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U.S. Patent and Trademark Office Rules Marvel and DC's Jointly Held "Superhero" Trademark Invalid, Now in the Public Domain

立方竞争法周报 Weekly Competition Law News

海南省出台市场竞争状况评估参考指标体系（2024年版）

2024年10月23日，海南省市场监督管理局官网公布消息，宣布制定印发《海南自由贸易港公平竞争委员会办公室市场竞争状况评估参考指标体系（2024年版）》（“《参考指标》”）。

《参考指标》由海南自由贸易港公平竞争委员会办公室制定，结合了海南自由贸易港实际，并借鉴了国内外发达地区市场竞争状况评估的经验，旨在规范有效开展市场竞争状况评估工作，发挥评估对优化市场竞争环境的引领和督促作用。（[查看更多](#)）

Hainan Province Issues the Reference Index System for Market Competition Assessment (2024 Edition)

On October 23, 2024, the official website of the Hainan Administration for Market Regulation announced the issuance of the *Reference Index System for Market Competition Assessment by the General Office of Fair Competition Committee of the Hainan Free Trade Port (2024 Edition)* (“**the Reference Index**”). The Reference Index was developed by the General Office of the Fair Competition Committee of the Hainan Free Trade Port, basing on the realities of the Hainan Free Trade Port while drawing on the experience of market competition assessment in developed regions both domestically and internationally. The *Reference Index* aims at conducting the work of assessing market competition situations normatively and effectively as well as magnifying the guiding and encouraging effect of such assessments in terms of optimizing the market competition environment. ([More](#))

市场监管总局试点委托经营者集中反垄断审查质效稳步提升

2024年10月21日，国家市场监督管理总局（“市场监管总局”）发布经营者集中试点委托工作中期评估结果。评估结果显示，自2022年8月1日市场监管总局启动试点委托以来，两年间市场监管总局共委托地方审查案件854件，占同期全部案件数量的57.74%；2024年委托审查案件平均受理、审结时间较委托初期明显缩短，审查效率显著提升，经营主体合规意识增强，全社会竞争氛围更加浓厚。（[查看更多](#)）

SAMR's Pilot Work on Antitrust Reviews of Concentrations of Undertakings: Steady Improvement in Efficiency and Quality

On October 21, 2024, the State Administration for Market Regulation (“SAMR”) released the mid-term evaluation results of its pilot entrusted work on antitrust review of concentrations of undertakings. The results indicate the following: since the SAMR launched the pilot review work on August 1, 2022, in the period of two years SAMR has entrusted 854 cases for review to local authorities, accounting for 57.74% of all cases throughout the same period; in 2024, the average time for case acceptance and review completion of entrusted cases has significantly decreased compared to the initial phase of the entrustment, demonstrating substantial improvement in review efficiency; additionally, the compliance awareness of undertakings has increased, and a stronger competitive environment of the whole society has been fostered. ([More](#))

福建省通过《福建省促进公平竞争条例》

2024年10月18日，福建省人民代表大会官网发布公告，宣布《福建省促进公平竞争条例》（“《条例》”）已获通过并公布全文，《条例》将于2024年12月1日起施行。《条例》是国家《公平竞争审查条例》出台后制定的首部地方性法规，《条例》包括总则、公平竞争环境、公平竞争行为、公平竞争审查、监督管理、法律责任和附则，共七章四十五条。《条例》设置专门条款对妨碍要素自由流通等行政性垄断进行规制，创新性设专章明确公平竞争环境建设相关要求，鼓励和促进各类经营主体、行政机关、司法部门形成合力构建公平竞争环境。（[查看更多](#)）

Fujian Province Passes the *Fair Competition Promotion Regulation of Fujian Province*

On October 18, 2024, the official website of the Fujian Provincial People's Congress announced the approval of the *Fair Competition Promotion Regulation of Fujian Province* (“the *Regulation*”), which will take effect on December 1, 2024. The *Regulation* is the first regional regulation enacted following the issuance of the national *Fair Competition Review Regulation*. The *Regulation* consists of seven chapters, namely General Provisions, Fair Competition Environment, Fair Competition Conduct, Fair Competition Review, Supervision and Regulation, Legal Liability, and Supplementary Provision, totaling forty-five articles. The *Regulation* includes specific provisions to regulate administrative monopolistic conducts that hinder the free flow of production factors, introduces an innovative chapter explicitly specifying requirements for building a fair competition environment, and encourages collaboration among business entities, administrative agencies, and judicial authorities to foster a fair competition environment. ([More](#))

欧盟法院判决撤销对英特尔10.6亿欧元反垄断罚款，英特尔胜诉

2024年10月24日，欧盟上诉法院欧洲法院（European Court of Justice, ECJ）就欧盟委员会针对英特尔进行的反垄断处罚作出二审判决，维持普通法院（General Court）一审撤销罚款的裁判，英特尔最终取得胜诉。2009年5月13日，欧盟委员会认定英特尔向其客户及桌面计算机分销商提供忠诚折扣等行为构成滥用自身在x86微处理器市场中的支配地位，因此对英特尔处以10.6亿欧元的罚款。2014年6月12日，普通法院驳回英特尔对欧委会罚款决定的起诉，2017年9月6日欧洲法院撤销驳回起诉判决。后经审理，2022年1月26日普通法院判决撤销欧盟委员会的10.6亿欧元反垄断罚款，欧盟委员会随后提起上诉，主张普通法院在审查反垄断罚款决定中存在程序不当、法律错误及扭曲证据等问题；最终，欧洲法院驳回欧盟委员会全部上诉请求。（[查看更多](#)）

ECJ Rules to Annul the €1.06 Billion Antitrust Fine on Intel for Abuse of Market Dominance, Intel Wins the Appeal

On October 24, 2024, the appellate court of the European Union, European Court of Justice (“the ECJ”) issued the second-instance judgement concerning the European Commission's (“the EC”) antitrust fine

on Intel, upholding the first-instance decision by the General Court to annul the fine, thereby securing a final victory for Intel. On May 13, 2009, the EC determined that Intel had abused its dominant position on the market for x86 microprocessors by granting, inter alia, loyalty rebates to its customers and to a desktop computer distributor, therefore it imposed a €1.06 billion fine on Intel. On June 12, 2014, the General Court dismissed Intel's action against that EC decision. On 6 September 2017, ECJ set aside that dismissal decision. After hearing the case, the General Court annulled the antitrust fine of €1.06 billion in its entirety on January 26, 2022. The EC subsequently brought an appeal and claimed that the General Court's review of the antitrust fine was vitiated by issues such as procedural irregularities, errors of law and distortion of the evidence. Ultimately, the ECJ rejected all grounds of appeal raised by the EC. ([More](#))

印度竞争委员会附条件批准印度信实集团与迪士尼媒体资产并购案

2024年10月22日，据媒体报道，印度竞争委员会（Competition Commission of India）正式附条件批准印度信实集团与迪士尼媒体资产并购案，并发布批准决定书。该合并将创设印度最大的媒体和娱乐公司实体。为获得监管部门批准，印度信实集团与迪士尼将履行一系列承诺，如剥离出售七个电视频道、承诺在既有广播协议到期前不会将广告位和核心板球赛事做捆绑安排、保证在既有广播协议期限内不会将其电视和数字平台上部分板球赛事的广告费增涨至不合理的水平。（[查看更多](#)）

Competition Commission of India Approves Reliance-Disney Media Assets Merger with Conditions

On October 22, 2024, according to media reports, the Competition Commission of India (“CCI”) has officially approved the merger of media assets between Reliance Industries and Walt Disney with certain conditions and published the notice of decision. The merger will create the largest media and entertainment entity in India. To secure regulatory approval, Reliance and Disney will fulfill a series of commitments, such as the divestiture of seven television channels, refraining from bundling advertising slots for key cricketing properties until the expiration of the current broadcasting agreements, and ensuring not to increase ad rates to unreasonable levels on their TV and digital platforms during the period of the existing contracts. ([More](#))

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

国家数据局发布关于向社会公开征求《数据领域名词解释》意见的公告

2024年10月21日，国家数据局发布消息就《数据领域名词解释》（以下简称为“《名词解释》”）向社会公开征求意见，意见反馈截止至11月20日。《名词解释》对41个数据领域的名词进行了明确，其中，“数据交互”被定义为主体之间以数据的形式进行交流和协作的过程；“湖仓一体”被定义为一种新型的开放式的存储架构，打通了数据仓库和数据湖，将数据仓库

的高性能及管理能力和数据湖的灵活性融合起来，为企业进行数据治理带来了更多的便利性。

([查看更多](#))

The National Data Administration Issues a Notice on Soliciting Public Opinions on the Interpretation of Nouns in the Data Field

On 21 October 2024, the National Data Administration released information to solicit public opinions on the *Interpretation of Nouns in the Data Field* (“*Interpretation*”), and the deadline for feedback is 20 November 2024. The Interpretation defines the terms of 41 data fields, among them, “data interaction” is defined as the process of communication and collaboration in the form of data; “integration of lake and warehouse” is defined as a new type of open storage architecture, connects the data warehouse and data lake, integrates the data warehouse and the flexibility of the data lake, and thus brings more convenience for data management. ([More](#))

全国网安标委发布《网安标委<网络安全标准实践指南>文件管理办法》《标准参与单位管理办法》等2项制度文件

2024年10月21日，全国网安标委秘书处发布通知，为落实委员会2024年度工作要点，秘书处组织对《〈网络安全标准实践指南〉文件管理办法》（以下简称《指南管理办法》）、《标准参与单位管理办法》等2项委员会制度文件进行了修订。《指南管理办法》旨在围绕网络安全法律法规标准、网络安全热点和事件等主题，宣传网络安全相关标准及知识，提供标准化实践指引。《标准参与单位管理办法》旨在规范网络安全国家标准鼓励更多单位切实参加到标准编制过程中，提高标准编制工作的开放性、公正性、透明性，提升标准的实用性和质量。（[查看更多](#)）

The SAC/TC260 Issues Two Institutional Documents *Network Security Standard Committee <Network Security Standard Practice Guide> Document Management Measures and Standard Participating Units Management Measures*

On 21 October 2024, the SAC/TC260 secretariat issued a notice. To implement the 2024 annual work priorities, the secretariat organized a revision of two institutional documents: the *Network Security Standard Committee <Network Security Standard Practice Guide> Document Management Measures* (the “*Guidelines Management Measures*”) and the *Standard Participating Units Management Measures*. The *Guidelines Management Measures* aims to publicize cybersecurity related standards and knowledge and provide standardized practice guidance around the themes of cyber security laws and regulations and standards, cyber security hot spots and events. The *Standard Participating Units Management Measures* aims to standardize the national standards of network security, and encourage more units to effectively participate in the standard compilation process, improve the openness, fairness and transparency of the standard compilation work, and improve the practicability and quality of the standards. ([More](#))

北京互联网法院通报涉个人信息及数据相关案件审理情况

2024年10月30日，北京互联网法院召开涉个人信息及数据相关案件审理情况新闻通报会，通报了此类案件的审理情况，并发布八起典型案例。据通报，个人信息保护案件涉诉信息类型较为丰富，既包含基础个人信息，如手机号、身份证号等，也有因人工智能技术引发的“AI换脸”等新类型侵权案件，还包括多种衍生信息，亦包括大量法律未明确列举的个人信息，如电子商务平台上形成的用户订单交易详情、客服沟通记录等。（[查看更多](#)）

The Beijing Internet Court Reports on the Handling of Cases Related to Personal Information and Data

On 30 October 2024, the Beijing Internet Court held a press briefing on the trial of cases related to personal information and data, informing the trial of such cases and releasing eight typical cases. According to reported, personal information protection cases involving information type is relatively rich, contains both the basic personal information, such as phone number, id number, etc., also have caused by artificial intelligence technology “AI face-changing” and other new types of infringement cases, including a variety of derivative information, also include a lot of personal information which is not explicitly listed by law, such as user order transaction details on e-commerce platform, customer service communication records, etc. ([More](#))

全国数据集团联盟成立

2024年10月20日，2024全球数商大会在上海开幕。大会旨在推动国际数据交流合作，与香港数商协会、新加坡科技工商协会、德国国际数据空间、国际数据管理协会等国际组织机构形成全年交流合作机制。大会期间，全国首个数据集团平权组织——全国数据集团联盟成立，助力加强各省市数据企业合作，加快数据要素产业发展。（[查看更多](#)）

The National Data Group Alliance Is Established

On 20 October 2024, the 2024 Global Digital Business Conference opened in Shanghai. The conference aims to promote international data exchange and cooperation, and form a year-round exchange and cooperation mechanism with international organizations such as Hong Kong Association of Science and Technology, SGTech, Germany International Data Space, International Data Management Association and so on. During the conference, the first national data group affirmative organization — the National Data Group Alliance—was established to enhance collaboration among data enterprises across provinces and cities and to accelerate the development of the data-driven industry. ([More](#))

两家公司违反《数据安全法》被郑州市网信办行政处罚

2024年10月20日，郑州网信办发布，郑州市两家公司未履行网络安全保护义务，未采取必要的安全防护，导致大量敏感数据被窃取。郑州市网信办依据《数据安全法》分别对两家公司作出责令改正，给予警告，并处人民币5万元罚款的行政处罚。两公司均为网络安全意识薄弱导致敏感信息泄露郑州市网信办将针对数据安全保护义务履行不力，造成重要数据泄露风险的违法违规行加强监督检查和执法，进一步营造安全稳定的网络环境。（[查看更多](#)）

Two Companies Violates the *Data Security Law* and Are Punished by the Zhengzhou Cyberspace Administration Office

On 20 October 2024, Zhengzhou Cyberspace Administration announced that two companies in Zhengzhou failed to fulfill their network security protection obligations and did not take necessary security protection, resulting in the theft of a large number of sensitive data. According to the *Data Security Law*, the Zhengzhou Cyberspace Administration ordered the two companies to correct, gave them a warning and imposed an administrative fine of 50,000 yuan. Both companies have weak network security awareness leading to sensitive information disclosure. Zhengzhou Cyberspace Office will strengthen supervision, inspection and law enforcement of data security protection obligations and important data leakage risks, and further create a safe and stable network environment.([More](#))

意大利：意大利数据保护局因非法备份员工电子邮件而对Selectra罚款80,000欧元

2024年10月22日，意大利数据保护局（Garante）在其第528期通讯中公布了其第472号决定。以违反《通用数据保护条例》（GDPR）为由，对Selectra SpA处以80,000欧元的罚款。此次调查是基于2021年12月28日提交的一项投诉而展开的。投诉人称，其曾就职的一家商业代理公司在双方合作关系终止后，仍然保持了其公司邮箱账号的活跃状态。意大利数据保护局指出，Selectra的数据处理行为是非法的，因为它违反了合法性、数据最小化以及存储期限的原则。

基于上述原因，意大利数据保护局对Selectra处以80,000欧元的罚款并下令禁止通过用于电子邮件备份的软件进一步处理数据。（[查看更多](#)）

Garante Fines Selectra €80, 000 for Unlawfully Making Backups of Employee Emails

On 22 October 2024, the Italian data protection authority (Garante) published in its newsletter no. 528, its decision no. 472, in which it imposed a fine of €80,000 on Selectra SpA following violations of the General Data Protection Regulation (GDPR). The Garante noted that the investigation started following a complaint filed on December 28, 2021. The complainant claimed that the company they were a commercial agent for had kept their company email account active despite the termination of their collaborative relationship. The Garante stated that the processing carried out by Selectra was unlawful, given that it violated the principles of lawfulness, data minimization, and storage limitation. For these reasons, Garante fined Selectra 80,000 euros and ordered no further processing of data through software used for email backup.([More](#))

爱尔兰：爱尔兰数据保护委员会对LinkedIn Ireland罚款3.1亿欧元

2024年10月24日，爱尔兰数据保护委员会正式公布了针对领英（LinkedIn）调查的最终结论及处罚决定。

在这次调查中，爱尔兰数据保护委员会重点审查了领英为进行用户行为分析及定向广告投放而处理用户个人数据的情况，这些数据涉及在领英平台上创建个人账户的所有用户。处罚决定由数据保护专员德斯·霍根博士（Dr Des Hogan）与戴尔·森德兰（Dale Sunderland）共同作出，并

于2024年10月22日正式通知领英，主要围绕前述数据处理的合法性、公正性以及透明度问题展开。该决定不仅对领英提出了警告，要求其必须立即采取措施确保数据处理活动符合相关法律法规要求，同时还对其处以了高达3.1亿欧元的行政罚款。（[查看更多](#)）

Irish Data Protection Commission Fines LinkedIn Ireland €310 Million

On 24 October, 2024, the Irish Data Protection Commission (DPC) has announced its final decision following an inquiry into LinkedIn Ireland Unlimited Company (LinkedIn).

The inquiry examined LinkedIn's processing of personal data for the purposes of behavioural analysis and targeted advertising of users who have created LinkedIn profiles (members). The decision, which was made by the Commissioners for Data Protection, Dr Des Hogan and Dale Sunderland, and notified to LinkedIn on 22 October 2024, concerns the lawfulness, fairness and transparency of this processing. The decision includes a reprimand, an order for LinkedIn to bring its processing into compliance, and administrative fines totalling €310 million. ([More](#))

知识产权 Intellectual Property

最高法院案例：成功调解总额1.38亿元知识产权纠纷

2024年10月23日，科创板上市的普源精电科技股份有限公司和深圳市鼎阳科技股份有限公司同时发布诉讼结果的公告。两家公司之间合计1.38亿元的专利侵权、商业诋毁和恶意知识产权诉讼等系列纠纷。在案件审理中，经最高人民法院调解，两家公司签署了《和解协议》，双方各自撤回了在上海市知识产权法院以及广东省高级人民法院的民事案件，并撤回了北京知识产权法院的行政诉讼，以及国家知识产权局的专利无效请求。

至此，这起历时两年整的知识产权纠纷，在最高人民法院的主持调解下，能够平衡双方利益的，让两家市场重合度及高的公司和平解决双方间矛盾和分歧，达成和解，实属不易。本案很有可能成为最高人民法院后续宣传调解的典型案件，并入选年度知识产权事件。

来源：[企业专利观察](#)

Supreme Court: Successful Mediation of Intellectual Property Dispute Totalling 138 Million Yuan

On October 23, 2024, RIGOL Technologies Co., Ltd. and SIGLENT Technologies Co., Ltd. simultaneously issued an announcement on the results of a series of disputes between the two companies, totaling 138 million yuan, involving patent infringement, commercial defamation, and malicious intellectual property litigation. During the trial, through mediation by the Supreme People's Court, the two companies signed a "Settlement Agreement," whereby each party agreed to withdraw its civil cases from the Shanghai Intellectual Property Court and the Guangdong High People's Court, as well as the adminis-

trative litigation from the Beijing Intellectual Property Court and the patent invalidation request from the China National Intellectual Property Administration.

Source: RIGOL Technologies Co., Ltd., SIGLENT Technologies Co., Ltd.

最高法院案例：将单位技术秘密私自拷贝并带离单位经营场所行为的认定

近日，最高人民法院知识产权法庭审结了上诉人北京某科技公司甲与被上诉人曹某某、王某某、北京某科技公司乙侵害技术秘密纠纷案，综合考虑涉案各被诉侵权人的有关行为事实和情节，认定涉案未经许可且无正当理由将单位技术秘密私自拷贝并带离单位经营场所的行为构成以“盗窃”手段获取权利人的商业秘密，且一并厘清公司法定代表人个人实施的侵权行为不能简单以“履行职务行为”为由被公司行为所吸收。二审宣判后，各被诉侵权人已及时主动履行了生效判决确定的各项义务。

来源：最高人民法院

Supreme Court: Determination of Conduct Involving Unauthorized Copying and Removal of Company Trade Secrets from Business Premises

Recently, the Intellectual Property Court of the Supreme People's Court concluded an appeal case involving Beijing Company A and Cao, Wang, and Beijing Company B in a dispute over the misappropriation of trade secrets. After comprehensively reviewing the facts and circumstances of the accused parties' conduct, the court ruled that the unauthorized copying and removal of company trade secrets without legitimate reason constituted the misappropriation of the rights holder's trade secrets through "theft." The court also clarified that the infringing actions taken by the company's legal representative in a personal capacity could not be simply attributed to "fulfilling official duties" on behalf of the company. Following the second-instance ruling, the accused parties promptly and voluntarily complied with the effective judgment.

Source: Supreme People's Court

深圳法院案例：国内首例判决生效的跨境电商“刷单炒信”不正当竞争纠纷

近日，亚马逊公司在一起跨境电商“刷单炒信”的不正当竞争纠纷案件中获得了胜诉。亚马逊股份有限公司、亚马逊服务有限责任公司发现深圳某公司及刘某通过其运营的网站，向亚马逊卖家提供了一系列针对亚马逊商城商品评论、商品排名等的帮助虚假宣传服务。

亚马逊公司针对其提供的服务向深圳市宝安区人民法院提起不正当竞争纠纷之诉。一审法院认为，被诉行为构成《反不正当竞争法》第八条第二款规制的“帮助型虚假宣传行为”以及第十二条第二款规制的“利用技术手段实施的其他互联网不正当竞争行为”，二审法院维持了一审判决，判决已经生效。

来源：知产宝

Shenzhen Court: First Domestic Judgment on Unfair Competition in Cross-Border E-commerce Related to "Fake Reviews and Fictitious Transactions"

Recently, Amazon won a lawsuit in an unfair competition case involving "fake reviews and false endorsements" in cross-border e-commerce. Amazon.com, Inc. and Amazon Services LLC discovered that a Shenzhen-based company and Mr. Liu were operating a website offering Amazon sellers services to artificially boost product reviews and rankings on Amazon's platform.

Amazon filed an unfair competition lawsuit in the Bao'an District People's Court in Shenzhen. The court of first instance determined that the defendants' actions constituted "assisting in false advertising" under Article 8, Paragraph 2 of the Anti-Unfair Competition Law and "other acts of unfair competition utilizing technological means" under Article 12, Paragraph 2. The second-instance court upheld the initial ruling, and the judgment has come into effect.

Source: Shenzhen Court

广东法院案例：改判！载体及工艺非作品独创性考量因素，最高竖式潮州木雕著作权改判归设计图作者所有

近日，广东省高级人民法院就涉《百鸟朝凤》木雕作品的著作权权属、侵权纠纷一案作出二审判决（参见[2023]粤民终1406号判决书），认定涉案木雕设计图构成美术作品，涉案木雕与涉案设计图构成实质性相似，前者系对后者从平面到立体的复制，涉案木雕不构成对涉案设计图在创作形成的演绎作品，二者在作品关系上实为同一作品，其著作权由设计图作者杨某享有。

本案《百鸟朝凤》木雕作为中国金漆木雕竖式巨作和潮州木雕代表作，法院在著作权法法律调整范围内，对独创性表达、创作与工艺、复制与改编、平面与立体等事实和法律问题进行辨析析理，厘清权属，同时也肯定了雕刻技艺的重要价值，旨在规导行业良好发展，共同振兴工艺、弘扬传统文化。

来源：知产宝

Guangdong Court: Medium and Technique Are Not Considered for Originality in Works; Highest Court Reassigns Copyright of Chaozhou Woodcarving Design to Original Designer of the Drawing

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petition utilizing technological means" under Article 12, Paragraph 2. The second-instance court upheld the initial ruling, and the judgment has come into effect.

Source: Guangdong Court

AIPPI世界知识产权大会通过《2024年AIPPI杭州决议》

10月22日，为期4天的2024年国际保护知识产权协会（AIPPI）世界知识产权大会在杭州闭幕，大会执委会会议审议通过《2024年AIPPI杭州决议》，4天来，来自全球92个国家和地区的约2300名知识产权界人士汇聚杭州，围绕“知识产权的平衡保护与创新发展”这一大会主题，开展了约百场交流活动，广泛凝聚合作共识、激发创新活力。

《2024年AIPPI杭州决议》是大会的核心成果之一。这一决议包括“披露要求及不遵守后果的国际协调”“包含非显著性表述的组合商标的冲突”“著作权领域的戏仿抗辩”“无端的知识产权侵权指控”四个研究专题。《2024年AIPPI杭州决议》将于会议闭幕约两周后正式发布，并提交WIPO、WTO以及世界主要国家和地区的立法机关、知识产权行政管理机关和司法机关等，成为相关国际组织、各国政府制定知识产权法律和政策的重要参考。

来源：新华网

AIPPI World Intellectual Property Congress Adopts the "2024 AIPPI Hangzhou Resolution"

On October 22, the four-day 2024 AIPPI World Intellectual Property Congress concluded in Hangzhou. The Executive Committee of the Congress reviewed and approved the "2024 AIPPI Hangzhou Resolution." Over the four days, approximately 2,300 intellectual property professionals from 92 countries and regions gathered in Hangzhou to discuss the Congress theme, "Balanced Protection and Innovative Development of Intellectual Property." Around one hundred exchange sessions were held, fostering broad consensus on cooperation and stimulating innovation.

The "2024 AIPPI Hangzhou Resolution" was one of the Congress's core achievements. This resolution covers four research topics: "International Harmonization of Disclosure Requirements and Consequences of Non-Compliance," "Conflicts Involving Composite Trademarks with Non-Distinctive Elements," "Parody Defenses in Copyright," and "Baseless Allegations of Intellectual Property Infringement." The "2024 AIPPI Hangzhou Resolution" will be officially released approximately two weeks after the Congress concludes and submitted to WIPO, WTO, and legislative, IP administrative, and judicial bodies in major countries and regions worldwide. It is expected to serve as an important reference for formulating IP laws and policies.

Source: XinhuaNet

美国专利商标局裁定漫威与DC共同持有的“超级英雄”商标失效，已进入共有领域

9月26日，美国专利商标局商标审判和上诉委员会作出了一项备受关注的裁决，判定漫威和DC漫画公司长期以来共同持有的“Super Hero（超级英雄）”及“Super Heroes”等四个商标由于未能有效维护和使用，已被视为废弃，商标权因此失效。

根据《兰哈姆法案》相关规定，商标的核心功能在于帮助消费者区分不同公司的产品和服务。上诉委员会认为，漫威和DC作为竞争对手共同持有该商标，两家公司未能在市场中明确区分各自产品的用途，并未采取足够措施防止该术语的泛化，导致“超级英雄”逐渐变成了通用词汇，失去独特性，并因此失去了其作为商标的法律效力。

此外，上诉委员会指出，两家公司长期以来未能对第三方广泛使用“超级英雄”一词展开有效的法律维权，进一步证明了该商标在市场中的弱化。因此，法院判定该商标因缺乏有效使用而被废弃，不再受商标法保护。

来源：知产前沿

U.S. Patent and Trademark Office Rules Marvel and DC's Jointly Held "Superhero" Trademark Invalid, Now in the Public Domain

On September 26, the Trademark Trial and Appeal Board of the United States Patent and Trademark Office issued a highly anticipated ruling, declaring that the four trademarks jointly held by Marvel and DC Comics, including "Super Hero" and "Super Heroes," had been abandoned due to failure to effectively maintain and use them, resulting in a loss of trademark rights.

According to the Lanham Act, a trademark's core function is to help consumers distinguish products and services of different companies. The Board found that Marvel and DC, as competitors jointly holding the trademark, failed to clearly distinguish their products in the market and did not take sufficient measures to prevent the term from becoming generic. As a result, "Super Hero" gradually became a generic term, losing its distinctiveness and consequently its legal status as a trademark.

Furthermore, the Board noted that the two companies had long failed to take effective legal action against third-party usage of "Super Hero," further demonstrating the trademark's weakening in the marketplace. Consequently, the court ruled that the trademark had been abandoned due to lack of effective use and is no longer protected under trademark law.

Source: National Law Review

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