



NEWSLETTER

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No.268

2021.09

立方要闻周报

Weekly News By Lifang & Partners

NO.9

知识产权 Intellectual Property

国知局发布关于重复专利侵权行为相关问题的批复

CNIPA issued a reply on issues related to repeated patent infringement

国知局发布《专利代理信用管理办法（征求意见稿）》公开征求意见的通知

CNIPA issued a notice of public consultation on the “Measures for Credit Management of Patent Agents (Draft)”

浙江上线全国首个知识产权区块链公共存证平台

Zhejiang launched the first blockchain public deposition platform for intellectual property in China

恶意注册、囤积商标“傍名牌”地板企业被判赔偿1500万元

A flooring company which maliciously registers and hoards trademark similar to famous brands was awarded 15 million yuan in damages

因著作权权属及侵权纠纷，韩国MBC电视台起诉B站

South Korea's MBC TV sues Bilibili for copyright and infringement dispute

OPPO反诉诺基亚侵权开启5G专利反击战

OPPO countersues Nokia for infringement to start 5G patent counterattack

印度宣布降低所有认可教育机构的专利费

Reduced patent fees for all recognized educational institutions announced in India

苹果App Store被美国加州法院判决强制放开第三方支付

Apple App Store forced to liberalize third-party payments by California court

竞争法 Competition Law

宁夏发布两部反垄断相关文件



No.268

2021.09

Ningxia Issues Two Documents Related to Anti-Monopoly

《“一带一路”相关国家反垄断法汇编》出版发行

The Compilation of the Antimonopoly Law of Belt and Road Countries Published

市场监管总局局长张工：强化平台经济竞争监管

Director of SAMR: Strengthening Competition Regulation on Platforms Economy

市场监管总局发布《中国反垄断执法年度报告（2020）》

SAMR Issues *Chinese Annual Report on Anti-Monopoly Enforcement (2020)*

索尼收购AWAL引发CMA的竞争担忧

CMA Finds Competition Concerns Remain over the Purchase of AWAL by SONY

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

信安标委发布10余项标准参编单位征集通知

TC260 Issues Notices of Solicitation for Participation on Drafting More Than Ten Standards

《国家人权行动计划（2021—2025年）》发布：加强个人信息保护

National Human Rights Action Plan (2021-2025) Released to Strengthen the Personal Information Protection

网信办关停封禁一批财经“黑嘴”账号

CAC Close down Numbers of Financial “Stinky Mouth” Accounts

上海市正筹建数据交易所

Shanghai Preparing the Data Exchange

《2021山西省互联网网络安全报告》发布

2021 Internet Network Security Report of Shanxi Province Released

安徽8月份依法处置一批违法违规网站和账号

Anhui Deals with Numbers of Illegal Websites and Accounts in August



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No.268

2021.09

腾讯、网易等游戏企业和平台被约谈

Tencent, NetEase and Other Enterprises and Platforms Had Regulatory Talk

海南网信部门依法对“正气”App作出行政处罚

Network Information Department of Hainan Province Imposes an Administrative Punishment on “Zhengqi” App

美商务部成立国家人工智能咨询委员会

U.S. Commerce Department Establishes NAIAC

CNIL处罚AG2R LA MONDIALE公司175万欧元

CNIL Fines AG2R LA MONDIALE EUR 1.75 Million.

ICO呼吁G7改革cookie同意弹出窗口

ICO to Call on G7 Countries to Tackle Cookie Pop-ups Challenge

ICO因拨打50万个骚扰电话而对一格拉斯哥公司处以150,000英镑罚款

ICO Fines Glasgow Company £150,000 for Making Half a Million Nuisance Calls

ISO发布汽车网络安全标准

ISO Publishes New Standard to Maintain Car Network Security

知识产权 Intellectual Property

国知局发布关于重复专利侵权行为相关问题的批复

9月8日，国家知识产权局发布关于重复专利侵权行为相关问题的批复。其中提到，北京、天津、河北、浙江、福建、河南、湖北、广东、重庆、四川、贵州、重庆、新疆等省份在地方性法规中，明确规定对于重复专利侵权行为可以给予行政处罚。该批复对于履行期限、重复专利侵权行为起算时间的认定、“有改进仍侵权”的行为的处理、重复专利侵权行为办案裁决程序、重复专利侵权行为行政责任与民事责任的关系均给出了指导性意见。

来源：国家知识产权局

CNIPA issued a reply on issues related to repeated patent infringement

On September 8, CNIPA issued a reply on issues related to repeated patent infringement. It mentioned that the provinces, such as Beijing, Tianjin, Hebei, Zhejiang, Fujian, Henan, Hubei, Guangdong, Chongqing, Sichuan, Guizhou, Chongqing, Xinjiang etc., have clearly stipulated in their local regulations that administrative penalties could be imposed on repeated patent infringement. This reply provided guidance on the aspects including the period for preforming judgement, the determination of the starting time of repeated patent infringement, the treatment for the actions of "improved infringement", the procedure of ruling on repeated patent infringement cases, and the relationship between administrative and civil liabilities for repeated patent infringement.

Source: CNIPA

国知局发布《专利代理信用管理办法（征求意见稿）》公开征求意见的通知

9月8日，国家知识产权局网站发布了关于就《专利代理信用管理办法（征求意见稿）》公开征求意见的通知，就其起草的《专利代理信用管理办法（公开征求意见稿）》向社会公开征求意见，有关单位和各界人士可于2021年9月15日前，通过电子邮件、传真或者信函的方式提出修改完善意见。

来源：国家知识产权局

CNIPA issued a notice of public consultation on the “Measures for Credit Management of Patent Agents (Draft)”

On September 8, CNIPA published on its website a notice of public consultation on the "Measures for Credit Management of Patent Agents (Draft)", to seek public comments on the "Measures for Credit Management of Patent Agent (Draft for Public Comments)" drafted CNIPA. Relevant companies and people from all fields can submit opinions through email, fax, or letter before September 15, 2021.

Source: CNIPA

浙江上线全国首个知识产权区块链公共存证平台

9月9日上午，浙江省知识产权金融服务“入园惠企”行动（2021-2023年）现场推进会在杭州高新区（滨江）智慧e谷举行。会上发布了《浙江省知识产权金融服务“入园惠企”行动方案（2021-2023年）》，正式上线了全国首个知识产权区块链公共存证平台——“浙江省知识产权区块链公共存证平台”。

该平台利用区块链技术分布式存储、不可篡改、安全保密及可溯源等特性，为原创设计、数据资产、商业秘密等知识产权提供高效快捷的存证服务，为符合技术规范和安全加密存储要求的存证信息颁发存证证书，并以知识产权区块链存证为基础，为用户在维权、许可、质押、交易等过程中提供相应出证服务，实现知识产权一站式服务。

来源：澎湃新闻

Zhejiang launched the first blockchain public deposition platform for intellectual property in China

On the morning of September 9, the on-site promotion meeting for the action of "entering the park and benefiting enterprises" (2021-2023) of intellectual property financial services in Zhejiang Province was held in Hangzhou High-tech district (Binjiang) Wisdom e Valley. At the meeting, the "Zhejiang Province Intellectual Property Financial Services "Entering the Park and Benefiting Enterprises " Action Plan (2021-2023)" was released, and the first national IP blockchain public depository platform, "IP Blockchain Public Depository Platform of Zhejiang Province", was officially launched.

The platform utilizes the characteristics of blockchain technology such as distributed storage, non-tamperability, security, confidentiality, and traceability to provide efficient and fast deposition services for intellectual property rights such as original designs, data assets and trade secrets. The platform issues deposition certificates for the deposition information that meets the technical specifications and secure encrypted storage requirements, and provides users with corresponding deposition services in the process of rights maintenance, licensing, pledging and trading on the basis of intellectual property blockchain deposition, aiming at realizing one-stop service for intellectual property.

Source: Pengbai News

恶意注册、囤积商标“傍名牌”地板企业被判赔偿1500万元

近日，苏州市中级人民法院依法审结了一起侵害商标权及不正当竞争纠纷案，被告福建某家居有限公司被判赔偿原告大自然家居（中国）有限公司1500万元，刷新了国内地板行业知识产权领域判赔纪录。

福建公司围绕“大自然”商标在地板商品上注册了大量与“大自然”近似的“大自然xx家”的商标，恶意十分明显，法院认为，本案属恶意侵权且情节严重，符合惩罚性赔偿的适用条件，因此在本案中确定一倍的惩罚性赔偿比例。

来源：苏州中院

A flooring company which maliciously registers and hoards trademark similar to famous brands was awarded 15 million yuan in damages

Recently, the Suzhou Intermediate People's Court concluded a trademark infringement and unfair competition dispute, in which the defendant, a home furnishing company in Fujian, was awarded to compensate the plaintiff, Nature Home furnishing (China) Co., Ltd., for 15 million yuan, refreshing a new record of damage in the intellectual property field of the domestic flooring industry.

The Fujian company has registered a large number of trademarks of "Nature xx family" on flooring products similar to the "Nature" trademark, which is very malicious. The court held that this case belongs to malicious infringement and the circumstances were serious, and it met the applicable conditions of punitive damages. Therefore, the proportion of punitive damages was doubled in this case.

Source: [Suzhou Intermediate Court](#)

因著作权权属及侵权纠纷,韩国MBC电视台起诉B站

韩国MBC电视台以“著作权权属、侵权纠纷”为由,将哔哩哔哩(B站)告上了法庭。南京市中级人民法院网上公告显示,此案件将于11月19日开庭。韩国MBC电视台成立于1961年,是韩国三大电视主流媒体之一,有“韩剧王国”之称。经典作品有《我的名字叫金三顺》《大长今》《无限挑战》《蒙面歌王》等。

来源: [新浪司法频道](#)

South Korea's MBC TV sues Bilibili for copyright and infringement dispute

South Korea's MBC TV has sued Bilibili (B Station) for "copyright ownership and infringement dispute". According to the online announcement of Nanjing Intermediate People's Court, the case will be heard on November 19. MBC TV was established in 1961 and is one of the three major TV mainstream media in Korea, known as the "Kingdom of Korean dramas". MBC TV's classic works include "My Name is Kim Sanshun", "Dae Jang Geum", "Infinite Challenge", "King of Masked Singer", etc.

Source: [Sina Judicial Channel](#)

OPPO反诉诺基亚侵权开启5G专利反击战

据报道,OPPO已在中国和欧洲分别对诺基亚发起多起专利侵权诉讼,涉及诺基亚的5G基站产品。这是OPPO对诺基亚不久前发起的全球专利诉讼所采取的反制措施。OPPO最近几年在专利上的表现有目共睹。今年7月,OPPO与Sisvel达成和解,结束了两年多的专利纠纷。近日,最高人民法院在“OPPO夏普标准必要专利许可纠纷案”中终审裁定OPPO胜诉,并确认了中国法院对标准必要专利的全球费率具备管辖权。此次OPPO诺基亚案有可能成为5G标准必要专利许可和许可费问题的“风向标”案件,对全球5G标准必要专利许可规则的确定产生重大影响。

来源: [知产前沿](#)

OPPO countersues Nokia for infringement to start 5G patent counterattack

It is reported that OPPO has launched multiple patent infringement lawsuits against Nokia in China and Europe, respectively, involving Nokia's 5G base station products. This is a countermeasure taken by OPPO against the global patent lawsuit launched by Nokia not long ago. OPPO's performance on patents in recent years is remarkable. In July this year, OPPO reached a settlement with Sisvel, ending more than two years of patent disputes. Recently, the Supreme People's Court finally ruled in favor of OPPO in the "OPPO vs. Sharp standard-essential patent licensing dispute", and confirmed the jurisdiction of Chinese courts over the global rates of standard-essential patents. The OPPO vs. Nokia case may become a "wind vane" case on 5G standard-essential patent licensing and licensing fees, which will have a significant impact on the determination of global 5G standard-essential patent licensing rules.

Source: [Intellectual Property Frontier](#)

印度宣布降低所有认可教育机构的专利费

在最近印度工业联合会关于知识产权的虚拟活动中，印度商业和工业部长Piyush Goyal 宣布，所有认可的大学、学院或学校的专利费用将削减80%——无论是在印度还是海外。以前，只有经认可的国有教育机构才能享受降低的专利费。Ediplis Counsels的高级合伙人 Nishant Kewalramani提到，专利费减免将帮助学生及早认识到专利的价值，让他们在未来的职业生涯和所做的一切中培养创新和专利申请的心态。

来源: [AsiaIP](#)

Reduced patent fees for all recognized educational institutions announced in India

At a recent Confederation of Indian Industry virtual event on intellectual property, India's Commerce and Industry Minister Piyush Goyal announced that patent fees will be slashed by 80 percent for all recognized universities, colleges or schools – whether in India or overseas. Previously, only recognized state-owned educational institutions can avail of the reduced patent fee. Nishant Kewalramani, senior partner at Ediplis Counsels, believes the patent fee reduction will help students recognize the value of patents early on, allowing them to develop an innovation and patenting mindset in their careers and in everything they do in the future.

Source: [AsiaIP](#)

苹果App Store被美国加州法院判决强制放开第三方支付

游戏公司Epic Games与苹果对峙一年之久的反垄断诉讼终于迎来重磅突破。当地时间2021年9月10日，美国加州地区法院作出一项禁令：要求苹果不能禁止应用开发商在应用内提供链接引导用户使用非应用内购的第三方支付渠道。这项禁令将于12月份生效。这意味着，30%的“苹果税”——App Store营收的“护城河”已经悄然被阻断。所谓“苹果税”是指App Store对应用开发商向用户提供数字付费内容的营收收取30%的抽成，而此前形成这抽成闭环上的一个重要环节便是阻断第三方支付渠道，所有开发商都必须走苹果的应用内购支付。

来源：21世纪经济报道

Apple App Store forced to liberalize third-party payments by California court

The one year-long antitrust lawsuit between game company Epic Games and Apple has finally seen a breakthrough. On September 10, 2021, the U.S. California District Court issued an injunction that Apple cannot prohibit application developers from providing in-app links to direct users to third-party payment channels that are not in-app purchases. The ban will take effect in December. This means that the 30% "Apple Tax", the "moat" of the revenue of App Store, has been quietly blocked. The so-called "Apple tax" refers to the App Store's 30% commission on the revenue of digital paid content provided by application developers to users, and an important part of the closed loop of this commission is blocking the third-party payment channels, which means all developers must use Apple's in-app purchase payment method.

Source: 21st Century Business Herald

竞争法 Overseas News

宁夏发布两部反垄断相关文件

2021年9月7日，宁夏出台两部反垄断相关文件，表明将优化反垄断工作机制，明确自治区市场监管厅就相关案件可自行开展调查，也可委托下级部门开展调查；市、县（区）两级监管部门对本行政区域内有关垄断举报线索的登记、核查和报告程序；建立全区反垄断执法人才库。

[\(查看更多\)](#)

Ningxia Issues Two Documents Related to Anti-Monopoly

On September 7, 2021, Ningxia issued two antitrust-related documents, clearly requiring to improve the anti-monopoly working mechanism, according to which it will be viable for the Administration for Market Regulation of Autonomous Region to investigate cases by itself, or entrust lower departments to carry out the investigation; to clarify the procedures for registration, verification and reporting of suspected antitrust violations clues; to develop anti-monopoly enforcement talents pool. [\(More\)](#)

《“一带一路”相关国家反垄断法汇编》出版发行

2021年9月6日，国家市场监督管理总局（“市场监管总局”）反垄断局发布公告称其组织翻译了《“一带一路”相关国家反垄断法汇编》（“《汇编》”），《汇编》分上下册，涵盖俄罗斯、巴基斯坦、印度等30个国家的反垄断基本立法，系统介绍了沿线国家反垄断立法和机构设置等情况。《汇编》的编辑出版，有助于企业深入了解“一带一路”沿线国家的反垄断法律环境，加强反垄断合规，更好地在沿线国家开展贸易和投资活动。 [\(查看更多\)](#)

The Compilation of the Antimonopoly Law of Belt and Road Countries Published

On September 6, 2021, the Anti-Monopoly Bureau of the State Administration for Market Regulation (“SAMR”) announced that it had organized the translation of *The Compilation of the Antimonopoly*

Law of Belt and Road Countries (“Compilation”). The *Compilation*, divided into two volumes, covers the basic anti-monopoly legislation among 30 countries and systematically introduces the anti-monopoly legislation and the establishment of authorities in these countries. The *Compilation* helps enterprises to have an insight into the anti-monopoly legal environment of countries along the “One Belt One Road” to strengthen anti-monopoly compliance, and better carry out investment activities in these countries. ([More](#))

市场监管总局局长张工：强化平台经济竞争监管

2021年9月6日，市场监管总局局长张工在国务院新闻发布会上表示，加强平台经济规范，强化反垄断和防止资本无序扩张。一是健全完善公平透明的竞争规则，及时修订两部反法，制定《禁止滥用市场支配地位暂行规定》等规范；二是依法强化反垄断反不正当竞争监管执法，依法查处头部平台企业“二选一”、社区团购领域低价倾销等违法行为；三是及时督促指导企业加强自身合规意识和能力，组织召开行政指导会，加强警示防范。([查看更多](#))

Director of SAMR: Strengthening Competition Regulation on Platforms Economy

On September 6, 2021, Zhanggong, the director of SAMR, stated at the State Council press conference that it is necessary to strengthen platform economic regulation and anti-monopoly, and prevent disordered expansion of capital. First, it needs to improve fair and transparent competition rules, promptly revise the two competition laws, and formulate the *Interim Provisions on the Abuse of Dominant Market Position* and other regulations; Second, it is necessary to strengthen supervision and law enforcement of anti-monopoly and unfair competition, and investigate and punish illegal acts such as “either or” conducted by top platforms and low-price dumping in community group buying field. Thirst, it needs to timely supervise and guide enterprises to strengthen their own compliance awareness and ability, organize and hold administrative guidance meeting to strengthen warning and prevention. ([More](#))

市场监管总局发布《中国反垄断执法年度报告（2020）》

2021年9月3日，市场监管总局发布《中国反垄断执法年度报告（2020）》（“《报告》”）。《报告》从竞争制度完善、反垄断执法实践和反垄断执法能力建设等方面进行了阐述，并关注互联网平台的发展及垄断风险，指出互联网巨头实施的“掐尖式并购”引发的竞争担忧。此外，《报告》公布了“2020年反垄断执法十大典型案例”，涵盖四大类垄断行为，分别涉及水泥、二手车、医药、半导体、互联网等民生和新兴领域。([查看更多](#))

SAMR Issues Chinese Annual Report on Anti-Monopoly Enforcement (2020)

On September 3, 2021, SAMR issued *Chinese Annual Report on Anti-Monopoly Enforcement (2020)* (“*Report*”), which elaborates from the aspects of improving competition system, anti-monopoly enforcement practice and capacity building, and pays attention to the development of the Internet platform and monopoly risks, pointing out the competition concerns remained of the merger of start-ups by Internet giants. In addition, the *Report* announced the “Ten Typical Cases of Anti-Monopoly Enforcement in 2020”, covering four categories of monopolistic behaviors, including cement, second-hand cars, medicine, semiconductor, the Internet and other people’s livelihood and emerging fields. ([More](#))

索尼收购AWAL引发CMA的竞争担忧

2021年9月7日，英国竞争与市场管理局（“CMA”）称索尼对AWAL已完成的收购引发竞争担忧。CMA调查发现，目前英国唱片音乐的批发分销高度集中。AWAL是重要的新兴参与者。如果索尼不收购AWAL，那么二者未来的竞争有可能更激烈，这将通过改善与分销商的交易条款使艺术家受益，以使其保留更多收入份额和拥有更多音乐版权。CMA表示，此为第一阶段决定，如双方无法达成合适的替代性承诺，将进行第二阶段的调查。（[查看更多](#)）

CMA Finds Competition Concerns Remain over the Purchase of AWAL by SONY

On September 7, 2021, The Competition and Markets Authority (“CMA”) stated that it had found that Sony’s completed purchase of AWAL raises competition concerns. After investigation, CMA found that the wholesale distribution of recorded music in the UK is highly concentrated at present and AWAL is an important emerging player. The evidence shows if the deal had not gone ahead, Sony and AWAL could also have competed more strongly with each other in future, which could have benefited artists by improving the terms of their deals with distributors, potentially allowing them to keep a larger share of their earnings and to have more ownership of their music rights. CMA said that this is a Phase 1 decision and unless the parties offer suitable Undertakings in lieu, it will proceed to Phase 2. ([More](#))

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

信安标委发布10余项标准参编单位征集通知

2021年9月8日至9月13日，全国信息安全标准化技术委员会（“信安标委”）发布十余项国家标准的参编单位征集通知，具体包括《信息安全技术 互联网用户账号名称命名要求》《信息安全技术 软件供应链安全要求》《信息安全 网络安全和隐私保护 信息技术安全评估准则》等有关信息技术和数据安全领域的标准。（[查看更多](#)）

TC260 Issues Notices of Solicitation for Participation on Drafting More Than Ten Standards

From September 8 to September 13, 2021, the National Information Security Standardization Technical Committee (“TC260”) issued notices of solicitation for participation on drafting more than ten standards, including *Information Security Technology / Internet User Account Nomination Requirements*, *Information Security Technology / Software Supply Chain Security Requirements*, *Information Security / Network Security and Privacy Protection* and other related information technology and data security standards. ([More](#))

《国家人权行动计划（2021—2025年）》发布：加强个人信息保护

2021年9月9日，国务院新闻办公室发布《国家人权行动计划（2021—2025年）》（“《计划》”）。《计划》将“个人信息权益”列入“公民权利和政治权利”一章，强调应加强个人

信息保护，完善有关法律制度、监管执法和宣传，切实维护网络和数据安全。首先，完善个人信息保护法律制度体系，明确个人信息处理原则、规则，严格限制敏感个人信息处理，强化个人信息处理者合规管理义务，设置严格法律责任；其次，深入开展个人信息保护监管执法和宣传，建立个人信息侵权投诉举报制度；最后，维护网络和数据安全，保障网络免受干扰、破坏或者未经授权的访问，防止网络数据泄露或者被窃取、篡改，加强网络和数据安全风险监测，严厉打击窃取网络数据、非法买卖个人信息等违法犯罪活动。 ([查看更多](#))

National Human Rights Action Plan (2021-2025) Released to Strengthen the Personal Information Protection

On September 9, 2021, the State Council Information Office released the *National Human Rights Action Plan (2021-2025)* (“*Plan*”). The Plan includes the “personal Information Rights and Interests” into the chapter “Civil and Political Rights”, stressing the need to strengthen personal information protection, improve relevant legal systems, supervision, law enforcement and publicity, to effectively safeguard network and data security. First, improve the personal information protection legal system, clear personal information processing principles, rules, strictly limit sensitive personal information processing, strengthen personal information processor compliance management obligations, set strict legal responsibility; Second, carry out in-depth personal information protection supervision, law enforcement and publicity, and establish personal information infringement complaints and reports system; Finally, maintain the security of the network and data, protect the network from interference, destruction or unauthorized access, prevent network data leakage or theft or tampering, strengthen the monitoring of network and data security risks, and severely crack down on illegal and criminal activities such as stealing online data and illegal sale of personal information. ([More](#))

网信办关停封禁一批财经“黑嘴”账号

2021年9月8日，网信办发文称，自启动清朗·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以来，主要商业网站平台迅速行动，认真开展自查自纠，集中整治扰乱财经领域网络传播秩序8类违规突出问题。目前，已处置违规“自媒体”账号2929个，清理有害信息47153条，其中，关停封禁账号1793个，包括3个100万以上粉丝账号。主要商业网站平台已发布公告，公布整治工作进展，并设置举报入口，欢迎广大网民积极举报，共建清朗网络空间。 ([查看更多](#))

CAC Close down Numbers of Financial “Stinky Mouth” Accounts

On September 8, 2021, Cyberspace Administration of China (“CAC”) announced that major commercial website platforms took action quickly to conscientiously carried out self-examination and self-correction, and focused on rectifying eight prominent violations that disrupted the order of online communication in the financial fields since the launch of special campaign (“QINGLANG”) on rectification of the irregular collection and publication of financial information by commercial platforms and “We Media”. At present, 2,929 illegal “We Media” accounts have been dealt with, and 47,153 harmful information are cleared, among which 1,793 accounts have been closed, including three accounts with more than 1 million followers. Major commercial website platforms have issued announcements, announced the progress of the rectification work, and set up entrances for reporting to welcome netizens to actively report and jointly build a clean cyberspace. ([More](#))

上海市正筹建数据交易所

2021年9月9日，上海市人民政府召开新闻发布会。会上，就“上海在‘十四五’期间将如何进行数字化转型”这一问题，副市长吴清回答道，一是加快数字技术应用，推动AI、大数据技术在工业机器人、故障监测维护等领域的创新应用；二是加快推进数字新基建，规模化部署5G基站，建成5G全链接工厂20个；三是加快构建全要素生态，牵头或参与制定了80余项制造业数字化转型标准，初步建成长三角工业互联网公共服务平台，当前正在推动数据综合立法，筹建数据交易所。（[查看更多](#)）

Shanghai Preparing the Data Exchange

On September 9, 2021, the Shanghai Municipal People's Government held a press conference. In response to the question of "How will Shanghai carry out digital transformation during the 14th Five-Year Plan period", Vice Mayor Wu Qing said that, the first is to accelerate the application of digital technology and promote the innovative application of AI, big data technology in industrial robots, fault monitoring and maintenance and other fields; the second is to accelerate new digital infrastructure, deploy 5G base stations on a large scale, and build twenty 5G full-link factories; the third is to accelerate the construction of a full-factor ecology, and lead or participate in the formulation of more than 80 digital transformation standards for the manufacturing industry, and initially complete the industrial Internet public service platform in the Yangtze River Delta. At present, Shanghai is promoting comprehensive data legislation and the preparation of Data Exchange. ([More](#))

《2021山西省互联网网络安全报告》发布

2021年9月7日，网信办发文称，近日，山西省正式发布《2021山西省互联网网络安全报告》（“《报告》”）。《报告》依托相关国家级网络安全监测基础平台，以全量网络安全监测数据、电信和互联网行业及网络安全相关机构报送的数据为统计分析依据，系统分析了全省网络安全态势，对5G、供应链、工业互联网、数字政府、金融、卫健、商用密码应用等领域网络安全情况以及App违法违规收集个人信息等进行了深度专题分析，针对性地提出了网络安全防护建议。（[查看更多](#)）

2021 Internet Network Security Report of Shanxi Province Released

On September 8, 2021, the CAC issued a notice stating that the *2021 Internet Network Security Report of Shanxi Province* (“**Report**”) issued officially by Shanxi Province recently. The Report, relying on relevant national network security monitoring basic platform, in accordance with full-amount of network security monitoring data, data submitted by the telecommunications and Internet industry and data of institutions related to network security, systematically analyzes the provincial network security situation, carries out in-depth special analysis of the network security situation of 5G, supply chain, industrial Internet, digital government, finance, health, commercial password application, as well as illegal collection of personal information by Apps, and puts forward targeted network security protection suggestions. ([More](#))

安徽8月份依法处置一批违法违规网站和账号

2021年9月3日，网信办发文称，安徽省网信办会同省通信管理局，在暑期开展的未成年人网络环境专项行动中，依法查处违法违规网站33家，协调有关平台依照用户服务协议关闭或禁言账号63个，移送违法违规线索85件，清理涉未成年人网络违法和不良信息8953条。下一步，全省网信系统要认真贯彻落实《网络信息内容生态治理规定》，扎实开展“清朗·‘饭圈’乱象治理”等专项行动，持续加大治理力度，压紧压实网站平台主体责任。（[查看更多](#)）

Anhui Deals with Numbers of Illegal Websites and Accounts in August

On September 3, 2021, CAC announced that the Cyberspace Administration of Anhui Province, together with the Provincial Communications Administration, in the special online environmental campaign for minors in the summer vacation, investigated and punished 33 illegal websites, coordinated relevant platforms to close or banned 63 accounts in accordance with users' service agreements, transferred 85 clues about violations of laws and regulations, and cleaned up 8,953 illegal and bad information related to minors. In the next step, the network information systems of Anhui Province should earnestly implement the *Regulations on Ecological Governance of Network Information Content*, steadily carry out special actions such as clean the chaos of the fans circle, continue to strengthen governance efforts, and tighten the main responsibility of the website platforms. ([More](#))

腾讯、网易等游戏企业和平台被约谈

2021年9月8日，中央宣传部、国家新闻出版署有关负责人会同国家互联网信息办公室（“网信办”）等部门，对腾讯、网易等重点网络游戏企业和游戏账号租售平台、游戏直播平台进行约谈。约谈指出，各网络游戏企业、游戏账号租售平台、游戏直播平台要坚决落实《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》《关于开展文娱领域综合治理工作的通知》等有关要求，强化责任担当，执行向未成年人提供网络游戏的时段时长限制，不得向未成年人提供网络游戏账号租售交易服务；要加强网络游戏内容审核把关并加强游戏直播管理；要杜绝擅自变更游戏内容等行为。约谈明确，近期将上线防止未成年人沉迷网络游戏举报平台，对落实不到位的企业进行严处。（[查看更多](#)）

Tencent, NetEase and Other Enterprises and Platforms Had Regulatory Talk

On September 8, 2021, relevant persons in charge of the Propaganda Department of the CPC Central Committee and National Press and Publication Administration, jointly with the CAC and other departments, talked with Tencent, NetEase and other key online game enterprises, game account rental and sales platforms, and game live broadcast platforms. It is pointed out that all subjects mentioned above should resolutely implement the *Notice on Further Strict Management to Effectively Prevent Minors from Indulging in Online Games* and the *Notice on Comprehensive Governance in the Cultural and Entertainment Field* and other relevant requirements, undertake the responsibility down to earth, strictly implement the limitation on the duration of providing online games to minors, and should not to provide online game account rental and sale transaction services to minors; strengthen the online game content audit check and strengthen the management of game live broadcast; put an end to unauthorized changing the game content and other behaviors. It is clarified that the reporting platform preventing minors

from indulging in online games will be launched recently, and enterprises without full implementation will be strictly punished. ([More](#))

海南网信部门依法对“正气”App作出行政处罚

2021年9月6日，网信办发文称，海南网信部门近期依法对“正气”App作出行政处罚。经查，“正气”App未切实履行互联网平台信息内容安全管理主体责任，对违法违规发布的信息，未尽到信息发布审核管理义务，也未采取及时停止传输、消除等处置措施，违反了《网络安全法》第47条、《网络信息内容生态治理规定》第10条和《互联网用户账号名称管理规定》第7条规定。海南网信部门依法对该APP作出警告并处10万元罚款；严肃约谈该其负责人，责令其进行全面整改、整改期间暂停用户注册功能。 ([查看更多](#))

Network Information Department of Hainan Province Imposes an Administrative Punishment on “Zhengqi” App

On September 6, 2021, CAC announced that the Network Information Department of Hainan Province recently imposed an administrative punishment on “Zhengqi” App by law. After investigation, the “Zhengqi” App did not earnestly fulfill the main responsibility of information content security management on the Internet platform. Nor the App fulfilled the obligation of information release audit management or took disposal measures such as timely stopping transmission and elimination, in violations of Article 47 of the *Cybersecurity Law*, Article 10 of the *Regulations on Ecological Governance of Network Information Content* and Article 7 of the *Regulations on Account Name Management of Internet Users*. The authority gave the App a warning and a fine of RMB 100,000; had a serious talk with the person in charge, ordering the App to carry out a comprehensive rectification, and to suspend the users’ registration during the rectification period. ([More](#))

美商务部成立国家人工智能咨询委员会

2021年9月8日，美国商务部宣布成立国家人工智能咨询委员会（“NAIAC”），就一系列与人工智能（AI）相关的问题向总统和其他联邦机构提供建议，该委员会目前正在寻求招募顶级候选人加入该委员会。该委员会将就以下主题提供建议，具体包括：美国人工智能竞争力现状；促进倡议实施；AI的科学状态；与AI劳动力相关的问题；如何利用倡议资源；倡议更新的必要性；整个倡议的活动和资金的平衡；国家人工智能研发战略计划的充分性；倡议的管理、协调和活动；解决社会问题的充分性；国际合作机会；与问责制和法律权利相关的问题；以及人工智能如何增加不同地理区域的机会。 ([查看更多](#))

U.S. Commerce Department Establishes NAIAC

On September 8, 2021, the U.S. Commerce Department announced that it has established the National Artificial Intelligence Advisory Committee (“NAIAC”) to advise the President and other federal agencies on a range of issues related to artificial intelligence (AI). The Department is now seeking to recruit top-level candidates to serve on the committee. The committee is to provide recommendations on topics including the current state of U.S. AI competitiveness; progress in implementing the Initiative; the state

of science around AI; issues related to AI workforce; how to leverage initiative resources; the need to update the initiative; the balance of activities and funding across the initiative; the adequacy of the National AI R&D Strategic Plan; management, coordination, and activities of the initiative; adequacy of addressing societal issues; opportunities for international cooperation; issues related to accountability and legal rights; and how AI can enhance opportunities for diverse geographic regions. ([More](#))

CNIL处罚AG2R LA MONDIALE公司175万欧元

2021年9月8日，法国国家信息与自由委员会（“CNIL”）发布公告称对AG2R LA MONDIALE公司罚款175万欧元。CNIL于2019年对该公司进行了检查。经查，该公司未落实其规定的保留期，结果近2000名与其没有任何联系的潜在客户数据被保存了3到5年以上，此外，该公司储存了超过200万客户的数据，包括一些健康信息和银行明细，超过了合同结束后的法定保留期限。同时，该公司数据处理器所拨打的电话可被直接录音，而无需告知对方录音原则或其享有拒绝录音的权利。上述行为违反了GDPR第5（1）（e）条、13条和14条，当事人已根据要求作出必要整改以符合GDPR规定。（[查看更多](#)）

CNIL Fines AG2R LA MONDIALE EUR 1.75 Million.

On September 8, 2021, the French Data Protection authority (“CNIL”) issued a notice stating that it had fined the AG2R LA MONDIALE group EUR 1.75 million. CNIL carried out an inspection in 2019. It is found that the company had not implemented the regulated retention periods. As a result, the data of almost 2,000 potential customers who had no contact with the company were kept for more than three or five years. Furthermore, the company was storing the data of more than 2 million customers, including some of health or bank details, beyond the legal retention periods allowed after the end of the contract. In addition, telephone calls made by the company’s data processors could be recorded without the person contacted being informed of the principle of recording or of her right to object to it. The practices above infringe Article 5-1-e, Articles 13 and 14 of the GDPR, the company has made the necessary changes to comply with the GDPR following the inspection and the procedure. ([More](#))

ICO呼吁G7改革cookie同意弹出窗口

2021年9月7日，英国信息专员办公室（“ICO”）宣布将呼吁七国集团（G7）数据保护和隐私机构共同努力全面改革cookie同意弹出窗口，以便真正保护人们的隐私和让企业提供更好的网页浏览体验。ICO认为，未来网页浏览器、软件应用程序和设备设置能够允许人们自行选择持久的隐私偏好，而无需在每次访问网页时都通过弹出窗口来实现这一点。这将确保人民的隐私偏好得到尊重、个人数据被最小化使用，同时改善用户的浏览器使用体验和缓解营销摩擦。（[查看更多](#)）

ICO to Call on G7 Countries to Tackle Cookie Pop-ups Challenge

On September 7, 2021, the UK Information Commissioner’s Office (“ICO”) announced it will call on fellow G7 data protection and privacy authorities to work together to overhaul cookie consent pop-ups, so people’s privacy is more meaningfully protected and businesses can provide a better web browsing

experience. The ICO will present its vision for the future, where web browsers, software applications and device settings allow people to set lasting privacy preferences of their choosing, rather than having to do that through pop-ups every time they visit a website. This would ensure people's privacy preferences are respected and the use of personal data is minimised, while improving users' browsing experience and removing friction for businesses. ([More](#))

ICO因拨打50万个骚扰电话而对一格拉斯哥公司处以150,000英镑罚款

2021年9月5日，ICO发文称处罚了总部位于格拉斯哥的DialADeal苏格兰有限公司，因其拨打了超50万个扰人的营销电话。这些不请自来的电话有关不存在的绿色交易节能计划，包括锅炉和窗户更换、阁楼绝缘和家具改善拨款。ICO发现，该公司存在多处违法，不仅使用了数个虚假的交易名称，还用假名和恶搞号码隐藏真实身份。ICO对该公司处以15万英镑的罚款。（[查看更多](#)）

ICO Fines Glasgow Company £150,000 for Making Half a Million Nuisance Calls

On September 5, 2021, ICO announced it has fined Glasgow-based company DialADeal Scotland Ltd for making more than half a million nuisance marketing calls. The unsolicited calls were about fake Green Deal energy saving schemes, including boiler and window replacement, loft insulation and home improvement grants. It is found that the company were breaking the law on a number of fronts, not only were they making calls to people without their permission, they were also hiding their identity using false names and spoof numbers. The company has been fined £150,000 by the ICO. ([More](#))

ISO发布汽车网络安全标准

2021年8月31日，国际标准化组织（“ISO”）发布一项新标准，即《道路车辆 网络安全工程》（ISO/SAE 21434）。此标准借鉴了此前的《网络物理车辆系统的网络安全指南》，旨在解决道路车辆内电子和电器系统的网络安全问题，将帮助制造商跟进不断变化的技术和网络攻击方法，并定义与网络安全工程相关的词汇、目标、要求和指南，以便在整个供应链中达成共识。（[查看更多](#)）

ISO Publishes New Standard to Maintain Car Network Security

On August 31, 2021, the International Standardization Organization (“ISO”) published a new standard, named *Road vehicles -Cybersecurity engineering* (ISO/SAE 21434). The standard, drawing on the previous *Cybersecurity guidebook for cyber-physical vehicle systems*, will help manufacturers keep abreast of changing technologies and cyber-attack methods, and defines the vocabulary, objectives, requirements and guidelines related to cybersecurity engineering for a common understanding throughout the supply chain. ([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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