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上海市发布《上海市数据条例（草案）》（征求意见稿）

Shanghai Issued *Shanghai Municipal Data Regulations (Draft for Comments)*

广州互联网法院涉数据纠纷合议庭揭牌

Guangzhou Court of the Internet Set Up a Panel for Data-Related Disputes

美国国家标准与技术研究所发布 2020 年网络安全和隐私计划年度报告

NIST Publishes *2020 Cybersecurity and Privacy Program Annual Report*

德国国家网络安全协调中心成立

Germany: National Coordination Center for Cybersecurity is Established



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丹麦数据保护机构发布关于选择处理者协议标准合同的指南

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新的欧盟 SCCs于9月27日生效

New EU SCCs go into Effect Sept. 27

知识产权 Intellectual Property

国新办举行奋力开启知识产权强国建设新征程新闻发布会

党中央、国务院日前印发《知识产权强国建设纲要（2021—2035年）》（以下简称《纲要》）。9月30日，国新办举行新闻发布会，邀请国家知识产权局、中宣部版权管理局、最高人民法院、科技部、国家市场监督管理总局有关负责人，介绍奋力开启知识产权强国建设新征程有关情况，并答记者问。《纲要》提出，到2035年，我国知识产权综合竞争力跻身世界前列，中国特色、世界水平的知识产权强国基本建成。

来源：[知识产权报](#)

The State Council Information Office of China held a press conference to announce China plan to become IP power by 2035

Communist Party of China and central government has issued the Outline for Building China into an Intellectual Property Power (2021-2035). On September 30, The State Council Information Office of China held a press conference at which representatives from China National Intellectual Property Administration, Copyright bureau of the Publicity Department of the Communist Party of China, The Supreme People's Court, the Ministry of Science and Technology, and the State Administration for Market Regulation were invited. At the meeting, The State Council Information Office of China briefed reporters on China plan to become IP power by 2035 and answered questions from journalists.

Source: [China Intellectual Property News](#)

北京知识产权法院召开著作权合同纠纷案件审判情况通报会，公布8件典型案例

2021年10月9日上午，北京知识产权法院召开著作权合同纠纷案件审判情况通报会，并结合8件典型案例，对委托创作合同和影视剧制作合同订立、履行、解除中的法律风险进行提示。通报会旨在通过典型案例剖析，指引从业者审慎订立合同，有效防范和化解风险，从源头上减少文化创意产业中的矛盾纠纷。

来源：[北京知识产权法院](#)

The Beijing Intellectual Property Court held a briefing press on the trials of copyright contract disputes and announced 8 typical cases.

On the morning of October 9, 2021, Beijing Intellectual Property Court held a briefing conference press on the trial status of copyright contract dispute cases, and combined with 8 typical cases, gave hints on the legal risks in the conclusion, performance and termination of commissioned creation contracts and film and television production contracts. The briefing aims to guide practitioners to prudently conclude contracts, effectively prevent and defuse risks, and reduce conflicts and disputes in cultural and creative industries from the source by analyzing 8 typical cases.

Source: [Beijing Intellectual Property Court](#)

OPPO与夏普签订专利许可协议，结束全球诉讼

2021年10月8日，OPPO广东移动通信有限公司与夏普股份有限公司宣布达成专利交叉许可协议及合作，协议涵盖了双方终端产品实施通信技术标准所需的全球专利许可。同时，双方也将结束自2020年以来在多个国家及地区的专利诉讼和争议。

来源：[OPPO官网](#)

OPPO and Sharp signed a patent licensing agreement, ending the global litigation

Guangdong OPPO Mobile Telecommunications Co., Ltd. and Sharp Co., Ltd. announced that they have reached a patent cross-licensing agreement and cooperation, which covers the global patent licensing required for the implementation of communication technology standards for their terminal products. At the same time, the two sides will also end patent litigation and disputes in various countries and regions since 2020.

Source: [oppo.com](#)

RIO起诉锐澳侵害商标权，获赔360万

近日，上海巴克斯酒业有限公司（以下简称巴克斯公司）诉金锐生物科技（中山）有限公司（原广东锐澳投资有限公司）等侵害商标权及不正当竞争纠纷案判决书公开，巴克斯公司系“锐澳”注册商标的权利人。本案中，泽旭超市、锐澳公司、冰锐公司、力量公司分别为涉案被诉产品的生产者、运营商和销售者，均构成了对巴克斯公司注册商标专用权的侵权行为。锐澳公司在本案中的行为有违公平竞争，构成不正当竞争行为。一审判决锐澳公司等停止生产、销售侵权商品，变更企业名称，赔偿原告巴克斯公司经济损失及合理开支共计360万元。二审法院对一审判决予以维持。

来源：[裁判文书网](#)

RIO sued Ruiao for trademark infringement and was awarded RMB 3.6 million in compensation

Recently, the judgement of Shanghai Bacchus Liquor Co., Ltd. sued Jinrui Biotechnology (Zhongshan) Co., LTD. (former Guangdong Ruiao Investment Co., LTD.) and others regarding disputes over infringement of trademark rights and unfair competition have been published, the first instance ordered Ruiao Company to stop production and sales of infringing goods, change the name of the company, and compensate the plaintiff Bacchus Company for economic losses and reasonable expenses totaling RMB 3.6 million. The court of second instance upheld the judgment of first instance .

Source: [China Judgements Online](#)

《西红柿首富》被诉侵权案宣判，二审维持不侵权判决

9月29日下午，北京知识产权法院公开宣判《西红柿首富》著作权侵权纠纷一案，判决认定王某关于《西红柿首富》电影抄袭其创作的剧本《财产继承者之“有钱了”》的主张依据不足，驳回上诉，维持一审不侵权判决。

来源：[北京知识产权法院](#)

The famous movie "Hello Mr. Billionaire" was found by court non-infringement on copyrights

On the afternoon of September 29, The Beijing Intellectual Property Court publicly ruled on the copyright infringement dispute of " Hello Mr. Billionaire ", ruling that Wang's claim that the movie " Hello Mr. Billionaire " copied his screenplay was insufficient, rejecting the appeal and maintaining the non-infringement judgment of the first instance.

Source: [Beijing Intellectual Property Court](#)

Avanci成员起诉福特公司专利侵权

10月1日，隶属于Avanci成员的Longhorn IP旗下子公司L2移动技术公司在美国特拉华州地方法院正式起诉美国三大车企之一的福特公司，指控福特公司侵犯其无线通信技术相关专利

来源：[Longhorn IP官网](#)

Avanci subsidiary sued Ford for patent infringement

L2 Mobile Technologies LLC, a Longhorn IP LLC subsidiary, announced that it has filed a patent infringement complaint in the US District Court for the district of Delaware on October 1, 2021, against Ford Motor Company. The patents at issue relate to various wireless communications technologies and cover a multitude of standard essential features.

Source: [longhornip.com](#)

爱立信指控苹果公司在5G专利纠纷中使用了不公平策略

美国时间10月4日，瑞典爱立信公司在美国德克萨斯州联邦法院对苹果公司提起诉讼，指控苹果公司在5G专利争端中采用了不公平的策略，从而获得必要的5G技术专利许可。据cnBeta网报道，爱立信希望加快与苹果公司的5G技术许可谈判，并在周一提起诉讼，寻求宣判其履行对欧洲电信标准协会（ETSI）的承诺，并准备在公平、合理和非歧视性（FRAND）条款下进行交易。

来源：[cnbeta.com](#)

Ericsson accused Apple of using unfair tactics in 5G patent dispute

On October 4, Ericsson filed a lawsuit against Apple in the Federal Court in Texas, accusing apple of using unfair tactics in the 5G patent dispute to obtain the necessary license for 5G technology. Ericsson

expects to speed up 5G technology licensing negotiations with Apple and filed a lawsuit on Monday, asking for a ruling that Apple honor its commitments to the European Telecommunications Standards Association and is prepared to deal on fair, reasonable and non-discriminatory (FRAND) terms, cnBeta reported.

Source: cnbeta.com

美国企业对特定具有无线通讯功能的电子设备及其组件提起337调查申请

2021年9月27日，美国Bell Northern Research, LLC根据《美国1930年关税法》第337节规定向美国国际贸易委员会提出申请，主张对美出口、在美进口及销售的特定具有无线通讯功能的电子设备及其组件（Electronic Devices Having Wireless Communication Capabilities and Components Thereof）侵犯了其专利权。

中国北京Lenovo Group Ltd., China联想集团、美国Lenovo (United States), Inc., Morrisville, NC、美国Motorola Mobility LLC, Chicago, IL、中国香港TCL Electronics Holdings Limited, Hong Kong、美国TCT Mobile (US) Inc., Irvine, CA、美国TTE Technology, Inc., Corona, CA、美国BLU Products, Inc., Doral, FL、中国广东BBK Electronics Corp., China步步高电子、中国广东OnePlus Technology Co., Ltd., China深圳市万普拉斯科技有限公司、芬兰HMD Global Oy, Finland、美国HMD America, Inc., Miami, FL、美国Sonim Technologies, Inc., Austin, TX为列名被告。

来源：中国贸易救济信息网

American enterprise has filed a section 337 investigation application against Chinese electronic devices having wireless communication capabilities and components, including Lenovo, Motorola, TCL and OnePlus

On September 27, 2021, Bell Northern Research, LLC filed an application with the U.S. International Trade Commission under Section 337 of the U.S. Tariff Act of 1930. Alleging the export to, import from, and sale in the United States of specific electronic devices having wireless communication capabilities and components infringe its patent right.

Lenovo Group Ltd., China Lenovo Group, Lenovo (United States), Inc., Morrisville, NC, Motorola Mobility LLC, Chicago, IL, TCL Electronics Holdings Limited, Hong Kong, TCT Mobile (US) Inc., Irvine, CA, TTE Technology, Inc., Corona, CA, BLU Products, Inc., Doral, FL, BBK Electronics Corp., China, OnePlus Technology Co., Ltd., HMD Global Oy, Finland, HMD America, Inc., Miami, FL, Sonim Technologies, Inc., Austin, TX are defendants.

Source: CHINA TRADE REMEDIES INFORMATION

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

网信办等九部委印发《关于加强互联网信息服务算法综合治理的指导意见》

2021年9月29日，国家互联网信息办公室（简称“网信办”）、中央宣传部等九部委印发《关于加强互联网信息服务算法综合治理的指导意见》。该意见旨在加强互联网信息服务算法综合治理，促进行业健康有序繁荣发展。该意见指出，利用三年左右时间，逐步建立治理机制健全、监管体系完善、算法生态规范的算法安全综合治理格局。（[查看更多](#)）

Nine Departments Including CAC Issued *Guiding Opinion on Strengthening the Comprehensive Governance of Internet Information Service Algorithms*

On September 29, 2021, Nine departments including the Cyberspace Administration of China (CAC), Publicity Department of the Communist Party issued *Guiding Opinion on Strengthening the Comprehensive Governance of Internet Information Service Algorithms (The Opinion)*. Which aims to strengthen the comprehensive governance of the Internet information service algorithm and promote the healthy and orderly prosperous development of the industry. *The Opinion* proposes to use three years to gradually establish an algorithm security comprehensive governance pattern with sound governance mechanism, well-established regulatory system, and standardized algorithm ecology. ([More](#))

工信部发布《工业和信息化领域数据安全管理办法（试行）（征求意见稿）》

2021年9月30日，工业和信息化部（简称“工信部”）研究起草了《工业和信息化领域数据安全管理办法（试行）（征求意见稿）》（简称《管理办法》），面向社会公开征求意见，截止日期为10月30日。《管理办法》旨在贯彻落实《数据安全法》等法律法规，加快推动工业和信息化领域数据安全管理工作制度化、规范化，提升工业、电信行业数据安全保护能力，防范数据安全风险。《管理办法》提出，工业和电信数据处理者在境内收集和产生的重要数据，应当依照法律、行政法规要求在境内存储，确需向境外提供的，应当依照依法依规进行数据出境安全评估，在确保安全的前提下进行数据出境，并加强对数据出境后的跟踪掌握，核心数据不得出境。（[查看更多](#)）

MIIT Issued *Measures for Data Security Management in Industry and Information Technology (for Trial Implementation) (Exposure Draft)*

On September 29, 2021, the Ministry of Industry and Information Technology (MIIT) issued *the Measures for Data Security Management in Industry and Information Technology (for Trial Implementation) (Draft for Comments) (The Measure)* for public comment until 30 October. *The Measure* aims to implement the Data Security Law, etc., accelerate the institutionalization and standardization of data security management, enhance the data security protection capability and prevent data security risks in the field of industry and information technology.

The Measure proposes that important data collected and generated by industrial and telecommunication data processors within the territory shall be stored in China in accordance with the requirements of laws and regulations, if it is necessary to provide the data outside the territory, the data security assessment shall be conducted, and the data to be transmitted abroad shall be conducted under the premise of en-

ensuring security and strengthening the tracking and management of the data after the abroad; core data shall not be exported. ([More](#))

工信部等八部门印发《物联网新型基础设施建设三年行动计划（2021-2023年）》

2021年9月27日，工信部等八部门联合印发《物联网新型基础设施建设三年行动计划（2021-2023年）》（简称《行动计划》），《行动计划》明确，以社会治理现代化需求为导向，积极拓展应用场景；以产业转型需求为导向，推进物联网与传统产业深度融合；以消费升级需求为导向，推动智能产品的研发与应用。推动交通、能源、市政、卫生健康等传统基础设施的改造升级。在智慧城市、数字乡村、智能交通等重点领域，加快部署感知终端、网络 and 平台。（[查看更多](#)）

Eight Departments Including MIIT Issued the Three-Year Action Plan for the Construction of New Infrastructure of the Internet of Things (2021-2023)

On September 29, 2021, Eight Department including MIIT Issued the *Three-Year Action Plan for the Construction of New Infrastructure of the Internet of Things (2021-2023) (The Plan)*. The Plan specifies that the demand for modernization of social governance is the guide to actively expand application scenarios; the demand for industrial transformation is the guide to promote the deep integration of the Internet of Things with traditional industries; the demand for consume upgrading is the guide to promote the development and application of intelligent products. Promoting the transformation and upgrading of traditional infrastructures such as transportation, energy, municipal administration and health. Accelerating the deployment of sensing terminals, networks and platforms in key areas such as smart cities, digital villages and intelligent transportation. ([More](#))

央行发布《征信业务管理办法》进一步加强信息主体权益保护

2021年9月30日，中国人民银行（简称“央行”）发布了《征信业务管理办法》（简称“《办法》”）。《办法》自2022年1月1日起施行，主要内容是以信用信息的采集、整理、保存、加工、提供、信息安全等全流程合规管理为主线，以明确征信业务边界、加强信息主体权益保护为重点。《办法》按照对个人信息依法保护、有限共享的原则，与《个人信息保护法》关于个人信息主体权益的保护规定全面衔接。（[查看更多](#)）

PBC Issued Administrative Measures on Credit Investigation Business to further strengthening the protection of the rights of individual

On September 30, 2021, People's Bank of China (PBC) issued *Administrative Measures on Credit Investigation Business (The Measure)*. The Measure, which came into effect on January 1, 2022, mainly focus on the compliance management of the entire process of credit information collection, collation, keeping, processing and security, with a focus on clarifying the boundaries of credit investigation business and strengthening the protection of the rights and interests of individual. The Measure is in accordance with the principle of protection of personal information and limited sharing, and fully converge with the provisions of the *Personal Information Protection Law* on the protection of the rights and interests of the subjects of personal information. ([More](#))

信安标委发布《网络安全标准实践指南——数据分类分级指引（征求意见稿）》

2021年9月30日，为指导数据处理者开展数据分类分级保护活动，全国信息安全标准化技术委员会秘书处（简称“信安标委秘书处”）组织编制了《网络安全标准实践指南——数据分类分级指引（征求意见稿）》，截止日期为2021年10月13日。该指南从国家数据安全视角对数据分类分级进行研究，给出数据分类分级的原则、框架和规则，可为主管监管部门、数据处理者开展数据分类分级保护工作提供参考。（[查看更多](#)）

NISSTC Issued Cybersecurity Standards Practice Guidance - Data Classification and Hierarchy Guidelines (Draft for Comments)

On September 30, 2021, in order to guide data processors in their data classification and hierarchy activities, the National Information Security Standardization Technical Committee (NISSTC) issued *Cybersecurity Standards Practice Guidance - Data Classification and Hierarchy Guidelines (Draft for Comments) (The Guideline)*. The deadline for comments is October 13, 2021. *The Guideline* examines data classification and hierarchy from the perspective of national data security management, and gives the principles, framework and rules of data classification and hierarchy, which can provide reference for regulatory authorities and data processors to carry out data classification and hierarchy protection work. ([More](#))

信安标委发布《汽车采集数据处理安全指南》

2021年10月8日，信安标委发布《汽车采集数据处理安全指南》（TC260-001）（简称《指南》）。《指南》规定了对汽车采集数据进行传输、存储和出境等处理活动的安全要求。《指南》适用于汽车制造商开展汽车的设计、生产、销售、使用、运维，也适用于主管监管部门、第三方评估机构等对汽车采集数据处理活动进行监督、管理和评估。不适用于警车、消防车、救护车、工程救险车等执行紧急任务时的汽车采集数据，以及装置有专用设备或器具的作业车辆在封闭场所内从事作业活动时的汽车采集数据。（[查看更多](#)）

NISSTC Issued Safety Guidelines for Processing Data for Collected from Vehicles

On October 8, 2021, NISSTC Issued *Safety Guidelines for Processing Data for Collected from Vehicles (TC260-001) (The Guideline)*. *The Guideline* sets out the security requirements for processing activities such as the transmission, storage and abroad of data collected from vehicles. *The Guideline* applies to the design, production, sale, use, DevOps of vehicles carried out by vehicle manufacturers, as well as to the supervision, management and assessment of vehicle data collection and processing activities by regulatory authorities, third-party assessment bodies and others. It does not apply to the data collected by automobiles as police vehicles, fire engines, ambulances, engineering rescue vehicles, etc. when performing emergency tasks, or data collected from vehicles equipped with special device while performing operational activities in enclosed premises. ([More](#))

上海市发布《上海市数据条例（草案）》（征求意见稿）

2021年9月30日，上海市人大常委会办公厅发布《上海市数据条例（草案）》（征求意见稿），截止日期为10月20日。征求意见稿共十章九十一条，分为总则、数据权益保障、公共数据、数据要素市场、数据资源开发和应用、浦东新区数据改革、长三角区域数据合作、数据安全、法律责任和附则。征求意见的重点为：对数据财产权益、数据交易权益的意见建议；对公共数据共享、开放、授权运营的意见建议；对数字经济发展和城市数字化转型的意见建议等。（[查看更多](#)）

Shanghai Issued *Shanghai Municipal Data Regulations (Draft for Comments)*

On September 30, 2021, Shanghai Municipal People's Congress issued *Shanghai Municipal Data Regulations (Draft for Comments) (The Draft)* for public comment until 20 October. *The Draft* consists of ten chapters, 91 articles, divided into general provisions, data rights and interests' protection, public data, data elements market, data resources development and application, data reform in Pudong New Area, data cooperation in the Yangtze River Delta region, data security, legal responsibilities and by-laws. The focus of *The Draft* is: suggestions on rights and interests of data property and data transaction; suggestions on public data sharing, openness and authorized operation; suggestions on digital economy development and digital transformation of cities, etc. ([More](#))

广州互联网法院涉数据纠纷合议庭揭牌

2021年9月26日，全国法院系统首个涉数据纠纷专业合议庭在广州互联网法院挂牌成立，同时发布涉数据及虚拟财产纠纷十大典型案例。涉数据纠纷专业合议庭将审理由广州互联网法院集中管辖的涉及个人数据、企业数据、公共数据的收集、存储、使用、加工、传输、提供、公开、删除等数据处理及数据安全的第一审案件。（[查看更多](#)）

Guangzhou Court of the Internet Set Up a Panel for Data-Related Disputes

On September 26, 2021, Guangzhou Court of the Internet set up a panel for data-related disputes which is the first in China, ten typical cases involving data and virtual property were also released. The panel for data-related disputes will hear cases of first instance involving collection, storage, use, processing, transmission, provision, disclosure and deletion of personal data, corporate data and public data under the centralized jurisdiction of the Guangzhou Court of the Internet. ([More](#))

美国国家标准与技术研究所发布 2020 年网络安全和隐私计划年度报告

2021年9月30日，美国国家标准与技术研究所（“NIST”）发布了“2020年网络安全和隐私项目年度报告”，重点介绍了信息技术实验室（ITL）网络安全和隐私项目，并回应了当前安全隐私领域的挑战及机遇。该报告包含了NIST的九个主要领域，大部分的工作由ITL与隐私及公共部门密切合作完成。（[查看更多](#)）

NIST Publishes *2020 Cybersecurity and Privacy Program Annual Report*

On September 30, 2021, U.S. National Institute of Standards and Technology (NIST) just released Special Publication (SP) 800-214, *2020 Cybersecurity and Privacy Program Annual Report*, which details

the Information Technology Laboratory (ITL) Cybersecurity and Privacy Program's responses to numerous challenges and opportunities in security and privacy. This year's Annual Report is grouped into nine priority areas for NIST, with most – but not all – of the work being conducted by ITL and in close collaboration with the private and public sectors. ([More](#))

德国国家网络安全协调中心成立

2021年10月6日，德国联邦信息安全办公室（“BSI”）宣布，德国国家工业、技术和研究网络安全协调中心（“NKCS”）已正式开始工作。BSI特别表示，相关联邦部委（联邦内政、建筑和社区部、联邦教育和研究部、联邦经济事务和能源部以及联邦国防部）同意将 NKCS作为一个以 BSI 为中心的联合合作平台。 ([查看更多](#))

Germany: National Coordination Center for Cybersecurity is Established

On 6 October 2021, The Federal Office for Information Security (BSI) announced, that the German National Coordination Center for Cybersecurity in Industry, Technology and Research (NKCS) has officially started its work. In particular, the BSI stated that the federal ministries involved (Federal Ministry of the Interior, Building and Community, Federal Ministry of Education and Research, Federal Ministry for Economic Affairs and Energy, and Federal Ministry of Defense) agreed to establish the NKCS as a cooperation platform with a central role for the BSI. ([More](#))

丹麦数据保护机构发布关于选择处理者协议标准合同的指南

2021年10月6日，丹麦数据保护机构（“Datatilsynet”）发布了关于组织在根据GDPR第28(1)条订立协议时选择标准合同的指导意见。Datatilsynet特别指出，组织可以在Datatilsynet于2018年发布的标准处理者协议模板和欧盟委员会于2021年6月4日发布的标准合同条款之间进行选择，其中包括将个人数据传输到第三国的标准合同条款。 ([查看更多](#))

Denmark: Datatilsynet Issues Guidance on Choice of Standard Contracts for Processor Agreements

On 6 October 2021, the Danish data protection authority (Datatilsynet) published *guidance on organisations' choice of standard contracts when entering into processor agreements* pursuant to Article 28(1) of the General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR). In particular, the Datatilsynet stated that organisations have a choice between the template for a standard processor agreement that the Datatilsynet had published in 2018, and the set of standard contract provisions published by the European Commission (EC) on 4 June 2021, including the standard contractual provisions for the transfer of personal data to third countries. ([More](#))

新的欧盟 SCCs于9月27日生效

从2021年9月27日开始，新的数据传输协议需要使用新的Standards Contractual Clauses，（“SCCs”）。各组织必须在2022年12月27日之前适用新的SCCs。去年6月，欧盟委员会根据欧

盟通用数据保护条例发布了新的标准合同条款。据 Alston & Bird 称，新版SCCs将取代根据欧盟数据保护指令 95/46/EC 采用的三套 SCCs。 ([查看更多](#))

New EU SCCs go into Effect Sept. 27

Starting on September 27, 2021, new data transfer agreements need to use the new SCCs. Organizations will have until December. 27, 2022, to migrate existing SCC arrangements to the new SCCs. Last June, the European Commission published modernized standard contractual clauses under the EU General Data Protection Regulation. The modernized SCCs will replace three sets of SCCs that were adopted under the EU Data Protection Directive 95/46/EC, according to Alston & Bird. ([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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