



## No.262

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### 立方要闻周报

## Weekly News By Lifang & Partners NO.4

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## 知识产权 Intellectual Property

### 国家知识产权局就《专利审查指南修改草案（征求意见稿）》公开征求意见

2021年8月3日，为配合专利法及其实施细则的修改，国家知识产权局已启动《专利审查指南》修改工作，公布《专利审查指南修改草案（征求意见稿）》及其说明，征求社会各界意见。公众可在2021年9月22日之前通过电子邮件等方式提出具体意见，共同推进专利制度的修改与完善。

来源：[国家知识产权局](#)

### The State Intellectual Property Office publicly solicited opinions on the revised draft of the Guidelines of Patent Examination (Exposure Draft)

On August 3, 2021, in order to coordinate with the revision of the Patent Law and its implementing rules, the State Intellectual Property Office started the revision of the Guidelines of Patent Examination, published the revised draft of the Guidelines of Patent Examination (Exposure Draft) and its explanations, and solicited opinions from all sectors of society. The public can put forward specific opinions by e-mail before September 22, 2021, jointly promoting the revision and improvement of the patent system.

Source: [State Intellectual Property Office](#)

### 天津市第三中级人民法院作出中国手机基带芯片发明专利侵权案第一份判决

近日，科创板IPO发行人翱捷科技股份有限公司披露了一起涉诉金额高达一亿元的手机基带芯片发明专利侵权诉讼，该案件由天津市第三中级人民法院审理，案号为（2020）津03知民初319号。目前，天津市第三中级人民法院已经作出一审判决，认定被告翱捷科技股份有限公司生产、销售的ASR3601基带芯片侵犯了原告展讯通信（上海）有限公司的发明专利权，判令被告翱捷公司立即停止侵权行为，并支付展讯公司经济损失2431万元以及合理开支10万元。原告提交的中国信通院所出具的《知识产权鉴定意见书》在该案证据认定中被法院所采信，起到了关键作用。

来源：[IPR daily](#)

### The No.3 Intermediate People's Court of Tianjin made a first judgment of invention patent infringement case related to China's mobile phone baseband chip

Recently, Aojie Technology Co., Ltd., an IPO issuer in science and technology innovation board, disclosed a patent infringement lawsuit involving a mobile phone baseband chip invention with an amount of 100 million yuan in controversy in the lawsuit. The case was heard by the No.3 Intermediate People's Court of Tianjin, with the case number of (2020) Jin 03 Zhi Min Chu No.319. Recently, Tianjin No.3 Intermediate People's Court has made a judgment of the first instance. The court concluded that the ASR3601 baseband chip produced and sold by the defendant Aojie Technology Co., Ltd. infringed the invention patent right of the plaintiff Spreadtrum Communications (Shanghai) Co., Ltd., and ordered

the defendant Aojie Company to stop infringement actions immediately. Besides, the Aojie Technology Co., Ltd. should compensate 24.31 million yuan for losses and pay the reasonable expenses of 100,000 yuan to Spreadtrum Company. The Intellectual Property Appraisal Opinion issued by CAICT submitted by the plaintiff was accepted by the court and played a key role.

Source: IPR daily

## 华为诉争“鸿蒙HongMeng”商标再被驳回

近日，北京知识产权法院驳回华为对于“鸿蒙HongMeng”商标的诉讼请求。北京知识产权法院认为，诉争商标“鸿蒙HongMeng”是华为在2019年6月5日申请，而引证商标“鸿蒙”隶属于河北鸿蒙广告发展有限公司，商标申请日期为2017年1月5日。引证商标在先。诉争商标“鸿蒙HongMeng”，其与引证商标一均包含显著识别文字“鸿蒙”，两商标在文字构成、呼叫、含义等方面相近，若共同使用在同一种或类似服务上，易造成相关公众混淆，从而对服务来源产生误认，已构成使用在同一种或类似服务上的近似商标。

法院还认为，商标申请驳回复审行政案件中，诉争商标与引证商标是否近似，主要根据诉争商标标志与引证商标标志是否近似等因素进行认定，诉争商标的知名度可以不予考虑，原告的主张法院不予支持。因此，法院驳回了原告华为技术有限公司的诉讼请求。

来源：IPR daily

## Huawei's "HongMeng" trademark was rejected again

Recently, the Beijing Intellectual Property Court rejected Huawei's claim for the trademark "HongMeng". The Beijing Intellectual Property Court held that the captioned trademark "HongMeng" was applied for by Huawei on June 5, 2019, while the cited trademark "HongMeng" was applied for by Hebei HongMeng Advertising Development Co. on January 5, 2017. The cited trademark's application is prior. The captioned trademark "HongMeng" and the cited trademark both contain the distinctive identification word "HongMeng", and the two trademarks are similar in word composition, pronunciation and meaning.

The court also held that, in the administrative case of trademark application rejection review, whether the captioned trademark and the cited trademark are similar, mainly according to whether the captioned trademark and the cited trademark are similar, the popularity of the captioned trademark can be disregarded, the court did not support the plaintiff's claim. Therefore, the court rejected the claim of the Huawei.

Source: IPR daily

## 中航锂电回应宁德时代起诉，称已提交专利涉诉无效宣告请求

8月2日，中航锂电发布声明称已经收到来自福州市中级人民法院送达的宁德时代的两份《民事起诉状》，并声明其已于同日向国家知识产权局提交了上述两件涉诉专利的无效宣告请求，同时其再次表达坚持自主研发，确信其所生产的产品不侵犯他人知识产权之立场。

来源：中航锂电

## **CALB(China Lithium Battery Technology Co., Ltd.) responded to the lawsuit filed by CATL(Contemporary Amperex Technology Co., Limited), saying that it had submitted requests for invalidation of the involved patents**

On August 2, CALB issued a statement saying that it had received two Civil Complaints from Fuzhou Intermediate People's Court filed by CATL. CALB also declared that it had submitted invalidation requests of the above two lawsuits to the State Intellectual Property Office on the same day, and at the same time, CALB once again expressed insistence on independent research and development, being sure that the products produced by CALB do not infringe the intellectual property rights of others.

Source: CALB

## **智联诉魔方网聘不正当竞争一审获赔100万元**

8月4日，北京法院审判信息网公开北京网聘咨询有限公司等与魔方网聘（北京）科技有限公司不正当竞争纠纷一案一审民事判决书。

判决书显示，法院认为，魔方网聘公司利用同行业的“智联招聘”进行宣传，可能导致用户误认为魔方网聘公司与智联三珂公司、网聘公司存在某种合作关系，构成不正当竞争。本案裁判结果为被告魔方网聘（北京）科技有限公司于本判决生效之日起十日内赔偿原告北京智联三珂人才服务有限公司、原告北京网聘咨询有限公司经济损失100万元及合理费用65261元等。

来源：界面新闻

## **Zhilian sued Mofang for unfair competition in the first instance and received 1 million yuan in compensation**

On August 4, the Beijing Court Trial Information Network published the first-instance civil judgment on the unfair competition dispute between Beijing Wangpin Consulting Co., Ltd. and Mofang Wangpin (Beijing) Technology Co., Ltd.

According to the judgment, the court held that Mofang.com's use of "Zhilian Recruitment" in the same industry for publicity may lead users to mistakenly believe that Mofang.com has a cooperative relationship with Zhilian Sanke and Wangpin, which constitutes unfair competition.

The result of the judgment in this case is that the defendant Mofang Wangpin (Beijing) Technology Co., Ltd. shall compensate the plaintiff Beijing Zhilian Sanke Talent Service Co., Ltd. and the plaintiff Beijing Wangpin Consulting Co., Ltd. for economic losses of 1 million yuan and reasonable expenses within ten days from the effective date of this judgment. Yuan etc.

Source: Interface News

## 小米与InterDigital结束专利诉讼，达成全球专利许可协议

美国InterDigital于当地时间8月3日发布声明称该公司已与小米达成和解，双方签订了较为广泛的专利许可协议。该许可涵盖了InterDigital与蜂窝无线、Wi-Fi和 HEVC视频技术相关的标准必要专利下的小米蜂窝移动设备。同时，InterDigital和小米已同意撤销双方所有未决的专利诉讼和其他诉讼。

来源：知产财经

## Xiaomi and InterDigital ended patent litigations and reached a global patent license agreement

InterDigital issued a statement on August 3, U.S. local time, saying that it had reached a settlement with Xiaomi, and both parties signed a relatively extensive patent license agreement. The license covers Xiaomi cellular mobile devices under the standard essential patents of InterDigital related to cellular wireless, Wi-Fi and HEVC video technologies. At the same time, InterDigital and Xiaomi have agreed to withdraw all pending patent lawsuits and other lawsuits.

Source: IP Economy

## 苹果赢得与PMC公司的专利纠纷，无需再支付3亿美元赔偿金

据报道，苹果公司说服一名联邦法官，驳回其因侵犯与数字版权管理相关的专利而要赔给一家私营许可公司3.085亿美元的陪审团裁决。法官认为PMC故意推迟向美国专利和商标局提交申请，希望获得更大的赔偿金属属于“故意拖延策略”是“有意识地、恶劣地滥用法定专利制度”。

PMC公司在2015年的诉讼中声称，苹果公司的iTunes服务和App Store中用于解密电影、音乐和应用程序的FairPlay软件侵犯了其在2012年获得的专利。但德克萨斯州马歇尔市的法官接受了苹果公司关于“起诉时效”的辩护，该辩护可以阻止专利持有人在不合理和无法解释的延迟后执行专利。

来源：加美财经

## Apple won the patent dispute with PMC and did not need to pay the compensation of \$300 million

Apple has persuaded a federal judge to reject a jury ruling that it had to pay a licensing company \$308.5 million for infringing the patents related to digital rights management recently. The judge held that PMC deliberately delayed filing the application to the US Patent and Trademark Office, trying to get more compensation, which is "the web of Penelope" and "consciously abusing the patent system".

In a lawsuit filed in 2015, PMC claimed that apple's iTunes service and FairPlay software used to decrypt movies, music and applications in the App Store infringed its patent obtained in 2012. But the judge in Marshall, Texas, accepted Apple's defense of "statute of limitations", which can prevent the patentee from executing the patent after unreasonable and unexplained delay.

Source: CAUS

## 竞争法 Overseas News

### 市监总局发布两例违法实施经营者集中行政处罚决定

2021年7月30日，国家市场监督管理总局（“市场监管总局”）发布两例违法实施经营者集中行政处罚决定，分别为“中国国际海运集装箱（集团）股份有限公司收购中国消防企业集团控股有限公司股权”案和“萃联中国收购沈阳捷通股权”案。经查，两案均属于应当事先申报而未申报的情形，同时经评估认为该两项经营者集中不会产生排除、限制竞争的效果。因此，市场监管总局分别给予中集集团和萃联中国30万元罚款的处罚。（[查看更多](#)）

### SAMR Issues Two Administrative Penalty Decisions on Gun-jumping

On July 30, 2021, the State Administration for Market Regulation (“SAMR”) issued two administrative penalty decisions on gun-jumping, which are respectively the case of "Acquisition of the Equity of China Fire Enterprise Group Holding Co., Ltd. by China International Marine Containers (Group) Co., Ltd. ('CIMC')” and the case of “Acquisition of Shenyang Jitong Equity by Cuilian China”. After investigation, both cases belong to the situation in which it is necessary to be notified in advance but had not be notified, and at the same time, it is also assessed by SAMR that the two concentration will not produce the effect of excluding and restricting competition. Therefore, SAMR imposed a penalty of CNY 300,000 on CIMC and Cuilian China respectively. ([More](#))

### 交通运输部将依法查处网约车和货运平台垄断行为

2021年7月30日，交通运输部新业态协同监管部际联席会议召开2021年第二次全体会议。会议要求优化监管框架，特别是要加强反垄断监管和反不正当竞争监管，依法查处网约车和货运平台垄断、排除和限制竞争、扰乱市场秩序、侵害司机合法权益等违法行为，维护公平有序竞争市场秩序推动交通运输新业态规范健康持续发展。（[查看更多](#)）

### The Ministry of Transport to Investigate and Punish the Platform Monopoly of Online Car-hailing and Freight

On July 30, 2021, the joint meeting on coordinated supervision of new forms of transportation held the second plenary meeting. The meeting emphasized, it is necessary to improve the supervision framework, which specially focuses on the supervision of anti-monopoly and anti-unfair competition. It is important to investigate and punish the illegal practices of car-hailing platforms and freight platforms including monopoly, restricting market competition and infringing the legal rights and interests of drivers, so as to maintain fair and orderly competition in market and promote the healthy and sustainable development of new forms of transportation. ([More](#))

### 福建省市监局拟就混凝土企业涉嫌垄断协议案举行听证会

2021年8月3日，福建省市场监督管理局发布关于举行行政处罚案件听证的公告，拟于8月13日上午分别对福建武夷沥青混凝土有限公司涉嫌垄断协议案、杭德（建阳）混凝土有限公司涉嫌垄

断协议案公开举行听证会。近年来，中国不断加强对混凝土行业的反垄断执法，此前处理的案件包括“杭州市13家混凝土企业垄断协议案”“永济市混凝土企业垄断协议案”和“延安市混凝土企业垄断协议案”。 ([查看更多](#))

### **Fujian AMR to Hold Hearings for Monopoly Agreement Cases**

On August 3, 2021, Fujian Province Administration for Market Regulation (“Fujian AMR”) published an announcement stating that it will hold public hearings for a suspected monopoly agreement case conducted by Fujian Wuyi Asphalt Concrete Co., Ltd. and another suspected monopoly agreement case conducted by Hangde (Jianyang) Concrete Co., Ltd on the morning of August 13<sup>th</sup>. In recent years, China has continuously strengthened antitrust enforcement against concrete industry, with previous cases including " Monopoly Agreement of 13 Concrete Enterprises in Hangzhou", "Yongji Concrete Enterprise Monopoly Agreement" and "Yan'an Concrete Enterprise Monopoly Agreement". ([More](#))

### **KFTC对谷歌是否存在滥用行为开展最终审查**

2021年8月5日，韩国公平竞争委员会（“KFTC”）表示，其拟对谷歌（“Google”）是否滥用在移动操作系统市场上的市场支配地位进行最终审查。自2016年起，KFTC便一直对谷歌涉嫌阻碍本地智能手机制造商使用其他竞争者开发的操作系统的行为进行调查。KFTC表示，将于9月1日就该案举行第三次也是最后一次全体会议，以决定是否对这家美国科技巨头采取惩罚性措施。另外，KFTC还在调查谷歌是否涉嫌强迫手机游戏应用程序（“App”）只能在其Play商店发布，以及评估其新的计费政策是否损害了市场竞争。谷歌此前宣布，计划对所有在其韩国应用商店内提供数字服务的App开发者收取30%的费用。上个月，韩国议会通过了一修订案，以阻止应用商店运营者不公平地利用其市场地位，将某些支付系统强加于开发者。 ([查看更多](#))

### **KFTC to Hold Final Review on Google’s Abusing of Market Dominance**

On August 5, 2021, the Korea Fair Trade Commission (“KFTC”) said it will hold its final review of whether Google LLC abused its market dominance in the mobile operating system. Since 2016, the regulator has been looking into Google over allegations that it obstructed local smartphone makers from using operating systems run by other rivals. KFTC said it will hold its third and final plenary meeting over the case on September 1, 2021 before it decides whether to take punitive actions against the U.S. tech giant. Separately, the regulator is investigating whether Google allegedly forced mobile game applications to be only released on its Play store. KFTC has been also probing into whether Google's new billing policy has harmed market competition. Google earlier announced a plan to charge a 30 percent fee to all app developers over in-app digital content purchases in South Korea. Last month, a parliamentary committee endorsed a revised act that seeks to ban app market operators from forcing certain payment systems on developers by unfairly using their market status. ([More](#))

### **欧盟对Facebook和Kustomer的拟议收购展开进一步调查**

2021年8月2日，欧盟委员会宣布根据《欧盟合并条例》对Facebook收购Kustomer案开展深入调查。欧委会担心，拟议交易将损害客户关系管理（“CRM”）软件供应市场的竞争，并进一步加

强Facebook在在线展示广告市场的市场地位。欧委会认为拟议收购可能会造成如下影响：（1）Facebook可能通过拒绝向其他CRM供应商开放Instagram、WhatsApp或Messenger等“B2C”“OTT”通信渠道进行自我优待，由于这些通信渠道是CRM软件的重要投入，这种封锁策略会减少CRM软件供应市场上的竞争；（2）该笔交易会增强Facebook投放定向广告的数据优势，提高其竞争对手服务的进入和扩张壁垒，最终导致广告主和流量主面临更高的价格和更少的选择。此前，英国竞争与市场管理局也宣布对此合并启动调查。（[查看更多](#)）

## EU Opens In-depth Investigation into Proposed Acquisition of Kustomer by Facebook

On August 2, 2021, the European Commission announced that it has opened an in-depth investigation to assess the proposed acquisition of Kustomer by Facebook under the EU Merger Regulation. The Commission is concerned that the proposed transaction would reduce competition in the market for the supply of Customer Relationship Management (“CRM”) software and would further strengthen Facebook's market position in the online display advertising market. The preliminary competition concerns are as follows: (1) Facebook may foreclose access to its business-to-consumer over-the-top messaging channels which is an important input for the supply of CRM software services, namely WhatsApp, Messenger or Instagram, to practice self-preference. Such foreclosure strategies could reduce competition in the market for the supply of CRM software; (2) the transaction will increase the data advantage of Facebook in its ability to better personalize and target the ads it provides, which would raise barriers to entry and expansion for Facebook's competitors for these services, to the ultimate detriment of advertisers and publishers that would face higher prices and have less choice. Previously, CMA also announced it is investigating the anticipated acquisition by Facebook of Kustomer. ([More](#))

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

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### 山东省网信办依法查处19家违法违规收集使用个人信息的APP及网站

2021年8月8日，根据网民的举报反映，山东省网信办依据《中华人民共和国网络安全法》《常见类型移动互联网应用程序必要个人信息范围规定》等法律和相关规定，依法查处违法违规收集个人信息的APP及网站19家。这19家网站与APP违法收集个人信息的方式包括收集与其提供的服务无关的个人信息、非法冒用他人个人信息、未经用户同意违规收集使用个人信息等。（[查看更多](#)）

### Cyberspace Administration of Shandong Province Investigates and Deals with 19 APPs and Websites for Illegal Collection of Personal Information

On August 8, 2021, according to the report of citizens, the Cyberspace Administration of Shandong Province investigated and punished 19 APPs and websites for illegal collection of personal information according to the *Cybersecurity Law of the People's Republic of China* and the *Rules on the Scope of Necessary Personal Information for Common Types of Mobile Internet Applications* and other laws and relevant provisions. These 19 websites and APPs illegally collected personal information by collecting personal information unrelated to the services they provide, illegally using others' personal information,

and illegally collecting personal information without users' consent. ([More](#))

## 北京市海淀区检察院支持对腾讯提起民事公益诉讼

2021年8月6日，北京市海淀区人民检察院（“海淀检察院”）发布公告称，其在履行职责中发现，深圳市腾讯计算机系统有限公司的微信产品“青少年模式”不符合《中华人民共和国未成年人保护法》相关规定，侵犯未成年人合法权益，涉及公共利益。根据《中华人民共和国民事诉讼法》第五十五条第二款、《最高人民法院、最高人民检察院关于检察公益诉讼案件适用法律若干问题的解释》第十三条第一款的规定发出公告，请拟提起民事公益诉讼的机关和社会组织在公告发出三十日内将有关情况进行书面反馈。（[查看更多](#)）

## Beijing Haidian District Procuratorate Supports Civil Public Interest Litigation Against Tencent

On August 6, 2021, the Beijing Haidian District People's Procuratorate issued an Announcement, stating that in the course of performing its duties, the Court found that the WeChat product "Youth Mode" of Tencent did not comply with the relevant provisions of the *Law of the People's Republic of China on the Protection of Minors*, infringing on the legitimate rights and interests of minors and involving public interests. According to Article 55 of the *Civil Procedure Law of the People's Republic of China* and Article 13 of the *Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in Procuratorial Public Interest Litigation Cases*, the authorities and relevant organizations that intend to initiate civil public interest litigation are requested to provide written feedback within 30 days of the Announcement. ([More](#))

## 《广东省数字经济促进条例》获通过

2021年8月3日，《广东省数字经济促进条例》（“《条例》”）由广东省人民代表大会常务委员会通过，将于9月1日起施行。《条例》以数字产业化、产业数字化为核心，强调支持工业企业实施数字化改造，加快农业数字化转型，加强智能交通、智慧教育、智慧医疗、智慧文旅等数字应用场景建设，推动跨行业、跨领域以及特色型、专业型工业互联网平台建设。同时，《条例》提出要营造良好数字生态、做好数据资源开发保护。（[查看更多](#)）

## Guangdong Province Digital Economy Promotion Regulations Adopted

On August 3, 2021, the *Guangdong Province Digital Economy Promotion Regulations* (“**Regulations**”) was adopted by the Standing Committee of the Guangdong Provincial People's Congress and will come into force on September 1<sup>st</sup>. The *Regulations* focus on digital industrialization and industrial digitization, emphasizing support for the implementation of digital transformation in industrial enterprises, accelerating the digital transformation of agriculture, strengthening the construction of digital application scenarios such as intelligent transportation, intelligent education, intelligent medical care and intelligent cultural tourism, and promoting the construction of cross-industry and cross-discipline as well as characteristic and professional industrial Internet platforms. At the same time, the *Regulations* proposes to create a good digital ecology and do a good job of data resource development and protection. ([More](#))

## 侵害消费者个人信息情形较重的将列入“严重违法失信名单”

2021年7月30日，国家市场监督管理总局发布《市场监督管理严重违法失信名单管理办法》（“《办法》”），并将自2021年9月1日起生效。《办法》规定，当事人违法违规侵害消费者个人信息依法得到保护等权利，性质恶劣、情节严重、社会危害较大，受到市场监督管理部门较重行政处罚的，由市场监督管理部门依照本办法规定列入严重违法失信名单，通过国家企业信用信息公示系统公示，并实施相应管理措施。（[查看更多](#)）

## Those Who Infringe on Consumers' Personal Information May be Included in the "List of Subjects with Seriously Illegal or Dishonest Acts"

On July 30, 2021, the State Administration for Market Regulation issued the *Administrative Measures for the List of Subjects with Seriously Illegal or Dishonest Acts under Market Regulation* (“*Measures*”), and will take effect from September 1, 2021. The *Measures* stipulate that where the parties infringe on the rights of consumers' personal information to be protected in accordance with the law, with a bad nature, serious circumstances or greater social harm, and is subject to a heavier administrative penalty by market regulatory authorities, market regulatory authorities shall include it into the list of subjects with seriously illegal or dishonest acts pursuant to the provisions of the *Measures*, make public the same through the National Enterprise Credit Information Publicity System, and implement the corresponding administrative measures. ([More](#))

## 广州市人民政府印发《广州市推行首席数据官制度试点方案》

2021年7月27日，广州市人民政府发布了《广州市推行首席数据官制度试点实施方案》正式印发的通知。作为广东省7个首席数据官试点城市之一，广州创新性设置首席数据执行官，聚焦数据资源全生命周期管理，推动数据治理、数据共享开放和开发利用，加快推进数据要素市场化配置，全面提升数据资源在数字政府建设中的核心驱动作用，为数字政府改革翻开新的篇章。（[查看更多](#)）

## Guangzhou Government Issues the Pilot Program for the Implementation of Chief Data Officer System in Guangzhou

On July 27, 2021, the Guangzhou Government issued a notice of the *Pilot Program for the Implementation of Chief Data Officer System in Guangzhou*. As one of the seven chief data officer pilot cities in Guangdong Province, Guangzhou innovatively sets up a chief data executive officer to focus on the whole life cycle management of data resources, promote data governance, data sharing and opening and development, accelerate the market-oriented allocation of data elements, comprehensively enhance the core driving role of data resources in the construction of digital government, and open a new chapter for digital government reform. ([More](#))

## 亚马逊因违反欧盟《通用数据保护条例》被处以8.83亿美元罚款

2021年8月6日，据报导称，亚马逊因为违反欧盟《通用数据保护条例》（“GDPR”）被处以欧盟有史以来最大的数据隐私泄露罚款，共计8.83亿美元。亚马逊方表示会提起上诉，并坚称亚马逊没有泄露数据，也没有将客户数据暴露给任何第三方。GDPR自2018年5月生效以来，首次允许监督机构对处罚对象征收高达全球年销售额4%的罚款。（[查看更多](#)）

### Amazon Fined \$883 Million for Non-complying with GDPR

On August 6, 2021, it was reported that Amazon was fined the largest data privacy breach ever in the EU, totaling \$883 million, for violating the EU's *General Data Protection Regulation* (“GDPR”). The Amazon side said it would appeal and insisted that Amazon did not breach data or expose customer data to any third party. The GDPR, which has been in effect since May 2018, allows the watchdog for the first time to levy fines of up to 4 percent of annual global sales on the targets of the penalties. ([More](#))

## Zoom同意支付8500万美元了结侵犯用户隐私集体诉讼

2021年8月1日，视频会议公司Zoom同意支付8600万美元（约合5.6亿元人民币）以了结美国的一起集体隐私诉讼。该诉讼称，Zoom通过与Facebook、谷歌和LinkedIn分享个人数据，侵犯了数百万用户的隐私。诉讼还指责Zoom谎称自己提供端到端加密，因而未能阻止黑客发动“zoombombing”攻击。Zoom否认了上述行为，但其同意加强安全措施。双方由此达成初步和解。这一初步和解协议还包括一项条款，即Zoom将为其员工提供数据处理和隐私方面的专门培训。（[查看更多](#)）

### Zoom Agrees to Pay \$85 Million to Settle User Privacy Violation Class Action

On August 1, 2021, video conferencing company Zoom agreed to pay \$86 million to settle a class action privacy lawsuit in the United States. The lawsuit alleged that Zoom violated the privacy of millions of users by sharing personal data with Facebook, Google and LinkedIn. The lawsuit also accused Zoom of failing to prevent hackers from launching “zoombombing” attacks by falsely claiming to provide end-to-end encryption, which Zoom denied, but agreed to strengthen its security measures. The parties reached a preliminary settlement. The preliminary settlement agreement also includes a provision that Zoom will provide its employees with specialized training in data handling and privacy. ([More](#))

## ULC投票通过了《统一个人数据保护法》

2021年7月，美国统一法律委员会（ULC）投票通过了《统一个人数据保护法》，该法案旨在统一州隐私立法的示范法案，预计将于2022年1月被州立法机构引入。该法律将为个人提供更少、更有限的访问或以其他方式控制数据权利，并对假名数据提供了广泛的豁免；对“兼容”、“不兼容”和“禁止”的数据实践作出了实用区分；为自愿共识标准提供了一种独特的实施方法。（[查看更多](#)）

## **ULC Votes to Adopt the *Uniform Personal Data Protection Act***

In July 2021, the Uniform Law Commission (ULC) voted to adopt the *Uniform Personal Data Protection Act* (“*UPDPA*”), a model bill intended to harmonize state privacy legislation, which is expected to be introduced by state legislatures in January 2022. The *UPDPA* will provide individuals with fewer and more limited rights to access or otherwise control data and provides broad exemptions for pseudonymous data; make practical distinctions between “compatible”, “incompatible” and “prohibited” data practices; and provide a unique implementation method for voluntary consensus standards. ([More](#))

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