



# NEWSLETTER

LIFANG & PARTNERS **立方观评**



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No.421

2026.5

## 立方要闻周报

### Weekly News By Lifang & Partners

NO.157

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Quality Supervision and Inspection Center for Computer Information System Security Products of the Ministry of Public Security Detects 41 Mobile Applications with Illegal Collection and Use of Personal Information

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Three Guangdong Authorities Jointly Issue Negative List Policy for Cross border Data Transfer in China (Guangdong) Pilot Free Trade Zone

澳大利亚：OAIC更新关于APP第3条的指南

Australia: OAIC Updates Guidance on APP 3

法国：CNIL发布智能眼镜数据保护风险提示

France: CNIL Issues Data Protection Risk Warning on Smart Glasses

## 知识产权 Intellectual Property

国家药监局发布《药品试验数据保护实施办法》，自发布之日起施行

The National Medical Products Administration has issued the Implementing Measures for Pharmaceutical Trial Data Protection, which take effect as of the date of issuance.

国家知识产权局商标局：2026年7月1日起全面推行商标业务电子化

Trademark Office of the National Intellectual Property Administration: Full Digitalization of Trademark Operations to Be Implemented from July 1, 2026

最高人民法院：再审逆转改判，厘清双方均合法持有注册商标的侵权认定标准

Supreme People's Court: Reversal of Judgment and Reconsideration, Clarifying the Legal Holding Standard for Infringement of Registered Trademarks

最高法知产法庭：明确农药登记试验适用专利科研例外边界

Intellectual Property Court of the Supreme People's Court: Clarifies the Boundary of the Patent Research Exception for Pesticide Registration Trials

广东高院：二审改判认定“鹰牌”驰名商标跨类保护，漆类产品使用近似标识构成侵权



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上海虹口法院：明知合作方在先标识与海外渠道，域外抢注近似商标并恶意投诉阻挠交易，构成不正当竞争

**Shanghai Hongkou Court: Overseas Bad-Faith Registration of Similar Trademark and Malicious Complaints to Obstruct Transactions, Based on Prior Use of Marks and Overseas Channels Known from Collaboration, Constitutes Unfair Competition**

北京知产法院：“北汽”简称之争终审落槌，脱离北汽集团后无权使用含“北汽”字样简称

**Beijing Intellectual Property Court: "BAIC" Abbreviation Dispute Finally Settled; Entity No Longer Affiliated with BAIC Group Has No Right to Use Abbreviation Containing "BAIC"**

南京中院：国内首例数字藏品商标侵权案落槌，明确数字藏品商标使用与著作权授权边界

**Nanjing Intermediate People's Court: Landmark Ruling in China's First NFT Digital Collectible Trademark Infringement Case Clarifies the Boundaries Between Trademark Use and Copyright Licensing in Digital Collectibles**

江苏高院：二审改判“正大”驰名商标侵权案，扩张侵权主体并适用连带责任

**Jiangsu High People's Court: Second Instance Reverses "Zhengda" Well-Known Trademark Infringement Ruling, Expands Scope of Liable Parties and Applies Joint and Several Liability**

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

### 国务院反垄断反不正当竞争委员会专家咨询组召开2026年全体会议

2026年5月12日，国务院反垄断反不正当竞争委员会（“委员会”）专家咨询组全体会议在京召开。市场监管总局反垄断总监王铁汉主持会议并讲话。会议强调，要紧紧围绕委员会工作部署，强化专家咨询组为委员会科学决策提供智力支持的重任担当，聚焦反垄断反不正当竞争工作重点，出实招、谋实策，助力竞争监管事业高质量发展，更加注重围绕“国之大者”，深度聚焦关乎人民群众急难愁盼的竞争监管问题开展研究，为强化反垄断反不正当竞争执法发挥更大作用。（[查看更多](#)）

### Expert Consultation Group of the Anti-Monopoly and Anti-Unfair Competition Commission of the State Council Holds 2026 Plenary Meeting

On May 12, 2026, the plenary meeting of the Expert Consultation Group of the Anti-Monopoly and Anti-Unfair Competition Commission of the State Council (“the Commission”) was held in Beijing. WANG Tiehan, the Anti-Monopoly Director General of the SAMR, presided over the meeting and delivered remarks. The meeting emphasized that the Expert Consultation Group should closely align its work with the Commission’s overall deployment, strengthen its role in providing intellectual support for the Commission’s scientific decision-making, focus on key issues in anti-monopoly and anti-unfair competition enforcement, and develop practical and effective policy recommendations to support the high-quality development of competition regulation. The meeting also stressed the importance of focusing on “matters of fundamental national importance” and conducting in-depth research on competition issues that are of urgent concern to the public, so as to play a greater role in strengthening anti-monopoly and anti-unfair competition enforcement. ([More](#))

### 市场监管总局附条件批准腾讯收购喜马拉雅股权案

2026年5月12日，市场监管总局发布腾讯控股有限公司收购喜马拉雅公司股权案反垄断审查决定的公告，决定附加限制性条件批准本集中。2025年6月11日，市场监管总局收到本案经营者集中反垄断申报；2026年2月12日，市场监管总局对本案作出中止计算审查期限的决定，并于2026年5月11日继续计算审查期限。2025年6月，腾讯通过其控股公司腾讯音乐娱乐集团与喜马拉雅签署协议。腾讯将根据协议收购喜马拉雅股权，并单独控制该公司。经审查，市场监管总局认为本案相关市场为中国境内在线音频播放平台市场、网络音乐播放平台市场和在线音频内容授权市场，并认定此项集中对中国境内在线音频播放平台市场、网络音乐播放平台市场可能具有排除、限制竞争效果。因此，根据交易双方提交的附加限制性条件承诺方案，市场监管总局决定附加限制性条件批准此项集中，要求交易双方和集中后实体履行五项义务，包括没有正当理由，不得提高在线音频播放平台服务价格、降低服务水平或者附加不合理交易条件等。（[查看更多](#)）

## SAMR Conditionally Approves Tencent's Acquisition of Equity Interest in Ximalaya Inc.

On May 12, 2026, the SAMR published its decision in the anti-monopoly review of Tencent Holdings Limited's acquisition of equity interest in Ximalaya Inc., conditionally approving the concentration subject to restrictive conditions. The SAMR received the filing for this concentration of undertakings on June 11, 2025; on February 12, 2026, the SAMR decided to suspend the calculation of the statutory review period, and on May 11, 2026, the SAMR resumed the calculation of the review period. In June 2025, Tencent Holdings Limited, through its controlled affiliate Tencent Music Entertainment Group, entered into an agreement with Ximalaya Inc.. Pursuant to the agreement, Tencent will acquire an equity interest in Ximalaya and obtain sole control over the company. Upon review, the SAMR determined that the relevant markets in this case include: the market for online audio streaming platforms in China; the market for internet music streaming platforms in China; and the market for licensing of online audio content in China. The SAMR found that the transaction may have the effect of eliminating or restricting competition in the market for online audio streaming platforms in China and the market for internet music streaming platforms in China. Accordingly, based on the proposed commitments of additional restrictive conditions submitted by both parties to the transaction, the SAMR approved this concentration of undertakings subject to restrictive conditions; both parties to the transaction and the post-transaction entity are required to comply with five obligations, including that, absent legitimate justification, they may not increase prices for online audio streaming platform services, reduce service quality or impose unreasonable trading conditions. ([More](#))

## 韩国公平交易委员会就涉嫌价格垄断行为的多家石化企业开展现场检查

2026年5月14日，据媒体报道，韩国反垄断监管机构韩国公平交易委员会（“KFTC”）已经对韩国四家主要石化企业开展现场检查并收集相关的文件及其他资料，调查其是否涉嫌实施价格垄断行为。被调查的四家公司分别是LG化学、韩华解决方案、爱敬集团和OCI，本反垄断调查主要围绕相关企业是否就聚氯乙烯（PVC）及增塑剂实施了协同定价的垄断行为。PVC是一种广泛使用的塑料材料，而增塑剂则是在PVC制品生产过程中使用的重要化学添加剂；据悉，LG化学和韩华解决方案均为PVC供应商，而上述四家公司均从事增塑剂生产。（[查看更多](#)）

## KFTC Conducts On-Site Inspections of Several Petrochemical Companies over Alleged Price-Fixing Practices

On May 14, 2026, according to media reports, South Korea's antitrust regulator, the Korea Fair Trade Commission (“the KFTC”), had commenced on-site inspections of four major South Korean petrochemical companies and collected relevant documents and other materials to investigate whether they had engaged in price-fixing practices. The four companies under investigation are LG Chem, Hanwha Solutions, Aekyung Group, and OCI. This antitrust investigation focuses primarily on whether these companies coordinated prices for polyvinyl chloride (“PVC”) as well as plasticizers. PVC is a widely used plastic material, while plasticizers are important chemical compounds used in the manufacturing process of PVC products. Reportedly, LG Chem and Hanwha Solutions are suppliers of PVC, and all four companies are engaged in the production of plasticizers. ([More](#))

## 意大利反垄断监管机构针对电信行业网络共享协议启动反垄断调查

2026年5月11日，据媒体报道，意大利竞争与市场管理局（“AGCM”）对意大利电信运营商Fastweb和Telecom Italia（“TIM”）启动反垄断调查，重点审查双方共同建设第五代移动通信基础设施并在全国范围内共享网络资产的协议是否符合意大利竞争法规定。该协议于今年1月首次披露，协议双方为TIM与Fastweb（Swisscom的意大利子公司），合同目的是尤其在意大利人口密度较低地区加快5G服务部署。AGCM表示已对该交易启动正式审查程序，并将评估该合作安排是否可能限制意大利电信行业的竞争。本次调查预计将持续至2027年4月，届时AGCM将决定该网络共享协议是否违反竞争法。（[查看更多](#)）

## Italian Antitrust Authority Opens Investigation into Network-Sharing Agreement in the Telecommunications Sector

On May 11, 2026, according to media reports, the Italian Competition Authority (“AGCM”) had opened an antitrust investigation into the Italian telecommunications operators Fastweb and Telecom Italia (“TIM”), focusing on whether the parties’ agreement to jointly build fifth-generation (“5G”) mobile telecommunications infrastructure and share network assets across Italy complies with Italian competition law. The agreement was first disclosed in January 2026, and the parties to the agreement are TIM and Fastweb (the Italian subsidiary of Swisscom). The agreement is intended, in particular, to accelerate the rollout of 5G services in less densely populated areas of Italy. The AGCM stated that it has initiated a formal review of the deal and will assess whether the cooperation arrangement may restrict competition in the Italian telecommunications sector. The investigation is expected to continue until April 2027, at which time AGCM will determine whether the network-sharing agreement infringes competition law. ([More](#))

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

### 国务院办公厅印发《国务院2026年度立法工作计划》

2026年5月11日，国务院办公厅印发了《国务院2026年度立法工作计划》（以下简称《计划》）。《计划》明确，要完善人工智能治理，加快推进人工智能健康发展综合性立法；加快完善保障数据、算力、算法、产权、网络安全、供应链安全等人工智能共性要素及规范重点应用场景方面的立法。《计划》指出，要围绕推进国家安全体系和能力现代化、建设更高水平平安中国，其中预备提请全国人大常委会审议网络犯罪防治法草案等法律；预备制定网络安全等级保护条例、终端设备直连卫星服务管理条例等法规。（[查看更多](#)）

### General Office of the State Council Issues the *State Council’s 2026 Annual Legislative Work Plan*

On May 11, 2026, the General Office of the State Council issued the *State Council’s 2026 Annual Legislative Work Plan* (Plan). The Plan clarifies that China will improve AI governance and accelerate comprehensive legislation for the sound development of artificial intelligence. It will speed up legislation to safeguard core AI elements including data, computing power, algorithms, intellectual property

rights, cybersecurity and supply-chain security, as well as to regulate key application scenarios. The Plan states that efforts will be made to advance the modernization of the national security system and capabilities and build a higher-level safe China. Under this framework, draft laws such as the draft Law on Prevention and Control of Cybercrimes are proposed to be submitted to the Standing Committee of the National People's Congress for deliberation. It also plans to formulate administrative regulations including the Regulations on Hierarchical Protection of Cybersecurity and the Regulations on the Administration of Direct Satellite Connection Services for Terminal Devices. ([More](#))

## 公安部计算机信息系统安全产品质量监督检验中心检测发现41款违法违规收集使用个人信息的移动应用

2026年5月14日，公安部计算机信息系统安全产品质量监督检验中心检测发现了41款移动应用存在违法违规收集使用个人信息的情况，包括：（1）未公开个人信息收集使用规则；（2）未经用户同意收集使用个人信息；（3）未完整准确告知收集使用个人信息情况，或告知收集使用个人信息目的、方式、范围与实际收集使用情况不一致；（4）未列明向第三方提供个人信息的种类、目的、方式以及接收方的名称、联系方式；（5）在申请打开可收集个人信息的权限或申请收集用户个人敏感信息时，未同步告知用户其目的；（6）强制用户同意收集非必要个人信息；（7）超出必要范围收集使用个人信息，在无关场景收集位置、通讯录、短信等个人信息；（8）未提供有效注销用户账号功能；（9）未建立、公布有效的个人信息安全投诉举报渠道；（10）未向用户提供行使更正、删除、拒绝处理个人信息等权利的便捷渠道，相关功能不完善不健全；（11）频繁或意外弹出广告，影响用户正常使用。（[查看更多](#)）

## Quality Supervision and Inspection Center for Computer Information System Security Products of the Ministry of Public Security Detects 41 Mobile Applications with Illegal Collection and Use of Personal Information

On May 14, 2026, the Quality Supervision and Inspection Center for Computer Information System Security Products of the Ministry of Public Security detected 41 mobile applications involving illegal and irregular collection and use of personal information, with the specific violations as follows: (1) Failure to disclose rules for the collection and use of personal information; (2) Collection and use of personal information without user consent; (3) Failure to fully and accurately inform users of personal information collection and use, or inconsistency between the stated purpose, method and scope of collection and use and the actual practice; (4) Failure to specify the types, purposes and methods of personal information provided to third parties, as well as the names and contact information of recipients; (5) Failure to inform users of the purpose when applying for permissions to collect personal information or sensitive personal information; (6) Compelling users to consent to the collection of non-essential personal information; (7) Collecting and using personal information beyond the necessary scope, such as location, contacts and short messages in irrelevant scenarios; (8) Failure to provide an effective user account cancellation function; (9) Failure to establish and publish effective channels for complaints and reports regarding personal information security; (10) Failure to provide users with convenient channels to exercise rights such as rectification, deletion and refusal of personal information processing, with relevant functions incomplete and defective; (11) Frequent or accidental pop-up advertisements that interfere with users' normal use of the applications. ([More](#))

## 国家网信办发布生成式人工智能服务已备案信息

2026年5月13日，国家互联网信息办公室（以下简称“国家网信办”）发布了生成式人工智能服务已备案信息。2026年3月至4月，新增72款生成式人工智能服务在国家网信办完成备案，对于通过API接口或其他方式直接调用已备案模型能力的生成式人工智能应用或功能，由地方网信办开展登记，新增49款完成登记。截至4月30日，累计有868款生成式人工智能服务完成备案，530款生成式人工智能应用或功能完成登记。根据有关规定，提供具有舆论属性或者社会动员能力的生成式人工智能服务的，可通过属地网信部门履行备案或登记程序。已上线的生成式人工智能应用或功能，应在显著位置或产品详情页面公示所使用已备案或登记生成式人工智能服务情况，注明模型名称、备案号或上线编号。（[查看更多](#)）

## CAC Releases Filing Information of Generative AI Services

On May 13, 2026, the Cyberspace Administration of China (CAC) released the filing information of generative artificial intelligence (AI) services. Between March and April 2026, 72 additional generative AI services completed filing with the CAC. For generative AI applications or functions that directly invoke capabilities of filed models via API interfaces or other means, registration is conducted by local cyberspace authorities, with 49 newly registered ones. As of April 30, a total of 868 generative AI services have completed filing, and 530 generative AI applications or functions have finished registration. In accordance with relevant provisions, providers of generative AI services with public opinion attributes or social mobilization capabilities may complete filing or registration procedures through local cyberspace authorities. Launched generative AI applications or functions shall publicly display information on the filed or registered generative AI services they adopt in prominent positions or product detail pages, specifying the model name, filing number or launch number. ([More](#))

## 中央网信办全面部署推进规范短视频内容标注工作

2026年5月12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”）宣布继续全面部署推进规范短视频内容标注工作。近日，中央网信办总结了12家平台试行经验，指导各地各网站平台全面推进落实三项工作：（1）规范短视频内容标注标签，明确网站平台必须为用户提供6类“必选标签”，并可根据自身实际提供其他“可选标签”。其中，“必选标签”包括“含有虚构演绎内容”“含有AI生成内容”“含有营销信息”“内容为转载”“内容为个人观点”和“无需标注”。真实生活记录类短视频可选择“无需标注”标签，该标签不在短视频页面呈现。（2）将内容标注设为短视频发布必经环节，发布者必须从“必选标签”中选择一项，才能发布短视频。（3）对新增短视频标注情况加强审核，对存量短视频进行分批回溯，对未规范标注的，进行补标或纠正，并对相关发布者进行教育警示，推动实现短视频内容应标尽标。下一步，中央网信办将加大对网站平台的指导督促和监督检查力度，对未按要求进行标注的账号和主体责任落实不力的网站平台，依法严惩并公开曝光。（[查看更多](#)）

## CAC Rolls Out Comprehensive Deployment to Standardize Short-Video Content Labeling

On May 12, 2026, the Office of the Central Cyberspace Affairs Commission (CAC) announced a comprehensive roll-out to further standardize short-video content labeling. Recently, the CAC summarized pilot practices from 12 platforms and guided websites and platforms across all regions to fully implement three key tasks: (1) Standardize labeling tags for short-video content. Websites and platforms must provide six mandatory tags for users and may offer other optional tags based on their actual conditions. The mandatory tags are: Contains fictional interpretation content, Contains AI-generated content, Contains marketing information, Reposted content, Personal opinion, and No labeling required. Short videos recording real-life moments may adopt the tag “No labeling required”, which will not be displayed on short-video pages. (2) Make content labeling a mandatory step for short-video release. Publishers must select one tag from the mandatory tags before publishing short videos. (3) Strengthen review of labeling for newly released short videos, conduct phased retrospective checks on existing short videos, require supplementary labeling or rectification for non-compliant labeling cases, and provide education and warnings to relevant publishers, so as to ensure all eligible short-video content is labeled as required. Going forward, the CAC will step up guidance, supervision and inspection of websites and platforms. It will impose severe legal penalties and public exposure on accounts that fail to label content as required and platforms that poorly fulfill primary responsibilities. ([More](#))

### 广东省三部门联合发布中国（广东）自由贸易试验区数据出境负面清单政策

2026年5月15日，广东省网信办等三部门联合发布了《中国（广东）自由贸易试验区数据出境管理清单（负面清单）（2025版）》（以下简称《负面清单》）和《中国（广东）自由贸易试验区数据出境负面清单管理办法（试行）》（以下简称《管理办法》）。《负面清单》包括个人征信服务业和智能装备制造业两个领域，包含重要数据、个人信息两类数据，涉及7个业务领域和67个数据项。《管理办法》共六章二十六条，适用于广东自贸试验区和河套深圳园区内开展数据出境负面清单制定审批和使用管理等活动。《管理办法》明确，出境数据属于负面清单所列行业领域的，经研判，出境数据属于负面清单内的，需要按照负面清单要求，申报数据出境安全评估、订立个人信息出境标准合同或通过个人信息保护认证；出境数据不属于负面清单内的，可以免于申报数据出境安全评估、订立个人信息出境标准合同、通过个人信息保护认证。出境数据不属于负面清单所列行业领域的，按照其他有关规定执行。 ([查看更多](#))

### Three Guangdong Authorities Jointly Issue Negative List Policy for Cross-border Data Transfer in China (Guangdong) Pilot Free Trade Zone

On May 15, 2026, three authorities including the Cyberspace Administration of Guangdong Province jointly issued the *Negative List for Cross-border Data Transfer Administration in China (Guangdong) Pilot Free Trade Zone (2025 Version)* (Negative List) and the *Measures for the Administration of the Negative List for Cross-border Data Transfer in China (Guangdong) Pilot Free Trade Zone (Trial)* (Administrative Measures). The Negative List covers two sectors, namely the personal credit reporting service industry and the intelligent equipment manufacturing industry, involving two categories of data (important data and personal information), seven business fields and 67 data items. Consisting of six chapters and 26 articles, the Administrative Measures apply to activities such as formulation, examination and approval, and usage management of the negative list for cross-border data transfer conducted within the Guangdong Pilot Free Trade Zone and the Hetao Shenzhen Park. The Administrative Measures clarify that where cross-border data falls within the industrial sectors listed in the Negative List and is verified to be covered by the Negative List, entities shall conduct cross-border data security

assessment, conclude standard contracts for cross-border transfer of personal information, or obtain personal information protection certification in accordance with the Negative List requirements. Where cross-border data is not covered by the Negative List, entities shall be exempted from cross-border data security assessment, conclusion of standard contracts for cross-border transfer of personal information, and personal information protection certification. For cross-border data outside the industrial sectors listed in the Negative List, relevant provisions shall apply. ([More](#))

### 澳大利亚：OAIC更新关于APP第3条的指南

2026年5月13日，澳大利亚信息专员办公室（OAIC）更新了关于《澳大利亚隐私原则》（APP）第3条（收集主动提供的个人信息）的指南。此次更新扩展了对现有要求的指导，以帮助实体更易于遵守。更新内容反映了近期的裁定以及OAIC其他指南中的关键立场，包括：

- （1）将APP第3条原则应用于当前技术使用场景（例如人工智能和人脸识别技术）以及当前实践（例如数据抓取、跟踪像素和数据经纪）的当代示例；
- （2）一个新的流程图，以协助各机构和组织理解APP第3条下收集个人信息的要求；
- （3）为体现比例原则如何隐含在APP第3条要求中而进行的澄清性修改，要求实体采取数据最小化的方法；
- （4）关于仅收集对实体的“职能与活动”而言“合理必要”的个人信息这一要求的扩展指导；
- （5）关于APP第3.5条中“公平手段”的扩展指导；
- （6）关于收集敏感信息需征得同意这一要求的若干例外情形的扩展指导；
- （7）关于实体委托第三方收集个人信息时的责任澄清。 ([查看更多](#))

### Australia: OAIC Updates Guidance on APP 3

On 13 May 2026, the Office of the Australian Information Commissioner (OAIC) updated its guidance on Australian Privacy Principle (APP) 3 (collection of solicited personal information). The updates expand guidance on existing requirements to help make it easier for entities to comply. The updates reflect recent determinations, and key positions from other OAIC guidance, including: (1) Contemporary examples which apply the APP 3 principles to current technology use cases such as artificial intelligence and facial recognition technology, and current practices like data scraping, tracking pixels and data broking. (2) A new flow chart to assist agencies and organizations to navigate the requirements for collecting personal information under APP 3. (3) Clarifying changes to reflect how proportionality is implicit in the APP 3 requirements, requiring entities to take a data minimization approach. (4) Expanded guidance on the requirement to only collect personal information that is “reasonably necessary” for an entity’s “functions and activities”. (5) Expanded guidance on ‘fair means’ under APP 3.5. (6) Expanded guidance on several exceptions to the requirement to seek consent for collection of sensitive information. (7) Clarifications on liability for where an entity engages a third party to collect personal information. ([More](#))

### 法国：CNIL发布智能眼镜数据保护风险提示

2026年5月11日，法国国家信息自由委员会（CNIL）发布了智能眼镜数据保护风险提示。智能眼镜涉及大量的个人数据处理，其使用原则上须遵守《通用数据保护条例》（GDPR）和法国《信息技术与自由法》。除此之外，智能眼镜还引发了更广泛的风险：（1）以近乎不可见的方式捕捉第三方的图像和声音。由于这些眼镜与一般眼镜在外形上没有明显区别，附近的人

很难知道他们是否被拍摄或录音。此外，用于告知人们正在被捕捉的技术设备（例如激活指示灯）效果有限，尤其是在某些用途中根本不存在这些设备。（2）日常监控的重大风险。智能眼镜的兴起可能会产生大规模普遍监控的严重风险以及某种形式的常态化：任何人在任何公共空间（街道、商店、海滩等）和私人空间（家中、工作场所等）都可能配备摄像头。这些设备相对较低的成本可能导致监视器充斥整个社会空间。最终，每个人都可能持续地怀疑自己最微小的行为举止和交谈是否正被潜在记录，产生一种时刻被观察甚至被监视的感觉，并逐渐导致一种自我审查的形式。个人自由（言论自由、集会自由、示威自由）的行使将因此受到直接威胁。（[查看更多](#)）

## France: CNIL Issues Data Protection Risk Warning on Smart Glasses

On May 11, 2026, the French National Commission for Informatics and Liberties (CNIL) released a data protection risk warning regarding smart glasses. Smart glasses involve extensive processing of personal data, and their use is in principle subject to the *General Data Protection Regulation (GDPR)* and France's *Data Protection Act*. Beyond that, smart glasses give rise to broader risks: (1) Capturing images and sounds of third parties in a nearly invisible manner. As these glasses have no obvious visual differences from ordinary eyeglasses, people nearby can hardly know whether they are being filmed or recorded. In addition, technical devices intended to inform individuals of ongoing capture (such as activation indicator lights) are of limited effectiveness, and are even absent in certain use cases. (2) Significant risks of everyday surveillance. The rise of smart glasses may bring severe risks of mass universal surveillance and a form of normalization: anyone may be equipped with a camera in all public spaces (streets, shops, beaches, etc.) and private spaces (homes, workplaces, etc.). The relatively low cost of such devices may lead to surveillance cameras saturating social spaces. Ultimately, everyone may constantly suspect that their smallest behaviors and conversations are potentially being recorded, creating a sense of being watched or monitored at all times, and gradually resulting in self-censorship. The exercise of personal freedoms (freedom of speech, freedom of assembly, freedom of demonstration) will thereby be directly threatened. ([More](#))

## 知识产权 Intellectual Property

### 国家药监局发布《药品试验数据保护实施办法》，自发布之日起施行

2026年5月15日，国家药监局发布《药品试验数据保护实施办法》（2026年第47号公告），自发布之日起正式实施，全面建立药品试验数据保护制度。

办法明确，对符合条件的化学药品与生物制品实施试验数据保护：创新药、境外原研药保护期6年，改良型药4年，首家仿制药3年。保护期内，未经许可，不批准其他申请人依赖该数据的注册申请。

申请需在提交药品注册申请时同步提出；公告前已受理未审结的申请，申请人应在15日内补提申请。药监局将在批准文件中标注保护信息，并在官网专栏公示。

本办法旨在鼓励药品创新，完善数据保护机制，兼顾公共利益与突发公共卫生事件需求。

来源：国家药监局

## **The National Medical Products Administration has issued the Implementing Measures for Pharmaceutical Trial Data Protection, which take effect as of the date of issuance.**

On May 15, 2026, the National Medical Products Administration issued the Implementing Measures for Pharmaceutical Trial Data Protection (Announcement No. 47 of 2026), which came into effect immediately upon issuance, establishing a comprehensive pharmaceutical trial data protection system.

The Measures specify the trial data protection periods applicable to eligible chemical drugs and biological products: innovative drugs and overseas original drugs are entitled to a six-year protection period; improved new drugs to four years; and the first generic drug to three years. During the protection period, the NMPA will not approve any subsequent applicant's registration application that relies on the protected data without the original data owner's permission.

Applicants must submit their data protection requests concurrently with their drug registration applications. For applications filed before the announcement but not yet finalized, applicants must submit a supplemental request within 15 days. The NMPA will indicate the data protection information in the approval documents and publish it on a dedicated column on its official website.

The Measures aim to encourage pharmaceutical innovation, improve the data protection mechanism, while balancing public interests and the needs of public health emergencies.

Source: National Medical Products Administration

## **国家知识产权局商标局：2026年7月1日起全面推行商标业务电子化**

近日，国家知识产权局商标局发布通告，自2026年7月1日起，委托代理机构办理的商标业务原则上全面电子化，通过商标网上服务系统提交电子材料，不再接收纸质材料。

通告明确，过渡期为通告发布之日起至6月30日，代理机构应提前完成准备。网上申请享受费用优惠，变更业务免费，其他业务九折。已提交的纸件申请过渡期内仍可纸件答复，后续将上线纸转电功能。

商标局同步发布《商标业务电子证据提交指引》，规范电子证据提交标准，并提供线上线下咨询渠道，保障业务平稳过渡。

来源：国家知识产权局商标局

## **Trademark Office of the National Intellectual Property Administration: Full Digitalization of Trademark Operations to Be Implemented from July 1, 2026**

Recently, the Trademark Office of the National Intellectual Property Administration (CNIPA) issued a notice announcing that, effective July 1, 2026, trademark operations handled through authorized agents

will, in principle, be fully digitalized. All submissions must be made electronically via the Trademark Online Service System, and paper submissions will no longer be accepted.

The notice specifies a transition period from the date of issuance to June 30. Authorized agents are required to complete their preparations in advance. Online applications will benefit from fee reductions: amendment applications will be free of charge, and other operations will receive a 10% discount. For paper applications already filed before the transition period, paper-based responses will still be accepted during the transition period. A function to convert paper documents to electronic format will be launched at a later stage.

The Trademark Office has simultaneously issued the Guidelines for Submitting Electronic Evidence in Trademark Operations, which standardize the requirements for electronic evidence submission. Online and offline consultation channels are also available to ensure a smooth transition.

[Source: Trademark Office of the National Intellectual Property Administration](#)

### **最高人民法院：再审逆转改判，厘清双方均合法持有注册商标的侵权认定标准**

近日，最高人民法院对哈尔滨市振兴装饰材料实业有限公司、江门市润景实业有限公司与佛山市顺德区泰源实业有限公司侵害商标权纠纷案作出再审判决，实现从判赔3000万元到驳回全部诉请的重大改判。

法院查明，泰源公司、振兴公司分别合法持有“枫叶”“枫葉”注册商标，核定使用商品分别为硅酮玻璃胶、硅胶。泰源公司主张被诉产品为玻璃胶，超出振兴公司商标核定范围构成侵权。一、二审法院认定侵权并顶格判处赔偿3000万元。

最高法再审认为，被诉“酸性硅胶”属于振兴公司商标核定“硅胶”商品范围，其使用时间早于泰源公司商标申请日，已形成稳定市场格局，相关公众可区分商品来源，无混淆可能。

再审判决撤销一、二审判决，驳回泰源公司全部诉讼请求。本案明确双方均持有合法注册商标时，应以混淆可能性为核心判断标准，不简单以注册在先或标识近似认定侵权，统一同类案件裁判尺度。

[来源：最高人民法院](#)

### **Supreme People's Court: Reversal of Judgment and Reconsideration, Clarifying the Legal Holding Standard for Infringement of Registered Trademarks**

Recently, the Supreme People's Court made a retrial judgment in the case of infringement of trademark rights between Harbin Zhenxing Decoration Materials Industrial Co., Ltd., Jiangmen Runjing Industrial Co., Ltd. and Foshan Shunde District Taiyuan Industrial Co., Ltd. This retrial judgment resulted in a significant change from awarding 30 million yuan in compensation to dismissing all claims.

The court found that Taiyuan Company and Zhenxing Company respectively legally held the registered trademarks "Fengye" and "Fengye", with the designated goods being silicone glass glue and silicone

respectively. Taiyuan Company claimed that the accused products were silicone glue, which exceeded the scope of application of Zhenxing Company's trademark and constituted infringement. The first and second instance courts determined infringement and imposed the maximum compensation of 30 million yuan.

The Supreme People's Court's retrial held that the accused "acidic silicone" belonged to the goods within the scope of application of Zhenxing Company's trademark "silicone", and its use time was earlier than the application date of Taiyuan Company's trademark. It had formed a stable market pattern, and the relevant public could distinguish the source of the goods, with no possibility of confusion.

The retrial judgment revoked the judgments of the first and second instance courts and dismissed all litigation requests of Taiyuan Company. This case clearly stipulates that when both parties hold legally registered trademarks, the core judgment standard should be the possibility of confusion, rather than simply determining infringement based on the priority of registration or similarity of the logo. It unifies the judgment standards for similar cases.

Source: Supreme People's Court

### 最高法知产法庭：明确农药登记试验适用专利科研例外边界

近日，最高人民法院知识产权法庭审结农药发明专利侵权纠纷案，划定科研例外与专利侵权的裁判边界。

法院查明，涉案为“氯虫苯甲酰胺”农药发明专利。侵权企业在专利期内，为自身办理农药登记，制造、使用专利农药产品；同时为外部17家企业提供原药用于登记试验，助力案外人获批28件农药登记，并通过展会、官网、公众号进行产品许诺销售。

一审仅认定许诺销售侵权，双方均上诉。最高法二审改判：为自身办理农药登记必要的制造、使用行为，属于专利法科研例外，不构成侵权，防止专利保护期变相延长；向案外人提供试验农药牟利超出合理限度，构成专利侵权；专利期内公开宣传推介构成许诺销售侵权。

本案划定农药专利科研例外清晰边界：自用登记试验可免责，对外提供试验样品、商业宣传许诺销售均属侵权，兼顾农药行业行政审批特性、专利权人合法权益与公共利益，为医药、农药领域专利合理使用提供重要裁判指引。

来源：最高人民法院知识产权法庭

### Intellectual Property Court of the Supreme People's Court: Clarifies the Boundary of the Patent Research Exception for Pesticide Registration Trials

Recently, the Supreme People's Court Intellectual Property Tribunal concluded a pesticide patent infringement dispute case, delineating the boundaries between the research exception and patent infringement in judicial decisions.

The court found that the involved patent was for the "chlorfenapyr" pesticide. The infringing enterprise, during the patent period, handled pesticide registration for itself, manufactured and used the patented

pesticide products; at the same time, provided the raw materials for 17 external enterprises for registration trials, assisting the outside parties in obtaining 28 pesticide registrations, and conducting product promise sales through exhibitions, official websites, and official accounts.

The first instance only determined the infringement of promise sales, and both parties appealed. The Supreme People's Court's second instance reversed the judgment: The necessary manufacturing and use behaviors for handling pesticide registration for oneself fall within the research exception of the patent law, and do not constitute infringement, to prevent the patent protection period from being extended in a disguised manner; providing test pesticides to external parties for profit exceeds the reasonable limit and constitutes patent infringement; publicizing and promoting publicly during the patent period constitutes infringement of promise sales.

This case delineates a clear boundary for the pesticide patent research exception: Self-use registration trials can be exempted from liability; providing test samples externally, conducting commercial promotion, and promising sales are all infringements. It takes into account the characteristics of the pesticide industry's administrative approval, the legitimate rights and interests of the patent owner, and public interests, providing important judicial guidance for the reasonable use of patents in the pharmaceutical and pesticide fields.

Source: Intellectual Property Court of the Supreme People's Court

## 广东高院：二审改判认定“鹰牌”驰名商标跨类保护，漆类产品使用近似标识构成侵权

近日，广东省高级人民法院审结佛山石湾鹰牌陶瓷有限公司诉湖南鹰派新材料有限公司、刘某某等侵害商标权及不正当竞争纠纷案，二审认定涉案商标为驰名商标并给予跨类保护，改判赔偿金额至180万元。

法院查明，鹰牌公司系第324313号“鹰牌”系列商标权利人，核定使用于瓷砖。湖南鹰派公司及其股东刘某某，在油漆、瓷砖胶等商品上注册并使用含“鹰牌”近似标识，部分商标已被宣告无效。油漆与瓷砖分属不同类别商品，一审判仅认定瓷砖胶侵权，赔偿50万元。

二审法院认定，涉案“鹰牌”商标在被诉商标申请日前已构成驰名商标；被诉标识与驰名商标近似，被告主观攀附恶意明显，在油漆等跨类商品上使用，减弱驰名商标显著性、不当利用其商誉，构成商标侵权。二审改判被告停止侵权，赔偿经济损失及合理开支共计180万元。

本案明确驰名商标被动认定规则及跨类保护适用条件，为建材行业驰名商标维权提供重要裁判指引。

来源：广东省高级人民法院

## Guangdong High People's Court: Second Instance Reverses Judgment, Finds "Eagle" Well-Known Trademark Entitled to Cross-Class Protection; Use of Similar Marks on Paint Products Constitutes Infringement

Recently, the Guangdong High People's Court concluded the case of Foshan Shiwan Eagle Ceramics Co., Ltd. v. Hunan Eagle派 New Materials Co., Ltd., Liu, et al., concerning trademark infringement and unfair competition. In the second instance, the court found the involved trademark to be a well-known trademark entitled to cross-class protection, and increased the damages to RMB 1.8 million.

The court found that Eagle Ceramics is the owner of the "Eagle" series trademark, registration No. 324313, which is designated for use on ceramic tiles. Hunan Eagle派 New Materials Co., Ltd. and its shareholder, Liu, registered and used marks containing the "Eagle" element (similar to the well-known mark) on products such as paint and tile adhesive; some of these registered marks have since been invalidated. Paint and ceramic tiles belong to different classes of goods. In the first instance, the court found infringement only with respect to tile adhesive and awarded damages of RMB 500,000.

In the second instance, the court held that the "Eagle" trademark had already become a well-known trademark prior to the filing date of the disputed marks. The disputed marks are similar to the well-known trademark. The defendants were clearly motivated by bad-faith free-riding. Their use of the similar marks on cross-class goods such as paint dilutes the distinctiveness of the well-known trademark and unjustly exploits its goodwill, constituting trademark infringement. The second-instance court reversed the lower court's judgment, ordering the defendants to cease infringement and pay RMB 1.8 million in economic damages and reasonable expenses.

This case clarifies the principle of passive recognition of well-known trademarks and the conditions for applying cross-class protection, providing important guidance for the enforcement of well-known trademark rights in the building materials industry.

Source: Guangdong High People's Court

### 上海虹口法院：明知合作方在先标识与海外渠道，域外抢注近似商标并恶意投诉阻挠交易，构成不正当竞争

近日，上海虹口区法院审结一起恶意抢注商标涉外不正当竞争纠纷案，二审维持原判。

法院查明，A 科技公司长期使用自有商业标识开展防护用具出口业务，产品获欧盟认证，但未在国内外注册商标。合作期间，张先生及其控制的 B 公司知悉其在先标识、海外渠道及经销商信息，随后在欧盟抢注近似商标并获核准，国内注册申请被驳回。此后，B 公司以域外商标为由发送律师函、施压海外经销商致合作终止，还在电商平台批量投诉 94 个商品链接造成下架，并向监管部门恶意举报。

法院认为，企业海外销售渠道与出口竞争利益属于受反不正当竞争法保护的合法权益。被告借合作便利恶意域外抢注、无真实使用意图，借维权之名恶意投诉举报、排挤竞争对手，违背诚实信用与商业道德，构成不正当竞争。

本案明确跨境经营并非法外之地，强化对出海企业合法竞争利益的司法优先保护，划定域外商标权利行使边界。

来源：上海市高级人民法院

## Shanghai Hongkou Court: Overseas Bad-Faith Registration of Similar Trademark and Malicious Complaints to Obstruct Transactions, Based on Prior Use of Marks and Overseas Channels Known from Collaboration, Constitutes Unfair Competition

Recently, the Hongkou District People's Court in Shanghai concluded a foreign-related unfair competition dispute involving bad-faith trademark registration. The second-instance judgment upheld the original ruling.

The court found that Company A had long used its own business mark in the export of protective equipment, with its products obtaining EU certification, though the mark was not registered as a trademark domestically or internationally. During their cooperation, Mr. Zhang and Company B, which he controlled, became aware of Company A's prior-used mark, overseas channels, and distributor information. Subsequently, Mr. Zhang and Company B filed a bad-faith trademark application for a similar mark in the EU, which was granted, while their domestic registration application was rejected. Thereafter, Company B sent cease-and-desist letters based on the foreign trademark, pressured overseas distributors (leading to termination of cooperation), filed mass infringement complaints on e-commerce platforms against 94 product listings (resulting in their removal), and made malicious reports to regulatory authorities.

The court held that a company's overseas sales channels and export competition interests constitute legal rights and interests protected under the Anti-Unfair Competition Law. The defendants took advantage of the cooperative relationship to engage in bad-faith overseas registration, lacked any genuine intention to use the mark, and then, under the guise of enforcing their rights, filed malicious complaints and reports to exclude a competitor. Such conduct violated the principles of good faith and commercial ethics, and constituted unfair competition.

This case clarifies that cross-border operations are not beyond the reach of the law. It reinforces the judicial priority of protecting the legitimate competitive interests of enterprises expanding overseas and delineates the boundaries for exercising trademark rights outside China.

Source: [Shanghai High People's Court](#)

## 北京知产法院：“北汽”简称之争终审落槌，脱离北汽集团后无权使用含“北汽”字样简称

近日，北京知识产权法院审结北汽集团诉北京汽车制造厂有限公司不正当竞争纠纷案，二审驳回上诉、维持原判。

法院查明，北汽集团历经合并改制，合法承继老牌车企历史商誉与“北汽”简称权益，长期使用已形成稳定市场专属对应关系。被告2001年改制设立，早年依托与北汽集团股权关联可相关使用标识，2015年完全脱离北汽集团后，仍在经营宣传中持续使用“北汽”“北汽制造”等字样简称，并主张自身承继老厂资产资质、享有商标许可使用权。

二审认定，被告无证据证明承继“北汽”简称权益，涉案商标许可仅限产品宣传使用，并未授权作为企业简称使用。其脱离关联关系后继续使用，主观攀附商誉意图明显，易引发公众混淆，构成不正当竞争。

本案明确：企业改制新设主体不当然承继历史字号商誉；商标使用授权不等同于企业简称授权；关联企业分立后对知名企业简称负有合理避让义务，为国企混改无形资产归属、品牌切割及企业简称保护提供重要司法指引。

来源：北京知识产权法院

## **Beijing Intellectual Property Court: "BAIC" Abbreviation Dispute Finally Settled; Entity No Longer Affiliated with BAIC Group Has No Right to Use Abbreviation Containing "BAIC"**

Recently, the Beijing Intellectual Property Court concluded the unfair competition dispute between BAIC Group and Beijing Automobile Works Co., Ltd. (BAW), dismissing the appeal and upholding the original judgment.

The court found that BAIC Group, through a series of mergers and restructurings, had lawfully succeeded to the historical goodwill of the legacy automaker and the rights to the "BAIC" abbreviation. Its long-term use of the abbreviation had established a stable, exclusive market association with BAIC Group. The defendant was established through restructuring in 2001. In its early years, due to an equity relationship with BAIC Group, it could use the relevant marks. However, after completely separating from BAIC Group in 2015, the defendant continued to use abbreviations containing the characters "北汽" (BAIC) and "北汽制造" (BAIC Manufacturing) in its business operations and promotions, claiming that it had succeeded to the assets and qualifications of the old factory and enjoyed a trademark license right.

In the second instance, the court held that the defendant had no evidence of succeeding to the rights to the "BAIC" abbreviation. The trademark license at issue only permitted the use of the mark in product promotions and did not authorize its use as a corporate abbreviation. By continuing to use the abbreviation after the dissolution of the affiliation, the defendant clearly intended to free-ride on BAIC Group's goodwill, which was likely to cause public confusion and constituted unfair competition.

This case clarifies several key principles: a newly established entity following corporate restructuring does not automatically succeed to the goodwill of a prior trade name; a trademark license does not equate to an authorization to use the same term as a corporate abbreviation; and after a spin-off, an affiliated entity owes a duty of reasonable avoidance with respect to a well-known corporate abbreviation. These holdings provide important judicial guidance for the attribution of intangible assets in state-owned enterprise mixed-ownership reforms, brand separation, and the protection of corporate abbreviations.

Source: Beijing Intellectual Property Court

## **南京中院：国内首例数字藏品商标侵权案落槌，明确数字藏品商标使用与著作权授权边界**

国内首例数字藏品商标侵权纠纷案二审审结，南京中院驳回上诉、维持原判。

法院查明，盛趣游戏系“热血传奇”文字及图形商标合法权利人，属知名重点保护IP。某运营方未经授权，擅自发行热血传奇主题数字藏品盲盒，借用经典游戏元素宣传牟利。被告主张已获案外人著作权授权，不构成侵权。

法院认定，其在藏品名称、宣传页面突出使用近似标识，具备识别商品来源功能，构成商标性使用。著作权与商标权保护范畴相互独立，著作权授权不能等同于商标使用授权，涉案使用行为超出授权边界，易引发公众混淆，构成商标侵权。

本案作为全国首例数字藏品商标侵权案，明确了数字藏品属于商标法规制范畴，划定数字商品商标使用边界；厘清著作权授权不能豁免商标侵权责任，为数字藏品行业合规运营、新型IP商业化维权提供重要司法参考与裁判指引。

来源：南京市中级人民法院

### **Nanjing Intermediate People's Court: Landmark Ruling in China's First NFT Digital Collectible Trademark Infringement Case Clarifies the Boundaries Between Trademark Use and Copyright Licensing in Digital Collectibles**

China's first trademark infringement dispute involving NFT digital collectibles has been concluded in the second instance, with the Nanjing Intermediate People's Court dismissing the appeal and upholding the original judgment.

The court found that Shengqu Games is the lawful owner of the "The Legend of Mir 2" (also known as "Hot Blooded Legend") word and graphic trademarks, which are well-known and protected as key IP rights. An operator, without authorization, issued blind boxes featuring "The Legend of Mir 2"-themed digital collectibles and used elements of the classic game for promotional purposes to generate profit. The defendant argued that it had obtained a copyright license from a third party outside the case and therefore did not constitute infringement.

The court held that the defendant's prominent use of similar marks in the names of the collectibles and on promotional pages served to identify the source of the goods, constituting trademark use. Copyright and trademark rights are separate and independent legal protections. A copyright license does not equate to a trademark license. The use in question exceeded the scope of any authorization and was likely to cause public confusion, thereby constituting trademark infringement.

As the first case of its kind in China involving trademark infringement in the context of digital collectibles, this ruling clarifies that digital collectibles fall within the regulatory scope of trademark law and delineates the boundaries of trademark use for digital goods. It also establishes that a copyright license does not exempt a party from liability for trademark infringement. The decision provides important legal guidance and adjudicative direction for compliant operations in the digital collectibles industry and for the enforcement of new forms of IP commercialization.

Source: Nanjing Intermediate People's Court

**江苏高院：二审改判“正大”驰名商标侵权案，扩张侵权主体并适用连带责任**

近日，江苏高院审结正大公司诉多家农牧企业及个人商标侵权及不正当竞争纠纷案，二审改判全额追责，各主体合计连带赔偿202万元。

法院查明，正大公司“正大”商标为驰名商标，多家被上诉人在饲料产品、经营场所突出使用“华东正大”标识，将“正大”登记为企业字号并虚假宣传。张某、王某以个人名义注册近似商标、使用个人账户收取侵权货款，华大农牧与华东正大存在混同经营。

二审法院认定，关联公司混同经营构成共同侵权；自然人提供帮助构成共同侵权；一人公司股东未证明财产独立应承担连带责任；销售者未尽注意义务，合法来源抗辩不成立。

二审撤销一审判决，判令停止侵权、变更企业名称，各责任主体连带赔偿共计202万元。本案明确混同经营、自然人帮助侵权、一人公司连带责任及合法来源抗辩认定标准，强化驰名商标保护力度。

来源：江苏省高级人民法院

### **Jiangsu High People's Court: Second Instance Reverses "Zhengda" Well-Known Trademark Infringement Ruling, Expands Scope of Liable Parties and Applies Joint and Several Liability**

Recently, the Jiangsu High People's Court concluded the trademark infringement and unfair competition dispute brought by Zhengda Company against several agribusiness enterprises and individuals. In the second instance, the court reversed the lower court's judgment, held all parties fully liable, and ordered them to pay a total of RMB 2.02 million on a joint and several basis.

The court found that Zhengda Company's "Zhengda" trademark is a well-known trademark. The multiple appellees had prominently used the mark "Huadong Zhengda" on feed products and in their business premises, registered "Zhengda" as part of their corporate trade names, and engaged in false advertising. Zhang and Wang, as individuals, registered similar trademarks, used their personal bank accounts to receive infringing payments, and Huadong Nongmu and Huadong Zhengda operated with commingled business activities.

In the second instance, the court held that the affiliated companies' commingled operations constituted joint infringement; the individuals who provided assistance constituted contributory infringement; the sole shareholder of a one-person company who failed to prove the independence of his property should bear joint and several liability; and the sellers, having failed to exercise due diligence, could not establish a valid defense of lawful source.

The second-instance court reversed the first-instance judgment, ordered the defendants to cease infringement, change their corporate names, and held the various liable parties jointly and severally liable for total compensation of RMB 2.02 million. This case clarifies the standards for determining commingled operations, contributory infringement by natural persons, the joint and several liability of one-person company shareholders, and the defense of lawful source, thereby strengthening the protection of well-known trademarks.

Source: Jiangsu High People's Court

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