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立方要闻周报

Weekly News By Lifang & Partners NO.5

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欧洲数据保护委员会发布《关于成员国向数据保护机构提供的资源以及数据保护机构的执法行动的概述》

EDPB Published Overview on Resources made Available by Member States to the Data Protection Authorities and on Enforcement Actions by the Data Protection Authorities

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知识产权 Intellectual Property

我国上半年专利侵权纠纷行政裁决立案1.38万件

8月13日，国家知识产权局发布消息，称2021上半年全国各地知识产权局扎实推进专利侵权纠纷行政裁决工作，聚焦线上线下重点领域、“五一”“端午”重要时段和关键环节，凝聚专利侵权治理工作合力，取得良好成效。各地专利侵权纠纷行政裁决案件立案共计1.38万件，浙江、江苏、广东、上海、四川、福建、河北、北京、安徽、河南、山东等地立案数量位居全国前列。

来源：国家知识产权局

13,800 Administrative Patent Infringement Rulings in First Half of 2021

On 13 August, CNIPA stated that, in the first half of 2021, intellectual property offices across China made efforts to promote administrative patent infringement dispute rulings by focusing on key online and offline locations, important periods such as May Day and the Dragon Boat Festival, patent infringement control, and achieving good results. The number of administrative patent infringement dispute rulings across the country reached 13,800, with Zhejiang, Jiangsu, Guangdong, Shanghai, Sichuan, Fujian, Hebei, Beijing, Anhui, Henan, Shandong, and other places topping national rankings.

Source: CNIPA

鲁西化工因专利侵权被判赔7.49亿

8月9日晚，鲁西化工发布公告，公司日前收到聊城市中院送达的《民事裁定书》，裁定承认瑞典斯德哥尔摩商会仲裁机构2017年11月7日就公司违反与庄信万丰戴维科技有限公司、陶氏全球技术有限公司签署的《低压羰基合成技术不使用和保密协议》作出的仲裁裁决。

公司副总经理张雷8月9日晚间代表公司就这一判决做出回应。他表示，公司尊重市中院作出的民事裁定，将按照程序履行赔付义务，但公司并未侵犯对方知识产权，仅因早年国际合作经验不足，违反了保密协议，付出巨大代价，今后将吸取教训。

来源：中国知识产权杂志

Luxi Chemical to Pay RMB 749 million in Patent Infringement Damages

On 9 August, Luxi Chemical announced that it had received a Civil Judgment from Liaocheng Intermediate People's Court. The judgment recognizes an arbitration made by the Arbitration Institute of the Stockholm Chamber of Commerce in Sweden on 7 November 2017. Luxi was reported to have violated an "Agreement on Non-Use and Confidentiality of Carbonylation Technology via Low Pressure" signed with Johnson Matthey David Technology Co Ltd and Dow Global Technology Co Ltd.

Zhang Lei, Deputy General Manager of Luxi Chemical, made a public announcement on 9 August in which he said that the company respects the civil judgment made by the Liaocheng Intermediate People's Court and will fulfil its obligation to pay damages, but that the company did not infringe the in-

involved intellectual property rights. He said that due to its lack of international cooperation experience, the company violated the confidentiality agreement and paid a huge price, and has learnt from this experience.

Source: China IP Magazine

LED芯片龙头专利侵权诉讼：华灿光电起诉三安专利侵权，索赔8000万

据报道，华灿光电已经起诉三安光电侵犯其专利，法院已正式立案。据了解，华灿光电此次起诉三安光电、厦门三安光电有限公司、安徽三安光电有限公司等公司侵犯其两项核心专利，专利名称分别为“高压发光二极管芯片”和“发光二极管外延片及其制造方法”。

华灿光电要求三安光电停止制造、许诺销售和销售侵犯上述专利权的产品，并销毁全部用于生产侵权产品的设备以及相关模具，并赔偿华灿光电经济损失共8000万元。此前，三安光电曾对华灿光电及其下属公司提起两起专利侵权诉讼，此次华灿光电的起诉是这两大LED芯片产业龙头企业间专利纠纷的延续和升级。

来源：IPR daily

HC Semitek Sues Sanan for RMB 80 million in Patent Infringement Damages

It was reported that HC Semitek filed patent infringement suits against Sanan Optoelectronics, Xiamen Sanan Optoelectronics Co Ltd, Anhui Sanan Optoelectronics Co Ltd, [etc.](#), for infringing its “high voltage LED chip” and “LED epitaxial wafer and its manufacturing method” patents.

HC Semitek complained that Sanan Optoelectronics should stop manufacturing, offering to sell, and selling the products that infringe the patents-in-suit, destroy all the equipment and molds used for producing the infringing products, and compensate HC Semitek for RMB 80 million in economic losses. Previously, Sanan Optoelectronics filed two patent infringement lawsuits against HC Semitek and its subsidiaries. The lawsuits this time are a continuation and escalation of the patent disputes between these leading companies in the LED industry.

Source: IPR daily

可比克薯片诉“克比克”获赔13万元

近日，达利食品集团有限公司与聊城市智慧园食品有限公司、铜山区玉人百货超市侵害商标权纠纷一审民事判决书公开。2003年，达利公司开始在其薯片食品上使用“可比克”系列商标。2011年7月，“可比克”商标被商标局认定为“中国驰名商标”。被告聊城智慧园公司在其生产销售的薯片食品包装上使用了与原告商标相似的标识，被告玉人超市销售了侵害原告商标专用权的商品。最终审判结果为，被告聊城市智慧园食品有限公司于本判决生效之日起十日内赔偿原告达利食品集团有限公司经济损失及合理开支共计130000元，被告铜山区玉人百货超市对上述赔偿数额中的5000元部分承担连带赔偿责任。

来源: IPR daily 中文网

Kepic Potato Chips v. Kepic – RMB 130,000 in Damages Awarded

Recently, a first-instance civil judgment was handed down in the trademark infringement dispute between Dali Food Group Co Ltd, and Liaocheng Wisdom Garden Food Co Ltd and Tongshan District Jade Department Store Supermarket.

In 2003, Dali began to use the “Kepic” trademarks on its potato chips. In July 2011, the trademark “Kepic” was recognized as a “China Well-known Trademark” by the Trademark Office. Later, Wisdom Garden used a logo similar to the plaintiff’s trademark on the packaging of potato chips it produced and sold, and Jade Department Store sold those infringing potato chips.

After the court heard the case, Wisdom Garden was ordered to compensate Dali for economic losses and reasonable expenses totalling RMB 130,000 within ten days from the judgment. Meanwhile, Jade Department Store was held jointly and severally liable with Wisdom Garden for RMB 5,000 in compensation.

Source: IPR daily

“国粹” 商标被裁定无效

北京法院审判信息网发布，环球佳酿酒业集团有限公司就国家知识产权局此前裁定的“‘国粹’ 商标无效宣告”提起诉讼，该案近期被北京知识产权法院驳回。

本案中，诉争商标为汉字“国粹”。“国粹”为固有词汇，通常是指中国传统文化中的精华，将“国粹”作为商标使用在诉争商标核定使用的白酒等商品上，易使相关公众对商品的质量等特点产生误认。因此，诉争商标的申请注册已违反2014年商标法相关规定。“国粹”具有特定含义，将之使用在诉争商标核定使用的清酒（日本米酒）等商品上，易对我国政治、经济、文化、宗教、民族等社会公共利益产生消极、负面的影响。

来源: 齐鲁壹点

“Guo Cui” Trademark Ruled Invalid

The Beijing Court Trial Information Network announced that Global Best Brewing Group Co Ltd filed an administrative lawsuit against CNIPA’s “Guo Cui” trademark invalidation decision. The Beijing Intellectual Property Court subsequently rejected it.

In this case, the trademark in dispute consisted of the Chinese characters “Guo Cui”. “Guo Cui” usually refers to the essence of Chinese traditional culture. Using “Guo Cui” as a trademark on products, such as liquor and other products, can easily cause the relevant public to misunderstand the quality and other characteristics of the products. Therefore, the application to register the disputed trademark violated the relevant provisions of the [Trademark Law \(2014\)](#). “Guo Cui” has a specific meaning, and its use in products such as sake (Japanese rice wine) is likely to harm China’s political, economic, cultural, religious, ethnic, and other social and public interests.

Source: Qilu One Point

字节跳动诉国知局争“头条”商标，法院二审驳回

北京字节跳动科技有限公司申请“头条”商标，被国家知识产权局驳回注册申请。国家知识产权局在驳回裁定中认为，“头条”属于诉争商标与各在先引证商标的显著识别部分，在文字构成、发音呼叫、整体认读效果等方面相近，易产生混淆误认，构成近似商标。字节跳动遂提起行政诉讼，一审被北京知识产权法院驳回诉讼请求；提起上诉后，二审被北京市高级人民法院驳回上诉，维持原判。

来源：中国青年报

ByteDance's "Toutiao" Trademark Appeal Rejected

Beijing ByteDance Technology Co Ltd applied for the "Toutiao" trademark, but CNIPA rejected the application for registration. In its rejection ruling, CNIPA held that "Toutiao" is the distinguishing part of the disputed trademark and each of the earlier cited trademarks. It is similar in text composition, pronunciation, and overall effect, which was likely to cause confusion and misidentification with similar trademarks. ByteDance then filed an administrative lawsuit, and the Beijing Intellectual Property Court rejected ByteDance's claims. An appeal was filed but rejected by the Beijing Higher People's Court, which upheld the original judgment.

Source: China Youth Daily

爱奇艺起诉字节跳动不正当竞争，获赔60万

8月11日，两则北京爱奇艺科技有限公司与北京字节跳动科技有限公司不正当竞争纠纷一审民事判决书公开。法院查明后认为，涉案行为系利用技术手段妨碍、破坏其他经营者合法提供的网络产品或者服务的正常运行，为自身谋取不当利益，扰乱市场竞争秩序的行为，应属不正当竞争行为。最终裁判结果为，被告北京字节跳动科技有限公司赔偿原告北京爱奇艺科技有限公司经济损失及合理开支共计602000元。

来源：网易新闻

ByteDance's "Toutiao" Trademark Appeal Rejected

On 11 August, two first-instance civil judgments in the unfair competition disputes between Beijing iQiyi Technology Co Ltd and Beijing Bytedance Technology Co Ltd were published.

After investigation, the court held that the acts complained of in the case involved the use of technical means to hinder or disrupt the normal operation of network products or services legally provided by other operators, the seeking of improper interests, and the disruption of the order of market competition, which constituted unfair competition.

The final judgment ordered the defendant, Beijing ByteDance Technology Co Ltd, to compensate the plaintiff, Beijing iQiyi Technology Co Ltd, for economic losses and reasonable expenses totalling RMB 602,000.

Source: Netease News

音集协版权合同案一审宣判，天合公司被判赔解除独家合作协议，被判赔9976万元

历时经3年审理，备受关注的中国音像著作权集体管理协会与天合文化集团有限公司及其子公司著作权委托合同纠纷案终于有了新进展。7月29日，北京知识产权法院就该案做出一审判决，法院支持原告音集协与被告天合公司签订的全部9份涉及卡拉OK著作权许可事务独家合作协议自2018年11月1日起全部解除等诉求，判决天合公司及其子公司向音集协支付其拖欠的著作权许可使用费、延迟支付利息及损失赔偿金等款项共计9976万元，同时驳回天合公司的全部反诉请求。天合公司对一审判决结果不服，表示将提起上诉。

来源：[中国知识产权资讯网](#)

Tianhe Loses Copyright Dispute with CAVCA

After three years of litigation, the much-watched contract dispute between the China Audio-Video Copyright Association and Tianhe Culture Group Co Ltd and its subsidiaries has finally made some progress. On 29 July, the Beijing Intellectual Property Court made a first-instance judgment. It supported all nine exclusive cooperation agreements concerning karaoke copyright licensing matters signed between the plaintiff and the defendant Tianhe Company since 1 November 2018. The court ruled that Tianhe and its subsidiaries should pay CAVCA a total of RMB 99.76 million in copyright license arrears, interest payments and damages. The court also rejected all Tianhe's counterclaims. Tianhe was dissatisfied with the first-instance judgment and stated that it would appeal.

Source: [China Intellectual Property Information Network](#)

2021年上半年欧盟商标申请记录将近10万件

在2021年上半年，欧盟知识产权局（EUIPO）创纪录地收到了将近10万件欧盟商标申请，与去年同期相比增长了约24%。注册共同体外观设计的申请量同期也增长了近2%。

增加的欧盟商标需求涉及数据处理设备和计算机、企业管理以及科技服务和研究等领域，反映了COVID-19疫情期间消费者和卫生机构不断变化的需求。

来源：[中国保护知识产权网](#)

Nearly 100,000 EU trademark applications were recorded in the first half of 2021

In the first half of 2021, the European Union Intellectual Property Office (EUIPO) received a record 100,000 EU trademark applications, an increase of approximately 24% compared to the same period last year. The number of applications for registered community designs also increased by nearly 2% during the same period.

The increased demand for EU trademarks involves fields such as data processing equipment and computers, business management, and scientific and technological services and research, reflecting the changing needs of consumers and health institutions during the COVID-19 epidemic.

Source: [China Intellectual Property Protection Network](#)

英国法院裁决联想侵犯InterDigital 4G专利

英国高等法院8月10日裁决联想侵犯了InterDigital拥有的EP2485558专利，涉及4G标准必要专利，各方正在等待进一步的FRAND程序。

此外，InterDigital称联想已向英国进口和销售4G设备，这样的行为构成了对EP2485558专利的侵犯。作为回应，联想以不具备新颖性、有效性和创造性为由提出专利无效请求，试图驳回侵权并提出反诉，不过法院驳回了反诉。

来源：知产前沿

English Court Rules that Lenovo Infringed InterDigital 4G Patent

On 10 August, an English court ruled that Lenovo infringed InterDigital's EP2485558 patent, which is part of the 4G standard. Further FRAND proceedings are pending.

InterDigital claimed that Lenovo imported and sold 4G equipment in the UK, which infringed the EP2485558 patent. In response, Lenovo filed a patent invalidation request based on lack of novelty, effectiveness, and creativity as part of their defence strategy and filed a counterclaim. They were not successful.

Source: IP Forefront

竞争法 Overseas News

蓝普视讯实名举报富满电子滥用市场支配地位

2021年8月12日，LED电子显示屏厂商蓝普视讯发布公告称其已经向中国光学光电子行业协会和国家市场监督管理总局反垄断局提交了举报信。蓝普视讯称，富满电子多次无正当理由拒绝履行IC产品供货合同，并不断要求加价，严重影响其正常经营活动以及市场秩序。截至目前，针对富满电子无正当理由不履行合约和恶意哄抬价格的行为，蓝普已经收到了行业近100家IC受害企业的声援、9家显示屏幕企业请求参与共同诉讼。（[查看更多](#)）

Lanpu Video Reports Fuman Electronics' Abuse of Market Dominance

On August 12, 2021, Lanpu Video, the LED electronic display manufacturer, issued an announcement stating that it had submitted a complaint to the China Optics and Optoelectronics Industry Association and the Antimonopoly Bureau of the State Administration for Market Regulation. Lanpu Video stated that Fuman Electronics has repeatedly refused to perform IC product supply contracts without any good reason and has continued to demand price increases, which have seriously affected Lanpu Video's normal business activities and seriously disrupted the market order. Up to now, Lanpu has received support from nearly 100 IC companies and nine display screen companies who wish to participate in joint litigation. ([More](#))

重庆市监局推进“双反促公平”专项执法，查处案件149件，罚没3306万元

2021年8月9日，重庆市市场监督管理局（“重庆市监局”）表示在深入开展“反垄断反不正当竞争（双反）促公平”专项执法行动中，查处反垄断和反不正当竞争案件149件，罚没金额3306.27万元。重点查处的垄断行为包括：拒绝交易、限定交易、附加不合理交易条件、“二选一”、霸王条款、低价倾销、大数据杀熟、强制搭售行为以及招标投标、政府采购中的排除限制竞争行为。下一步，重庆市监局将持续聚焦教育培训机构、私立医疗机构、红顶中介、平台经济等重点领域，加大执法力度。（[查看更多](#)）

Chongqing AMR Conducts a 149 Case Anti-monopoly and Anti-competition Enforcement Campaign with Fines of around CNY 33 Million

On July 30, 2021, the Chongqing Administration for Market Regulation (“Chongqing AMR”) announced that it had investigated and handled a total of 149 anti-monopoly and anti-unfair competition cases as part of its in-depth implementation of the “anti-monopoly and anti-unfair competition special enforcement campaign”, and had issued fines of around CNY 33 million. The key monopolistic behaviors investigated and dealt with included refusals to deal, exclusive dealing, unreasonable trading conditions, “either-or” practices, overlord clauses, dumping, big-data discrimination, tying, the exclusion and restriction of competition in bidding and government procurement. The Chongqing AMR stated that it would continue to focus on key areas such as education and training institutions, private medical institutions, red top intermediaries, and the platform economy while strengthening law enforcement and maintaining a unified, open, orderly, and competitive market environment. ([More](#))

安徽省市监局纠正和县政府及和县住建局滥用行政权力排除、限制竞争行为

2021年8月5日，安徽省市场监督管理局（“安徽省市监局”）发布关于纠正和县人民政府及和县住建局滥用行政权力排除、限制竞争行为的通告。经查，和县政府以及和县住建局要求由安徽金燃能源投资有限公司负责对全县瓶装液化气经营门点进行价格整合，构成了滥用行政权力排除、限制竞争。调查过程中，和县政府主动撤销了此前的要求，并对瓶装液化气价格实行市场调节价。同时，当事人承诺将允许所有符合条件的企业参与竞争，努力构建公平竞争的市场环境。（[查看更多](#)）

Anhui AMR Rectifies Hexian People’s Government and Hexian Housing Construction Bureau’s Abuse of Administrative Power

On August 5, 2021, the Anhui Province Administration for Market Regulation (“Anhui AMR”) issued a notice on rectifying Hexian People’s Government and Hexian Housing Construction Bureau’s abuse of administrative power to exclude and restrict competition. Upon investigation, these two governmental authorities allowed Anhui Jinran Energy Investment Co Ltd to unify the prices at 110 bottled gas outlets in the county, which constituted an abuse of administrative power to exclude and restrict competition. During the investigation, the parties cancelled the “uniform price” requirement and implemented market-adjusted prices for bottled liquefied gas. At the same time, the two parties promised to allow all eligible companies to compete and said they would build a fair and competitive market environment. ([More](#))

意大利反垄断机构对麦当劳与特许经营者之间的合作协议展开调查

2021年8月9日，据报道，意大利反垄断机构（“AGCM”）将调查麦当劳与特许经营者所签订协议中的条款和条件。如果麦当劳被认定违反了意大利的反垄断规则，这家美国快餐连锁店将面临被罚款的风险，罚款额度可高达其全球营业额的10%，该集团2020年的收入为192亿美元。AGCM表示，根据现有信息，商店经营者与麦当劳之间可能存在经济依赖关系。条款中有关价格、促销、库存、供应和采购、财务管理等部分，都可能被视为滥用行为的证据。（[查看更多](#)）

AGMC Probes McDonald's Franchise Agreements

On August 9, 2021, it was reported that Italy's antitrust authority AGCM would investigate McDonald's terms and conditions in its agreements with franchise operators following several complaints. The AGCM move could put the US fast-food chain, which in 2020 made USD 19.2 billion in revenue, at risk of a fine of as much as 10% of its global turnover if it is found guilty of breaching Italian antitrust rules. The AGCM stated that, based on the available information, there appeared to be a relationship of economic dependence between the store operators and McDonald's. The authority also noted a series of pervasive and binding clauses on prices, promotions, stocks, supplies, purchases, and financial management, among other things, which could be elements of abusive conduct. ([More](#))

印度法院下令允许CCI对亚马逊和沃尔玛旗下的Flipkart进行反垄断调查

2021年8月9日，据报道，印度最高法院允许印度竞争委员会（“CCI”）对电商巨头亚马逊和沃尔玛旗下的Flipkart进行反垄断调查，指控他们通过向一些供应商提供优待和巨额折扣，滥用市场支配地位，损害了印度本地实体经营者的竞争利益。由首席大法官拉马纳领导的一个三人法官小组驳回了亚马逊和Flipkart要求停止调查的单独请求。而亚马逊和Flipkart否认有任何不当行为，并告诉法庭，该小组未按照法定程序开展调查。（[查看更多](#)）

Indian Supreme Court Orders CCI to Investigate the Monopolistic Conduct of Amazon and Flipkart

On August 9, 2021, it was reported that India's Supreme Court allowed an antitrust investigation to proceed against Amazon.com's local unit and Walmart-backed Flipkart for allegedly abusing their dominance by offering deep discounts and preferential treatment to some vendors to the competitive detriment of brick-and-mortar traders. A three-judge panel headed by Chief Justice N.V. Ramana rejected separate petitions by Amazon and Flipkart to halt the probe. Amazon and Flipkart deny any wrongdoing and told the court that the panel didn't follow the required procedure when starting the investigation. ([More](#))

CMA初步认定辉瑞和弗林两家制药公司收取不合理高价

2021年8月5日，英国竞争与市场管理局（“CMA”）宣布称其初步认定辉瑞和弗林两家制药公司针对抗癫痫药物收取不合理高价。2016年12月，CMA针对两家公司收取不合理高价的行为进行

处罚。随后，这两家公司提出上诉。2018年竞争上诉法庭（“CAT”）维持了CMA关于市场定义和支配地位的认定，但驳回了关于这些公司的价格属于滥用支配地位的认定，并发回CMA作进一步审查。CMA和弗林随后向上诉法院提出上诉。2020年3月，法院驳回了弗林的全部上诉，并支持了CMA提出的与不公平定价法律测试应用有关的上诉内容。因此CMA决定重新调查CAT发回的事项，并于2020年6月开始了目前的调查。（[查看更多](#)）

CMA Provisionally Finds Pfizer and Flynn’s Behavior Abusive

On August 5, 2021, the Competition and Markets Authority (“CMA”) announced that it had reached a provisional view that Pfizer and Flynn, the two dominant suppliers of phenytoin sodium in the UK, broke competition law by charging unfairly high prices for phenytoin sodium capsules. In December 2016, following an in-depth investigation, the CMA fined Pfizer and Flynn for breaking competition law by charging unfairly high prices for phenytoin sodium capsules. The companies appealed against the CMA’s decision and the fine. In 2018, the Competition Appeal Tribunal (“CAT”) upheld the CMA’s findings on market definition and dominance but set aside the CMA’s finding that the companies’ prices were an unlawful “abuse” of dominance and referred the matter of abuse back to the CMA for further consideration. The CMA and Flynn then appealed to the Court of Appeal. In March 2020, the Court of Appeal dismissed Flynn’s appeal in its entirety and upheld parts of the CMA’s appeal relating to the application of the legal test for unfair pricing. Following this, the CMA decided to re-investigate the matters remitted by the CAT and opened its current investigation in June 2020. ([More](#))

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

《个人信息保护法草案（三次审议稿）》拟作六方面主要修改

2021年8月13日，全国人大常委会法工委举行记者会，通报本次常委会会议拟审议的法律草案的主要情况。记者会上，法工委披露本次《个人信息保护法草案（三次审议稿）》拟作六方面主要修改，主要包括了针对“大数据杀熟”做出的特别规范、将不满十四周岁未成年人的个人信息作为需要特殊规则处理的敏感个人信息、对向境外提供个人信息、对转移到境外的个人信息的保护作出规定、完善死者个人信息保护的规定、完善投诉举报机制等。（[查看更多](#)）

Six Major Revision of the Draft Law on the Personal Information Protection (3rd Draft)

On August 13, 2021, the Legislative Affairs Committee of the Standing Committee of the National People’s Congress held a press conference to inform the situation about draft laws which will be reviewed at this Standing Committee meeting. At the press conference, the Committee disclosed that the draft Law on the Personal Information Protection (3rd Draft) is intended to make revision in six perspectives, including special rules on "big data discrimination", regarding personal information of minors under the age of 14 as sensitive personal information and requiring special treatment, personal information exporting, protection of personal information transferred abroad, and improving the protection of personal information of deceased persons, improving the complaint and reporting mechanism, etc. ([More](#))

国务院颁布《关键信息基础设施安全保护条例》

2021年8月17日，国务院颁布《关键信息基础设施安全保护条例》（“《条例》”）。《条例》明确了关键信息基础设施的主管部门及其职责。同时，《条例》明确了关键信息基础设施运营者主体责任，要求运营者建立健全网络安全保护制度和责任制、设置专门安全管理机构、对关键信息基础设施每年进行网络安全检测和风险评估、出现重大风险问题时即时汇报等。此外，《条例》还对漏洞探测、渗透性测试等活动及关键信息基础设施的重要数据出境做出了特殊规定。（[查看更多](#)）

Regulations on the Security Protection of Critical Information Infrastructure Issued by State Council

On 17 August 2021, the State Council promulgated the Regulations on the Security Protection of Critical Information Infrastructure (the "Regulations"). The Regulations clarify the competent authorities and their duties. At the same time, the Regulations clarify the main responsibilities of operators of critical information infrastructures, requiring operators to establish a sound network security protection system and responsibility system, set up special security management agencies, conduct annual network security testing and risk assessment, and report immediately when major risk issues arise. In addition, the Regulations also make special provisions for activities such as vulnerability detection, penetration testing and the export of important data of critical information infrastructures. ([More](#))

全国信息安全标准化技术委员会发布《信息安全技术区块链技术安全框架》国家标准（征求意见稿）

2021年8月2日，全国信息安全标准化技术委员会发布《信息安全技术区块链技术安全框架》国家标准（征求意见稿）。此标准针对区块链面临的安全风险，梳理区块链的技术体系，提供了一个总体的区块链技术安全框架，用于对区块链平台与应用的开发、研制、使用和管理运维过程进行整体规划，提供安全指导。（[查看更多](#)）

Draft of Information Security Technology- Security Framework for Block-chain Technology Published for Comment

On 2 August 2021, the National Information Security Standardization Technical Committee released the national standard Information Security Technology- Security Framework for Block-chain Technology (Draft for Comments). This standard addresses the security risks faced by block-chain, compiles the technical system of block-chain, and provides a general block-chain technical security framework for the overall planning and security guidance during the course of development, preparation, use and management of block-chain platform and applications. ([More](#))

工信部要求加强智能网联汽车生产企业及产品准入管理

2021年8月12日，工业和信息化部发布《关于加强智能网联汽车生产企业及产品准入管理的意见》（以下简称《意见》），要求加强汽车数据安全、网络安全、软件升级、功能安全和预期功能安全管理，保证产品质量和生产一致性，推动智能网联汽车产业高质量发展。《意见》加强了智能网联汽车生产企业及产品准入管理，明确汽车数据安全、网络安全、在线升级等管理要求，指导企业加强能力建设，切实维护公民生命、财产安全和公共安全。同时就个人信息和重要数据保护、数据存储和出境等问题提出要求。（[查看更多](#)）

MIIT Requires to Strengthening the Management of Market Access of ICVs Production Enterprises and Products

On 12 August 2021, the Ministry of Industry and Information Technology (MIIT) issued the Opinions on Strengthening the Management of Market Access of Intelligent Connected Vehicle Production Enterprises and Products (the “Opinions”), which requires strengthening the management of automotive data security, network security, software upgrades, functional safety and expected functional safety, ensuring product quality and production consistency, as well as promoting the high-quality development of ICVs industry. The Opinions strengthen the market access management of smart connected vehicle production enterprises and products, clarify the management requirements for automotive data security, network security and online upgrades, and guide enterprises to strengthen capacity building to effectively safeguard citizens' lives, property security and public safety. It also address to the issues such as protection of personal information and important information, data storage and export, etc. ([More](#))

中央网信办会同有关部门深入推进摄像头偷窥等黑产集中治理工作

2021年8月9日，网信办发布了摄像头偷窥等黑产集中治理的工作报告。今年5月以来，中央网信办会同工业和信息化部、公安部、市场监管总局深入推进摄像头偷窥等黑产集中治理工作。其中，中央网信办指导各地网信办督促各类平台清理相关违规有害信息、处置违规账号、下架相关商品，同时对存在隐私视频信息泄露隐患的14家视频监控APP厂商进行了约谈，并督促其完成整改。工业和信息化部工业和信息化部组织相关机构以及18个重点视频监控云平台、摄像头生产企业代表，召开全国电视电话会议，部署摄像头网络安全集中整治工作。（[查看更多](#)）

CAC Works with Other Departments on the Centralized Governance of Camera Peeping and other Black Industry

Since May this year, Cyberspace Administration of China (CAC), in conjunction with MIIT, the Ministry of Public Security and the State Administration for Market Supervision, has been intensively promoting the centralized management of camera peeping and other black industry. Among them, CAC instructed local cyberspace administration to supervise various platforms to clean up relevant illegal and harmful information, dispose of illegal accounts and take down relevant commodities, and inquire 14 video monitoring app manufacturers with potential risks of private video information leakage and urged to complete rectification; MIIT organized relevant agencies and 18 key video surveillance cloud plat-

forms and camera manufacturer to hold a national teleconference and deploy centralized rectification work of camera network security. ([More](#))

国家计算机病毒应急处理中心监测发现十四款违法移动应用

2021年8月9日，国家计算机病毒应急处理中心近期通过互联网监测发现14款移动应用存在隐私不合规行为，违反《网络安全法》相关规定，涉嫌超范围采集个人隐私信息。不合规行为主要包括以下情形：App中无隐私政策；未向用户明示申请的全部隐私权限；App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；未建立并公布个人信息安全投诉、举报渠道，或超过承诺处理回复时限等。 ([查看更多](#))

NCERT found privacy non-compliance behavior of 14 Apps through Internet monitoring

National Computer Virus Emergency Response Center (NCERT) recently found through Internet monitoring that 14 Apps had privacy non-compliance behavior, violating the relevant provisions of the Network Security Law and allegedly collecting personal privacy information beyond the scope. The non-compliance behavior mainly includes: no privacy policy; unclear or partially application to the users for the access of privacy; collecting personal information before obtaining the user's consent; failing to provide effective functions to correct and delete personal information and delete the user's account, or setting unreasonable conditions for deleting the user's account; failing to establish or publish channels for complaints and reports, or exceeding the promised time limit for handling responses, etc. ([More](#))

上海市发改委发布《上海市促进城市数字化转型的若干政策措施》

2021年8月2日，上海市发改委发布《上海市促进城市数字化转型的若干政策措施》（“《措施》”）。《措施》要求要健全人脸等生物特征信息使用规则；探索公共数据授权运营制度；建立系统全面的数字化转型保障新体系等。 ([查看更多](#))

Several Policy Measures for Promoting Digital Transformation of Cities in Shanghai issued by Shanghai DRC

On 2 August 2021, the Shanghai Municipal Development and Reform Commission released “Several Policy Measures for Promoting Digital Transformation of Cities in Shanghai” (the “Measures”). The Measures requires to improve rules for the use of biometric information such as human faces; explore the system for authorizing the operation of public data; and establish a new systematic and comprehensive system for safeguarding digital transformation, etc. ([More](#))

欧洲数据保护委员会发布《关于成员国向数据保护机构提供的资源以及数据保护机构的执法行动的概述》

2021年8月11日，欧盟数据保护委员会(EDPB)发布《关于成员国向数据保护机构提供的资源以及数据保护机构的执法行动的概述》。EDPB分享了成员国向数据保护机构提供的财务和人力资源的统计数据。此外，该报告还包括欧盟境内和跨境执法案件的总数，包括基于投诉的案件数量、依职权调查的案件数量，以及基于数据泄露通知的案件数量。（[查看更多](#)）

EDPB Published Overview on Resources made Available by Member States to the Data Protection Authorities and on Enforcement Actions by the Data Protection Authorities

On 11 August 2021, the EU Data Protection Board (EDPB) published Overview on Resources made Available by Member States to the Data Protection Authorities and on Enforcement Actions by the Data Protection Authorities. EDPB shares statistics on the financial and human resources invested by Member States to data protection authorities. In addition, the report includes the total number of enforcement cases within the EU and across borders, including the number of cases based on complaints, the number of ex officio investigations, and the number of cases based on data breach notifications. ([More](#))

英国信息专员办公室就其国际数据传输协议草案和指南公开征求意见

2021年8月11日，英国信息专员办公室(ICO)就其国际数据传输协议(IDTA)草案和指南公开征求意见。当组织将个人信息发送到英国以外的国家时，他们必须确保人们的数据保护权利继续得到保护。各个机构在将数据传输到充分性决定未涵盖的国家时可以使用IDTA。征求意见稿分为三部分：国际转让指南的更新建议和计划；转让风险评估；以及国际数据转让协议。IDTA将取代目前的标准合同条款（SCCs）。（[查看更多](#)）

ICO Seeks Opinion on the Draft International Data Transfer Agreement and the Guidance

On 11 August 2021, The Information Commissioner's Office (ICO) has launched a public consultation on its draft international data transfer agreement (IDTA) and guidance. When organizations send personal information to a country outside the UK, they must ensure people's data protection rights continue to be protected. An IDTA is a contract that organizations can use when transferring data to countries not covered by adequacy decisions. The consultation is split into three sections: Proposal and plans for updates to guidance on international transfers; Transfer risk assessments; and the International data transfer agreement. The IDTA will replace the current standard contractual clauses (SCCs). ([More](#))

苹果“儿童安全”功能引发抗议

2021年8月5日，苹果公司宣布将使用一个新的系统检测icloud中的儿童性虐待材料（CSAM）的图像，在这个过程中，图像被转化为对应于该图像的唯一数字，且将向执法部门报告上。苹果

公司称，与以前消除儿童色情制品非法图像的方法相比，新系统对用户来说更加私密，因为它在苹果公司的服务器和用户设备上都使用了复杂的加密技术。一些安全研究人员对该政策提出了抗议，认为这项技术最终可能被用来识别其他类型的图像，如政治相关的图像。（[查看更多](#)）

Complaint Raised Against the Apple's Detection Function of Child Sexual Abuse Material

On August 5, Apple announced to adopt a new system that will detect images called Child Sexual Abuse Material (CSAM), where images are transformed into unique numbers that correspond to that image and report to the law enforcement department. Apple says that its system is more private for users than previous approaches to eliminating illegal images of child pornography, because it uses sophisticated cryptography on both Apple's servers and user devices. Some security researchers have raised concerns that this technology could eventually be used to identify other kinds of images, such as photos of a political protest. ([More](#))

立方律师事务所编写《立方观评》的目的仅为帮助客户及时了解中国法律及实务的最新动态和发展，上述有关信息不应被看作是特定事务的法律意见或法律依据，上述内容仅供参考。



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