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Effectively Prevent Minors From Being Addicted to Online Games

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EDPS Opinion on the Proposal for a Directive on Consumer Credits

Facebook和Netflix在韩因违规收集用户信息被罚

Korea Fines Facebook and Netflix over Privacy Infringement

美国证交会要求赴美上市中企增加风险披露

SEC requires additional risk disclosure for US-listed Chinese companies

知识产权 Intellectual Property

《个人信息保护法》表决通过：不得进行“大数据杀熟”

十三届全国人大常委会第三十次会议20日表决通过《中华人民共和国个人信息保护法》，自2021年11月1日起施行。明确不得过度收集个人信息、大数据杀熟，对人脸信息等敏感个人信息的处理作出规制，完善个人信息保护投诉、举报工作机制……这部专门法律充分回应了社会关切，为破解个人信息保护中的热点难点问题提供了强有力的法律保障。

来源：新华社

Personal Information Protection Law in Force: Algorithmic Consumer Price Discrimination Prohibited

The Personal Information Protection Law of the People's Republic of China was adopted at the 30th Session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on 20 August 2021. It takes effect 1 November 2021.

The law prohibits excessive personal information collection and algorithmic price discrimination, promotes processing principles for sensitive personal information, such as facial biometrics, and improves the mechanism for making complaints and whistleblowing. This law fully responds to social concerns and provides a robust legal framework to solve hot issues in personal information protection.

Source: Xinhua News Agency

《种子法》修正草案拟扩大植物新品种权保护范围

《种子法》修正草案17日提请十三届全国人大常委会第三十次会议审议。修正草案扩大了植物新品种权的保护范围及保护环节、建立实质性派生品种制度、加大了惩罚性赔偿数额，对权利人的损失或侵权人获得的利益或品种权许可使用费可以确定数额的，将赔偿数额的上限由三倍提高到五倍，难以确定数额的，将赔偿限额由三百万元提高到五百万元。

来源：法治日报

Draft Amendment to Seed Law Expands New Plant Varieties Protection

A Draft Amendment to the Seed Law was reviewed at the 30th Session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on 17 August 2021. The *Draft Amendment* contains proposals to expand the protection of new plants varieties, establishing a derivative variety system and increasing maximum punitive damages from three to five times the ordinary damages awarded at trial. For cases where ordinary damages are hard to prove, proposals were made to increase the limit of statutory damages from RMB 3 million to RMB 5 million.

Source: Legal Daily

浙江发布全国首个平台企业竞争合规指引

近日，浙江省市场监督管理局发布了全国首个平台企业竞争合规指引——《浙江省平台企业竞争合规指引》，为浙江平台企业开展竞争合规工作提供了明确指引和具体要求。《合规指引》共6章30条，分为总则、竞争合规承诺与合规管理、竞争合规风险识别、竞争合规运行、竞争合规保障、附则等。

来源：浙江发布

Zhejiang Issues China's First Competition Compliance Guidelines for Platform Enterprises

The Zhejiang Provincial Administration for Market Regulation recently issued China's first competition compliance guidelines for platform enterprises. The *Competition Compliance Guidelines for Platform Enterprises in Zhejiang Province* provides clear guidelines and specific requirements for platform enterprises in Zhejiang to comply with their anti-monopoly and competition law compliance guidelines. The *Guideline* consists of 6 chapters and 30 articles, including General Provisions, Competition Compliance Commitments and Compliance Management, Competition Compliance Risk Identification, Competition Compliance Operation, Competition Compliance Assurance, and Bylaws.

Source: Zhejiang Release

宁德时代诉塔菲尔专利侵权一审获赔2330万

8月24日，宁德时代新能源科技股份有限公司与江苏、东莞塔菲尔新能源科技股份有限公司等侵害实用新型专利权纠纷一审民事判决书公开，塔菲尔公司未经专利权人许可，共同制造、销售落入涉案专利权保护范围的侵权产品，共同侵害了宁德时代公司涉案专利权，构成共同侵权，塔菲尔公司将赔偿2230万元。

来源：新京报

CATL v. Tafel: ¥23.3 Million in Patent Infringement Damages

On 24 August, a court delivered the first instance judgment in the dispute between Contemporary Amperex Technology Co Ltd (“CATL”) and Jiangsu and Dongguan Tafel Amperex Technology Co Ltd (“Tafel”) for infringing a utility model patent. Without the permission of CATL, Tafel jointly manufactured and sold infringing products that fell within the scope of CATL's patent rights, which constituted joint infringement. Tafel was ordered to pay CATL RMB 23.3 million in damages.

Source: Beijing News

“小黄人”卡通形象著作权纠纷案，环球影画获赔510万元

环球公司是全球知名电影、电视制片厂，其推出的小黄人系列电影在中国具有极高的知名度。2018年，环球公司发现千尺雪公司在未获得环球公司授权的情况下，大量生产和销售外观印有

与“小黄人”卡通形象实质相似的图案的乳制品，并积极通过全国性展销会及线上食品招商网站等，推广并销售该产品。针对此行为，环球公司于2019年4月25日向苏州市中级人民法院提起著作权侵权诉讼。最终，经过二审，江苏省高级人民法院全额支持了环球公司提出的510万赔偿诉请。

来源：[搜狐网](#)

Universal Pictures Awarded ¥5.1 Million in Minions Infringement Case

Universal Pictures is a world-famous film and television studio. Its Minions film series is extremely popular in China. In 2018, Universal discovered that Qianchixue Company had, without authorisation, produced and sold dairy drinks with packaging containing images substantially similar to Universal's Minions. Qianchixue also actively promoted and sold its products at national trade exhibitions and online.

In response to Qianchixue's acts, Universal filed a copyright infringement lawsuit at the Suzhou Intermediate People's Court on 25 April 2019. A judgment was handed down and appealed. Eventually, the Jiangsu High People's Court awarded Universal's RMB 5.1 million in damages.

Source: [Sohu.com](#)

同仁堂集团对天津同仁堂提起商标侵权诉讼

近日，中国北京同仁堂(集团)有限责任公司(以下简称“同仁堂集团”)对天津同仁堂集团股份有限公司提起商标侵权诉讼。

同仁堂集团称，同仁堂集团是“同仁堂”字号的唯一合法承继者，是“同仁堂”商标的唯一合法持有人。任何未经许可擅自对同仁堂商标字号的使用、仿冒、混淆等行为，均构成侵权和不正当竞争，目前已向法院提起诉讼。

来源：[北京商报](#)

Beijing TRT Group Files Trademark Infringement Lawsuit Against Tianjin TRT Group

Beijing Tongrentang Group (“BTRT”) filed a trademark infringement lawsuit against Tianjin Tongrentang Group, claiming that it is the sole legal successor to the “Tongrentang” brand and the sole legal owner of the “Tongrentang” trademark and that any unauthorised use, such as counterfeiting or misleading promotions, of the Tongrentang trademark constitutes infringement and unfair competition.

Source: [Beijing Business Times](#)

珠海冠宇在美被日立Maxell起诉

近日，日立Maxell在美国德州西区地方法院起诉中国锂电池制造商珠海冠宇侵犯其4项美国锂电池的基础专利 US8691446、US9350019、US9077035、US9166251。据起诉书显示，Maxell在2020

年5月19日就向珠海冠宇发送了要求进行专利许可谈判的函，但是并没有得到珠海冠宇的积极回应。所以，在一年后，选择在美国对珠海冠宇提起专利侵权诉讼。

来源：深圳特区报

Hitachi Maxell Sues ZHUHAI CosMX for Patent Infringement in the US

Recently, Hitachi Maxell filed a lawsuit in the Western District Court of Texas against Chinese lithium battery manufacturer ZHUHAI CosMX for infringing four US patents - US8691446, US9350019, US9077035 and US9166251. The patents protect vital technologies used in lithium batteries. Hitachi Maxell had sent a letter requesting patent license negotiations but did not receive a positive response from ZHUHAI CosMX. Therefore, one year after first contacting ZHUHAI CosMX, Hitachi Maxell chose to file a patent infringement lawsuit against ZHUHAI CosMX in the United States.

Source: Shenzhen Special Zone Daily

德国修订专利法加强创新定位

2021年8月17日，德国颁布“第二专利法现代化法案”（Second Patent Law Modernisation Act），针对专利法和德国专利商标局（DPMA）的其他知识产权程序进行修订，新规定已在《联邦法律公报》上公布。修订内容主要有视频会议在线提供证据、公共假期延期、PCT申请国家阶段的期限从30个月延长至31个月等三方面。上述三项修正案将于2022年5月1日生效。

来源：中科院知识产权信息

Germany Amends Patent Law to Strengthen Innovation

On 17 August 2021, Germany enacted the *Second Patent Law Modernisation Act*, which amends previous patents law and intellectual property procedures at the German Patent and Trademark Office (DPMA). The new law has been published in the *Federal Law Gazette*. The three main amendments are the online provision of evidence by videoconference, the extension of public holidays, and the extension of the national phase of PCT applications from 30 to 31 months. The three amendments will enter into force on 1 May 2022.

Source: Chinese Academy of Sciences IP Information

竞争法 Overseas News

陕西省市监局对自来水公司滥用市场支配地位行为开出罚单

2021年8月25日，陕西省市场监督管理局（“陕西省市监局”）发布对陕西省水务集团泾阳县供水有限公司滥用市场支配地位一案的行政处罚决定书。经查，泾阳县供水有限公司滥用其在泾阳县县城区域公共自来水供水服务市场的支配地位，对泾阳县部分居民用户在交易时实施了附加不合理交易条件的行为。陕西省市监局考虑违法行为的性质、程度和持续时间，责令泾阳县供水有限公司停止违法行为，处罚没款合计190806.24元。（[查看更多](#)）

Shaanxi AMR Fines a Tap-water Company for Abusing of Dominant

On August 25, 2021, the Administration for Market Regulation of Shaanxi Province (“**Shaanxi AMR**”) issued an administrative punishment decision on the case of abuse of dominant by Jingyang County Water Supply Co., Ltd. of Shaanxi Water Group. After investigation, it is found that the water supply company abused its dominant position in the regional public tap water supply service market of Jingyang County and imposed additional unreasonable transaction conditions to some resident users without justified reasons. Considering the nature, degree and duration of the illegal acts, Shaanxi AMR ordered the company to stop the illegal behavior and imposed a total fine of CNY 190,806.24. ([More](#))

福建省市监局发布两例依法纠正行政垄断行为案件

2021年8月25日，福建省市场监督管理局（“**福建省市监局**”）发布两例纠正当地政府滥用行政权利的通告。福建省市监局于今年3月对两涉案行为立案调查，经查，明溪县人民政府和诏安县人民政府分别下发的行政文件内含排除、限制竞争内容，违反了《反垄断法》第37条和《制止滥用行政权力排除、限制竞争行为暂行规定》第9条规定。但由于在调查期间，两当事人主动采取措施停止相关行为，并消除相关后果，福建省市监局决定结束调查。（[查看更多](#)）

Fujian AMR Issues Two Cases of Correcting the Governmentally Abusive Behaviors

On August 25, 2021, the Administration for Market Regulation of Fujian Province (“**Fujian AMR**”) issued two notices relating to the rectification of governmentally abusive behaviors of local government. It is found by Fujian AMR that the administrative documents issued by the two involved authorities included content of excluding and restricting the competition. These behaviors violate Article 37 of the *Anti-Monopoly Law* and Article 9 of the *Interim Provisions on Preventing the Abuse of Administrative Power Excluding and Restricting Competition*. However, due to the initiative of stopping the relevant behaviors and eliminating the relevant consequences, the Fujian AMR decided to end the investigation. ([More](#))

浙江省市监局发布《浙江省平台企业竞争合作指引》

2021年8月24日，浙江省市场监督管理局（“**浙江省市监局**”）发布《浙江省平台企业竞争合规指引》（“**《指引》**”）。《指引》适用于注册地在省内的各类平台企业，主要从竞争合规承诺与合规管理、风险识别、合规运行、合规保障等方面进行了规定。《指引》特别提示涉及协议控制（VIE）架构的经营者集中，属于反垄断审查范围；同时，平台企业收购初创企业或者新兴平台，即使未达到规定的申报标准，也可能受到反垄断机构的实质调查。（[查看更多](#)）

Zhejiang AMR Issues the *Competitive Compliance Guidelines for Platform Operators in Zhejiang Province*

On August 24, 2021, the Administration for Market Regulation of Zhejiang Province issued the *Competitive Compliance Guidelines for Platform Operators in Zhejiang Province* (“**Guidelines**”). The *Guidelines*, which all platform operators registered in Zhejiang should comply with, mainly stipulates the regulations relating to competitive compliance commitment and management, risk identification,

compliance operation, compliance warrants and other aspects. The *Guidelines* specifically suggests that the concentration of undertakings involving the agreement control (VIE) architecture falls in the scope of review. In the meantime, the acquisitions of startups or emerging platforms, which may not satisfy the legal threshold, cloud also face substantive investigation by antitrust authority. ([More](#))

印度最大汽车制造商因折扣政策领2700万美元罚单

2021年8月23日，据媒体报道，印度竞争委员会（“CCI”）对印度最大的汽车制造商马鲁蒂铃木（Maruti Suzuki）限制经销商折扣的行为处以2700万美元罚款。CCI于2019年7月展开调查，发现马鲁蒂铃木迫使其经销商限制提供的折扣，扼杀了经销商之间的竞争，并损害了消费者利益。（[查看更多](#)）

Indian Biggest Carmaker Fined USD 27 Million for Discount Policies

On August 23, 2021, it was reported that the Competition Commission of India (“CCI”) fined Maruti Suzuki, the country’s biggest carmaker, USD 27 million for anti-competitive practices. The authority started looking into allegations in the July of 2019 and has found that the company forced its dealers to limit the discounts they offer, effectively stifling competition among them and harming consumers. ([More](#))

因串通道路工程投标，西班牙对该国12家工程公司处以6100万欧元罚款

2021年8月20日，据报道，西班牙反垄断监管机构（“CNMC”）对该国主要的工程公司处以合计6100万欧元的罚款，因其实施了操纵道路建设和养护市场的行为。CNMC认定这些公司在2014年至2018年期间在道路建设和养护的政府招标中串通投标。CNMC表示，这些公司的负责人常以“喝咖啡”的名义聚在一起，但实际上是为了讨论和协调每次投标的条件并通过一个“复杂”机制决定最终谁将中标。在此期间，参与卡特尔的公司共赢得交通部举办的101次招标中的71次，获得的合同价值总计5.3亿欧元。（[查看更多](#)）

Spain Fines Twelve Engineering Firms EUR 61 Million for Rigging Road Work Tenders

On August 20, 2021, it was reported that the Spanish anti-trust authority (“CNMC”) said it fined the country's twelve engineering firms a combined EUR 61 million for rigging the market of road construction and maintenance. CNMC found that these companies had created a cartel to align their bids in government tenders to build and maintain roads between 2014 and 2018. Officials from these different companies would hold meetings, officially "to have coffee", but actually to discuss and coordinate the conditions of each bid and who would eventually win the contract through a "sophisticated" mechanism. The companies involved in the cartel won 71 out of the 101 tenders held by the transport ministry during the period and the contracts they won were worth a combined EUR 530 million. ([More](#))

CMA认为NVIDIA对ARM的收购引发严重竞争担忧

近日，英国竞争和市场管理局（“CMA”）认为有必要对NVIDIA对ARM收购的交易开展深入调查。调查发现，ARM的知识产权是与NVIDIA具有竞争关系的半导体芯片及相关产品生产商的重要组成部分。CMA担忧，一旦交易继续，合并后的实体将有能力和动机限制对ARM知识产权的获取，从而损害竞争。竞争的减少可能会扼杀许多市场的创新，从而导致企业和消费者所获得的产品价格更高或质量更低。因此，CMA认为应对该项交易进行更加深入的第二阶段调查。（[查看更多](#)）

CMA Finds Competition Concerns with NVIDIA's Purchase of ARM

Recently, the Competition and Markets Authority (“CMA”) has found that NVIDIA’s purchase of Arm raises serious competition concerns and it is necessary to launch an in-depth investigation into the deal. Arm’s IP is used by companies that produce semiconductor chips and related products, in competition with NVIDIA. Should the deal go ahead, CMA is concerned that the merged business would have the ability and incentive to harm the competitiveness of NVIDIA’s rivals by restricting access to Arm’s intellectual property. Ultimately, CMA is concerned this loss of competition could stifle innovation across a number of markets, which would result in more expensive or lower quality products for businesses and consumers. Therefore, CMA found that the merger should be progressed to an in-depth Phase 2 investigation. ([More](#))

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

网信办就《互联网信息服务算法推荐管理规定（征求意见稿）》公开征求意见

2021年8月27日，国家互联网信息办公室（“网信办”）就《互联网信息服务算法推荐管理规定（征求意见稿）》（“征求意见稿”）公开征求意见。征求意见稿提出，算法推荐服务提供者应当向用户提供不针对其个人特征的选项，或者向用户提供便捷的关闭算法推荐服务的选项。用户选择关闭算法推荐服务的，算法推荐服务提供者应当立即停止提供相关服务。同时，征求意见稿还指出算法推荐服务提供者应当落实算法安全主体责任，建立健全用户注册、信息发布审核、算法机制机理审核、安全评估监测、安全事件应急处置、数据安全保护和个人信息保护等管理制度，制定并公开算法推荐相关服务规则，配备与算法推荐服务规模相适应的专业人员和技术支撑。算法推荐服务提供者不得利用算法虚假注册账号、非法交易账号、操纵用户账号，或者虚假点赞、评论、转发、网页导航等，实施流量造假、流量劫持；不得利用算法屏蔽信息、过度推荐、操纵榜单或者检索结果排序、控制热搜或者精选等干预信息呈现，实施自我优待、不正当竞争、影响网络舆论或者规避监管。（[查看更多](#)）

CAC Seeks Public Comments on the Regulations on the Administration of Algorithmic Recommendation of Internet Information Services (Draft for Comments)

On August 27, 2021, the Cyberspace Administration of China (“CAC”) publicly solicited comments on the Regulations on the Administration of Algorithmic Recommendation of Internet Information Services (Draft for Comments) (“Draft Regulation”). The Draft Regulation proposes that the algorithm recom-

mendation service providers should provide users with options that do not target their personal characteristics, or provide users with a convenient option to turn off the algorithm recommendation service. If the user chooses to turn off the algorithm recommendation service, the algorithm recommendation service provider should immediately stop providing relevant services. At the same time, the *Draft Regulation* also points out that algorithm recommendation service providers should implement the main responsibility for algorithm security, establish and improve the management system of user registration, information release approval, algorithm mechanism audit, security assessment monitoring, security incident emergency response, data security protection and personal information protection, etc., develop and publish algorithm recommendation-related service rules, be equipped with professional personnel and technical support appropriate to the scale of the algorithm recommendation service. Algorithm recommendation service providers shall not use algorithms to falsely register accounts, illegal trading accounts, manipulate user accounts, or falsely likes, comments, retweets, navigate webpages, etc., to implement traffic falsification or traffic hijacking; they shall not use algorithms to block information, over-recommend, manipulate the ranking or search results sorting, control hot search or selection, and interfere the information presentation, implement self-preferential treatment, unfair competition, influence the network public opinion or circumvent regulation. ([More](#))

《深圳经济特区数字经济产业促进条例（草案）》提请市七届人大常委会第三次会议审议

2021年8月29日，《深圳经济特区数字经济产业促进条例（草案）》（“《条例（草案）》”）提请市七届人大常委会第三次会议审议。《条例（草案）》提出强化数字产品的应用保护，不仅建立数字知识产权快速预审机制，还放宽数字产品市场准入，在尚未有国家标准的数字产品领域，支持市场主体联合制定团体标准，允许符合团体标准的数字产品在本市销售、登记。

《条例（草案）》明确，以产业数字化为主线，支持工业、服务业、农业领域的数字化改造和数字化转型升级，推动数字技术与实体经济的深度融合。同时，鼓励数字产品消费，将深圳企业研发生产的优质数字产品纳入深圳手信、深圳老字号目录，将优质数字产品打造成为深圳消费的金字招牌，对符合条件的产品在销售环节予以支持。 ([查看更多](#))

Regulations on the Promotion of Digital Economy Industry in Shenzhen Special Economic Zone (Draft) Submitted to the Third Meeting of the Standing Committee of the Seventh Municipal People's Congress for Consideration

On August 29, 2021, the *Regulations on the Promotion of Digital Economy Industry in Shenzhen Special Economic Zone (Draft)* (“***Regulations (Draft)***”) was submitted to the third meeting of the Standing Committee of the Seventh Municipal People's Congress for consideration. The *Regulations (Draft)* propose to strengthen the application of digital products protection, not only to establish a rapid pre-trial mechanism for digital intellectual property rights, but also to relax market access for digital products, support market players to jointly develop group standards in the field of digital products that do not yet have national standards, and allow digital products that meet group standards to be sold and registered in the city. The *Regulations (Draft)* clarify that industrial digitization will be the mainline of action, to support the digital transformation and digital transformation and upgrading in the industrial, service and agricultural sectors, and promote the deep integration of digital technology and the real economy. At the same time, it encourages the consumption of digital products, incorporates high-quality digital products developed and produced by Shenzhen enterprises into the Shenzhen souvenir, list of Shenzhen time-

honored brands, making quality digital products a golden sign for Shenzhen consumption and supporting eligible products in the sales process. ([More](#))

工信部关于关于尽快完善“数据生产要素市场化”配套法律制度提案的答复函

2021年8月25日，工业与信息化部（“工信部”）在关于政协第十三届全国委员会第四次会议第3087号（政治法律类131号）提案答复的函中，对已开展的数据要素市场化建设工作进行梳理报告，并针对“重构数据产权制度”“确立数据行为秩序”和“创设数据竞争规则”的建议予以答复。工信部指出，下一步将推动建立数据资源产权、交易流通、数据监管等基础制度和标准规范，组织开展数据交易技术体系、监管体系、定价机制等研究，探索数据产权制度建设面临的主要问题，支持贵阳等地建设完善数据交易平台；持续强化行业网络数据安全，积极推动出台《个人信息保护法》等基础性法律制度，建立健全电信和互联网行业数据分类分级保护、重要数据目录保护、共享利用、算法规制等制度标准，推动建立企业数据安全保障能力水平认证评价机制，推进全国性行业数据安全监测技术手段建设；加快推动完善数据竞争规则，制定数据要素价值评估框架和评估指南，健全数据资产评估体系，推动建立市场定价、政府监管的数据要素市场机制，发展数据资产评估、登记结算、交易撮合、争议仲裁等市场运营体系，鼓励各类所有制企业参与要素交易平台建设，探索多种形式的数据交易模式等。（[查看更多](#)）

Reply Letter From the MIIT on the Proposal to Accelerate the Improvement of Supporting Legal System of “Marketization of Data Production Elements”

On August 25, 2021, the Ministry of Industry and Information Technology (“MIIT”), in its letter on the response to proposal No. 3087 (No. 131 of Politics & Law Section) of the Fourth Session of the 13th National Committee of the Chinese People's Political Consultative Conference, reported on the market-oriented construction of data elements, and responded to the proposals of “reconstructing the data property rights system”, “establishing data behavior order” and “creating data competition rules”. MIIT pointed out that the next step is to promote the establishment of data resources property rights, transaction circulation, data supervision and other basic systems and standards; organize research on data trading technology system, supervision system, pricing mechanism, etc.; explore the main issues in the construction of data property rights system; support Guiyang and other places to build and improve the data trading platform; continue to strengthen the industry network data security management, and actively promote the introduction of the *Personal Information Protection Law* and other basic legal systems; establish and improve the system standards such as data classification and grading protection, important data directory protection, sharing and utilization, and algorithm regulation in telecommunications and Internet industries; promote the establishment of a certification and evaluation mechanism for the level of data security capacity, and promote the construction of nationwide technical means for monitoring industry data security; accelerate the promotion of perfect data competition rules, develop a framework for assessing the value of data elements and assessment guide, improve the data asset evaluation system, and promote the establishment of market pricing, government supervision of data elements market mechanism; develop data asset evaluation, registration and settlement, transaction aggregation, dispute arbitration and other market operation system; encourage enterprises of all types of ownership to participate in the construction of the elements trading platform, and explore various forms of data trading

model, etc. ([More](#))

国家新闻出版署关于进一步严格管理切实防止未成年人沉迷网络游戏的通知

2021年8月30日，国家新闻出版署印发通知，针对未成年人过度使用甚至沉迷网络游戏问题，进一步严格管理措施。通知要求，网络游戏企业应严格限制向未成年人提供网络游戏服务的时间，仅可在周五、周六、周日和法定节假日每日20时至21时向未成年人提供1小时服务，其他时间均不得以任何形式向未成年人提供网络游戏服务；严格落实网络游戏用户账号实名注册和登录要求，不得以任何形式（含游客体验模式）向未实名注册和登录的用户提供游戏服务；各级出版管理部门要加强对防止未成年人沉迷网络游戏有关措施落实情况的监督检查，对未严格落实的网络游戏企业，依法依规严肃处理。（[查看更多](#)）

Notice of the State Press and Publication Administration on Further Strictly Enhance Management to Effectively Prevent Minors From Being Addicted to Online Games

On August 30, 2021, the State Press and Publication Administration issued a notice to further strict management measures for minors' excessive use of and even addiction to online games. The notice requires that online game enterprises shall strictly limit the time of online game services to minors, and may only provide online game services to minors for one hour from 20:00 to 21:00 daily on Fridays, Saturdays, Sundays and legal holidays, and shall not provide online game services to minors in any format other times; strictly implement the requirements of real-name registration and login of online game user accounts, and shall not provide game services in any form (including visitor mode); the publishing management departments at all levels shall strengthen the supervision and inspection of the implementation of measures to prevent minors from being addicted to online games, and shall seriously deal with online game enterprises that fail to implement such measures in accordance with the law strictly. ([More](#))

网信办启动清朗·商业网站平台和“自媒体”违规采编发布财经类信息专项整治

2021年8月27日，国家网信办启动清朗·商业网站平台和“自媒体”违规采编发布财经类信息专项整治。此次专项整治重点聚焦财经类“自媒体”账号、主要公众账号平台、主要商业网站平台财经版块、主要财经资讯平台等4类网上传播主体，重点打击8类违规问题：一是胡评妄议、歪曲解读我财经方针政策、宏观经济数据，恶意唱空我国金融市场、唱衰中国经济等；二是毫无立场、不加判断地转载搬运境外歪曲解读我财经领域热点的报道评论等；三是散布“小道消息”，以所谓“揭秘”“重磅”“独家爆料”“知情人士称”为名进行渲染炒作，甚至造谣传谣；四是转载合规稿源财经新闻信息时，恶意篡改、断章取义、片面曲解等“标题党”行为；五是充当金融“黑嘴”，恶意唱空或哄抬个股价格，炒作区域楼市波动，扰乱正常市场秩序；六是炒作负面信息对相关利益主体进行威胁恐吓、敲诈勒索，谋取非法利益；七是炒作社会恶性事件、负面极端事件，煽动悲情、焦虑、恐慌等情绪，借以推销所谓“财商课”、各类保险

产品等；八是未严格履行身份认证程序，冒用滥用财经主管部门工作人员或专家学者等名义开办财经专栏、账号等。（[查看更多](#)）

CAC Launches Qinglang Action of Commercial Website Platforms and Self Media on Irregularities in the Collection and Publication of Financial News

On August 27, 2021, the CAC launched Qinglang Action of commercial website platforms and self media on irregularities in the collection and publication of financial news. The action focuses on four types of online communication entities: financial "self-media" accounts, major public account platforms, financial sections of major commercial website platforms and major financial news platforms. It focuses on combating eight types of irregularities: (1) random commentary and delusion, distorted interpretation of China's financial policies and macroeconomic data, malicious underestimate China's economics; (2) reprint foreign reports and comments that distort and interpret China's financial hotspots without standpoint and without judgment; (3) spread rumors and hearsay by so-called inside information, exclusive news, etc.; (4) maliciously falsify, garble quote out of context, partially misinterpret news when reproducing; (5) maliciously short-sell or inflate stock price, speculate on regional property market, disrupting the normal market order; (6) speculate on negative information to threaten and intimidate the relevant parties, and extort and blackmailing, seeking illegal benefits; (7) speculate social malevolence, negative extreme events, stir up sadness, anxiety, panic and other negative emotions, to promote the so-called "financial business class" and insurance products, etc.; (8) fails to strictly perform the authentication procedures, fraudulently use the name of the personnel of financial authorities or experts and scholars to open financial columns, accounts, etc. ([More](#))

工信部通报下架67款侵害用户权益APP

2021年8月25日，工信部通报下架67款侵害用户权益APP。近期，工信部重点针对APP违规索取权限、开屏弹窗信息骚扰用户等问题进行了“回头看”，对仍存在问题的APP（2021年第6、7批）进行了公开通报。截至目前，尚有67款APP未按时限要求完成整改，依据《网络安全法》等法律要求，工信部对这67款APP进行了下架处理。（[查看更多](#)）

MIIT Reports and Remove 67 APPs Infringing Rights of Users

On August 25, 2021, the MIIT informed that 67 Apps infringing the rights of users were taken down. Recently, MIIT reviewed the problems of Apps' illegally requesting and harassing users with pop-up information on the opening screen, and made a public report of Apps that still had problems (the 6th and 7th batches in 2021). Up to now, 67 Apps have not completed the rectification within the time limit. MIIT removed these 67 Apps according to the *Network Security Law* and other legal requirements. ([More](#))

阿里云计算公司未经用户同意擅自向第三方泄露用户注册信息

近日，一份由浙江省通信管理局发出的答复投诉人投诉事项的函在网络上流传。答复函称，2019年11月11日阿里云计算有限公司（“阿里云”）未经用户同意擅自将用户留存在的注册信息泄露给第三方合作公司，违反了《中华人民共和国网络安全法》第四十二条规定。浙江省通

信管理局已责令阿里云整改。8月24日，该局相关负责人称该份编号为【2021】第483号的答复函属实。同日，阿里云在官方微博针对此事回应称，该投诉事件应为阿里云一电销员工个人行为。阿里云严禁员工向第三方泄露用户注册信息，已根据公司制度进行严肃处理，并遵照浙江省通信管理局要求积极整改。（[查看更多](#)）

Ali Cloud Computing Co., Ltd. Leaks the Retained Registration Information of Users to Third-party Without Consent

Recently, a reply letter issued by the Zhejiang Provincial Communications Administration in response to a complaint is circulated on the Internet. The reply letter said that on November 11, 2019 Ali Cloud Computing Co., Ltd. (“Ali Cloud”) leaked retained registration information of users to third-party without the consent of the user, in violation of the provisions of Article 42 of the *Network Security Law*. Zhejiang Provincial Communications Administration has informed the company to rectify. On August 24, the relevant person in charge of the authority said the response letter numbered [2021] No. 483 was true. On the same day, Ali Cloud responds to the matter on Weibo, saying that it is personal behavior of an Ali Cloud telemarketing employee. Ali Cloud strictly prohibits employees from disclosing user registration information to third parties. The company has dealt with the matter seriously according to the corporate management and actively rectify upon the requirement of Zhejiang Provincial Communications Administration. ([More](#))

EDPS对关于消费者信贷的指令提案提出意见

2021年8月26日，欧洲数据保护专员公署（“EDPS”）对欧盟委员会关于消费者信贷的拟议指令提出建议，要求澄清用于信用评估的数据类型，称不应该将搜索查询和互联网浏览历史等个人数据用于公民征信和相关评估。同时，该EDPS也建议金融和信贷服务提供商也不得使用健康数据，例如癌症数据，以及GDPR第9条规定的任何特殊类别的个人数据来计算信用评分。（[查看更多](#)）

EDPS Opinion on the Proposal for a Directive on Consumer Credits

On August 26, 2021, the European Data Protection Supervisor (“EDPS”) opinions to the European Commission on the proposal for a Directive on Consumer Credits, requesting to clarify the types of data to be used for credit assessment. EDPS says that personal data such as search queries and Internet browsing data should not be used for citizen credit collection and related assessments. Also, the EDPS suggests that financial and credit service providers should also refrain from using health data, such as cancer data, and any special categories of personal data under Article 9 of the GDPR to calculate credit scores. ([More](#))

Facebook和Netflix在韩因违规收集用户信息被罚

2021年8月25日，韩国个人信息保护委员会对Facebook和Netflix分别处以征65亿韩元和2.2亿韩元的罚款，并要求两家公司采取更正措施。韩国个人信息保护委员会称，Facebook未经用户同意收集面部信息并制作人脸识别模板。此外，对Facebook还存在非法收集个人身份证号码、变

更个人数据管理主体时未通知用户、将个人数据处理工作委托给第三方时未披露信息、未披露个人数据海外转移的相关信息，以及没有按照个人信息保护委员会的要求下提交参考材料。Netflix因为在用户加入服务程序结束之前，未经同意收集个人信息以及没有披露将个人信息相关数据转移至海外等行为，被处以约2.2亿韩元（约合1220万元人民币）的罚款。（[查看更多](#)）

Korea Fines Facebook and Netflix over Privacy Infringement

On August 25, 2021, the Korea Personal Information Protection Commission (“PIPC”) levied fined 6.5 billion and 220 million on Facebook and Netflix, respectively, and required the two companies to take corrective measures. PIPC said that Facebook collected facial information without the user’s agreement, to create face recognition templates. In addition, other illegal activities by Facebook included illegally collecting social security numbers, not notifying the users when changing the personal data management entity, not disclosing information when consigning personal data processing work to a third party, not disclosing information regarding the overseas transfer of personal data, and failure to submit reference materials when asked by the PIPC. Netflix was fined about 220 million for illegally collecting personal data before the users complete their subscription procedures, and transferring personal information outside South Korea without disclosure. ([More](#))

美国证交会要求赴美上市中企增加风险披露

2021年8月24日，路透社报道称美国证券交易委员会（“SEC”）已开始向寻求赴美上市的中国企业提出新的披露要求，其中包括披露他们在首次公开募股（IPO）中使用可变利益实体（VIE）的情况、VIE架构对投资者的影响，及中国监管机构对公司数据安全政策进行干预的风险。（[查看更多](#)）

SEC requires additional risk disclosure for US-listed Chinese companies

On August 24, 2021, Reuters reported that the U.S. Securities and Exchange Commission (“SEC”) has begun to impose new disclosure requirements on Chinese companies seeking to list in the United States, including disclosing their use of variable interest entities (VIEs) in initial public offerings (IPOs), the impact of VIE structures on investors, and the risk of Chinese regulators intervening with company data security policies. ([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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