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Ya'an Intermediate People's Court: Simple Processing of Public Domain Materials Lacks Originality; Copyright Registration Cannot Substitute for the Basis of Rights



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深圳福田法院：全国首例美妆1210跨境电商商标侵权案，判决境内收货方担责，雅诗兰黛获赔110万元

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立方竞争法周报 Weekly Competition Law News

许昌市开展2026年全市公平竞争审查专题培训

2026年5月29日，许昌市市场监督管理局开展2026年全市公平竞争审查专题培。本次讲座围绕公平竞争审查相关制度的基本设计、招标投标文件常见违规表述、公平竞争审查相关制度的典型案例等方面进行深度解析。下一步，许昌市市场监督管理局将以此次培训为契机，持续严把政策审查关、提升审查工作质效、强化队伍专业能力。（[查看更多](#)）

Xuchang Launches 2026 Citywide Fair Competition Review Training Program

On May 29, 2026, the Xuchang Municipal Administration for Market Regulation organized a citywide training session on the fair competition review topic specifically. The training provided an in-depth analysis of the fundamental framework of the fair competition review system, common non-compliant provisions found in tendering and bidding documents, and representative cases involving the fair competition review system. Moving forward, the Xuchang Municipal Administration for Market Regulation will use this training as an opportunity to further strengthen policy review, improve the quality and efficiency of review work, and enhance the professional capabilities of its review personnel. ([More](#))

临汾市市场监督管理局举办全市公平竞争审查能力提升培训

2026年5月29日，临汾市市场监督管理局举办全市公平竞争审查能力提升培训。本次培训紧扣公平竞争审查操作实务及《公平竞争审查条例》标准阐释，围绕审查制度出台背景、条例及实施办法重点内容、审查程序规范等方面进行了系统讲解。培训还重点梳理了公平竞争审查的政策法规、审查范围、核心标准和工作流程。（[查看更多](#)）

Linfen Municipal Administration for Market Regulation Holds Training on Enhancing Fair Competition Review Capabilities

On May 29, 2026, the Linfen Municipal Administration for Market Regulation held a training session aimed at improving fair competition review capabilities across the city. The training focused on the practical application of the fair competition review system and the interpretation of the standards set out in the *Regulation on Fair Competition Review*. The training also provided a systematic explanation of the background to the review system, key provisions of the *Regulation on Fair Competition Review* and their implementing measures, as well as procedural requirements for conducting reviews. Particular emphasis was placed on the applicable laws and regulations, the scope of review, core review standards, and relevant workflow procedures. ([More](#))

市场监管总局依法对立讯精密工业股份有限公司违法实施经营者集中案作出从轻处罚决定

2026年5月21日，国家市场监督管理总局（“市场监管总局”）发布立讯精密工业股份有限公司收购闻泰科技股份有限公司部分业务违法实施经营者集中案行政处罚决定书。2025年2月17日，

立讯精密向主动告知其收购嘉兴永瑞等三家公司股权的交易涉嫌违法实施经营者集中。市场监管总局于2025年9月5日对本案立案调查。经调查，该交易确系在未依法申报的情况下完成，违反了《中华人民共和国反垄断法》关于经营者集中事先申报的有关规定。经评估，该项交易不具有排除、限制竞争的效果。鉴于立讯精密在市场监管总局尚未掌握其违法事实前主动报告，符合法定从轻处罚情形。同时，立讯精密主动完善并有效实施反垄断合规管理制度，符合下调罚款的情形。最终，市场监管总局依法对立讯精密从轻处罚并下调罚款数额，处罚款90万元。

([查看更多](#))

SAMR Imposes Reduced Penalty on Luxshare Precision for Illegal Implementation of Concentration of Undertakings

On May 21, 2026, the State Administration for Market Regulation (“the SAMR”) published its administrative penalty decision concerning Luxshare Precision Industry Co., Ltd.’s unlawful implementation of a concentration of undertakings in connection with its acquisition of certain businesses of Wingtech Technology Co., Ltd.. On February 17, 2025, Luxshare voluntarily reported to the SAMR that its acquisition of equity interests in three companies, including Jiaxing Yongrui, might constitute an unlawful implementation of a concentration of undertakings. The SAMR formally initiated an investigation into the matter on September 5, 2025. Following its investigation, the SAMR concluded that the transaction had indeed been completed without the prior notification required under *the Anti-Monopoly Law of the People’s Republic of China* (“*the Anti-Monopoly Law*”), thereby violating *the Anti-Monopoly Law’s* mandatory pre-merger filing requirements for concentrations of undertakings. After conducting a relevant assessment, the SAMR determined that the transaction did not have the effect of eliminating or restricting competition. The SAMR further found that Luxshare had voluntarily reported the violation before the SAMR had independently discovered the relevant unlawful facts, thereby satisfying the statutory conditions for lighter penalties. In addition, Luxshare had proactively improved and effectively implemented its antitrust compliance management system, which qualified as a further mitigating factor warranting a reduction in the amount of the fine. Accordingly, the SAMR lifted the penalty and imposed a reduced fine of RMB 900,000 on Luxshare Precision according to the law. ([More](#))

美国联邦贸易委员会针对肥料价格上涨启动反垄断调查

2026年5月31日，据媒体报道，美国联邦贸易委员会（“FTC”）已经宣布针对美国肥料价格大幅上涨问题启动覆盖全行业的反垄断调查。据悉，该反垄断调查重点关注已经对全美农业生产者造成重大影响的肥料价格上涨现象，旨在查明推动肥料价格持续攀升的原因；目前，FTC尚未公布被调查的具体公司名称。多年来，市场一直对化肥行业高度集中的市场结构存在担忧，因为在该市场中少数几家企业控制着大部分供应能力，部分批评者认为这种高度集中的市场结构可能为反竞争行为（包括潜在的价格垄断行为）创造条件。([查看更多](#))

US FTC Launches Antitrust Investigation into Rising Fertilizer Prices

On 31 May 2026, according to media reports, the U.S. Federal Trade Commission (“FTC”) has launched an industry-wide antitrust investigation into the sharp increase in fertilizer prices in the United States. The investigation is reportedly focused on the rise in fertilizer prices that has had a significant impact on agricultural producers across the country and aims to determine the factors driving the

surge in fertilizer prices. To date, the FTC has not disclosed the identities of any companies subject to the investigation. Concerns have persisted for many years regarding the highly concentrated market structure of the fertilizer industry, where a small number of firms dominate the majority of supply capacity; some critics have argued that such a highly concentrated market structure may create conditions conducive to anticompetitive conduct, including potential price-fixing practices. ([More](#))

韩国公平贸易委员会2025年行政诉讼胜诉率达历史新高

2026年5月25日，据媒体报道，韩国公平贸易委员会（“KFTC”）在2025年取得了历史最高的法院胜诉率，该结果有望进一步增强KFTC推进严格反垄断执法的信心。据悉，韩国法院于2025年共就136起与KFTC执法决定相关的行政诉讼作出裁判；其中，KFTC在122起案件中获得全面胜诉，全面胜诉率达到89.7%，较上一年度的82.4%进一步提升，这也是KFTC于2001年开始统计相关数据以来所取得的最高年度胜诉率。若将6起部分胜诉案件计算在内，KFTC的整体胜诉率达到94.1%，创下自2013年以来的最高水平（2013年的整体胜诉率为94.4%）。KFTC表示，胜诉率显著提升的部分原因在于2025年审结了大量涉及卡特尔行为的案件。此类案件通常具有更为清晰的证据结构，特别是参与企业根据宽大制度提交的材料，往往能够为监管机构在司法程序中提供更有力的证据支持。除胜诉率外，KFTC在案件处理效率方面也有所提升：2025年卡特尔案件的平均处理周期仅281天，较三年前的情况缩短超过50%。 ([查看更多](#))

KFTC Records Highest-Ever Administrative Litigation Court Win Rate in 2025

On 25 May 2026, according to media reports, the Korea Fair Trade Commission (“KFTC”) achieved its highest-ever court win rate in 2025, a result that is expected to further strengthen the agency’s confidence in pursuing tougher antitrust enforcement. According to reports, Korean courts rendered rulings in 136 administrative litigation cases relating to the KFTC’s enforcement decisions in 2025; among those, the KFTC secured full victories in 122 cases, resulting in a complete win rate of 89.7%, up from 82.4% in the previous year. This also marked the highest annual success rate recorded since the KFTC began compiling the relevant statistics in 2001. If the six partial victories were included, the KFTC’s overall win rate rose to 94.1%, representing the highest level since 2013 (the overall win rate was 94.4% in 2013). The KFTC stated that the significant increase in its win rate was attributable in part to the large number of cartel-related cases concluded in 2025. Such investigations generally involve clearer evidentiary structures, particularly where materials submitted by participating companies under the leniency programme provide stronger evidentiary support for the regulator during judicial proceedings. In addition to its litigation success rate, the KFTC also improved its case-handling efficiency: in 2025, the average processing period for cartel cases was 281 days, more than 50% shorter than three years earlier. ([More](#))

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

五部门联合发布《互联网信息内容多渠道分发服务管理规定》

2026年5月29日，国家互联网信息办公室（以下简称“国家网信办”）等五部门联合发布了《互联网信息内容多渠道分发服务管理规定》（以下简称《规定》），适用于在中国境内提供和使用互联网信息内容多渠道分发服务及其监督管理。《规定》共五章三十一条，自2026年9月1日起施行。《规定》要求，互联网信息内容多渠道分发服务机构（以下简称“MCN机构”）应当依法办理经营主体登记，并依法取得相应行政许可；平台应当与MCN机构签订入驻协议，并及时将入驻情况报所在地省级网信部门备案；平台应当以显著方式在签约互联网用户公众账号信息页面展示该账号所属MCN机构名称。《规定》提出，MCN机构应当依法核实互联网用户公众账号生产运营者身份，依法依约履行信息安全管理义务，协助并督促互联网用户公众账号生产运营者遵守信息安全管理要求。《规定》明确，MCN机构不得为未满十六周岁的未成年人提供网络直播发布相关服务；为年满十六周岁的未成年人提供网络直播发布相关服务的，应当核验其身份信息，并征得其父母或者其他监护人的同意。（[查看更多](#)）

Five Authorities Jointly Issue Provisions on the Administration of Multi-channel Distribution Services for Internet Information Content

On May 29, 2026, five authorities including the Cyberspace Administration of China (CAC) jointly issued the *Provisions on the Administration of Multi-channel Distribution Services for Internet Information Content* (Provisions). The Provisions govern the provision and use of multi-channel distribution services for internet information content within the territory of China as well as relevant supervision and administration work. Comprising five chapters and thirty-one articles, the Provisions shall enter into force on September 1, 2026. The Provisions require institutions engaging in multi-channel distribution services for internet information content (MCN institutions) to complete business entity registration and obtain corresponding administrative permits in accordance with law. Relevant platforms shall sign access agreements with MCN institutions and submit access filings to provincial-level cyberspace authorities where the platforms are located without delay. Platforms shall display the name of the affiliated MCN institution conspicuously on the homepage of registered public accounts of internet users. It is stipulated under the Provisions that MCN institutions shall verify the identity of operators running internet public accounts pursuant to law, perform information security administration obligations as required by law and contractual terms, and assist and supervise such operators to comply with applicable information security requirements. The Provisions clarify that MCN institutions are prohibited from providing live-stream publishing services to minors under the age of sixteen. Where such services are provided to minors aged sixteen or above, MCN institutions shall verify their identity information and obtain consent from their parents or other legal guardians. ([More](#))

国家网信办开展“清朗·优化营商环境 整治恶意炒作涉企信息”专项行动

2026年5月29日，国家网信办宣布开展为期两个月的“清朗·优化营商环境 整治恶意炒作涉企信息”专项行动，旨在集中整治恶意炒作涉企侵权信息乱象，从严从快清理处置涉企侵权信息、账号，督促网站平台扎实履行主体责任，健全涉企信息内容管理机制，加大涉企侵权信息处置力度，进一步优化营商环境。本次专项行动聚焦四类突出问题：（1）恶意炒作涉企信息问题：在企业上市融资、财务报表公布、新品发布等重要时间节点，炒作涉企负面信息等；（2）诋毁抹黑企业问题：利用AI生成涉企虚假信息，恶意抹黑诋毁企业、企业家

等；（3）牟取非法利益问题：将舆论监督、社会监督与商业合作挂钩，以发布涉企负面信息为手段，向企业施压牟取经济利益等；（4）侵犯企业家个人权益问题：炒作企业家个人隐私等。

[\(查看更多\)](#)

CAC Launches Special Campaign “Clear & Bright - Optimize Online Business Environment and Rectify Malicious Hype of Enterprise-related Information”

On May 29, 2026, the CAC announced the launch of a two-month special campaign titled “Clear & Bright - Optimize Online Business Environment and Rectify Malicious Hype of Enterprise-related Information”. The campaign targets rampant irregularities involving malicious hype of information infringing enterprises’ legitimate rights and interests, removes and disposes of infringing enterprise-related content and relevant accounts in a stringent and prompt manner, urges online platforms to earnestly fulfill primary responsibilities, improves the governance mechanism for enterprise-related information, strengthens crackdown on illegal enterprise-related infringing content, and further optimizes the online business environment. The special campaign focuses on four prominent types of misconduct: (1) Malicious hype over enterprise-related information: hyping negative corporate information at critical timings including corporate IPO and financing, financial statement disclosure and new product launches. (2) Defamation and smearing of enterprises: generating false and fabricated corporate information via AI technology to deliberately smear and defame enterprises and entrepreneurs. (3) Illegal profit-seeking: linking public opinion oversight and social supervision with commercial cooperation, and coercing enterprises for financial gains by threatening to publish negative corporate information. (4) Infringement upon entrepreneurs’ personal lawful rights and interests: hyping and disclosing entrepreneurs’ private personal information. [\(More\)](#)

中央网信办召开网络执法工作协调机制成员单位全体会议

2026年5月26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”）召开了网络执法工作协调机制成员单位全体会议，会议回顾总结了2025年各部门各地区协同推进依法治网工作成效，分析研判了面临的形势任务，研究部署了下一阶段重点工作。会议强调，要持续完善各层级网络执法工作协调机制建设，不断加强依法治网的工作体系、制度体系、技术体系建设，进一步深化重点领域监管执法规则、重大案件应对机制建设。会议指出，要强化网络执法联动协作、提升执法效力，深化重点新兴领域网络执法，强化跨领域跨部门联合执法，加强网络安全司法治理。会议明确，要持续巩固强化网络执法基础，加大规范开展网络执法的指导力度，强化网络执法与网络普法融合，加强网络执法规律性前瞻性研究。 [\(查看更多\)](#)

CAC Convenes Plenary Meeting of Member Entities under the Coordination Mechanism for Online Law Enforcement

On May 26, 2026, the Office of the Central Cyberspace Affairs Commission (CAC) convened a plenary meeting of all member entities under the coordination mechanism for online law enforcement. The meeting reviewed and summarized achievements made by relevant departments and regions in advancing law-based cyberspace governance through coordinated efforts in 2025, analyzed and assessed prevailing situations and tasks, and studied and arranged key work for the next phase. The meeting stressed the need to further improve the development of online law enforcement coordination mechanisms at all

levels, continuously advance the development of the working, institutional and technical systems for law-based cyberspace governance, and refine regulatory law enforcement rules for key sectors as well as response mechanisms for major cases. It was pointed out at the meeting that relevant authorities shall strengthen coordination and synergy in online law enforcement to boost enforcement effectiveness, deepen law enforcement over emerging key sectors, scale up cross-sector and inter-departmental joint law enforcement, and advance judicial governance for cybersecurity. The meeting clarified that authorities shall steadily consolidate the foundation of online law enforcement, scale up guidance on standardized online law enforcement practice, promote the integration of online law enforcement with legal publicity on cyberspace, and bolster regular and forward-looking research concerning online law enforcement. ([More](#))

广东省网信办通报属地App个人信息收集使用问题

2026年5月29日，广东省网信办通报了属地App个人信息收集使用问题，所涉问题包括：（1）未在隐私政策等公示文件中逐一系列明App所集成第三方SDK收集使用个人信息的目的、方式和范围；（2）未在隐私政策等公示文本中清晰明示第三方SDK收集OAID信息、照片、传感器信息、Android id信息的目的、方式和范围，用户同意隐私政策后，存在收集上述信息的行为；（3）App未见向用户明示分享的第三方名称、目的及个人信息类型，用户同意隐私政策后，存在将OAID、AAID和VAID信息发送给第三方SDK的行为；（4）在申请相机、位置、存储、录音权限时，未同步告知用户其目的；（5）小程序涉及处理不满十四周岁未成年人个人信息时，未制定专门的个人信息处理规则；（6）首次进入小程序时，未提示用户阅读并同意隐私政策，且小程序收集手机号码信息未提供隐私政策文本、未明示收集用户手机号码信息的目的、方式、范围；（7）小程序首次运行未经用户阅读并同意隐私政策，申请获取位置权限；（8）隐私政策中没有列出获取手机号信息的目的、方式、范围。相关运营者应当于此通报发布之日起的15个工作日内完成整改，并将整改情况报广东省网信办。（[查看更多](#)）

Cyberspace Administration of Guangdong Releases Circular on Irregularities in Personal Information Collection and Usage by Local Apps

On May 29, 2026, the Cyberspace Administration of Guangdong issued a circular regarding irregularities in personal information collection and usage by locally-operated mobile applications, with violations specified as follows: (1) Failure to itemize the purposes, methods and scope of personal information collection and usage by embedded third-party SDKs within public documents such as privacy policies. (2) Failure to explicitly specify in privacy policies the purposes, methods and scope under which third-party SDKs collect OAID, photos, sensor data and Android ID, while such information is actually collected after users consent to the privacy policy. (3) Failure to disclose the names of third-party recipients, purposes of data sharing and categories of shared personal information, while transmitting OAID, AAID and VAID to third-party SDKs post users' privacy policy consent. (4) Failure to inform users of relevant purposes simultaneously when applying for permissions for camera, location, storage and audio recording. (5) Omission of dedicated personal information processing rules where mini-programs process personal information of minors under fourteen years old. (6) Failure to prompt users to read and consent to privacy policies upon initial launch of mini-programs; no privacy policy document provided and no disclosure of the purpose, method and scope for mobile phone number collection by mini-programs. (7) Request for location access upon the first startup of mini-programs with-

out users' prior reading and consent of privacy policies. (8) Missing disclosure of the purpose, method and scope for mobile phone number collection within privacy policies. Relevant operators shall complete rectification within 15 working days from the release date of this circular and submit rectification outcomes to the Cyberspace Administration of Guangdong. ([More](#))

上海市网信办通报属地App个人信息收集使用问题

2026年5月25日，上海市网信办通报了属地App个人信息收集使用问题，所涉问题包括：（1）隐私政策难以阅读；（2）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；（3）收集敏感个人信息未同步告知目的及必要性；（4）未经用户同意收集使用个人信息；（5）超出必要范围收集使用个人信息；（6）频繁征求用户同意收集个人信息；（7）强制用户同意非必要个人信息；（8）未提供个性化推送退出功能；（9）在无关场景收集位置、通讯录、短信等个人信息；（10）注销后未及时删除个人信息。相关运营者应当于此通报发布之日起的15个工作日内完成整改，并将整改情况报上海市网信办。 ([查看更多](#))

Cyberspace Administration of Shanghai Announces Irregularities Concerning Collection and Use of Personal Information by Local Apps

On May 25, 2026, the Cyberspace Administration of Shanghai issued an announcement on irregularities in the collection and use of personal information by locally operated mobile applications, with the relevant violations listed below: (1) The privacy policy is inaccessible for easy reading. (2) Discrepancy exists between the stated purpose, method and scope of personal information collection and use and the actual collection and use practice. (3) Failure to inform users of the purpose and necessity concurrently when collecting sensitive personal information. (4) Collection and use of personal information without users' consent. (5) Collection and use of personal information beyond the necessary scope. (6) Repeatedly soliciting users' consent for personal information collection. (7) Compelling users to consent to the collection of non-essential personal information. (8) Failure to provide an opt-out function for personalized information push. (9) Collecting personal information including location data, address book entries and SMS messages under irrelevant scenarios. (10) Failure to promptly erase personal information after account cancellation. Relevant operators shall complete rectification within 15 working days as of the release date of this announcement and submit rectification reports to the Cyberspace Administration of Shanghai. ([More](#))

美国：伊利诺伊州众议院通过SB 315

2026年5月28日，伊利诺伊州众议院通过了《人工智能安全措施法案》（SB 315）。SB 315是一项针对前沿模型灾难性风险的安全措施，而非广泛的人工智能披露制度。它仅适用于年总收入超过5亿美元、且所构建模型达到前沿规模计算阈值的大型人工智能开发者。被覆盖的开发者面临四项核心义务：（1）发布并每年更新一份灾难性风险框架，说明其如何评估模型能力、应用行业标准以及管理部署；（2）每年聘请独立的第三方审计师来核实安全实践——这是其他州所没有的规定；（3）在发现人工智能安全事件后72小时内向州官员报告；（4）尊重对提出安全担忧的员工的举报人保护。 ([查看更多](#))

USA: Illinois House of Representatives Passes SB 315

On May 28, 2026, the Illinois House of Representatives passed the *Artificial Intelligence Safety Measures Act* (SB 315). SB 315 is a frontier-model catastrophic-risk safety measure, not a broad AI disclosure regime. It applies only to large AI developers with more than \$500 million in annual gross revenue that build models meeting a frontier-scale compute threshold. Covered developers face four core obligations: (1) Publish and annually update a catastrophic-risk framework explaining how they assess model capabilities, apply industry standards, and govern deployment. (2) Retain an independent third-party auditor annually to verify safety practices (the provision no other state has). (3) Report AI safety incidents to state officials within 72 hours of discovery. (4) Honor whistleblower protections for employees who raise safety concerns. ([More](#))

欧盟：欧盟委员会因Temu违反DSA对其处以2亿欧元罚款

2026年5月28日，欧盟委员会根据《数字服务法案》（DSA）对Temu处以2亿欧元罚款。该公司未能尽职尽责地识别、分析和评估其平台上存在非法产品的系统性风险，以及由此对欧盟消费者造成的损害。Temu的2024年风险评估未能达到DSA规定的标准：（1）该评估基于整个电商行业风险的一般性信息，而非基于Temu自身服务（包括公开报告和测试）的具体证据。

（2）该评估严重低估了欧盟消费者可能遇到非法商品的频率。来自欧盟委员会调查中一项神秘购物的证据表明，所选充电器中极高比例的样品未通过基本安全测试，而经过测试的婴儿玩具中高比例的样品存在中高严重程度的安全风险，原因在于其含有超过法定安全限值的化学物质或因存在可拆卸部件而构成窒息危险。（3）该评估未妥善分析其服务的设计，包括推荐系统和关联影响者的产品推广项目，如何可能放大非法产品的传播风险。根据DSA，被指定的超大型在线平台必须尽职尽责地评估与其服务相关的系统性风险，并采取相应的缓解措施。此罚款在计算时考虑了侵权的性质、对受影响欧盟用户的严重程度以及侵权持续时间。未能进行适当的风险评估（DSA架构的基石之一），是对DSA的特别严重侵权。（[查看更多](#)）

EU: European Commission Fines Temu €200 Million for Breaching the Digital DSA

On 28 May 2026, the European Commission issued a fine of €200 million to Temu under the *Digital Services Act* (DSA). The company failed to diligently identify, analyze, and assess the systemic risks of illegal products being offered on its platform and the resulting harm to consumers in the EU. Temu's risk assessment of 2024 falls short of the standards laid out in the DSA: (1) It is based on general information about risks concerning the eCommerce sector as a whole, rather than on specific evidence about Temu's own service, including public reports and testing. (2) It seriously underestimated how often EU consumers are likely to encounter illegal items. Evidence from a mystery shopping exercise included in the Commission's investigation shows that a very high percentage of the selected chargers failed basic safety tests, while a high percentage of tested baby toys posed safety risks of medium to high severity, as they contain chemicals exceeding legal safety limits or pose suffocation hazards due to detachable parts. (3) It did not properly assess how the design of its service - including recommender systems and product promotion programmes by affiliated influencers - could

amplify dissemination risks of illegal products. Under the DSA, designated Very Large Online Platforms are required to diligently assess systemic risks linked to their services and adopt corresponding mitigation measures. The fine issued was calculated taking into account the nature of the infringement, its gravity in terms of affected EU users, and its duration. Failing to conduct proper risk assessments (one of the cornerstones of the DSA's architecture) is a particularly serious infringement of the DSA. ([More](#))

知识产权 Intellectual Property

《商业秘密保护规定》6月1日起施行

《商业秘密保护规定》（以下简称《规定》）自今年6月1日起正式施行，同时废止了1995年11月23日公布的《关于禁止侵犯商业秘密行为的若干规定》，填补商业秘密行政保护细则空白，为监管执法、企业合规提供清晰实操标准。

《规定》首次在部门规章层面细化商业秘密的认定规则、侵权行为类型及行政保护程序，为市场监管部门执法办案、各类企业合规经营提供精准具体、可操作的行动指引；《规定》回应数字时代商业秘密保护的新需求，明确将“数据”“算法”等纳入受商业秘密保护的技术信息范畴。此外，《规定》新增教唆、引诱、帮助侵权条款，完善第三人责任，实现全链条追责。

“十五五”时期，市场监管总局将加快研究制定关于加强商业秘密保护的意見，开展新一批创新试点，培育专业化鉴定机构，推动建立重点产业和重点企业商业秘密保护清单。市场监管总局价监竞争局负责人认为，随着商业秘密保护网络越织越密，企业敢闯敢创的信心将更加坚定。

来源：国家市场监督管理总局

Provisions on the Protection of Trade Secrets Take Effect on June 1

The Provisions on the Protection of Trade Secrets (hereinafter the Provisions) entered into force on June 1 this year, repealing the Several Provisions on Prohibiting Acts of Infringing upon Trade Secrets promulgated on November 23, 1995. The Provisions fill gaps in detailed administrative protection rules for trade secrets and deliver clear practical criteria for regulatory law enforcement and corporate compliance.

For the first time at the departmental regulatory level, the Provisions elaborate rules on trade secret identification, categories of infringing conduct and administrative protection procedures, furnishing precise, actionable guidance for market regulation authorities handling law-enforcement cases and enterprises across all sectors conducting compliant operations. Responding to emerging demands for trade secret protection in the digital era, the Provisions explicitly include data and algorithms among protectable technical information qualifying as trade secrets. In addition, it adds provisions governing inducement, solicitation and contributory infringement, improves liability rules for third-party actors, and enables full-chain accountability for infringements.

During the 15th Five-Year Plan period, the State Administration for Market Regulation (SAMR) will accelerate drafting guidance on tightening trade secret protection, launch a new round of innovative pilot programs, foster professional appraisal institutions, and advance the formulation of trade secret protection inventories for key industries and enterprises. An official from the Price Supervision and Competition Bureau of SAMR noted that an increasingly robust trade secret protection framework will bolster enterprises' confidence in innovation and entrepreneurship.

Source: State Administration for Market Regulation of China

最高法知产法庭：土地承包经营者参与制种构成共同侵权，应判令停止侵害

近日，最高人民法院知识产权法庭审结玉米植物新品种侵权纠纷案，二审改判纠正一审未责令停止侵权，认定土地承包人与实际经营者构成共同侵权，连带赔偿201.7万元。

法院查明，河北某种业公司系“万糯2000”玉米品种权人。王桂某作为土地承包经营者，以自己名义办理制种备案，却实际种植侵权品种；赵某某负责种植管理，二者未经许可生产、销售授权品种繁殖材料，构成共同侵权。王桂某主张土地转包无有效证据佐证，且拒不配合调查、导致关键证据灭失，主观过错明显。

最高法二审认定，土地承包经营者对承包地负有合规经营义务，转包不能免除责任；停止侵害请求原则上应予支持，不限于特定地块与时段。二审依法改判王桂某、赵某某停止侵权，连带赔偿经济损失200万元及维权合理开支16985元。

本案明确植物新品种侵权中土地承包经营者责任边界与停止侵害裁判规则，强化种业知识产权全链条保护。

来源：最高人民法院知识产权法庭

Intellectual Property Court of the Supreme People's Court: Land contractors jointly liable for damages for unauthorized seed breeding, ordered to cease infringement

Recently, the Intellectual Property Court of the Supreme People's Court concluded a case involving infringement of a new maize plant variety. In the second instance, the court amended the original judgment to correct the first-instance court's failure to order cessation of the infringement, determined that the land contractor and the actual operator constituted joint infringement, and ordered joint and several compensation totaling 2.017 million yuan.

The court found that a seed company in Hebei Province is the holder of the variety rights for the maize variety "Wannuo 2000." Wang Guimou, as the land contractor, registered for seed production in his own name but actually planted the infringing variety. Zhao Moumou was responsible for planting management. Without permission, the two produced and sold the propagating materials of the protected variety, constituting joint infringement. Wang Guimou claimed that he had subcontracted the land, but no valid evidence supported this claim. Moreover, he refused to cooperate with the investigation, resulting in the loss of key evidence, which demonstrated obvious subjective fault.

In the second instance, the Supreme People's Court determined that the land contractor bears the obligation to operate the contracted land in compliance with regulations, and subcontracting does not exempt the contractor from liability. A request for cessation of infringement should generally be supported and is not limited to a specific plot of land or time period. In accordance with the law, the second-instance court amended the judgment, ordering Wang Guimou and Zhao Moumou to cease the infringement and jointly and severally pay 2 million yuan in economic losses and 16,985 yuan in reasonable expenses for rights protection.

This case clarifies the boundaries of liability for land contractors in new plant variety infringement and the adjudication rules on cessation of infringement, strengthening the full-chain protection of intellectual property rights in the seed industry.

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

北京互联网法院：虚构作品创作过程虚假陈述，依法予以司法惩戒

近日，北京互联网法院审结一起涉AI生成作品虚假陈述、妨碍诉讼的司法惩戒案件，明确知识产权维权须恪守诚信底线。

法院查明，魏某以北京某发展公司侵害其摄影作品信息网络传播权为由提起诉讼。审理中，法院发现涉案图片呈现模板化、批量化特征，疑似AI生成，遂要求魏某核实作品属性。魏某虚构拍摄时间、地点、设备及共同创作等事实，坚称涉案图片为人工拍摄。法院追加周某作为第三人核查，周某对创作、授权及登记事实均予否认，魏某最终承认涉案图片系批量购买，创作过程纯属虚构。

法院认为，魏某在案件审理中故意虚假陈述、虚构创作事实，严重干扰司法秩序，构成妨碍诉讼。一审法院依法对魏某罚款1万元，驳回其全部诉讼请求，魏某悔过并缴纳罚款，本案已生效。

本案系AI创作背景下规制虚假版权维权的典型案例，明确严禁虚构创作事实、混淆作品属性，通过司法惩戒引导市场主体合规创作、诚信维权，维护AI时代版权市场秩序。

来源：北京高级人民法院

Beijing Internet Court: False Statements on Creation Process of Works Subject to Judicial Punishment According to Law

Recently, the Beijing Internet Court concluded a judicial punishment case involving false statements on AI-generated works and obstruction of litigation, making clear that intellectual property rights enforcement must adhere to the baseline of good faith.

The court found that Wei filed a lawsuit against a Beijing-based development company, alleging infringement of his right to network dissemination of information on photographic works. During the trial, the court discovered that the images in question displayed templated and mass-produced characteristics, suggesting they were AI-generated, and therefore asked Wei to verify the nature of the works. Wei

fabricated facts about the shooting time, location, equipment, and collaborative creation, insisting that the images were captured manually. The court added Zhou as a third party for verification. Zhou denied all facts concerning creation, authorization, and registration. Wei ultimately admitted that the images in question were purchased in bulk and that the creation process was entirely fictitious.

The court held that Wei intentionally made false statements and fabricated creation facts during the proceedings, seriously disrupting judicial order and constituting obstruction of litigation. The court of first instance imposed a fine of 10,000 yuan on Wei in accordance with the law and dismissed all of his claims. Wei expressed remorse and paid the fine. The judgment has taken effect.

This case serves as a typical example of regulating false copyright enforcement in the context of AI creation. It explicitly prohibits fabricating creation facts and confusing the nature of works, and uses judicial punishment to guide market entities toward compliant creation and good-faith rights enforcement, thereby safeguarding order in the copyright market in the AI era.

Source: Beijing High People's Court

雅安中院：公共素材简单加工不具独创性，著作权登记不能替代权利基础

近日，四川省雅安市中级人民法院对柯某诉四家文化礼品及陶瓷企业著作权侵权纠纷案作出二审判决，驳回上诉、维持原判。

法院查明，柯某持“”狮三百002系列”作品登记证书，主张四被告销售的“国潮风狮爷”摆件侵权，索赔 80 万元。被告抗辩该形象源自闽南传统“风狮爷”公共素材，柯某仅作简单改动，不构成作品，且权属存在争议。一审以柯某举证不足驳回诉请，柯某不服上诉。

二审法院认为，涉案形象来源于传统民俗公共素材，柯某的改动差异微小，未形成独创性表达，不构成著作权法意义上的作品。同时，著作权登记仅为形式证明，在有相反证据时，权利人需提交创作底稿等核心证据佐证权属。据此二审维持原判，驳回全部诉求。

本案明确，传统民俗形象简单加工不构成作品，著作权登记证书不能当然作为权利依据，厘清了公共领域素材与独创性作品的边界。

来源：雅安市中级人民法院

Ya'an Intermediate People's Court: Simple Processing of Public Domain Materials Lacks Originality; Copyright Registration Cannot Substitute for the Basis of Rights

Recently, the Intermediate People's Court of Ya'an City, Sichuan Province, issued a second-instance judgment in a copyright infringement dispute brought by Ke against four cultural gift and ceramic enterprises, dismissing the appeal and affirming the original judgment.

The court found that Ke, holding a work registration certificate for the "Shi San Bai 002 Series," claimed that the "Guochao Fengshiye" (National Trend Wind Lion God) ornaments sold by the four defendants constituted infringement and sought compensation of 800,000 yuan. The defendants argued

that the image originated from the traditional Minnan "Wind Lion God" public domain material, that Ke had made only simple alterations which did not constitute a work, and that the ownership of the rights was in dispute. The court of first instance dismissed Ke's claims on the grounds of insufficient evidence, and Ke appealed.

The court of second instance held that the image in question was derived from traditional folk custom materials in the public domain, and Ke's alterations were minimal and did not form an original expression; therefore, it did not constitute a work within the meaning of the Copyright Law. Furthermore, copyright registration serves merely as a formal proof, and in the presence of contrary evidence, the rights holder must submit core evidence such as creation drafts to substantiate the ownership of rights. Based on these findings, the second-instance court affirmed the original judgment and dismissed all claims.

This case clarifies that simple processing of traditional folk images does not constitute a work, and a copyright registration certificate cannot be automatically relied upon as the basis for rights, delineating the boundary between public domain materials and original works.

Source: Ya'an Intermediate People's Court

深圳福田法院：全国首例美妆1210跨境电商商标侵权案，判决境内收货方担责，雅诗兰黛获赔110万元

近日，深圳市福田区人民法院审结雅诗兰黛集团诉境内收货方商标侵权纠纷案，全国首例在美妆1210跨境电商（保税备货）模式下判决境内收货方承担侵权责任，判令被告停止侵权、销毁侵权商品，并赔偿经济损失及合理开支共计110万元，创下同类案件最高判赔纪录。

法院查明，雅诗兰黛集团旗下“ESTEE LAUDER”“LA MER”等商标为高知名度商标，部分曾被认定为驰名商标。被告以1210保税备货模式从事跨境化妆品进出口业务，先后两次因申报侵权化妆品被深圳皇岗海关查扣并行政处罚，仍继续实施侵权行为。被告主张仅为仓储物流服务商，法院结合报关、交易等证据认定其系进口收货方、出口发货方，负有知识产权审查与如实申报义务，不能以“服务商”身份免责。

法院认定，出口属于销售行为，进口无相反证据应视为销售准备，均受商标法规制。被告行为构成商标侵权，综合考量商标知名度、侵权规模、重复侵权等情节，依法作出上述判决。

本案明确1210跨境电商模式下境内收货方的商标侵权责任边界，有力震慑利用跨境渠道售假行为，为规范新业态知识产权保护提供重要司法样本。

来源：深圳市福田区人民法院

Shenzhen Futian District People's Court: Nation's First Cosmetics Trademark Infringement Case under the 1210 Cross-Border E-Commerce Model — Domestic Consignee Held Liable, Estée Lauder Awarded 1.1 Million Yuan

Recently, the Futian District People's Court of Shenzhen concluded a trademark infringement lawsuit brought by the Estée Lauder group against a domestic consignee. As the nation's first case to hold a domestic consignee liable under the cosmetics 1210 cross-border e-commerce (bonded warehousing) model, the court ordered the defendant to cease infringement, destroy the infringing goods, and pay a total of 1.1 million yuan in economic losses and reasonable expenses, setting a record for the highest compensation awarded in similar cases.

The court found that the trademarks "ESTEE LAUDER," "LA MER," and others owned by the Estée Lauder group are highly renowned, with some having been recognized as well-known trademarks. The defendant engaged in cross-border cosmetics import and export business under the 1210 bonded warehousing model. On two separate occasions, its declared infringing cosmetics were detained and administratively penalized by Shenzhen Huanggang Customs, yet the defendant continued its infringing activities. The defendant claimed to be merely a warehousing and logistics service provider. Based on customs declaration, transaction records, and other evidence, the court determined that the defendant was the import consignee and export consignor, bearing the obligations of intellectual property review and truthful declaration, and could not evade liability by claiming the status of a "service provider."

The court held that export constitutes an act of sale, and import, in the absence of evidence to the contrary, shall be deemed preparation for sale, both of which are subject to regulation under the Trademark Law. The defendant's actions constituted trademark infringement. Taking into account the reputation of the trademarks, the scale of infringement, repeated infringement, and other circumstances, the court rendered the above judgment in accordance with the law.

This case clarifies the boundaries of trademark infringement liability for domestic consignees under the 1210 cross-border e-commerce model, serves as a powerful deterrent against the sale of counterfeit goods through cross-border channels, and provides an important judicial reference for regulating intellectual property protection in new business formats.

Source: [Shenzhen Futian District People's Court](#)

深圳中院：全国首例AI研发软件开发合同纠纷案，API未披露致根本违约，一人股东承担连带责任

近日，深圳市中级人民法院审结全国首例涉人工智能研发的计算机软件开发合同纠纷二审案件，明确AI开发中外部API调用的合同义务边界，规范技术成果交付标准。

法院查明，深圳壹某公司与广东中某通讯公司约定以60万元合作开发直播虚拟数字人项目，约定交付全部源代码。壹某公司实付40万元，剩余20万元转为李某某股权。中某公司交付的系统存在核心代码加密、关键功能依赖非开源外部API、未交付源代码等问题，无法二次开发与商业使用，构成根本违约。

二审法院认定，开发方未在合同中披露核心功能依赖非开源API，无法提供完整源代码，导致合同目的不能实现，构成根本违约，判决解除协议、退还开发费30万元并赔偿相应损失。李某某作为一人有限公司股东，无法证明财产独立，对公司债务承担连带责任。

本案明确：AI开发调用外部API应在合同中明确来源、授权及开源属性，否则可能构成根本违约；一人股东需对公司债务承担连带责任。该案为AI技术开发、成果转化及技术合同合规提供重要裁判指引。

来源：深圳市中级人民法院

Shenzhen Intermediate People's Court: Nation's First AI R&D Software Development Contract Dispute — Failure to Disclose API Leads to Fundamental Breach, Sole Shareholder Bears Joint and Several Liability

Recently, the Shenzhen Intermediate People's Court concluded the second instance trial of the nation's first dispute over a computer software development contract involving artificial intelligence research and development, clarifying the contractual duty boundaries for external API calls in AI development and standardizing the delivery requirements for technical deliverables.

The court found that Shenzhen Yimou Company and Guangdong Zhongmou Communications Company agreed to co-develop a livestreaming virtual digital human project for 600,000 yuan, with the full source code to be delivered. Yimou Company actually paid 400,000 yuan, with the remaining 200,000 yuan converted into an equity stake for Li Moumou. The system delivered by Zhongmou Company had issues such as core code being encrypted, key functions relying on non-open-source external APIs, and failure to deliver the source code, rendering it impossible to conduct secondary development or commercial use, thereby constituting a fundamental breach of contract.

The second instance court determined that the developer failed to disclose in the contract that the core functions relied on non-open-source APIs and was unable to provide the complete source code, making it impossible to achieve the contractual purpose and constituting a fundamental breach. It ordered rescission of the agreement, refund of 300,000 yuan in development fees, and compensation for corresponding losses. Li Moumou, as the shareholder of a single-member limited liability company, was unable to prove the independence of personal property from company property and thus bore joint and several liability for the company's debts.

This case makes clear: In AI development, the source, authorization, and open-source nature of external APIs invoked must be clearly specified in the contract; failure to do so may constitute a fundamental breach. A sole shareholder of a single-member company must bear joint and several liability for the company's debts. This case provides important adjudicative guidance for AI technology development, commercialization of results, and compliance in technology contracts.

Source: Shenzhen Intermediate People's Court

北京知产法院：仿制“鄂尔多斯”服装同款并攀附商誉构成不正当竞争，二审维持原判

近日，北京知识产权法院审结“鄂尔多斯”不正当竞争纠纷案，二审驳回上诉、维持原判，判令两被告停止侵权，共同赔偿经济损失及合理开支共计80万元。

法院查明，鄂尔多斯公司旗下品牌及款式具有较高市场知名度。某某公司在网店销售与鄂尔多斯132款同款服装，使用“明星同款”宣传并宣称“完全一样”，被诉商品外包装标注某某商

贸公司企业信息。两被告刻意攀附鄂尔多斯品牌商誉，挤占交易机会，一审认定构成不正当竞争。

二审法院认为，被诉行为违背诚实信用原则与商业道德，属于典型攀附商誉；商品外包装标注的企业名称可认定共同侵权，内部约定不能对抗第三人；刷单行为不能作为减轻赔偿的正当理由。一审认定事实清楚、适用法律正确，予以维持。

本案明确，服装款式与代言形成的商誉受反不正当竞争法保护，仿制同款、攀附宣传构成不正当竞争，为品牌款式保护与电商合规经营提供裁判指引。

来源：[北京知识产权法院](#)

Beijing Intellectual Property Court: Imitating "Erdos" Identical Garments and Free-Riding on Goodwill Constitutes Unfair Competition, Second Instance Affirms Original Judgment

Recently, the Beijing Intellectual Property Court concluded an unfair competition dispute involving "Erdos," dismissing the appeal and affirming the original judgment, ordering the two defendants to cease infringement and jointly pay a total of 800,000 yuan in economic losses and reasonable expenses.

The court found that the brands and designs under Erdos Company enjoy relatively high market recognition. A certain company sold 132 identical styles of Erdos garments in its online store, using "celebrity-endorsed same style" promotions and claiming they were "exactly the same." The outer packaging of the accused products displayed the corporate information of a certain trading company. The two defendants deliberately free-rode on the goodwill of the Erdos brand and squeezed out trading opportunities. The court of first instance determined that this constituted unfair competition.

The court of second instance held that the alleged acts violated the principles of good faith and business ethics, amounting to a typical case of goodwill free-riding. The corporate name displayed on the outer packaging could establish joint infringement, and internal agreements could not be set up against third parties. Brushing transactions (fabricated sales) could not serve as a legitimate ground to reduce damages. The first instance court's findings of fact were clear and the application of law was correct, and thus the judgment was affirmed.

This case clarifies that the goodwill generated by clothing designs and endorsements is protected under the Anti-Unfair Competition Law. Imitating identical styles and engaging in promotional free-riding constitutes unfair competition, providing adjudicative guidance for the protection of brand designs and compliance in e-commerce operations.

Source: [Beijing Intellectual Property Court](#)

瑞士通过《专利法》改革，2027年起引入实质审查与国际接轨

近日，瑞士完成《专利法》现代化改革，新法将于2027年1月1日正式生效，全面升级专利审查体系，与国际标准接轨。

本次改革核心内容包括：实行强制现有技术检索，新增可选全面实质审查，对新颖性、创造性进行审查，提升专利稳定性与公信力；建立联邦专利法院上诉制度，废止原闲置异议程序，优化确权机制。允许提交英文技术文件，降低国际申请人翻译成本，增强体系吸引力。

费用方面，专利申请费新增500瑞士法郎检索费，申请费涵盖权利要求由10项增至15项。2027年1月1日前处于待审状态的未缴审查费申请，原则上自动适用新法。

此次改革旨在建立更完善、透明的专利制度，使瑞士专利与欧洲及国际专利审查标准趋同，未引入实用新型制度。改革已完成立法程序，无公投异议，确定如期实施。

来源：[中国保护知识产权网](#)

Switzerland Passes Patent Law Reform, Introducing Substantive Examination from 2027 to Align with International Standards

Recently, Switzerland has completed the modernization reform of its Patent Law. The new law will officially take effect on January 1, 2027, comprehensively upgrading the patent examination system and aligning it with international standards.

The core elements of this reform include: implementing mandatory prior art searches and introducing a new optional full substantive examination, which assesses novelty and inventive step, thereby enhancing patent stability and credibility; establishing an appeal system before the Federal Patent Court and abolishing the previously unused opposition procedure to optimize the right confirmation mechanism. The filing of technical documents in English will be permitted, reducing translation costs for international applicants and enhancing the system's attractiveness.

Regarding fees, a new search fee of 500 Swiss francs is added to the patent application fee, and the number of claims covered by the application fee increases from 10 to 15. Applications that are pending before January 1, 2027 and for which the examination fee has not been paid will, in principle, be automatically subject to the new law.

This reform aims to establish a more comprehensive and transparent patent system, bringing Swiss patent examination standards into convergence with European and international standards. A utility model system was not introduced. The reform has completed the legislative process, with no referendum challenge, and will be implemented as scheduled.

Source: [China Intellectual Property Protection Network](#)

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