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国家网信办发布《网络数据安全条例（征求意见稿）》

CAC Issued the *Regulations on Network Data Security Management (Exposure Draft)*

中国信通院发布《移动互联网应用程序（APP）个人信息保护治理白皮书》

CAICT issued a white paper on the governance of personal information protection of mobile Internet applications (APPs)

信安标委就技术文件《即时通信服务平台个人信息认定指南》（征求意见稿）公开征求意见

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CVERC monitors and finds 12 illegal mobile applications for e-commerce shopping

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荷兰数据保护机构就数据泄露对荷航旗下低成本航空公司泛航航空（Transavia）罚款40万欧元

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OAIC orders deletion of scraped pics from facial recognition database

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European Commission pursues action against Belgium over independence of DPA

知识产权 Intellectual Property

首部行业知识产权许可指南出台

近日，中国电子视像行业协会联合消费电子头部企业，在AVF论坛上发布了《消费电子领域知识产权许可机制指南》。该指南为全球首部行业知识产权许可方面的行业规范，提出了知识产权治理的中国方案，对保护知识产权、加强行业自律、促进科技创新将起到积极的意义。

此次，《指南》首次提出坚持尊重、平等、公平合理和发展四大原则；明确了许可双方地位、许可谈判基础、许可协议约束与导向；充分尊重了许可人、被许可人、用户和市场等多方利益。在许可标的物的识别方面，《指南》首次明确了以专利附着、技术贡献附着的“最小可售单元”为许可标的物，技术贡献与收益相匹配。《指南》还明确了许可双方的权利义务边界，合理限定了许可人在信息披露方面的义务，提高双方信息对等性，有助促成公平合理的许可协议。在许可谈判的具体实施细则方面，《指南》明确了包括人员管理、保密管理、过程文件管理、许可协议管理与执行的具体要求，为许可双方提供参考依据。

来源：[证券日报网](#)

The First Industry IP Licensing Guide Issued by China Video Industry Association

Recently, China Video Industry Association (CVIA), together with the leading companies of consumer electronics, issued the "Guide to IP Licensing Mechanism in Consumer Electronics" at the AVF Forum. The Guide is the world's first industry specification on IP licensing in the industry, which proposed a Chinese solution for IP governance, that may play a positive role in protecting IP, strengthening industry self-regulation and promoting scientific and technological innovation.

For the first time, this Guide proposes to adhere to the four principles of respect, equality, fairness and reasonableness and development; it also clarifies the status of the licensing parties, the basis of licensing negotiations, and the constraints and orientation of licensing agreements; it respects the interests of multiple parties such as licensors, licensees, users and the market. In the identification of the subject matter of the license, the Guide clarifies for the first time that the "smallest saleable unit" attached to the patent and technical contribution is the subject matter of the license, and the technical contribution matches the revenue. The Guide also clarifies the boundary of the rights and obligations of both parties, and reasonably limits the obligations of the licensor in terms of information disclosure, so as to improve the reciprocity of information between the two parties and facilitate a fair and reasonable license agreement. In terms of specific implementation rules for license negotiations, the Guide specifies specific requirements including personnel management, confidentiality management, process document management, and license agreement management and enforcement, providing a reference basis for both parties to the license.

Source: [Securities Daily](#)

6项发明专利强制拍卖14.9亿元起，创阿里司法拍卖专利天价

2021年11月19日至2021年11月20日，山东省东营市中级人民法院将在阿里巴巴司法拍卖网络平台上，对山东科瑞石油装备有限公司等公司名下的"注入头拉拔力装置"等六项发明专利所有权进行公开拍卖，起拍价14.918532亿元，较评估价21.312189亿元，打7折，保证金1亿元，增价幅度700万元。据悉，这是阿里司法拍卖最高价格的专利拍卖，此次拍卖原因为科瑞石油装备无力偿债，而被债权人申请法院强制执行。凡具备完全民事行为能力的自然人和法人均可参加竞买。

来源：[上游新闻](#)

6 Invention Patents Compulsory Auction Starting Price of RMB 1.49 Billion, A Record Ali Judicial Auction Patent Price

From November 19, 2021 to November 20, 2021, Dongying Intermediate People's Court, Shandong will conduct a public auction on Alibaba's judicial auction platform for six invention patents, owned by Shandong Keerui Petroleum Equipment Co.. This is the highest price of Alibaba judicial auction on patents. The cause for the auction was the result of the creditors of Kerry applying for judgment enforcement for insolvency.

Source: [CQCB.COM](#)

小红书诉识季app窃取笔记，要求停止侵权并索赔3000万

近日，小红书宣布对识季app的不正当竞争与商标侵权行为提起诉讼，要求对方立刻停止侵权行为，刊登道歉声明，并赔偿经济损失3000万元，上海市浦东新区法院已正式受理诉讼。

小红书方面表示，识季app未经许可扒窃盗取小红书平台的图片，严重侵犯了小红书用户的著作权。同时，识季app将从小红书平台扒窃的图片放在自己app上，提升自身竞争优势，扰乱市场秩序，构成不正当竞争行为。

识季SENER是一家全球时尚奢侈品电商，其官网备案时间为2021年1月27日，备案主体是上海羽勒网络科技有限公司，注册成立时间于2017年1月。

来源：[中国新闻网](#)

Little Red Book suing Senser app, a global fashion luxury E-commerce platform, for pirating pictures, with claimed damages of RMB 30 million Little Red Book

Recently, Little Red Book announced that it has filed a lawsuit of unfair competition and trademark infringement by SENSER app, which is a global fashion luxury E-commerce platform, demanding the defendant to immediately stop the infringement, publish an apology statement, and compensate for economic losses of 30 million yuan, and Shanghai Pudong New Area People's Court has officially accepted the lawsuit.

Little Red Book claimed that the accused app had pirated the pictures from the Little Red Book platform without permission, which seriously infringed the copyright of Little Red Book users. The accused app also placed the stolen pictures from the Little Red Book platform on its own app to enhance its competitive advantage, which shall constitute unfair competition.

Source: ChinaNews.com

北京知识产权法院受理首例“药品专利链接”诉讼案件

近日，北京知识产权法院受理了新专利法实施后首例“药品专利链接”案件。案件原告中外制药株式会社诉称，其为上市专利药品“艾地骨化醇软胶囊”的上市许可持有人，也是该药品所涉及的专利的专利权人。原告发现被告温州海鹤药业有限公司向国家药监部门申请了名称为“艾地骨化醇软胶囊”的仿制药上市许可申请。中国上市药品专利信息登记平台公示信息显示被告就该仿制药作出了4.2类声明。故原告依照新专利法第七十六条的规定向北京知识产权法院提起药品专利链接诉讼，请求法院确认被告申请注册的仿制药“艾地骨化醇软胶囊”落入原告享有的发明专利的专利权保护范围。北京知识产权法院审查认为原告的起诉符合药品专利链接诉讼起诉条件要求，依法予以登记立案。目前，该案正在进一步审理中。

来源：知产北京

Beijing Intellectual Property Court accepts the first "drug patent linkage" case

Recently, Beijing Intellectual Property Court accepted the first case of "drug patent linkage" after the implementation of the new patent law. The plaintiff, Chugai Pharmaceutical Co., Ltd, claimed that it was the holder of the marketing license for the listed patented drug "Eldecalcitol", and also the patentee of the patent involved in the drug. The plaintiff found that the defendant, Wenzhou Haihe Pharmaceutical Co., Ltd., applied to the State Drug Administration for a marketing license for a generic version of the drug named "Eldecalcitol". The patent information registration platform of listed drugs in China showed that the defendant made a 4.2 class declaration for the generic drug. Therefore, the plaintiff filed a lawsuit with the Beijing Intellectual Property Court in accordance with Article 76 of the new Patent Law, requesting the court to confirm that the generic drug "Eldecalcitol" applied for registration by the defendant fell within the scope of patent protection of the plaintiff's invention patent. Beijing Intellectual Property Court found that the plaintiff's lawsuit met the requirements of drug patent linkage lawsuit and registered the case in accordance with the law. At present, the case is under further trial.

Source: IP Beijing

英国法院驳回OPPO异议，OPPO或将上诉

近日，英国高等法院公开的一份判决显示，在诺基亚和OPPO的英国诉讼中，英国法官没有支持OPPO提出的反对英国法院管辖全球费率的主张，判定英国法院对此案有管辖权，是审理此案的方便法院，且在中国重庆法院审理全球费率的诉讼期间，不会中止英国法院对全球费率的审理程序。

此前，中国最高人民法院在“OPPO v 夏普”案中，裁定中国法院有权确定全球FRAND许可费率，在本次诺基亚与OPPO的英国诉讼中，英国法官承认，中国法院拥有管辖权，且有能力裁定FRAND费率。但是这并不影响英国法院的管辖权，可以预料的是，平行诉讼最终可能出现冲突判决的结果。OPPO也极有可能将对判决提起上诉。

来源：知产财经

UK court rejects OPPO's objection against court jurisdiction over global FRAND license rates

Recently, the UK High Court made public a decision that in the UK lawsuit between Nokia and OPPO, the UK judge did not support OPPO's claim against the UK court's jurisdiction over global FRAND license rates, ruling that the UK court had jurisdiction over the case, and is a convenient court to hear the case, and that the UK court would not suspend the global rate proceedings during the hearing of the global rate lawsuit in the Chongqing court in China.

Previously, the Chinese Supreme People's Court ruled in the OPPO v Sharp case, that the Chinese courts had jurisdiction to determine global FRAND license rates, and in the current Nokia and OPPO litigation, the UK judge acknowledged that the Chinese courts had jurisdiction and the ability to determine FRAND rates. OPPO is also likely to appeal the decision, but this does not affect the jurisdiction of the UK courts, and it is to be expected that parallel litigations may eventually result in conflicting judgments of different courts in different countries.

Source: IP Finance

英国政府就人工智能版权和专利立法向公众征求意见

近日，英国政府就版权和专利系统如何处理人工智能问题向公众征求意见。本次咨询就以下方面向公众征求证据和意见：（1）专利和版权应在多大程度上保护人工智能创造的发明和创意作品；（2）促进在人工智能开发、创新和研究中使用版权材料的措施。

此次咨询由英国知识产权局（UKIPO）牵头，是英国政府在其最近推出的创新战略中的一项承诺，旨在确保英国的知识产权环境继续领先全球。本次咨询将持续10周，于2022年1月7日结束。

来源：www.gov.uk

UK Government Seeks Public Input on AI Copyright and Patent Legislation

Recently, the UK government consulted the public on how the copyright and patent system should deal with artificial intelligence. The consultation seeks public evidence and views on: (1) the extent to which patents and copyright should protect inventions and creative works created by AI; and (2) measures to promote the use of copyrighted material in AI development, innovation and research.

The consultation, led by the UK Intellectual Property Office (UKIPO), is a commitment by the UK government in its recently launched Innovation Strategy to ensure that the UK's IP environment continues to lead the world. The consultation will run for 10 weeks, ending on January 7, 2022.

Source: www.gov.uk

百事可乐被禁止使用“Rise”名称销售能量饮料

位于康涅狄格州斯坦福的Rise Brewing公司于6月起诉百事可乐公司侵犯其商标权。曼哈顿联邦法院裁定，由于与罐装咖啡制造商Rise Brewing的商标纠纷，百事公司必须停止在其早晨能量饮料上使用“Mtn Dew Rise Energy”名称。美国地方法官洛娜·斯科菲尔德在11月3日的一项命令中同意了Rise Brewing申请的初步禁令，法官认为百事可乐公司3月份推出的饮料可能引起客户混淆，而且Rise Brewing提供了可信的证据证明Mtn Dew Rise对其业务构成“生存威胁”。法官命令禁止百事可乐在商业上使用Mtn Dew Rise名称，并禁止其在诉讼进行期间使用与“Rise”商标相似的任何其他名称来销售商品。

来源: [FoodBusinessNews](#)

Judge Bars PepsiCo from using Mtn Dew Rise Energy Name

Rise Brewing, based in Stamford, Connecticut, sued PepsiCo in June for infringement of its trademark rights. Manhattan federal court has ruled that PepsiCo must stop using the name "Mtn Dew Rise Energy" on its morning energy drinks due to a trademark dispute with can coffee maker Rise Brewing. Lorna Schofield, a US District Judge in the US District Court for the Southern District of New York, granted Rise Brewing's application for a preliminary injunction on Nov. 3. The judge found that the drinks marketed by PepsiCo in March were likely to mislead customer and that Rise Brewing had provided credible evidence that Mtn Dew Rise posed an "existential threat" to its business. The judge ordered that PepsiCo be prohibited from using the Mtn Dew Rise name in commerce and from selling goods under any other name similar to the 'Rise' trademark while the proceedings are ongoing.

Source: [Food Business News](#)

欧盟法院维持对谷歌24亿欧元的反垄断罚款

11月10日，位于卢森堡的欧盟法院发布声明称，维持此前欧盟对谷歌24.2亿欧元罚款的判决。欧盟法院的判决认为，谷歌在商品比价服务方面利用其搜索引擎的优势地位对竞争对手形成了不正当的优势，而不是为了更好的结果。

这项调查最早始于2010年，在2017年作出最后裁定。欧盟委员会表示，谷歌在用户搜索时将自家的比价服务Google Shopping置于显著位置，通过操纵搜索结果，不公平地把客户引向自己的购物服务。这一行为存在违反欧盟竞争监管规定的行为，因此对谷歌罚款24.2亿欧元。

来源: [证券时报](#)

The European General Court Upholds the Fine of €2.42 Billion Imposed on Google

On 10 November, the European General Court in Luxembourg issued a statement, saying that ” “The General Court finds that, by favoring its own comparison shopping service on its general results pages through more favorable display and positioning, while relegating the results from competing comparison services in those pages by means of ranking algorithms, Google departed from competition on the merits.”

The court also confirmed the fine at 2.42 billion euros. “The General Court concludes its analysis by finding that the amount of the pecuniary penalty imposed on Google must be confirmed,” the court added.

The investigation, which began in 2010, made its final determination in 2017. The European Commission said that Google had unfairly directed customers to its own shopping services by manipulating search results by prominently placing its own price comparison service, Google Shopping, in user searches.

Source: CNBC

谷歌在英国数据隐私权上诉案中获胜，大型平台自由使用用户数据成为可能

当地时间2021年11月10日，英国最高法院发布一份重磅宣判，裁决谷歌在数据隐私权集体诉讼的上诉中获得胜利，不必支付原告提出的可能高达30亿英镑的损害赔偿。这一判决也引发了业内，尤其是包括万豪集团、Facebook、YouTube等多家正处在类似数据隐私权集体诉讼案件中的大型企业或平台的高度关注。

本案原告Richard Lloyd于2017年在英国某消费者组织的支持下，作为代表向英国高等法院提起集体诉讼。所诉行为发生在2011年底至2012年初的数月中，谷歌在用户不知情或未同意的情况下追踪四百万英国iPhone用户的互联网活动，收集相关网络痕迹数据，用于投放精准个性化广告等商业目的。原告认为该等行为违反了英国1998年《数据保护法案》第13条，要求向所有受影响的用户每人赔付750英镑，共计约30亿英镑。

经过长达数年的上诉及审理过程，谷歌终于迎来了法院最终的支持，驳回原告的上诉及索赔请求，恢复一审判决。

来源：中国法律评论

Google Wins UK Data Privacy Appeal Makes Free Use of User Data by Large Platforms Becomes Possible

On 10 November 2021, the UK Supreme Court issued a judgement that Google had won its appeal in a data privacy class action lawsuit, and did not have to pay the plaintiffs' claim for potentially up to £3 billion in damages. The judgement has also sparked much concern in the industry, particularly among several large companies or platforms that are in the midst of similar data privacy class action cases, including Marriott, Facebook, YouTube and others.

The plaintiff in this case, Richard Lloyd, brought a class action in the UK High Court in 2017 on behalf of a UK consumer organisation. The acts complained of took place over a period of several months between late 2011 and early 2012, when Google tracked the internet activity of four million UK iPhone users without their knowledge or consent, collecting data about their web traces for commercial purposes such as the delivery of accurate personalised advertising. The plaintiff argued that these actions breached Section 13 of the UK Data Protection Act 1998 and sought £750 per person for all affected users, totalling approximately £3 billion.

After a years-long appeal and trial process, Google was finally upheld by the court, which dismissed the plaintiff's appeal and claims and reinstated the first instance judgment.

Source: China Law Review

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

国家网信办发布《网络数据安全条例（征求意见稿）》

2021年11月14日，为落实《中华人民共和国网络安全法》《中华人民共和国数据安全法》《中华人民共和国个人信息保护法》等法律关于数据安全管理的规定，规范网络数据处理活动，保护个人、组织在网络空间的合法权益，维护国家安全和公共利益，根据国务院2021年立法计划，国家网信办会同相关部门研究起草《网络数据安全条例（征求意见稿）》，向社会公开征求意见。（[查看更多](#)）

CAC Issued the *Regulations on Network Data Security Management (Exposure Draft)*

On November 14, 2021, in order to implement the *Cybersecurity Law*, *Data Security Law* and *Personal Information Protection Law* and other laws and regulations on data security management, regulate network data processing activities, protect the legitimate rights and interests of individuals and organizations in cyberspace, and safeguard national security and public interests, according to the State Council's legislative plan for 2021, the Cyberspace Administration of China (CAC), in conjunction with relevant departments, studies and drafted the *Regulations on Network Data Security Management (Exposure Draft)*, and is now seeking public comments thereon. ([More](#))

中国信通院发布《移动互联网应用程序（APP）个人信息保护治理白皮书》

近日，中国信通院发布《移动互联网应用程序（APP）个人信息保护治理白皮书》白皮书中内容指出，从2012年开始到2021年，国家陆续推出并施行了《网络安全法》《数据安全法》《个人信息保护法》，意味着当前国家关于个人信息保护法律制度的顶层设计基本形成，而在针对行业领域个人信息保护方面，相关管理规定也在积极的推进过程之中。白皮书显示，在过去一段时间中依靠专项整治的方式，用户权益保护明显改善，截至目前已开展的21批次专项抽查中，累计通知了5406款应用进行整改，公开通报2049款整改不到位，有540款应用被下架处置。（[查看更多](#)）

CAICT issued a white paper on the governance of personal information protection of mobile Internet applications (APPs)

Recently, China Academy of Information and Communications Technology (CAICT) issued the White Paper on the Governance of Personal Information Protection for Mobile Internet Applications (APPs), which points out that from 2012 to 2021, China has successively launched and implemented the *Cybersecurity Law*, *Data Security Law* and *Personal Information Protection Law*, which means that the top-

level design of the current national legal system on personal information protection has basically taken shape, and the relevant regulations for personal information protection in the industries, the relevant management regulations are also in the process of active promotion. The white paper shows that in the past period, relying on special rectification, the protection of user rights and interests has improved significantly, so far 21 batches of special spot checks have been carried out, a total of 5,406 Apps were notified for rectification, 2,049 Apps were publicly notified for inadequate rectification, and 540 Apps have been removed from the mobile market. ([More](#))

信安标委就技术文件《即时通信服务平台个人信息认定指南》（征求意见稿）公开征求意见

2021年11月12日，全国信息安全标准化技术委员会就技术文件《即时通信服务平台个人信息认定指南》（征求意见稿）向社会公开征求意见。《即时通信服务平台个人信息认定指南》（征求意见稿）给出了即时通信服务平台个人信息认定指南，适用于即时通信服务平台的设计、开发、运营等活动。即时通信服务平台中，发送者发送给特定接收者，且接收者不能进行再转发的信息可以被认定为个人信息。 ([查看更多](#))

NISSTC solicits public opinions on the technical document: *Guidelines for the Identification of Personal Information on Instant Messaging Service Platforms (Exposure Draft)*

On November 12, 2021, National Information Security Standardization Technical Committee (NISSTC) published the drafted technical document, *Guidelines for the Identification of Personal Information on Instant Messaging Service Platforms* to seek public comments thereon. The *Guidelines for the Identification of Personal Information on Instant Messaging Service Platforms (Exposure Draft)* gives guidelines for the identification of personal information in instant messaging service platforms, which apply to the design, development, operation and other activities of instant messaging service platforms. On the instant messaging service platform, the information sent by the sender to a specific recipient and cannot be retransmitted by the recipient, can be identified as personal information. ([More](#))

国家计算机病毒应急处理中心监测发现12款电商购物类违法移动应用

国家计算机病毒应急处理中心近期通过互联网监测发现包括《义乌购》（版本3.6.1，vivo应用商店）、《便利蜂》（版本5.8.1，vivo应用商店）在内的12款电商购物类移动应用存在隐私不合规行为，违反《网络安全法》《个人信息保护法》相关规定，涉嫌超范围采集个人信息。专家提醒大家提高个人防护意识，避免个人隐私泄露。 ([查看更多](#))

CVERC monitors and finds 12 illegal mobile applications for e-commerce shopping

The National Computer Virus Emergency Response Center (CVERC) recently found 12 e-commerce shopping mobile applications, including "Yiwu Shopping" (version 3.6.1, Vivo App Store) and "Convenience Bee" (version 5.8.1, Vivo App Store), with privacy non-compliance through Internet monitoring, violating the relevant provisions of the *Cybersecurity Law* and *Personal Information Pro-*

tection Law, and are suspected of over-scope collection of personal information. Experts remind publics to raise awareness of personal information protection and avoid personal privacy leakage. ([More](#))

新浪微博因拒绝许可数据被蚁坊公司起诉数据垄断

近期，湖南蚁坊软件股份有限公司及其北京分公司（以下合称“蚁坊公司”）以新浪微博运营商北京微梦创科网络技术有限公司（以下简称“微梦公司”）拒绝许可数据的行为构成垄断为由，向长沙市中级人民法院提起诉讼，请求法院判令微梦公司以合理条件允许蚁坊公司使用新浪微博数据，并赔偿蚁坊公司经济损失及合理费用合计550万元。据悉，长沙中院已正式受理此案。（[查看更多](#)）

Eefung Sued Weibo Corp. for Data Monopoly Because of Refusing to License Data

Recently, Hunan Eefung Software Co., Ltd. and its Beijing branch ("Eefung") filed a lawsuit in Changsha Intermediate People's Court for Weibo Corp., the operator of Weibo's alleged monopolistic behavior of refusing to license data access to Eefung, requesting the court to order Weibo Corp. to allow Eefung to use Weibo data under reasonable conditions, and to compensate Eefung for its economic losses and reasonable costs totaling RMB 5.5 million. It was reported that Changsha Intermediate People's Court has officially filed the case. ([More](#))

2021年，华盛顿数据泄露率上升了500%

根据总检察长办公室新发布的2021年数据泄露报告，2021年，华盛顿州的数据泄露急剧增长。华盛顿州的各组织向个人共发送了6.3万个数据泄露通知，超过了2018年3.5百万的高点。向总检察长办公室报告的数据泄露增加了500%，从2020年的60起增加到2021年的280起。该报告还包括针对消费者的数据保护实践和对决策者的建议。（[查看更多](#)）

Washington data breaches rose 500% in 2021

Washington state experienced a growth in data breaches across the board in 2021, according to the newly released 2021 Data Breach Report from the attorney general's office. Organizations sent out 6.3 million data breach notices to individuals across the state, topping 2018's high of 3.5 million. There was a 500% increase in data breaches reported to the attorney general's office, going from 60 in 2020 to 280 in 2021. The report also includes data-protective practices for consumers and recommendations for policymakers. ([More](#))

英国最高法院驳回对谷歌的数十亿美元隐私集体诉讼

2021年11月10日，英国最高法院驳回了一项针对谷歌涉嫌非法跟踪数百万 iPhone 用户的集体诉讼，该诉讼要求谷歌赔偿数十亿美元的赔偿金。这起代表英格兰和威尔士的 440 万居民提起

的 30 亿英镑的诉讼，会对在英国提起的其他集体诉讼产生影响。George Leggatt 法官表示，索赔人没有证明数据收集对其个人造成了损害。 ([查看更多](#))

UK Supreme Court halts billion-dollar privacy class action against Google

On November 10, 2021, the United Kingdom's Supreme Court denied a claim that sought billions of dollars in damages in a class-action lawsuit against Google over alleged illegal tracking of millions of iPhone users. The 3 billion GBP lawsuit, which was filed on behalf of 4.4 million residents in England and Wales, had implications for other class-action lawsuits filed in the U.K. Judge George Leggatt said the claimant did not prove damages to the individuals involved in the data collection. ([More](#))

荷兰数据保护机构就数据泄露对荷航旗下低成本航空公司泛航航空 (Transavia) 罚款40万欧元

11月12日，荷兰数据保护机构（DPA）公布其对泛航航空的数据泄露事故处罚决定，涉及40万欧元罚款。DPA称其于今年早些时候收到来自泛航航空的报告，称其IT系统遭到攻击，约有83000名客户的个人信息遭泄露，其中包括367人的个人健康数据。 ([查看更多](#))

Dutch DPA fines Transavia €400,000 for poor personal data security

The Dutch data protection authority (DPA) published, on 12 November 2021, its decision, in which it imposed a fine of €400,000 to Transavia Airlines C.V. DPA noted that it received a breach notification from Transavia notifying that a malicious third party had gained unauthorised access to Transavia's systems, where the hacker had downloaded personal data of approximately 83,000 people, including the health data of 367 individuals. ([More](#))

OAIC命令Clearview AI删除面部识别数据库中抓取的照片

澳大利亚信息专员办公室（OAIC）于2021年11月3日公布了其裁定，该裁定是在OAIC和英国信息专员办公室（ICO）进行联合调查后作出的。OAIC发现Clearview AI, Inc通过面部识别工具从网上刮取澳大利亚人的生物识别信息并予以披露，从而侵犯了澳大利亚人的隐私。该裁决强调，Clearview AI违反了1988年隐私法（1988年第119号）（经修订）：未经同意收集澳大利亚人的敏感信息；以不正当手段收集个人信息；没有采取合理措施通知个人收集个人信息；未采取合理步骤确保其披露的个人信息是准确的，同时考虑到披露的目的；以及没有采取合理的步骤来实施实践、程序和系统，以确保遵守澳大利亚的隐私原则。

此外，该裁决命令Clearview AI停止收集澳大利亚个人的面部图像和生物识别模板，并销毁从澳大利亚收集的现有图像和模板。 ([查看更多](#))

OAIC orders deletion of scraped pics from facial recognition database

The Office of the Australian Information Commissioner (OAIC) published its ruling on November 3, 2021, following a joint investigation by the OAIC and the UK Information Commissioner's Office (ICO). OAIC has found that Clearview AI, Inc. breached Australians' privacy by scraping their biometric information from the web and disclosing it through a facial recognition tool. OAIC found that Clearview AI breached the Australian Privacy Act 1988 by:

collecting Australians' sensitive information without consent

collecting personal information by unfair means

not taking reasonable steps to notify individuals of the collection of personal information

not taking reasonable steps to ensure that personal information it disclosed was accurate, having regard to the purpose of disclosure

not taking reasonable steps to implement practices, procedures and systems to ensure compliance with the Australian Privacy Principles.

The determination orders Clearview AI to cease collecting facial images and biometric templates from individuals in Australia, and to destroy existing images and templates collected from Australia. ([More](#))

欧盟委员会就DPA的独立性对比利时提起诉讼

欧盟委员会正在对比利时提起诉讼，因为担心其数据保护局没有按照欧盟一般数据保护条例的要求独立运作。欧盟委员会表示，DPA的一些成员“不能被视为不受外部影响”，因为他们要么向管理委员会报告，要么参与COVID-19接触者追踪，要么是信息安全委员会成员。比利时有两个月的时间采取行动，否则这个案件将被提交欧盟法院。 ([查看更多](#))

European Commission pursues action against Belgium over independence of DPA

The European Commission is pursuing legal action against Belgium over concerns its Data Protection Authority is not operating independently as required under the EU General Data Protection Regulation. The commission said some members of the DPA “cannot be regarded as free from external influence” as they either report to a management committee, have participated in COVID-19 contact tracing or are members of the Information Security Committee. Belgium has two months to take action, or the case may be referred to the Court of Justice of the European Union. ([More](#))

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 www.lifanglaw.com
 Email: info@lifanglaw.com

 Tel: +8610 64096099
 Fax: +8610 64096260/64096261