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立方竞争法周报 Weekly Competition Law News

市场监管总局发布《中国反垄断执法年度报告（2025）》

2026年6月5日，国家市场监督管理总局（“**市场监管总局**”）发布《中国反垄断执法年度报告（2025）》，主要包括特辑、全年工作综述、监管执法成效、法治建设、公平竞争政策实施、竞争宣传倡导、国际交流合作和地方工作等内容。根据报告内容，2025年市场监管总局全年立案市场垄断案件20件，办结22件，罚没款合计6.53亿元；稳步提升经营者集中监管质效，全年审结经营者集中706件，同比增长9.8%；加力破除地方保护和市场分割，出台《公平竞争审查条例实施办法》，加强公平竞争审查源头把关，全年各级市场监管部门审查政策措施近6万件；持续深化公平竞争宣传倡导，建设国家反垄断局“两微一抖”，打造首个全国性反垄断宣传服务平台；举办中国公平竞争政策宣传周、第十一届中国公平竞争政策国际论坛，为构建全国统一大市场营造公平竞争良好社会氛围。（查看更多）

SAMR Releases the China Antitrust Enforcement Annual Report (2025)

On June 5, 2026, the State Administration for Market Regulation (“**the SAMR**”) released the China Antitrust Enforcement Annual Report (2025) (“***the Report***”), covering special features, an overview of the year’s work, enforcement achievements, the development of the legal governance, implementation of competition policy, competition publicity and advocacy, international exchanges and cooperation, and local enforcement developments. According to *the Report*, the SAMR established the case file for 20 monopoly cases and concluded 22 cases in 2025, imposing fines and confiscations totaling RMB 653 million. The SAMR also continued to improve the quality and efficiency of the review of concentration of undertakings, concluding 706 merger review cases during the year, representing a year-on-year increase of 9.8%. To further eliminate local protectionism and market segmentation, the SAMR issued the *Implementation Measures for the Fair Competition Review Regulations*, strengthened *ex ante* fair competition review of policy measures, and all levels of market regulation authorities reviewed nearly 60,000 policy measures throughout the year. In addition, the SAMR continued to promote fair competition advocacy by launching the National Anti-Monopoly Bureau’s official accounts on WeChat, Weibo and Douyin, establishing China’s first nationwide antitrust publicity and service platform, and the SAMR also organized the China Fair Competition Policy Advocacy Week and the 11th China International Forum on Fair Competition Policy, fostering a sound social environment for fair competition to facilitate the development of a unified national market. (More)

广州：省级经营者集中服务窗口助企申报“无忧通关”

2026年6月4日，市场监管总局官网发布题为“广州：省级经营者集中服务窗口 助企申报‘无忧通关’”的文章，介绍广州市市场监督管理局在经营者集中申报方面的工作。在市场监管总局和广东省市场监管局支持下，广州市首批省级经营者集中服务窗口于2024年11月正式运行，自运行以来服务网络已从广州延伸至深圳、佛山、茂名、湛江乃至广西、海南，覆盖整个华南地区，累计提供申报咨询服务162家次。针对重点项目审查时效紧、材料繁杂的痛点，窗口建立“项目专员”制度，主动靠前服务、全程跟踪。其中，东部窗口创新组建11人公职律师服务团

队，整合法律、市场、经济等多领域专业力量。广州市还出台窗口规章制度及工作准则，明确服务流程、岗位职责和档案管理要求，形成标准化服务机制。在合规意识引导方面，窗口印发《经营者集中反垄断申报指导手册》等资料，面向重点产业园区、行业协会、律所广泛宣贯。（查看更多）

Guangzhou: Provincial Concentration of Undertakings Service Window Facilitates "Hassle-Free Filing"

On June 4, 2026, the SAMR published an article entitled "Guangzhou: Provincial Concentration of Undertakings Service Window Facilitates Hassle-Free Filing", introducing the work of the Guangzhou Administration for Market Regulation in relation to concentration of undertakings services. With the support of the SAMR and the Guangdong Administration for Market Regulation, Guangzhou formally launched the first batch of provincial merger control service windows in November 2024. Since the operation commenced, the service network has expanded from Guangzhou to Shenzhen, Foshan, Maoming, Zhanjiang, as well as Guangxi and Hainan, covering the entire Southern China region and providing filing consultation services on 162 occasions. To address the challenges posed by tight review timelines and extensive documentation requirements for key transactions, the service window has established a dedicated "project officer" system to provide proactive assistance and end-to-end support throughout the filing process. The eastern service window has also established an innovative team of 11 government-employed lawyers, integrating expertise in law, markets, economics and other disciplines. Guangzhou has further introduced institutional rules and operational guidelines for the service windows, clarifying service procedures, personnel responsibilities and document management requirements, thereby establishing a standardized service framework. To enhance compliance awareness, the service windows have published materials including *the Guidance Manual for Concentration of Undertakings Antimonopoly Filing* and conducted extensive outreach activities targeting key industrial parks, industry associations and law firms. (More)

中国与俄罗斯签署反垄断执法和竞争政策领域谅解备忘录

2026年5月20日，国家市场监督管理总局局长罗文与俄罗斯联邦反垄断局局长马克西姆·沙斯科利斯基签署《中华人民共和国国家市场监督管理总局与俄罗斯联邦反垄断局谅解备忘录（2026—2027）》。该备忘录旨在落实中俄政府间反垄断执法和竞争政策领域合作协定，约定了双方交流反垄断和反不正当竞争、广告领域信息，开展具体案件执法交流协作与边境合作等，以促进两国经济健康有序发展。（查看更多）

China and Russia Sign Memorandum of Understanding on Antitrust Enforcement and Competition Policy

On May 20, 2026, LUO Wen, Commissioner of the State Administration for Market Regulation, and Maksim Shaskolsky, Head of the Federal Antimonopoly Service of Russia, signed *the Memorandum of Understanding between the State Administration for Market Regulation of the People's Republic of China and the Federal Antimonopoly Service of the Russian Federation (2026–2027). The Memorandum* is intended to implement the intergovernmental cooperation agreement between China and Russia in the fields of antitrust enforcement and competition policy. It provides for exchanges of information in the areas of antitrust, anti-unfair competition and advertising, as well as cooperation on the enforce-

ment of specific cases and cross-border enforcement activities, with a view to promoting the sound and orderly development of the economies of both countries. (More)

土耳其竞争管理局就Meta在WhatsApp中整合Meta AI功能启动反垄断调查

2026年6月5日，据媒体报道，土耳其竞争管理局已经针对Meta启动反垄断调查，其担忧Meta将Meta AI整合至WhatsApp应用软件的做法可能对竞争性人工智能服务提供商造成不利影响。本次反垄断调查将重点审查Meta的相关行为是否限制其他人工智能服务提供商通过WhatsApp提供服务，同时优先推广其自有的Meta AI助手。根据土耳其竞争管理局的初步审查结果，第三方生成式人工智能聊天机器人及数字助理可能无法像Meta AI一样，以同样直接和无缝的方式接入并通过WhatsApp向用户提供服务。土耳其竞争管理局已经针对Meta采取临时措施，要求Meta不得通过技术、运营或经济安排，使竞争性人工智能聊天机器人服务提供商在通过WhatsApp开展业务时面临实际的或经济的障碍，并要求Meta在一个月之内落实相关要求，否则Meta可能面临行政罚款。（查看更多）

Turkey Launches Antitrust Investigation into Meta Over WhatsApp AI Integration

On June 5, 2026, according to media reports, the Turkish Competition Authority ("**TCA**") launched an antitrust investigation into Meta over concerns that its integration of Meta AI into WhatsApp may disadvantage competing artificial intelligence service providers. This antitrust investigation will focus on whether Meta's relevant practices restrict rival AI service providers from offering services through WhatsApp while promoting its own Meta AI assistant. According to the TCA's preliminary findings, third-party generative AI chatbots and digital assistants may have been prevented from being offered through WhatsApp as directly or as seamlessly as Meta AI. The TCA has also imposed interim measures requiring Meta not to make it practically, operationally or economically difficult for competing AI chatbot providers to operate through WhatsApp; Meta has been given one month to comply with these requirements, failing which Meta may be subject to administrative fines. (More)

苹果公司在印度反垄断调查中同意提交财务数据

2026年6月3日，据媒体报道，苹果公司已经同意向印度竞争委员会（"**CCI**"）提交其在印度经营相关的财务数据；这也是印度针对苹果商业行为的反垄断调查中的重要进展。该调查根据2021年印度初创公司组成的联盟数字印度基金会联盟（"ADIF"）的投诉启动；投诉方对苹果应用商店政策提出质疑，尤其是应用内支付系统以及对开发者施加限制的相关政策。据悉，此前苹果一直拒绝向CCI提供相关财务信息，并主张在印度法院审理另一起涉及印度竞争法修订内容的诉讼期间，本案调查应当中止审理。CCI则指责苹果公司试图通过平行法律程序拖延调查进程。（查看更多）

Apple Agrees to Submit Financial Records in India Antitrust Investigation

On June 3, 2026, according to media reports, Apple has agreed to submit financial information relating to its operations in India to the Competition Commission of India ("**CCI**"), marking a significant devel-

opment in the ongoing antitrust investigation into the company's business practices. The investigation was initiated following a complaint filed in 2021 by the Alliance of Digital India Foundation ("**ADIF**"), a coalition of Indian startups; the complainants challenged Apple's App Store policies, particularly its in-app payment system and restrictions imposed on app developers. Reportedly, Apple had previously refused to provide the requested financial information, arguing that the case should be suspended pending the resolution of separate court proceedings concerning India's revised competition law. The CCI, however, has maintained that Apple was attempting to prolong the investigation proceedings through parallel legal actions. (More)

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

国务院公布《国务院关于对外投资的规定》

2026年6月1日，国务院公布了《国务院关于对外投资的规定》（以下简称《规定》），适用于中国境内投资者对外投资。《规定》共三十四条，自2026年7月1日起施行。《规定》明确，投资者开展对外投资活动，不得出口、使用国家禁止出口的货物、技术、服务及相关数据，或者未经许可出口、使用国家限制出口的货物、技术、服务及相关数据。《规定》指出，对外投资涉及跨境数据流动、网络安全监管等，依照有关规定执行。《规定》强调，中国境内组织、个人参与对外投资相关仲裁、诉讼或者受到境外司法、执法机构相关调查，需要向境外提供证据或者相关材料的，应当遵守保守国家秘密、数据安全、个人信息保护等有关规定。依法须经主管机关准许的，应当履行相关法律程序。（查看更多）

State Council Issues the *Provisions of the State Council on Overseas Investment*

On June 1, 2026, the State Council issued the *Provisions of the State Council on Overseas Investment* (Provisions), which apply to overseas investment conducted by investors within the territory of China. Comprising thirty-four articles in total, the Provisions shall come into force on July 1, 2026. The Provisions stipulate that when carrying out overseas investment activities, investors shall not export or use goods, technologies, services and relevant data whose export is prohibited by the State, nor export or use goods, technologies, services and relevant data whose export is restricted by the State without obtaining approval. It is specified that overseas investment involving cross-border data flow, cybersecurity regulation and other matters shall be handled in accordance with relevant provisions. The Provisions emphasize that where organizations and individuals within the territory of China participate in arbitration or litigation related to overseas investment, or are subject to investigations by foreign judicial and law enforcement authorities, and need to provide evidence or relevant materials to overseas parties, they shall abide by the provisions on keeping state secrets, data security and personal information protection. Where approval from competent authorities is required by law, relevant legal procedures shall be completed. (More)

中央网信办组织召开未成年人网络保护协调机制工作会议

2026年6月3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"）组织召开了未成年人网络保护协调机制工作会议，研究部署了规范和管理未成年人使用网络相关工作。会

议强调，要明确目标、聚焦重点，扎实推进规范和管理未成年人使用网络的各项举措。坚持分级分类，严管中高风险功能服务，划定触网安全底线；坚持管建并举，全面推广未成年人模式，升级专属内容池，优化未成年人专门设备，打造安全网络空间；坚持技术赋能，聚焦未成年人身份识别问题加大技术攻关力度，将网络保护要求融入技术规范，把法规要求通过技术标准落细，推动全覆盖、全链条、全闭环协同保护；坚持齐抓共管，充分发挥平台、学校、家庭、社会等多方力量，汇聚网络保护合力。（查看更多）

CAC Convenes Working Meeting of the Coordination Mechanism for Minors' Online Protection

On June 3, 2026, the Office of the Central Cyberspace Affairs Commission (CAC) convened a working meeting of the Coordination Mechanism for Minors' Online Protection to study and arrange work concerning the regulation and management of minors' internet use. The meeting stressed the need to clarify objectives, focus on key tasks, and steadily implement all measures for regulating and managing minors' online activities. Efforts shall be made to adopt tiered and categorized management, impose strict regulation on medium and high-risk functions and services, and set the bottom line for safe internet access. We shall combine governance with development, fully promote the minor mode, upgrade exclusive content libraries, optimize dedicated devices for minors, and build a secure cyberspace. It is essential to leverage technological empowerment, step up technological research on minor identity recognition, integrate online protection requirements into technical specifications, and translate regulatory provisions into detailed technical standards, so as to realize full-coverage, whole-industry-chain and full-closed-loop collaborative protection. Joint governance shall be enforced to mobilize multiple parties including platforms, schools, families and the whole society to form synergy for minors' online protection. (More)

国家网络与信息安全信息通报中心通报71款违法违规收集使用个人信息的移动应用

2026年6月3日，国家网络与信息安全信息通报中心通报了71款违法违规收集使用个人信息的移动应用，所涉问题包括但不限于：（1）在App首次运行时未通过弹窗等明显方式提示用户阅读隐私政策等收集使用规则；以默认选择同意隐私政策等非明示方式征求用户同意；隐私政策难以访问；个人信息处理者在处理个人信息前，未以显著方式、清晰易懂的语言真实、准确、完整地向个人告知个人信息处理者的名称或者姓名、联系方式、个人信息的保存期限等；（2）隐私政策未逐一列出App（包括委托的第三方或嵌入的第三方代码、插件）收集使用个人信息的目的、方式、范围等；（3）个人信息处理者向其他个人信息处理者提供其处理的个人信息的，未向个人告知接收方的名称或者姓名、联系方式、处理目的、处理方式和个人信息的种类，并取得个人的单独同意；App客户端向第三方提供个人信息，未经用户同意，未做匿名化处理；（4）未向用户提供撤回同意收集个人信息的途径、方式；个人信息处理者未提供便捷的撤回同意的方式；（5）未采取相应的加密、去标识化等安全技术措施。（查看更多）

National Cybersecurity and Information Security Information Notification Center Discloses 71 Mobile Applications Illegally Collecting and Using Personal Information

On June 3, 2026, the National Cybersecurity and Information Security Information Notification Center issued a notice on 71 mobile applications that illegally collected and used personal information. The irregularities include but are not limited to the following: (1) Failing to prompt users to read privacy policies and other rules on personal information collection and use via prominent means such as pop-up windows upon the first launch of the App; soliciting user consent through implicit means including pre-selected agreement to privacy policies; making privacy policies inaccessible; failing to truthfully, accurately and fully inform individuals in a prominent manner and with plain and easy-to-understand language of the name, contact information of the personal information processor and the retention period of personal information before processing personal information. (2) Failing to itemize in the privacy policy the purposes, methods and scope of personal information collection and use by the App, including entrusted third parties as well as embedded third-party codes and plug-ins. (3) When providing processed personal information to other personal information processors, failing to inform individuals of the recipient's name, contact information, processing purposes, processing methods and categories of personal information, and obtain separate consent from individuals; transferring personal information from the App client to third parties without user consent and without conducting anonymization processing. (4) Failing to provide users with channels and methods to withdraw consent for personal information collection; failing to offer convenient ways for users to withdraw consent. (5) Failing to adopt corresponding security technical measures such as encryption and de-identification. (More)

上海市通信管理局通报56款存在侵害用户权益行为的App（SDK）

2026年6月4日，上海市通信管理局通报了56款存在侵害用户权益行为的App（SDK），所涉问题包括：（1）违规收集个人信息；（2）超范围收集个人信息；（3）App强制、频繁、过度索取权限；（4）账号注销难；（5）未明示个人信息处理规则；（6）未妥善处理用户投诉。存在问题的App（SDK）应对存在的问题立即整改，并对该App（SDK）个人信息和用户权益保护工作开展全面自评估，自通报之日起5个工作日内将书面整改报告和自评估报告报送上海市通信管理局。对未能在限期内完成整改并提交报告的，上海市通信管理局将依法依规予以处理。（查看更多）

Shanghai Municipal Communications Administration Notifies 56 Apps (SDKs) for Infringing on Users' Rights and Interests

On June 4, 2026, the Shanghai Municipal Communications Administration notified 56 Apps (SDKs) that have committed acts infringing on users' rights and interests. The violations are as follows: (1) Illegal collection of personal information. (2) Collection of personal information beyond the prescribed scope. (3) Apps requesting permissions in a coercive, frequent and excessive manner. (4) Difficulties in account cancellation. (5) Failure to explicitly specify personal information processing rules. (6) Failure to properly handle user complaints. The problematic Apps (SDKs) shall immediately rectify the aforesaid issues and conduct a comprehensive self-assessment on the protection of personal information and users' rights and interests. Written rectification reports and self-assessment reports shall be submitted to the Shanghai Municipal Communications Administration within 5 working days from the date of this

notice. Those that fail to complete rectification and submit relevant reports within the time limit will be dealt with in accordance with applicable laws and regulations. (More)

长安汽车自研大模型获国家生成式AI备案审批

2026年6月2日，长安汽车全栈自研的长安天枢大模型正式通过国家网信办“生成式人工智能服务”备案审批，成为重庆首家通过该项国家级备案的车企。整体来看，国内车企的技术演进正加速从基础的语音交互，向控制车辆硬件以及深度的智驾端到端模型渗透。生成式AI的进化高度依赖数据喂养，车企独立运营大模型能确保海量的道路环境及用户交互数据在自有体系内闭环流转，在防范隐私泄露的同时，利用自有数据直接反哺模型训练，从而形成更贴合车载场景的技术护城河。（查看更多）

Changan Automobile's Self-developed Large Model Obtains National Filing Approval for Generative AI

On June 2, 2026, Changan Tianshu Large Model, fully self-developed by Changan Automobile, officially passed the filing approval for generative AI services issued by the CAC. It marks the first automobile enterprise in Chongqing to obtain this national-level filing. Overall, the technological evolution of domestic automobile enterprises is accelerating its shift from basic voice interaction to vehicle hardware control and in-depth end-to-end models for intelligent driving. The advancement of generative AI relies heavily on data training. When automobile enterprises operate large models independently, they can ensure the closed-loop flow of massive data on road conditions and user interaction within their own systems. This not only prevents privacy leakage, but also leverages internal data to continuously optimize model training, thereby building a technological moat better adapted to vehicle application scenarios. (More)

新加坡：PDPC发布《生成式人工智能中个人数据使用建议性指南（草案）》

2026年6月2日，新加坡个人数据保护委员会（PDPC）发布了《生成式人工智能中个人数据使用建议性指南（草案）》（以下简称《指南》），向社会公开征求意见，意见反馈截止时间为2026年7月1日。2012年《个人数据保护法》（PDPA）规范了机构对个人数据的收集、使用和披露。PDPA中的数据保护义务规定在该法的第三至第六部分。PDPC的职能包括但不限于在新加坡推广数据保护意识，以及管理和执行PDPA。PDPA规定，委员会可发布咨询指南，就委员会如何解释PDPA的条款提供指引。委员会已启动此次公众咨询，以征求对《指南》的意见和反馈。《指南》涵盖的问题和情形包括：（1）为开发生成式人工智能而收集和使用个人数据；（2）在生成式人工智能全生命周期中分配个人数据保护责任；（3）处理个人就其为生成式人工智能处理个人数据提出的请求。（查看更多）

Singapore: PDPC Releases *Proposed Advisory Guidelines on Use of Personal Data in Generative AI*

On June 2, 2026, the Personal Data Protection Commission (PDPC) of Singapore released the *Proposed Advisory Guidelines on Use of Personal Data in Generative AI* (Guidelines) for public consul-

tation. The deadline for feedback is 1 July 2026. The *Personal Data Protection Act 2012* (PDPA) governs the collection, use and disclosure of personal data by organizations. The PDPA's data protection obligations are set out in Parts III to VI of the PDPA. The functions of the PDPC include, among others, promoting awareness of data protection in Singapore and administering and enforcing the PDPA. PDPA provides for the Commission to issue Advisory Guidelines to provide guidance on how the Commission will interpret provisions of the PDPA. The Commission has launched this public consultation to solicit views and comments on the proposed Guidelines. The Guidelines cover the following issues and scenarios: (1) The collection and use of personal data to develop Generative AI. (2) The allocation of personal data protection responsibilities across the Generative AI lifecycle. (3) The handling of individuals' requests concerning the processing of their personal data for Generative AI. (More)

美国：美国总统签署《促进前沿AI创新与安全》行政令

2026年6月2日，美国总统签署了《促进前沿AI创新与安全》行政令，规定了宗旨、升级美国系统以适配前沿AI、安全部署前沿模型、防范犯罪行为、一般规定五节内容。行政令要求，自命令发布之日起三十日内，财政部长应在与国家网络主任、战争部长（通过国家情报局/国家安全局（NSA）局长）和国土安全部长（通过网络安全和基础设施安全局（CISA）局长）协商后，与AI行业及关键基础设施运营者自愿合作，组建一个AI网络安全信息共享中心，负责协调和消除扫描软件漏洞时的冲突，发现和验证此类漏洞，并协调和优先安排漏洞修复及补丁分发。行政令指出，自命令发布之日起六十日内，人事管理办公室主任应扩大美国科技力量信息安全专家的招聘和安置渠道。（查看更多）

United States: U.S. President Signs Executive Order on *Promoting Advanced Artificial Intelligence Innovation and Security*

On June 2, 2026, the U.S. President signed the Executive Order on *Promoting Advanced Artificial Intelligence Innovation and Security,* which consists of five sections: purpose, upgrading American systems for Advanced AI, secure frontier model deployment, prevention against criminal actors, and general provisions. The Executive Order requires that within 30 days of the date of this order, the Secretary of the Treasury, in consultation with the National Cyber Director, the Secretary of War, through the Director of the National Security Agency (NSA), and the Secretary of Homeland Security, through the Director of Cybersecurity and Infrastructure Security Agency (CISA), shall form an AI cybersecurity clearinghouse, in voluntary collaboration with the AI industry and operators of critical infrastructure, that coordinates and deconflicts scanning for software vulnerabilities, discovers and validates such vulnerabilities, and coordinates and prioritizes remediation and distribution of vulnerability patches. It is specified in the Executive Order that within 60 days of the date of this order, the Director of the Office of Personnel Management shall expand the United States Tech Force Information Cybersecurity Specialist hiring and placement pathways. (More)

知识产权 Intellectual Property

国家版权局发布《中国版权保护与发展状况（2025）》

为落实党中央决策部署，向社会公众展现版权有关工作情况，营造尊重创新、尊重版权的良好氛围，国家版权局组织编写了中、英文版本的《中国版权保护与发展状况（2025）》，主要包括四方面内容：

一是版权法律体系。综述著作权法及其配套行政法规、部门规章、规范性文件、地方性法规、版权政策、司法解释等的制定和修改情况。二是版权保护与监管。综述版权主管部门、文化执法部门在重点领域版权行政执法、新业态版权保护、推进使用正版软件等方面的版权保护与监管工作情况。三是版权服务与产业发展。综述版权主管部门、著作权集体管理组织等机构在推动版权登记、集体管理、版权交易等方面的工作情况以及版权产业发展情况。四是版权国际交流合作。综述版权主管部门、行业协会、企事业单位等参与版权相关国际事务谈判、推动有关国际条约缔结、加强海外维权合作等工作情况。

来源：国家版权局

National Copyright Administration Issuing Report on Copyright Protection and Development in China (2025)

To implement the decisions and arrangements of the Party Central Committee, publicize copyright-related work to the public, and foster a sound atmosphere of respecting innovation and copyright, the National Copyright Administration (NCA) has compiled the Chinese and English versions of Report on Copyright Protection and Development in China (2025). The report mainly consists of four parts.

First, the copyright legal system. It summarizes the formulation and revision of the Copyright Law of the People's Republic of China, supporting administrative regulations, departmental rules, normative documents, local regulations, copyright policies and judicial interpretations.

Second, copyright protection and supervision. It reviews the work of copyright competent authorities and cultural law enforcement departments, including administrative law enforcement in key fields, copyright protection for new business forms, and the promotion of legitimate software use.

Third, copyright services and industrial development. It elaborates on the progress made by copyright competent authorities and copyright collective management organizations in advancing copyright registration, collective management and copyright transactions, as well as the development of the copyright industry.

Fourth, international exchanges and cooperation on copyright. It introduces the participation of copyright competent authorities, industrial associations, enterprises and public institutions in international copyright negotiations, the conclusion of relevant international treaties, and overseas rights protection cooperation.

Source: NCAC

最高人民法院：“贵玉”商标撤三再审案落槌，提交虚假证据遭训诫

近日，最高人民法院审结一起商标权撤销复审行政纠纷再审案件，依法驳回商标注册人贵州省仁怀市鹏彦酒业销售有限公司的再审申请，并对其提交虚假证据的行为予以训诫。

本案围绕第1414829号“贵玉”商标展开，贵州贵酒集团有限公司以该商标在2018年11月11日至2021年11月10日期间未有效使用为由申请撤三。国家知识产权局未撤销涉案商标，一审、二审法院相继作出相反判决。鹏彦公司不服二审结果向最高院申请再审。

最高人民法院经核查，鹏彦公司用以佐证商标使用的发票存在查无此票、日期矛盾等虚假问题，其余证据或为自制材料、或超出指定使用期间、或证明力不足，无法形成完整证据链。法院明确，商标撤三案件中注册人需举证商标真实合法有效使用，存在虚假证据时，其余证据将被从严审查，虚假诉讼主张不予支持。

来源：最高人民法院

Supreme People's Court: Concluding Retrial of "Guiyu" Trademark Non-use Cancellation Case, Reprimanding Party for Submitting False Evidence

Recently, the SPC concluded the retrial of an administrative dispute over review of trademark cancellation for non-use. It lawfully dismissed the retrial application filed by Guizhou Renhuai Pengyan Wine Industry Sales Co., Ltd., the trademark registrant, and reprimanded the company for submitting false evidence.

The case centered on Trademark No. 1414829 "Guiyu". Guizhou Guijiu Group Co., Ltd. filed an application for trademark cancellation on the ground that the trademark had not been put into valid commercial use from November 11, 2018 to November 10, 2021. The China National Intellectual Property Administration refused to cancel the disputed trademark, while the first-instance and second-instance courts rendered contrary judgments successively. Dissatisfied with the second-instance ruling, Pengyan Company applied to the SPC for retrial.

Upon verification, the invoices submitted by Pengyan Company to prove trademark use were found fake, including invalid invoice records and contradictory dates. Other evidence were self-made documents, out of the designated time period or lacking probative force, which failed to form a complete chain of evidence. The court clarified that the trademark registrant shall adduce evidence to prove the genuine, legitimate and valid use of the trademark in trademark non-use cancellation cases. Where false evidence exists, other evidence shall be examined stringently, and litigation claims based on false evidence shall not be supported.

Source: Supreme People's Court

最高人民法院知识产权法庭：软件著作权侵权案明确惩罚性赔偿倍数裁量新标准

近日，最高人民法院知识产权法庭审结（2023）最高法知民终 2573 号计算机软件著作权侵权上诉案，二审改判侵权方赔偿经济损失约5448万元，同时确立惩罚性赔偿倍数的全新裁量规则。

甲公司系红外成像仪内置软件著作权人，乙公司法定代表人曾长期任职甲公司，其联合关联公司丙公司生产销售的同类产品内置软件，与涉案软件构成实质性相似。甲公司起诉后，一审法院认定侵权成立，判令乙公司赔偿1400万元及合理开支，但未支持惩罚性赔偿诉求，双方均不服提起上诉。

最高院二审认定，结合人员任职背景可确认乙公司具备接触涉案软件的条件，侵权行为成立。法院以民法典施行时间为界划分赔偿标准，2021年1月1日前仅计算补偿性赔偿，此后结合侵权获利适用惩罚性赔偿。本案侵权行为隐蔽、侵权方拒不配合举证、权利人查证难度大，综合侵权故意、情节等因素，法院支持3倍惩罚性赔偿请求并予以改判。

该案明确，确定惩罚性赔偿倍数时，除主观过错、侵权情节外，还需考量侵权行为隐蔽性与侵权人逃避追责的可能性，为同类知识产权案件裁判提供参考。

来源：最高人民法院知识产权法庭

Supreme People's Court Intellectual Property Court: Clarifying New Criteria for Determining Multiples of Punitive Damages in Software Copyright Infringement Case

Recently, the Supreme People's Court Intellectual Property Court concluded the second-instance appeal case of computer software copyright infringement (2023) SPC IP Civil Final No. 2573. The court revised the original judgment and ordered the infringer to compensate approximately RMB 54.48 million for economic losses, and established new rules for determining the multiples of punitive damages.

Company A is the copyright owner of the built-in software for infrared imagers. The legal representative of Company B once worked at Company A for a long time. Company B and its affiliate Company C manufactured and sold similar products whose built-in software is substantially similar to the disputed software. After Company A filed a lawsuit, the first-instance court found infringement established and ordered Company B to pay RMB 14 million plus reasonable expenses, but rejected the claim for punitive damages. Both parties were dissatisfied and filed appeals.

In the second instance, the SPC confirmed that Company B had access to the disputed software based on relevant employment backgrounds, hence the infringement was established. The court divided compensation standards by the implementation date of the Civil Code. Only compensatory damages were calculated for infringements committed before January 1, 2021, while punitive damages were applied based on illegal gains for subsequent infringements. Given the concealed nature of the infringement, the infringer's refusal to cooperate with evidence presentation and the difficulties for the right holder to collect evidence, the court approved the claim for triple punitive damages and revised the judgment in consideration of subjective intent and infringement circumstances.

This case clarifies that in determining the multiples of punitive damages, courts shall take into account the concealment of infringement acts and the possibility for infringers to evade legal liabilities, in addition to subjective fault and infringement circumstances. It provides a reference for the trial of similar intellectual property cases.

Source: Supreme People's Court Intellectual Property Court

最高人民法院：纠正一审瑕疵，明确说明书背景技术不等同于已公开现有技术

近日，最高人民法院审结（2025）最高法知行终272号发明专利权无效行政纠纷案。

涉案专利为“反应堆控制棒驱动机构”，专利权人为华某公司与某设计院。第三人麻某向国家知识产权局提起无效宣告请求，国知局认定该专利全部权利要求不具备创造性，宣告专利权无效。华某公司不服，诉至北京知识产权法院，一审法院驳回其诉讼请求。华某公司继续上诉，主张专利具备创造性。

最高院二审审理纠正了一审的法律认知瑕疵，明确专利说明书记载的背景技术，并不当然属于申请日前已公开的现有技术，仅依据说明书相关描述，无法直接认定对应技术已为公众所知。同时法院指出，涉案专利所发现的缓冲轴断裂失效问题，本领域技术人员借助常规验证手段较易察觉，结合现有对比文件、教科书公知常识，本领域技术人员有充足动机与技术启示对现有设备进行改进。涉案专利对倒圆、倒角尺寸及材料的选择，均属于常规技术取舍，相关技术方案整体不具备突出的实质性特点与显著进步。最终，最高院驳回上诉、维持原判，二审案件受理费由华某公司承担。

本案厘清了专利无效及创造性判断中背景技术的法律定性，细化了专利创造性的裁判标准，对同类专利行政案件审理具有重要指导意义。

来源：最高人民法院

Supreme People's Court: Rectifying Defects in First-instance Judgment and Clarifying That Background Art in Patent Specifications Does Not Equal Disclosed Prior Art

Recently, the SPC concluded the administrative dispute over invention patent invalidation, Case No. (2025) SPC IP Administrative Final No. 272.

The disputed patent is entitled "Reactor Control Rod Drive Mechanism", with Company Hua and a Design Institute as patentees. A third party Ma filed a request for patent invalidation with the China National Intellectual Property Administration. The CNIPA held that all claims of the patent lacked creativity and declared the patent invalid. Dissatisfied with the ruling, Company Hua filed a lawsuit with the Beijing Intellectual Property Court, which dismissed its claims in the first instance. Company Hua then filed an appeal, asserting that the patent possessed creativity.

In the second-instance trial, the SPC rectified legal understanding defects in the first-instance judgment. It clarified that the background art recorded in patent specifications shall not be automatically deemed as prior art disclosed before the patent application date, and relevant descriptions in specifications alone cannot prove that the corresponding technology has been known to the public. The court also pointed out that the problem of buffer shaft fracture discovered by the patent can be easily identified by persons skilled in the art through conventional verification methods. In combination with existing reference documents and common general knowledge in textbooks, persons skilled in the art have sufficient moti-

vation and technical enlightenment to improve existing equipment. The selection of fillet sizes, chamfer sizes and materials in the disputed patent are routine technical choices, and the overall technical solution fails to possess prominent substantive features and remarkable progress. Ultimately, the SPC dismissed the appeal and affirmed the original judgment. Company Hua shall bear the court fees for the second instance.

This case clarifies the legal nature of background art in patent invalidation and creativity assessment, refines the adjudication criteria for patent creativity, and provides important guidance for the trial of similar patent administrative cases.

Source: Supreme People's Court

上海知产法院：讯兔科技不正当竞争案二审维持原判，侵权方合计赔偿410万元

近日，上海知识产权法院审结讯兔科技（上海）有限公司与深圳进门财经科技股份有限公司不正当竞争纠纷案，二审驳回讯兔科技全部上诉，维持一审判决。

进门财经主营券商网络路演平台，平台会议设置白名单管控，相关内容禁止擅自对外传播。讯兔科技借助白名单客户提供的权限获取会议音频，制作文字纪要等内容，上传至旗下“Alpha派”系列产品及AlphaLink平台，向非白名单公众开放。进门财经就此提起诉讼。

一审法院认定，该行为违背行业商业道德与诚信原则，实质替代对方平台功能、损害竞争利益，构成不正当竞争，判令讯兔科技下架全部侵权内容，赔偿经济损失400万元、合理开支10万元，并刊登声明消除影响。讯兔科技以事实认定不清、赔偿金额过高等理由上诉。二审法院核查证据后，确认一审事实与裁判无误，认定其突破白名单限制传播受限内容的行为侵权性质明确，赔偿数额裁量合理。本案二审案件受理费 39600 元由讯兔科技承担。

该案明确金融路演平台白名单机制属于行业合规底线，为同类互联网平台不正当竞争案件提供裁判参考。

来源：上海知识产权法院

Shanghai Intellectual Property Court: Upholding Original Judgment in Second Instance in Xuntu Technology Unfair Competition Case, Infringer to Pay Total Compensation of RMB 4.1 Million

Recently, the Shanghai Intellectual Property Court concluded the unfair competition dispute between Xuntu Technology (Shanghai) Co., Ltd. and Shenzhen Jinmen Finance Technology Co., Ltd. The court dismissed all appeals filed by Xuntu Technology and affirmed the first-instance judgment.

Jinmen Finance mainly operates an online roadshow platform for securities brokers. Conferences on the platform adopt a whitelist management mechanism, and relevant contents are prohibited from unauthorized external dissemination. Xuntu Technology obtained conference audios by using the access rights provided by whitelist clients, compiled written minutes and other relevant contents, and uploaded such

contents to its "Alpha Pai" product series and AlphaLink platform for access by the public outside the whitelist. Jinmen Finance then instituted legal proceedings against the aforesaid conduct.

The first-instance court held that such acts violated business ethics and the principle of good faith in the industry, virtually replaced the functions of the opposing platform and impaired competitive interests, which constituted unfair competition. The court ordered Xuntu Technology to remove all infringing contents, pay RMB 4 million for economic losses and RMB 100,000 for reasonable expenses, and publish a statement to eliminate adverse impacts. Xuntu Technology filed an appeal on the grounds of unclear fact-finding and excessive compensation amount. After examining the evidence, the second-instance court confirmed that the findings and ruling of the first instance were correct. It ruled that the defendant's act of disseminating restricted contents in breach of whitelist restrictions obviously constituted infringement, and the compensation amount was reasonably determined. Xuntu Technology shall bear the second-instance court fee of RMB 39,600.

This case clarifies that the whitelist mechanism of financial roadshow platforms is the bottom line of industrial compliance, and offers a reference for the trial of similar unfair competition cases involving internet platforms.

Source: Shanghai Intellectual Property Court

郑州中院：短视频借他人商标引流售卖自有商品构成商标侵权

近日，河南省郑州市中级人民法院审结一起侵害商标权及不正当竞争纠纷案。

杭州加点滋味科技有限公司是“加点滋味”商标权利人，该品牌在复合调味料领域知名度较高。郑州四家关联公司搭建千人规模短视频宣传矩阵，擅自使用带有涉案商标的宣传视频，借视频购物车引导消费者跳转至自家同类调味料销售页面，还刻意隐匿自有商品品牌，误导公众。

法院审理认为，四被告在短视频中使用他人商标属于商标性使用，易造成消费者混淆，已构成商标侵权；因侵权行为未达到情节严重标准，未支持惩罚性赔偿诉求。结合各方人员、住所、业务高度关联，存在分工协作，法院认定四被告构成共同侵权，需承担连带责任。最终法院判令四被告立即停止侵权行为，连带赔偿原告经济损失及合理开支共计30万元，同时驳回原告其他诉讼请求。

该案打破仅在商品上贴附商标才构成侵权的传统认知，明确短视频引流模式下的商标侵权判定标准，也确定了关联主体共同侵权的认定规则，为整治短视频平台搭便车侵权乱象提供参考。

来源：河南省郑州市中级人民法院

Zhengzhou Intermediate People's Court: Ruling Trademark Infringement for Using Others' Trademarks in Short Videos to Divert Traffic and Sell Self-owned Goods

Recently, Zhengzhou Intermediate People's Court of Henan Province concluded a dispute over trademark infringement and unfair competition.

Hangzhou Jiadian Ziwei Technology Co., Ltd. is the owner of the trademark "Jiadian Ziwei", which enjoys high popularity in the compound seasoning industry. Four affiliated companies based in Zhengzhou built a short video promotion matrix with thousands of accounts. They unauthorizedly used promotional videos bearing the disputed trademark, diverted consumers to their own seasoning product sales pages via the shopping cart function in videos, and deliberately concealed their own brand to mislead the public.

The court held that the four defendants' use of others' trademarks in short videos constituted trademark use and was likely to cause consumer confusion, hence trademark infringement was established. Since the infringement did not reach the level of serious circumstances, the claim for punitive damages was not affirmed. Given the close connection in personnel, premises and business as well as the division of labor among the four parties, they were found to have committed joint infringement and shall be held jointly and severally liable. The court ordered the four defendants to immediately cease the infringing acts, and pay a total of RMB 300,000 jointly for the plaintiff's economic losses and reasonable expenses. The plaintiff's other claims were dismissed.

This case breaks the traditional view that trademark infringement only occurs when a trademark is affixed on goods. It clarifies the judgment criteria for trademark infringement under the short video traffic diversion model and the rules for identifying joint infringement by affiliated entities, providing a reference for regulating free-riding infringement on short video platforms.

Source: Zhengzhou Intermediate People's Court of Henan Province

福州鼓楼法院：离职员工窃取企业未公开源代码创业，被判侵犯商业秘密罪

近日，福州市鼓楼区人民法院审结一起侵犯商业秘密刑事案件。

捷某公司及其关联企业鱼某公司对自研智能终端产品未公开源代码采取严格保密措施，并与员工签订保密协议。方某某、张某某、彭某某三人在职期间参与该项目研发，2021 年三人商议离职创业，张某某擅自拷贝涉案源代码。三人随后成立锐某公司，利用窃取的源代码承接社保查询终端设备研发订单，分工开展软件开发、硬件生产、业务对接等工作，对外销售搭载侵权技术的主板，累计违法所得超41万元。经鉴定，涉案源代码属于非公知技术信息，与捷某公司核心技术完全一致。案发后，三名被告人与权利人达成赔偿谅解协议并退缴全部违法所得。

法院审理认定，三人违反保密义务，擅自使用企业商业秘密，违法所得数额较大、情节严重，均构成侵犯商业秘密罪，分别判处有期徒刑七个月至八个月、缓刑一年，并处以相应罚金，同时判令违法所得退赔给权利人。

本案明确未公开源代码属于受法律保护的商业秘密，也警示从业人员恪守保密义务，为企业保护核心技术、打击源代码窃密犯罪提供司法范例。

来源：福州市鼓楼区人民法院

Gulou Primary People's Court of Fuzhou: Convicting Former Employees of the Crime of Infringing Trade Secrets for Starting a Business with Stolen Undisclosed Source Code

Recently, Gulou Primary People's Court of Fuzhou concluded a criminal case involving trade secret infringement.

Jie Company and its affiliate Yu Company adopted strict confidentiality measures for the undisclosed source code of their self-developed intelligent terminal products and signed non-disclosure agreements with employees. During their tenure, Fang, Zhang and Peng participated in the research and development of the aforesaid project. In 2021, the three agreed to resign and start their own business. Zhang illegally copied the disputed source code. They subsequently founded Rui Company and used the stolen source code to undertake orders for the research and development of social security query terminal devices. They divided responsibilities for software development, hardware production and business liaison, and sold motherboards equipped with the infringing technology. Their total illegal gains exceeded RMB 410,000. Appraisal results confirmed that the disputed source code was non-public technical information and identical to the core technology of Jie Company. After the case emerged, the three defendants reached a compensation and reconciliation agreement with the right holder and surrendered all illegal gains.

The court held that the three defendants breached their confidentiality obligations and illegally used the enterprise's trade secrets. Their illegal gains were relatively large and the circumstances were serious, so all of them were convicted of the crime of infringing trade secrets. They were sentenced to fixed-term imprisonment ranging from seven months to eight months with a one-year probation period and corresponding fines respectively. The court also ordered the illegal gains to be returned to the right holder.

This case clarifies that undisclosed source code is protected by law as trade secrets. It also warns practitioners to abide by confidentiality obligations and serves as a judicial precedent for enterprises to protect core technologies and crack down on crimes involving the theft of source code.

Source: Gulou Primary People's Court of Fuzhou

成都高新法院：游戏行业内外勾结侵犯著作权案宣判，主犯被适用职业禁令

近日，成都高新区人民法院审结一起网络游戏侵犯著作权刑事案件。

天某数娱公司系《三国威力加强版》著作权人，其前高管张某甲、项目负责人张某乙，联合合作代理商深圳掌某信息公司的两名管理人员，并借助关联公司深圳巽某科技公司分工协作，非法获取正版游戏服务端与客户端代码，套用其他游戏的权证和版号，以《霸战三国》为名运营盗版游戏私服。2020年8月至2022年9月，该盗版游戏充值收入达883万余元。著作权人发现侵权行为后报案，经鉴定，盗版游戏与正版游戏程序实质一致。检察机关随后提起公诉。

法院审理认定，涉案单位及个人分工明确、主观侵权故意明显，行为已构成侵犯著作权罪，且属于情节特别严重。结合各被告人认罪认罚、坦白等情节，法院对众人判处八个月至三年不等有期徒刑并适用缓刑，累计罚金超340万元。同时，针对利用职业便利实施犯罪的主犯，法院在

缓刑考验期内对其适用职业禁令，禁止其从事网络游戏研发、销售等相关工作。一审判决作出后，所有被告均未上诉，判决现已生效。

该案首次在游戏知识产权刑事案中运用职业禁令，震慑行业违法行径，为规范数字文创产业发展提供司法指引。

来源：成都高新区人民法院

High-tech Zone People's Court of Chengdu: Handing Down Judgment on Online Game Copyright Infringement Case Involving Internal and External Collusion, Main Offenders Subjected to Occupation Prohibition

Recently, the High-tech Zone People's Court of Chengdu concluded a criminal case concerning online game copyright infringement.

Tian Digital Entertainment is the copyright owner of Romance of the Three Kingdoms Enhanced Edition. Zhang Jia and Zhang Yi, former senior executives and project leaders of the aforesaid company, colluded with two managers of Shenzhen Zhang Information Company, an authorized agent, and its affiliate Shenzhen Xun Technology Company. The parties divided work among themselves, illegally obtaining the server and client codes of the genuine game. They adopted the license and version approval numbers of other games to operate an unauthorized private server under the name Battle for the Three Kingdoms. From August 2020 to September 2022, the recharge revenue of the pirated game exceeded RMB 8.83 million. After the copyright owner reported the case, an appraisal confirmed that the pirated game program was substantially identical to the genuine one. The procuratorial organ subsequently instituted a public prosecution.

The court held that the involved entities and individuals had clear division of labor and obvious subjective intent to infringe copyright. Their acts constituted the crime of copyright infringement with exceptionally serious circumstances. Taking into account the defendants' guilty pleas, acceptance of punishment and truthful confessions, the court sentenced them to fixed-term imprisonment ranging from eight months to three years with probation, and imposed aggregate fines of over RMB 3.4 million. For the main offenders who committed crimes by taking advantage of their professional positions, the court imposed an occupation prohibition during the probation period, barring them from engaging in online game research, development, sales and other related work. None of the defendants filed an appeal after the first-instance judgment, which has now taken effect.

This is the first case where occupation prohibition is applied in a criminal online game intellectual property case. It deters illegal acts in the industry and provides judicial guidance for regulating the development of the digital cultural and creative industry.

Source: High-tech Zone People's Court of Chengdu

包头中院：景区地名善意描述性使用不构成商标侵权

近日，内蒙古自治区包头市中级人民法院审结一起侵害商标权纠纷二审案件，最终驳回上诉、维持原判。

原告包头市某文化旅游公司是第35、39、41类“赛汗塔拉”注册商标权利人，该名称是包头知名城中草原景区名称，属于受地方立法保护的公共地名资源。被告作为该景区PPP项目的建设运营主体，自2019年起在微信公众号、视频号中使用“赛汗塔拉”字样宣传景区。原告认为该行为侵犯其商标专用权，诉至法院要求对方停止侵权、赔偿1万元损失。一审法院认定被告系对地名的正当使用，驳回原告诉求。原告不服提起上诉。

二审法院查明，“赛汗塔拉” 本为蒙古语地名，涉案使用行为仅用于指代景区本身，属于描述性使用，并非用于区分服务来源的商标性使用，也不会造成公众混淆误认。依据《商标法》中地名正当使用相关规定，二审维持一审判决。

该案明确地名属于公共资源，商标权人不得垄断使用，划定了地名商标与公共使用的边界，对平衡商标私权与社会公共利益具有参考意义。

来源：内蒙古自治区包头市中级人民法院

The Intermediate People’s Court of Baotou: Bona Fide Descriptive Use of Scenic Spot Names Does Not Constitute Trademark Infringement

Recently, the Intermediate People's Court of Baotou, Inner Mongolia Autonomous Region concluded the second-instance trial of a trademark infringement dispute, dismissing the appeal and affirming the original judgment.

The plaintiff, a cultural and tourism company in Baotou, is the registrant of the trademark "Saihantala" covering Classes 35, 39 and 40. As the name of a well-known urban grassland scenic spot in Baotou, "Saihantala" is a public place name protected by local regulations. The defendant, the developer and operator of the scenic spot's PPP project, has used the name "Saihantala" for promotion on WeChat Official Accounts and video accounts since 2019. The plaintiff claimed that such act infringed its exclusive trademark right and filed a lawsuit, demanding the defendant to cease infringement and pay compensation of RMB 10,000.. The first-instance court ruled that the defendant made legitimate use of the place name and rejected the plaintiff's claims. The plaintiff subsequently filed an appeal.

The second-instance court found that "Saihantala" is a place name of Mongolian origin. The defendant only used the name to refer to the scenic spot, which amounted to descriptive use rather than trademark use for distinguishing service sources, and would not cause public confusion. In accordance with the provisions on the legitimate use of place names under the Trademark Law, the court affirmed the first-instance judgment.

This case clarifies that place names belong to public resources and shall not be monopolized by trademark owners. It defines the boundary between place name trademarks and public use, and offers reference for balancing trademark private rights and public interests.

Source: The Intermediate People's Court of Baotou, Inner Mongolia Autonomous Region

江苏高院：洞洞鞋装潢权纠纷案二审改判，厘清形状构造类装潢保护边界

近日，江苏省高级人民法院审结卡骆驰与热风系列公司不正当竞争纠纷案，该案围绕洞洞鞋商品装潢权展开博弈，二审撤销一审判决，改判驳回卡骆驰全部诉讼请求。

卡骆驰主张其五款洞洞鞋具备圆弧形宽鞋头、鞋面圆形孔洞、后端活动绑带配圆形纽扣三大核心外观特征，属于有一定影响的商品装潢，热风多款在售洞洞鞋仿冒该外观，构成不正当竞争，索赔经济损失及合理开支共计1500万元。一审法院认可卡骆驰主张，认定涉案外观构成受保护的商品装潢，判令热风停止侵权并赔偿250万元。双方均不服判决提起上诉。

二审法院结合双方补充证据重新审查，认为卡骆驰未能举证证明涉案鞋款外观装潢具备独立市场影响力，无法证实该造型在消费者认知中形成稳定的商品来源指向；同时涉案外观特征兼具产品实用功能，属于功能性设计。综合全案，涉案造型不属于《反不正当竞争法》所保护的有一定影响的商品装潢，热风行为不构成不正当竞争。

本案明确形状构造类装潢的保护标准严于普通装潢，需严格区分品牌知名度与单品装潢知名度、功能性设计与识别性装潢，平衡品牌知识产权、行业设计自由与消费者权益，也为同类外观装潢维权案件提供重要裁判参考。

来源：江苏省高级人民法院

Jiangsu Higher People's Court: Reversing First-instance Judgment in Clog Decoration Right Case and Clarifying Protection Boundaries of Shape-and-structure-based Product Decoration

Recently, Jiangsu Higher People's Court concluded the unfair competition dispute between Crocs and a group of Hotwind affiliated companies centering on the decoration right of clogs. The second-instance court revoked the first-instance judgment and dismissed all claims filed by Crocs.

Crocs claimed that five types of its clogs featured three core appearance characteristics, namely wide arc-shaped toe caps, round holes on the shoe surface and movable heel straps with round buttons, which constituted well-known product decoration. It alleged that multiple clogs sold by Hotwind copied the above appearance and committed unfair competition, claiming a total of RMB 15 million for economic losses and reasonable expenses. The first-instance court upheld Crocs' claims, ruled that the involved appearance was protectable product decoration, and ordered Hotwind to cease infringement and pay compensation of RMB 2.5 million. Both parties filed appeals against the judgment.

Upon re-examining the case with supplementary evidence submitted by both sides, the second-instance court held that Crocs failed to prove the involved shoe decoration had independent market influence or established a stable association with the product source among consumers. Meanwhile, the appearance features served practical functions and fell into functional design. In consideration of all case facts, the disputed appearance did not qualify as well-known product decoration protected by the Anti-Unfair Competition Law, and Hotwind's acts did not constitute unfair competition.

This case clarifies that shape-and-structure-based decoration is subject to stricter protection criteria than ordinary decoration. Courts shall strictly distinguish between brand popularity and the popularity of individual product decoration, as well as functional design and distinctive decoration. It balances intellec-

tual property rights of brands, design freedom of the industry and consumers' rights and interests, and provides important judicial reference for similar disputes over appearance decoration protection.

Source: Jiangsu Higher People's Court

欧盟普通法院：乐美包装胜诉，涉案八角形包装三维商标被认定无效

近日，欧盟普通法院就乐美包装、欧盟知识产权局与利乐相关企业的三维包装形状商标纠纷案作出终审判决，支持乐美包装诉求，维持涉案八角形包装容器三维商标无效的结论。

该案起源于欧盟知识产权局撤销部认定涉案三维商标无效，利乐相关企业不服提起上诉，其上诉被欧盟知识产权局上诉委员会支持。乐美包装就此诉至欧盟普通法院。法院审理查明，涉案三维包装的各项外形特征均服务于灌装、密封、储运、使用等全流程技术功能，依据欧盟商标法中功能性形状排除规则，该包装形状无法获得商标保护。判决撤销了欧盟知识产权局上诉委员会的决定，驳回利乐方上诉，并裁定双方各自承担自身诉讼费用，欧盟知识产权局还需承担乐美包装的相关费用。

本案明确了三维形状商标的审查边界：具备技术功能的产品外形不能借助商标制度实现永久性垄断，商标权不可替代专利对技术方案的有限期保护。同时该案例提示企业，开展市场宣传时需区分品牌标识与功能性描述，也为欧盟包装行业三维商标的功能性审查、维护市场公平竞争提供了重要司法参照。

来源：IPRdaily

General Court of the European Union: Upholding Lamex Packaging's Victory and Ruling the Involved 3D Trademark for Octagonal Packaging Invalid

Recently, the General Court of the European Union delivered its final judgment on the 3D packaging shape trademark dispute among Lamex Packaging, the EUIPO and relevant Tetra Laval entities, upholding Lamex Packaging's claims and affirming the ruling that the 3D trademark for the octagonal packaging container is invalid.

The case originated when the Cancellation Division of EUIPO ruled the disputed 3D trademark invalid. Dissatisfied with the decision, relevant Tetra Laval entities filed an appeal, which was upheld by the EUIPO Board of Appeal. Lamex Packaging subsequently instituted proceedings before the General Court of the European Union. The court found that all external features of the disputed 3D packaging serve technical functions throughout filling, sealing, storage, transportation and usage. In accordance with the functional shape exclusion rule under EU trademark law, the packaging shape shall not be entitled to trademark protection. The judgment revoked the decision of the EUIPO Board of Appeal and dismissed the appeal filed by Tetra Laval. The court also ruled that each party shall bear its own litigation costs, and EUIPO shall additionally cover the relevant expenses incurred by Lamex Packaging.

This case clarifies the review boundaries for 3D shape trademarks. Product shapes with technical functions shall not be permanently monopolized via the trademark system, and trademark rights shall not replace the time-limited protection of technical solutions afforded by patents. It also reminds enterprises

to distinguish between brand identifiers and functional descriptions in marketing activities. The judgment provides an important judicial reference for the functional review of 3D trademarks and the maintenance of fair competition in the EU packaging industry.

Source: IPRdaily

统一专利法院：二审改判富士诉柯达案，明确长臂管辖规则并拓宽专利先用权边界

2026年6月2日，统一专利法院上诉法院对富士胶片诉柯达专利侵权及无效案作出二审改判，推翻一审侵权认定，在维持涉案专利修改后有效的同时，驳回针对德国、英国对应专利的全部侵权指控。

本案涉及印刷版原版制造欧洲专利，二审厘清多项裁判规则：专利权利要求中的数值范围，若无特别说明，不自动包含制造与测量偏差；同时明确诉讼前端化原则下，为补强已有事实提交的补充证据可依法采信。

法院首次确立统一专利法院长臂管辖框架，被告住所地位于辖区内时，法院可对非成员国专利指定部分行使管辖权，并创设附解除条件裁决机制，兼顾管辖权与国际礼让。

针对德国专利先用权，法院作出边界延伸认定：柯达在专利优先权日前已完成技术布局及商业化准备，后续工艺改良未利用专利独有技术优势，改进产品仍受先用权保护。依据英国法律，涉案代工模式下不构成进口侵权，亦无证据证明存在共同侵权。

本案细化了跨境专利纠纷审理标准，为国际专利案件的管辖、权利解释、先用权及跨境侵权认定提供重要司法参考。

来源：IPRdaily

Unified Patent Court: Reversing Ruling in Fujifilm v. Kodak Case and Clarifying Long-arm Jurisdiction Rules While Expanding the Scope of Patent Prior User Rights

On June 2, 2026, the Court of Appeal of the UPC handed down a second-instance judgment, reversing the first-instance ruling in the patent infringement and invalidation dispute between Fujifilm and Kodak. The court overturned the finding of infringement in the first instance. While affirming the validity of the revised disputed patent, it dismissed all infringement claims concerning the corresponding patents for Germany and the United Kingdom.

This case involves a European patent for the manufacture of original printing plates. The second-instance judgment clarified multiple adjudication rules. Unless otherwise specified, the numerical ranges defined in patent claims shall not automatically include deviations arising from manufacturing and measurement. In line with the front-loaded proceedings principle, supplementary evidence submitted to corroborate existing facts shall be admitted in accordance with the law.

For the first time, the UPC established a framework for exercising long-arm jurisdiction. Where the defendant is domiciled within the UPC's jurisdiction, the court may exercise jurisdiction over the designated parts of patents in non-member states. It also created a conditional ruling mechanism to balance jurisdiction and the principle of international comity.

Regarding patent prior user rights under German law, the court expanded their scope. It held that Kodak had completed technical layout and commercial preparations prior to the patent's priority date. Its subsequent process improvements did not exploit the exclusive technical advantages of the patent, so the improved products remain protected by prior user rights. Under UK law, the foundry model in this case did not constitute import infringement, and no evidence proved joint infringement.

This case refines the adjudication criteria for cross-border patent disputes. It provides important judicial references for determining jurisdiction, interpreting patent rights, defining prior user rights and identifying cross-border infringements in international patent cases.

Source: IPRdaily

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