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阿里巴巴与蚂蚁集团终止《数据共享协议》

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央行数字货币研究所所长：“数字人民币侵犯隐私、不能买黄金外汇”说法不实

Director of Digital Currency Research Institute of PBC: Claims that "Digital RMB Infringes on Privacy



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and Can't Be Used to Buy Gold and Foreign Exchange" Are Not True

美国参议院委员会批准《儿童和青少年在线隐私保护法》和《儿童在线安全法》

US Senate Committee Approves Children and Teens' Online Privacy Protection Act and Kids Online Safety Act

美国NIST更新健康数据安全指南并公开征求意见

NIST Updates Guidance for Health Care Cybersecurity and Solicites Comments Publicly

英国ICO更新BCRs指南

UK ICO Updates BCRs Guidance

首份英美数据访问协议（DAA）将于10月3日生效

The First British-American Data Access Agreement (DAA) will Come Into Effect on 3 October

UBEEQO INTERNATIONAL因侵犯用户隐私被法国CNIL罚款17.5万欧元

UBEEQO INTERNATIONAL Fined EUR 175,000 by French CNIL for Violating Users' Privacy

T-Mobile将支付3.5亿美元用以达成数据泄露集体诉讼和解

T-Mobile to Pay USD 350 Million to Reach Settlement on Data Breach Class Action

知识产权 Intellectual Property

北京知识产权法院发布《关于全面推行专利、商标授权确权行政案件网上立案的通告》

Beijing IP Court will adopt online case filing for trademark and patent administrative cases from September 1, 2022

最高法院在专利侵权纠纷中对专利产品作为零部件时的赔偿数额作出认定

SPC determined the amount of damages when the patented product was used as a spare part

最高法院就软件下载平台传播免费软件是否构成侵害信息网络传播权做出认定

SPC ruling on whether the software download platform spreading free software constituted infringement of the right of information network dissemination

CBA公司起诉哔哩哔哩侵犯CBA赛事版权



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CBA company sued bilibili for infringing the copyright of CBA game video

恶意侵权VANS商标案，法院判赔271万余元

Awarded compensation of more than RMB 2.71 million: Malicious infringement of VANS trademark

美国最高法院受理Teva与GSK专利侵权案上诉状

The U.S. Supreme Court accepted the patent infringement appeal of Teva and GSK

美国法院裁定谷歌侵犯Sonos智能扬声器专利

The US court ruled that Google infringed Sonos wireless multi-Room audio system patent

立方竞争法周报 Weekly Competition Law News

北京、陕西、重庆分别发布关于开展经营者集中简易案件反垄断审查的公告

2022年7月下旬，陕西省市场监督管理局（“陕西省市监局”）、北京市市场监督管理局（“北京市市监局”）和重庆市市场监督管理局（“重庆市市监局”）分别发布了关于开展经营者集中简易案件反垄断审查的公告。三份公告明确了自2022年8月1日起，陕西省市监局、北京市市监局和重庆市市监局受委托负责经营者集中简易案件反垄断审查的区域，以及受委托审查案件的条件和审查程序。届时，立案信息和无条件批准案件信息将在官网上进行公示。（[查看更多](#)）

Beijing, Shaanxi and Chongqing Authorities Respectively Issue the Announcement on Conducting Merger Review of Simple Cases

In late July, 2022, Shaanxi Provincial Administration for Market Regulation (“Shaanxi AMR”), Beijing Municipal Administration for Market Regulation (“Beijing AMR”) and Chongqing Municipal Administration for Market Regulation (“Chongqing AMR”) respectively issued the announcement on conducting merger review of simple cases. The three announcements clarify the areas where Beijing, Shaanxi and Chongqing AMR are entrusted with the merger review of simple cases since August 1, 2022, as well as the conditions and review procedures of entrusted cases. At that time, the filing information and unconditionally approved cases will be publicized on the official website. ([More](#))

国家反垄断局：中国已与美国、欧盟并列为全球三大反垄断司法辖区

2022年7月28日，国家市场监督管理总局（“市场监管总局”）副局长、国家反垄断局局长甘霖出席新闻发布会，她表示十年来，我国在反垄断法方面取得了重大成就。第一，在立法方面，完成了对《反垄断法》及其配套规定的修订和完善；第二，在执法方面，依法查处垄断案件794件，审结经营者集中案3822件；第三，在机构建设方面，进行机制体制改革，组建了市场监管总局；第四，在全球竞争治理方面，与35个国家和地区签署了合作文件。现在中国已经与美国、欧盟并列为全球三大反垄断的司法辖区。（[查看更多](#)）

State Anti-Monopoly Bureau: China Listed as the One of the Three Major Anti-Monopoly Jurisdictions in the World Along with the U.S. and the EU

On July 28, 2022, Gan Lin, deputy director of the State Administration for Market Regulation (“SAMR”) and director of the State Anti-Monopoly Bureau, attended a press conference. She said that in the past decade, China has made great achievements in anti-monopoly law. Firstly, in terms of legislation, the *Anti-Monopoly Law* and its supporting regulations have been revised and improved. Secondly, in terms of law enforcement, the authority has investigated and handled 794 monopoly cases in accordance with law, and concluded 3,822 merger filing cases. Thirdly, in terms of institutional construction, institutional reform was carried out, and the SAMR was established. Fourthly, in terms of global competition governance, Chinese government has signed cooperation documents with 35 countries and regions. Now, China has been listed as one of the three major anti-monopoly jurisdictions in the world along with the U.S. and the EU. ([More](#))

北京一英语教育机构因达成并实施纵向垄断协议被处罚款94万元

2022年7月27日，市场监管总局发布了北京市市监局对北京凯瑞联盟教育科技有限公司（“凯瑞教育”）垄断协议案作出的行政处罚决定书。经查，2014年至2021年，凯瑞教育在全国范围内与其品牌加盟商达成并实施固定学费价格的垄断协议，排除、限制了市场竞争，损害了消费者利益。期间凯瑞教育曾申请豁免，但未被批准。综合考虑违法行为持续时间较长、影响较大，但当事人在案件调查后期积极配合、承诺整改消除影响等因素，北京市市监局责令当事人停止违法行为，并处2020年度销售额3%的罚款，约计人民币94万元。（[查看更多](#)）

A Beijing English Education Institution Fined CNY 940,000 for Reaching and Implementing a Vertical Monopoly Agreement

On July 27, 2022, the SAMR issued the administrative penalty decision made by Beijing AMR on the monopoly agreement case of Beijing Kairui Alliance Education Technology Co., Ltd. (“Kairui Education”). According to investigation, from 2014 to 2021, Kairui Education reached and implemented a vertical monopoly agreement with its brand franchisees on fixing nationwide tuition fees, which excluded and restricted market competition and harmed the interests of consumers. During the investigation, Kairui Education had applied for exemption, but was rejected. Considering the long duration and severe influence of the case, and that the party actively cooperated and promised to rectify and eliminate the influence in the later stage of the investigation, Beijing AMR ordered Kairui Education to stop the illegal acts and imposed a fine of 3% of the sales in 2020, which is about CNY 940,000. ([More](#))

最高法：适时出台反垄断民事诉讼司法解释，维护统一的市场竞争秩序

2022年7月25日，最高人民法院（“最高法”）举行发布会，发布了《关于为加快建设全国统一大市场提供司法服务和保障的意见》（“《意见》”）及配套典型案例。《意见》明确，要切实维护统一的市场竞争秩序，依法打击垄断和不正当竞争行为，包括强化司法反垄断和反不正当竞争；加强对平台企业垄断的司法规制，防止平台垄断和资本无序扩张；完善竞争案件裁判规则，适时出台反垄断民事诉讼司法解释。（[查看更多](#)）

SPC: Issue Anti-monopoly Civil Litigation Interpretation in Due Time and Maintain a Unified Market Competition Order

On July 25, 2022, the Supreme People’s Court (“SPC”) held a press conference and issued the *Opinions on Providing Judicial Services and Guarantees for Accelerating the Construction of a Unified National Market* (“*Opinions*”) and supporting typical cases. The *Opinions* clarifies that it is necessary to earnestly safeguard a unified market competition order and crack down on monopoly and unfair competition acts in accordance with law, including: (1) strengthen judicial anti-monopoly and anti-unfair competition regulation; (2) strengthen the judicial regulation of platform enterprise monopoly to prevent platform monopoly and disorderly expansion of capital; (3) improve the adjudication rules of competition cases, and issue judicial anti-monopoly civil litigation interpretations in due time. ([More](#))

海南一药业公司达成但未实施纵向垄断协议，被罚20万元

2022年7月22日，市场监管总局发布了海南省市场监督管理局（“海南省市监局”）对海南伊顺

药业有限公司（“当事人”）垄断协议案作出的行政处罚决定书。据调查，2019至2020年期间，当事人在全国范围内的药品零售市场与部分交易相对人达成了限定最低转售价格的垄断协议，但并未实施，排除、限制了市场竞争，损害了消费者利益。鉴于当事人存在配合调查、主动提供重要证据和积极整改等情节，海南省市监局责令当事人停止违法行为，并对其处以20万元罚款。（[查看更多](#)）

A Hainan Pharmaceutical Company Fined CNY 200,000 for Reaching But Not Implementing A Vertical Monopoly Agreement

On July 22, 2022, the SAMR issued the administrative penalty decision made by Hainan Provincial Administration for Market Regulation (“Hainan AMR”) on the vertical monopoly agreement case of Hainan Yishun Pharmaceutical Co., Ltd (“the party”). According to the investigation, from 2019 to 2020, the party reached but not implemented a vertical monopoly agreement with some counterparties to limit the minimum resale price in the nationwide drug retail market, which excluded and restricted the market competition and harmed the interests of consumers. Given the fact that the party cooperated with the investigation, actively provided important evidence and made rectification, the Hainan AMR ordered the party to stop illegal acts and imposed a fine of CNY 200,000. ([More](#))

美国联邦贸易委员会寻求阻止Meta收购VR公司Within

2022年7月27日，美国联邦贸易委员会（Federal Trade Commission，“FTC”）发布公告，称已向法院起诉，寻求阻止虚拟现实巨头Meta及其控股股东兼CEO马克·扎克伯格（Mark Zuckerberg）收购Within Unlimited公司及其旗下流行的虚拟现实健身应用Supernatural。FTC在起诉状中指出，Meta是虚拟现实健身应用市场的潜在进入者，拥有足够资源来构建自己的虚拟现实应用进而在该领域进行竞争。Meta未独立进入这一市场，而是选择收购Supernatural，这将限制消费者的选择，抑制未来的创新和竞争。目前FTC已向加利福尼亚州北区地区法院提交了意在停止该交易的起诉状和初步救济申请。（[查看更多](#)）

FTC Seeks to Block Meta’s Acquisition of VR Company Within

On July 27, 2022, the Federal Trade Commission (“FTC”) stated that it has sued to the court, seeking to block virtual reality giant Meta and its controlling shareholder and CEO Mark Zuckerberg from acquiring Within Unlimited and its popular virtual reality dedicated fitness app, Supernatural. The complaint alleges that Meta is a potential entrant in the virtual reality dedicated fitness app market with the required resources and a reasonable probability of building its own virtual reality app to compete in the space. Meta’s independent entry would increase consumer choice, increase innovation, spur additional competition to attract the best employees, and yield other competitive benefits. But instead of entering, it chose to try buying Supernatural, which would eliminate the prospect of such entry, dampening future innovation and competitive rivalry. At present, FTC has submitted a complaint and a preliminary relief application to the Northern District Court of California to halt the transaction. ([More](#))

谷歌被俄罗斯反垄断监管机构罚款3490万美元

2022年7月26日，俄罗斯联邦反垄断局（“FAS”）表示，其已就谷歌违反反垄断法的行为作出罚款决定。2022年2月，据互联网技术区域公共中心的投诉，谷歌在YouTube上突然封锁账户和

删除用户内容，而后FAS对谷歌展开了立案调查。最终，FAS认为谷歌滥用了其在视频托管服务市场上的支配地位，在YouTube封锁账户和删除内容方面采取了有偏见、不透明的规则，故对其处以约3490万美元（约合人民币2.36亿元）的罚款。同时，FAS要求谷歌必须在处罚文件生效之日起两个月内支付罚款。（[查看更多](#)）

Russian Anti-monopoly Regulator Hits Google with USD 34.9 Million Fine

On July 26, 2022, the Russian Federal Antimonopoly Service (“FAS”) stated that it has fined Google on Google’s violation of the anti-monopoly law. In February 2022, according to the complaint of the Regional Public Center of Internet Technologies, Google suddenly blocked and deleted the accounts and user content on YouTube. Then FAS launched an investigation on Google. In the end, FAS found that Google abused its dominant position in the video hosting service market by adopting biased, non-transparent rules for blocking accounts and content on YouTube, so it imposed a fine of about USD 34.9 million (about CNY 236 million). At the same time, FAS required the company to pay it within two months from the date when the document that levies the fine goes into legal effect. ([More](#))

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

最高法：支持建设统一的技术和数据市场，严惩大数据杀熟

2022年7月25日，最高人民法院举行新闻发布会，发布了《关于为加快建设全国统一大市场提供司法服务和保障的意见》（“《意见》”）。《意见》第三部分明确，支持建设统一的技术和数据市场，具体包括：依法保护数据权利人对数据控制、处理、收益等合法权益，以及数据要素市场主体以合法收集和自身生成数据为基础开发的数据产品的财产性权益，妥善审理因数据交易、数据市场不正当竞争等产生的各类案件，为培育数据驱动、跨界融合、共创共享、公平竞争的数据要素市场提供司法保障；加强数据产权属性、形态、权属、公共数据共享机制等法律问题研究，加快完善数据产权司法保护规则。第六部分明确，要加强对平台企业垄断的司法规制，及时制止利用数据、算法、技术手段等方式排除、限制竞争行为，依法严惩强制“二选一”、大数据杀熟、低价倾销、强制搭售等破坏公平竞争、扰乱市场秩序行为，防止平台垄断和资本无序扩张。（[查看更多](#)）

Supreme People’s Court: Support the Establishment of a Unified Technology and Data Market and Severely Punish Big Data-enabled Price Discrimination

On 25 July 2022, the Supreme People’s Court (the “SPC”) held a press conference and issued the *Opinions on Providing Judicial Services and Guarantees for Accelerating the Establishment of a National Unified Market* (the “*Opinions*”). The third part of the *Opinions* makes it clear that it supports the establishment of a unified technology and data market, specifically including: protect the legitimate rights and interests of data right holders regarding control of data, data processing and related profits, as well as the property rights and interests of data products developed by data element market entities on the basis of data legally collected and generated; properly handle all kinds of cases arising from data transactions and unfair competition in the data market, and provide judicial guarantee for the cultivation of data factor markets that are data-driven, cross-border integration, jointly developing and sharing and

fair competition; strengthen the research on legal issues such as the attribute, form, ownership and public data sharing mechanism of data property rights, and speed up the improvement of judicial protection rules of data property rights. The sixth part makes it clear that it is necessary to strengthen the judicial regulation of the monopoly of platform companies, promptly stop using data, algorithms and technical means to exclude and restrict competitive behaviors, severely punish behaviors that undermine fair competition and disrupt market order, such as forced “either-or choice”, big data-enabled price discrimination against existing customers, low-price dumping and forced tying, and prevent platform monopoly and the disorderly expansion of capital. ([More](#))

上海市信管局：针对下载或安装超500万次的APP开展重点行动

2022年7月29日，上海市通信管理局（“上海市信管局”）发布了《关于纵深推进互联网领域信息服务感知提升行动的通知》（“《通知》”）《通知》明确，上海市通管局决定自即日起到2022年10月底，在上海市移动互联网领域纵深推进信息通信服务感知提升行动。此次行动的重点对象为在国内单一应用市场内下载量/安装量达500万次以上的APP（含快应用和小程序等新应用形态）。重点任务包括：优化隐私政策和权限调用展示方式；优化APP开屏弹窗信息展示方式；建立个人信息保护“双清单”；提升APP关键责任链个人信息保护能力；提升客服热线响应能力等。（[查看更多](#)）

Shanghai Communication Administration: Launch Actions on APPs Downloaded or Installed More Than 5 Million Times

On 29 July 2022, Shanghai Communication Administration (“Shanghai CA”) issued the *Notice on Deepening the Promotion of Information Service Perception in the Internet Field* (the “Notice”). The Notice specifies that the Shanghai CA decided to deepen the promotion of information service perception in the field of mobile Internet in Shanghai from now on to the end of October 2022. The key targets of this action are the APPs downloaded or installed more than 5 million times in a single domestic application market (including new application forms such as fast applications and applets). The key tasks include: optimize the privacy policy and the display mode of permission calls; optimize the information display mode of APP pop-up window; establish a “double list” of personal information protection; improve the personal information protection ability of APP’s key responsibility chain; improve the response capabilities of customer service hotlines, etc. ([More](#))

公安部网安局发布三则个保法行政处罚案例

2022年7月29日，公安部网安局发布了江苏公安机关网安部门依据《个人信息保护法》查处的三起典型案例。主要涉及未向个人信息被收集者明示处理个人信息的方式、种类及保存期限；在存储、传输个人基因检测报告等敏感信息时未采取必要的安全技术措施；处理个人信息未告知并征得个人同意和不履行个人信息安全保护义务；在公共场所超范围采集购房者个人信息；对采集的公民个人信息未采取相应的加密、去标识化等安全技术措施；没有制定内部管理制度和操作规程等行为。最终，涉案公司分别被网安部门处以行政警告并责令限期改正。（[查看更多](#)）

Cybersecurity Bureau of the MPS Issues Three Cases of Administrative Penalties Relating to the Personal Information Protection Law

On 29 July 2022, the Cybersecurity Bureau of the Ministry of Public Security (“MPS”) issued three typical cases investigated and punished by the cybersecurity department of Jiangsu public security authorities in accordance with the *Personal Information Protection Law*. The cases mainly involve: failing to expressly notify subjects from whom personal information was collected the manner, category and retention period of processing personal information; failing to take necessary security technical measures when storing and transmitting sensitive personal information such as personal genetic test reports; failing to inform and obtain consent from individuals and to fulfill obligations of personal information security protection when processing personal information; collecting personal information of apartment buyers in public places beyond the scope; failing to take the corresponding encryption, de-identification and other technical security measures with respect to the collected personal information. Finally, the companies involved were issued administrative warnings by the cyber security department and ordered to make corrections within a prescribed time period. ([More](#))

国家计算机病毒应急处理中心发现17款APP涉嫌超范围采集个人隐私信息

2022年7月22日，根据新华社官方公众号报道，近期，国家计算机病毒应急处理中心通过互联网监测发现17款移动APP存在不合规行为，违反《网络安全法》《个人信息保护法》相关规定。具体而言，主要涉嫌8种不合规行为：未向用户告知个人信息处理者的名称或者姓名和联系方式，或处理的个人信息种类、保存期限；未向用户明示申请的全部隐私权限；向其他个人信息处理者提供其处理的个人信息的，未向个人告知接收方的名称或者姓名、联系方式、处理目的、处理方式和个人信息的种类；在征得用户同意前就开始收集个人信息；未提供有效的更正、删除个人信息及注销用户账号功能，或注销用户账号设置不合理条件；处理敏感个人信息未取得个人的单独同意；处理不满十四周岁未成年人个人信息的，未制定专门的个人信息处理规则。（[查看更多](#)）

The CVERC Identified 17 APPs Suspected of Collecting Personal Privacy Information Beyond the Scope

On 22 July 2022, according to the official public account of Xinhua News Agency, through recent Internet monitoring, the National Computer Virus Emergency Response Center (“CVERC”) found that 17 mobile apps had non-compliance behaviors, violating the relevant provisions of the *Network Security Law* and the *Personal Information Protection Law*. Specifically, there are eight types of non-compliance behaviors: failing to inform the users of the name or contact information of the personal information processors, or the type and retention period of the personal information processed; failing to expressly notify users all the privacy rights applied for; failing to inform individuals of the name, contact information, processing purpose, processing method and types of personal information of the receivers when providing processed personal information to other personal information processors; collecting personal information before obtaining the user’s consent; failing to provide effective functions of correcting, deleting personal information and canceling accounts, or setting unreasonable conditions for canceling accounts; handling sensitive personal information without individual consent; failing to obtain the individual’s separate consent in handling sensitive personal information; and failing to set forth special rules for handling personal information of minors under the age of 14. ([More](#))

上海市信管局通报2022年第一批侵害用户权益行为APP

2022年7月26日，上海市信管局发布了关于侵害用户权益行为APP的通报（2022年第一批）

（“通报”）。通报表明，近期，上海市信管局组织第三方检测机构对上海市APP侵害用户权益行为开展检查。经检测发现51款APP存在“违规收集个人信息”“违规使用个人信息”“强制、频繁、过度索取权限”等问题。上海市信管局已通报相关APP运营企业，督促其进行整改。截至通报发布日，尚有26款APP未完成整改，上海市信管局在附件中予以列明，并要求这些APP在8月2日前落实整改工作；逾期不整改的，将依法依规处理。（[查看更多](#)）

Shanghai Communication Administration Notifies the First Batch of Apps Infringing Users' Rights and Interests in 2022

On 26 July 2022, the Shanghai CA issued the *Notification on APPs Infringing on Users' Rights and Interests* (the first batch in 2022) (the “Notification”). The *Notification* indicates that recently, Shanghai CA organized third-party testing organizations to inspect the infringement of users' rights and interests by APPs in Shanghai. The inspection found that 51 APPs have problems such as illegally collecting personal information, illegally using personal information and requesting for authority coercively, frequently and excessively. Shanghai CA has informed relevant operating enterprises and urged them to take rectification measures. As of the publication date of the notification, there were still 26 APPs that had not completed the rectification as required, which are listed in the annex by Shanghai CA. These APPs are required to implement the rectification work before 2 August; or they will be dealt with in accordance with the law. ([More](#))

北京市信管局通报7款问题APP

2022年7月22日，北京市通信管理局（“北京市信管局”）发布了关于7款问题APP的通报。通报显示，北京市信管局在开展2022年北京地区APP综合治理专项行动时，共检测发现20款APP存在侵害用户权益和安全隐患问题，并均已下发整改通知。截至通报发布日，尚有7款APP未按照要求完成整改，其中1款已被予以下架处置；6款整改不到位，仍存在不同类型问题。北京市信管局对这些APP及其所涉问题予以公示，主要包括：未经用户同意收集使用个人信息；频繁自启动和关联启动；存在网络安全漏洞；存在应用数据任意备份风险等。（[查看更多](#)）

Beijing Communication Administration Identifies 7 Problematic APPs

On 22 July 2022, Beijing Communication Administration (“Beijing CA”) issued a notification regarding 7 problematic APPs. According to the notification, when the Beijing CA launched the special action of comprehensive management of APPs in Beijing in 2022, it has found 20 APPs that infringed on users' rights and interests and posed security risks. All of them have been issued rectification notices. As of the publication date of the notification, there were still 7 APPs that had not completed the rectification as required, of which one had been removed from the shelves; 6 had not been completely rectified and still had different types of problems. Beijing CA publicized these APPs and the problems involved, mainly including: collecting and using personal information without users' consent; self-starting and associated starting frequently; having network security vulnerabilities; having risk of arbitrary backup of application data, etc. ([More](#))

海南省网信办依法约谈3款数据违规APP

2022年7月26日，据网信海南消息，海南省互联网信息办公室（“海南省网信办”）发现“全能清理管家”“沙拉俄语”“早晚天气”3款APP存在因用户不同意提供非必要个人信息或打开非

必要权限而拒绝提供业务的行为，违反了《网络安全法》《个人信息保护法》和《常见类型移动互联网应用程序必要个人信息范围规定》的相关规定。3款APP被海南省网信办通报后，相应运营主体未及时整改，现已采取全网应用商店下架处置。日前，海南省网信办依法约谈了3款APP相关负责人，责令就相关问题限期整改、严肃处理责任人、健全完善个人信息保护机制、加强人员法律法规学习力度。 ([查看更多](#))

Hainan CAC Interviews 3 APPs for Data Violation According to Law

On 26 July 2022, according to the news from Cyberspace Administration of Hainan Province (“Hainan CAC”), Hainan CAC found that the operators of three APPs, namely “All-round Cleaning Housekeeper”, “Salad Russian” and “Morning and Evening Weather”, refused to provide services because users did not agree to provide unnecessary personal information or give unnecessary permissions, which violated the relevant provisions of the *Cyber Security Law*, the *Personal Information Protection Law* and the *Provisions on the Scope of Necessary Personal Information of Common Mobile Internet Applications*. The 3 APPs were not rectified in time after being notified by Hainan CAC, and now they have been removed from the APP store of the whole network. Recently, the Hainan CAC interviewed the responsible persons of the operators of the 3 APPs according to law, and ordered them to rectify the relevant issues within a time limit, seriously deal with the responsible persons, improve and perfect the personal information protection mechanism, and strengthen the study of laws and regulations. ([More](#))

广州市公安局发布广东省公安机关首例适用《数据安全法》案件

2022年7月26日，广州市公安局通报了首例广东省公安机关适用《数据安全法》的案件。在本案中，广州某公司开发的“驾培平台”存储了驾校培训学员的姓名、身份证号、手机号、个人照片等信息1070万余条，但该公司没有建立数据安全管理制度和操作规程，对于日常经营活动采集到的驾校学员个人信息未采取去标识化和加密措施，系统存在未授权访问漏洞等严重安全隐患。根据《数据安全法》的有关规定，广州市公安局对该公司未履行数据安全保护义务的违法行为，依法处以警告并罚款5万元。 ([查看更多](#))

Guangzhou PSB Issues the First Case Applying the *Data Security Law* across Guangdong Public Security Organs

On 26 July 2022, the Guangzhou Municipal Public Security Bureau (“Guangzhou PSB”) issued the first case applying the *Data Security Law* across Guangdong public security organs. In this case, the “driving training platform” developed by a company in Guangzhou stores more than 10.7 million pieces of information such as the names, ID numbers, mobile phone numbers and personal photos of driving school trainees. However, the company has not established a data security management system and operating procedures, and the personal information of driving school trainees collected in daily business activities has not been de-identified and encrypted. There are serious data security risks such as unauthorized access vulnerabilities in the system. According to the relevant provisions of the *Data Security Law*, Guangzhou PSB issued a warning and fined CNY 50,000 for the company’s illegal behavior of failing to fulfill its data security protection obligations. ([More](#))

阿里巴巴与蚂蚁集团终止《数据共享协议》

2022年7月26日，阿里发布2022财年年报，年报显示，阿里巴巴与蚂蚁集团进一步修订《股权和资产购买协议》及《支付宝商业协议》，若干修订将于2022年8月13日生效。据协议，7月25日，阿里与蚂蚁集团同意终止《数据共享协议》，并称其将与蚂蚁集团按双方向各自客户提供服务的必要限度，根据个案并依照适用法律及法规协商数据共享安排的条款。（[查看更多](#)）

Alibaba Terminate the Data Sharing Agreement with Ant Group

On 26 July 2022, Alibaba released its annual report for fiscal year 2022. The annual report shows that Alibaba and Ant Group further revised the *Equity and Asset Purchase Agreement* and *Alipay Commercial Agreement*, and these amendments will take effect on 13 August 2022. According to the agreements, on 25 July, Alibaba agreed to terminate the *Data Sharing Agreement* with Ant Group, and said that it would negotiate with Ant Group the terms of the arrangement on a case-by-case basis and in accordance with applicable laws and regulations according to the necessary limits as required by the scope of services provided by each party to their respective customers. ([More](#))

央行数字货币研究所所长：“数字人民币侵犯隐私、不能买黄金外汇”说法不实

2022年7月24日，中国人民银行数字货币研究所所长穆长春在第五届数字中国建设峰会数字人民币产业发展分论坛上明确，数字人民币侵犯用户隐私、数字人民币不能买黄金买外汇等说法不实。穆长春表示，数字人民币定位为数字形态的现金，设计理应满足个人匿名交易的合理需求，保护消费者隐私；另一方面，如果匿名程度过高将为不法分子提供犯罪土壤。因此，他强调，为确保数字人民币可控匿名要求的有效落实，需要建立信息隔离机制；明确数字钱包查询、冻结、扣划的法律条件；建立相应的处罚机制；完善数字人民币反洗钱、反恐怖融资等法规制度。（[查看更多](#)）

Director of Digital Currency Research Institute of PBC: Claims that “Digital RMB Infringes on Privacy and Can’t Be Used to Buy Gold and Foreign Exchange” Are Not True

On 24 July 2022, Mu Changchun, director of the Digital Currency Research Institute of the People’s Bank of China (the “PBC”), made it clear at the Digital RMB Industry Development Sub-forum of the 5th Digital China Construction Summit that the claims that digital RMB infringes on users’ privacy and that digital RMB cannot be used to buy gold and foreign exchange are untrue. Mu said that digital RMB is positioned as digital cash, and its design should meet the reasonable needs of anonymous transactions of individuals and protect consumers’ privacy. On the other hand, it will provide soil for criminality if the degree of anonymity is set too high. Therefore, he stressed that in order to ensure the effective implementation of the controlled anonymity requirement for digital RMB, it is necessary to establish an information isolation mechanism; clarify the legal conditions for digital wallet inquiries, freezing and deductions; establish a corresponding penalty mechanism; and improve the regulatory system for anti-money laundering and anti-terrorist financing of digital RMB. ([More](#))

美国参议院委员会批准《儿童和青少年在线隐私保护法》和《儿童在线安全法》

2022年7月27日，美国参议院商业、科学和交通委员会批准了两项保护儿童和青少年在线隐私的法案：《儿童和青少年在线隐私保护法》和《儿童在线安全法》。《儿童和青少年在线隐私保护法》修订了《儿童在线隐私保护法》，将给予特殊在线隐私保护的儿童年龄提升至16岁；禁止公司未经同意向儿童投放针对性广告；规定了收集未成年人和儿童个人信息的要求，并要求公司允许他们删除个人信息。《儿童在线安全法》将“未成年人”定义为16岁及以下的个人，规定信息网络平台应当为使用该平台产品或服务未成年用户的“最佳利益”行事，要求平台提供保障措施以保护未成年人及其个人数据。该法案还要求相关平台必须至少每年发布公开报告，说明对未成年人可预见的风险。（[查看更多](#)）

US Senate Committee Approves *Children and Teens' Online Privacy Protection Act* and *Kids Online Safety Act*

On 27 July 2022, the US Senate Committee on Commerce, Science, and Transportation approved two bipartisan bills to protect children online: the *Children and Teens' Online Privacy Protection Act* and the *Kids Online Safety Act*. The *Children and Teens' Online Privacy Protection Act* amends the *Children's Online Privacy Protection Act*, raising the age of children who are given special online privacy protection to 16 years old; prohibiting the company from placing targeted advertisements to children without consent; stipulating the requirements for collecting personal information of minors and children; and requiring the companies to allow them to delete their personal information. The *Children's Online Privacy Protection Act* defines a “minor” as an individual aged 16 and under, stipulates that the covered platforms should act in the “best interests” of the minor users who use their products or services, and requires the covered platforms to provide safeguard measures to protect minors and their personal data. The bill also requires covered platforms to publish public reports at least annually, stating the foreseeable risks to minors. ([More](#))

美国NIST更新健康数据安全指南并公开征求意见

2022年7月21日，美国国家标准与技术研究院（“NIST”）发布了与《健康保险流通与责任法案安全规则》（Health Insurance Portability and Accountability Act, “HIPAA”）相关的网络安全指南修订草案征求意见稿，意见征求截止日期为2022年9月21日。新版指南对之前版本进行了更新，更加强调对电子受保护健康信息（“ePHI”）的风险的评估和管理，旨在帮助医疗保健主体更好地根据HIPAA维护ePHI的保密性、完整性和可用性。指南中的ePHI涵盖了包括处方、化验结果、医院就诊和疫苗接种记录在内的广泛的患者数据。（[查看更多](#)）

NIST Updates Guidance for Health Care Cybersecurity and Solicites Comments Publicly

On 21 July 2022, the US National Institute of Standards and Technology (“NIST”) issued the *Implementing the Health Insurance Portability and Accountability Act (HIPAA) Security Rule: A Cybersecurity Resource Guide*, and solicites comments publicly until 21 September 2022. This new edition of the guidelines updates the previous edition, placing greater emphasis on the assessment and management of electronic protected health information (“ePHI”) risks, and is designed to help the industry maintain the confidentiality, integrity and availability of ePHI. The term covers a wide range of patient data, including prescriptions, lab results, and records of hospital visits and vaccinations. ([More](#))

英国ICO更新BCRs指南

2022年7月25日，英国信息专员办公室（“ICO”）发布了关于英国约束性公司准则（Binding Corporate Rules, “BCRs”）的最新指南，该指南取代了之前的所有指南和相关文件。BCRs是供跨国公司集团、企业集团或从事联合经济活动（如特许经营、合资企业或专业合作伙伴关系）的企业集团使用的规则，经审批通过后企业集团可以在集团内部传输个人数据。此次指南更新重点在于简化了英国BCRs的审批程序，即只要求提供一次证明文件和承诺；同时对企业申请表、参照表的内容做了修改，着重体现企业对英国 GDPR第 47条内容的理解和遵守。（[查看更多](#)）

UK ICO Updates BCRs Guidance

On 25 July 2022, the UK Information Commissioner's Office (“ICO”) issued the latest guide on the Binding Corporate Rules (“BCRs”), which replaced all previous guides and related documents. BCRs are intended for use by multinational corporate groups, groups of undertakings or a group of enterprises engaged in a joint economic activity such as franchises, joint ventures or professional partnerships. After approval, the enterprise group can transmit personal data within the group. The update focuses on simplifying the approval procedure of BCRs in the UK, that is, only one certification document and commitment are required. At the same time, the contents of the enterprise application form and reference table have been modified, which mainly reflects the understanding and compliance of enterprises with the content of Article 47 of GDPR in the UK. ([More](#))

首份英美数据访问协议（DAA）将于10月3日生效

2022年7月21日，美国司法部（“DOJ”）和英国内政部联合发布了美国和英国关于数据访问协议的联合声明（“声明”）。声明表明，美国与英国于2019年已签署一份《美国和英国政府关于为打击严重犯罪而获取电子数据的协议》（“DAA”），两国政府希望使该协议在2022年10月3日生效。据悉，该协议为首个英美为打击严重犯罪而签署的电子数据获取类协议，协议将允许美国和英国的执法机构向对方索取用户互联网数据用于打击严重犯罪。（[查看更多](#)）

The First British-American Data Access Agreement (DAA) will Come Into Effect on 3 October

On 21 July 2022, the US Department of Justice (“DOJ”) and the UK Home Office jointly issued the *Joint Statement by the United States and the United Kingdom on Data Access Agreement* (the “*Joint Statement*”). The *Joint Statement* indicates that they intend to bring into force the *Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Access to Electronic Data for the Purpose of Countering Serious Crime* (“DAA”), which was signed in 2019, on 3 October 2022. It is reported that this agreement is the first data access agreement signed by the UK and the US to combat serious crimes, which will allow law enforcement agencies in the US and the UK to obtain users' Internet data from each other for combating serious crimes. ([More](#))

UBEEQO INTERNATIONAL因侵犯用户隐私被法国CNIL罚款17.5万欧元

2022年7月21日，短期车辆租赁公司UBEEQO INTERNATIONAL 因侵犯用户隐私被法国国家信

息与自由委员会（“CNIL”）处罚。据调查，当个人租用车辆时，该公司每隔500米收集一次有关租用汽车的地理位置的数据，这些数据分别于汽车行驶时、发动机打开和关闭时或车门打开和关闭时被收集。此外，该公司存储所收集的部分地理位置记录数据的期间过长。CNIL认为，这些行为违反了GDPR中规定的确保数据收集最小化、明确说明并遵守适当的数据保留期限、将数据收集和使用情况告知个人等规定，故决定对其罚款175,000欧元（约合人民币121万元）。

[\(查看更多\)](#)

UBEEQO INTERNATIONAL Fined EUR 175,000 by French CNIL for Violating Users' Privacy

On 21 July 2022, UBEEQO INTERNATIONAL, a short-term vehicle rental company, was punished by the French National Commission for Information and Freedom (“CNIL”) for violating users' privacy. According to the investigation, the CNIL found that, when a vehicle was hired by a private individual, the company collected data relating to the geolocation of the rented vehicle every 500 meters when the vehicle was moving, when the engine was switched on and off, or when the doors were opened and closed. In addition, the company kept records of some of the geolocation data collected, for an excessive amount of time. CNIL believed that these behaviors violated the provisions of GDPR, such as failing to comply with the obligation to ensure data minimisation, to define and respect a proportionate data retention period, and to inform individuals. Therefore, the CNIL decided to impose a fine of EUR 175,000 (about CNY 1.21 million) on UBEEQO INTERNATIONAL. [\(More\)](#)

T-Mobile将支付3.5亿美元用以达成数据泄露集体诉讼和解

2022年7月25日，据美国CNN报道，T-Mobile已同意支付3.5亿美元，以解决因去年披露的数据泄露事件而引发的多起集体诉讼。据悉，超过7600万的美国家庭居民受到了此次数据泄露事件的影响。根据拟议的和解协议，T-Mobile将需花费3.5亿美元用于赔偿集体诉讼成员以及支付相关法律和行政费用，并需在2023年底之前额外花费1.5亿美元用于保障其网络安全。T-Mobile还发布声明表示，在过去一年中，其已加强网络安全保护，创建“网络安全转型办公室”，并聘请专门的网络安全公司和咨询公司，以改善其网络安全状况。[\(查看更多\)](#)

T-Mobile to Pay USD 350 Million to Reach Settlement on Data Breach Class Action

On 25 July 2022, according to CNN, T-Mobile has agreed to pay USD 350 million to settle multiple class-action suits stemming from a data breach disclosed last year. It was reported that more than 76 million US residents were affected by the breach. According to the proposed settlement, T-Mobile's USD 350 million will go into a fund covering payments to class members, as well as legal and administrative fees, and an extra USD 150 million will be paid on cybersecurity through the end of 2023. T-Mobile said in a statement that over the past year, it has doubled down on the extensive cybersecurity program, created a “cybersecurity transformation office”, and hired a cybersecurity firm as well as consulting firms to improve its cybersecurity posture. [\(More\)](#)

知识产权 Intellectual Property

北京知识产权法院发布《关于全面推行专利、商标授权确权行政案件网上立案的通告》

7月25日，北京知识产权法院发布通告称：2022年9月1日起，凡专利、商标授权确权行政案件委托代理人（包括但不限于律师、专利代理师）参加诉讼的，原则上应通过“北京法院电子诉讼平台、人民法院在线服务（原名：移动微法院）、最高律师服务平台、京知在线（从北京审判信息网登录）”四平台之一申请网上立案，立案庭原则上不再接收纸质立案材料。同时北京知识产权法院还设置了立案的“过渡引导期”，以收集问题和建议。

来源：北京知识产权法院

Beijing IP Court will adopt online case filing for trademark and patent administrative cases from September 1, 2022

On July 25th, Beijing Intellectual Property Court(BIPC) issued a notice announcing: From September 1st, 2022, where an agent (including but not limited to lawyers and patent agents) is entrusted to participate in the litigation in administrative cases of patent and trademark authorization and confirmation, in principle, an online filing application is made through a designated platform, and the filing court will no longer accept paper filing materials. At the same time, BIPC also set up a "transitional guiding period" for filing cases to collect questions and suggestions.

Source: BIPC

最高法院在专利侵权纠纷中对专利产品作为零部件时的赔偿数额作出认定

近日，最高人民法院对苏州宣嘉光电科技有限公司(苏州宣嘉公司)与杭州亮眼健康管理有限公司（杭州亮眼公司）等侵害实用新型专利权纠纷一案做出二审判决，维持一审责令被告停止侵权、销毁侵权产品并赔偿损失的判决结果。

最高院认为，被告杭州亮眼公司等侵害了原告涉案专利权，关于赔偿数额方面，对于被诉侵权产品的销售数量，原告提交的证据显示：杭州亮眼公司的网上商城显示库存9739台，实际兑换数量为21台。山东服务商销售数据显示每周销售288台，但该数量显示的产品型号是否与被诉侵权产品相同不能确定，无法确定系被诉侵权产品的销售数量。其次，对于加盟费，杭州亮眼公司宣传其在山东省共计153家加盟商，每家加盟费20万元，苏州宣嘉公司主张杭州亮眼公司侵权获利巨大，但收取的加盟费本身不能等同于侵害涉案专利权所获得利益。因此，苏州宣嘉公司的举证均无法确定杭州亮眼公司具体侵权获利数额，应当依照专利法第六十五条第二款的规定确定赔偿数额。

此外，最高院认为，涉案专利涉及的瞳距调节机构只是被诉侵权产品精密光学设备的一个部件，其本身价值不高，基于涉案专利的技术创新程度、技术贡献度及专利产品作为零部件本身的价值因素，综合考虑涉案侵权行为性质、杭州亮眼公司经营规模、侵权形式等因素，原审法

院确定的经济损失90万元并无明显不当。故终审判决对一审判决予以维持。

来源：最高人民法院

SPC determined the amount of damages when the patented product was used as a spare part

Recently, the Supreme People's Court (SPC) made a second-instance judgment on the case of infringement of utility model patent rights, and upheld the judgment of the first instance ordering the defendant to stop the infringement, destroy the infringing products and compensate for the losses.

SPC held that the mechanism involved in the patent was only a component of the precision optical equipment of the accused infringing product, and the mechanism's value was not high. Based on the technological innovation degree, technical contribution of the patent involved and the value factors of the patented product as a component, and considering the nature of the infringing act involved, the operating scale of the defendant, the form of infringement and other factors, the economic loss of 900,000 yuan determined by the court of first instance was not obviously improper. Therefore, the final judgment upheld the first-instance judgment.

Source: SPC

最高法院就软件下载平台传播免费软件是否构成侵害信息网络传播权做出认定

近日，最高人民法院就上海二三四五网络科技有限公司（二三四五公司）与北京金山安全软件有限公司（金山公司）、北京猎豹移动科技有限公司（猎豹公司）侵害计算机软件著作权及不正当竞争纠纷案作出二审判决，改判二三四五公司赔偿金山公司、猎豹公司经济损失20万元。

最高院认为，免费软件著作权人的经济利益来源于软件运行过程中的商业广告投放、后期的增值服务等直接获利，以及将免费软件用户引流至软件著作权人其他高利润收费软件产品或服务间接获利。因此免费软件的著作权人不仅不控制软件的传播，还要通过免费使用、奖励用户积分等各种方式努力推广其软件的传播。本案中，涉案驱动精灵软件为免费软件，通过二三四五公司的涉案网站下载安装的驱动精灵软件，与通过猎豹公司经营的驱动精灵官网下载安装的驱动精灵软件，两者的运行界面、操作、广告链接等各方面均完全一致，可知金山公司、猎豹公司通过二三四五公司的传播行为同样实现了获取用户流量、在线投放广告、收获经济利益的目的。故二三四五公司的传播行为并未损害金山公司、猎豹公司就涉案软件享有的经济利益，未侵犯涉案软件的信息网络传播权。二三四五公司擅自修改软件安装界面，擅自移除金山公司、猎豹公司原来“捆绑”的软件安装及网络服务选项，替换为“捆绑”二三四五公司自营的软件安装与网络服务选项的行为构成不正当竞争，综合考虑涉案软件为知名热门软件，二三四五公司的涉案下载网站规模较大、行业排名居前，以及从该网站下载涉案软件的数量较多等因素，最终酌情确定二三四五公司赔偿金山公司、猎豹公司经济损失20万元。

来源：最高人民法院知识产权法庭

SPC ruling on whether the software download platform spreading free software constituted infringement of the right of information network dissemination

Recently, SPC made a second-instance judgment on a case of computer software copyright

infringement and unfair competition, and ordered the defendant to compensate the two plaintiffs for economic losses of RMB200,000.

SPC held that the economic interests of free software copyright owners come from the direct profit from commercial advertisement placement in the software operation process, the later value-added services, etc., as well as the diversion of free software users to other high-profit paid software products or services of the software copyright owner, etc. indirect profit. Therefore, the copyright owner of free software not only does not control the dissemination of the software, but also strives to promote the dissemination of its software through various means such as free use and rewarding user points.

In this case, the driver wizard software involved is free software, which downloaded and installed through the defendant's website, which is completely consistent with the software of the official website operated by the plaintiff. The defendant's dissemination behavior did not cause prejudice to the economic interests of the plaintiffs, nor did it infringe the right of information network dissemination of the software involved.

However, the defendant modified the software installation interface without authorization, removed the software installation and network service options originally "bundled" by the plaintiffs, and replaced them with "bundled" software installation and network service options operated by the defendant, which constituted unfair competition.

Source: Supreme People's Court

CBA公司起诉哔哩哔哩侵犯CBA赛事版权

日前，中篮联（北京）体育有限公司（中篮联公司）向北京知识产权法院提起诉讼，称哔哩哔哩的经营者上海幻电信息科技有限公司（幻电公司）、上海宽娱数码科技有限公司（宽娱公司）侵犯其对CBA赛事享有的信息网络传播权，索赔4.06亿元。宽娱公司就该案提起管辖权异议，认为案件讼标的额超出北京知识产权法院管辖第一审知识产权民事案件的诉讼标的额上限，且属于具有重大影响的第一审知识产权民事案件，应由北京市高级人民法院提级管辖。北京知识产权法院裁定驳回了该管辖权异议。近日，北京市高级人民法院对该案做出最终裁定，驳回了宽娱公司的上诉请求，认定北京知识产权法院享有管辖权。

来源：北京市知识产权法院

CBA company sued bilibili for infringing the copyright of CBA game video

Recently, (CBA) filed a lawsuit with BIPC, claiming that the operator of the Bilibili platform, the famous short video website, infringed its right to disseminate information on the CBA competition network, and claimed RMB 406 million.

The defendant filed a jurisdiction objection, arguing that the claimed amount of damages in the case exceeded the limit of the damages claimed under the jurisdiction of BIPC, and it was a first-instance intellectual property civil case with great influence, the jurisdiction shall be transferred to Beijing High People's Court. BIPC ruled that the jurisdictional objection was rejected. Recently, Beijing High People's Court made a final ruling on the case, rejected the appeal request of the defendant, and determined that BIPC had jurisdiction.

Source: BIPC

恶意侵权VANS商标案，法院判赔271万余元

近日，浙江省温州市中级人民法院对范斯公司与瑞安市广足鞋厂等侵害商标权纠纷一案作出二审判决，维持一审判决。此前，浙江省瑞安市人民法院一审判决瑞安市广足鞋厂等赔偿范斯公司271万余元。

法院认定，瑞安市广足鞋厂等持续销售侵权产品，侵犯了范斯公司的商标专用权，此外，瑞安市广足鞋厂于2020年1月17日、2021年7月25日分别被瑞安市市场监督管理局认定侵权后仍继续实施侵权行为，且侵权获利金额巨大，应认定为属于恶意侵犯商标专用权，且情节严重的情形。综合考虑被告的主观过错程度、侵权行为的情节严重程度，法院判决对范斯公司主张的适用三倍的惩罚性赔偿予以支持。

来源：[浙江省温州市中级人民法院](#)

Awarded compensation of more than RMB 2.71 million: Malicious infringement of VANS trademark

Recently, Wenzhou Intermediate People's Court made a second-instance judgment on the trademark infringement dispute and upheld the first-instance judgment. Previously, in the first instance, it was decided that the defendants compensated VANS for more than RMB 2.71 million.

The court found that the defendants kept selling the infringing products, which infringed the exclusive right to use the trademark of Vance Company. In addition, one of the defendants continued to infringe after raided by the local administration for Market Regulation on January 17, 2020 and July 25, 2021 respectively. Taking into account the malice of the defendant and the seriousness of the infringement, The court ruled in favor of VANS's claim for the application of triple punitive damages.

Source: [Wenzhou Intermediate People's Court](#)

美国最高法院受理Teva与GSK专利侵权案上诉状

7月11日，梯瓦制药（Teva）向美国最高法院提交上诉状，要求推翻联邦巡回上诉法院的裁决，认定其销售卡维地洛仿制药的行为不够成对原研企业葛兰素史克（GSK）专利权的侵犯。此前，联邦巡回上诉法院于2021年重审裁定确认Teva因专利侵权行为，需赔偿GSK高达2.6亿余美元赔偿金。

来源：[supremecourt.gov](#)

The U.S. Supreme Court accepted the patent infringement appeal of Teva and GSK

On July 11th, Teva Pharmaceuticals (TEVA) filed an appeal with The U.S. Supreme Court, requesting to overturn the ruling of the Court of Appeals for the Federal Circuit, and finding that its act of selling generic carvedilol did not constitute an infringement of the patent right of GSK, the original research enterprise. Previously, in 2021, the Court of Appeals for the Federal Circuit decided that Teva had to pay GSK more than USD260 million in compensation for patent infringement.

Source: [supremecourt.gov](#)

美国法院裁定谷歌侵犯Sonos智能扬声器专利

美国联邦法官 William Alsup 于7月21日发布了一项命令，裁定谷歌侵犯 Sonos 的专利权，此前 Sonos 指控谷歌侵犯其10,848,885 和 9,967,615 号专利权，该命令仅针对第一项专利，不仅维持该专利有效，而且发现谷歌的“支持 Cast 的应用程序”侵犯了该项专利。

谷歌辩称其没有构成侵权，因为被指控的产品允许用户创建不受主题名称约束的扬声器组，而是可以使用抽象名称，例如“A、B 或 C”。法院则认为这仅表明谷歌的产品具有索赔所列举的功能之外的功能。法院还表示将很快就双方针对9,967,615号专利的交叉动议发布命令。

来源: lawstreetmedia.com

The US court ruled that Google infringed Sonos wireless multi-Room audio system patent

Judge William Alsup issued a patent infringement opinion on Thursday, finding in favor of Sonos Inc. in its suit against Google LLC over the infringement of patent Nos. 10,848,885 and 9,967,615. The order focused solely on the first patent and not only upheld its validity but also found that Google’s “Cast-enabled apps” infringe a contested claim of the asserted patent.

Google argued no infringement because the accused products allow users to make speaker groups that are not bound by a thematic name, and can instead use an abstract name such as “A, B, or C.” “This only shows, however, that Google’s products have capabilities in addition to those recited by the claim,” the court opined.

In addition, the court declined arguments of invalidity. Neither contentions that the claim was directed toward an abstract idea nor ones contending that the patent did not disclose the claim held water with Judge Alsup. The court said it would soon issue an order on the parties’ cross-motions for summary judgment as to the 9,967,615 patent.

Source: lawstreetmedia.com

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