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国家网信办发布：关于进一步压实网站平台信息内容管理主体责任的意见

CAC Releases: *Opinions on Further Strengthening the Responsibility of Website Platform Information Content Management*

央行副行长：数据安全等成新阶段金融科技发展规划监管重点

PBC Deputy Governor: Data Security Becomes the Focus of the New Phase of Planning Regulation of Fintech Development

信安标委发布关于征集《信息安全技术 应用商店的App个人信息处理规范性审核与管理指南》标准参编单位的通知



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NISSTC issued a notice to call for participation in the formulation of *standard Information Security Technology Guidelines for the Normative Review and Management of App Personal Information Processing in Application Stores*

兴业银行在业内率先发布《数据合规白皮书》

Industrial Bank Release Data Compliance White Paper, which is the First in the Industry

司法案例：利用多个账号“爬取”数据构成不正当竞争

Civil Litigation: Using Multiple Accounts to "Crawl" Data Constitutes Unfair Competition

英国就削弱数据保护法进行磋商

UK To Consult on Weakening Data Protection Laws

英国：ICO发布了关于教育机构紧急情况下的数据共享的博客

UK: ICO publishes blog on data sharing in emergencies at educational institutions

欧盟：ENISA公布行业网络安全评估的方法

EU: ENISA Publishes Methodology for Sectoral Cybersecurity Assessments

CNIL发布“数据保护管理成熟度模型”

CNIL Publishes *Data Protection Management Maturity Model*

美国外卖平台公司DoorDash就数据分享法案起诉纽约市政府

DoorDash Sues New York City over New Data Sharing Law

爱尔兰调查TikTok处理儿童数据并将其传输到中国的行为

Ireland Probes TikTok's Handling of Kids' Data and Transfers to China

知识产权 Intellectual Property

《专利代理信用管理办法》公开征求意见

国家知识产权局日前就《专利代理信用管理办法》（以下简称《办法》）公开征求意见。该局官方网站还同时发布专利代理机构积分指标体系及积分规则（试行）和专利代理师个人信用积分指标体系及积分规则，面向社会公众征求意见。

来源：[中国保护知识产权网](#)

The "Administrative Measures on Patent Agency Credit" is seeking public opinions

The CNIPA recently solicited opinions on the "Administrative Measures on Patent Agency Credit" (the Measures).

The bureau's official website also released the credit score indicator system and scoring rules of patent agencies (for trial implementation) and the personal credit score indicator system and scoring rules of patent agents, soliciting opinions from the public.

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

北京知识产权法院从严处罚商标权撤销复审案伪证行为

北京知识产权法院近日通报商标权撤销复审行政案件审理相关情况。据统计，2019年至今，该院审结商标授权确权案件40114件，其中商标权撤销复审行政案件占比9.6%。办案过程中法院发现，部分商标注册人为维持商标注册提交伪证。为此，北京知产法院采取加大证据审查力度、顶格处罚伪证行为等一系列措施予以规制。

来源：[中国保护知识产权网](#)

Beijing Intellectual Property Court severely penalized perjury in trademark cancellation review case

Beijing Intellectual Property Court recently notified the trial of administrative cases of reexamination of trademark cancellation. According to statistics, since 2019, the court has concluded 40,114 trademark authorization and confirmation cases, of which trademark cancellation and review administrative cases accounted for 9.6%. In the course of handling the case, the court found that some trademark registrants had submitted false evidence to maintain trademark registration. To this end, Beijing Intellectual Property Court has adopted a series of measures such as intensifying evidence review and penalizing perjury.

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

容百科技遭2.52亿专利索赔

9月16日晚，国内三元锂电正极材料龙头宁波容百新能源科技股份有限公司发布涉诉公告，称公司近日收到宁波市中级人民法院关于比利时优美科（Umicore）起诉的《民事起诉状》（2021）浙02知民初328号。

优美科指控容百科技的S85E型产品侵犯其ZL201580030857.0号名称为“具有优异的硬度强度的正电极材料”专利，请求法院判令容百科技停止侵权，并赔偿经济损失人民币106,50.12万元，支付发明专利临时保护期费用人民币14,585.77万元，以及原告为制止侵权行为所支付的合理费用96,266.25元，总计25,245.5万元。

来源：[IPRdaily中文网](#)

Ronbay Technology suffered 252 million patent claims

On the evening of September 16, Ronbay Technology, a leading domestic ternary lithium cathode material company, issued a lawsuit-related announcement, stating that the company recently received a civil lawsuit (2021浙02知民初328号) from Ningbo Intermediate People's Court, Zhejiang regarding a lawsuit filed by Umicore (Belgium).

Umicore alleges that the S85E type products of Ronbay Technology infringe its patent No. ZL201580030857.0 named "positive electrode material with excellent hardness strength", and Ronbay Technology was claimed to stop the infringement, pay damages of RMB106,512,000, RMB145,857,700 for the temporary protection period of the invention patent and RMB96,266.25 for the reasonable expenses paid by the plaintiff to stop the infringement, totaling RMB252,455,000.

Source: [IPRdaily](#)

饿了么因对商户设置“二选一”条款构成不正当竞争，被判赔偿美团8万元

近日，安徽省滁州市中级人民法院就饿了么不正当竞争行为作出判决。法院认定，饿了么强迫商户“二选一”遭拒后，强制关闭其店铺，损害商户商业利益，判定饿了么赔偿美团8万元。

在反不正当竞争执法力度升级的背景下，外卖平台屡次遭罚。早在今年4月份，饿了么就因“二选一”行为被浙江温州中级人民法院判赔美团，美团也多次因不正当竞争行为败诉。

来源：[中国保护知识产权网](#)

Ele.me was sentenced to compensate Meituan RMB 80,000 for setting up "choose one of two" clauses on merchants to constitute unfair competition

Recently, Chuzhou Intermediate People's Court, Anhui issued a judgment on Ele.me's unfair competition behavior. The court found that after Ele.me forced merchants to "choose one of two" and was rejected, it forced to close their stores, harming the merchants' commercial interests, and ruled that Ele.me compensated Meituan RMB 80,000.

In the context of escalating enforcement of anti-unfair competition, food delivery platforms have been punished repeatedly. As early as April of this year, Ele.me was sentenced to compensate Meituan by

Wenzhou Intermediate People's Court, Zhejiang for "choosing one of two" behaviors. Meituan also lost the lawsuit many times due to unfair competition.

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

一公司爬取微信公众平台数据，构成不正当竞争，赔偿60万

9月14日，杭州互联网法院公开审理一起某新媒体公司爬取微信公众平台数据的不正当竞争纠纷案，法院判定该新媒体公司行为已构成不正当竞争，立即停止数据抓取行为、消除影响并赔偿损失60万元。

腾讯方面表示，该新媒体公司突破微信公众平台的数据防护措施进行数据抓取，并进行商业化利用，妨碍平台正常运行，构成不正当竞争。该新媒体公司则称，爬取并提供公众号数据服务的行为不构成不正当竞争，其爬取的文章并非腾讯的数据，而是登录微信公众号的用户数据，且网站获利较少，现已关闭。最终，法院判定该新媒体公司立即停止数据抓取行为、消除影响并赔偿损失60万元。

来源：[中国保护知识产权网](#)

A company extracted WeChat public platform data, which constituted unfair competition and compensated RMB 600,000

On September 14, Hangzhou Internet Court publicly heard an unfair competition dispute involving a new media company extracting WeChat public platform data. The court ruled that the new media company's actions constituted unfair competition and ordered it to immediately stop data extracting, eliminate the impact and compensate RMB 600,000 for the loss.

Tencent said that the new media company broke through the data protection measures of the WeChat public platform to extract data and make commercial use, which hindered the normal operation of the platform and constituted unfair competition. The new media company claimed that the act of extracting and providing official account data services does not constitute unfair competition. The articles it extracts are not Tencent data, but user data logged in to WeChat official accounts, and the website has made less profit and is now closed. In the end, the court ruled that the new media company immediately stopped data extracting, eliminated the impact, and compensated RMB 600,000 for the loss.

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

宁德时代与巴斯夫签署框架协议以加速实现全球碳中和目标

宁德时代新能源科技股份有限公司与巴斯夫欧洲公司宣布在电池材料解决方案领域内建立战略合作伙伴关系。此次合作包括正极活性材料（CAM）及电池回收，旨在开发可持续发展的电池价值链，以推动宁德时代在欧洲的本土化进程，并助力实现全球碳中和目标。

与宁德时代的战略合作将使巴斯夫和全球领先的电池供应商在正极材料及电池回收领域密切合作，这也将进一步深化巴斯夫的专业积累并强化其全球市场地位。

来源: 宁德时代官网

CATL and BASF signed a framework agreement to accelerate the achievement of global carbon neutrality goals

CATL and BASF Europe announced the establishment of a strategic partnership in the field of battery material solutions. The cooperation includes positive electrode active materials (CAM) and battery recycling, and aims to develop a sustainable battery value chain to promote the localization of CATL in Europe and help achieve the global carbon neutral goal.

The strategic cooperation with CATL will enable BASF to cooperate closely with the world's leading battery suppliers in the field of cathode materials and battery recycling, which will further deepen BASF's professional accumulation and strengthen its global market position.

Source: catl.com

美国最高法院将恢复当面口头辩论程序

美国联邦最高法院 (SCOTUS) 于9月8日星期三宣布, 今年10月将再次当面听取口头辩论。自2020年5月以来, 由于新冠疫情, 法院一直在远程审理案件, 当时USPTO诉Booking.com的商标纠纷是有史以来第一个进行虚拟辩论的SCOTUS案件。该公告意味着法院将于11月8日亲自审理Unicolors诉H&M版权案。SCOTUS指出, 它只计划向大法官、重要法庭人员、预定案件的律师和具有全职新闻资格的记者开放诉讼程序。法院表示: “出于对公众和最高法院人员的健康和安全的重视, 法庭不会向公众开放。法院将在确定计划时继续密切关注公共卫生指导。”

然而, 该法院表示, 它会像在远程口头辩论中一样, 预计会提供10月、11月和12月口头辩论的现场音频。

来源: 中国保护知识产权网

The U.S. Supreme Court will resume on-site arguments

The Supreme Court of the United States (SCOTUS) announced on Wednesday, September 8 that it will hear on-site arguments again in October this year. Since May 2020, due to the new crown epidemic, the court has been hearing cases remotely. At that time, the trademark dispute between USPTO v. Booking.com was the first SCOTUS case ever to have a virtual debate. The announcement means that the court will personally hear the Unicolors v. H&M copyright case on November 8. SCOTUS pointed out that it only plans to open litigation procedures to justices, important court personnel, lawyers who book cases, and journalists with full-time journalism qualifications. The court stated: “The court will not be open to the public due to the importance of the health and safety of the public and Supreme Court personnel. The court will continue to pay close attention to public health guidance when determining the plan.”

However, the court stated that it will provide live audio of the on-site debates in October, November, and December, just like in remote oral arguments.

Source: Intellectual Property Protection in China

竞争法 Overseas News

山西省市监局终止对晋中市人民政府滥用行政权力行为的调查

2021年9月10日，山西省市场监督管理局（“山西省市监局”）公布了对晋中市人民政府办公室等部门滥用行政权力排除、限制竞争行为的处理公告。经查，有关部门限制市城区运营的巡游车必须使用纯电动汽车、国六标准甲醇汽车，对产地为本市的车型予以地方保护等，构成滥用行政权力排除、限制竞争行为。调查期间，有关部门主动停止违法行为，并进行整改，山西省市监局按程序结束调查。（[查看更多](#)）

Shanxi AMR Closes the Investigation against Jinzhong Government

On September 10, 2021, the Administration for Market Regulation of Shanxi Province (“Shanxi AMR”) issued the announcement of result on dealing with the behaviors of abusing administrative power by the General Office of Jinzhong Municipal Government and other departments. Upon investigation, it was found that relevant department restricted that cruising cars operating in the urban area of the city must be pure electric vehicles and methanol vehicles that meet national VI emission standard, and gave local protection through administrative documents, which violates the *Anti-Monopoly Law* and constitutes an abuse of administrative powers. During the investigation, relevant departments initiatively ceased such behaviors and carried out rectification, and therefore Shanxi AMR closed the investigation. ([More](#))

美国反垄断机构更加紧盯科技巨头的小型并购案

2021年9月15日，美国联邦贸易委员会（FTC）公布了五家美国科技巨头对小型公司的并购数据。根据调查，苹果、谷歌、亚马逊、微软以及Facebook在2010年至2019年总计完成了616笔小型并购交易。但每项交易的规模不用向反垄断机构报告。同日，FTC决定撤回其与司法部联合发布的《纵向合并指南》，这两个动作透露出美国政府计划更加严格把关并购交易。（[查看更多](#)）

The U.S. Antitrust Authority Plans to Carry out Stricter Supervision on Acquisition of Small Companies by High-tech Companies

On September 15, 2021, The Federal Trade Commission (“FTC”) issued the data relating to the acquisition of small size companies by the U.S. five high-tech companies, including Apple, Google, Amazon, Microsoft and Facebook. According to the data, these five companies have totally finished 616 acquisition of small companies. However, the size of each acquisition was too small to make notification before antitrust authority. At the same day, FTC decided to withdraw the Vertical Merger Guidelines jointly issued with DOJ. These two events indicate that the U.S. government plans to carry out stricter supervision on such acquisitions. ([More](#))

韩国第九大反垄断罚款 谷歌因滥用市场支配地位被罚约1.77亿美元

2021年9月14日，据报道，韩国公平贸易委员会（“KFTC”）对谷歌处以约1.77亿美元（约合人民币11.4亿元）的罚款，因该美国科技巨头滥用其市场支配地位以限制移动操作系统市场的竞争。此前，韩国已经通过了《电信业务法》修正案，旨在禁止谷歌等主要应用商店运营商强迫软件开发者使用其支付系统，并有效阻止开发者对应用内购收取佣金。KFTC表示，1.77亿美元的罚款可能是KFTC有史以来作出的第九大罚款。（[查看更多](#)）

Korea Fines Google around USD 177 million for Abusing Market Dominance

On September 14, 2021, it was reported that South Korea's antitrust regulator fined Alphabet Inc's Google around USD 177 million, saying the U.S. technology giant abused its dominant market position to restrict competition in the mobile operating system market. Earlier this month, Korean parliament passed a bill to ban major app store operators such as Google from forcing software developers to use their payment systems and effectively stopping developers from charging commission on in-app purchases. The antitrust regulator said the fine could be the ninth-biggest it has ever imposed. ([More](#))

美哥伦比亚特区扩大对亚马逊提起的反垄断诉讼范围

2021年9月13日，美国哥伦比亚特区总检察长拉辛（Racine）扩大了其针对亚马逊提起的反垄断诉讼范围，直指该公司与批发供应商的关系。该诉讼于今年5月提起，最初旨在指控亚马逊通过与第三方卖家的价格合同来维持垄断力量。拉辛在修改后的诉状中声称，亚马逊与第一方卖家的“最低利润协议”有刺激批发商提高亚马逊以外市场的价格的“实际效果”。“最低利润协议”的存在导致如果亚马逊未能获得商定利润，则批发商则必须弥补差价。因此，批发商可能倾向于提高其他市场的价格以确保亚马逊不会因为其他地方的低价而降低价格。由此，这些协议被认为会减少在线市场之间的竞争并导致消费价格上涨。（[查看更多](#)）

District of Columbia Attorney General Expands Antitrust Complaint against Amazon

On September 13, 2021, District of Columbia Attorney General Karl Racine expanded his antitrust complaint against Amazon, targeting the company's relationships with wholesale suppliers. Racine sued Amazon in May over allegations that the company illegally maintained monopoly power through its pricing contracts with third-party sellers. In the new filing, Racine alleges that Amazon's "Minimum Margin Agreement" with first-party sellers has the "practical effect" of incentivizing those wholesalers to raise their prices for marketplaces outside of Amazon. That's because those agreements require that the wholesaler guarantee Amazon a minimum profit, according to the complaint, meaning the seller must make up the difference if it doesn't reach that margin. Racine alleges first-party sellers may be inclined to raise their prices elsewhere to ensure that Amazon does not drop its price based on lower prices elsewhere. These agreements reduce other online marketplaces' ability to compete with Amazon by offering lower prices to consumers and result in reduced competition among online marketplaces and higher prices to consumers." ([More](#))

欧盟就谷歌语音助手开展新的反垄断调查

近日，据报道，欧盟正在对谷歌开展新的反垄断调查，以调查其是否强迫设备制造商将谷歌助手安装为安卓设备上的默认语音助手。这项尚未正式公开的调查将重点关注谷歌助手在网联汽车、智能电视和智能手机等设备中的部署。据悉，欧盟监管机构已要求制造商提供任何能够证明谷歌实施强迫性安装谷歌助手作为默认语音搜索应用的证据，他们还在调查谷歌是否要求获得使用安卓系统的物联网设备的排他性，以有效禁止竞争对手的技术。监管机构怀疑，谷歌以制造商同意在设备上预装谷歌助手作为授权后者在设备上安装安卓系统的前提，同时谷歌还可能与制造商分享广告收入，前提是后者优先使用谷歌助手。（[查看更多](#)）

EU Investigates Google For Forcing Smart Device Manufacturers To Use Google Assistant

Recently, it was reported that The European Union (“EU”) is looking into whether Google forced device manufacturers to install Google Assistant as the default voice assistant on Android devices in a new antitrust investigation. The investigation, which has not officially been made public, will be focused on the rollout of Google Assistant in devices like connected cars, smart TVs and smartphones. Regulators from the EU have asked manufacturers to provide any evidence showing that Google coerced them to make Google Assistant the default voice search app on their device and they are also investigating whether Google demands exclusivity from Android-based IoT devices, effectively banning rival technologies. Regulators at the EU suspect that Google only grants licenses to manufacturers if they agree to promote Google Assistant on their devices, excluding other alternatives. The regulator is also exploring other suspicions, including whether Google might be giving manufacturers a share of advertising revenues on the condition that they prioritize Google Assistant. ([More](#))

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

工信部：加强车联网网络安全与数据安全监管

2021年9月16日，工业和信息化部（“工信部”）发布《关于加强车联网网络安全和数据安全工作的通知》（简称《通知》）。《通知》提出，智能网联汽车生产企业要采取有效技术保护措施，防范数据泄露、毁损、丢失、篡改、误用、滥用等风险，并在必要情况下配合开展相关监督检查，提供必要技术支持。进一步强化了智能网联汽车企业的安全责任。（[查看更多](#)）

MIIT: Strengthening Telematics Cybersecurity and Data Security Regulation

On 16 September 2021, the Ministry of Industry and Information Technology (MIIT) issued the *Notice on Strengthening Network Security and Data Security of Telematics*. The Notice proposes that intelligent connected vehicle manufacturers should take effective technical protection measures to prevent risks such as data leakage, destruction, loss, tampering, misuse and abuse, and cooperate with supervision and inspection and provide necessary technical support where necessary. It further strengthens the security responsibilities of the enterprises of intelligent connected vehicle. ([More](#))

工信部发文：关于开展汽车数据安全、网络安全等自查工作的通知

2021年9月13日，工信部装备工业发展中心发布了关于开展汽车数据安全、网络安全等自查工作的通知并附《汽车数据安全、网络安全等情况自查表》（简称《自查表》）。该通知要求各获得道路机动车辆生产企业准入许可的汽车整车生产企业对照相关要求，对汽车数据安全、网络安全、软件在线升级、驾驶辅助功能情况开展自我核查并填写《自查表》，并于2021年10月12日前将填写完整的《自查表》报送至工信部装备工业发展中心。对逾期未上报、隐瞒有关情况或提供虚假材料的将按照《道路机动车辆生产企业及产品准入管理办法》有关规定报工业和信息化部，依法依规进行处理。（[查看更多](#)）

MIIT Issued: Notice on the Self-Inspection of Automotive Data Security, Network Security

On September 13, 2021, the Equipment Industry Development Center of MIIT issued a *Notice on the Self-Examination of Automotive Data Security, Network Security* and released the *Automotive Data Security, Network Security Self-Inspection Form*. The *Notice* requires each automobile vehicle manufacturer that qualified as road motor vehicle production enterprises to conduct self-inspection and fill out the *Self-Inspection Form* on automobile data security, network security, online software upgrades and driver assistance functions in accordance with the law, and to submit the completed *Self-Inspection Form* to the Equipment Industry Development Center of MIIT by October 12, 2021. Those who fail to submit after the deadline, conceal the information or provide false materials will be reported to the MIIT in accordance with the *Administrative Measures on Admission of Road Motor Vehicle Manufacturing Enterprises and Products* and will be punished in accordance with the laws and regulations. ([More](#))

工信部：重点整治屏蔽网址链接等扰乱市场秩序的行为

2021年9月13日，国务院新闻办公室举行新闻发布会，指出工信部今年7月启动了为期半年的互联网行业专项整治行动，主要聚焦扰乱市场秩序，侵害用户权益、威胁数据安全、违反资源和资质管理规定的四个方面、八类问题进行集中整治。治理中关注重点之一即屏蔽网址链接，目前，工信部正在按照专项行动的方案安排，指导相关互联网企业开展自查整改。（[查看更多](#)）

MIIT: Rectify Market Disruption Behaviors such as Blocking Web Links

On September 13, 2021, the State Council Information Office held a press conference, pointing out that the MIIT launched a six-month special rectification action for the Internet industry in July this year, mainly focusing on rectifying four aspects and eight types of problems that disrupt the market order, infringe on the rights and interests of users, threaten data security, and violate the regulations on resource and qualification management. One of the key concerns in governance is blocking web links. MIIT is currently guiding relevant Internet enterprises to carry out Self-Inspection and rectification in accordance with the arrangements of the special action plan. ([More](#))

国家网信办发布：关于进一步压实网站平台信息内容管理主体责任的意见

2021年9月15日，国家网信办发布《关于进一步压实网站平台信息内容管理主体责任的意见》，首次系统提出网站平台履行信息内容管理主体责任的工作要求，主要包含10个方面具体内容。首先从四个维度明确把握主体责任的内涵，然后从完善平台社区规则、加强账号规范管理、健全内容审核机制、提升信息内容质量、规范信息内容传播、加强重点功能管理、坚持依法合规经营、严格未成年人网络保护、加强人员队伍建设等9个方面，对网站平台履行主体责任提出具体要求。（[查看更多](#)）

CAC Releases: Opinions on Further Strengthening the Responsibility of Website Platform Information Content Management

On September 15, 2021, the Cyberspace Administration of China (“CAC”) issued the "Opinions on Further Strengthening the Responsibility of Website Platform Information Content Management", which for the first time systematically put forward the requirements for website platforms to fulfill the responsibility of information content management, mainly containing 10 specific aspects. First of all, it clearly grasps the connotation of the responsibility from four dimensions, and then puts forward specific requirements for website platforms to fulfill the main responsibility in nine aspects, including improving the rules of platform community communities, strengthening the management of accounts, improving the content audit mechanism, improving the quality of information content, regulating the dissemination of information content, strengthening the management of key functions, adhering to legal compliance, strengthening network protection of minors, and strengthening the construction of personnel teams. ([More](#))

央行副行长：数据安全等成新阶段金融科技发展规划监管重点

2021年9月10日，2021中国（北京）数字金融论坛在京举办。在本次论坛上，中国人民银行副行长范一飞表示，金融机构要高度重视数据工作。在数据共享方面，坚持最小必要、专事专用原则，探索应用多方安全计算、联邦学习等技术，在保障原始数据不出域前提下规范开展数据共享。在数据保护方面，严格落实《数据安全法》《个人信息保护法》等法律法规，建立数据全生命周期安全保护机制，运用匿踪查询、去标记化等措施，严防数据误用、滥用，切实保障金融数据和个人隐私安全。（[查看更多](#)）

PBC Deputy Governor: Data Security Becomes the Focus of the New Phase of Planning Regulation of Fintech Development

On 10 September 2021, the 2021 China (Beijing) Digital Finance Forum was held in Beijing. At the Forum, Fan Yifei, Deputy Governor of the People's Bank of China (“PBC”), said that financial institutions should attach great importance to data. In terms of data sharing, adhering to the principle of minimum necessary and exclusive use, exploring the application of multi-party secure computing, federated learning and other technologies, sharing data under the premise of guaranteeing that the original data does not leave the domain. In terms of data protection, strictly implementing the *Data Security Law*, the *Personal Information Protection Law*, etc., establishing a data lifecycle security protection mechanism, and uses measures such as anonymity query and de-tagging to strictly prevent data misuse and abuse

and effectively safeguard financial data and personal privacy. ([More](#))

信安标委发布关于征集《信息安全技术 应用商店的App个人信息处理规范性审核与管理指南》标准参编单位的通知

2021年9月17日，全国信息安全标准化技术委员会（“信安标委”）发布关于征集《信息安全技术 应用商店的App个人信息处理规范性审核与管理指南》标准参编单位的通知（以下简称“《通知》”）。《通知》明确为切实做好网络安全国家标准编制工作，鼓励更多单位切实参与到标准编制工作中，提高标准编制工作的开放性公正性、透明性，提升标准质量，公开征集《信息安全技术 应用商店的App个人信息处理规范性审核与管理指南》标准参编单位。（[查看更多](#)）

NISSTC issued a notice to call for participation in the formulation of standard Information Security Technology Guidelines for the Normative Review and Management of App Personal Information Processing in Application Stores

On September 17, 2021, the National Information Security Standardization Technical Committee (“NISSTC”) issued a notice to call for participation in the development of standard *Information Security Technology Guidelines for the Normative Review and Management of App Personal Information Processing in Application Stores* (hereinafter referred to as the Notice). The Notice makes it clear that in order to effectively develop the national standards for network security, encourage more parties to effectively participate in the development of standards, improve the openness impartiality and transparency of the development of standards, and enhance the quality of standards, openly solicit the participation of parties in developing the standard *Information Security Technology Guidelines for the Normative Review and Management of App Personal Information Processing in Application Stores*.

兴业银行在业内率先发布《数据合规白皮书》

近日，兴业银行发布《兴业银行股份有限公司数据合规白皮书》（以下简称《数据合规白皮书》），这是银行业内首份公开发布的数据合规白皮书。

《数据合规白皮书》提出以“规范数据基础、保障数据权利、统一数据语言、推动数据应用”为目标的数据合规体系，展示了兴业银行在客户数据权利保障及自有数据应用领域的愿景、规划以及履行社会责任的探索实践，希望借此推动国内金融同业在数字化时代更好实现高质量合规发展。（[查看更多](#)）

Industrial Bank Release Data Compliance White Paper, which is the First in the Industry

Recently, Industrial Bank released the *Data Compliance White Paper of Industrial Bank Co., Ltd.* (“*Data Compliance White Paper*”), which is the first publicly released data compliance white paper in the banking industry.

The *Data Compliance White Paper* proposes a data compliance system with the objectives of

"standardizing data bases, safeguarding data rights, unifying data language and promoting data applications", demonstrating Industrial Bank's vision and planning in the field of customer data rights protection and its own data application areas, as well as its exploration and practice in fulfilling its social responsibility, in the hope that this will promote the domestic financial industry to better achieve high-quality compliance development in the digital era. ([More](#))

司法案例：利用多个账号“爬取”数据构成不正当竞争

2021年9月14日，杭州互联网法院审理腾讯诉某新媒体公司不正当竞争纠纷案，并当庭判决被告立即停止数据抓取行为、消除影响并赔偿损失60万元，该案为不正当使用网络爬虫工具抓取微信公众号相关数据的典型案例。被告系某网站经营者，利用爬虫技术抓取微信公众平台信息及数据，并通过网站对外提供公众号搜索、导航及排行等数据服务。法院认为其行为构成不正当竞争。（[查看更多](#)）

Civil Litigation: Using Multiple Accounts to "Crawl" Data Constitutes Unfair Competition

On 14 September 2021, the Hangzhou Internet Court heard the case filed by Tencent against a new media company over unfair competition and ruled in court that the defendant should immediately stop its data crawling behaviour, eliminate its influence and pay damages of RMB 600,000, which was a typical case of improper use of web crawler tools to crawl data related to WeChat official accounts. The defendant, a website operator, used crawler technology to crawl the content and data of the WeChat official accounts and provided data services such as official accounts number search, navigation and ranking through the website. The court held that such conduct constituted unfair competition. ([More](#))

英国就削弱数据保护法进行磋商

2021年9月10日，英国政府继续弱化GDPR在英国的适用，并就英国脱欧后数据保护制度变化等问题与公众进行磋商。核心主张是建立一个“基于常识，而不是表格核查”的新系统。通过援引新型冠状病毒的案例，英国政府表示，它希望简化医疗数据共享，还希望减轻小企业的合规负担。（[查看更多](#)）

UK To Consult on Weakening Data Protection Laws

On September 10, 2021, the UK government continues to distance itself from GDPR, launching a consultation on post-Brexit changes to its data protection regime. The headline proposition is for a new system 'based on common sense, not box ticking'. Citing Covid, the government says it wants to simplify the sharing of medical data; it also wants to reduce the burden of compliance on small businesses. ([More](#))

英国：ICO发布了关于教育机构紧急情况下的数据共享的博客

2021年9月14日，英国信息专员办公室（ICO）发表了ICO议会和政府事务团队首席政策顾问Viv Adams的博客，内容是关于大学和学院在紧急情况下共享个人数据。该篇博客特别鼓励教育机构在紧急情况下分享学生的数据，指出ICO一直是一个务实和注重效率的监管机构，不会惩罚组织在紧急情况下的善意和公共利益的行为。为了帮助高校合法地分享个人数据，该博客概述了以下步骤。

- 1、制定一个包含数据共享的应急计划，并考虑如何通过进行数据保护影响评估（DPIA）来安全地共享数据。
- 2、有一份数据共享协议。
- 3、员工培训。
- 4、访问ICO的数据共享实践准则和信息中心。（[查看更多](#)）

UK: ICO publishes blog on data sharing in emergencies at educational institutions

On 14 September 2021, The Information Commissioner's Office (ICO) published a blog by Viv Adams, Principal Policy Adviser in the ICO Parliament and Government Affairs team, on universities and colleges sharing personal data in emergencies. In particular, the blog encourages educational institutions to share students' data in emergencies, noting that the ICO has always been a pragmatic and proportionate regulator that does not seek to penalize organisations for acting in good faith and in the public interest in an urgent or emergency situation. To help colleges and universities share personal data lawfully, the blog outlines the following steps:

- 1、have an emergency plan in place that takes into account data sharing and consider how they will share the data securely by carrying out a Data Protection Impact Assessment (DPIA);
- 2、have a data sharing agreement in place;
- 3、staff training;
- 4、access the ICO's data sharing code of practice and information hub. ([More](#))

欧盟：ENISA公布行业网络安全评估的方法

2021年9月13日，欧盟网络安全局（ENISA）宣布，其发布一项网络安全评估方法，用于分行业的涉及多利益相关方ICT系统的网络安全认证。ENISA特别指出，制定部门网络安全评估方法（SCSA）是为分行业的ICT基础设施和生态系统等符合欧盟网络安全认证计划做准备。此外，ENISA指出，SCSA赞同根据特定ICT产品、服务和流程的“预期用途”相关的风险来确定安全和认证要求。此外，ENISA强调，SCSA的目标是专家级受众，特别是ICT专家、ICT安全专家和负责分行业且涉及多利益相关方系统的决策者以及供应商，相关市场行业包括移动网络、5G、电子身份、电子医疗、支付、移动即服务和汽车。（[查看更多](#)）

EU: ENISA Publishes Methodology for Sectoral Cybersecurity Assessments

On September 13, 2021, The European Union Agency for Cybersecurity (ENISA) announced, that it had launched a cybersecurity assessment methodology for cybersecurity certification of sectoral multi-stakeholder ICT systems. In particular, ENISA noted that the Methodology for Sectoral Cybersecurity Assessments (SCSA) was developed to enable the preparation of EU cybersecurity certification schemes for sectoral ICT infrastructures and ecosystems. In addition, ENISA noted that SCSA endorses the identification of security and certification requirements based on risks associated with the 'intended use' of the specific ICT products, services, and processes.

Moreover, ENISA highlighted that SCSA aims at an expert level audience, in particular ICT experts, ICT security experts, and decision-makers in charge of sectoral multi-stakeholder systems, as well as suppliers and that examples of relevant market sectors include mobile networks, 5G, electronic identity, eHealth, payments, Mobility as a Service, and automotive. ([More](#))

CNIL发布“数据保护管理成熟度模型”

2021年9月9日，法国的数据保护机构，即国家信息与自由委员会（CNIL），公布了一项“数据保护管理成熟度模型”。CNIL表示，该模型“将国际标准中定义的成熟度等级应用于数据保护管理”，可以“帮助组织评估其自身的成熟度水平，并确定如何改善其数据保护管理”。各组织可以利用该模型制定行动计划，以评估其当前的做法和目标。 ([查看更多](#))

CNIL Publishes Data Protection Management Maturity Model

On September 9, 2021, France's data protection authority, the Commission nationale de l'informatique et des libertés, published a *Data Protection Management Maturity Model*. The CNIL said the model “transposes the maturity levels defined in international standards to data protection management” and “allows organizations to assess their own level of maturity and determine how to improve their management of data protection.” Organizations can develop an action plan using the model to evaluate their current practices and goals. ([More](#))

美国外卖平台公司DoorDash就数据分享法案起诉纽约市政府

2021年9月8日，DoorDash对纽约市政府提起了诉讼，因为一项新法律要求外卖配送公司与其餐馆共享更多的客户数据。这起诉讼是食品配送平台与监管机构之间一系列投诉中的最新一起。在此之前，DoorDash、Grubhub和Uber Eats对纽约市政府提起了诉讼，指控其实施一项法案，使在疫情期间安装的紧急送货费上限永久化。 ([查看更多](#))

DoorDash Sues New York City over New Data Sharing Law

On September 8, 2021, DoorDash filed a lawsuit against New York City over a new law that requires delivery companies to share more customer data with their restaurants. The suit is the latest in a string of complaints between food delivery platforms and regulators. Before this, DoorDash, Grubhub and Uber Eats filed a lawsuit against New York City over a bill that would make emergency delivery fee caps installed during the Covid pandemic permanent. ([More](#))

爱尔兰调查TikTok处理儿童数据并将其传输到中国的行为

2021年9月14日，爱尔兰数据保护委员会（DPC）监管机构表示，其已经对视频分享平台TikTok启动两项调查。包括TikTok 如何处理儿童数据，以及是否符合欧洲的通用数据保护条例。DPC还表示，将调查TikTok将个人数据传输到其母公司所在的中国的情况——看看该公司是否符合有关向第三国传输个人数据的法规中规定的情形。（[查看更多](#)）

Ireland Probes TikTok's Handling of Kids' Data and Transfers to China

On September 14, 2021, Ireland's Data Protection Commission (DPC) said yesterday it has opened two investigations into video sharing platform TikTok. The first covers how TikTok handles children's data, and whether it complies with Europe's General Data Protection Regulation. The DPC also said it will examine TikTok's transfers of personal data to China, where its parent entity is based—looking to see if the company meets requirements set out in the regulation covering personal data transfers to third countries. ([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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