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立方竞争法周报 Weekly Competition Law News

2026年第一季度市场监管总局完成经营者集中反垄断审查共173件

2026年4月30日，国家市场监督管理总局（“市场监管总局”）公布2026年第一季度经营者集中反垄断审查相关数据。数据显示，2026年第一季度，市场监管总局共审结经营者集中案件173件，其中无条件批准164件，受理后申报方撤回申报7件，附条件批准1件，禁止1件。第一季度，制造业、水电气热生产供应、交通运输、金融业等领域投资相对活跃。在无条件批准案件中，简易案件151件，约占92.1%；初步审查阶段（受理后30天内）审结不实施进一步审查的案件149件，约占90.9%；在进一步审查阶段审结不予禁止的案件15件。此外，2026年第一季度无条件批准的经营者集中交易金额合计超8700亿元，境内企业投资相对活跃，涉及制造业的集中57件，约占34.8%，投资最为活跃。从交易类型与模式特点看，涉及同行竞争者的横向集中98件，约占59.8%；涉及上下游企业的纵向集中65件，约占39.6%；混合集中44件，约占26.8%。

[\(查看更多\)](#)

SAMR Completed Review of 173 Concentration of Undertakings Cases in the First Quarter of 2026

On April 30, 2026, the State Administration for Market Regulation (“the SAMR”) released statistics relating to its antitrust review of concentrations of undertakings for the first quarter of 2026. According to the published data, the SAMR concluded 173 concentration of undertakings cases during the first quarter of 2026, among which 164 cases were approved unconditionally, 7 cases were withdrawn by the notifying parties after case acceptance, 1 case was conditionally approved, and 1 case was prohibited. During the first quarter, investment activity was relatively active in sectors including manufacturing, electricity, gas, heat and water supply, transportation, and financial services. Among the transactions approved unconditionally, 151 were reviewed under the simple procedure, accounting for approximately 92.1%; 149 cases were concluded during the initial review period (i.e. within 30 days after case acceptance) without the initiation of further review, representing approximately 90.9%; 15 cases were concluded during the extended review phase and were ultimately approved. Besides, the aggregate transaction value for concentrations of undertakings unconditionally approved in the first quarter of 2026 exceeded RMB 870 billion, domestic enterprises remained relatively active investors, transactions involving the manufacturing sector totaled 57, accounting for approximately 34.8% of all cases and making manufacturing the most active sector. In terms of transaction type and structure, 98 cases involved horizontal concentrations between competitors, representing approximately 59.8%; 65 involved vertical concentrations between upstream and downstream undertakings, representing approximately 39.6%; and 44 involved conglomerate concentrations, representing approximately 26.8%. ([More](#))

市场监管总局发布上海奔汇企业管理有限公司收购苏州铎景创盛置业有限公司股权违法实施经营者集中案行政处罚决定书

2026年4月29日，市场监管总局发布上海奔汇企业管理有限公司收购苏州铎景创盛置业有限公司股权违法实施经营者集中案行政处罚决定书。2023年9月21日，市场监管总局收到关于本交易的

经营者集中反垄断申报，审查过程中发现该交易已于2023年9月22日完成股权变更登记，涉嫌违法实施经营者集中，并于2025年9月19日对本案立案调查。经调查，上海奔汇与铨景创盛等签订协议，通过股权收购的方式取得铨景创盛共同控制权，属于《中华人民共和国反垄断法》第二十五条规定的经营者集中，且该集中属于应当申报的情形；2023年9月22日本交易完成股权变更登记，此前已进行经营者集中申报但未获得批准，因此本交易违反《中华人民共和国反垄断法》第三十条，构成违法实施经营者集中。经评估，市场监管总局认为，该项经营者集中不会产生排除、限制竞争效果；考虑到上海奔汇积极配合本机关调查，如实陈述违法事实并及时提供重要证据材料，推动完善反垄断合规管理制度并有效实施，决定对上海奔汇处以200万元罚款的行政处罚。[\(查看更多\)](#)

SAMR Issues Administrative Penalty Decision in the Unlawful Concentration of Undertakings Case Involving Shanghai Benhui's Acquisition of Equity Interests in Suzhou Huajing Chuangsheng

On April 29, 2026, the SAMR published its administrative penalty decision concerning the unlawful implementation of a concentration of undertakings arising from Shanghai Benhui Enterprise Management Co., Ltd.'s (“**Shanghai Benhui**”) acquisition of equity interests in Suzhou Huajing Chuangsheng (“**Suzhou Huajing Chuangsheng**”) Real Estate Co., Ltd.. On September 21, 2023, the SAMR received a filing for a concentration of undertakings in relation to this transaction, during its review, the SAMR discovered that the registration of the equity transfer resulting from this transaction was completed on September 22, 2023, thereby giving rise to a suspicion that parties unlawfully implemented the concentration of undertakings; therefore the SAMR formally opened an investigation into the matter on September 19, 2025. Upon its investigation, the SAMR determined that Shanghai Benhui, Suzhou Huajing Chuangsheng and other parties had entered into an agreement under which Shanghai Benhui acquired joint control over Suzhou Huajing Chuangsheng through an equity acquisition, the transaction therefore constituted a concentration of undertakings within the meaning of Article 25 of *the Anti-Monopoly Law of the People's Republic of China* and the transaction met the applicable filing thresholds. Because the parties completed the equity transfer registration on September 22, 2023, after submitting the filing but before obtaining approval, the transaction violated Article 30 of *the Anti-Monopoly Law of the People's Republic of China* and constituted an unlawful implementation of a concentration of undertakings. Upon assessment, the SAMR concluded that the transaction was not likely to have the effect of eliminating or restricting competition. Considering that Shanghai Benhui had actively cooperated with the investigation, truthfully admitted the relevant facts, promptly provided important evidentiary materials, and promoted the establishment and effective implementation of improved antitrust compliance management systems, the SAMR therefore imposed an administrative fine of RMB 2 million on Shanghai Benhui. [\(More\)](#)

流媒体订阅用户对派拉蒙天舞-华纳兄弟并购案提起反垄断诉讼

2026年5月3日，据媒体报道，一组流媒体订阅用户已经在美国加州圣何塞联邦地区法院提起反垄断诉讼，试图阻止派拉蒙天舞和华纳兄弟间拟议的并购案，并主张该并购交易将削弱娱乐行业竞争、最终损害消费者利益。本案原告包括三名现有“派拉蒙+”服务的订阅用户，以及两名被认定为潜在订阅用户的个人。原告称如果该并购交易继续推进，极有可能导致订阅价格上

涨、可观看内容选择减少等，因此在起诉状中不仅请求法院阻止拟议的派拉蒙天舞和華納兄弟間的併購交易，還進一步請求法院責令天舞傳媒剝離其對派拉蒙的持股，該持股系其於去年收購取得。據報道，針對重大併購交易提起的私人反壟斷訴訟較為少見，且通常勝訴難度較高，但若成功，可能為受影響的消費者帶來金錢賠償。（[查看更多](#)）

Streaming Subscribers File Antitrust Lawsuit Challenging Proposed Paramount Skydance-Warner Bros. Merger

On May 3, 2026, according to media reports, a group of streaming subscribers filed one antitrust lawsuit in the United States District Court for the Northern District of California in San Jose, California, seeking to block the proposed merger between Paramount Skydance and Warner Bros. Discovery, and the plaintiffs allege that the transaction would reduce competition in the entertainment industry and ultimately harm consumers. The plaintiffs include three current subscribers to Paramount+, as well as two individuals identified as potential subscribers. The plaintiffs alleged that, if the proposed merger were to proceed, it is likely to result in higher subscription fees and reduced content choices. Accordingly, the plaintiffs seek not only an injunction prohibiting the proposed merger between Paramount Skydance and Warner Bros. Discovery, but also an order requiring Skydance Media to divest its ownership interest in Paramount, which was acquired through an acquisition completed last year. Reportedly, private antitrust actions challenging major mergers are relatively uncommon and are often difficult to win; if successful, however, such actions may result in financial compensation for affected consumers. ([More](#))

苹果公司对印度竞争管理局的财务数据提交要求提出挑战

2026年4月30日，據媒體報道，蘋果公司針對印度競爭管理局（“CCI”）在一項與 iPhone 應用市場相關的反壟斷調查中要求其提交財務記錄的行為提出挑戰，並主張該等行為已經構成越權行為。具體而言，蘋果公司主張在有關印度反壟斷罰款計算規則的另一項法律程序尚未得到解決前，CCI不應要求蘋果公司提交財務數據，並警告稱該案可能使蘋果公司面臨高達380億美元的罰款風險。自2024年以來，在CCI的調查人員認定蘋果濫用其市場支配地位後，CCI便持續要求蘋果提交財務信息；然而蘋果一直拒絕提交相關資料，並主張鑑於其正在新德里法院對印度反壟斷處罰框架的合法性提出挑戰，CCI應在該法律問題獲得解決之前暫停進一步程序。（[查看更多](#)）

Apple Challenges Indian Competition Regulator’s Demand for Financial Data

On April 30, 2026, according to media reports, Apple has challenged the Competition Commission of India (“CCI”) over its demand that Apple submit financial records in an antitrust investigation concerning the iPhone App Store, arguing that such demand has overstepped its authority. Specifically, Apple contends that the CCI should not require the company to provide financial information until a separate legal proceeding concerning the rules governing the calculation of antitrust fines in India has been resolved, and Apple warns that the case could expose the company to penalties of up to US\$38 billion. Since 2024, after CCI investigators concluded that Apple had abused its dominant market position, the CCI has repeatedly requested that Apple submit financial information. Apple, however, has consistently resisted providing the requested materials, maintaining that because it is challenging the validity of In-

dia's antitrust penalty framework before a New Delhi court, the CCI should pause further proceedings until that legal issue is resolved. ([More](#))

巴西反垄断监管机构对该国两大航空公司涉嫌价格协同行为启动反垄断调查

2026年4月30日，据媒体报道，巴西反垄断监管机构巴西经济防御行政委员会（“CADE”）已经对巴西最大的两家航空公司涉嫌从事的价格协同行为启动反垄断调查，这也标志着巴西对其国内航空行业竞争行为的审查进一步深化。本次反垄断调查将重点关注高尔航空与巴西南美航空运营的巴西国内航线。该决定基于CADE总局在2023年启动的一项调查的结论作出；在该调查中，调查人员采用了先进的数据分析技术，并识别出在若干关键国内航线上，两家航空公司票价变动之间存在一种“持续的相互依赖模式”。CADE强调，调查的启动并不意味着已经认定存在违法行为，而仅表明调查进入下一阶段；两家公司后续将收到正式通知，享有陈述与提交辩护意见的机会。 ([查看更多](#))

Brazilian Antitrust Authority Opens Antitrust Investigation into Alleged Price Coordination between Brazil's Two Major Airlines

On April 30, 2026, according to media reports, Brazil's antitrust regulator, the Administrative Council for Economic Defense (“CADE”), has launched an antitrust investigation into alleged price coordination conduct by the country's two largest airlines, marking a further deepening of scrutiny over competitive practices in Brazil's domestic aviation industry. The investigation focuses on domestic routes operated by Gol Linhas Aéreas (“Gol”) and LATAM Airlines Brazil. The decision is based on the findings of an investigation initiated by CADE's General Superintendence in 2023, during which the investigators applied advanced data analytics techniques and identified a “persistent pattern of interdependence” in ticket price movements between the two airlines on key domestic routes. The CADE emphasized that the opening of the investigation does not imply a finding of wrongdoing, but merely indicates that the case investigation has moved to the next procedural stage; both companies will be formally notified and be given the opportunity to present their statements and submit defenses. ([More](#))

欧盟委员会针对《欧盟并购指南（草案）》公开征求意见

2026年4月30日，欧盟委员会宣布针对《欧盟并购指南（草案）》公开征求意见；该文件将取代现行的《横向合并指南》与《非横向合并指南》，标志着欧盟并购控制体系在过去二十年来最重要的一次制度性改革。该《欧盟并购指南（草案）》意图实现欧盟委员会对并购审查方法的现代化调整，旨在实现以下目标：支持并提升欧盟的全球竞争力；在更具动态性的并购评估框架下关注创新和投资（例如为“动态损害”和“扼杀并购”的评估提供指引）；承认可持续性与适应力属于重要的竞争现实；更新并细化关于市场力量、封锁效应以及协调效应的分析方法；就欧盟委员会对并购效益（也称“效率”）的评估方式提供更详细的指引；就成员国在并购交易本身并无竞争问题的情况下，为保护合法公共利益而可以进行干预的情形，提供新的指导框架。 ([查看更多](#))

European Commission Launches Public Consultation on Draft EU Merger Guidelines

On April 30, 2026, the European Commission (“the Commission”) announced the launch of a public consultation on the new *EU Merger Guidelines (Draft)* (“the Draft”). *The Draft* document is intended to replace the existing Horizontal Merger Guidelines and Non-Horizontal Merger Guidelines, marking the most significant reform of the EU merger control framework in the past two decades. *The Draft* aims to modernise the European Commission’s approach to merger review, with objectives including supporting and enhancing the EU’s global competitiveness; emphasizing on innovation and investment within a more dynamic merger assessment framework (including providing guidance on the assessment of dynamic harm and “killer acquisitions”); recognising sustainability and resilience as important competitive realities; updating and refining the analytical framework for assessing market power, foreclosure and coordination; providing detailed guidance on the Commission’s assessment of merger benefits-referred to as efficiencies; and introducing a new guidance framework on the circumstances in which Member States may intervene in otherwise unproblematic mergers to protect legitimate public interests. ([More](#))

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

中央网信办部署开展“清朗·整治AI应用乱象”专项行动

2026年4月30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”）部署开展了“清朗·整治AI应用乱象”专项行动，旨在规范AI服务和应用，促进行业健康有序发展，保障公民合法权益。本次专项行动分两个阶段开展：第一阶段为“清朗·AI应用服务典型违规问题”专项治理行动，重点整治未按规定履行大模型备案登记义务、安全审核能力不足、大模型训练语料安全、AI数据投毒、生成合成内容标识落实不到位等问题，强化AI技术源头治理。第二阶段为“清朗·整治AI信息内容乱象”专项行动，聚焦利用AI技术生成“数字泔水”、制作发布虚假信息、散播暴力低俗等不良信息、假冒仿冒他人、侵害未成年人权益、从事网络水军活动等问题，坚决清理违法不良信息，依法处置处罚违规账号、MCN机构和网站平台。（[查看更多](#)）

CAC Launches Special Campaign of “Clear and Bright - Rectifying Chaos in AI Applications”

On April 30, 2026, the Office of the Central Cyberspace Affairs Commission (CAC) launched the special campaign of “Clear and Bright - Rectifying Chaos in AI Applications”. The campaign aims to standardize AI services and applications, promote the sound and orderly development of the industry, and safeguard the legitimate rights and interests of citizens. The special campaign is carried out in two phases: The first phase is the special rectification campaign of “Clear and Bright - Rectifying Typical Violations in AI Application Services”. It focuses on addressing prominent problems including failure to fulfill the obligation of large model filing and registration in accordance with regulations, inadequate security auditing capabilities, risks concerning the security of training corpus for large models, AI data

poisoning, and inadequate implementation of labeling requirements for generated and synthetic content, so as to strengthen governance at the source of AI technologies. The second phase is the special campaign of “Clear and Bright - Rectifying Disorder in AI Information Content”. It targets misconduct such as using AI technology to generate low-quality spam content, producing and releasing false information, spreading violent, vulgar and other undesirable information, impersonating others, infringing upon the rights and interests of minors, and engaging in online paid posting operations. Authorities will resolutely eliminate illegal and undesirable information, and impose disciplinary and legal sanctions on violating accounts, MCN institutions and website platforms in accordance with the law. ([More](#))

国家网信办发布个人信息保护政策法规问答（2026年4月）

2026年4月29日，国家互联网信息办公室（以下简称“国家网信办”）发布了个人信息保护政策法规问答（2026年4月），明确了以下内容：（1）法规规章有关规定涉及的个人信息数量，如“处理超过1000万人个人信息”，在计数中，均包含本数，按照个人信息处理者当前处理个人信息涉及的自然人数进行统计，统计中不包括已经删除的个人信息；（2）处理超过1000万人个人信息的个人信息处理者，应当每两年至少开展一次个人信息保护合规审计；处理超过100万、不超过1000万人个人信息的个人信息处理者，每三年或四年至少开展一次合规审计；处理不超过100万人个人信息的个人信息处理者，每五年至少开展一次合规审计；（3）个人信息处理者处理未成年人个人信息，无论是否对未成年人身份进行识别，都应当自行或者委托专业机构每年对其处理未成年人个人信息遵守法律、行政法规的情况进行合规审计。 ([查看更多](#))

CAC Releases Q&A on Personal Information Protection Policies and Laws (April 2026)

On April 29, 2026, the Cyberspace Administration of China (CAC) issued the Q&A on Personal Information Protection Policies and Laws (April 2026), which clarifies the following contents: (1) The numerical thresholds specified in relevant laws and regulations concerning personal information, such as “processing the personal information of more than 10 million individuals”, shall include the given number itself. The calculation shall be based on the current number of natural persons whose personal information is being processed by personal information processors, excluding personal information that has already been deleted. (2) Personal information processors processing the personal information of more than 10 million individuals shall conduct a personal information protection compliance audit at least once every two years. Processors processing the personal information of over 1 million but no more than 10 million individuals shall complete a compliance audit at least once every three to four years. Those processing the personal information of no more than 1 million individuals shall perform a compliance audit at least once every five years. (3) Where a personal information processor processes the personal information of minors, it shall, regardless of whether the minor’s identity is identified or not, conduct a compliance audit on its adherence to laws and administrative regulations in processing minors’ personal information either on its own or by entrusting a professional institution on an annual basis. ([More](#))

网信部门依法查处存在生成合成内容标识违法问题的网站平台

2026年4月28日，国家网信办发布通报称，网信部门在近期工作中发现，“剪映”“猫箱”App及“即梦AI”网站存在未有效落实人工智能生成合成内容标识规定要求等问题，违反《网络安全

法》《生成式人工智能服务管理暂行办法》《人工智能生成合成内容标识办法》等法律规定。国家网信办指导属地互联网信息办公室，依法对上述网站平台采取约谈、责令改正、警告、从严处理责任人等处置处罚措施。网信部门将深入推进依法管网治网，持续加大人工智能生成合成内容标识监督管理力度，切实维护社会公共利益，推动人工智能健康有序发展。

[\(查看更多\)](#)

Cyberspace Authorities Investigate and Punish Website Platforms for Violations on Labeling of AI-Generated Synthetic Content in Accordance with Law

On April 28, 2026, the CAC issued a circular stating that cyberspace authorities found in recent work that the Capcut and Catbox Apps, as well as the Dreamina website, failed to effectively comply with regulatory requirements on the labeling of AI-generated synthetic content, in violation of the *Cybersecurity Law of the People's Republic of China*, the *Interim Measures for the Administration of Generative Artificial Intelligence Services*, the *Measures for the Labeling of Artificial Intelligence-Generated Synthetic Content* and other legal provisions. The CAC instructed local cyberspace administrations to impose regulatory sanctions and disposal measures on the aforesaid website platforms in accordance with law, including conducting interviews, ordering rectification, issuing warnings, and holding relevant persons accountable in a stringent manner. Cyberspace authorities will further advance law-based cyberspace governance, continuously strengthen supervision and administration over the labeling of AI-generated synthetic content, effectively safeguard public interests, and promote the sound and orderly development of AI. [\(More\)](#)

中央网信办通报33款存在个人信息收集使用问题的App

2026年4月27日，中央网信办通报了33款存在个人信息收集使用问题的App，所涉问题包括：

(1) 无个人信息收集使用规则或在首次运行时未通过弹窗等明显方式提示用户阅读个人信息收集使用规则；(2) 未逐一列出收集使用个人信息的SDK，未取得用户同意；(3) 违反必要原则，收集与其提供的服务无关的个人信息；(4) 未提供有效账号注销途径或为用户注销账号设置不合理条件。相关App运营者应当于通报发布之日起的15个工作日内完成整改，并将整改情况报中央网信办。中央网信办将会同有关部门进行核查，并结合整改情况依法依规开展处置处罚。 [\(查看更多\)](#)

CAC Circularizes 33 Apps with Irregularities in Personal Information Collection and Use

On April 27, 2026, the CAC issued a circular on 33 Apps found with problems in the collection and use of personal information. The irregularities include: (1) Failure to formulate personal information collection and use rules, or failure to prompt users to peruse such rules via conspicuous means such as pop-up windows upon initial launch. (2) Failure to list one by one the SDKs involved in personal information collection and use, and failure to obtain user consent. (3) Violation of the necessity principle by collecting personal information irrelevant to the services provided. (4) Failure to provide effective account cancellation channels or imposing unreasonable conditions for users to cancel their accounts. Relevant App operators shall complete rectification within 15 working days from the date of the circular's issuance and submit rectification reports to the CAC. The CAC will conduct verification

jointly with relevant authorities and impose disciplinary sanctions in accordance with laws and regulations based on the rectification results. ([More](#))

北京三部门联合印发《关于进一步深化数据跨境流动便利化综合配套改革实施方案》

2026年4月29日，北京市网信办等三部门联合发布了《关于进一步深化数据跨境流动便利化综合配套改革实施方案》（以下简称《方案》），提出六大重点任务：（1）优化数据跨境流动政策应用；（2）打造重点行业数据跨境流通利用标杆；（3）建设特色区域数据跨境流通利用创新服务高地；（4）推广数据跨境可信流通应用技术；（5）繁荣数据跨境流通产业生态；（6）强化数据跨境流动安全监管效能。《方案》明确，要持续拓展负面清单应用领域，加快推进北京市汽车、医药、零售、民航、人工智能、自动驾驶、医疗器械、贸易物流、银行9个领域负面清单广泛应用，按照动态管理机制更新迭代负面清单政策体系。《方案》指出，要拓展重要数据识别认定路径，按照“谁管业务、谁管业务数据、谁管数据安全”原则，分行业领域探索建立重要数据识别评估机制，指导企业开展数据分类分级工作，提升重要数据识别精准度。 ([查看更多](#))

Three Beijing Authorities Jointly Issue the Implementation Plan for Further Deepening the Comprehensive Supporting Reform to Facilitate Cross-border Data Flow

On April 29, 2026, three authorities including the Cyberspace Administration of Beijing jointly issued the *Implementation Plan for Further Deepening the Comprehensive Supporting Reform to Facilitate Cross-border Data Flow* (Plan), putting forward six key tasks: (1) Optimize the application of policies on cross-border data flow. (2) Build benchmarks for the cross-border circulation and utilization of data in key industries. (3) Develop distinctive regional innovation service hubs for cross-border data circulation and utilization. (4) Promote the application of trusted circulation technologies for cross-border data. (5) Foster a thriving industrial ecosystem for cross-border data circulation. (6) Enhance the efficiency of security supervision over cross-border data flow. The Plan clarifies that Beijing will continuously expand the application scope of the negative list, accelerate the extensive application of the negative list in nine fields, namely automobiles, medicine, retail, civil aviation, artificial intelligence, autonomous driving, medical devices, trade and logistics, and banking, and update and iterate the policy system of the negative list in accordance with the dynamic management mechanism. The Plan points out that it is necessary to expand the identification and confirmation approaches for important data. In accordance with the principle of “whoever oversees the business shall manage business data and assume responsibility for data security”, Beijing will explore and establish an identification and assessment mechanism for important data by industry and sector, guide enterprises to carry out data classification and grading, and improve the accuracy of important data identification. ([More](#))

欧盟：欧盟委员会初步认定Meta违反DSA

2026年4月29日，欧盟委员会初步认定，Meta旗下的Instagram和Facebook因未能尽职尽责地识别、评估和降低13岁以下未成年人访问其服务的风险，违反了《数字服务法案》（DSA）。

尽管Meta自身的条款和条件将安全访问Instagram和Facebook的最低年龄设定为13岁，但该公司为执行这些限制而采取的措施似乎并不有效。这些措施既不能充分防止13岁以下未成年人访问其服务，也不能在未成年人已获得访问权限后及时识别并移除他们。Meta在平台上举报13岁以下未成年人的工具难以使用且效果不佳，仅进入举报表格就需要多达七次点击，并且该表格不会自动预填用户信息。即使有13岁以下未成年人因年龄低于门槛而被举报，也往往没有适当的后续处理，被举报的未成年人可以在没有任何类型的检查下继续使用服务。这建立在不完整且随意的风险评估之上，该评估未能充分识别13岁以下未成年人访问Instagram和Facebook并接触到与其年龄不相适应内容的风险。Meta的评估与来自整个欧盟的大量证据相矛盾，这些证据表明大约有10-12%的13岁以下儿童正在访问Instagram和/或Facebook。此外，Meta似乎忽略了现成的科学证据，这些证据表明年龄较小的儿童更容易受到Facebook和Instagram等服务造成的潜在伤害。（[查看更多](#)）

European Commission Preliminarily Finds Meta in Breach of DSA

On April 29, 2026, the European Commission preliminarily found Meta's Instagram and Facebook in breach of the *Digital Services Act* (DSA) for failing to diligently identify, assess and mitigate the risks of minors under 13 years old accessing their services. Despite Meta's own terms and conditions setting the minimum age to access Instagram and Facebook safely at 13, the measures put in place by the company to enforce these restrictions do not seem to be effective. The measures do not adequately prevent minors under the age of 13 from accessing their services nor promptly identify and remove them, if they already gained access. Meta's tool for reporting minors under 13 on the platform is difficult to use and not effective, requiring up to seven clicks just to access the reporting form, which is not automatically pre-filled with the user's information. Even when a minor under 13 is reported for being under the age threshold, there often is no proper follow-up, and the reported minor can simply continue to use the service without any type of check. This builds on an incomplete and arbitrary risk assessment, which inadequately identifies the risk of minors under 13 accessing Instagram and Facebook and being exposed to age-inappropriate experiences. Meta's assessment contradicts large bodies of evidence from all over the European Union indicating that roughly 10-12% of children under 13 are accessing Instagram and/or Facebook. Moreover, Meta seems to have disregarded readily available scientific evidence indicating that younger children are more vulnerable to potential harms caused by services like Facebook and Instagram. ([More](#))

美国：美国国会参议员提出《CHATBOT法案》

2026年4月28日，美国国会参议员提出了《儿童在科技领域的健康、提升、信任、边界与监督法案》（《CHATBOT法案》），其将让家长而非大型科技公司来负责管理儿童和青少年与人工智能聊天机器人的互动方式。虽然人工智能聊天机器人可以支持儿童的学习、研究和创造力，但它们也对未成年人构成实际风险，包括接触到不适当的内容、语言以及成瘾性功能。一些人工智能公司甚至部署奖励、通知和定向广告，以促使青少年用户延长使用时间。《CHATBOT法案》将要求人工智能公司建立“家庭账户”，供家长管理其儿童对人工智能聊天机器人的访问和使用。人工智能聊天机器人将限制操纵性设计功能；要求在使用聊天机器人前获得家长同意，并提供家长控制功能以便访问和监控儿童与聊天机器人的对话；同时禁止向儿童投放定向

广告。此外，该法案还将指引进一步研究与聊天机器人相关的对儿童的潜在危害以及针对家长的最佳实践。 ([查看更多](#))

U.S.: U.S. Senator Introduces the *CHATBOT Act*

On April 28, 2026, United States Senators introduced the *Children's Health, Advancement, Trust, Boundaries, and Oversight in Technology Act (CHATBOT Act)*, legislation that would put parents, not Big Tech, in charge of how children and teens interact with AI chatbots. While AI chatbots can support a child's learning, research, and creativity, they also pose real risks to minors, including exposure to inappropriate content, language, and addictive features. Some AI companies have even deployed rewards, notifications, and targeted advertising to drive prolonged engagement by adolescent users. The *CHATBOT Act* would require AI companies to establish "family accounts" for parents to manage access and usage of AI chatbots by their children. AI chatbots would limit manipulative design features; require parental consent for chatbot usage and parental controls to access and monitor a child's conversations with a chatbot; and prohibit targeted advertising to children. In addition, the bill would direct further study on potential chatbot-related harms to children and best practices for parents. ([More](#))

知识产权 Intellectual Property

最高人民法院发布《关于审理侵害知识产权民事纠纷案件适用法律若干问题的解释》

2026年4月20日，最高人民法院举办2026年知识产权宣传周新闻发布会，会上发布了《最高人民法院关于审理侵害知识产权民事纠纷案件适用法律若干问题的解释》。

《惩罚性赔偿解释》针对知识产权案件审判实践中适用惩罚性赔偿的重点难点问题，进一步细化了“故意”和“情节严重”的认定情形，明确基数计算方法，完善倍数确定方法，进一步增强法律的可操作性，统一裁判标准，确保知识产权惩罚性赔偿制度的运用效果。新解释自2026年5月1日起施行，旧版同日废止。

来源：最高人民法院知识产权法庭

Supreme People's Court: Issuing the Interpretation on Application of Punitive Damages in Hearing Civil Cases Involving Intellectual Property Infringement

On April 20, 2026, SPC held a press conference for the 2026 Intellectual Property Publicity Week, at which it issued the Interpretation of the Supreme People's Court on the Application of Punitive Damages in the Trial of Civil Dispute Cases Involving Intellectual Property Infringement.

Addressing key and difficult issues in the application of punitive damages in the trial practice of intellectual property cases, the Interpretation further specifies the circumstances for finding "intentional infringement" and "serious circumstances", clarifies the method for calculating the base amount, and im-

proves the method for determining the multiple of damages. It shall further enhance the operability of the law, unify adjudication standards, and ensure the effective implementation of the punitive damages system for intellectual property rights. The new Interpretation shall enter into force on May 1, 2026, and the old version shall be repealed on the same date.

Source: Intellectual Property Court of SPC

最高人民法院发布《2025年知识产权案件法律适用问题年度报告》

近日，最高人民法院发布《全国法院知识产权案件法律适用问题年度报告（2025）摘要》，该报告从全国法院2025年审结的知识产权案件中梳理出45个具有指导意义的法律适用问题。

报告内容涵盖专利、商标、著作权、竞争、植物新品种、集成电路布图设计、技术合同、刑事案件及诉讼程序与证据等九大领域，系统回应了审判实践中的前沿与疑难问题。在专利领域，明确了权利要求书排除的技术方案不适用等同侵权、农药登记试验可构成科研例外等规则；商标领域，厘清了二手商品翻新使用商标、双方均持注册商标时的侵权认定标准；著作权领域，对临摹作品独创性、开源协议影响等作出指引；竞争领域则涉及直播带货商业诋毁、数据权益认定等新类型纠纷的裁判思路。

该年度报告通过对典型案例裁判要旨的提炼，旨在统一法律适用标准，规范自由裁量权行使，为各级法院审理类似案件提供参考，并对市场主体行为给予明确预期，体现了人民法院加强知识产权司法保护、服务高质量发展的工作导向。

来源：最高人民法院知识产权法庭

Supreme People's Court: Issuing the 2025 Annual Report on Legal Application Issues in Intellectual Property Cases

Recently, SPC released the Abstract of the Annual Report on Legal Application Issues in Intellectual Property Cases of Courts Nationwide (2025). The Report has summarized 45 guiding legal application issues from IP cases concluded by courts nationwide in 2025.

The Report covers nine major fields, namely patents, trademarks, copyrights, competition, new plant varieties, integrated circuit layout designs, technology contracts, criminal cases, as well as litigation procedures and evidence, systematically addressing cutting-edge and difficult issues in judicial practice. In the patent field, it clarifies rules such as that technical solutions excluded by the claims shall not be subject to equivalence infringement, and that pesticide registration trials may constitute a research exemption. In the trademark field, it defines criteria for infringement involving trademark use on refurbished second-hand goods and infringement finding where both parties hold registered trademarks. In the copyright field, it provides guidance on the originality of copied works and the impact of open-source licenses. In the competition field, it sets forth adjudication approaches for new types of disputes including commercial defamation in live-streaming sales and recognition of data rights and interests.

By distilling the core rulings of typical cases, the Annual Report aims to unify the standards for legal application, regulate the exercise of discretionary power, provide reference for courts at all levels in

hearing similar cases, and offer clear expectations for the conduct of market entities. This reflects the policy orientation of the people's courts to strengthen judicial protection for intellectual property rights and serve high-quality development.

Source: Intellectual Property Court of SPC

最高法：再审改判，“乔治勋爵的悲剧”商标具有固有显著性应予注册

近日，最高人民法院审结一起商标申请驳回复审行政纠纷再审案，认定“乔治勋爵的悲剧”商标具有固有显著特征，判决撤销原审判决及被诉决定，责令国家知识产权局重新作出决定。

法院查明，再审申请人潘海力根有限公司申请注册“乔治勋爵的悲剧”商标，指定使用在第3类香水等商品上。国家知识产权局以该标志缺乏显著特征为由驳回申请，该决定经一审、二审行政诉讼均获维持。潘海力根有限公司不服，向最高法申请再审。

最高法再审认为，判断商标是否具有显著特征，应以指定使用商品的相关公众的通常认识为标准。“乔治勋爵的悲剧”文字组合并非日常生活中固定搭配的词语或词汇，其构成、含义及呼叫具有一定独特性，且其构成元素并非香水等行业常见或惯用的标志。该标志使用在香水等商品上，既非相关宣传用语或描述性词语，亦与商品的功能、用途等特点无关联。从相关行业实践看，已有“蓬帕杜夫人的茶杯”等多枚类似文字结构的商标在香水商品上获准注册。根据在案证据，相关公众已将“乔治勋爵的悲剧”用于指代特定款香水，易于将其识别为商标。因此，诉争商标能够发挥识别商品来源的作用，具有固有显著特征。原审判决相关认定缺乏事实与法律依据。

综上，最高法判决撤销北京市高级人民法院及北京知识产权法院的行政判决，并撤销国家知识产权局的驳回复审决定，判令其就涉案商标重新作出决定。

来源：最高人民法院

Supreme People's Court: Retrial Reverses Original Judgment, Trademark "Lord George's Tragedy" Deemed Possessing Inherent Distinctiveness and Registrable

Recently, SPC concluded a retrial case regarding administrative dispute over trademark application rejection review, holding that the trademark "Lord George's Tragedy" possesses inherent distinctiveness, revoking the original judgment and the challenged decision, and ordering the China National Intellectual Property Administration (CNIPA) to make a new decision.

The court ascertained that the retrial applicant, Penhaligon's Ltd., applied for registration of the trademark "Lord George's Tragedy" for goods in Class 3 including perfumes. CNIPA rejected the application on the ground that the sign lacked distinctiveness, and such decision was affirmed in both first-instance and second-instance administrative proceedings. Dissatisfied with the rulings, Penhaligon's Ltd. filed a retrial application with SPC.

In the retrial, SPC held that whether a trademark possesses distinctiveness shall be determined based on the common perception of relevant public of the designated goods. The word combination "Lord George's Tragedy" is not a fixed collocation or phrase in daily life; its composition, meaning and pronunciation are distinctive, and its constituent elements are not common or usual signs in the perfume industry. When used on perfumes and similar goods, the sign is neither a relevant promotional nor descriptive term, nor is it related to the functions, purposes or other characteristics of the goods. In light of relevant industry practice, multiple trademarks with similar word structures such as "Madame de Pompadour's Teacup" have been registered for perfume goods. Based on the evidence on record, relevant public have used "Lord George's Tragedy" to refer to a specific perfume, making it readily identifiable as a trademark. Therefore, the disputed trademark is capable of identifying the origin of goods and possesses inherent distinctiveness. The relevant findings in the original judgment lack factual and legal basis.

In conclusion, SPC rendered a judgment revoking the administrative judgments of the Beijing High People's Court and the Beijing Intellectual Property Court, as well as CNIPA's rejection review decision, and ordered CNIPA to make a new decision on the trademark in dispute.

Source: Supreme People's Court

上海浦东法院：驳回“格兰芬多”商标行为保全申请，保障国际赛事顺利举办

近日，上海市浦东新区人民法院审结一起涉“格兰芬多”商标侵权纠纷行为保全申请案，依法裁定驳回申请，保障了国际自行车赛事的如期举办。

法院查明，申请人A公司享有“格兰芬多”和“Gran Fondo”注册商标专用权，并自2014年起在云南举办相关自行车活动。被申请人B公司作为“2025 UCI格兰芬多世界系列资格赛·中国杭州站”运营方，在赛事名称及宣传中使用了上述字样。B公司辩称，“Gran Fondo”系国际通用的长距离自行车赛事名称，其中文“格兰芬多”为音译，且赛事名称由国际自行车联盟（UCI）统一命名并授权使用。

法院认为，对该行为保全申请的审查应综合考量侵权可能性、保全必要性、社会公共利益及国际影响等因素。在案证据显示，在A公司获准商标注册前，国外多场自行车赛事已使用“Gran Fondo”一词，B公司为推广UCI授权赛事而使用涉案词汇，可能构成正当使用，侵权可能性较低。同时，采取保全措施并非维权必要手段，且该赛事系我国首次引进的UCI系列资格赛，若责令更名将严重影响赛事辨识度、宣传效果及进程推进，损害社会公共利益与国际赛事声誉。

综上，法院裁定驳回A公司的行为保全申请。

来源：上海市浦东区人民法院

Shanghai Pudong District People's Court: Requiring Injunction Application for "Gelinfenduo" Trademark and Safeguarding Smooth Holding of International Competition

Recently, Shanghai Pudong District People's Court concluded an application for injunction in a trademark infringement dispute involving "Gelinfenduo" and "Gran Fondo", and ruled to dismiss the application in accordance with the law, ensuring the scheduled holding of the international cycling competition.

The court ascertained that the applicant, Company A, owns the exclusive right to use the registered trademarks "Gelinfenduo" and "Gran Fondo", and has held relevant cycling events in Yunnan since 2014. The respondent, Company B, as the organizer of the 2025 UCI Gran Fondo World Series Qualifier·Hangzhou China, used the aforesaid words in the event name and promotion. Company B argued that "Gran Fondo" is an internationally common name for long-distance cycling events, its Chinese translation "Gelinfenduo" is a transliteration, and the event name is uniformly named and authorized by the Union Cycliste Internationale (UCI).

The court held that the review of such injunction application shall comprehensively consider factors including the likelihood of infringement, the necessity of preservation, public interests and international influence. Evidence on record shows that many foreign cycling events had used the term "Gran Fondo" before Company A obtained trademark registration. Company B used the term in question to promote the UCI-authorized event, which may constitute fair use, with low likelihood of infringement. Meanwhile, granting injunctive relief is not a necessary measure for rights protection. Furthermore, this event is the first UCI series qualifier introduced in China. Ordering a name change would seriously impair the event's recognizability, promotion effect and progress, harming public interests and the reputation of international competitions.

In conclusion, the court ruled to dismiss the injunction application filed by Company A.

Source: Shanghai Pudong District People's Court

广州知产法院：台球桌外观专利侵权案判赔50万元，经销商承担连带责任

近日，广州知识产权法院审结一起涉台球桌外观设计专利侵权纠纷案，认定被诉侵权产品落入专利权保护范围，判令制造者与经销商承担连带赔偿责任。

法院查明，原告A公司系某款“台球桌”外观设计专利的独占实施被许可人，该专利产品经明星代言及多渠道推广，在行业内具有较高知名度。被告B公司制造、并与被告C公司共同销售的一款标有“DZS”“创世铠甲”等标识的台球桌，其整体外观与涉案专利产品构成近似，且售价更低。B、C公司辩称被诉设计属于现有设计且与专利存在区别。

法院认为，被诉侵权产品与涉案专利产品属同类产品。两者虽在桌体边框和支撑架结构等局部存在细微区别，但不足以对整体视觉效果产生显著影响，以一般消费者角度进行整体观察、综合判断，构成近似，落入专利权保护范围。B公司在产品上标注自身注册商标并对外宣传为生产厂家，应认定为制造者；C公司作为经销商，其盖章的销售合同经B公司员工发送给权利人，表明双方具有共同销售的意思联络和行为，构成共同侵权。B、C公司提交的现有设计抗辩对比文件不能证明与被诉设计相同或近似，该抗辩不成立。

据此，法院判决B公司立即停止制造、销售、许诺销售侵权产品，赔偿A公司经济损失及合理费用50万元；C公司立即停止销售侵权产品，并在3万元范围内承担连带责任。该案体现了司法对侵权源头的严厉打击，并警示市场主体应尽合理审查义务，避免成为侵权流通渠道。

来源：广州知产法院

Guangzhou Intellectual Property Court: Billiard Table Design Patent Infringement Case Awards RMB 500,000 in Damages, Dealer Held Jointly and Severally Liable

Recently, Guangzhou Intellectual Property Court concluded a design patent infringement dispute case involving billiard tables, holding that the accused infringing product fell within the scope of patent protection, and ordering the manufacturer and dealer to bear joint and several liability for compensation.

The court ascertained that the plaintiff, Company A, is the exclusive licensee of a design patent for a billiard table. The patented product enjoys high reputation in the industry owing to celebrity endorsement and multi-channel promotion. The billiard table bearing signs such as “DZS” and “Chuangshi Kaijia” manufactured by Company B and sold jointly with Company C is similar in overall appearance to the patented product, at a lower price. Companies B and C argued that the accused design belongs to the prior art and is different from the patented design.

The court held that the accused infringing product and the patented product are identical goods. Although minor differences exist in parts such as the table frame and support structure, they are insufficient to significantly affect the overall visual effect. Based on overall observation and comprehensive judgment from the perspective of an ordinary consumer, the designs are similar and the accused product falls within the scope of patent protection. Company B marked its registered trademark on the product and promoted itself as the manufacturer, and thus shall be identified as the manufacturer. As a dealer, Company C’s stamped sales contract was sent to the right holder by an employee of Company B, indicating mutual intention and concerted act in joint sales, constituting joint infringement. The prior art defense evidence submitted by Companies B and C failed to prove identity or similarity with the accused design, and such defense is not established.

Accordingly, the court ruled that Company B shall immediately cease manufacturing, selling and offering to sell the infringing product, and compensate Company A RMB 500,000 for economic losses and reasonable expenses; Company C shall immediately cease selling the infringing product and be held jointly and severally liable within the limit of RMB 30,000. The case reflects severe judicial crackdown on the source of infringement and reminds market entities to fulfill reasonable examination obligations to avoid becoming a channel for infringing circulation.

Source: [Guangzhou Intellectual Property Court](#)

深圳中院：不良影响商标的知名度不得投射至店铺装潢

近日，深圳市中级人民法院审结一起不正当竞争纠纷上诉案，认定涉案店铺装潢不构成“有一定影响的装潢”，驳回上诉，维持原判。

法院查明，上诉人青岛安某餐饮有限公司等三公司（上诉人）主张其经营的“某三胖烤肉”门店使用的V1.0及V5.0版本装潢应受保护。该装潢包含门头、墙面、桌椅、餐具及人员服饰等元

素。被上诉人深圳市炎某餐饮管理有限公司等六公司（被上诉人）经营同类韩式烤肉门店。上诉人以被上诉人擅自使用其装潢构成混淆为由提起诉讼。

法院认为，判断装潢是否受保护需进行三层递进审查。首先，在显著性层面，涉案装潢中大量元素属于餐饮行业通用功能性设计或韩式风格常见要素，其简单组合未形成独特整体识别效果，缺乏内在显著性。其次，在对应关系层面，装潢版本频繁更迭，难以与安某方建立稳定唯一联系。最后，在知名度投射层面，装潢中具有较强识别性的核心部分依附于“某三胖”标识，而该标识因可能产生不良影响，属于《商标法》规定不得作为商标使用的标志，缺乏合法性基础，其积累的知名度不能投射至装潢以补强显著性。综上，涉案装潢不满足反不正当竞争法规定的保护要件。

据此，法院判决驳回上诉人的上诉，维持一审驳回其全部诉讼请求的判决。该案明确了具有不良影响标识的商誉不能作为认定装潢影响力的依据。

来源：深圳市中级人民法院

Shenzhen Intermediate People's Court: Fame of Trademarks with Adverse Effects Shall Not Be Extended to Store Decoration

Recently, Shenzhen Intermediate People's Court concluded an appeal case concerning unfair competition, holding that the store decoration in question does not constitute "decoration with certain influence" and dismissing the appeal to uphold the original judgment.

The court ascertained that the appellants, three companies including Company A (Qingdao An Catering Co., Ltd.), claimed that the V1.0 and V5.0 versions of decoration used in their "Mou San Pang Barbecue" stores were entitled to protection. Such decoration includes storefronts, walls, tables and chairs, tableware, staff uniforms and other elements. The appellees, six companies including Company Y (Shenzhen Yan Catering Management Co., Ltd.), operate similar Korean-style barbecue restaurants. The appellants filed a lawsuit on the ground that the appellees' unauthorized use of their decoration caused confusion.

The court held that a three-step progressive review shall be conducted to determine whether decoration is protectable. First, as to distinctiveness, numerous elements in the decoration in question are generic functional designs in the catering industry or common features of Korean style, and their simple combination fails to create a unique overall identification effect, thus lacking inherent distinctiveness. Second, as to corresponding relationship, the frequent updates of decoration versions make it difficult to establish a stable and unique association with the Appellants. Third, as to extension of fame, the core distinctive part of the decoration is attached to the sign "Mou San Pang", which is a sign prohibited from use as a trademark under the Trademark Law due to potential adverse effects and lacks a legitimate basis. The fame accumulated by such sign shall not be extended to the decoration to reinforce distinctiveness. In summary, the decoration in question does not meet the protectable requirements under the Anti-Unfair Competition Law.

Accordingly, the court dismissed the appeal filed by the Appellants and upheld the first-instance judgment rejecting all their claims. This case clarifies that goodwill attached to signs with adverse effects shall not serve as a basis for finding the influence of decoration.

Source: Shenzhen Intermediate People's Court

广州互联网法院：认定语聊平台“在线K歌”服务构成信息网络传播权侵权

近日，广州互联网法院审结一起涉语聊应用软件“在线K歌”服务著作权侵权纠纷案，认定该服务模式构成对信息网络传播权的侵害，判决被告赔偿经济损失。

法院查明，原告新某公司系多首热门歌曲词曲作品及录音制品的信息网络传播权权利人。被告乐某公司运营的线上语聊应用软件内置了“在线K歌”模块，用户可创建语音房间并播放平台曲库中的歌曲。被告辩称，该服务需经房主同意点歌、按序播放、不可回放，属于直播性质的非交互式传播，应受广播权规制。

法院认为，判断被诉行为性质的关键在于用户是否能在其个人选定的时间和地点获得作品。在该软件中，用户通过创建房间成为“房主”后，即可从后台歌单中自主选择并播放特定歌曲，对播放内容与顺序拥有控制权。此行为使得其他房间访客能够在房主选定的时间、地点（即该语音房间）获得作品，符合“交互式”传播特征，属于信息网络传播权控制的范围。被告未取得原告就案涉歌曲的信息网络传播权授权，其提供技术平台供用户实施上述传播行为，构成帮助侵权。

据此，法院判令被告乐某公司立即停止侵权，并赔偿原告新某公司经济损失及合理费用共计5000元。该案厘清了网络直播中点播服务与广播行为的法律边界。

来源：广州互联网法院

Guangzhou Internet Court: Online Karaoke Service on Voice Chat Platform Ruled Infringing the Right of Information Network Transmission

Recently, Guangzhou Internet Court concluded a copyright infringement dispute involving the "online karaoke" service of a voice chat application, holding that such service mode infringes the right of information network transmission and ordering the defendant to compensate for economic losses.

The court ascertained that the plaintiff, Company X, is the right holder of the right of information network transmission of the musical works and sound recordings of numerous popular songs. The defendant, Company L, operates an online voice chat application with a built-in "online karaoke" module, allowing users to create voice rooms and play songs from the platform's music library. The defendant argued that the service requires the consent of the room host to order songs, plays songs in sequence and does not support playback, which constitutes non-interactive transmission of a live broadcast nature and shall be governed by the right of broadcasting.

The court held that the key to determining the nature of the alleged act lies in whether users can access the work at a time and place of their own choice. In the application, after creating a room and becoming the "host", a user may independently select and play specific songs from the background playlist and exercise control over the content and order of playback. Such act enables other visitors in the room to access the work at the time and place chosen by the host (i.e., the voice room), which is characteristic of

"interactive" transmission and falls within the scope of the right of information network transmission. Without obtaining authorization from the plaintiff for the right of information network transmission of the songs in question, the defendant provided a technical platform for users to carry out the aforesaid transmission acts, thus constituting contributory infringement.

Accordingly, the court ordered the defendant, Company L, to immediately cease the infringement and compensate the plaintiff, Company X, a total of RMB 5,000 for economic losses and reasonable expenses. The case clarified the legal boundary between on-demand services and broadcasting acts in online live streaming.

Source: [Guangzhou Internet Court](#)

苏州中院：二审改判，认定追某公司恶意“挖角”行为构成不正当竞争，判令其停止侵权并赔偿损失

近日，江苏省苏州市中级人民法院审结一起不正当竞争上诉纠纷，撤销一审判决，改判认定被告恶意“挖角”行为构成不正当竞争并判令赔偿。

法院查明，科某公司与追某公司系同业经营者，双方曾因员工雇佣引发商业秘密纠纷并达成《和解协议》，约定互不聘用对方在职、离职未满半年及负有竞业限制义务的员工。此后，追某公司仍招募科某公司部门负责人、技术高管等离职员工二十余人，并采取第三方代签合同、代发工资、代缴社保、承诺高薪及代偿违约金等方式帮助上述员工规避竞业限制义务。

法院认为，追某公司明知或应知相关离职员工负有竞业限制义务，仍实施恶意“挖角”，削弱了科某公司的竞争优势，增加其经营成本，扰乱市场竞争秩序，有违诚信原则与商业道德。据此，判令追某公司立即停止不正当竞争行为并赔偿科某公司经济损失100万元。

来源：[江苏省苏州市中级人民法院](#)

Suzhou Intermediate People's Court: Reversing First-Instance Judgment on Appeal, Holding Zhui Company's Malicious "Poaching" Conduct Unfair Competition and Ordering It to Cease Infringement and Compensate for Losses

Recently, Suzhou Intermediate People's Court of Jiangsu Province concluded an appeal case concerning unfair competition, revoked the first-instance judgment, and revised the judgment to hold that the defendant's malicious "poaching" conduct constitutes unfair competition and order compensation.

The court ascertained that Company Ke and Company Zhui are competitors in the same industry. The two parties were once involved in a trade secret dispute over employee hiring and concluded a Settlement Agreement, agreeing not to hire each other's current employees, employees who had left for less than six months, or employees subject to non-compete obligations. Thereafter, Company Zhui still recruited more than 20 former employees of Company Ke, including department heads and technical executives, and helped such employees evade non-compete obligations by means of signing contracts, paying wages and social security contributions through third parties, promising high salaries, and compensating liquidated damages.

The court held that Company Zhui, fully aware or ought to be aware that the relevant former employees were subject to non-compete obligations, still engaged in malicious “poaching”, which weakened the competitive edge of Company Ke, increased its operating costs, disrupted market competition order, and violated the principle of good faith and business ethics. Accordingly, the court ordered Company Zhui to immediately cease the unfair competition conduct and compensate Company Ke for economic losses of RMB 1 million.

Source: Suzhou Intermediate People's Court of Jiangsu Province

广州知产法院：二审维持，认定反复恶意注册商标构成不正当竞争

近日，广州知识产权法院审结一起不正当竞争上诉纠纷，维持一审判决，认定被告持续、反复恶意注册商标的行为构成不正当竞争，并判令其赔偿损失。

法院查明，蓝某公司自2001年起获准注册“蓝妹”“蓝妹金装”系列商标，经持续宣传在啤酒等商品上具有一定知名度。金某公司作为同业经营者，于2017年至2022年间多次委托谷某代理公司申请注册“蓝味啤酒”“蓝魅啤酒”“正韩蓝妹”等十余枚商标，其中部分商标被许可他人使用。多份生效裁判及国家知识产权局裁决已认定上述商标与蓝某公司商标构成近似，且金某公司具有复制、抄袭他人知名商标的故意，属于以其他不正当手段取得注册的情形，相关商标已被驳回或宣告无效。

法院认为，金某公司明知蓝某公司商标知名度，仍持续、反复申请近似商标，明显超出正常经营需要，具有攀附商誉、谋取不正当利益的目的，构成恶意注册商标及商标囤积牟利，违反诚实信用原则，破坏公平竞争秩序，构成不正当竞争。谷某代理公司作为专业机构，在明知金某公司系恶意注册且已有在先否定评价后仍提供代理服务，构成帮助侵权。据此，判令金某公司赔偿蓝某公司50万元，谷某代理公司在10万元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: Affirming First-Instance Judgment on Appeal, Holding Repeated Malicious Trademark Registration Unfair Competition

Recently, Guangzhou Intellectual Property Court concluded an appeal case concerning unfair competition, affirmed the first-instance judgment, holding that the defendant’s continuous and repeated malicious trademark registration constitutes unfair competition, and ordered the defendant to compensate for losses.

The court ascertained that Company Lan has obtained registration of the “Lanmei” and “Lanmei Gold” series of trademarks since 2001, which have acquired certain fame on beer and other goods through continuous promotion. As a competitor, Company Jin entrusted Company Gu, an agency firm, to file applications for more than ten trademarks including “Lanwei Beer”, “Lanmei Beer”, and “Zhenghan Lanmei” from 2017 to 2022, some of which were licensed to others. Multiple effective judgments and rulings of the China National Intellectual Property Administration (CNIPA) have found that the above trademarks are similar to those of Company Lan, and Company Jin acted with intent to copy and plagia-

size others' well-known trademarks, constituting registration by other improper means; the relevant trademarks have been rejected or declared invalid.

The court held that Company Jin, fully aware of the fame of Company Lan's trademarks, still continuously and repeatedly applied for similar trademarks, obviously beyond normal business needs, with the purpose of freeriding on goodwill and seeking improper benefits, constituting malicious trademark registration and profiteering from trademark hoarding, violating the principle of good faith, undermining fair competition order, and thus constituting unfair competition. As a professional institution, Company Gu provided agency services despite its knowledge of Company Jin's malicious registration and prior negative evaluations, thereby constituting contributory infringement. Accordingly, the court ordered Company Jin to compensate Company Lan RMB 500,000, and Company Gu to be held jointly and severally liable within the limit of RMB 100,000.

Source: Guangzhou Intellectual Property Court

慕尼黑地方法院判定GenAI生成标志不享有版权，强调人类创意主导性

2026年2月13日，慕尼黑地方法院（案号：142 C 9786/25）裁定，原告利用生成式人工智能（GenAI）生成的三个标志不享有德国著作权法保护。

原告使用GenAI生成了“不同肤色的人握手与响铃”“柱状建筑前的信封”及“悬浮法律书籍的笔记本电脑”三个标志，并指控被告未经许可复制使用。原告主张其通过精心设计提示词和对输出结果的迭代修正，属于人类的“个人智力创作”。被告则认为实际创作由AI自动化完成，原告仅为“点子提供者”。

法院驳回了原告的诉求。判决指出，GenAI生成物要获得版权保护，前提是人类干预必须达到足以体现“提示者的人格”的程度。人类的预设或提示词需以“足够客观且清晰可辨”的方式塑造输出结果，并施加决定性的“人类创意影响”。本案中，原告的提示词过于笼统（如要求“设计一个原创、抽象的标志”），将具体“创作决策”交给了AI，后续的修改也多属纠正明显错误（如“请把这些手指变白”）的“技术活动”，未能体现“自由的创意决策”。法院强调，单纯的投入成本、时间消耗或复杂提示词编写均不构成判定“个人智力创作”的标准。

该判决明确了在AI协作创作中，版权保护取决于人类是否对生成过程及结果拥有核心的创意控制权，而非仅是触发技术过程。

来源：知产前沿

Munich Local Court: GenAI-Generated Logos Held Not Copyrightable, Emphasizing Dominance of Human Creativity

On February 13, 2026, the Munich Local Court (Case No.: 142 C 9786/25) ruled that three logos generated by the plaintiff using generative artificial intelligence (GenAI) are not protected under the German Copyright Act.

The plaintiff used GenAI to create three logos: “people of different skin colors shaking hands with a ringing bell”, “an envelope in front of a columnar building”, and “a laptop with floating legal books”, and accused the defendant of copying and using them without permission. The plaintiff claimed that its careful prompt engineering and iterative revision of outputs constituted “personal intellectual creation” by a human. The defendant argued that the actual creation was automatically completed by AI and the plaintiff was merely an “idea provider”.

The court dismissed the plaintiff’s claims. The judgment stated that for GenAI-generated works to obtain copyright protection, human intervention must reach a level sufficient to reflect the “prompting person’s personality”. Human presets or prompts must shape the output in a “sufficiently objective and clearly discernible” manner and exert a decisive “human creative influence”. In this case, the plaintiff’s prompts were overly general (e.g., “design an original, abstract logo”), leaving specific “creative decisions” to the AI. Subsequent revisions mostly constituted “technical activities” to correct obvious errors (e.g., “please whiten these fingers”), failing to reflect “free creative decisions”. The court emphasized that mere cost, time input, or complex prompt drafting do not constitute criteria for finding “personal intellectual creation”.

This judgment clarifies that in collaborative AI creation, copyright protection hinges on whether humans exercise core creative control over the generation process and results, rather than merely triggering a technical process.

Source: [IP Front](#)

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