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国家知识产权局发布新版《专利优先审查管理办法》，明确适用范围、办理期限及诚信约束

China National Intellectual Property Administration issues revised Measures for Prioritized Patent Examination, clarifying scope of application, processing timeframes and good-faith constraints

最高法知产法庭：多室连续光学镀膜机“前室”应结合功能解释，二审改判侵权并支持50%贡献率

Intellectual Property Court of the Supreme People's Court: "Front chamber" in a multi-chamber continuous optical coating machine shall be interpreted in light of its function; second-instance judgment finds infringement and upholds a 50% patent contribution rate

最高法知产法庭：合法购买专利产品换标再售未再现技术方案，适用专利权用尽不构成侵权

Intellectual Property Court of the Supreme People's Court: Relabelling and reselling lawfully purchased patented products without reproducing the patented technical solution falls under patent exhaustion and does not constitute infringement

最高法：恶意抢注“冯四女上”后提起高额索赔构成权利滥用，商标无效裁定追溯未执行判决



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Supreme People's Court: Filing high-value claims after the bad-faith registration of "Feng Si Nv Shang" constitutes abuse of rights; trademark invalidation ruling retroactively applies to unenforced judgments

北京高院：“TATAWHC”商标撤三证据未形成完整链条，象征性使用不足以维持注册

Beijing High People's Court: Evidence of use in the three-year non-use cancellation proceedings for "TATAWHC" fails to form a complete chain; token use is insufficient to maintain registration

上海知产法院：AI搜索平台履行算法备案与通知删除义务，可适用“技术中立”侵权豁免

Shanghai Intellectual Property Court: AI search platform that completes algorithm filing and notice-and-takedown obligations may qualify for a "technology neutrality" exemption from infringement liability

杭州中院：向B站视频提供播放、点赞、评论等刷量服务构成不正当竞争，判赔150万元

Hangzhou Intermediate People's Court: Providing inflated views, likes and comments for Bilibili videos constitutes unfair competition; 1.5 million yuan awarded

上海三中院：跨境网站传播4000余部未授权视听作品，《繁花》点击超800万次，主犯获刑四年六个月

Shanghai No. 3 Intermediate People's Court: Cross-border websites disseminated more than 4,000 unauthorized audiovisual works; Blossoms Shanghai viewed over 8 million times; principal offender sentenced to four years and six months

杭州拱墅法院：翻新废旧涡轮增压器贴假标销售，刑事罚金不影响民事惩罚性赔偿

People's Court of Gongshu District, Hangzhou: Refurbishing discarded turbochargers and selling them with counterfeit marks; criminal fines do not preclude civil punitive damages

英国最高法院：特斯拉诉Avanci专利池案具备实体审理基础，FRAND义务不因平台集体许可而消灭

Supreme Court of the United Kingdom: Tesla's claims against the Avanci patent pool raise triable issues; FRAND obligations are not extinguished by platform-based collective licensing

立方竞争法周报 Weekly Competition Law News

市场监管总局多措并举确保经营者集中委托审查工作统一规范高效

2026年8月1日,《市场监管总局关于进一步完善经营者集中委托审查制度的公告》正式实施。在已经委托北京、上海、广东、重庆、陕西等5个省级市场监管部门开展部分简易案件审查的基础上,增加部分非简易案件的委托审查,同时增加辽宁、浙江、四川等3个受委托省级市场监管部门审查部分简易案件。具体而言,国家市场监督管理总局(“**市场监管总局**”)(1)升级经营者集中反垄断业务系统:为新增的辽宁、浙江、四川省级市场监管部门部署业务系统,同时为北京、上海、广东、重庆、陕西省级市场监管部门增加非简易案件委托审查业务板块;(2)修订经营者集中委托审查配套规则:如修订省级市场监管部门经营者集中审查工作手册等;(3)推进落实简易案件“双二十”要求:自2022年8月1日启动委托审查以来,受委托省级市场监管部门平均受理时间为16.28天,平均审结时间为17.52天,均不超过20天;(4)加强审查人员业务能力培训:通过并购审查课堂、集中培训等方式,加大审查人员培训力度,持续提升审查人员办案能力。([查看更多](#))

SAMR Takes Multiple Measures to Ensure Unified, Standardized and Efficient Delegated Concentration of Undertakings Review Work

On August 1, 2026, the *Announcement of the State Administration for Market Regulation on Further Improving the Delegated Review of Concentration of Undertakings System* officially takes effect. Besides the existing delegation of the review of certain simple concentration of undertakings cases to five provincial-level market regulation authorities - Beijing, Shanghai, Guangdong, Chongqing and Shaanxi - the new arrangements expand the scope of delegated review to include certain non-simple concentration of undertakings cases, while also authorizing the market regulation authorities of Liaoning, Zhejiang and Sichuan to review certain simple concentration of undertakings cases. Specifically, the State Administration for Market Regulation ("SAMR") has taken the following measures: (1) upgrading the concentration of undertakings case management system: the SAMR has deployed the concentration of undertakings case management system to the newly designated provincial-level market regulation authorities in Liaoning, Zhejiang and Sichuan, while adding a dedicated module for the delegated review of non-simple concentration of undertakings cases to the systems used by the market regulation authorities in Beijing, Shanghai, Guangdong, Chongqing and Shaanxi; (2) revising the supporting rules for delegated concentration of undertakings review: the SAMR has updated the supporting rules governing delegated concentration of undertakings review, including revisions to the concentration of undertakings review manual for provincial-level market regulation authorities; (3) advancing the implementation of the “Double-20-days” requirement for simple cases: since the launch of the delegated review system on August 1, 2022, the entrusted provincial-level market regulation authorities have achieved an average case acceptance period of 16.28 days and an average review conclusion period of 17.52 days, both within the 20-day target; (4) strengthening professional training for concentration of undertakings review personnel: through initiatives such as the M&A review classrooms and intensive training programs, the SAMR has strengthened training efforts to continuously enhance the professional competence and case-handling capabilities of concentration of undertakings review officials. ([More](#))

市场监管总局开展光伏行业价格合规指导

2026年7月31日，市场监管总局在江苏省盐城市对光伏行业开展价格合规指导。市场监管总局强调，光伏企业要充分认识当前行业发展形势，主动强化成本核算管理，建立健全价格合规制度，全面开展自查自纠，树牢合规经营、理性竞争理念，抵制恶性低价竞争，维护市场价格秩序。头部企业要发挥示范引领作用，严格规范自身价格行为和竞争行为，为行业树立标杆。行业协会要依法加强自律，做好《光伏行业成本核算模型通则》标准宣贯，引导光伏企业预防和制止低价倾销等价格违法行为的发生。（[查看更多](#)）

SAMR Provides Price Compliance Guidance to the Photovoltaic Industry

On July 31, 2026, the SAMR conducted a price compliance guidance session for the photovoltaic industry in Yancheng, Jiangsu Province. The SAMR emphasized that photovoltaic enterprises should fully recognize the current industry landscape, proactively strengthen cost accounting and management, establish and improve price compliance systems, and carry out comprehensive self-inspections and self-rectification, foster and adhere to a compliance-oriented and rational competition mindset, resist vicious low-price competition, and safeguard the market price order. Leading enterprises were urged to play a demonstrative and guiding role by strictly regulating their own pricing conduct and competition conduct as well as setting industry benchmarks. Industry associations were urged to strengthen self-regulation in accordance with the law, promote the implementation of *the General Standard for the Cost Accounting Model of the Photovoltaic Industry*, and guide photovoltaic enterprises in preventing and curbing price-related law violations including below-cost dumping. ([More](#))

浙江召开经营者集中委托审查新闻发布会，“十四五”以来浙江省企业并购反垄断申报共计360件

2026年7月31日，浙江省市场监督管理局召开经营者集中委托审查新闻发布会。根据《市场监管总局关于进一步完善经营者集中委托审查制度的公告》，从今年8月1日起，浙江省市场监督管理局受市场监管总局委托，将负责浙江、福建、江西三省区域内经营者集中简易案件的审查工作。在答记者问环节，有关领导表示，“十四五”以来，浙江省企业投资并购活跃，全省企业并购反垄断申报共计360件，均获市场监管总局批准，申报数量位居全国前列，且87%的申报在受理后30天内予以审查通过。同时，浙江省市场监督管理局在维护市场公平竞争、破除市场壁垒方面也取得重要成效：2024年以来全省累计审查各类政策文件71776件，督促修改6198件，源头预防妨碍统一市场和公平竞争的政策措施出台。持续开展破除地方保护和市场分割专项行动，2022年以来累计清理存量政策文件近13万件，修改废止3297件；通过交叉检查和大数据抽查等方式，累计纠治妨碍统一市场和公平竞争问题378个，坚决破除各类显性隐性壁垒，保障经营主体公平享受政府优惠政策。（[查看更多](#)）

Zhejiang Holds Press Conference on Delegated Review of Concentrations of Undertakings, Enterprises in the Province Have Filed 360 Notifications during the 14th “Five-Year” Plan Period

On July 31, 2026, the Zhejiang Provincial Administration for Market Regulation ("the Zhejiang AMR") held a press conference on the delegated review of concentration of undertakings cases. Pursuant to the *Announcement of the State Administration for Market Regulation on Further Improving the Delegated Review of Concentration of Undertakings System*, effective from August 1, 2026, the Zhejiang AMR, upon delegation by the SAMR, will be responsible for reviewing simple cases involving undertakings located in Zhejiang, Fujian and Jiangxi provinces. During the press conference, relevant officials stated in response to journalists' questions that merger and acquisition activities by enterprises in the Zhejiang Province have remained robust during the 14th “Five-Year Plan” period. Since the beginning of the period, enterprises in the province have filed a total of 360 M&A antimonopoly notifications, all of which were approved by the SAMR, ranking among the highest in China; in addition, 87% of the notified transactions were cleared within 30 days after case acceptance. Meanwhile, Zhejiang AMR also obtained substantial achievements in safeguarding fair market competition and eliminating market barriers: since 2024, a cumulative total of 71,776 policy documents have been reviewed, and 6,198 of them have been urged to be revised, thereby preventing the introduction of policies that would impede the development of a unified national market or restrict fair competition from the very beginning. The Zhejiang AMR has also continued to carry out special campaigns to eliminate local protectionism and market segmentation: since 2022, the Zhejiang AMR has reviewed nearly 130,000 existing policy documents and amended or repealed 3,297 of them; through cross-check and big-data-based spot checks, the Zhejiang AMR has identified and rectified 378 instances of practices impeding the unified market and fair competition, removing both explicit and implicit barriers and ensuring that business operators are able to enjoy government preferential policies on an equal footing. ([More](#))

浙江省举办全省重点企业反垄断合规辅导活动

2026年7月27日，浙江省市场监督管理局、浙江省上市与并购联合会联合举办全省重点企业反垄断合规辅导活动。本场活动针对重点领域垄断风险，尤其是经营者集中申报、垄断协议“安全港”规则、企业海外反垄断合规等开展专题辅导，引导企业依法合规经营，防范垄断法律风险。全省共有890余家国有企业、上市企业、隐形冠军企业、专精特新企业及证券、银行、会计师事务所等中介服务机构参加辅导。（[查看更多](#)）

Zhejiang Holds Antitrust Compliance Guidance Program for Key Enterprises across the Province

On July 27, 2026, the Zhejiang AMR, together with the Zhejiang IPO and Mergers & Acquisitions Association, jointly organized an antitrust compliance guidance program for key enterprises across the province. The program focused on monopoly risks in key areas, with dedicated sessions covering concentration of undertakings notification requirements, the safe harbor rule for monopoly agreements, and companies' overseas antitrust compliance, guiding enterprises in conducting business operations in compliance with the law and preventing monopoly legal risks. More than 890 participants in the province attended the event, including state-owned enterprises, listed companies, hidden champion enterprises, specialized and sophisticated SMEs, as well as intermediary service providers such as securities firms, banks and accounting firms. ([More](#))

德国联邦卡特尔局对轮胎分销领域纵向固定价格行为处以1190万欧元罚款

2026年7月21日，德国联邦卡特尔局（“FCO”）宣布对Maxxis International GmbH（台湾正新橡胶工业股份有限公司轮胎产品在德国的独家进口商）、轮胎批发商Best4Tires和Reifen Müller及一名相关责任个人处以合计1190万欧元的反垄断罚款。本案因另一家轮胎批发商主动向FCO披露相关限制竞争行为并提供全面配合而启动调查。经查，Maxxis于2015年底至2016年初分别与涉案两家轮胎批发商公司签订所谓的“利润保障协议”，承诺对每条销售的Maxxis及CST品牌轮胎给予固定利润保障；此后数年间，Maxxis又与另外九家轮胎批发商签订类似协议。该等协议约定，相关批发商不得采取价格领先策略，而应采取“防御性”市场竞争策略；Maxxis还逐步建立了一套覆盖越来越多轮胎批发商的“价格协调体系”，该体系包括规定“建议转售价格”、持续监测实际销售价格，并在认为销售价格过低时进行系统性干预。FCO认定上述行为构成违法的纵向固定价格行为，因此决定对价格制定方Maxxis、坚持要求签订利润保障协议的两批发商公司和一名个人处以反垄断罚款，并在确定罚款金额的过程中将当事方配合调查的行为作为减轻处罚情节予以考虑。（[查看更多](#)）

German FCO Imposes €11.9 Million in Fines for Vertical Price-Fixing in the Distribution of Tyres

On July 21, 2026, the German Federal Cartel Office ("FCO") announced that it had imposed antitrust fines totaling €11.9 million on Maxxis International GmbH (the sole importer in Germany of tyre products manufactured by Taiwan-based Cheng Shin Rubber Ind. Co., Ltd.), tyre wholesalers Best4Tires and Reifen Müller, as well as one responsible individual. The proceedings were initiated after another tyre wholesaler disclosed the relevant practices restricting competition to the FCO and offered full cooperation in the investigation. Upon investigation, the FCO found that, around the turn of 2015/2016, Maxxis entered into so-called "margin guarantee agreements" with the two tyre wholesalers involved in this case, under which the wholesalers were guaranteed a certain margin for each Maxxis and CST tyre sold. In the following years, Maxxis concluded similar agreements with nine additional tyre wholesalers. Under these agreements, the wholesalers were not to act as price leaders, but instead to pursue only a "defensive" marketing approach. Maxxis also gradually established a price moderation system involving an increasing number of tyre wholesalers; the system included the stipulation of recommended resale prices, continuous monitoring of actual selling prices, and systematic intervention whenever Maxxis considered the selling prices to be too low. The FCO concluded that the above conduct constituted unlawful vertical price-fixing, and accordingly imposed antitrust fines on Maxxis as the price-setting party, the two tyre wholesalers that had insisted on concluding the margin guarantee agreements, and one responsible individual. In determining the amount of the fines, the FCO took into account, as a mitigating factor, the parties' cooperation with the authority in clarifying the facts of the case. ([More](#))

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

国家网信办发布《中华人民共和国反网络暴力法（征求意见稿）》

2026年7月29日，国家互联网信息办公室发布了《中华人民共和国反网络暴力法（征求意见稿）》（以下简称《反网暴法》），向社会公开征求意见，意见反馈截止日期为2026年8月28日。《反网暴法》共七章六十条，适用于防范治理在中国境内实施的网络暴力活动。《反网暴法》规定，网络服务提供者为用户提供信息发布、即时通讯等服务，在与用户签订协议或者确认提供服务时，应当要求用户提供真实身份信息。用户不提供真实身份信息的，网络服务提供者不得为其提供相关服务。《反网暴法》明确，网络服务提供者发现存在网络暴力风险的，不得利用算法推荐等技术推送相关信息；发现相关信息内容浏览、搜索、评论、举报量显著增长等情形的，还应当及时向有关部门报告。《反网暴法》指出，遭受网络暴力侵害的用户有权通知网络服务提供者采取删除、屏蔽、断开链接等措施。网络服务提供者接到通知后，应当依法及时采取必要的措施制止网络暴力活动，防止信息扩散。（[查看更多](#)）

CAC Releases the *Anti-Online Violence Law of the People's Republic of China (Draft for Comments)*

On July 29, 2026, the Cyberspace Administration of China (CAC) released the *Anti-Online Violence Law of the People's Republic of China (Draft for Comments)* (Anti-Online Violence Law), soliciting public comments, with the deadline for feedback being August 28, 2026. The Anti-Online Violence Law consists of seven chapters and sixty articles, and applies to the prevention and governance of online violence activities carried out within the territory of China. The Anti-Online Violence Law stipulates that where online service providers provide users with information publishing, instant messaging, and other services, they shall require users to provide real identity information when signing agreements with users or confirming the provision of services. Where users do not provide real identity information, online service providers shall not provide relevant services to them. The Anti-Online Violence Law clarifies that where online service providers discover the existence of online violence risks, they shall not use algorithm recommendation and other technologies to push relevant information; where they discover circumstances such as significant increases in the volume of views, searches, comments, and reports of relevant information content, they shall also promptly report to relevant departments. The Anti-Online Violence Law states that users who have suffered from online violence infringement have the right to notify online service providers to take measures such as deletion, blocking, and disconnection of links. After receiving the notification, online service providers shall take necessary measures in a timely manner in accordance with the law to stop online violence activities and prevent the spread of information. ([More](#))

全国网安标委就两项网络安全标准实践指南公开征求意见

2026年7月29日，全国网络安全标准化技术委员会（以下简称“全国网安标委”）发布了《智能体交互安全要求》和《AI浏览器安全实践指南》两项网络安全标准实践指南的征求意见稿，意见反馈截止时间为2026年8月12日。《智能体交互安全要求》规定了智能体与智能体、智能体与工具的交互安全要求，包括智能体交互通用安全要求、智能体间交互安全要求、智能体与工具交互安全要求；适用于指导智能体服务提供者、工具提供者保障智能体交互过程的安全，也适用于第三方评估机构等组织对智能体交互安全评估。《AI浏览器安全实践指南》提出了AI浏览器的安全目标、安全框架、主要风险类型及安全防护最佳实践。适用于AI浏览器提供者在设

计、开发、测试、部署、运行与评估全生命周期中，对AI智能体的代理自动化、跨站交互、用户数据处理等核心功能实施安全管控。（[查看更多](#)）

TC260 Solicits Public Comments on Two Cybersecurity Standard Practice Guidelines

On July 29, 2026, the National Technical Committee 260 on Cybersecurity of SAC (TC260) released the draft for comments of two cybersecurity standard practice guidelines, namely the *Security Requirements for Agent Interaction* and the *Security Practice Guidelines for AI Browsers*, with the deadline for feedback being August 12, 2026. The *Security Requirements for Agent Interaction* specifies the security requirements for interaction between agents and agents, and between agents and tools, including general security requirements for agent interaction, security requirements for inter-agent interaction, and security requirements for agent-tool interaction; it applies to guiding agent service providers and tool providers in ensuring the security of the agent interaction process, and also applies to organizations such as third-party assessment institutions in conducting security assessments of agent interaction. The *Security Practice Guidelines for AI Browsers* puts forward the security objectives, security framework, main risk types, and best practices for security protection of AI browsers. It applies to AI browser providers implementing security control over core functions such as agent automation, cross-site interaction, and user data processing of AI agents throughout the full lifecycle of design, development, testing, deployment, operation, and assessment. ([More](#))

上海市网信办通报属地移动应用个人信息收集使用问题（酒店住宿专项）

2026年7月31日，上海市网信办通报了7款属地移动应用存在个人信息收集使用问题，所涉问题包括：（1）未经用户同意收集使用个人信息。（2）强制用户同意收集非必要个人信息。（3）告知收集使用个人信息目的、方式、范围与实际收集使用情况不一致。（4）超出最低必要频率调用个人信息权限。（5）未及时响应个人信息权益诉求。（6）为注销用户账号设置不必要或不合理条件。相关运营者应当于通报发布之日起的15个工作日内完成整改，并将整改情况报上海市网信办。上海市网信办将会同有关部门进行核查，并结合整改情况依法依规开展处置处罚。（[查看更多](#)）

Shanghai Cyberspace Administration Office Reports Issues Regarding Personal Information Collection and Use by Local Mobile Applications (Special Focus on Hotel Accommodation)

On July 31, 2026, the Shanghai Cyberspace Administration Office reported that 7 local mobile applications had issues regarding the collection and use of personal information. The issues involved include: (1) collecting and using personal information without user consent; (2) forcing users to consent to the collection of non-essential personal information; (3) the purposes, methods, and scope of collecting and using personal information as informed being inconsistent with the actual collection and use; (4) calling personal information permissions beyond the minimum necessary frequency; (5) failing to respond to personal information rights and interests claims in a timely manner; (6) setting unnecessary or unreasonable conditions for canceling user accounts. The relevant operators shall complete rectifications within 15 working days from the date of issuance of the report, and submit the rectification status to the Shanghai Cyberspace Administration Office. The Shanghai Cyberspace Administration Office will, to-

gether with relevant departments, conduct verification, and carry out disposal and punishment in accordance with laws and regulations based on the rectification status. ([More](#))

上海启动抵制网暴整治饭圈乱象专项行动

2026年7月31日，上海市网信办宣布联合其他三部门，在上海市范围开展抵制网暴整治饭圈乱象专项行动，内容包括：（1）分场景综合治理。在体育领域，重点整治拉踩引战、侵犯隐私、造谣攻击等行为；在文娱领域，严禁刷榜控评、诱导未成年人应援打赏、偷拍骚扰等乱象；在演出领域，重点整治演唱会违规代拍引流、造谣诋毁、饭圈互撕、煽动线下冲突等问题。（2）严厉打击重点群体。指导督促网站平台升级管控措施，重点打击组织互撕、煽动网暴、诱导集资的所谓“粉头”账号及其所属MCN机构，从严处置利用AI技术造谣诽谤、恶意“开盒”的违规账号。（3）加强正向宣传引导。指导督促网站平台发布文明倡议与治理公约，定期曝光典型案例；倡导平台增设文明观赛、文明观演弹窗或提示文案，推广一键防护、批量举证等防网暴工具。积极推动线下票务端口、场馆大屏滚动播出文明提示，共同营造文明和谐的观赛、观演氛围。 ([查看更多](#))

Shanghai Launches Special Action to Resist Online Violence and Rectify Fandom-related Malpractices

On July 31, 2026, the Shanghai Cyberspace Administration Office announced that, in conjunction with three other departments, it would carry out a special action to resist online violence and rectify fandom-related malpractices within the scope of Shanghai. The contents include: (1) Comprehensive governance by scenario. In the sports field, key rectification efforts shall focus on conduct such as dragging down one party to praise another and inciting conflicts, infringing upon privacy, and fabricating rumors and attacking others; in the culture and entertainment field, malpractices such as chart manipulation and comment control, inducing minors to provide fan support and tips, and surreptitious photography and harassment are strictly prohibited; in the performance field, key rectification efforts shall focus on issues such as unauthorized proxy photography and traffic diversion at concerts, fabricating rumors and defamation, fan circle mutual attacks, and inciting offline conflicts. (2) Severely cracking down on key groups. Website platforms shall be guided and supervised to upgrade control measures, with key crackdowns on so-called "fan leader" accounts and their affiliated MCN institutions that organize mutual attacks, incite online violence, and induce fundraising; non-compliant accounts that use AI technology to fabricate rumors and defame others and engage in malicious doxxing shall be dealt with strictly. (3) Strengthening positive publicity and guidance. Website platforms shall be guided and supervised to issue civilized initiatives and governance conventions, and regularly expose typical cases; platforms shall be advocated to add pop-up windows or prompt texts for civilized viewing of sports competitions and civilized viewing of performances, and promote anti-online-violence tools such as one-click protection and batch evidence submission. Active efforts shall be made to promote the rolling broadcast of civilized reminders at offline ticketing portals and venue large screens, to jointly foster a civilized and harmonious atmosphere for viewing sports competitions and performances. ([More](#))

上海市通信管理局通报存在侵害用户权益行为的App（SDK）

2026年7月27日，上海市通信管理局通报了25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）未明示个人信息处理规则。（3）账号注销难。（4）未妥善处理用户投诉。所涉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个工作日内将整改报告发送至指定邮箱，自评估报告通过安全监管平台报送。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 Communications Administration Reports Apps (SDKs) with Conduct Infringing upon User Rights and Interests

On July 27, 2026, the Shanghai Communications Administration reported 25 Apps (SDKs) that have engaged in conduct infringing upon user rights and interests. The issues involved include: (1) collecting personal information in violation of regulations; (2) failing to explicitly indicate personal information processing rules; (3) difficulty in canceling accounts; (4) failing to properly handle user complaints. The Apps (SDKs) involved shall immediately rectify the existing problems, and conduct a comprehensive self-assessment of personal information and user rights and interests protection work for the Apps (SDKs). Rectification reports shall be sent to the designated email address within 5 working days from the date of the report, and self-assessment reports shall be submitted through the security supervision platform. For those failing to complete rectifications and submit reports within the time limit, the Shanghai Communications Administration will handle them in accordance with laws and regulations. ([More](#))

美国：纽约州发布《儿童安全法案》最终规则

2026年7月28日，纽约州总检察长发布了关于社交媒体公司必须如何限制其平台上成瘾性功能的最终规则，以遵守《保护儿童免受成瘾性信息推送侵害法案》（《儿童安全法案》）并保护儿童心理健康。《儿童安全法案》及其最终规则适用于“成瘾性在线平台”，其定义为展示用户生成内容且用户至少将20%的平台使用时间花在成瘾性推送上的平台。最终规则规定，对于17岁以上的用户，社交媒体公司必须确认其为成年人，才允许其访问算法推送和/或夜间通知。公司可使用任何现有方法确认用户年龄，前提是这些方法经证明能达到准确性基准并保护用户数据。公司可选方式包括：（1）要求上传图片或视频；（2）验证用户的电子邮件地址或电话号码，以交叉核对反映用户年龄的其他信息。最终规则指出，未成年人必须主动申请访问被禁止的功能，并同意通知其家长。任何希望给予同意的家长必须经过年龄验证。（[查看更多](#)）

United States: New York State Issues Final Rules on the *SAFE for Kids Act*

On July 28, 2026, the New York State Attorney General issued final rules on how social media companies must restrict addictive features on their platforms to comply with the *Stop Addictive Feeds Exploitation (SAFE) for Kids Act (SAFE for Kids Act)* and protect children's mental health. The *SAFE for Kids Act* and final rules apply to "Addictive Online Platforms," defined as platforms that display user-generated content and have users who spend at least 20 percent of their time on the

platform's addictive feeds. The final rules stipulate that, for users above the age of 17, social media companies must determine that the user is an adult before allowing them to access algorithmic feeds and/or nighttime notifications. Companies may confirm a user's age using any existing method, as long as the methods are shown to meet accuracy benchmarks and protect users' data. Companies can use options such as: (1) requesting an uploaded image or video; (2) verifying a user's email address or phone number to cross-check other information that reflects a user's age. The final rules state that minors must affirmatively seek access to prohibited features and must consent to their parents being notified. Any parent who wants to grant consent must go through age assurance. ([More](#))

欧盟：欧盟委员会发布支持《网络弹性法案》实施的指南

2026年7月27日，欧盟委员会发布了支持《网络弹性法案》实施的指南，旨在帮助制造商、开发者以及各类规模的企业履行《网络弹性法案》规定的义务。该指南回应了利益相关方最常提出的问题，包括：（1）明确某些产品何时属于《网络弹性法案》的适用范围，包括远程数据处理解决方案以及自由开源软件。（2）何为“实质性修改”。（3）如何理解并适用支持期限。（4）如何履行报告义务和风险评估要求。该指南特别关注微型企业和中小企业，提供了67个实用示例、多种使用场景、流程图和图表，确保合规路径清晰且适度，避免造成不必要的行政负担。（[查看更多](#)）

EU: European Commission Publishes Guidance to Support *Cyber Resilience Act* Implementation

On July 27, 2026, the European Commission published guidance to support *Cyber Resilience Act* implementation, aimed at helping manufacturers, developers, and businesses of all sizes meet their obligations under the *Cyber Resilience Act*. The guidance addresses the questions stakeholders have been asking most, including: (1) clarifying when certain products fall within the scope of the *Cyber Resilience Act*, including remote data processing solutions and free and open source software; (2) what constitutes a “substantial modification”; (3) how support periods should be understood and applied; (4) how to meet reporting obligations and risk assessment requirements. Particular attention has been paid to microenterprises and SMEs, with 67 practical examples, a range of use cases, flowcharts and graphs, ensuring that the path to compliance is clear and proportionate, without unnecessary administrative burden. ([More](#))

知识产权 Intellectual Property

国家知识产权局发布新版《专利优先审查管理办法》，明确适用范围、办理期限及诚信约束

2026年7月28日，国家知识产权局公布新版《专利优先审查管理办法》，自9月1日起施行，2017年发布的原办法同时废止。新规围绕适用条件、请求程序、审查期限和监督管理作出系统调整，进一步规范专利申请、复审及无效宣告案件的优先审查工作。

《办法》明确，处于实质审查阶段且尚未首次处理的发明申请，实用新型、外观设计申请，以及复审和无效宣告案件均可纳入适用范围。涉及新兴产业、未来产业、关键核心技术攻关，已实施或具备产业化准备，以及对国家利益、公共利益具有重大意义的申请和案件，可依程序请求优先审查。

获准优先审查后，发明申请应在45日内作出首次处理、原则上一年内结案；实用新型和外观设计申请两个月内结案，复审案件七个月内结案，发明和实用新型无效案件五个月内结案。申请人延期答复、违规修改或提交虚假材料的，优先程序可被终止；失信请求人或代理机构一年内将不再被受理。

新规强化审查资源统筹和地方推荐责任，在提升确权效率的同时突出高质量导向与诚信约束，为创新成果快速保护、转化运用及重点产业发展提供更清晰的制度通道。

来源：国家知识产权局

China National Intellectual Property Administration issues revised Measures for Prioritized Patent Examination, clarifying scope of application, processing timeframes and good-faith constraints

On July 28, 2026, the China National Intellectual Property Administration (CNIPA) issued the revised Measures for the Administration of Prioritized Patent Examination, which will take effect on September 1, 2026, while the previous measures issued in 2017 will be repealed. The revised rules systematically adjust eligibility conditions, request procedures, examination time limits, and supervision and administration, further standardizing prioritized examination of patent applications, reexamination cases, and patent invalidation cases.

The Measures provide that invention patent applications at the substantive examination stage that have not yet received a first examination action, utility model and design patent applications, as well as reexamination and invalidation cases, may fall within the applicable scope. Applications and cases involving emerging industries, future industries, breakthroughs in key core technologies, inventions that have been implemented or are ready for industrialization, or matters of major significance to national or public interests may request prioritized examination in accordance with the prescribed procedures.

Once prioritized examination is granted, an invention patent application shall receive its first examination action within 45 days and, in principle, be concluded within one year; utility model and design applications shall be concluded within two months, reexamination cases within seven months, and invalidation cases involving invention and utility model patents within five months. The prioritized procedure may be terminated if an applicant delays its response, makes non-compliant amendments, or submits false materials; requests from dishonest applicants or patent agencies will not be accepted for one year.

The revised rules strengthen the coordinated allocation of examination resources and local authorities' responsibilities for recommendations. While improving the efficiency of patent validation, they emphasize quality and good faith, providing a clearer institutional channel for the rapid protection, commercialization and application of innovative achievements and for the development of key industries.

Source: China National Intellectual Property Administration

最高法知产法庭：多室连续光学镀膜机“前室”应结合功能解释，二审改判侵权并支持50%贡献率

近日，最高人民法院知识产权法庭审结“多室连续光学镀膜机”发明专利侵权上诉案，撤销广州知识产权法院一审不侵权判决，认定被诉设备落入专利保护范围，并支持权利人以产品利润和50%专利贡献率计算经济损失。

一审认为，被诉设备A、B、C三个腔室均具有镀膜功能，不符合权利要求中“前室”与“镀膜室”功能有别的限定。最高法二审指出，权利要求解释应结合说明书整体理解。“前室”的核心作用在于常压、真空状态切换，保障中间镀膜室持续真空；说明书还明确可在前室增设镀膜功能，增加工序并不排除其仍属于“前室”。

法院进一步认定，被诉设备两端腔室具备进出料时切换气压的相同功能，U形移动平台的两组滚轮亦对应第一、第二移动单元，相关技术方案落入涉案权利要求保护范围。制造销售方被判停止侵权，赔偿经济损失160万元及合理开支23030元；使用方因证明合法来源并支付合理对价，无需承担责任。

本案强调以权利要求、说明书和技术功能体系化解释专利术语，并确认在证据充分时可依据历史利润及合理贡献率计算实际损失，为大型工业设备专利案件提供参考。

来源：最高人民法院知识产权法庭

Intellectual Property Court of the Supreme People's Court: "Front chamber" in a multi-chamber continuous optical coating machine shall be interpreted in light of its function; second-instance judgment finds infringement and upholds a 50% patent contribution rate

Recently, the Intellectual Property Court of the Supreme People's Court concluded an appeal involving infringement of an invention patent for a "multi-chamber continuous optical coating machine". It reversed the Guangzhou Intellectual Property Court's first-instance judgment of non-infringement, found that the accused equipment fell within the scope of patent protection, and supported calculating the right holder's economic losses based on product profits and a 50% patent contribution rate.

The first-instance court held that Chambers A, B and C of the accused equipment all had coating functions and therefore did not satisfy the claim limitation distinguishing the functions of the "front chamber" and the "coating chamber". On appeal, the Supreme People's Court stated that claims shall be interpreted in light of the specification as a whole. The core function of the "front chamber" is to switch between atmospheric and vacuum pressure so that the middle coating chamber remains continuously under vacuum. The specification also expressly states that a coating function may be added to the front chamber; adding an extra process does not prevent it from remaining a "front chamber".

The court further found that the chambers at both ends of the accused equipment perform the same pressure-switching function during loading and unloading, and that the two sets of rollers on the U-

shaped mobile platform correspond to the first and second moving units. The relevant technical solution therefore fell within the scope of the claims at issue. The manufacturer and seller were ordered to cease infringement and pay 1.6 million yuan in economic losses and 23,030 yuan in reasonable expenses; the user bore no liability because it proved a lawful source and payment of reasonable consideration.

This case emphasizes the systematic interpretation of patent terms based on the claims, the specification and the technical functions, and confirms that, where evidence is sufficient, actual losses may be calculated on the basis of historical profits and a reasonable patent contribution rate. It provides a reference for patent cases involving large industrial equipment.

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

最高法知产法庭：合法购买专利产品换标再售未再现技术方案，适用专利权用尽不构成侵权

近日，最高人民法院知识产权法庭审结抗新型冠状病毒抗体发明专利侵权案，认定经营者将合法购买的专利产品更换商标、重新命名并宣称自研自造后再次销售，因未重新实施或再现专利技术解决方案，属于专利权用尽情形，不构成专利侵权。

涉案专利独占被许可人主张，华某公司销售标有自有商标的抗体产品，并在官网宣称由其研发制造，构成制造、销售侵权，索赔3024万元。一审据此认定侵权，判令停止侵权并赔偿经济损失和合理开支共20万元。二审查明，被诉产品均通过第三方向权利人购买，销售数量未超过购买数量，来源合法且已支付合理对价。

最高法指出，专利产品经权利人或获许可主体首次合法售出后，专利权对该特定产品即告用尽。直接换标、简单分装或对外宣称自研，并不当然构成专利法意义上的“制造”；判断关键在于经营者是否对产品技术方案作出实质改变，是否重新完成专利方案的实施过程。

法院最终撤销一审判决，驳回专利权人的全部诉请。同时明确，换标及虚假宣称是否侵害商标权或其他民事权益，应依相应法律另行判断。本案厘清了专利侵权与品牌标识争议的法律边界。

来源：最高人民法院知识产权法庭

Intellectual Property Court of the Supreme People's Court: Relabelling and reselling lawfully purchased patented products without reproducing the patented technical solution falls under patent exhaustion and does not constitute infringement

Recently, the Intellectual Property Court of the Supreme People's Court concluded an invention patent infringement case involving an antibody against the novel coronavirus. It held that an operator who relabelled, renamed and resold lawfully purchased patented products while claiming that they had been independently developed and manufactured did not reimplement or reproduce the patented technical solution. Patent exhaustion therefore applied, and the conduct did not constitute patent infringement.

The exclusive licensee of the patent claimed that Company Hua sold antibody products bearing its own trademark and stated on its website that the products had been developed and manufactured by the company, thereby constituting infringement through manufacturing and sale, and sought 30.24 million yuan in damages. The first-instance court found infringement and ordered cessation of infringement and payment of 200,000 yuan for economic losses and reasonable expenses. The second-instance court found that all accused products had been purchased from the right holder through a third party, that the quantity sold did not exceed the quantity purchased, and that the products had a lawful source and were acquired for reasonable consideration.

The Supreme People's Court stated that after a patented product is first lawfully sold by the patentee or an authorized entity, the patent right is exhausted with respect to that specific product. Direct relabeling, simple repackaging or public claims of independent development do not necessarily constitute “manufacturing” within the meaning of patent law. The key is whether the operator has made a substantive change to the product's technical solution or has reimplemented the patented solution.

The court ultimately reversed the first-instance judgment and dismissed all claims of the patent right holder. It also clarified that whether relabelling and false representations infringe trademark rights or other civil rights and interests shall be determined separately under the applicable laws. The case delineates the legal boundary between patent infringement and disputes over brand identifiers.

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

最高法：恶意抢注“冯四女上”后提起高额索赔构成权利滥用，商标无效裁定追溯未执行判决

近日，最高人民法院再审审结“冯四女上”商标侵权纠纷案，认定注册人明知他人在先使用并形成一定影响，仍抢注相关商标且获准后未实际使用，反而向在先使用人提起侵权诉讼并索赔150万元，违背诚实信用原则，构成权利滥用。

李某某取得第29类、第30类“冯四女上”商标后，起诉乐山相关餐饮企业销售带有“冯四”标识的调味料侵权。一审判令停止侵权但未支持赔偿，二审维持原判。再审期间，国家知识产权局以“其他不正当手段取得注册”为由，宣告两枚商标在全部商品上无效。

最高法指出，依商标法规定，无效商标专用权视为自始不存在。无效裁定生效后，尚未执行的原侵权判决失去权利基础，应予撤销。结合李某某曾任同区域商标代理机构股东、知悉在先标识使用情况、注册后未真实使用却提起高额索赔等事实，其诉讼并非正常维权，而是对商标权和诉权的滥用。

法院撤销一、二审判决，驳回李某某全部诉请，并判令其赔偿两公司合理开支8000元、承担全部诉讼费用。本案明确商标无效裁定对未执行判决的追溯力，并强化对恶意抢注后滥诉行为的否定性评价。

来源：最高人民法院

Supreme People's Court: Filing high-value claims after the bad-faith registration of “Feng Si Nv Shang” constitutes abuse of rights; trademark invalidation ruling retroactively applies to unenforced judgments

Recently, the Supreme People's Court concluded a retrial of a trademark infringement dispute involving “Feng Si Nv Shang”. It held that the registrant knew that another party had previously used the mark and acquired a certain influence, yet still registered the related trademarks in bad faith, made no actual use after registration, and instead sued the prior user for infringement and claimed 1.5 million yuan. The conduct violated the principle of good faith and constituted an abuse of rights.

After obtaining the “Feng Si Nv Shang” trademarks in Classes 29 and 30, Li sued relevant catering companies in Leshan for selling seasonings bearing the “Feng Si” sign. The first-instance court ordered cessation of infringement but did not award damages, and the second-instance court upheld that judgment. During the retrial, the CNIPA declared both trademarks invalid for all designated goods on the ground that their registrations had been obtained by “other improper means”.

The Supreme People's Court stated that, under the Trademark Law, the exclusive right to use an invalidated trademark is deemed never to have existed. Once the invalidation ruling takes effect, an original infringement judgment that has not yet been enforced loses its legal basis and shall be revoked. Considering that Li had been a shareholder of a trademark agency in the same region, knew of the prior use of the sign, made no genuine use after registration, and nevertheless pursued a high-value claim, the litigation was not normal rights enforcement but an abuse of both the trademark right and the right of action.

The court revoked the first- and second-instance judgments, dismissed all of Li's claims, and ordered Li to reimburse the two companies 8,000 yuan in reasonable expenses and bear all litigation costs. The case confirms the retroactive effect of a trademark invalidation ruling on unenforced judgments and reinforces the negative assessment of abusive litigation following bad-faith trademark registration.

Source: Supreme People's Court

北京高院：“TATAWHC”商标撤三证据未形成完整链条，象征性使用不足以维持注册

近日，北京市高级人民法院审结第30784576号“TATAWHC”商标撤销复审行政纠纷案，认定注册人提交的合同、发票、实物照片及微信记录不足以证明诉争商标在指定期间内进行了真实、合法、有效的商业使用。

撤销申请人主张，诉争商标在2020年12月4日至2023年12月3日期间未实际使用。国家知识产权局决定维持注册，一审驳回起诉。二审发现，多数销售合同未显示诉争商标，或显示“TATA”“塔塔”等其他标识；同一商品同时标注多枚商标，发票备注的商标数量明显超过商品种类，不符合通常交易习惯。

此外，部分实物照片系注册人自行制作且无法确认时间，微信记录缺少合同履行、物流或付款证据印证。注册人名下还持有多件含“TATA”的商标，现有材料无法形成唯一指向“TATAWHC”的完整证据链；许可书、行政裁决和法院判决也不能替代实际使用证据。

二审据此撤销一审判决及复审决定，责令国家知识产权局重新裁定。本案强调，撤三案件应审查证据真实性、关联性和交易闭环，仅为维持注册而进行的象征性使用，不属于商标法意义上的有效使用。

来源：北京市高级人民法院

Beijing High People's Court: Evidence of use in the three-year non-use cancellation proceedings for “TATAWHC” fails to form a complete chain; token use is insufficient to maintain registration

Recently, the Beijing High People's Court concluded an administrative dispute over the review of the cancellation of Trademark No. 30784576 “TATAWHC”. It held that the contracts, invoices, product photographs and WeChat records submitted by the registrant were insufficient to prove genuine, lawful and effective commercial use of the disputed trademark during the designated period.

The cancellation applicant argued that the disputed trademark had not been actually used from December 4, 2020 to December 3, 2023. The CNIPA decided to maintain the registration, and the first-instance court dismissed the action. The appellate court found that most sales contracts did not show the disputed trademark or instead displayed other signs such as “TATA” or “塔塔”. Multiple trademarks appeared on the same goods, while the number of trademarks noted on invoices significantly exceeded the number of product categories, which was inconsistent with ordinary trading practices.

In addition, some product photographs had been produced by the registrant itself and could not be dated, while the WeChat records were not corroborated by evidence of contract performance, logistics or payment. The registrant also owned multiple trademarks containing “TATA”, and the existing materials could not form a complete evidentiary chain pointing uniquely to “TATAWHC”. Licensing documents, administrative rulings and court judgments could not substitute for evidence of actual use.

The appellate court therefore revoked the first-instance judgment and the review decision and ordered the CNIPA to issue a new ruling. The case emphasizes that three-year non-use cancellation proceedings require examination of the authenticity and relevance of evidence and whether it forms a complete transactional chain. Token use made solely to preserve a registration does not constitute valid use under trademark law.

Source: Beijing High People's Court

上海知产法院：AI搜索平台履行算法备案与通知删除义务，可适用“技术中立”侵权豁免

近日，上海知识产权法院审结AI搜索平台著作权纠纷案，认定基于大语言模型和检索增强生成技术的搜索平台，在未主动上传、修改作品，且已履行算法备案、投诉处理和通知删除义务时，可享有“技术中立”侵权豁免。

原告经授权享有《壮丁也是兵》《暗花》的信息网络传播权。被告AI搜索平台在检索结果中提供第三方网盘链接，并以独立卡片展示“快捷访问”“无需提取码”等文字。原告认为平台未提交后台算法日志，应认定其主观“应知”侵权，要求停止侵权并赔偿3万元。

法院认为，检索增强生成技术需要索引公共互联网内容，搜索结果标签随关键词变化，相关文字来源于第三方网页；“快捷访问”卡片属于通用功能，不能据此认定平台主动选择或推荐侵权内容。被告已完成模型及算法备案，设置投诉渠道，并在获悉后及时处理涉案链接，已尽到与搜索服务提供者地位相匹配的注意义务。

法院最终驳回全部诉请。本案提出AI搜索平台责任判断的动态要件，在著作权保护、技术创新和公众信息获取之间进行平衡，并明确算法透明可结合用户协议、栏目介绍、备案信息及平台功能综合证明。

来源：上海高院

Shanghai Intellectual Property Court: AI search platform that completes algorithm filing and notice-and-takedown obligations may qualify for a “technology neutrality” exemption from infringement liability

Recently, the Shanghai Intellectual Property Court concluded a copyright dispute involving an AI search platform. It held that a search platform based on large language models and retrieval-augmented generation may qualify for a “technology neutrality” exemption from infringement liability where it has not actively uploaded or modified the works and has fulfilled its obligations concerning algorithm filing, complaint handling, and notice and takedown.

The plaintiff was authorized to exercise the right of communication through information networks in Zhuang Ding Ye Shi Bing and An Hua. The defendant AI search platform provided links to third-party cloud drives in its search results and displayed wording such as “Quick Access” and “No extraction code required” on standalone cards. The plaintiff argued that the platform's failure to submit backend algorithm logs established that it “should have known” of the infringement, and sought cessation of infringement and 30,000 yuan in damages.

The court held that retrieval-augmented generation technology needs to index content on the public internet, that search-result labels change with the keywords, and that the relevant wording came from third-party webpages. The “Quick Access” card was a general function and did not establish that the platform had actively selected or recommended infringing content. The defendant had completed model and algorithm filings, established a complaint channel, and promptly handled the links at issue after receiving notice, thereby fulfilling the duty of care commensurate with its role as a search service provider.

The court dismissed all claims. The case sets out dynamic factors for determining the liability of AI search platforms, balances copyright protection, technological innovation and public access to information, and clarifies that algorithm transparency may be demonstrated collectively through user agreements, channel descriptions, filing information and platform functions.

Source: Shanghai High People's Court

杭州中院：向B站视频提供播放、点赞、评论等刷量服务构成不正当竞争，判赔150万元

近日，浙江省杭州市中级人民法院审结B站刷量服务不正当竞争上诉案，判决驳回两名经营者上诉，维持停止侵权并连带赔偿上海宽娱数码科技有限公司经济损失及合理开支150万元的一审判决。

两被告在淘宝开设“B站推荐”店铺，对外销售视频播放量、点赞、投币、评论、分享等虚假数据增长服务。法院认为，此类服务通过组织虚假交易帮助其他经营者进行虚假商业宣传，直接破坏平台数据真实性和信息评价机制，扰乱UP主之间的正常竞争秩序及平台生态，构成反不正当竞争法第八条第二款规制的行为。

注册经营者虽主张未参与日常经营，但其对店铺业务明知并提供账户、经营便利，与实际经营者分工实施同一侵权行为，应承担共同侵权责任。被告还主张从销售额中扣除刷单及技术供应商成本，因转账记录数量庞大、款项性质不明，无法与具体支出逐一对应，法院未予采信。

本案将平台数据真实性纳入竞争利益保护范围，明确技术刷量并非普通网络服务，而是帮助虚假宣传的灰色经营形态；在损失和获利难以精确计算时，可综合平台知名度、侵权规模、主观恶意和维权支出确定赔偿。

来源：浙江省杭州市中级人民法院

Hangzhou Intermediate People's Court: Providing inflated views, likes and comments for Bilibili videos constitutes unfair competition; 1.5 million yuan awarded

Recently, the Intermediate People's Court of Hangzhou City, Zhejiang Province concluded an appeal involving unfair competition arising from data-inflation services for Bilibili. It dismissed the appeals of two operators and upheld the first-instance judgment ordering cessation of infringement and joint and several payment of 1.5 million yuan to Shanghai Kuanyu Digital Technology Co., Ltd. for economic losses and reasonable expenses.

The two defendants opened a “Bilibili Recommendation” store on Taobao and sold services that falsely increased video views, likes, coin contributions, comments and shares. The court held that such services helped other operators conduct false commercial publicity by organizing sham transactions, directly undermined the authenticity of platform data and its information-evaluation mechanism, disrupted normal competition among content creators and the platform ecosystem, and constituted conduct regulated by Article 8(2) of the Anti-Unfair Competition Law.

Although the registered operator claimed not to have participated in daily operations, the operator knew of the store's business and provided the account and operational facilities. By dividing responsibilities with the actual operator to carry out the same infringing conduct, the registered operator was jointly liable. The defendants also sought to deduct the costs of sham orders and technical suppliers from sales revenue, but the court rejected the argument because the numerous transfer records were unclear in nature and could not be matched individually to specific expenditures.

The case brings the authenticity of platform data within the scope of protected competitive interests and clarifies that technical data inflation is not an ordinary online service but a grey-market business model that assists false publicity. Where losses and profits cannot be calculated precisely, damages may be

determined by considering the platform's reputation, the scale of infringement, subjective bad faith and rights-enforcement expenses.

Source: Intermediate People's Court of Hangzhou City, Zhejiang Province

上海三中院：跨境网站传播4000余部未授权视听作品，《繁花》点击超800万次，主犯获刑四年六个月

近日，上海市第三中级人民法院对一起跨境侵犯著作权刑事案件作出终审裁定，驳回王某上诉，维持一审判罪量刑；同时撤销其前罪缓刑，决定执行有期徒刑四年六个月，并处罚金人民币700万元。

自2022年起，王某伙同境外人员运营境外视频网站及应用软件，未经许可通过信息网络传播我国视听作品，并以付费会员、商业广告等方式牟利。王某在境内设立公司，负责广告植入、平台推广及技术支持。涉案网站传播未授权作品4000余部，其中电视剧《繁花》普通话版点击500余万次、沪语版点击300余万次。

法院认为，王某以营利为目的，组织实施网络传播并在共同犯罪中起主要作用，构成侵犯著作权罪，且点击量远超司法解释规定的“情节特别严重”标准。其曾因同罪被判刑并宣告缓刑，却在缓刑考验期内再次犯罪，依法应撤销缓刑、数罪并罚；拒不供述也不能否定完整证据体系。

本案展现境内技术运营与境外盗版平台分工协作情形下的刑事追责路径，明确通过境内公司提供推广、广告和技术支持并获取利益，同样可认定为共同犯罪，有力维护视听作品版权和文化市场秩序。

来源：上海三中院、上海知产法院

Shanghai No. 3 Intermediate People's Court: Cross-border websites disseminated more than 4,000 unauthorized audiovisual works; Blossoms Shanghai viewed over 8 million times; principal offender sentenced to four years and six months

Recently, the Shanghai No. 3 Intermediate People's Court issued a final ruling in a cross-border criminal copyright infringement case. It dismissed Wang's appeal and upheld the first-instance conviction and sentence; it also revoked the suspended sentence for his prior offense and imposed an aggregate fixed-term imprisonment of four years and six months and a fine of 7 million yuan.

Since 2022, Wang and persons overseas had operated offshore video websites and applications, disseminating Chinese audiovisual works through information networks without authorization and profiting from paid memberships and commercial advertising. Wang established a company in China responsible for advertising placement, platform promotion and technical support. The websites disseminated more than 4,000 unauthorized works, including the television drama Blossoms Shanghai, whose Mandarin version received more than 5 million views and whose Shanghainese version received more than 3 million views.

The court held that Wang organized the online dissemination for profit and played a principal role in the joint crime, thereby committing the crime of copyright infringement. The number of views far exceeded the threshold for “especially serious circumstances” under the judicial interpretation. Wang had previously been convicted of the same offense and given a suspended sentence, but reoffended during the probation period; the suspended sentence therefore had to be revoked and the offenses punished together. His refusal to confess did not negate the complete evidentiary chain.

The case demonstrates the path to criminal accountability where domestic technical operations and off-shore piracy platforms divide responsibilities. It clarifies that providing promotion, advertising and technical support through a domestic company while obtaining profits may also constitute participation in a joint crime, thereby strongly protecting copyright in audiovisual works and the order of the cultural market.

Source: Shanghai No. 3 Intermediate People's Court, Shanghai Intellectual Property Court

杭州拱墅法院：翻新废旧涡轮增压器贴假标销售，刑事罚金不影响民事惩罚性赔偿

近日，杭州市拱墅区人民法院审结霍尼韦尔商标侵权案，认定被告回收废旧涡轮增压器，经清洗、翻新、组装后贴附“Honeywell”“霍尼韦尔”假冒标识并以新品销售，构成商标侵权；相关人员已被追究刑事责任，不影响另行主张民事惩罚性赔偿。

2018年至2020年，李某某组织回收、翻新并销售假冒涡轮增压器，其妻于某某负责销售对账，马某某明知制假售假仍提供清洗服务。公安机关查获假冒产品及包材7638件。李某某此前曾因同类行为受到行政处罚，仍持续侵权，法院认定其主观恶意明显、情节特别严重。

法院以53册账本记载的销售额3039730元为基础，参照同行业上市公司平均毛利率19.85%，计算侵权获利603386.405元，并按一倍适用惩罚性赔偿，判赔经济损失1206772.81元及维权费用7万元。于某某承担连带责任，马某某在6万元范围内承担连带责任。

本案明确，翻新产品的质量、性能和售后保障可能变化，重新贴标冒充新品不适用商标权用尽；刑事罚金与民事惩罚性赔偿功能不同，可以并行适用，形成对制假售假链条的双重追责。

来源：杭州市拱墅区人民法院

People's Court of Gongshu District, Hangzhou: Refurbishing discarded turbochargers and selling them with counterfeit marks; criminal fines do not preclude civil punitive damages

Recently, the People's Court of Gongshu District, Hangzhou concluded a Honeywell trademark infringement case. It held that the defendants recycled discarded turbochargers, cleaned, refurbished and assembled them, applied counterfeit “Honeywell” and “霍尼韦尔” marks, and sold them as new products, thereby committing trademark infringement. The fact that the relevant persons had already been held criminally liable did not preclude a separate claim for civil punitive damages.

From 2018 to 2020, Li organized the recycling, refurbishment and sale of counterfeit turbochargers; his wife Yu handled sales reconciliation, while Ma knowingly provided cleaning services for the counterfeiting operation. Public security authorities seized 7,638 counterfeit products and packaging materials. Li had previously received an administrative penalty for similar conduct but continued the infringement, and the court found clear subjective bad faith and especially serious circumstances.

Based on sales of 3,039,730 yuan recorded in 53 account books and an average gross profit margin of 19.85% for listed companies in the same industry, the court calculated infringing profits of 603,386.405 yuan. It imposed punitive damages equal to the calculated profits and awarded 1,206,772.81 yuan in economic losses and 70,000 yuan in rights-enforcement expenses. Yu bore joint and several liability, while Ma bore joint and several liability up to 60,000 yuan.

The case clarifies that the quality, performance and after-sales protection of refurbished products may change, and that relabelling them and passing them off as new products does not fall under trademark exhaustion. Criminal fines and civil punitive damages serve different functions and may be applied in parallel, creating dual accountability across the counterfeiting and sales chain.

Source: People's Court of Gongshu District, Hangzhou City

英国最高法院：特斯拉诉Avanci专利池案具备实体审理基础，FRAND义务不因平台集体许可而消灭

2026年7月27日，英国最高法院就特斯拉诉InterDigital及Avanci标准必要专利许可纠纷作出管辖裁决，认定特斯拉针对Avanci 5G专利池许可模式提出的主张存在需要审理的重大问题，案件将发回英国高等法院继续审理。

特斯拉拟在英国销售5G网联汽车，请求法院确定其使用Avanci专利池内标准必要专利所需取得的全球FRAND许可条款。英国高等法院及上诉法院多数意见此前认为，Avanci本身并非专利权人，不直接承担FRAND义务，特斯拉无权要求法院审定专利池整体许可费率，相关诉请缺乏现实胜诉可能。

最高法院指出，SEP权利人选择通过专利池平台统一许可，并不当然消灭其依据ETSI承诺承担的FRAND义务。若商业实践中要求实施者逐一与全部专利池成员开展双边谈判并不现实，平台集体许可可能成为履行FRAND义务的实际方式，相关许可条件是否符合FRAND标准，应允许通过完整证据程序进一步审查。

本次裁决仅解决域外送达、适当法院及案件是否具备审理基础等程序问题，尚未确定Avanci许可规则或全球费率是否符合FRAND要求。案件进入实体审理后，英国法院能否审查专利池整体费率及平台运营方责任边界，将成为全球汽车通信专利许可治理的重要观察点。

来源：PRIP Research

Supreme Court of the United Kingdom: Tesla's claims against the Avanci patent pool raise triable issues; FRAND obligations are not extinguished by platform-based collective licensing

On July 27, 2026, the Supreme Court of the United Kingdom issued a jurisdictional ruling in the standard-essential patent licensing dispute between Tesla, InterDigital and Avanci. It held that Tesla's claims concerning the licensing model of the Avanci 5G patent pool raised substantial issues requiring trial, and remitted the case to the High Court of England and Wales for further proceedings.

Tesla plans to sell 5G-connected vehicles in the United Kingdom and asked the court to determine the terms of the global FRAND licence required for its use of standard-essential patents in the Avanci pool. The High Court and the majority of the Court of Appeal had previously held that Avanci itself was not a patent holder and did not directly owe FRAND obligations, that Tesla was not entitled to ask the court to determine the pool-wide licence rate, and that the relevant claims had no real prospect of success.

The Supreme Court stated that SEP holders' choice to license collectively through a patent pool platform does not necessarily extinguish the FRAND obligations arising from their ETSI undertakings. Where it would be impracticable in commercial reality to require an implementer to conduct separate bilateral negotiations with every member of the pool, collective licensing through the platform may be the practical means of performing those FRAND obligations. Whether the relevant licensing terms comply with FRAND shall be permitted to undergo further examination through a full evidentiary process.

The ruling addresses only procedural issues, including service outside the jurisdiction, the appropriate forum and whether the case has a sufficient basis to proceed. It does not determine whether Avanci's licensing rules or global rates comply with FRAND. Once the case enters the merits stage, whether UK courts may review pool-wide royalty rates and the boundaries of a platform operator's responsibilities will become an important point to watch in the global governance of automotive communications patent licensing.

Source: [PRIP Research](#)

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