

# Global IP News

# 立方 IP 要闻

2026.10

# Global IP News by Lifang & Partners
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## Official News 官方资讯

### Ministry of Industry and Information Technology: Launched the construction of SRDI Empowerment Centers to improve IP early warning, patent portfolio layout and infringement risk prevention and control mechanisms.

Recently, the Ministry of Industry and Information Technology (MIIT) issued the Notice on Carrying out the Construction of Specialized, Refined, Distinctive and Innovative (SRDI) Empowerment Centers (MIIT Enterprise Letter No. 350 [2026]), proposing to build a nationwide network of SRDI Empowerment Centers during the 15th Five-Year Plan period following the model of "piloting first, scaling up later". The initiative aims to address the shortcomings of small and medium-sized enterprises (SMEs) in high-level innovation services, and support the continuous growth of SRDI enterprises by leveraging professional intellectual property services to accelerate the development of new quality productive forces.

The Notice specifies that intellectual property services will be a core component of the empowerment centers. They will provide full-chain patent and standard intelligence analysis for SMEs in market segments, continuously track global cutting-edge technological trends, conduct in-depth research on patent trends and technical early warning, and provide strong intelligence support for enterprises' R&D decision-making. In response to the practical pain points faced by enterprises in the innovation process, the empowerment centers will also offer supporting consultation on intellectual property layout and standard formulation, guide enterprises to plan patent portfolios in advance, accelerate the establishment of technical barriers, and effectively mitigate infringement risks in the R&D process.

At present, many SRDI SMEs face problems such as relatively weak patent layout, insufficient identification of overseas infringement risks, and inadequate intellectual property management capabilities, making them vulnerable to multiple challenges such as patent litigation and cross-border technical barriers. The empowerment centers will collaborate with intellectual property organizations and technology transfer institutions to open up domestic and overseas resource channels, and operate a normalized intellectual property risk early warning mechanism to identify infringement risks in advance. The centers will operate under the mechanism of "provincial-level leadership with joint construction by the ministry and provinces", with annual performance evaluation and dynamic withdrawal mechanisms, and adopt a model combining

public welfare and market-oriented operation. Going forward, the MIIT will rely on the empowerment network to promote the deep integration of intellectual property services into the collaborative tackling of key industrial chain issues, guide enterprises to make good use of patent tools to safeguard technological innovation, and further consolidate the foundation for independent and controllable industrial chains.

Source: Ministry of Industry and Information Technology of the People's Republic of China

**工信部：启动专精特新赋能中心建设，完善知识产权预警、专利布局与侵权风险防控机制**

近期，工信部印发《关于开展专精特新赋能中心建设工作的通知》（工信部企业函〔2026〕350 号），提出在“十五五”期间按照先试点、后推广的模式，在全国范围内布局专精特新赋能中心网络，着力补齐中小企业在高能级创新服务方面的短板，依托专业化知识产权服务，助力专精特新企业持续培育壮大，加快形成新质生产力。

通知明确，赋能中心将知识产权服务作为核心板块，面向细分领域中小企业提供全链条的专利与标准情报分析，持续跟踪全球技术前沿动态，深入开展专利态势研判和技术预警，为企业研发决策提供有力的情报支撑。针对企业在创新过程中面临的实际痛点，赋能中心还将同步配套知识产权布局和标准编制咨询，引导企业提前规划专利组合，加快搭建技术壁垒，有效化解研发过程中的侵权隐患。

当前，不少专精特新中小企业存在专利布局相对薄弱、海外侵权风险识别不足、知识产权管理能力欠缺等问题，容易遭遇专利诉讼、跨境技术壁垒等多重挑战。赋能中心将联动知识产权组织、技术转移机构，打通海内外资源渠道，常态化运行知识产权风险预警机制，前置识别侵权风险。中心实行“以省为主、部省共建”、年度绩效评价与动态退出机制，采用公益性加市场化模式持续运营。下一步，工信部将依托赋能网络，推动知识产权服务深度嵌入产业链协同攻关，引导企业用好专利工具护航技术创新，进一步夯实产业链自主可控根基。

来源：工业和信息化部

**Intellectual Property Administration of Guizhou Province: Issued the 15th Five-Year Intellectual Property Plan, strictly controlling abnormal applications and rectifying disorderly low-price competition in the agency sector.**

Recently, the Intellectual Property Administration of Guizhou Province issued the 15th Five-

Year Intellectual Property Plan of Guizhou Province, which was approved by the provincial government. Centering on the goal of building a province with strong intellectual property capabilities, the plan coordinates the whole chain of intellectual property creation, protection, utilization, management and services, and anchors the phased target for 2030 to provide intellectual property support for Guizhou's characteristic modern industrial system.

Focusing on improving intellectual property quality, the Plan improves the mechanisms for investigating clues of abnormal patent applications and monitoring malicious trademark registration. It establishes a collaborative patent quality improvement mechanism for advantageous industries such as Baijiu (Chinese liquor) and big data, promotes the in-depth integration of patent layout and R&D, and cultivates high-value invention patents and patent portfolios for key core technologies. In response to the disorder in the intellectual property service market, the document explicitly states that it will strengthen supervision over the agency industry, address disorderly low-price competition in accordance with the law, implement government procurement standards for agency services, and enforce the "double random, one open" supervision mechanism, so as to foster a sound market order in which quality commands a fair price.

The Plan also builds a diversified and coordinated protection system, deepens the "three-in-one" reform under which IP civil, administrative and criminal cases are tried in an integrated manner, improves the rules on the application of punitive damages, focuses on strengthening protection in characteristic fields such as trademarks, seed industry, trade secrets, geographical indications and traditional Chinese medicine, and launches special intellectual property projects for Baijiu and traditional Chinese medicine. Meanwhile, it improves the intellectual property operation ecosystem, develops transformation models such as pledge financing, patent pools and data intellectual property rights, and leverages geographical indications to support mountain-area industries and rural revitalization. In addition, the Plan is supported by measures such as overseas rights protection, talent training and credit supervision, guiding enterprises to improve overseas intellectual property layout and risk response, and continuously fostering an intellectual property culture across the whole society.

Source: Intellectual Property Administration of Guizhou Province

**贵州省知识产权局：印发“十五五”知识产权规划，严控非正常申请、整治代理低价无序竞争**

近期，贵州省知识产权局印发《贵州省“十五五”知识产权规划》，经省政府批复同意，围绕知识产权强省建设目标，统筹知识产权创造、保护、运用、管理、服务全链条，锚定 2030 年阶段性目标，为贵州特色现代化产业体系提供知识产权支撑。

《规划》聚焦知识产权质量提升，健全非正常专利申请线索排查、商标恶意注册监测机制，面向白酒、大数据等优势产业搭建专利质量协同提升机制，推动专利布局与研发深度融合，培育高价值发明专利、关键核心技术专利组合。针对知识产权服务市场乱象，文件明确将强化代理行业监管，依法治理低价无序竞争，推行代理服务政府采购标准，落实“双随机、一公开”监管，促进行业形成优质优价的良性秩序。

《规划》同步构建多元协同保护体系，深化知识产权“三合一”审判改革，完善惩罚性赔偿适用规则，重点加强商标、种业、商业秘密、地理标志、中医药等特色领域保护，布局白酒、中医药知识产权专项工程。同时健全知识产权运营生态，发展质押融资、专利池、数据知识产权等转化模式，依托地理标志赋能山地特色产业，助力乡村振兴。此外，规划配套涉外维权、人才培育、信用监管等举措，引导企业做好海外知识产权布局与风险应对，持续厚植全社会知识产权文化。

来源：贵州省知识产权局

**Administration for Market Regulation of Anhui Province: Issued an intellectual property protection plan for the photovoltaic and energy storage industry, strengthening high-value patent layout, accelerating patent pre-examination and alleviating intra-industry cut-throat competition.**

Recently, the Administration for Market Regulation of Anhui Province, together with the Provincial Department of Industry and Information Technology, issued the Action Plan for Strengthening Intellectual Property Protection in the Advanced Photovoltaic and New Energy Storage Industry of Anhui Province (2026-2027). Focusing on the photovoltaic and energy storage sectors, the plan implements full-chain intellectual property protection, leverages the intellectual property system to alleviate "involution-style" competition in the industry, supports the development of Anhui's new energy industrial clusters, and serves the construction of the "1188" modern industrial system. The plan sets the goal of improving the industrial intellectual property governance system by 2027, cultivating a number of globally competitive patent portfolios, and enhancing enterprises' ability to respond to overseas risks.

The plan focuses on promoting high-quality patent layout and improving the quality of pre-

examination. It supports leading enterprises to form innovation consortia with universities and research institutes, carry out core patent reserves for cutting-edge and mass-production technologies such as perovskite, solid-state energy storage, TOPCon and heterojunction batteries, and support key technology breakthroughs with patent navigation. An expert team for industrial pre-examination will be established to optimize the pre-examination process of protection centers, implement the "one enterprise, one policy" approach, shorten the pre-examination cycle, and guide enterprises to carry out patent mining simultaneously in the early stage of R&D.

Meanwhile, the plan establishes an industrial chain risk prevention and control and coordinated protection mechanism, builds an industrial intellectual property database, regularly monitors patent disputes and foreign-related litigation, and sets up a 48-hour emergency response channel for Section 337 investigations and UPC litigation. It opens up diversified dispute resolution channels including administrative adjudication, judicial proceedings, mediation and arbitration, and collaborates with customs, state-owned assets and other departments to crack down on intentional infringement, with infringement records included as reference for procurement and bidding. The plan encourages the construction of industrial chain patent pools, promotes open patent licensing, and supports measures such as trademark brand cultivation, trade secret protection and enterprise compliance training, guiding enterprises to improve their overseas patent and trademark layout and jointly build a solid intellectual property security barrier for the photovoltaic and energy storage industry.

Source: Administration for Market Regulation of Anhui Province

## 安徽省市监局：出台光储产业知识产权保护方案，强化高价值专利布局、提速专利预审，破解行业内卷竞争

近期，安徽省市场监督管理局联合省工业和信息化厅印发《安徽省加强先进光伏和新型储能产业知识产权保护行动方案（2026-2027 年）》，聚焦光伏、储能赛道开展知识产权全链条保护，依托知识产权制度化解产业“内卷式”竞争，支撑安徽新能源产业集群发展，服务“1188”现代化产业体系建设。方案设定目标，到 2027 年完善产业知识产权治理体系，培育一批具备全球竞争力的专利组合，提升企业海外风险应对能力。

方案重点推进专利高质量布局与预审提质。支持龙头企业联合高校院所组建创新联合体，围绕钙钛矿、固态储能、TOPCon、异质结电池等前沿与量产技术开展核心专利储

备，依托专利导航支撑关键技术攻关。组建产业预审专家团队，优化保护中心预审流程，推行“一企一策”，压缩预审周期，引导企业在研发早期同步开展专利挖掘。

同时方案构建产业链风险防控与协同保护机制，搭建产业知识产权数据库，常态化监测专利纠纷与涉外诉讼，针对 337 调查、UPC 诉讼建立 48 小时应急响应通道。打通行政裁决、司法、调解、仲裁多元纠纷渠道，联动海关、国资等部门从严打击故意侵权，将侵权记录纳入采购招标参考。方案鼓励建设产业链专利池，推进专利开放许可，配套商标品牌培育、商业秘密保护、企业合规培训等举措，引导企业完善海外专利商标布局，共同筑牢光储产业知识产权安全屏障。

来源：安徽省市场监督管理局

**Supreme People's Procuratorate: Released the working situation of copyright infringement crime handling, clarifying rules on digital infringement regulation, new business format protection and full-chain crackdown.**

Recently, the Supreme People's Procuratorate (SPP) released the work report on copyright infringement crime prosecution from 2023 to September 2026, disclosing that procuratorial organs nationwide have prosecuted over 7,100 people for copyright infringement crimes during the same period. The report systematically summarizes the new characteristics and trends of crimes against the backdrop of cultural industry development, and strengthens judicial protection of copyright through comprehensive procuratorial performance to serve and guarantee the high-quality development of cultural undertakings and cultural industries.

Case handling shows that the means of copyright infringement crimes have been iteratively upgraded, with prominent features of digital infringement and large-scale dissemination. The form of crime has gradually shifted from "offline reproduction" of traditional physical piracy production and sales to "code-controlled" online dissemination. Perpetrators use technologies such as web crawlers, deep links and aggregated pirated links to illegally obtain and disseminate legitimate audio-visual and literary works on a large scale and with high frequency. In a typical case, a criminal gang operated multiple infringing aggregation software, disseminated over 83,000 unauthorized audio-visual works, and illegally collected 392 million RMB in advertising fees, resulting in a significantly increased degree of harm.

The objects of infringement continue to extend to emerging cultural formats such as online games, blind box figurines and online short dramas, with frequent new types of cases such as

private server operation and pirated figurine production and sales. Criminal organizations have become more industrialized, chained and cross-border, with clear division of labor between upstream and downstream. Some gangs have set up overseas servers to disseminate pirated works and settled in virtual currency to evade supervision. The profit-making mode has shifted from traditional sales profit to diversified traffic monetization models such as membership fees and advertising diversion. Procuratorial organs adhere to the full-chain crackdown on infringement crimes, strengthen the protection of rights in new business formats, and deepen law enforcement and judicial cooperation to promote source governance. In the next step, they will continue to follow up on the crime situation, respond to new technological challenges, call on the public to enhance copyright awareness, jointly build a market environment that respects originality, and escort the construction of a cultural power.

Source: Supreme People's Procuratorate of the People's Republic of China

## 最高检：通报侵犯著作权犯罪办案态势，明确数字化侵权规制、新业态保护与全链条打击规则

近期，最高人民检察院发布 2023 年至 2026 年 9 月侵犯著作权犯罪检察工作情况，披露全国检察机关同期起诉侵犯著作权犯罪 7100 余人，系统总结文化产业发展背景下犯罪新特点新趋势，以检察综合履职强化著作权司法保护，服务保障文化事业和文化产业高质量发展。

办案显示，侵犯著作权犯罪手段迭代升级，数字化侵权、规模化传播特征凸显。犯罪形态从传统制售实物盗版的“线下复制”，逐步转向“代码操控”式网络传播，行为人利用网络爬虫、深度链接、聚合盗链等技术，大规模、高频次非法获取并传播正版视听、文学作品。典型案件中，犯罪团伙运营多款侵权聚合软件，传播未经授权视听作品 8.3 万余部，非法收取广告费达 3.92 亿元，危害程度显著提升。

侵权对象持续向网络游戏、盲盒手办、网络短剧等新兴文化业态延伸，私服运营、盗版手办产销等新型案件频发；犯罪组织更趋产业化、链条化、跨境化，上下游分工明确，部分团伙搭建境外服务器传播盗版作品，以虚拟货币结算逃避监管；牟利方式从传统销售获利，转向会员收费、广告引流等多元流量变现模式。检察机关坚持全链条打击侵权犯罪，强化新业态权利保护，深化执法司法协作促推源头治理，下一步将持续跟进犯罪态势，应对新技术挑战，呼吁公众增强版权意识，共同营造尊重原创的市场环境，护航文化强国建设。

来源：最高人民检察院

## Ministry of Commerce: Issued the Special Provisions on the Protection of Chinese Trade Secrets (Draft for Comment) for public consultation, establishing a countermeasure system for overseas trade secret infringement.

On October 26, 2026, the Ministry of Commerce officially promulgated the Special Provisions on the Protection of Chinese Trade Secrets (Draft for Comment) for public consultation, with the deadline for feedback set on November 24, 2026. Formulated in accordance with the Foreign Trade Law of the People's Republic of China, the Anti-Unfair Competition Law of the People's Republic of China and other laws and regulations, these Provisions are China's first specialized regulatory document targeting trade secret infringement committed by overseas entities, aiming to safeguard national sovereignty, security and development interests, and protect the legitimate rights and interests of Chinese trade secret holders in an all-round way.

The Provisions clarify the scope of application: acts of foreign enterprises, other organizations or individuals that infringe upon Chinese trade secrets in international economic and trade and related activities, which endanger or pose a realistic threat to national sovereignty, security and development interests, shall all be included in the regulatory scope. At the institutional level, a working mechanism is established, with the Ministry of Commerce taking the lead in organization and implementation and multiple departments cooperating in accordance with their respective responsibilities, and confidentiality obligations throughout the work process are specified to ensure standardized and orderly law enforcement cooperation.

For overseas infringement acts, the Provisions set up graded countermeasures. The Ministry of Commerce may take six measures according to the circumstances, including restricting import and export trade, prohibiting new domestic investment, restricting personnel entry and residence, and imposing fines. Meanwhile, supporting full-process procedural rules are improved, covering investigation initiation, report acceptance, statement and defense, rectification assessment, public announcement, and special transaction exemption. Entities subject to measures that take the initiative to rectify and eliminate the harm may apply for modification or cancellation of relevant measures. These Provisions have constructed a legalized countermeasure framework for cross-border protection of trade secrets, filled the institutional gap in overseas infringement regulation, provided a solid legal guarantee for the security of core technologies and business information of Chinese enterprises, and facilitated industrial security protection under high-level opening-up.

Source: Ministry of Commerce of the People's Republic of China

商务部：就《保护中国商业秘密特别规定（征求意见稿）》公开征求意见，建立境外商业秘密侵权反制制度体系

2026 年 10 月 26 日，商务部正式公布《保护中国商业秘密特别规定（征求意见稿）》，面向社会公开征求意见，意见反馈截止日期为 2026 年 11 月 24 日。该规定依据《中华人民共和国对外贸易法》《中华人民共和国反不正当竞争法》等法律法规制定，是我国首部针对境外主体侵害商业秘密行为的专门规制文件，旨在维护国家主权、安全和发展利益，全方位保护中国商业秘密权利人的合法权益。

规定明确适用边界，针对外国企业、其他组织或个人在国际经贸及相关活动中实施侵害中国商业秘密的行为，凡危害或对国家主权、安全、发展利益构成现实威胁的，均纳入规制范围。制度层面确立商务部牵头组织实施、多部门按职责协同配合的工作机制，明确工作全过程的保密义务，确保执法协作规范有序。

针对境外侵权行为，规定设置梯度化反制措施，商务部可根据情节采取限制进出口贸易、禁止新增境内投资、限制人员入境与居留、处以罚款等六项措施；同时配套完善调查启动、举报受理、陈述申辩、整改评估、公告公示、特殊交易豁免等全流程程序规则，被采取措施的主体主动整改、消除危害的，可申请变更或取消相关措施。该规定构建了商业秘密跨境保护的法治化反制框架，填补了境外侵权规制的制度空白，为我国企业核心技术与经营信息安全提供坚实法治保障，助力高水平对外开放下的产业安全防护。

来源：商务部

**National Intellectual Property Administration: Released the list of 2026 National Geographical Indication Protection Demonstration Zones, with 16 zones launching three-year high-standard construction.**

Recently, the General Office of the China National Intellectual Property Administration (CNIPA) issued the Notice on Determining the List of 2026 National Geographical Indication Protection Demonstration Zones. After comprehensive review and public announcement procedures, 16 regions were officially included in the 2026 national geographical indication protection demonstration zone construction sequence, with a construction period of three years from October 2026 to October 2029.

The construction list covers multiple provinces across the country with rich and diverse categories, including agricultural specialty products such as Shunping Peach, Pinghe Guanxi Honey Pomelo, Ganyu Swimming Crab, Dongning Black Fungus, Anji White Tea, Rizhao

Green Tea, Fengqing Yunnan Black Tea and Zhashui Fungus, as well as characteristic craft and folk products such as Huairen Ceramics, Xuan Paper, Nanyang Wormwood, Xiaogan Rice Wine and Meizhou Golden Pomelo, and regional comprehensive geographical indication protection demonstration zones such as Jingdezhen and Yuping in Guizhou. The people's governments of corresponding cities and counties shall serve as the responsible subjects for construction.

The Notice puts forward clear requirements for the construction of demonstration zones. All regions shall adhere to the principles of high-standard construction, high-level protection and high-quality development, consolidate the protection system, improve the working system, intensify law enforcement protection, and strengthen brand promotion and regional cooperation. Provincial intellectual property administrative departments shall strengthen professional guidance and daily management, supervise construction subjects to refine work plans, fulfill main responsibilities, and submit work progress and summaries on an annual basis. CNIPA will implement dynamic management, organize phased acceptance and experience exchange, and summarize and refine replicable and promotable protection models and reform measures. The construction of this batch of demonstration zones will improve the overall level of geographical indication protection nationwide by drawing on experience from pilot sites, empower regional characteristic industries to increase value and efficiency, and help geographical indications boost rural revitalization and the construction of a brand power.

Source: National Intellectual Property Administration

## 国家知识产权局：确定 2026 年国家地理标志保护示范区创建名单，16 个示范区启动三年高标准建设

近日，国家知识产权局办公室印发《关于确定 2026 年国家地理标志保护示范区创建名单的通知》，经综合评审与公示程序，正式确定 16 个地区纳入 2026 年国家地理标志保护示范区创建序列，创建周期为 2026 年 10 月至 2029 年 10 月，为期三年。

本次创建名单覆盖全国多个省份，涵盖品类丰富多元，既包括顺平桃、平和琯溪蜜柚、赣榆梭子蟹、东宁黑木耳、安吉白茶、日照绿茶、凤庆滇红茶、柞水木耳等农特产品，也包含怀仁陶瓷、宣纸、南阳艾、孝感米酒、梅州金柚等特色工艺与民俗产品，以及景德镇、贵州玉屏等区域综合类地理标志保护示范区，由各对应市县人民政府作为创建责任主体。

通知对示范区建设提出明确要求，各地需坚持高标准建设、高水平保护、高质量发展原则，夯实保护制度、健全工作体系、加大执法保护力度、强化品牌宣传与区域协作；

省级知识产权管理部门需加强业务指导与日常管理，督促创建主体细化工作方案、落实主体责任，按年度报送工作进展与总结。国家知识产权局将实施动态管理，组织开展阶段性验收与经验交流，总结提炼可复制推广的保护模式与改革举措。该批示范区的建设将以点带面提升全国地理标志整体保护水平，赋能区域特色产业增值增效，助力地理标志助力乡村振兴与品牌强国建设。

来源：国家知识产权局

## IP Cases 知产案例

### Intellectual Property Court of the Supreme People's Court: Clarified the boundary of new plant variety right protection, holding that selling seeds in non-approved regions still constitutes infringement and that administrative enforcement expenses may be counted as reasonable costs.

Recently, the Intellectual Property Court of the Supreme People's Court (SPC IP Court) issued a judgment on a new plant variety right infringement dispute, reaffirming the legal relationship between variety approval regions and the scope of variety right protection, and unifying the judicial standard on whether rights enforcement expenses incurred in administrative procedures can be included in compensation, providing important guidance for the protection of seed industry intellectual property rights.

The disputed soybean variety "You 6019" is a variety protected by variety rights. As the exclusive licensee, Xumou Seed Industry Co., Ltd. found that Huamou Seed Industry Co., Ltd. and other entities produced and sold counterfeit seeds of the same variety under the name "Zhongdou 40" in non-approved regions. After an administrative complaint, the agricultural department imposed administrative penalties, and the plaintiff subsequently filed a civil lawsuit. The defendant argued that the acts in question occurred outside the variety approval region, the plaintiff was not a qualified subject, and the plaintiff had no right to operate in non-approved regions, so the defendant's operation in non-approved regions would not cause economic losses to the plaintiff, thus no infringement should be found and no compensation should be paid.

In the second instance, the SPC clarified that the exclusive right to prohibit under a variety right is not restricted by the suitable planting regions or approval regions of the variety. Unauthorized production and sale of propagating materials of authorized varieties in non-approved regions

still constitutes infringement, and such acts will also damage the interests of growers, which can be taken as an aggravating circumstance. Meanwhile, the judgment held that for the same variety, the same infringing subject and the same infringing facts, the expenses incurred by the right holder in the administrative enforcement proceedings are reasonable expenses for protecting its rights and shall be included in the compensation. As the infringer refused to submit account books, the court determined the compensation amount comprehensively based on factors such as the passing-off nature of the infringement, cross-regional sales and licensing costs, and finally dismissed the defendant's appeal and affirmed the original judgment. This case draws a clear boundary between variety approval administration and civil protection of variety rights, and strengthens the judicial punishment for counterfeit infringement in the seed industry.

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

## 最高法知产法庭：厘清植物新品种权保护边界，明确非审定区域售种仍构成侵权、行政维权支出可纳入合理开支

近期，最高人民法院知识产权法庭发布一起侵害植物新品种权纠纷案，重申品种审定区域与品种权保护范围的法律关系边界，统一行政程序维权开支能否计入赔偿的裁判标准，为种业知识产权保护提供重要指引。

涉案大豆品种“油 6019”是获得品种权保护的品种，许某种业公司作为独占被许可人，发现华某种业公司等主体以“中豆 40”为名，在非审定区域生产、销售同品种套牌种子，经行政投诉后农业部门作出行政处罚，随后提起民事诉讼。被告抗辩，案涉行为发生在品种审定区域之外，原告不是适格主体，且原告在非审定区域无权经营，被告在非审定区域经营不会造成其经济损失，因此不应认定侵权、无需赔偿。

最高法二审明确，品种权的禁止权能不受品种适宜种植、审定区域限制，未经许可在非审定区域生产、销售授权品种繁殖材料依然构成侵权，该行为还会损害种植户利益，可作为从重情节。同时判决认定，针对同一品种、同一侵权主体和侵权事实，权利人在行政执法程序中支出的维权费用，属于维权合理开支，应当纳入赔偿范围。因侵权人拒不提交账簿，法院结合套牌侵权、跨区域销售、许可成本等因素综合酌定赔偿，最终驳回被告上诉、维持原判。本案划清品种审定管理与品种权民事保护的边界，强化种业套牌侵权的司法惩戒力度。

来源：最高人民法院知识产权法庭

**Intellectual Property Court of the Supreme People's Court: Held that continuous infringement by entity switching after being held liable for patent infringement may be found intentional and serious, so that punitive damages apply.**

Recently, the SPC IP Court issued a judgment on an invention patent infringement dispute, clarifying that where a party continues to commit the same infringing act by changing corporate entities and coordinating with affiliated entities after being found liable for infringement in a previous case, it meets the requirements of "intentional infringement and serious circumstances" for punitive damages. The court also recognized that the amount of the previous judgment can be used as the calculation base for punitive damages, further clarifying the application path of punitive damages.

The patentee, Limou Co., Ltd., had previously sued Aimou Luggage Factory, a sole proprietorship owned by Li Mougang, for infringing the "middle plate" patent, and the court rendered an effective judgment ordering compensation of RMB 300,000. Later, the patentee found that Li Mougang, together with his spouse Liao Mouyan, controlled new entities such as Weimou Company and Zhongshan Junmou Company to continue manufacturing and selling infringing products, collecting payments through personal accounts and using affiliated trademarks, in what amounts to continuous infringement through entity switching. The patentee filed a lawsuit claiming punitive damages, seeking five times the RMB 300,000 awarded in the earlier judgment, totaling RMB 1.5 million. The first-instance court did not support the claim for punitive damages.

In the second instance, the SPC held that after receiving the effective infringement judgment, Li Mougang organized affiliated entities to continue committing the same patent infringement, which constitutes intentional infringement with serious circumstances. In the absence of evidence of direct losses or profits, it is reasonable for the right holder to use the amount of the previous judgment as the base for punitive damages, and it is presumed that the proceeds from the repeated infringement will not be lower than those in the previous case. The second-instance court revised the judgment to fully support the 1.5 million RMB compensation claim and ordered the relevant entities to bear joint and several liability. This case clarifies the punishment rules for continuous infringement through "entity switching", enriches the methods for determining the base of punitive damages, and severely cracks down on acts of evading judgments and repeated infringement.

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

## 最高法知产法庭：专利侵权被判担责后变换主体持续侵权，可认定故意严重并适用惩罚性赔偿

近期，最高人民法院知识产权法庭发布一起侵害发明专利权纠纷案，明确行为人在前案被判侵权后，通过更换公司主体、关联配合的方式继续实施相同侵权行为，满足惩罚性赔偿“故意侵权、情节严重”要件，同时认可参照在先判决金额作为惩罚性赔偿计算基数，进一步明晰惩罚性赔偿的适用路径。

涉案专利权人里某有限公司，此前已起诉李某刚独资的爱某箱包厂侵害涉案“中间板”专利，法院作出生效判决判令其赔偿 30 万元。后权利人发现，李某刚联合配偶廖某颜，控制纬某公司、中山俊某公司等新主体继续制造、销售侵权产品，利用个人账户收款、使用关联商标，属于换壳持续侵权。权利人起诉请求适用惩罚性赔偿，以在先判决 30 万元为基数主张 5 倍赔偿共 150 万元，一审未支持惩罚性赔偿。

最高法二审认定，李某刚收到侵权生效裁判后，组织关联主体继续实施相同专利侵权，属于故意侵权且情节严重。在缺乏直接损失、获利证据的情形下，权利人参照在先判决数额作为惩罚性赔偿基数具备合理性，推定再次侵权收益不会低于前案。二审改判全额支持 150 万元赔偿请求，判令相关主体承担连带责任。该案明确“换壳”持续侵权的惩戒规则，丰富惩罚性赔偿基数认定方式，严厉打击规避裁判、反复侵权行为。

来源：最高人民法院知识产权法庭

## Beijing High People's Court: Ruled in the second instance of the "Dongpeng Tianxia" trademark invalidation case that the disputed mark imitates the well-known trademark "Dongpeng Teyin" and should be invalidated.

Recently, the Beijing High People's Court concluded an administrative dispute over trademark invalidation declaration, clarifying the judgment logic for cross-class protection of well-known trademarks. It determined the risk of confusion and association based on the overlap of consumer groups across different product categories, and provided guidance on the application of the "determination on demand" rule for well-known trademarks.

A trading firm in Kunming applied for the registration of the "Dongpeng Tianxia" trademark, designated for use on processed betel nuts in Class 29. Dongpeng Beverage Co., Ltd. filed an invalidation request, claiming that its "Dongpeng Teyin" trademark had constituted a well-

known trademark on non-alcoholic beverages, and that the disputed trademark, which fully contains the distinctive identifying text "Dongpeng", constitutes malicious imitation. The China National Intellectual Property Administration (CNIPA) ruled to maintain the trademark registration. After Dongpeng Beverage filed a lawsuit, the first-instance court revoked the decision, and both the CNIPA and the trading firm appealed against the judgment.

In the second instance, the Beijing High People's Court upheld the original judgment, finding that "Dongpeng Teyin" had constituted a well-known trademark on non-alcoholic beverages prior to the application date of the disputed trademark. Following the principle of determination on demand, the court did not further evaluate whether another cited trademark was well-known. Although betel nuts and beverages belong to different product categories, they have a high degree of overlap in consumer groups and sales scenarios. The disputed trademark is likely to cause associative confusion among the public, take unfair advantage of the goodwill of the well-known trademark, and weaken the stable corresponding relationship between the trademark and the right holder. "Dongpeng" is a coined word with strong distinctiveness, and the trading firm should have known the prior well-known trademark but still applied for registration, demonstrating subjective bad faith. This case clearly defines the examination elements for cross-class protection of well-known trademarks, and provides judicial reference for trademark right confirmation cases involving imitation of well-known trademarks on non-similar goods.

Source: Beijing High People's Court

## 北京高院：“东鹏天下”商标无效案二审落槌，认定其摹仿“东鹏特饮”驰名商标应予无效

近期，北京市高级人民法院审结一起商标无效宣告行政纠纷案，明确驰名商标跨类保护的判断逻辑，在不同商品类别下，结合消费群体重合度认定混淆联想风险，对驰名商标按需认定规则的适用作出指引。

昆明某商行申请注册“东鹏天下”商标，核定在第 29 类加工过的槟榔商品上。东鹏饮料公司提出无效，主张其“东鹏特饮”商标在无酒精饮料上已构成驰名商标，诉争商标完整包含显著识别文字“东鹏”，属于恶意摹仿。国家知识产权局裁定维持该商标注册，东鹏饮料公司起诉后，一审法院撤销裁定，国知局与商行不服上诉。

北京高院二审维持原判，认定在诉争商标申请日之前，“东鹏特饮”已构成无酒精饮料上的驰名商标；遵循按需认定原则，不再评述另一引证商标是否驰名。槟榔与饮料虽分属不同商品类别，但二者消费群体、销售场景重合度较高，诉争商标易使公众产生关联联想，不当利用驰名商标商誉，弱化商标与权利人的稳定对应关系。“东鹏”属于臆造词，显著性强，商行理应知晓在先知名商标仍申请注册，主观存在恶意。本案清晰划定驰名商标跨类保护的审查要素，为非类似商品上摹仿驰名商标的商标确权案件提供裁判参考。

来源：北京市高级人民法院

**Shanghai Changning District People's Court: Ruled that unauthorized sale of figurines copying film and television character IP constitutes copyright infringement.**

Recently, the Shanghai Changning District People's Court concluded a copyright infringement dispute, clarifying that original animated character images in film and television works can be independently protected as works of fine art. Unauthorized sale of identical figurines by e-commerce merchants still constitutes infringement even if the complete frames of the film are not used. The judgment of this case has now taken effect.

The plaintiff, a Beijing-based film company, obtained the copyright in, and the right to enforce, the fine art works of the characters "Nezha" and "Ao Bing" from Ne Zha: Birth of the Demon Child. The character images are elaborately designed and enjoy high market popularity. The defendant, a trading firm, opened a store on an e-commerce platform and sold figurines that copied the two character images without authorization, and the product images are substantially similar to the original fine art images. According to notarized evidence, after deducting non-infringing bundled goods, the infringing products had sold approximately 19,000 units in total, with sales of over RMB 330,000, and the infringement lasted for nearly three years. The plaintiff filed a lawsuit requesting the defendant to pay a total of RMB 80,000 in economic losses and reasonable expenses.

After trial, the court held that the animated characters in question are independently protected fine art works, and the defendant's online display of images and sale of infringing figurines infringed the right of communication through information networks and the right of distribution respectively. As it is difficult to prove the actual losses of the right holder or the profits from infringement, and there is a lack of reference for licensing fees, the court applied statutory

compensation based on factors such as the popularity of the IP, the defendant's subjective fault, sales scale and infringement duration, and determined a higher compensation amount. The court ordered the defendant to pay a total of RMB 63,800 in economic losses and reasonable rights enforcement expenses.

The judge reminded that e-commerce operators shall verify copyright authorization when listing film and animation peripheral products. Even if the film frames themselves are not involved, it may still constitute infringement of the copyright of fine art works. This case serves as a warning to the cultural and creative derivative product industry, guiding the market to respect IP copyrights and maintain the order of the genuine derivative product market.

Source: Shanghai Changning District People's Court

## 上海长宁法院：未经授权销售照搬影视角色 IP 手办构成著作权侵权

近期，上海市长宁区人民法院审结一起侵害著作权纠纷案，明确影视作品中具备独创性的动画角色形象，可独立作为美术作品予以保护，电商商家未经许可销售同款手办，即便不使用电影完整画面，依旧构成侵权，该案判决现已生效。

原告北京某影业公司取得《哪吒之魔童降世》中“哪吒”“敖丙”角色美术作品的著作权及维权权利。该角色形象经过精心设计，市场知名度高。被告某商行在电商平台开设店铺，未经授权销售照搬该两款角色形象的手办，商品图片与原作美术形象构成实质性相似。经公证取证，扣除非侵权搭售商品后，涉案侵权商品累计销售约 1.9 万件，销售额 33 万余元，侵权持续近三年。原告起诉请求判令被告赔偿经济损失及合理开支共计 8 万元。

法院审理认为，涉案动画角色属于独立受保护的美术作品，被告线上展示图片、售卖侵权手办，分别侵害信息网络传播权与发行权。因权利人实际损失、侵权获利均难以举证，也缺少许可费参考，法院结合 IP 知名度、被告主观过错、销售规模、侵权时长等因素适用法定赔偿，从重确定赔偿，判决被告赔偿经济损失及维权合理开支合计 6.38 万元。

法官提示，电商经营者上架影视动漫周边，应当核验版权授权，即便不涉及电影画面本身，也可能构成对美术作品著作权的侵害。该案对文创衍生品行业具有警示意义，引导市场尊重 IP 版权，维护正版衍生品市场秩序。

来源：上海市长宁区人民法院

**Intellectual Property Court of the Supreme People's Court : Clarified the application boundary of the good faith principle as a ground for patent invalidation, holding that disputes over plagiarized technical solutions shall be resolved through ownership dispute channels.**

Recently, the Intellectual Property Court of the Supreme People's Court (SPC IP Court) concluded an administrative dispute over the invalidation of a utility model patent, clarifying the regulatory scope of patent invalidation caused by violation of the good faith principle, and defining the legal boundary between disputes over the ownership of technical solutions and grounds for patent invalidation, which is of guiding significance for unifying the examination standards for patent right confirmation.

Yang claimed that entities including Baoji Shi Company plagiarized his invention and applied for the patent involved, and requested the patent to be declared invalid on the ground of violating Article 11 of the Implementing Regulations of the Patent Law revised in 2023. CNIPA held that the date of the invalidation request was earlier than the effective date of the new regulations, and Yang's supplementary reasons exceeded the statutory time limit, so it did not examine this ground for invalidation. Yang was dissatisfied and filed administrative litigation. After the first-instance judgment dismissed his claim, Yang filed an appeal.

In the second instance, the SPC held that the essence of this case is a civil dispute over patent ownership and inventor's right of authorship arising from the source of the technical solution. The parties shall confirm through civil litigation that the right belongs to the true inventor. Directly declaring the patent invalid on this ground lacks legal basis and is not conducive to protecting the real right holder. As a ground for patent invalidation, the good faith principle focuses on regulating situations where the patented technical solution itself is fraudulent or fabricated. The court also pointed out that even if the parties do not put forward relevant claims, CNIPA may introduce this clause for examination ex officio. Although the relevant findings of the original trial were inappropriate, the judgment result was correct, so the court dismissed the appeal and affirmed the original judgment. This case clarifies the application scale of the good faith principle in patent invalidation procedures, and provides clear judicial guidance for distinguishing relief paths for similar ownership disputes and right confirmation disputes.

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

**最高法知产法庭：明确诚实信用原则作为专利无效理由适用边界，剽窃技术方案纠纷应循权属争议途径解决**

近期，最高人民法院知识产权法庭审结一起实用新型专利权无效行政纠纷案，明确违反诚实信用原则导致专利权无效的规制范畴，厘清技术方案权属争议与专利无效事由的法律边界，对统一专利确权审查标准具有指导意义。

杨某主张宝鸡石某公司等主体剽窃其完成的发明创造并申请涉案专利，以违反 2023 年修订的专利法实施细则第十一条为由请求宣告专利权无效。国家知识产权局认为，无效请求日早于新规施行日，且杨某补充相关理由超出法定期限，故对该无效理由不予审查。杨某不服提起行政诉讼，一审判决驳回其诉讼请求后，杨某提起上诉。

最高法二审认为，本案实质是因技术方案来源引发的专利权属、发明人署名权民事争议，当事人应通过民事诉讼确认权利归属于真实发明人，直接据此宣告专利无效缺乏法律依据，亦不利于保护真正权利人。诚实信用原则作为专利无效理由，规制重点在于专利技术方案本身弄虚作假、虚构造假的情形。同时指出，即便当事人未提出相关主张，国知局也可依职权引入该条款审查；原审相关认定虽有不妥，但裁判结果正确，故判决驳回上诉、维持原判。本案明晰了专利无效程序中诚实信用原则的适用尺度，为同类权属争议与确权纠纷的救济路径区分提供了清晰裁判指引。

来源：最高人民法院知识产权法庭

**Chengdu Intermediate People's Court: Defined the protection boundary of goodwill attached to former enterprise names after name change, regulating "successive" free-riding on enterprise names.**

Recently, the Chengdu Intermediate People's Court concluded an unfair competition dispute involving enterprise names. In the second instance, the court clarified the protection rules for the goodwill of former enterprise names and trade names after name change, and made a negative evaluation of "successive" free-riding on goodwill.

In this case, a Xinye Company was established in 1996 under the name "Mouxing Electric Power Appliance Company" with the trade name "Mouxing". It has been engaged in electric power appliance equipment for nearly 30 years and enjoys high popularity. In November 2024, Xinye Company changed its enterprise name and withdrew from the electrical equipment manufacturing business. An electric power appliance company was originally established with equity participation by Xinye Company in its early years. The two parties once agreed that after the termination of cooperation, the name of the new company shall not contain the word "Mouxing". Xinye Company transferred all its shares and withdrew in 2017. In February 2025, less than four months after Xinye Company changed its name, the electric power appliance company changed its enterprise name to "Mouxing Electric Power Appliance Company", and

used signs such as "Mouxing" and "Mouxing Electric Appliance" in business activities such as exhibitions. Xinye Company held that its free-riding on goodwill constituted unfair competition, and filed a lawsuit requesting the change of enterprise name, cessation of use of relevant signs and compensation of 500,000 RMB. The first instance ordered the defendant to stop using the full name of the involved enterprise and pay 100,000 RMB in compensation. Both parties were dissatisfied and filed appeals.

In the second instance, the Chengdu Intermediate People's Court held that the right to enterprise name takes the current registered name as its object, and the enterprise no longer enjoys the right to the former name after the name change. However, the goodwill and competitive interests accumulated through long-term operation of the former name, trade name and abbreviation are still protected by the Anti-Unfair Competition Law during the period when the relevant public may still associate them with the original business entity. The trade name "Mouxing" has carried stable goodwill after nearly 28 years of continuous use. The electric power appliance company, knowing the historical origin of the two parties, registered and used the same enterprise name shortly after the other party changed its name, with obvious subjective intent to free-ride on goodwill, which is sufficient to cause confusion and misidentification among the relevant public and constitutes unfair competition. Simply ordering the cessation of use of the full enterprise name is not enough to eliminate the public's misidentification of subject succession and brand association. Therefore, the court revised the judgment to order the defendant to stop using content containing the word "Mouxing" in its enterprise name, while maintaining the first-instance judgment of 100,000 RMB in compensation.

This case refines the protection boundary of the goodwill of former trade names after enterprise name change, clarifies the criteria for determining "successive" free-riding behavior, and has typical guiding significance for standardizing the name registration behavior of market entities and maintaining fair competition order.

Source: Chengdu Intermediate People's Court

## 成都中院：厘清企业更名后原名称商誉保护边界，规制“接替式”攀附企业名称行为

近日，成都市中级人民法院审结一起企业名称不正当竞争纠纷案，二审明确企业更名后原名称及字号商誉的保护规则，对“接替式”攀附商誉行为作出否定性评价。

本案中，某新业公司 1996 年成立时名称为“某星电力电器公司”，字号“某星”，长期经营电力电器设备近三十年，具有较高知名度。2024 年 11 月，某新业公司变更企业名称并退出电气装备制造业务。某电力电器公司原系某新业公司早年参股设立，双方

曾约定合作终止后新公司名称不得出现“某星”字样，某新业公司于 2017 年转让全部股份退出。2025 年 2 月，某电力电器公司在某新业公司更名后不到四个月，即变更企业名称为“某星电力电器公司”，并在展会等经营活动中使用“某星”“某星电器”等标识。某新业公司认为其攀附商誉构成不正当竞争，诉请变更企业名称、停止使用相关标识并赔偿 50 万元。一审判令被告停止使用涉案企业全称，赔偿 10 万元，双方均不服提起上诉。

成都中院二审认为，企业名称权以现行登记名称为客体，更名后不再享有原名称的名称权，但原名称及字号、简称经长期经营积累的商誉和竞争利益，在相关公众仍可能将其与原经营主体相联系的期间内，仍受反不正当竞争法保护。“某星”字号经近二十八年持续使用，已承载稳定商誉；某电力电器公司明知双方历史渊源，在他人更名后短期内即登记使用相同企业名称，攀附商誉的主观故意明显，足以造成相关公众混淆误认，构成不正当竞争。仅判令停止使用企业全称不足以消除公众对主体承继、品牌关联的误认，故改判被告停止在企业名称中使用含有“某星”字样的内容，同时维持一审 10 万元赔偿判项。

该案细化了企业更名后原字号商誉的保护边界，明确了“接替式”攀附行为的认定标准，对规范市场主体名称登记行为、维护公平竞争秩序具有典型指导意义。

来源：成都市中级人民法院

**Guangzhou Intellectual Property Court: Reversed the first-instance judgment in the "Wentong Muscle-Relaxing Jar" trademark infringement case on second instance, clarifying the criteria for determining fair use of descriptive trademarks.**

Recently, the Guangzhou Intellectual Property Court concluded the "Wentong" trademark infringement case. In the second instance, the court revoked the first-instance judgment, rejected all the plaintiff's claims, and clarified the rules for narrowing the protection scope of descriptive registered trademarks and the judicial criteria for determining descriptive fair use of product functions.

In this case, Company A is the holder of the registered trademark "Wentong" (No. 18230687), which is approved for use on Class 10 goods such as massage apparatus and physiotherapy equipment. Company A held that the "Wentong Muscle-Relaxing Jar" produced by Company B and sold by Company C used the word "Wentong" in its packaging, instructions and product name, infringing its exclusive right to use the registered trademark, and thus filed a lawsuit requesting the two companies to stop the infringement and compensate for economic losses.

The first-instance court held that the accused goods are of the same category as the goods designated by the involved trademark, and the word "Wentong" in the accused sign is identical to the involved trademark. As operators in the same industry, Company B and Company C should be aware of the involved trademark, and their use of the word "Wentong" has the intention of trademark use. On this basis, the court found the infringement established, ordered Company B to compensate for economic losses and reasonable expenses, and Company C to bear joint and several liability.

Company B and Company C were dissatisfied with the first-instance judgment and filed an appeal. The two companies argued in the appeal that "Wentong" is a general description of the efficacy of "mild dredging of meridians" in the field of moxibustion physiotherapy, and the involved trademark has weak inherent distinctiveness; the accused product uses "Wentong" only to describe the function of the product and is marked with its own trademark, which constitutes fair use and does not constitute trademark infringement.

In the second instance, the Guangzhou Intellectual Property Court held that the protection scope of a registered trademark is commensurate with its degree of distinctiveness. "Wentong" itself is a description of the efficacy of moxibustion physiotherapy, and has low inherent distinctiveness on moxibustion appliance goods. Even if it is approved for registration, its protection scope should be narrowed accordingly. Where a registered trademark contains descriptive information in the public domain, the right holder has no right to prohibit others from fairly using the relevant words within the necessary scope to describe the function and purpose of the goods. The accused product uses "Wentong" in combination with the product name and attaches its own registered trademark to indicate the source, which does not exceed the necessary limit for describing product functions and facilitating consumer identification, and thus constitutes fair use and does not infringe the trademark right.

Source: Guangzhou Intellectual Property Court

## 广州知产法院：“温通拨筋罐”商标侵权案二审改判，明确描述性商标正当使用的认定边界

近日，广州知识产权法院审结“温通”商标侵权案，二审撤销一审判决，驳回原告全部诉讼请求，明确了描述性注册商标的保护范围限缩规则及商品功能描述性正当使用的司法认定标准。

本案中，A 公司系第 18230687 号“温通”注册商标权利人，核定使用于第 10 类按摩器械、理疗设备等商品。A 公司认为，B 公司生产、C 公司销售的“温通拨筋罐”在包装、

说明书及产品名称中使用“温通”文字，侵害其注册商标专用权，遂诉请两公司停止侵权并赔偿经济损失。

一审法院认为，被诉商品与涉案商标核定商品为同类，被诉标识中“温通”文字与涉案商标相同；B 公司、C 公司作为同行业经营者，对涉案商标应当知晓，其使用“温通”文字具有商标性使用意图，据此认定侵权成立，判令 B 公司赔偿经济损失及合理费用，C 公司承担连带责任。

B 公司、C 公司不服一审判决，提起上诉。两公司上诉称，“温通”是艾灸理疗领域对“温和通络”功效的通用描述，涉案商标固有显著性较弱；被诉产品使用“温通”仅为说明商品功能，且标注了自有商标，属于正当使用，不构成商标侵权。

广州知识产权法院二审认为，注册商标的保护范围与其显著性强弱相适应。“温通”本身是对艾灸理疗功效的描述，在艾灸器具类商品上固有显著性不高，即便获准注册，其保护范围也应相应限缩。注册商标中包含公共领域描述性信息的，权利人无权禁止他人在说明商品功能、用途的必要范围内正当使用相关文字。被诉产品将“温通”与商品名称结合使用，并附加自有注册商标指明来源，未超出说明商品功能、便于消费者辨识的必要限度，属于正当使用，不构成侵害商标权。

来源：广州知识产权法院

**Shanghai Pudong Court: Ruled that unauthorized reproduction of encyclopedia entries constitutes unfair competition with 15 million RMB in damages, clarifying the boundary of data rights protection and platform crawling behavior.**

Recently, the Shanghai Pudong New Area People's Court concluded an unfair competition dispute involving encyclopedia entry data. The first instance found that illegal crawling of competitor's encyclopedia entries constitutes unfair competition, and ordered the infringing party to pay a total of 15 million RMB in economic losses and reasonable rights enforcement expenses. The second instance affirmed the original judgment. This case is a typical case of data rights protection for user-generated content, which systematically clarifies the attribute of data rights and interests of encyclopedia platforms, the legitimacy boundary of peer data crawling, and the application standards of the Anti-Unfair Competition Law.

Three plaintiffs including a Beijing Network Technology Co., Ltd. jointly operate "Moujia Encyclopedia", which has included more than 22.45 million entries in total. By building an editing system and investing in operation incentives, the platform sorts fragmented public information into a systematic knowledge graph, forming core business resources and market

competitive advantages. "Mouyi Encyclopedia", operated by the defendant Beijing Technology Co., Ltd. and others, is a direct competitor. It carried out large-scale reproduction of entries from the plaintiff's platform through technical means such as illegal crawling and watermark cleaning to conduct peer competition. The plaintiff sued that the defendant's act damaged its data rights and interests and constituted unfair competition; the defendant argued that the entries have public attributes, the plaintiff does not enjoy data rights and interests, and the accused act does not constitute infringement.

The Pudong Court held that although the entries on the plaintiff's platform originate from public information, they have formed a data set with commercial value through systematic sorting, which belongs to legitimate business resources. As a peer competitor, the defendant crawled content on a large scale in disregard of the platform's robots protocol, which formed a substantial market substitution for the plaintiff, diverted users and traffic revenue, and harmed Internet content innovation, thus constituting unfair competition. This case clarifies the protection path of data rights and interests for user-generated content, defines the legal boundary between public knowledge information and commercial data, and provides clear judicial guidance for regulating the chaos of data reproduction and standardizing competition in the data element market.

Source: Shanghai Pudong New Area People's Court

## 上海浦东法院：非法搬运百科词条构成不正当竞争，判赔 1500 万元，明确数据权益保护与平台抓取行为边界

近期，上海市浦东新区人民法院审结一起百科词条数据不正当竞争纠纷案，一审认定非法抓取竞品百科词条构成不正当竞争，判令侵权方赔偿经济损失及维权合理开支共计 1500 万元，二审维持原判。该案系用户生成内容数据权益保护典型案例，系统厘清了百科平台数据权益属性、同业数据抓取的正当性边界及反不正当竞争法适用标准。

北京某网讯科技有限公司等三原告共同运营“某甲百科”，累计收录超 2245 万条词条。平台通过搭建编辑体系、投入运营激励，将碎片化公知信息梳理为体系化知识图谱，形成核心经营资源与市场竞争优势。被告北京某科技有限公司等运营的“某乙百科”为直接竞品，通过非法抓取、清洗水印标记等技术手段，大规模搬运原告平台词条开展同业竞争。原告起诉主张被告行为损害其数据权益，构成不正当竞争；被告则辩称词条具有公共属性，原告不享有数据权益，被诉行为不构成侵权。

浦东法院审理认为，原告平台词条虽源于公知信息，但经体系化整理已形成具备商业价值的数据集合，属于合法经营资源。被告作为同业竞争者，无视平台 robots 协议大

规模抓取内容，对原告形成实质性市场替代，分流用户与流量收益，有损互联网内容创新，构成不正当竞争。本案明确了用户生成内容的数据权益保护路径，界分公共知识信息与商业数据的法律边界，为规制数据搬运乱象、规范数据要素市场竞争提供了清晰司法指引。

来源：上海市浦东新区人民法院

## Overseas News 海外资讯

### Unified Patent Court: Dreame faces provisional injunction for patent infringement.

Recently, the Hague Local Division of the Unified Patent Court (UPC) ruled on two applications for interim measures between Versuni and Dreame. The court found that the Mira Mop electric mop falls within the scope of protection of Patent No. EP3169210 (hereinafter referred to as EP210), and accordingly issued injunctions in the Netherlands, Germany and France. The other request concerning Patent No. EP4274458 (hereinafter referred to as EP458) was not supported because the right holder failed to meet the standard of proof for the infringing facts.

Regarding EP210, Claim 1 of the patent has a limited number of technical features and a relatively broad scope of protection, with its distinguishing point being the limitation on pore size. Dreame argued that the numerical range lacks basis, while the court held that the specification has explained the purpose of adopting this range. In the infringement comparison, the test submitted by Dreame examined filtration retention efficiency, which is irrelevant to the pore size itself. In addition, the sampling quantity and specifications did not follow the proper standards, and Dreame itself did not conduct a complete pore size measurement of the involved products, thus failing to undermine the probative force of Versuni's report. Based on this, the court presumed by probability that the Mira Mop may satisfy all technical features. Considering factors such as Versuni's leading position in the market, the relatively long replacement cycle of durable home appliances, and the direct competitive relationship between the two companies, the court held that the injunction is both necessary and within reasonable limits.

The court fee for each case is 225,000 euros, with Dreame bearing the cost for the EP210 case and Versuni bearing the cost for the EP458 case. The EP210 injunction is accompanied by

penalty provisions: a fine of 10,000 euros per day of violation, and a fine of 1,000 euros per day for failure to perform information disclosure obligations, capped at a total of EUR 500,000.

Source: Unified Patent Court (UPC)

## 欧洲统一专利法院：追觅面临专利侵权的临时禁令

近日，欧洲统一专利法院（UPC）海牙地方分院对 Versuni 与追觅（Dreame）之间的两起临时措施申请作出裁定。法院认定 Mira Mop 电动拖把的实施方案落入 EP3169210 号专利（以下称 EP210）的授权范围，据此在荷兰、德国、法国三国发出禁令；另一起针对 EP4274458 号专利（以下称 EP458）的请求，则因权利人对侵权事实的举证未达标准而未获支持。

针对 EP210，该专利权利要求 1 的技术特征数量有限，保护边界相对宽阔，其区分点在于以气孔尺寸作为限定。追觅主张该数值区间缺乏依据，法院则认为说明书已交代取此区间的用意。在侵权比对环节，追觅出具的检测所考察的是过滤截留效率，与孔径本身无关，加之取样数量与规格均未遵循应有标准，追觅自己也未对涉案产品做完整的孔径测量，因此未能撼动 Versuni 一方报告的证明力。法院据此以盖然性推定 Mira Mop 可能满足全部技术特征，并综合 Versuni 在市场上的领先位置、耐用家电更新换代的周期偏长、两家公司处于直接竞争态势等因素，认为禁令既属必需也未超出合理限度。

两案受理费各为 22.5 万欧元，EP210 案由追觅负担，EP458 案由 Versuni 负担。EP210 禁令附有强制条款：每违反一日罚款 1 万欧元，未履行信息披露义务的每日罚 1 千欧元，累计不超过 50 万欧元。

来源：欧洲统一专利法院（UPC）

## Seoul High Court: Upheld the judgment in ADOR's favor, clarifying that K-pop MV distribution rights belong to entertainment agencies and industry practices cannot override written contractual constraints.

Recently, the Seoul High Court rendered a second-instance judgment on the contract damages lawsuit filed by ADOR against Dolphiners Films and director Shin Woo-seok, upholding the first-instance judgment. The court ordered MV production company Dolphiners Films to pay KRW 1 billion in compensation to ADOR for unauthorized release of the director's cut of NewJeans' ETA music video, plus late interest at an annual interest rate of 12%. Meanwhile,

the court dismissed ADOR's claim for KRW 100 million in compensation against director Shin Woo-seok personally, clarifying the contractual boundary between copyright and distribution authorization of K-pop music videos.

The dispute originated in August 2024, when Dolphiners Films, led by Shin Woo-seok, uploaded the director's cut of the ETA music video on its own YouTube channel. The video retained the Apple logo that needed to be negotiated with the advertiser, and did not obtain prior formal approval from ADOR. ADOR claimed that, according to the written contract between the two parties, the distribution and public release rights of NewJeans' music videos and derivative versions belong to the entertainment agency, and the producer has no right to release alternative versions without authorization.

The defendant put forward two defenses: first, Min Hee-jin, then a senior executive of ADOR, had orally permitted the release; second, it is a common practice in the K-pop industry for directors to share other versions of MVs on their own channels, which Min Hee-jin also mentioned when testifying in court. The court rejected both defenses. The second-instance judgment further clarified that verbal permission cannot override written contractual agreements; even if there had been oral communication, the defendant still committed a breach of contract by adding material of its own, retaining the partner's logo, and launching the video without obtaining formal approval.

The judgment of this case establishes an important rule: under the K-pop cooperation model, the external distribution rights of MVs belong to the entertainment agency, and so-called industry practices cannot exempt the obligation of prior authorization as stipulated in the contract. This judgment provides a model for the authorization management of MV production, material distribution and derivative version launch in the Korean idol industry, and provides a clear judicial reference for the division of rights of audiovisual works and the determination of rights and responsibilities of cooperating parties.

Source: Seoul High Court

## 首尔高等法院：维持 ADOR 胜诉判决，明确 K-pop MV 发行权归属经纪公司、行业惯例不能突破书面合同约束

近期，首尔高等法院对 ADOR 诉 Dolphiners Films、导演申宇锡合同损害赔偿案作出二审判决，维持一审裁判结果，判令 MV 制作公司 Dolphiners Films 因未经许可发布 New

Jeans《ETA》导演剪辑版向 ADOR 赔偿 10 亿韩元，并按年利率 12%支付延迟利息，同时驳回 ADOR 针对导演申宇锡个人提出的 1 亿韩元赔偿请求，厘清 K-pop 音乐录影带著作权与发行授权的合同边界。

纠纷缘起于 2024 年 8 月，由申宇锡主导的 Dolphiners Films，在自有 YouTube 频道上传《ETA》MV 导演剪辑版本，视频中还保留了需要与广告商协商的 Apple 标识，未取得 ADOR 事前正式许可。ADOR 主张，依据双方书面合同，NewJeans 相关音乐录影带及衍生版本的发行、公开权利归属经纪公司，制作方无权擅自对外发布替代版本。

被告抗辩提出两点理由，一是时任 ADOR 高管闵熙珍曾口头许可发布，二是 K-pop 行业普遍存在导演在自有渠道分享 MV 其他版本的惯例，闵熙珍出庭作证时也提及该行业做法。法院对两项抗辩均不予采信，二审进一步明确，口头许可不能对抗书面合同约定；即便存在口头沟通，被告自行增补素材、保留合作方标识、未取得正式审批即上线视频，依然构成合同违约。

本案裁判确立重要规则：在 K-pop 合作模式下，MV 的对外发行权归属于经纪公司，所谓行业惯例不能免除合同约定的事前授权义务。该判决对韩国偶像产业 MV 制作、素材分发、衍生版本上线的授权管理形成示范，为音乐影像作品的权利划分、合作方权责认定提供清晰司法参考。

来源：首尔高等法院

**6th Commercial Court of Rio de Janeiro, Brazil: Huawei obtained preliminary injunction against Disney, restricting HEVC HD functions of Disney+ streaming platform in Brazil.**

Recently, the 6th Commercial Court of Rio de Janeiro, Brazil approved Huawei's application for a provisional injunction against The Walt Disney Company (Brazil). The court found that the Disney+ streaming platform infringed the technology protected by Huawei's Brazilian patent BR112013034060-6 ("Coding and Decoding Method and Device"), and ordered Disney to cease importing, selling and providing videos using the involved H.265/HEVC compression technology in Brazil, with execution required within 24 hours of receiving the injunction. Disney immediately filed an interlocutory appeal to suspend the effect of the injunction, and confirmed that it had shut down the HEVC function of Disney+ in Brazil, meaning local premium subscribers are temporarily unable to access 4K, HDR and Dolby Vision content.

H.265/HEVC is currently the main compression standard for streaming media to deliver HD and ultra-HD content. The compression efficiency directly determines whether a platform can offer image quality tiers such as 4K and high dynamic range under the same bandwidth — this is also the technical reason why the injunction in this case directly changes the image-quality options available on Disney+.

Disney put forward multiple defenses on procedural and substantive grounds, claiming that there were defects in the evidence review process and that experts did not respond to its inquiries about the FRAND principle. Regarding the nature of the patent, Disney argued that Huawei claimed the involved patent as a standard essential patent in its defense, but then stated that it was not within the scope of FRAND licensing after the expert report was released, whereas the injunction was in fact granted on a "non-essential patent" basis. On the technical level, Disney argued that its encoder does not fall within the scope of protection, and the coding act occurs outside Brazil, thus not constituting domestic infringement.

HEVC patent disputes are a global controversy in the streaming media industry. Previously, right holders such as InterDigital and Huawei have filed similar lawsuits against Disney in multiple regions including Brazil and Europe. After the UPC issued a relevant injunction in 2026, Disney+'s 4K and HDR services in 11 European countries were also restricted. The follow-up development of the provisional injunction in this case remains to be seen, and it also provides a reference for patent compliance of cross-border streaming media platforms.

Source: 6th Commercial Court of Rio de Janeiro, Brazil

## 巴西里约热内卢第六商业法院：华为取得针对迪士尼的临时禁令，“Disney+”流媒体平台巴西 HEVC 高清功能受限

近日，巴西里约热内卢第六商业法院批准华为对华特迪士尼（巴西）的临时禁令申请，认定 Disney+流媒体平台侵害华为巴西专利 BR112013034060-6（“编码和解码方法及设备”）所保护的技术，判令迪士尼不得在巴西进口、销售、提供使用涉案 H.265/HEVC 压缩技术的视频，要求在收到禁令 24 小时内执行。迪士尼随即提起中间上诉，申请暂停禁令效力，同时确认已经关停巴西 Disney+的 HEVC 功能，当地高级会员暂时无法访问 4K、HDR、杜比视界内容。

H.265/HEVC 是目前流媒体承载高清与超高清内容的主要压缩标准。压缩效率的高低，直接决定平台能否在同等带宽下开放 4K、高动态范围等画质档位——这也是本案禁令之所以会直接改写 Disney+画质菜单的技术根源。

迪士尼从程序与实体层面提出多项抗辩，主张证据审查环节存在瑕疵，专家未回应其关于 FRAND 原则的问询；专利定性方面，迪士尼指华为答辩时把涉案专利作为标准必要专利主张，专家报告出炉后又改称其不在 FRAND 许可范围内，而禁令实际是循“非必要专利”思路作出的；技术层面，迪士尼辩称自身编码器未落入保护范围，编码行为发生在巴西境外，不构成境内侵权。

HEVC 专利纠纷是流媒体行业全球性争议，此前 InterDigital、华为等权利人已在巴西、欧洲多地针对迪士尼发起同类诉讼。2026 年 UPC 作出相关禁令后，欧洲 11 国 Disney+的 4K 与 HDR 服务也曾受限。本案临时禁令后续走向有待观察，也为跨境流媒体平台的专利合规提供参考。

来源：巴西里约热内卢第六商业法院

**Federal Court of Australia: Ordered Apple to open up third-party app stores and external link payment, clarifying the boundary of anti-monopoly regulation for closed platform ecosystems.**

Recently, the Federal Court of Australia delivered a first-instance judgment in the Epic Games v. Apple anti-monopoly case, ordering Apple to open up third-party app stores and direct download channels for the iOS system, allow developers to access alternative payment systems, and require Apple to restore Fortnite to the shelf in accordance with the same compliance standards. This case clarifies the anti-monopoly adjudication rules for the mobile application distribution market and draws a judicial boundary for competitive behaviors in closed digital ecosystems.

The dispute began in August 2020, when Epic Games built a payment channel in Fortnite that bypassed App Store in-app purchases. Apple immediately removed the game and banned relevant accounts on the grounds of violating platform rules. Epic filed a lawsuit claiming that Apple monopolizes application distribution and payment channels by virtue of the closed iOS ecosystem, and eliminates and restricts competition and charges high commissions through platform rules, constituting abuse of dominant market position.

After trial, the court found that Apple has a strong dominant market position in both the iOS application distribution and in-app payment markets. Its series of acts, such as prohibiting third-party app stores, mandating the use of its own payment system, and restricting external link payment, essentially eliminate market competition and meet the statutory elements of abuse of dominant market position. Accordingly, the court issued multiple injunctions covering core demands such as opening up app sideloading, alternative payment, external link redirection, and developer tools, prohibiting Apple from charging fees for third-party channels and mandating the parallel provision of its own payment methods. Meanwhile, the court clarified that the injunction only applies within Australia and rejected Epic's request for global application.

Apple stated that it does not recognize multiple findings of the judgment and will apply for suspension of execution and file an appeal; Epic's CEO said the judgment is a major victory for global developers and Australian iOS users. This case reflects the anti-monopoly supervision trend of digital platform ecosystems and has typical reference significance for the governance of the global mobile application market.

Source: Federal Court of Australia

## 澳大利亚联邦法院：裁定苹果开放第三方应用商店与外链支付，明确封闭平台生态反垄断规制边界

近期，澳大利亚联邦法院就 Epic Games 诉苹果公司反垄断案作出一审判决，判令苹果向 iOS 系统开放第三方应用商店与直接下载渠道，允许开发者接入替代支付系统，同时要求苹果按同等合规标准恢复《堡垒之夜》上架。本案明确了移动应用分发市场的反垄断裁判规则，为封闭数字生态的竞争行为划定了司法边界。

纠纷始于 2020 年 8 月，Epic Games 在《堡垒之夜》中内置绕过 App Store 内购的支付通道，苹果随即以违反平台规则为由下架游戏并封禁相关账号。Epic 提起诉讼主张，苹果凭借 iOS 封闭生态垄断应用分发与支付渠道，通过平台规则排除限制竞争、收取高额佣金，构成滥用市场支配地位。

法院经审理认定，苹果在 iOS 应用分发、应用内支付两大市场均拥有强大市场支配地位，其禁止第三方应用商店、强制使用自有支付系统、限制外链支付等系列行为，实质排除了市场竞争，符合滥用市场支配地位的法定要件。据此法院下达多项禁令，涵盖开放应用侧载、替代支付、外链跳转、开发者工具等核心诉求，禁止苹果对第三方

渠道收取费用、强制并行提供自有支付方式；同时明确禁令仅适用于澳大利亚境内，驳回 Epic 的全球适用请求。

苹果方面称不认可判决多项认定，将申请中止执行并提起上诉；Epic 首席执行官则表示该判决是全球开发者与澳大利亚 iOS 用户的重大胜利。本案折射出数字平台生态的反垄断监管趋势，对全球移动应用市场治理具有典型参考意义。

来源：澳大利亚联邦法院

**Munich Local Division of the Unified Patent Court: Ruled one Skechers slip-on shoe infringes a patent, dismissing the counterclaim for patent revocation.**

Recently, the Munich Local Division of the Unified Patent Court (UPC) delivered a first-instance judgement on a slip-on shoe patent infringement dispute, finding that one shoe model under Skechers infringes the involved European patent, and ordering it to cease manufacturing, distributing and selling the product in 18 EU member states under the jurisdiction of the UPC and pay damages. Meanwhile, the court dismissed Skechers' counterclaim for patent revocation and maintained the validity of the involved patent. Both parties have the right to appeal against the judgement.

The lawsuit was filed in August 2025 by Fast IP, an IP-related entity of Hands Free Labs, the parent company of hands-free shoe brand Kizik, claiming infringement against six Skechers operating entities located in Germany, Switzerland, Belgium, Italy, France and the United States. The involved patent EP4003084B1, titled "Quick Slip-on Shoe with Stabilizer and Elastic Element", realizes the hands-free shoe-wearing function through the combination of a heel stabilizer and elastic elements, and was invented by Kizik founder Michael Pratt. In the litigation, Skechers both denied the infringement fact and filed a counterclaim requesting the revocation of the involved patent right.

After trial, the court found that only one of the four accused shoe models falls within the scope of patent protection, and the infringement claims for the other three are not established. After the judgement was announced, the two parties gave different interpretations: Skechers emphasized that most infringement claims were dismissed and the infringing model has extremely low commercial value, claiming that it has won a major victory; the patent holder pointed out that the infringement finding is established, the EU-wide injunction takes effect

and the patent validity is judicially confirmed, believing that the judgement confirms the strength of the patent right.

In addition, the parallel patent infringement litigation between the two parties in Texas, the United States is still pending. The patented technologies involved are of the same origin but the jurisdictions are independent of each other, and the UPC judgement is not binding on US courts. This case is a typical dispute in the consumer goods field after the operation of the Unified Patent Court, highlighting the procedural feature of parallel infringement determination and validity review under the integrated jurisdiction of the UPC.

Source: Munich Local Division of the Unified Patent Court

## 欧洲统一专利法院慕尼黑地方分院：斯凯奇一款速穿鞋被判专利侵权，专利撤销反诉被驳回

近期，欧洲统一专利法院（UPC）慕尼黑地方分院就速穿鞋专利侵权纠纷案作出一审裁决，认定斯凯奇（Skechers）旗下一款鞋型侵犯涉案欧洲专利，判令其在 UPC 所辖 18 个欧盟成员国停止制造、分销及销售该款产品并支付损害赔偿；同时驳回斯凯奇提出的专利撤销反诉，维持涉案专利权有效，双方均有权就裁决提起上诉。

该案由免提鞋品牌 Kizik 母公司 Hands Free Labs 的知识产权关联实体 Fast IP 于 2025 年 8 月提起诉讼，针对斯凯奇分布于德国、瑞士、比利时、意大利、法国及美国的六家运营主体主张侵权。涉案专利 EP4003084B1 名为“具有稳定件和弹性元件的快速穿入式鞋”，通过鞋跟稳定器与弹性元件组合实现免手穿鞋功能，由 Kizik 创始人 Michael Pratt 发明。斯凯奇在诉讼中既否认侵权事实，又反诉请求撤销涉案专利权。

法院经审理认定，四款被诉鞋型中仅一款落入专利保护范围，其余三款侵权主张不成立。裁决公布后双方作出差异化解读：斯凯奇强调多数侵权主张被驳回、涉侵权款式商业价值极低，主张己方取得重大胜利；专利权人则着重指出侵权认定成立、全欧禁令生效且专利有效性获司法确认，认为裁决印证了专利的权利强度。

此外，双方在美国得克萨斯州的平行专利侵权诉讼仍在审理中，所涉专利技术同源但法域相互独立，UPC 裁决对美国法院不具有约束力。本案是统一专利法院运行后消费品领域的典型纠纷，凸显了 UPC 一体化管辖下侵权认定与有效性审查并行的程序特征。

来源：欧洲统一专利法院慕尼黑地方分院

## New Mexico Court of the United States: Imposed a 25 billion USD fine on Meta, clarifying the rules for cumulative penalties for false statements.

Recently, a New Mexico court of the United States issued a judgement on Meta's data privacy false statement case, ordering Meta Platforms to pay a 25 billion USD fine to the state, setting the highest record of single-state damages against the company in US history. This case is a state-level independent accountability case for the "Cambridge Analytica" data breach incident, clarifying the adjudication standards for cumulative penalties for multiple violations under consumer protection laws.

The case originated from the "Cambridge Analytica" incident exposed in 2018: the British company Cambridge Analytica illegally obtained personal information of 87 million Facebook users worldwide through a personality test application, which was used for voter profiling and targeted political advertising. Facebook knew about the data breach as early as 2015, but did not disclose it until the whistleblower made it public in 2018. In 2019, the US Federal Trade Commission imposed a 5 billion USD federal fine on Meta. New Mexico filed a separate lawsuit in 2021, claiming that Meta made false statements on matters such as data access rules and content moderation mechanisms for users in the state, violating the state's Unfair Practices Act.

After trial, the jury found that Meta and its executives made misleading statements on data privacy governance, hate speech and disinformation control, etc. Based on the cumulative calculation of the audience reach scale of the involved statements, a total of more than 43 million violations were constituted. Previously, Meta had reached an 18 billion USD class action settlement with 48 US states and Washington, D.C., and promised to strengthen minor protection. New Mexico and Florida did not join the settlement and insisted on independent litigation for accountability.

Meta argued that the state failed to prove that consumers actually encountered the involved statements and suffered damages, claiming that the judgement will seriously affect its local operations and intends to file an appeal. This case highlights the strong supervision trend of US state-level authorities on the data compliance of technology platforms, and has typical reference significance for the boundary of platform data governance and consumer rights protection.

Source: New Mexico Court of the United States

## 美国新墨西哥州法院：对 Meta 开出 250 亿美元罚单，明确虚假陈述累计处罚适用规则

近期，美国新墨西哥州法院就 Meta 数据隐私虚假陈述案作出裁决，判令 Meta 平台公司向该州支付250亿美元罚款，创下美国历史上针对该公司的单一州份判赔最高纪录。本案系“剑桥分析”数据泄露事件的州级独立追责案件，明确了消费者保护法下多次违法的累计处罚裁判标准。

案件源于 2018 年曝光的“剑桥分析”事件：英国剑桥分析公司通过性格测试应用非法获取全球 8700 万 Facebook 用户个人信息，用于选民画像与定向政治广告投放。Facebook 早在 2015 年即知晓数据泄露事实，却迟至 2018 年举报人公开后才对外披露。2019 年美国联邦贸易委员会曾对 Meta 处以 50 亿美元联邦罚款，新墨西哥州于 2021 年单独起诉，主张 Meta 就本州用户的数据访问规则、内容审核机制等事项作出虚假陈述，违反该州《不公平行为法》。

陪审团经审理认定，Meta 及其高管在数据隐私治理、仇恨言论与虚假信息管控等方面存在误导性陈述，按涉案陈述的受众触达规模累计核算，共构成超过 4300 万次违法行为。此前 Meta 已与美国 48 个州及华盛顿特区达成 180 亿美元集体和解并承诺强化未成年人保护，新墨西哥州与佛罗里达州未加入和解，坚持独立诉讼追责。

Meta 辩称州方未能证明消费者实际接触涉案陈述并遭受损害，主张裁决将严重影响其当地运营，拟提起上诉。本案凸显了美国州层面对科技平台数据合规的强监管态势，对平台数据治理与消费者权益保护边界具有典型参考意义。

来源：美国新墨西哥州法院

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www.lifanglaw.com
Email: info@lifanglaw.com
Tel: +86 10 64096099
Fax: +86 10 64096260/64096261