉”免除审核责任

近日，杭州互联网法院审结一起涉人工智能生成内容的不正当竞争纠纷案，认定自媒体运营者发布由AI生成的虚假商业信息，构成不正当竞争。

法院查明，被告李某在其自媒体发布《阿里数字控股有限公司是真的吗》一文，宣称“阿里数字控股公司”要做数字货币、是阿里巴巴集团数字化转型的重要布局等，并在文中使用“阿里巴巴Alibaba”及标识。李某辩称该文章由“文心一言”大模型生成，其未作改动，并以“AI幻觉”为由主张免责。

法院认为，生成式人工智能作为内容生产工具，“AI幻觉”现象在现阶段虽难以避免，但使用者对生成内容负有必要的审核义务。被告作为拥有一定粉丝规模的自媒体运营者，以增粉引流、获取商业利益为目的发布涉案文章，应当对内容的真实性与准确性承担合理的注意义务，

不能以“人工智能生成”为由免除责任。其在未进行任何核实的情况下发布虚假信息，导致原告商业信誉受损，违反诚信原则，扰乱市场竞争秩序，构成不正当竞争。

据此，法院判决认定被告行为构成不正当竞争并承担相应民事责任。该判决已生效。

来源：[杭州互联网法院](#)

## Hangzhou Internet Court: Holding That AI-Generated False Copy Constitutes Unfair Competition, User Cannot Avoid Review Obligation by Citing "AI Hallucination"

Recently, Hangzhou Internet Court concluded an unfair competition dispute involving AI-generated content, holding that a self-media operator publishing false commercial information generated by AI shall constitute unfair competition.

The court found that the defendant, Li, published an article titled "Is Alibaba Digital Holdings Co., Ltd. Real?" on his self-media account, claiming that "Alibaba Digital Holdings" was to engage in digital currency and constituted an important part of Alibaba Group's digital transformation, and used the "Alibaba Alibaba" mark and logo in the article. Li argued that the article was generated by the ERNIE Bot large language model without any modification by him, and invoked "AI hallucination" to claim exemption from liability.

The court held that generative AI, as a content production tool, while the phenomenon of "AI hallucination" may be unavoidable at the current stage, users shall bear a necessary review obligation over the generated content. The defendant, as a self-media operator with a certain number of followers, published the article in question for the purpose of gaining followers, driving traffic, and obtaining commercial benefits, and therefore shall bear a reasonable duty of care regarding the truthfulness and accuracy of the content, and cannot be exempted from liability by claiming "AI-generated." His publication of false information without any verification caused damage to the plaintiff's business reputation, violated the principle of good faith, disrupted the order of market competition, and constituted unfair competition.

Accordingly, the court affirmed that the defendant's conduct constituted unfair competition and ordered him to bear corresponding civil liability. This judgment has become final.

Source: [Hangzhou Internet Court](#)

## 江门中院：“1688”商标首次被认定为驰名商标，在物流行业跨类维权成功

近日，广东省江门市中级人民法院审结一起侵害商标权及不正当竞争纠纷案，首次认定“1688”商标为驰名商标，并判决被告在物流行业的使用构成侵权。

法院查明，原告阿里巴巴公司系第18018774号“1688”、第8035814号“”注册商标权利人，核定使用于第35类“为商品和服务的买卖双方提供在线市场”等服务。被告江门某物流公司曾用名“广东一六八八物流有限公司”，注册并使用“kp1688.com”域名，在其网站、微信公众号中使用含有“1688”的标识，经营物流、仓储等服务。

法院认为，涉案商标核定服务与被告物流服务虽类别不同，但服务功能、目的高度关联，易致公众混淆，有必要认定商标是否驰名。在案证据足以证明两枚商标在电子商务领域已为中国相关公众普遍知晓，具有较高知名度，应认定为驰名商标。被告标识中的“1688”系显著识别部分，经持续使用已获得较高知名度，被告行为易使公众误认被告与原告存在特定联系，构成商标侵权及不正当竞争。

鉴于被告经营规模小、侵权情节较轻，诉讼中主动更名、关停网站，法院综合商标知名度、侵权情节等因素，酌情判决被告赔偿经济损失及维权合理费用共计5万元。

来源：广东省江门市中级人民法院

### **Jiangmen Intermediate Court: First Recognizing "1688" Trademark as Well-Known, Successfully Cross-Class Enforcing Rights in Logistics Industry**

Recently, Jiangmen Intermediate People's Court of Guangdong Province concluded a dispute concerning trademark infringement and unfair competition, recognizing the "1688" trademark as well-known for the first time, and affirming that the defendant's use in the logistics industry constituted infringement.

The court found that the plaintiff, Alibaba Company, was the owner of the registered trademark "1688" (No. 18018774) and the registered trademark "" (No. 8035814), which are approved for use on services in Class 35 including "providing online marketplaces for buyers and sellers of goods and services." The defendant, a logistics company in Jiangmen, formerly named "Guangdong 1688 Logistics Co., Ltd.," registered and used the domain name "kp1688.com," and used signs containing "1688" on its website and WeChat public account for operating logistics, warehousing and other services.

The court held that although the services for which the trademarks in question are approved and the accused logistics services fall into different classes, the functions and purposes of the services are highly related, which could easily cause public confusion, making it necessary to determine whether the trademarks are well-known. The evidence on record sufficiently proved that the two trademarks in question had become generally known by the relevant public in China in the e-commerce field and enjoyed high reputation, and thus shall be recognized as well-known trademarks. The element "1688" in the accused signs constitutes the distinctive part, which, through continuous use, has acquired high reputation. The accused conduct is likely to cause the public to mistakenly believe that there is a specific connection between the defendant and the plaintiff, constituting trademark infringement and unfair competition.

Given the defendant's small business scale and relatively minor infringing circumstances, and its voluntary change of name and shutdown of the website during the litigation, the court, comprehensively considering factors such as the reputation of the trademarks and the circumstances of the infringement, exercised its discretion and ordered the defendant to pay economic losses and reasonable enforcement expenses totaling RMB 50,000.

Source: Jiangmen Intermediate People's Court of Guangdong Province

北京知产法院：著作权保护期届满后宣称“唯一版权”构成虚假宣传，二审维持20万元赔偿

近日，北京知识产权法院审结一起不正当竞争纠纷上诉案，认定被告在徐悲鸿作品著作权财产权保护期届满后，仍宣称“唯一版权公司”及拥有“正版授权”，构成虚假宣传，判决维持原判。

法院查明，原告徐某某系徐悲鸿之孙，被告时代悲鸿中心从事与徐悲鸿作品相关的文化推广业务。该中心在宣传中宣称其为徐悲鸿先生3500件作品的“唯一版权公司”，并在相关平台宣称获得正版授权。徐某某认为该行为构成虚假宣传与商业诋毁，遂提起诉讼。一审法院认定“唯一版权公司”及“正版授权”宣传缺乏事实依据，构成虚假宣传，判令停止侵权并赔偿经济损失20万元及合理开支3万余元。双方均不服，提起上诉。

法院认为，徐悲鸿先生作品的著作权财产权保护期已过，作品进入公有领域，且被告未能证明其取得全部作品的版权授权。在此情况下，被告宣称“唯一版权公司”或“正版授权”，缺乏事实依据，易使公众误解，构成虚假宣传。对于商业诋毁主张，因涉案声明缺乏明确指向性，且原告未能证明声誉受损，故不予支持。

据此，二审法院判决驳回上诉，维持原判。

来源：北京知识产权法院

### **Beijing Intellectual Property Court: Declaring "Sole Copyright" After Expiration of Copyright Protection Term Constituting False Advertising, Affirming RMB 200,000 on Appeal**

Recently, Beijing Intellectual Property Court concluded an appeal in an unfair competition dispute, holding that the defendant's declaration of being the "sole copyright company" and possessing "genuine authorization" after the expiration of the term of protection for the property rights in Xu Beihong's works constituted false advertising, and affirming the first-instance judgment.

The court found that the plaintiff, Xu (a grandchild of Xu Beihong), and the defendant, Times Beihong Center, which engages in cultural promotion activities related to Xu Beihong's works. The Center claimed in its promotions to be the "sole copyright company" for 3,500 works by Mr. Xu Beihong, and stated on relevant platforms that it had obtained genuine authorization. Xu filed a lawsuit, alleging that such conduct constituted false advertising and commercial disparagement. The first-instance court held that the claims of "sole copyright company" and "genuine authorization" lacked factual basis and constituted false advertising, ordering the defendant to cease the infringement and pay economic losses of RMB 200,000 and reasonable expenses of over RMB 30,000. Both parties appealed.

The court held that the term of protection for the property rights in Xu Beihong's works had expired, and the works had entered the public domain. Moreover, the defendant failed to prove that it had obtained copyright authorization for all of the works. Under such circumstances, the defendant's claims of being the "sole copyright company" or possessing "genuine authorization" lacked factual basis, were likely to mislead the public, and constituted false advertising. As for the claim of commercial disparagement, because the statements at issue lacked clear targeting and the plaintiff failed to prove reputational harm, that claim was not upheld.

Accordingly, the appellate court dismissed the appeal and affirmed the first-instance judgment.

Source: Beijing Intellectual Property Court

## 广州知产法院：认定牙膏与药品构成类似商品，“科达琳”商标跨界维权获全额支持

近日，广州知识产权法院审结一起侵害商标权纠纷上诉案，认定在功效性牙膏上使用“科达琳”标识构成商标侵权，适用惩罚性赔偿全额支持权利人50万元诉请。

法院查明，原告幸福公司系“科达琳”系列药品商标权利人。被告科德琳公司生产销售“科达琳”牙膏，安富公司受托生产，瑞翔公司经授权销售。科德琳公司曾注册牙膏类“科达琳”商标，但于2021年被宣告无效。此后，三被告仍在牙膏包装、官网及电商平台持续使用“科达琳”标识，瑞翔公司并使用了“专注口腔护理90年”等宣传语。

法院认为，被诉牙膏宣称“改善牙周问题”等功能，与涉案商标核定使用的“人用药”“牙科用药”在功能、用途、消费群体上存在交叉，构成类似商品。被告在商标被宣告无效后仍持续使用，主观恶意明显。在赔偿数额认定上，法院采信被告在行政程序中主动提交的经销合同及发票，以2017年至2019年销售额为基数，结合产品占比、利润率及商标贡献率计算侵权获利，并适用一倍惩罚性赔偿。同时认定委托生产方与销售方未尽审查义务，构成共同侵权。

据此，二审法院判决驳回上诉，维持原判，即科德琳公司赔偿幸福公司经济损失及合理费用50万元，安富公司、瑞翔公司在相应范围内承担连带赔偿责任。

来源：广州知识产权法院

## Guangzhou Intellectual Property Court: Recognizing Toothpaste and Pharmaceutical Products as Similar Goods, Fully Upholding Cross-Border Enforcement of "Codaline" Trademark

Recently, Guangzhou Intellectual Property Court concluded an appeal in a trademark infringement dispute, holding that use of the "Codaline" sign on functional toothpaste constituted trademark infringement, and applying punitive damages to fully uphold the right holder's claim for RMB 500,000.

The court found that the plaintiff, Company X, was the owner of the "Codaline" series of pharmaceutical trademarks. The defendant, Company K, manufactured and sold "Codaline" toothpaste; Company A was commissioned to produce it; and Company R sold it under authorization. Company K had once registered the "Codaline" trademark for toothpaste, but the registration was declared invalid in 2021. Thereafter, all three defendants continued to use the "Codaline" sign on toothpaste packaging, on their official website, and on e-commerce platforms. Company R also used promotional phrases such as "focusing on oral care for 90 years."

The court held that the accused toothpaste, which claimed functions such as "improving periodontal problems," overlapped with the pharmaceutical products for which the trademarks in question are ap-

proved (namely "human medicines" and "dental medicines") in terms of function, purpose, and consumer groups, thus constituting similar goods. The defendants continued to use the sign after the trademark had been declared invalid, demonstrating clear subjective malice. In determining the amount of damages, the court accepted the distribution contracts and invoices voluntarily submitted by the defendant during the administrative proceedings, used the sales figures from 2017 to 2019 as the base, calculated the infringing profits by taking into account the product's share, profit margin, and trademark contribution rate, and applied a one-time punitive damages multiplier. The court also held that the commissioned manufacturer and the distributor failed to exercise due diligence and thus constituted joint infringers.

Accordingly, the appellate court dismissed the appeal and affirmed the first-instance judgment, i.e., Company K shall pay Company X economic losses and reasonable expenses totaling RMB 500,000, with Company A and Company R bearing joint and several liability within their respective scopes.

Source: [Guangzhou Intellectual Property Court](#)

### 上海闵行法院：高辨识度影视元素构成“有一定影响的标识”，复刻同款摄影服务构成不正当竞争

近日，上海市闵行区人民法院审结一起涉电视剧《苍兰诀》的不正当竞争纠纷案，认定被告擅自推出同主题摄影套餐并系统性使用剧中元素的行为，构成不正当竞争。

法院查明，原告北京爱某科技有限公司系电视剧《苍兰诀》的联合出品方。被告某公司在电视剧热播期间，未经授权在社交媒体使用该剧剧照、宣传海报、经典台词等进行宣传，并推出同名“苍兰诀”主题摄影套餐，向消费者提供与剧中角色相同或近似的服装、妆容、造型、道具、场景，用于拍摄同款照片。

法院认为，涉案电视剧名称“苍兰诀”属于有一定影响的商品名称；男主角“东方青苍”与女主角“小兰花”作为核心人物，与电视剧之间存在稳定对应关系，能够起到识别来源的作用；剧照、宣传海报、经典台词等元素经组合使用，亦具有识别功能，属于有一定影响的商业标识。被告使用上述元素的行为，易使相关公众误认其服务为官方授权或存在特定联系，构成不正当竞争。

据此，法院判令被告赔偿原告经济损失及维权合理开支共计30万元，并刊登声明消除影响。二审法院维持原判。

来源：[上海市闵行区人民法院](#)

### Shanghai Minhang District People's Court: Holding That Highly Recognizable Film and Television Elements Constitute "Identifiers with Certain Influence," and Recreating Same-Themed Photography Services Constitute Unfair Competition

Recently, Shanghai Minhang District People's Court concluded an unfair competition dispute involving the TV drama Love Between Fairy and Devil, holding that the defendant's unauthorized launch of a same-themed photography package and systematic use of elements from the drama constituted unfair competition.

The court found that the plaintiff, Company A (Beijing-based), was a co-producer of the TV drama Love Between Fairy and Devil. During the drama's broadcast period, the defendant, Company X, without authorization, used stills, promotional posters, classic lines, and other materials from the drama on social media for promotional purposes, and launched a same-named "Love Between Fairy and Devil" themed photography package, providing consumers with clothing, makeup, styling, props, and settings that were identical or similar to those of the characters in the drama for taking same-themed photos.

The court held that the title of the drama in question, Love Between Fairy and Devil, constituted a product name with certain influence. The male lead "Dongfang Qingcang" and the female lead "Xiaolanhua," as core characters, had a stable corresponding relationship with the drama and could serve to indicate source. The combination of stills, promotional posters, classic lines, and other elements also had source-identifying functions and constituted commercial identifiers with certain influence. The defendant's use of the above elements was likely to cause the relevant public to mistakenly believe that its services were officially authorized or had a specific connection with the plaintiff, thus constituting unfair competition.

Accordingly, the court ordered the defendant to pay the plaintiff economic losses and reasonable enforcement expenses totaling RMB 300,000, and to publish a statement to eliminate the adverse effects. The appellate court affirmed the first-instance judgment.

Source: Shanghai Minhang District People's Court

## 华为在欧洲统一专利法院再诉迪士尼，指控 HEVC 视频编码专利侵权

欧洲统一专利法院曼海姆地方分院于 2026 年 3 月 22 日公开华为起诉迪士尼集团及旗下 12 家公司专利侵权案信息，该案系华为于今年 1 月提起，指控被告侵犯其欧洲专利 EP3211897 ("Method and apparatus for encoding and decoding transform coefficients")，涉案技术为 HEVC/H.265 视频编码标准核心组成部分。

此前，华为已于 2025 年底在德国慕尼黑第一地区法院对迪士尼提起 HEVC 专利侵权诉讼，同期夏普也在同一法院起诉迪士尼同类侵权；两家公司均为 Avanci 视频专利池许可方。此次诉讼是华为在欧洲统一专利法院提起的第四起 HEVC 专利相关侵权诉讼，此前针对 Roku 和传音控股的诉讼均以被告达成和解并获 Access Advance 专利池授权告终。

迪士尼在欧洲统一专利法院已面临多起专利诉讼：Adeia 曾在海牙地方分院起诉（2025 年 12 月和解），InterDigital 在曼海姆地方分院提起的诉讼则导致德国和巴西法院于 2026 年 2 月发布禁令，迫使迪士尼在欧洲移除 Disney+ 中的 Dolby Vision 和 HDR10+ 功能。

来源：IT之家

## Huawei Filed Another Patent Infringement Lawsuit Against Disney at Unified Patent Court, Alleging Infringement of HEVC Video Coding Patent

On March 22, 2026, the Mannheim Local Division of the Unified Patent Court (UPC) published information on a patent infringement case filed by Huawei against Disney Group and its 12 affiliated compa-

nies. The case was initiated by Huawei in January of this year, alleging that the defendants infringe its European patent EP3211897 (titled "Method and apparatus for encoding and decoding transform coefficients"), which is a core component of the HEVC/H.265 video coding standard.

Previously, at the end of 2025, Huawei had already filed an HEVC patent infringement lawsuit against Disney at the Munich I Regional Court in Germany. Around the same time, Sharp also filed a similar infringement lawsuit against Disney at the same court. Both Huawei and Sharp are licensors of the Avanci video patent pool. This lawsuit is the fourth HEVC-related infringement action filed by Huawei at the UPC. In its previous actions against Roku and Transsion Holdings, both cases concluded with the defendants reaching settlements and obtaining licenses from the Access Advance patent pool.

Disney has faced multiple patent lawsuits at the UPC. Adeia filed a lawsuit against Disney at the Hague Local Division (settled in December 2025), and a lawsuit filed by InterDigital at the Mannheim Local Division resulted in injunctions issued by German and Brazilian courts in February 2026, forcing Disney to remove Dolby Vision and HDR10+ functionality from Disney+ in Europe.

[Source: IT's family](#)

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