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## 立方要闻周报

### Weekly News By Lifang & Partners

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## 立方竞争法周报 Weekly Competition Law News

### 最高人民法院：2024年认定构成垄断案件31件，同比增长2.1倍

2025年3月8日，最高人民法院院长张军向大会在第十四届全国人民代表大会上做最高人民法院工作报告。2024年最高人民法院服务构建全国统一大市场，不断加强反垄断和反不正当竞争司法；出台反垄断民事诉讼司法解释，认定构成垄断的案件31件，同比增长2.1倍。（[查看更多](#)）

### Supreme People's Court: In 2024, 31 Cases Constitute Monopoly, an Increase of 2.1 Times Year-on-Year

On March 8, 2025, Zhang Jun, President of the Supreme People's Court ("SPC"), delivered a report on the work of the SPC at the 14th National People's Congress. In 2024, the SPC served to build a unified national market and continuously strengthened anti-monopoly and anti-unfair competition judicial efforts, issue the judicial interpretation of anti-monopoly civil litigations and identified 31 cases as constituting monopoly, which exhibited a 2.1 times year-on-year increase. ([More](#))

### 市场监管总局2024年开展反垄断合规讲堂活动综述

2025年3月5日，国家市场监督管理总局（“市场监管总局”）发布其面向重点行业领域举办系列反垄断合规讲堂活动综述。通过举办反垄断合规讲堂活动，市场监管总局主动回应行业协会和经营主体期待，进一步增进对反垄断法律制度的理解和认同；聚焦燃气、保险、航空运输、机动车检验、畜牧、医药、汽车等与人民福祉息息相关的行业，举办9期反垄断合规讲堂，切实推动相关领域经营主体强化反垄断合规意识，提升合规建设水平。（[查看更多](#)）

### SAMR: Overview of Anti-Monopoly Compliance Lectures Activities in 2024

On March 5, 2025, the State Administration for Market Regulation ("SAMR") released a summary of its series of anti-monopoly compliance lecture activities for major industry areas. By holding anti-monopoly compliance lecture activities, the SAMR proactively responds to the expectations of industry associations and business entities and further enhances their understanding and recognition of the anti-monopoly legal system. The SAMR focused on industries that are closely related to people's welfare, such as gas, insurance, air transportation, motor vehicle inspection, animal husbandry, medicine and pharmaceuticals, and automobiles, and held nine anti-monopoly compliance lectures to effectively raise the anti-monopoly compliance awareness and the level of anti-monopoly compliance construction of business entities in relevant fields. ([More](#))

### 粤桂琼携手打造反垄断合作新模式

2025年3月4日，市场监管总局官网发布消息，介绍粤桂琼三省（自治区）反垄断执法机构共同签署《反垄断工作协同合作框架协议》有关情况。广东、广西、海南三省区市场监管局将在加强反垄断执法调查协作、加强处罚信息公示协作、开展执法工作交流、加强经营者集中工作合作、竞争分析合作等8个方面开展合作，为期3年。该合作模式有望深化粤桂琼市场监管部门战略合作，建立并完善跨区域反垄断协作机制，共促全国统一大市场建设。（[查看更多](#)）

## Guangdong, Guangxi and Hainan Jointly Develop a New Model of Anti-Monopoly Cooperation

On March 4, 2025, the official website of the SAMR announced news to introduce the relevant circumstances that the anti-monopoly law enforcement agencies of Guangdong, Guangxi and Hainan provinces (autonomous regions) jointly signed *the Framework Agreement on Anti-Monopoly Cooperation*. The Administrations for Market Regulation of Guangdong, Guangxi and Hainan provinces or regions will carry out cooperation in eight fields for three years, such as enhancing collaboration in anti-monopoly law enforcement investigations, improving the publication of penalty information, facilitating negotiation in law enforcement works, enhancing collaboration in the works of concentration of undertakings, conducting collaboration in competition analysis. ([More](#))

## 安徽省市监局依法对当地水务公司滥用市场支配地位案作出行政处罚决定

2025年2月27日，安徽省市场监督管理局（“安徽省市监局”）公布对当涂县首创水务有限公司（“当事人”）滥用市场支配地位行为的行政处罚决定。2022年9月28日，安徽局对本案立案调查。经调查，当事人滥用其在马鞍山市当涂县原城市规划区范围内的城市公共自来水供水服务市场的市场支配地位，实施了限定交易行为，违法限定新建住宅小区供水工程只能由其承揽建设，排除、限制了市场竞争，损害了交易相对方的合法权益。鉴于当事人在案件调查过程中能够积极配合调查、如实陈述、积极自查自纠，安徽局决定没收当事人违法所得，对其处以2021年度销售额1%的罚款，罚没合计986003.85元。（[查看更多](#)）

## The AMR of Anhui Province Issues an Administrative Penalty Decision against Local Water Company for Abusing Dominant Market Position

On February 27, 2025, the AMR of Anhui Province (“the Anhui AMR”) announced an administrative penalty decision on the abuse of market dominance by Dangtu County Shouchuang Water Co., Ltd. (“the party”). On September 28, 2022, the Anhui AMR established the case file and launched an investigation into the case. Upon investigation, the party abused its market dominance in the urban public tap water supply service market within the original urban planning area of Dangtu County, Ma’anshan City by restricting transactions, i.e. illegally restricting the construction of water supply projects for new residential areas only to be contracted by the party, which excluded and restricted market competition, damaging the legitimate rights and interests of the counterparty. Given the party’s active cooperation in the investigation, truthful statements, and active self-examination and self-correction, the Anhui AMR decided to confiscate the illegal income of the party and impose a fine of 1% of the party’s annual sales of 2021, totaling CNY 986003.85. ([More](#))

## DOJ放弃要求谷歌撤资AI业务提议

2025年3月9日，根据媒体报道，美国司法部（“DOJ”）已经放弃要求 Alphabet Inc. 旗下的谷歌从包括Anthropic在内的AI公司撤资的提议。该提议最初旨在促进在线搜索的竞争，但由于该提议可能对于快速发展的 AI 行业带来导致意想不到的后果，最终被放弃。尽管放弃了撤资AI业务的要求，但DOJ仍会继续针对谷歌的反垄断诉讼，向法院寻求其他救济。比如，要求谷歌出售其 Chrome 浏览器，并采取额外措施来解决搜索领域非法垄断的问题。（[查看更多](#)）



## DOJ Drops its Proposal for Google AI Divestment

On March 9, 2025, according to media reports, the US Department of Justice (“DOJ”) abandoned its proposal that would have required Alphabet Inc.’s Google to divest from artificial intelligence firms, including Anthropic. This proposal was initially aimed at fostering competition in online search but was ultimately withdrawn due to potential unintended consequences in the rapidly evolving AI industry. Despite dropping the AI divestment demand, the DOJ will continue its antitrust litigation against Google and seek other remedies from the courts, such as compelling Google to sell its Chrome browser and implement additional measures to address the monopolistic issues in the searching field. ([More](#))

## FTC诉亚马逊垄断案在西雅图一联邦法院开庭审理

2025年3月7日，位于西雅图的联邦法院就联邦贸易委员会（“FTC”）诉亚马逊滥用市场支配地位案件举行了庭审，双方针对该起反垄断诉讼涉及的垄断力、市场竞争以及有关证据发表意见。此前FTC于2023年对亚马逊提起诉讼，控诉该公司实施自我优待，惩罚在其他平台提供更低价格的第三方卖家并迫使卖家以高成本使用亚马逊的服务。委员会认为上述行为损害了市场竞争，同时限制了消费者的选择。（[查看更多](#)）

## Federal Court in Seattle Holds a Hearing FTC v. Amazon Over Monopoly Allegations

On March 7, 2025, one Federal Court in Seattle held a hearing in *the Federal Trade Commission (“FTC”) v. Amazon* antitrust case, where both parties presented their opinions on monopoly power, market competition and relevant evidence the court should consider. The FTC filed the lawsuit against Amazon in 2023, accusing the company of prioritizing its own products over competitors, penalizing third-party sellers that offer lower prices elsewhere and pressuring those sellers into using its fulfillment services at a high cost. The FTC argues that these strategies harm competition and meanwhile limit consumer choice. ([More](#))

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

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### 国务院总理李强作2025年《政府工作报告》

2025年3月5日，十四届全国人大三次会议开幕，国务院总理李强作《政府工作报告》，强调要激发数字经济创新活力。《报告》明确，要持续推进“人工智能+”行动，将数字技术与制造优势、市场优势更好结合起来，支持大模型广泛应用，大力发展智能网联新能源汽车、人工智能手机和电脑、智能机器人等新一代智能终端以及智能制造装备。扩大5G规模化应用，加快工业互联网创新发展，优化全国算力资源布局，打造具有国际竞争力的数字产业集群。加快完善数据基础制度，深化数据资源开发利用，促进和规范数据跨境流动。促进平台经济规范健康发展，更好发挥其在促创新、扩消费、稳就业等方面的积极作用。（[查看更多](#)）

## Premier Li Qiang Delivers 2025 Government Work Report

On March 5, 2025, the third session of the 14th National People's Congress opened, with Premier Li Qiang delivering the *Government Work Report*, emphasizing the need to stimulate digital economy innovation. The Report stressed ongoing “AI +” initiatives, combining digital technology with manufacturing and market strengths, supporting the broad use of large models, and advancing next-generation intelligent products like connected new-energy vehicles, AI-enabled phones and computers, and smart robots. It also highlighted the development of intelligent manufacturing equipment, 5G expansion, industrial internet innovation, optimized computing-power layout, and globally competitive digital-industry clusters. Efforts will focus on improving data-foundation systems, boosting data-resource development, and promoting and standardizing cross-border data flows. The Report also underlined the need to guide the healthy development of platform economies, leveraging their positive roles in innovation, consumption, and employment. ([More](#))

## 国家数据局、全国数标委联合发布国家数据基础设施建设有关技术文件

2025年3月6日，国家数据局、全国数据标准化技术委员会（以下简称“全国数标委”）联合发布了《数据基础设施 参考架构（试行）》《数据基础设施 互联互通基本要求（试行）》《数据基础设施 用户身份管理和接入规范（试行）》《数据基础设施 标识管理规范（试行）》《数据基础设施 接入连接器技术要求（试行）》《数据基础设施 数据目录描述规范（试行）》六项技术文件，引导地方、行业、领域、企业按照“统一目录标识、统一身份登记、统一接口要求”推进国家数据基础设施建设。上述技术文件围绕数据基础设施架构、互联互通、用户身份管理、标识管理、接入连接器、数据目录描述及安全保障等提出了技术标准要求，为构建横向联通、纵向贯通、协调有力的国家数据基础设施提供基础支撑。（[查看更多](#)）

## National Data Administration and SAC/TC609 Jointly Release Technical Documents on National Data Infrastructure Construction

On March 6, 2025, the National Data Administration and the National Technical Committee 609 on Data of Standardization Administration of China (SAC/TC609) jointly released six technical documents, including *Data Infrastructure Reference Architecture (Trial)*, *Data Infrastructure Interconnection Basic Requirements (Trial)*, *Data Infrastructure User Identity Management and Access Specifications (Trial)*, *Data Infrastructure Logo Management Specifications (Trial)*, *Data Infrastructure Access Connector Technical Requirements (Trial)*, and *Data Infrastructure Data Catalog Description Specifications (Trial)*. These documents guide the construction of national data infrastructure by localities, industries, and enterprises, emphasizing unified catalog identification, identity registration, and interface requirements. They set technical standards for architecture, interconnectivity, user identity management, identifier management, access connectors, data catalog description, and security. This provides fundamental support for building an integrated and highly coordinated national data infrastructure. ([More](#))

## 全国网安标委发布《网络安全标准实践指南——个人信息保护合规审计 专业机构服务能力要求（征求意见稿）》

2025年3月4日，全国网络安全标准化技术委员会（以下简称“全国网安标委”）发布了《网络安全标准实践指南——个人信息保护合规审计 专业机构服务能力要求（征求意见稿）》（以下简称《指南》），向社会公开征求意见，意见反馈截止时间为2025年3月17日。《指南》从基本条件、管理体系、技术能力、人员能力、场所与设备资源能力五个方面规范了专业机构提供个人信息保护合规审计服务的能力要求。《指南》可用于规范专业机构个人信息保护合规审计活动，也可为个人信息保护合规审计专业机构认证提供依据。（[查看更多](#)）

### **TC260 Releases Cybersecurity Standard Practice Guidelines: Personal Information Protection Compliance Audit Requirements for Service Capability of Professional Organizations (Draft for Public Comments)**

On March 4, 2025, the National Technical Committee 260 on Cybersecurity of Standardization Administration of China (TC260) released *Cybersecurity Standard Practice Guidelines: Personal Information Protection Compliance Audit Requirements for Service Capability of Professional Organizations (Draft for Public Comments) (Guidelines)*, and solicited public opinions, with the feedback deadline set for March 17, 2025. The Guidelines standardize the service capabilities of professional institutions in providing personal information protection compliance audit services from five aspects: basic conditions, management system, technical capabilities, personnel capabilities, and site and equipment resource capabilities. The Guidelines can be used to standardize the personal information protection compliance audit activities of professional institutions. They can also serve as a basis for the certification of such professional institutions. ([More](#))

### **国家网络安全通报中心通报大模型工具Ollama存在安全风险**

2025年3月3日，国家网络安全通报中心通报了大模型工具Ollama默认配置存在未授权访问与模型窃取等安全隐患。使用Ollama在本地部署DeepSeek等大模型时，会在本地启动一个Web服务，并默认开放11434端口且无任何鉴权机制。该服务直接暴露在公网环境，存在以下风险：（1）未授权访问；（2）数据泄露；（3）攻击者可利用Ollama框架历史漏洞，直接调用模型接口实施数据投毒、参数窃取、恶意文件上传及关键组件删除等操作，造成模型服务的核心数据、算法完整性和运行稳定性面临安全风险。（[查看更多](#)）

### **The National Cybersecurity Notification Center Notifies of Security Risks in Ollama, a Large Model Tool**

On March 3, 2025, the National Cybersecurity Notification Center notified that Ollama, a large model tool, has security risks such as unauthorized access and model theft due to its default configuration. When deploying models like DeepSeek locally, Ollama starts a Web service on the local device and opens port 11434 by default without any authentication mechanism. This service is directly exposed to the public network, which poses the following risks: (1) Unauthorized access; (2) Data leakage; (3) Attackers can exploit historical vulnerabilities in the Ollama framework to call model interfaces directly. This can lead to data poisoning, parameter theft, malicious file uploads, and the deletion of key components. As a result, the core data, algorithm integrity, and operational stability of the model service may be at risk. ([More](#))



## 上海开展网络平台算法典型问题专项检查

2025年3月7日，网信上海发布公告称，近期上海市委网信办会同有关单位，对属地短视频类、生活服务类、论坛社交类等12家网站平台开展专项检查，指导整改工作。检查中发现的企业共性问题包括以下四个方面：（1）整治“信息茧房”方面，标签管理机制不健全，导致算法推送内容类型多样性效果不明显；（2）规范热搜榜单方面，部分平台未有效对热搜榜单算法原理进行公示说明，榜单透明度和可解释性有待提高；（3）算法向上向善方面，AI生成信息的识别和审核能力不足，部分平台AI生成的文本、语音内容存在诱导性信息；（4）算法安全主体责任方面，算法常态化评估机制不健全，未定期开展算法安全自评估。（[查看更多](#)）

## Shanghai Launches Special Inspection on Internet Platform Algorithm Issues

On March 7, 2025, the Cyberspace Administration of Shanghai announced that the Shanghai Municipal Committee's Cyberspace Affairs Office, together with relevant departments, had conducted special inspections of 12 local websites and platforms. These platforms cover short-video, life-service, forum-social categories, etc. The inspection aimed to guide rectification work. Four main common problems found in the inspected enterprises are: (1) In combating “information cocoons”, the tag management system is weak, making the algorithm-recommended content type diversity less obvious; (2) Regarding hot-search lists, some platforms don't effectively explain their algorithms, so the lists' transparency and explainability need to be improved; (3) In terms of virtuous algorithm development, the ability to identify and audit AI-generated information is insufficient. Information is inducing in the AI-generated text and voice content of some platforms; (4) Concerning algorithm-related security responsibilities, the regular assessment system is lacking, and platforms don't conduct regular algorithm-security self-assessments. ([More](#))

## 欧盟：EDPB启动CEF行动，重点关注删除权

2025年3月5日，欧洲数据保护委员会（EDPB）启动了2025年的协调执法框架（CEF）行动，重点关注GDPR第17条规定的删除权（或称“被遗忘权”）。EDPB指出，在2025年将有32个数据保护机构（以下简称“DPA”）参与该行动。参与的DPA将很快联系欧洲不同行业的多个控制者，启动新的正式调查或开展事实调查。EDPB强调，DPA将检查控制者如何处理或响应他们收到的删除请求，特别是行权条件和例外情况。（[查看更多](#)）

## EU: EDPB Launches CEF Action Focusing on the Right to Erasure

On March 5, 2025, the European Data Protection Board (EDPB) launched the 2025 Coordinated Enforcement Framework (CEF) action, focusing on the right to erasure (or the “right to be forgotten”) under Article 17 of the GDPR. According to the EDPB, 32 Data Protection Authorities (DPAs) will participate in this action during 2025. The DPAs will soon contact a number of controllers from different sectors across Europe, either by opening new formal investigations or doing fact-finding exercises. The EDPB highlights that DPAs will check how controllers handle and respond to the requests for erasure that they receive and, in particular, how they apply the conditions and exceptions for the exercise of this right. ([More](#))

## 英国：ICO宣布对TikTok、Reddit和Imgur如何使用英国儿童的个人信息进行调查

2025 年 3月 3日，英国信息专员办公室（ICO）宣布对TikTok、Reddit和Imgur如何保护其英国儿童用户的隐私展开调查。ICO对TikTok的调查关注该平台如何利用英国13至17岁青少年的个人信息向他们进行推荐并向其订阅源提供推荐内容。ICO对Reddit和Imgur的调查关注这些平台如何使用英国儿童的个人信息，以及他们采取年龄保证措施的情况。（[查看更多](#)）

### UK: ICO Announces Investigations into How TikTok, Reddit and Imgur Use UK Children's Personal Information

On March 3, 2025, the UK's Information Commissioner's Office (ICO) announced an investigation into how TikTok, Reddit and Imgur protect the privacy of their child users in the UK. The ICO's investigation into TikTok is considering how the platform uses personal information of 13-17-year-olds in the UK to make recommendations to them and deliver suggested content to their feeds. The ICO's investigations into Imgur and Reddit are considering how the platforms use UK children's personal information and their use of age assurance measures. ([More](#))

## 知识产权 Intellectual Property

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### 河南省市场监督管理局：出台规章为企业名称和知识产权冲突“划红线”

河南省市场监督管理局印发《河南省企业名称登记管理规范》（以下简称《规范》），为解决企业名称与知识产权冲突问题明确划定界限。

《规范》指出，拥有驰名商标、地理标志、中华老字号、知名商号等的经营主体或所有权人，可申请纳入《河南省企业名称保护名录库》。未经许可使用与上述知识产权相同或相近文字的企业名称，将不予登记注册。

为加强企业名称登记源头治理的可操作性，《规范》提出省级登记机关负责建立《河南省企业名称保护名录库》，涵盖全国知名企业字号或简称、驰名商标、地理标志、中华老字号、知名商号等，以及具有一定社会影响力、在行业产业领域属于领军企业、科技小巨人、专精特新企业或者属于新兴产业、未来产业的企业等。相关经营主体或所有权人可及时提请地方登记机关向省级登记机关申请“入库”保护。

来源：国家知识产权局官网

### Henan Provincial Market Supervision and Administration Bureau: Rules to demarcate the line for enterprise name and intellectual property rights conflicts

The Henan Provincial Market Supervision and Administration Bureau has issued the "Henan Province Enterprise Name Registration Management Standard" (hereinafter referred to as the "Standard"), which clearly demarcates the boundaries for resolving conflicts between enterprise names and intellectual property rights.

The Standard stipulates that business entities or owners with well-known trademarks, geographical indications, time-honored Chinese brands, and well-known trade names can apply to be included in the "Henan Province Enterprise Name Protection Directory." Enterprise names using the same or similar characters as these intellectual properties without permission will not be registered.

To strengthen the operability of the source management of enterprise name registration, the Standard proposes that the provincial registration authority is responsible for establishing the "Henan Province Enterprise Name Protection Directory," covering well-known enterprise names or abbreviations nationwide, well-known trademarks, geographical indications, time-honored Chinese brands, well-known trade names, etc., as well as enterprises with a certain social influence, leading enterprises in the industry, science and technology giants, specialized and refined new enterprises, or enterprises belonging to emerging industries and future industries. Relevant business entities or owners can promptly request local registration authorities to apply to the provincial registration authority for "inclusion" protection.

Source: China National Intellectual Property Administration

### **最高法案例：合理分配举证责任与侵权责任认定**

近日，最高人民法院知识产权法庭对一起技术秘密纠纷案作出终审判决，合理分配举证责任，认定被诉侵权人侵害涉案技术秘密，判令其承担共同侵权责任并适用惩罚性赔偿，同时创新停止侵权方式，判令非上市公众公司发布公告。

基本案情：钱某作为优某公司股东，掌握并擅自转让公司技术秘密，新材料公司等受让并使用该技术，优某公司因此遭受损失。一审法院认为优某公司未充分举证技术信息的秘密性，驳回其诉求。最高法二审合理分配举证责任，认定优某公司技术信息具秘密性，属受保护的技术秘密，且有证据表明确被侵犯，新材料公司等未提供合法来源证据，故认定构成共同侵权。同时，考虑到新材料公司是公众公司，判令其发布公告披露诉讼情况，防止侵权和损害扩大，对投资者进行风险提示。最终确定赔偿数额为240万元，并支持维权开支5万元，还设定了迟延履行金。

此案判决彰显了对知识产权的严格保护，通过合理分配举证责任、适用惩罚性赔偿及创新停止侵权方式等，既维护了权利人的合法权益，也为类似案件的审理提供了有益的参考和借鉴，推动了知识产权司法保护的进一步发展。

来源：最高人民法院知识产权法庭

### **Supreme People's Court Case: Reasonable allocation of burden of proof and determination of infringement liability**

Recently, IP Tribunal of the Supreme People's Court (SPC) made a final judgment on a technical secret dispute case, reasonably allocating the burden of proof, determining that the defendant infringed on the technical secret involved in the case, ordering it to bear joint infringement liability and apply punitive damages, while innovating ways to stop infringement, ordering non-listed public companies to issue announcements.

Basic case details: As a shareholder of You Company, Qian X transferred the company's technical secrets without authorization, and New Material Company and others acquired and used the technology, causing losses to You X Company. The first-instance court believed that You X Company did not fully prove the secrecy of the technical information, and rejected its claims. The Supreme Court, in the second instance, reasonably allocated the burden of proof, determined that You X Company's technical information has secrecy and is protected technical secret, and there is evidence that it has been infringed. New Material Company and others did not provide evidence of legal origin, so it was determined to constitute joint infringement. At the same time, considering that New Material Company is a public company, it ordered it to issue an announcement to disclose the litigation situation, prevent infringement and expansion of damage, and warn investors of risks. The final compensation amount was determined to be RMB 2.4 million, and it supported rights protection expenses of RMB 50,000, and also set late performance liquidated damages.

This judgment demonstrates strict protection of intellectual property rights. By reasonably allocating the burden of proof, applying punitive damages, and innovating ways to stop infringement, it not only protects the legitimate rights and interests of the rights holders but also provides useful references and examples for the trial of similar cases, promoting the further development of intellectual property judicial protection.

Source: IP Tribunal of the Supreme People's Court

### 北京法院案例：引证商标注册人被撤销，不构成在后商标注册障碍

在甲某公司的商标申请驳回复审行政纠纷案中，北京高院判决撤销一审判决，责令国家知识产权局就驳回复审申请重新作出决定。

北京高院认为，引证商标一权利人皇绘(广州)贸易有限公司于2022年10月企业状态从在营(开业)变更为撤销，且自皇绘(广州)贸易有限公司被撤销至今已逾两年，尚无证据证明引证商标一存在转让或许可他人使用等情况，在引证商标一所标识商品进入市场可能性较低的情形下，诉争商标与引证商标一共存进而导致相关公众发生混淆误认的可能性亦较低，二者未构成商标法意义上的近似商标，故诉争商标指定使用的“水(饮料);苏打水;软饮料”等商品与引证商标二、三不再构成使用在同一种或类似商品上的近似商标，一审判决及被诉决定的相关认定有误，应当予以纠正。

来源：北京市高级人民法院

### Beijing Court Case: Cancellation of cited trademark registrant does not constitute an obstacle to subsequent trademark registration



In the trademark application rejection review administrative dispute case of Company A, the Beijing Higher People's Court overturned the first-instance judgment and ordered the National Intellectual Property Administration to reconsider the rejection review application.

The Beijing Higher People's Court believes that the rights holder of the cited trademark, Huanghui (Guangzhou) Trading Co., Ltd., changed its business status from "in operation" to "revoked" in October 2022. Since its revocation, more than two years have passed without any evidence showing that the cited trademark has been transferred or licensed to others. Given the low likelihood of the cited trademark entering the market, the possibility of confusion and misrecognition by the relevant public due to the coexistence of the disputed trademark and the cited trademark is also low. Therefore, they do not constitute similar trademarks in the sense of the Trademark Law. As a result, the goods such as "water (beverage); soda water; soft drinks" designated for use by the disputed trademark no longer constitute similar trademarks used on the same or similar goods as the cited trademarks II and III. The relevant findings of the first-instance judgment and the impugned decision were erroneous and shall be corrected.

Source: Beijing Higher People's Court

### 上海法院案例：“得物”不属于网络服务提供者，在著作权侵权案中承担直接侵权责任

在柏丽德珠宝（广州）有限公司（以下称“柏丽德公司”）与上海得物信息集团有限公司（以下称“得物公司”）的侵害作品信息网络传播权纠纷案中，二审法院撤销一审判决，改判得物公司赔偿损失1500元。

二审法院认定，APM公司系涉案35幅产品图的著作权人，柏丽德公司经授权有权提起诉讼。涉案产品图具有审美意义及独创性，属于美术作品，经比对，被诉侵权图片与权利作品构成实质性相似，且鉴于涉案作品已公开发表，得物公司有获取渠道，因此得物公司构成侵权。

关于赔偿数额，得物APP的商业模式决定其为被诉侵权图片的提供者，得物公司关于其仅为网络服务提供者不应承担直接侵权责任的上诉主张未得到法院支持，其应承担赔偿责任。法院依据著作权法规定，考虑得物公司使用作品的目的、对权利人作品造成的损害及获利情况，以零售商使用该类产品作为商品展示图的合理许可使用费为参考，认定一审法院酌定的包括合理费用在内的赔偿数额明显过高，依法予以调整。

来源：上海知识产权法院

### Shanghai Court Case: "De Wu" does not belong to an Internet service provider and bears direct infringement liability in a copyright infringement case

In the case of Bai Li De Jewelry (Guangzhou) Co., Ltd. (hereinafter referred to as "Bai Li De Company") vs. Shanghai De Wu Information Group Co., Ltd. (hereinafter referred to as "De Wu Company") regarding infringement of the right to disseminate works over information networks, the second-instance court overturned the first-instance judgment and ordered De Wu Company to compensate for losses of RMB 1,500.



The second-instance court determined that APM Company is the copyright owner of the 35 product images involved in the case, and Bai Li De Company has the right to initiate litigation upon authorization. The product images involved in the case have aesthetic significance and originality, and belong to works of fine art. After comparison, the impugned infringing images are substantially similar to the rights works, and since the works involved in the case have been publicly published, De Wu Company has access to them, thus constituting infringement.

Regarding the amount of compensation, the business model of the De Wu APP determines that it is the provider of the impugned infringing images. De Wu Company's appeal claim that it is merely an Internet service provider and shall not bear direct infringement liability was not supported by the court, and it shall bear the liability for compensation. The court, in accordance with the provisions of the Copyright Law, considered the purpose of De Wu Company's use of the works, the damage caused to the rights holder's works, and the profit situation, using the reasonable royalty for retailers using such works as product display images as a reference, determined that the compensation amount, including reasonable expenses, as determined by the first-instance court was clearly too high, and adjusted it according to law.

Source: Shanghai Intellectual Property Court

### **重庆法院案例：专利权稳定性存疑，双方承诺保障利益平衡**

在四川穗通科技有限公司与重庆鑫源农机股份有限公司的专利侵权纠纷案中，法院面对涉案专利权稳定性存疑的情况，采取了“先行裁驳、另行起诉”的处理方式。

法院认为，在涉案专利权稳定性存疑或有争议时，可依据有关法律和司法解释，选择继续审理、裁定中止诉讼或裁定驳回起诉。本案中，双方当事人自愿作出利益补偿承诺，专利权人承诺若专利被宣告无效将返还全部实际收益并给付利息，被诉侵权人承诺若专利有效将支付全部赔偿及利息。法院认可这些承诺，认为其符合公平与诚信原则，可在保障双方利益的同时，平衡专利侵权与确权程序的交叉利益。

最终，法院裁定驳回四川穗通科技有限公司的起诉，待国家知识产权局对涉案专利作出维持有效的审查决定后，其可另行提起诉讼，并依据被诉侵权人的利益补偿承诺主张权利。此案明确了在专利权稳定性存疑时，法院可引导当事人作出未来利益补偿承诺，既保障了当事人的合法权益，又为后续可能的专利确权与侵权诉讼提供了保障，实现了程序利益与实体公正的平衡。

来源：重庆市第一中级人民法院

### **Chongqing Court Case: Patent right stability in doubt, both parties commit to safeguarding interests balance**

In the patent infringement case between Sichuan Sutong Technology Co., Ltd. and Chongqing Xinyuan Agricultural Machinery Co., Ltd., the court, facing doubts about the stability of the involved patent rights, adopted a "prior dismissal, separate lawsuit" approach.

The court believes that when the stability of the involved patent rights is in doubt or controversial, it can choose to continue the trial, issue a ruling to suspend the litigation, or dismiss the lawsuit in ac-

cordance with relevant laws and judicial interpretations. In this case, both parties voluntarily made interest compensation commitments. The patentee promised to return all actual income and pay interest if the patent is declared invalid, and the alleged infringer promised to pay all compensation and interest if the patent is valid. The court recognized these commitments, considering them in line with the principles of fairness and good faith, and capable of safeguarding the interests of both parties while balancing the intersecting interests of patent infringement and confirmation procedures.

Ultimately, the court ruled to dismiss the lawsuit of Sichuan Sutong Technology Co., Ltd. After the National Intellectual Property Administration makes a review decision to maintain the validity of the involved patent, it may separately initiate a lawsuit and assert its rights based on the interest compensation commitment of the alleged infringer. This case clarifies that when the stability of patent rights is in doubt, the court can guide the parties to make future interest compensation commitments, safeguarding the legitimate rights and interests of the parties and providing protection for subsequent possible patent confirmation and infringement litigation, achieving a balance between procedural interests and substantive justice.

Source: Chongqing No. 1 Intermediate People's Court

### 广东法院案例：恶意知识产权诉讼的司法规制与警示

广东高院审结深圳爱感科技有限公司与深圳骁腾科技有限公司恶意提起知识产权诉讼损害责任纠纷案，明确了恶意诉讼的边界与代价。

法院认为，本案中，骁腾公司是明知9508号外观设计专利极可能是现有设计的情况下，还提起4230号外观设计专利侵权案件。此外，可以推断骁腾公司将“MYLUSH”在美国注册为商标时具有攀附爱感公司产品知名度的故意，具有明显的不正当性。因此，骁腾公司在明知4230号外观设计专利侵权案的权利基础存在重大瑕疵的情况下，仍然滥用诉讼权利，执意向法院提起专利侵权诉讼，使爱感公司蒙受经济上的损失，构成恶意提起知识产权诉讼。

二审法院酌定骁腾公司赔偿爱感公司经济损失及维权开支共60万元，纠正了一审未支持可预期经济损失的不合理之处，并判定骁腾公司承担全部诉讼费用。此案彰显了司法对恶意知识产权诉讼的规制，警示企业在行使诉讼权利时应遵循诚信原则，避免滥用诉权损害他人合法权益，否则将承担相应法律责任，也提醒企业在知识产权保护和商业竞争中需注意行为边界，维护市场健康竞争环境。

来源：广东省高级人民法院

### Guangdong Court Case: Judicial regulation and warning of malicious intellectual property litigation

The Guangdong Higher People's Court has concluded a case involving malicious initiation of intellectual property litigation and damage compensation liability between Shenzhen Aigan Technology Co., Ltd. and Shenzhen Xiaoteng Technology Co., Ltd., clarifying the boundaries and costs of malicious litigation.

The court believes that in this case, Xiaoteng Company, knowing that No. 9508 design patent is very likely to be an existing design, still initiated Case No. 4230 design patent infringement. In addition, it can be inferred that Xiaoteng Company had the intention to ride on the popularity of Aigan Company's products when registering the trademark "MYLUSH" in the United States, with obvious impropriety. Therefore, Xiaoteng Company, knowing that the right basis of Case No. 4230 design patent infringement had significant flaws, still abused its litigation rights and insisted on initiating a patent infringement lawsuit, causing Aigan Company to suffer economic losses, constitutes malicious initiation of intellectual property litigation.

The second-instance court determined that Xiaoteng Company shall compensate Aigan Company for economic losses and rights protection expenses totaling RMB 600,000, correcting the unreasonable aspect of the first-instance court's failure to support anticipatory economic losses, and ordered Xiaoteng Company to bear all litigation costs. This case demonstrates judicial regulation of malicious intellectual property litigation, warning enterprises to follow the principle of good faith when exercising litigation rights, avoid abusing the right to sue to infringe upon others' legitimate rights and interests, otherwise they will bear corresponding legal responsibilities, and also reminds enterprises to pay attention to behavioral boundaries in intellectual property protection and business competition, maintaining a healthy market competition environment.

Source: [Guangdong Higher People's Court](#)

## 英国：法院驳回特斯拉 5G 专利池许可裁决上诉

2025年3月6日，英国上诉法院驳回了特斯拉请求英国法院裁决5G专利池FRAND许可费用的上诉，该上诉涉及特斯拉寻求对SEP的所有者InterDigital和促进SEP访问的平台提供商Avanci（包括InterDigital拥有的SEP）提出的索赔。高等法院认为，特斯拉未能证明，英格兰和威尔士的法院而非位于美国特拉华州（Avanci 的注册地）以及位于该州且是 InterDigital 主要营业地的宾夕法尼亚州（InterDigital 的注册地）的法院才是审理其许可主张的合适法庭。

来源: [pinsentmasons.com](https://pinsentmasons.com)

## UK: Court rejects Tesla's appeal on 5G patent pool licensing ruling

On March 6, 2025, the UK Court of Appeal rejected Tesla's appeal seeking a UK court ruling on FRAND licensing fees for the 5G patent pool. The appeal involved Tesla's claims against SEP owner InterDigital and platform provider Avanci (including InterDigital's SEPs) that facilitate SEP access. The High Court deemed Tesla failed to prove that the courts of England and Wales, rather than those in Delaware (Avanci's place of registration) and Pennsylvania (InterDigital's place of business and registration), were the proper forum for its licensing claims.

Source: [pinsentmasons.com](https://pinsentmasons.com)

## 英国：联想与爱立信专利许可纠纷英国胜诉

近日，联想集团在英国赢得一项上诉，成功获得使用爱立信专利的临时许可，法院认为，爱立信在英国寻求禁令和在外国法院寻求同等补救措施，违反了标准制定组织欧洲电信标准协会

(ETSI) 政策规定的诚信义务。它指出，联想已承诺按照英国法院认定为公平、合理和非歧视性（FRAND）的条款签订许可，并在平行诉讼中提出，如果爱立信放弃“获得禁令和同等救济的运动”，则接受北卡罗来纳州东区法院对FRAND条款的裁决。

来源: [globallegalpost.com](https://globallegalpost.com)

### **UK: Lenovo wins UK patent licensing dispute against Ericsson**

Lenovo Group recently won an appeal in the UK, securing interim permission to use Ericsson's patents. The court ruled that Ericsson's pursuit of injunctions in the UK and equivalent remedies in foreign courts breached its good faith obligations under ETSI's policies. It noted Lenovo's commitment to license terms deemed FRAND by the UK court and its proposal in parallel litigation to accept a North Carolina court's FRAND determination if Ericsson drops its injunction efforts.

Source: [globallegalpost.com](https://globallegalpost.com)

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