



NEWSLETTER

LIFANG & PARTNERS **立方观评**



关注更多精彩内容

No.273

2021.11

立方要闻周报

Weekly News By Lifang & Partners

NO.14

知识产权 Intellectual Property

中国（上海）知识产权保护中心获批成立

China (Shanghai) Intellectual Property Protection Center was established

浙江在全国率先试点免费开放许可专利

Zhejiang takes the lead in the country to pilot free open licensing of patents

长沙法院对“王者荣耀”游戏租号平台发出禁令

Changsha court issued a ban on the "Honor of Kings" game rental platform

宝马诉争微型汽车模型Mini商标被驳回

BMW's dispute over the trademark of Mini car model was rejected

Nikola获准继续对特斯拉提起20亿美元专利诉讼

Nikola is allowed to continue to file a \$2 billion patent lawsuit against Tesla

OPPO反诉诺基亚5G专利侵权，德国法院已立案

OPPO counter-claims Nokia 5G patent infringement before the German court

摩根大通加入惠普、微软和facebook创建的专利共享组织

J.P. Morgan Chase & Co joins a patent sharing organization created by HP, Microsoft and Facebook

迪士尼起诉要求保留复仇者联盟角色的版权

Disney sues to retain copyright of Avengers characters

娱乐软件协会向美国政府报告盗版问题

Entertainment Software Association reports piracy issues to the U.S. government



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

人大常委会审议《反电信网络诈骗法（草案）》（征求意见稿）

Anti-Telecommunication Network Fraud Law (Draft for Comment) Deliberated by the NPC Standing Committee

工信部：督促企业建立个人信息保护“双清单”制度

MIIT: Enterprises shall Establish the System of "Double Lists" for Personal Information Protection

信安标委发布《信息安全技术 汽车采集数据的安全要求》（征求意见稿）

NISSTC Issued *the Information Security Technology - Security Requirements of Vehicle Collected Data (Draft for Comment)*

全国首例非法获取地理信息数据刑事案在湖州宣判

The First Criminal Case of Illegally Obtaining Geographic Information Data Sentenced in Huzhou

14款APP涉嫌超范围采集个人隐私信息被通报

14 APPs Reported for Suspected Collection of Personal Privacy Information beyond the Scope

法国数据保护机构提出第三方 cookie 的替代方案

France: CNIL Addresses Alternatives to Third-party Cookies

欧洲数据保护委员会首次针对云服务发起协调行动

EDPB launches first coordinated action on cloud-based services

澳大利亚隐私委员会：7-11便利店未经同意收集数据违反隐私法

OAIC Determined 7-Eleven Breached Privacy Laws by Gathering Data Without Consent

乌克兰提交法律草案以设立数据保护委员会

Ukraine Submits Draft Law to Create Data Protection Commission

知识产权 Intellectual Property

"中国（上海）知识产权保护中心获批成立"

近日，国家知识产权局同意建设中国（上海）知识产权保护中心（以下简称“上海保护中心”），全国知识产权保护中心数量达到53家，上海保护中心是继北京、天津后，面向直辖市全域服务的第三家知识产权保护中心。

上海保护中心面向新材料和节能环保产业开展知识产权快速协同保护服务，将与已先期建成的浦东保护中心一道，进一步提升上海市知识产权保护和水平，持续优化营商环境和创新环境，加速上海市优势产业布局调整，增强知识产权创新成果汇聚能力，激发知识产权创新活力，加快创新驱动发展；通过构建知识产权快速协同保护体系，打通知识产权创造、运用、保护、管理、服务全链条，助力上海打造国际知识产权保护高地。

来源：国家知识产权局

China (Shanghai) Intellectual Property Protection Center was established

Recently, China National Intellectual Property Administration(CNIPA) agreed to build the China (Shanghai) Intellectual Property Protection Center (Shanghai Protection Center), bringing the number of intellectual property protection centers to 53 nationwide.

The Shanghai Protection Center will further enhance the level of IPR protection and services in Shanghai, together with the Pudong Protection Center, which has been completed in advance, to continuously optimize the business and innovation environment, accelerate the adjustment of Shanghai's advantageous industrial layout, enhance the ability of convergence of IPR innovation achievements, stimulate IPR innovation vitality, and accelerate innovation-driven development; and help Shanghai build an international IPR protection highland by constructing a fast and coordinated IPR protection system and opening up the whole chain of IPR creation, application, protection, management and service.

Source: CNIPA

浙江在全国率先试点免费开放许可专利

10月18日，浙江正式公布379项免费开放许可专利，企业通过申请，便可免费使用这些专利。这是我国首批免费开放许可专利，当下，它们已通过大数据与浙江省6365家企业精准匹配。

目前，国内企业支付的专利许可费用从每年每项几千元到几十万元不等，最高的可达数千万元。专利免费用，受益最大的是量大面广的中小微企业。

来源：浙江日报

Zhejiang takes the lead in the country to pilot free open licensing of patents

On October 18, Zhejiang officially announced 379 free open license patents, and enterprises can use these patents for free by applying. This is the first batch of free open license patents in China, and at

present, they have been precisely matched with 6365 enterprises in Zhejiang Province through big data.

At present, domestic enterprises pay patent licensing fees ranging from a few thousand to hundreds of thousands of yuan per year, the highest up to tens of millions of yuan. The patent is free to use, and the biggest beneficiary is the large number of small and medium-sized enterprises.

Source: Zhejiang Daily

长沙法院对“王者荣耀”游戏租号平台发出禁令

近日，湖南省长沙市开福区人民法院发出诉前行为保全禁令，责令湖北两网络科技公司立即停止其开发的租号APP提供“王者荣耀”游戏账号的出租平台服务，责令长沙某网络科技公司立即停止对湖北两公司的租号APP进行宣传、推广及账号分发行为。

这是全国法院系统对“王者荣耀”游戏租号平台发出的首例禁令。

来源：长沙开福法院

Changsha court issued a ban on the "Honor of Kings" game rental platform

Recently, Kaifu Primary People's Court, Changsha, Hunan issued a pre-action preservation injunction, ordering two network technology companies in Hubei to immediately stop its development of the rental APP to provide the "Honor of Kings" game account rental platform services, and a network technology company in Changsha to immediately stop the two companies in Hubei's rental APP for publicity, promotion and account distribution behavior.

This is the first case of injunction issued by the national court system to the "Honor of Kings" game rental platform.

Source: Kaifu Primary People's Court, Changsha, Hunan

宝马诉争微型汽车模型Mini商标被驳回

10月20日，宝马股份公司与国家知识产权局其他一审行政判决书公布。判决书显示，宝马公司因不服国家知识产权局做出的“MINI及图”商标撤销复审决定，向法院提起诉讼，请求撤销被诉决定。诉争商标核准于2011年4月，核定使用商品为微型汽车模型。被诉决定认定：在案证据尚不足以证明诉争商标于2014年8月14日至2017年8月13日期间内在核定使用的商品上进行了真实、合法、有效的商业使用，故诉争商标予以撤销。

北京知识产权法院查明后认为：在案证据未形成完整证据链，无法证明诉争商标于指定期间内在核定使用的商品上进行了真实、合法、有效的商业使用，诉争商标应予以撤销。最终法院裁判结果为驳回原告宝马股份公司的诉讼请求。

来源：界面新闻

BMW's dispute over the trademark of Mini car model was rejected

On October 20, the first instance administrative judgment between BMW AG and CNIPA was issued. According to the judgment, BMW AG filed a lawsuit against CNIPA for revocation of the decision to revoke the trademark "MINI and figure", requesting the revocation of the decision. The trademark at issue was approved in April 2011, and the approved goods for use were miniature car models. The decision found that the evidence on file was not sufficient to prove that the trademark in dispute had been used for real, legal and effective commercial purposes on the approved goods from August 14, 2014 to August 13, 2017, and therefore the trademark in dispute was revoked.

Beijing Intellectual Property Court found that the evidence on file did not form a complete chain of evidence and could not prove that the trademark in dispute had been used in real, legal and effective commercial use on the approved goods within the designated period, and the trademark in dispute should be cancelled. The final decision of the court was to reject the plaintiff BMW AG's claim.

Source: JIEMIAN.COM

Nikola获准继续对特斯拉提起20亿美元专利诉讼

据报道，氢气卡车初创公司Nikola被允许继续其三年来对特斯拉的20亿美元的专利诉讼。本月早些时候，在这两家公司停止回应法院命令后，一名联邦法官搁置了这起诉讼。

Nikola于2018年首次提起诉讼，声称特斯拉Semi侵犯了Nikola的多项设计专利。特斯拉则表示这个说法毫无道理。不过，其在2020年4月向美国专利和商标局提出的部分相关专利无效的申请中败诉。

周二，James Donato法官在一项新命令中指出，针对特斯拉的案件仍将保持“行政关闭”，但不会被驳回。他给Nikola指定了两个新的1月最后期限：一个是向法院介绍有关技术，一个是就Nikola宣称被侵犯的专利范围进行听证。法官称，目前，该案不会因未能起诉而被驳回，但如果Nikola不以有效和及时的方式推进本案的解决，情况可能会发生变化。

来源：极客网

Nikola is allowed to continue to file a \$2 billion patent lawsuit against Tesla

Hydrogen truck startup Nikola has reportedly been allowed to continue its three-year-old \$2 billion patent lawsuit against Tesla.

Earlier this month, a federal judge put the lawsuit on hold after the companies stopped responding to a court order.

Nikola first filed the lawsuit in 2018, claiming the Tesla Semi infringed on several of Nikola's design patents. Tesla, for its part, said the claim was without merit. However, it lost a bid to invalidate some of the patents in question with the U.S. Patent and Trademark Office in April 2020.

On Tuesday, Judge James Donato stated in a new order that the case against Tesla will remain "administratively closed" but will not be dismissed. He assigned Nikola two new January deadlines: one to present the technology to the court, and one to hold a hearing on the scope of the patents Nikola claims were infringed. For now, the judge said, the case will not be dismissed for failure to prosecute, but that could change if Nikola does not move forward with resolution of this case in an effective and

timely manner.

Source: FROMGEEK.COM

OPPO反诉诺基亚5G专利侵权，德国法院已立案

近日，OPPO 反诉诺基亚的4件5G专利侵权案已被德国曼海姆、慕尼黑、汉堡法院立案。上述诉讼地中，曼海姆、慕尼黑同样是此前诺基亚起诉OPPO所选的法院，而汉堡则是OPPO开辟的另一条战线。

诺基亚诉OPPO案是目前最大规模的以5G为中心的专利纠纷。诺基亚同时在9个国家对OPPO发起数十起诉讼。如此大动干戈，诺基亚看重的不仅是OPPO本身所代表的巨大出货量，更是在为5G许可模式铺路。事实上，除了许可协议已经到期的OPPO，诺基亚即将迎来与苹果等厂商的大规模续约，迫使OPPO接受有利于自己的许可条款是诺基亚扫清后续谈判障碍乃至避免潜在纠纷的途径。

来源: IPR daily

OPPO counter-claims Nokia 5G patent infringement before the German court

Recently, four 5G patent infringement cases of OPPO against Nokia have been filed by the courts in Mannheim, Munich and Hamburg, Germany. Among the above places of litigation, Mannheim and Munich are also the courts previously chosen by Nokia to sue OPPO, while Hamburg is another front opened by OPPO.

The Nokia v. OPPO case is the largest 5G-centric patent dispute to date. Nokia has launched dozens of lawsuits against OPPO in nine countries at the same time. With such a big move, Nokia values not only the huge shipments represented by OPPO itself, but also in paving the way for a 5G licensing model. In fact, in addition to the license agreement has expired OPPO, Nokia is about to usher in a massive renewal with Apple and other manufacturers, forcing OPPO to accept the license terms in its favor is Nokia's way to clear the subsequent negotiation obstacles and even avoid potential disputes.

Source: IPR daily

摩根大通加入惠普、微软和facebook创建的专利共享组织

近日，摩根大通宣布加入“低碳专利承诺（Low Carbon Patent Pledge）”，通过向任何使用低碳技术的人免费提供专利来应对气候变化。摩根大通是第六家加入的企业。这项承诺是由惠普、微软和Facebook及其他两家企业在2021年4月22日世界地球日共同发起成立的，旨在推广低碳技术和促进合作创新。

据悉，这家银行正在制定几项关键专利，涉及如何有效冷却和通风其庞大的数据中心。摩根大通和其他大公司所使用的大型数据中心，消耗大量的能源用于冷却和通风，以防止系统过热。

在低碳专利承诺的官方网站上，显示目前总专利有435项，分布在9个国家，目前专利承诺的组织主要来自惠普、微软和Facebook。

来源：路透社

J.P. Morgan Chase & Co joins a patent sharing organization created by HP, Microsoft and Facebook

Recently, J.P. Morgan Chase & Co announced that it has joined the Low Carbon Patent Pledge to combat climate change by providing free patents to anyone who uses low-carbon technologies. J.P. Morgan Chase & Co is the sixth company to join. The pledge was established by Hewlett-Packard(HP), Microsoft and Facebook, along with two other companies, on World Earth Day, April 22, 2021, to promote low-carbon technologies and foster collaborative innovation.

The bank is said to be developing several key patents on how to efficiently cool and ventilate its massive data centers. The large data centers used by J.P. Morgan Chase & Co and other large companies consume large amounts of energy for cooling and ventilation to prevent systems from overheating. The official website of the Low Carbon Patent Pledge shows a current total of 435 patents in nine countries, with the current patent pledge organizations coming mainly from HP, Microsoft and Facebook.

Source: Reuters

迪士尼起诉要求保留复仇者联盟角色的版权

华特迪士尼公司于9月24日向纽约州和加利福尼亚州的联邦法院提起了一系列诉讼，以保留对其漫威系列角色的全部控制权，包括钢铁侠、蜘蛛侠、黑寡妇、雷神等。这是针对包括斯坦·李、史蒂夫·迪特科和吉恩·科兰在内的五位著名漫画作家和制片人的继承人及其财产提起的诉讼，旨在使向迪士尼送达的版权终止通知无效。

这场纠纷始于今年早些时候，当时这些作家财产的管理者们向漫威发出版权终止通知，要求收回与其曾帮助创作的漫威角色有关的权利。迪士尼以一连串诉讼来反驳这些通知，它寻求的宣告性救济，认为这些角色的版权无法被终止，因为作品是在雇佣期间制作的。

来源：中国保护知识产权网

Disney sues to retain copyright of Avengers characters

The Walt Disney Company (TWDC) filed a series of lawsuits in federal courts in New York and California on Sept. 24 to retain full control over its Marvel franchise characters, including Iron Man, Spider-Man, Black Widow, Thor and others. The lawsuit was filed against the Marvel franchise, which includes Stan Lee, Steve B. Lee, and Steve D. Lee, Steve Ditko, and Gene Baker. The lawsuit was filed against five famous comic book artists, including Stan Lee, Steve Ditko and Gene Colan. The lawsuit was filed against the heirs of five prominent comic book writers and producers, including Stan Lee, Steve Ditko and Gene Colan, and their estates, in an effort to invalidate the notice of copyright termination served on TWDC.

The dispute began earlier this year when the administrators of the writers' estates served Marvel with copyright termination notices, seeking to recover rights related to the Marvel characters they helped cre-

ate. TWDC countered those notices with a flurry of lawsuits seeking declaratory relief, arguing that the rights to the characters could not be terminated because the works were made during the employment period.

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

娱乐软件协会向美国政府报告盗版问题

应美国贸易代表办公室（USTR）的要求，娱乐软件协会（ESA）向美国政府提交了所谓的“恶名市场”名单。从动视、艺电、任天堂和育碧到卡普空、微软、科乐美和史克威尔艾尼克斯，ESA代表着视频游戏领域的一些知名企业并替其发声。ESA称所有成员都面临着专门的盗版平台或盗版辅助平台的威胁。

ESA在意见稿中称：“ESA代表着为视频游戏机、手持设备、个人电脑和互联网发布互动游戏的企业。ESA认为恶名市场审查是剖析市场的重要机会，问题市场令工业产品和服务遭遇到大规模侵权或假冒，这些市场要么可以躲避执法行动，要么不受执法行动的威慑影响。”

来源：[中国保护知识产权网](#)

Entertainment Software Association reports piracy issues to the U.S. government

At the request of the Office of the United States Trade Representative (USTR), the Entertainment Software Association (ESA) has submitted a list of so-called "notorious markets" to the U.S. government. The ESA represents and speaks for some of the biggest names in the video game industry, from Activision, Ecolab, Nintendo and Ubisoft to Capcom, Microsoft, Konami and Scooby Doo. The ESA says all members face the threat of specialized piracy platforms or piracy-assisted platforms.

In its comment release, ESA said, "ESA represents companies that publish interactive games for video game consoles, handheld devices, personal computers, and the Internet. ESA sees the Notorious Markets Review as an important opportunity to dissect markets where problematic markets expose industry products and services to mass infringement or counterfeiting, and where these markets can either evade enforcement action or are not subject to enforcement action deterrence."

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

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

人大常委会审议《反电信网络诈骗法（草案）》（征求意见稿）

2021年10月23日，第十三届全国人大常委会第三十一次会议对《中华人民共和国反电信网络诈骗法（草案）》（以下简称“草案”）进行了审议，并面向社会公开征求意见。《草案》突出“落实”电话卡、金融账户、互联网账号实名制，设立“物联网卡”治理专条，要求相关企业应当依法治理，整治涉诈相关非法服务、设备、产业，支持研发电信网络诈骗反制技术措施，

推进大数据反诈等方面工作。在总结前期反电信网络诈骗工作经验的基础上作出了有针对性的规定，多措并举。（[查看更多](#)）

Anti-Telecommunication Network Fraud Law (Draft for Comment) Deliberated by the NPC Standing Committee

On October 23, 2021, *Anti-Telecommunication Network Fraud Law (Amendment)* was deliberated at the 31th Session of the Standing Committee of the Thirteenth National People's Congress and openly solicited opinions from the public. *The Amendment* highlights the "implementation" of the real-name system for telephone cards, financial accounts and Internet accounts, stipulates a special article for the governance of "Internet of Things cards", requires that enterprises shall be governed by law, rectifies fraud-related illegal services, equipment and industries, supports the research and development of telecommunication network fraud. It also supports the development of technical countermeasures against fraud, and promotes big data anti-fraud. Based on the experience of the previous anti-telecom network fraud work, targeted provisions have been made and multiple measures have been taken. ([More](#))

工信部：督促企业建立个人信息保护“双清单”制度

2021年10月19日，在前三季度工业和信息化发展情况发布会上，工信部回应了App整治的相关问题。前三季度已经开展了10批次集中检测，累计通报了1494款违规APP，下架了408款拒不整改的APP；已完成176万款APP技术检测，覆盖了全国在架APP总量的60%以上。开屏弹窗信息“关不掉”问题基本解决，“乱跳转”误导用户的发现率也大幅下降到1%。下一步，工信部将启动为期半年的信息通信服务用户感知提升专项行动，督促企业建立个人信息保护“双清单”制度（已收集个人信息清单和与第三方共享个人信息清单）。（[查看更多](#)）

MIIT: Enterprises shall Establish the System of "Double Lists" for Personal Information Protection

On October 19, 2021, at the conference on the industry and information technology development for the first three quarters, Ministry of Industry and Information Technology (MIIT) responded to questions concerning App rectification. In the first three quarters, 10 batches of centralized inspects have been carried out, a total of 1,494 illegal APPs were circulated and 408 APPs that refused to rectify have been removed; the technical inspect of 1.76 million APPs has been completed, covering more than 60% of the total APPs nationwide. The problem that open screen pop-up information cannot be closed has been basically solved. The rate of disordered jump which misleading user also dropped to 1%. MIIT will launch a six-month special campaign as the next step to enhance the perception of information and communication service users, and urge enterprises to establish a "double list" system for personal information protection (i.e., a list of collected personal information and a list of personal information shared with third parties). ([More](#))

信安标委发布《信息安全技术汽车采集数据的安全要求》（征求意见稿）

2021年10月19日，信安标委发布《信息安全技术 汽车采集数据的安全要求》（征求意见稿）（简称《标准》）。《标准》分为8节，共计15条，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，既为汽车制造商保障汽车数据处理活动安全提供了指引，也为主管监管部门、第三方评估机构等对机车采集数据处理活动的监督、管理和评估提供了参考。意见反馈截止日期为2021年12月18日。（[查看更多](#)）

NISSTC Issued the Information Security Technology - Security Requirements of Vehicle Collected Data (Draft for Comment)

On October 19, 2021, The National Information Security Standardization Technical Committee (NISST) Promulgates the Information Security Technology - Security Requirements on Data Collected by Automobiles (Draft for Comment) (the Standard). The Standard, which consists of 15 articles in eight sections, set out the security requirements for the transmission, storage and export of the data collected from automobiles and other processing activities. It not only provides guidance for automakers to ensure the safety of automobile data processing activities, but also provides reference for competent regulators and third-party assessment agencies to supervise, administer and assess the processing of collected data of locomotives. The period for comment will end on December 18, 2021. ([More](#))

全国首例非法获取地理信息数据刑事案在湖州宣判

近日，浙江省湖州市中级人民法院宣判了全国首例非法获取地理信息数据刑事案，二审维持了三被告人分别被判处三年六个月至一年四个月不等有期徒刑，并处罚金10万元至2万元不等的裁判结果。上诉人张某曾为Q公司的分销商，在明知Q公司禁止获取数据转发的情况下，经Q公司提前终止分销合作协议后，以隐蔽的技术手段继续获取并转发Q公司数据。张某具有非法获取Q公司数据的主观故意，且主观恶性较大。同时，张某获取只有Q公司合法用户才能获取的数据的这一行为方式，属于“采用其他技术手段”获取计算机信息系统内存储、处理、传输的数据。综上，上诉人张某，原审被告陈某某、李某采用其他技术手段，获取被害单位计算机信息系统中存储、处理或者传输的数据，情节特别严重，其行为均已构成非法获取计算机信息系统数据罪。（[查看更多](#)）

The First Criminal Case of Illegally Obtaining Geographic Information Data Sentenced in Huzhou

The Intermediate People's Court of Huzhou City, Zhejiang Province, recently has sentenced the first criminal case of illegal access to geographic information data. The second instance upholds the first instance in which three defendants were sentenced for imprisonment ranging from three years and six months to one year and four months and a fine ranging from 100,000 yuan to 20,000 yuan. Appellant Zhang used to be a distributor of Company Q. Where Zhang was aware that Company Q refused him from obtaining the data and forwarding it, he continued to obtain and forward the data of Company Q by concealed means after the termination of the distribution and cooperation agreement. Zhang had the intention to illegally obtain the data of Company Q with bad faith. Meanwhile, Zhang's behavior of obtaining data that only is accessible to legal users of Company Q can be regard as the acquisition of data

stored, processed and transmitted in the computer information system by "other technical means". In summary, the appellant Zhang, the defendants Chen and Li of the original trial used other technical means to obtain the data stored, processed or transmitted in the victim's computer information system, the circumstances are particularly serious, their behavior has constituted the crime of illegal access to computer information system data. ([More](#))

14款APP涉嫌超范围采集个人隐私信息被通报

2021年10月20日，国家计算机病毒应急处理中心近期通过互联网监测发现14款移动应用存在隐私不合规行为，违反《网络安全法》相关规定，涉嫌超范围采集个人隐私信息。具体通报理由包括：未向用户明示申请的全部隐私权限；App向第三方提供个人信息未做匿名化处理；App在征得用户同意前就开始收集个人信息；未提供有效的更正、删除个人信息及注销用户账号功能，或注销用户账号设置不合理条件；未建立并公布个人信息安全投诉、举报渠道，或超过承诺处理回复时限等。（[查看更多](#)）

14 APPs Reported for Suspected Collection of Personal Privacy Information beyond the Scope

On October 20, 2021, the National Computer Virus Emergency Response Center (CVERC) found through internet monitoring that 14 APPs are non-compliant about privacy and violated the Cybersecurity Law, and are suspected of collecting personal privacy information beyond the scope. Specific reasons for reporting include: the App fails to expressly indicate to users all privacy rights it applied for; the App provides personal information to third parties without anonymizing it; the App collect personal information before obtaining the consent of users; Failing to provide functions to effectively correct or delete personal information or deregister users' accounts, or setting up unreasonable conditions for deregistering users' accounts; failing to establish and publicize channels for complaints and reports about personal information security, or failing to handle and respond to such complaints and reports within the promised time limit. ([More](#))

法国数据保护机构提出第三方 cookie 的替代方案

近日，法国数据保护机构（“CNIL”）发布文章，主要内容为第三方cookie的替代方案以及同意此类技术应用可能产生的后果。CNIL特别强调，此类为定向广告开发的cookie替代技术必须遵守数据保护相关的规则，尤其是要事先获得个人同意。具体来说，CNIL强调了以下四类常见第三方cookie替代方案：第一方cookie和浏览器指纹识别、单点登录、唯一标识符和基于群组的定向广告。（[查看更多](#)）

France: CNIL Addresses Alternatives to Third-party Cookies

On 13 October 2021, The French data protection authority (CNIL) published a blog post on alternatives to third-party cookies and the consequences of such technologies in terms of consent. In particular, CNIL emphasized that alternative technologies developed for targeted advertising must always respect the rules relating to data protection and, above all, the consent and rights of individuals. Specifically, CNIL highlighted the following four main categories of third-party-cookie alternatives: First-party

cookies and browser fingerprinting; Single sign-on; Unique identifiers; and Cohort-based targeting advertising. ([More](#))

欧洲数据保护委员会首次针对云服务发起协调行动

2021年10月18日，欧洲数据保护委员会（“EDPB”）在协调执法框架下启动了关于公共部门使用云服务的首次行动。该框架创建于2020年10月，旨在协调监管机构的联合行动。在协调行动中，EDPB将某一主题列为优先事项，供监管机构在国家层面开展工作。EDPB表示，其将对国家行动的结果进行捆绑和分析，从而对本次主题行动产生更深入的了解，并允许在国家和欧盟层面进行有针对性的后续行动。 ([查看更多](#))

EDPB launches first coordinated action on cloud-based services

On 18 October 2021, the European Data Protection Board launched its first action under the Coordinated Enforcement Framework on the use of cloud-based services by the public sector. Created in October 2020, the framework aims to coordinate joint actions for supervisory authorities. In a coordinated action, the EDPB prioritizes a certain topic for supervisory authorities to work on at the national level. “The results of these national actions are then bundled and analyzed, generating deeper insight into the topic and allowing for targeted follow-up on both the national and the EU level,” the EDPB said. ([More](#))

澳大利亚隐私委员会：7-11便利店未经同意收集数据违反隐私法

2021年10月12日，澳大利亚隐私委员会认定7-11便利店未经同意收集面部图像，侵犯了客户隐私。从2020年6月到2021年8月，7-11便利店700家连锁店开展问卷调查，要求顾客在内置了摄像头的平板电脑上填写信息。问卷调查过程中，7-11在客户首次触碰平板电脑以及问卷调查完成之后两次捕捉客户的面部图像。委员会确定，该公司在10个月内收集了320万张面部图像。目前，7-11已停止数据的收集，并且被要求销毁所有收集的“人脸”数据。 ([查看更多](#))

OAIC Determined 7-Eleven Breached Privacy Laws by Gathering Data Without Consent

On 12 October 2021, Office of Australian Information Commissioner (OAIC) determined that 7-Eleven breached customer privacy by collecting facial imagery without consent. From June 2020 to August 2021, 7-Eleven conducted surveys that required customers to fill out information on tablets with built-in cameras. These tablets, which were installed in 700 stores, captured customers' facial images at two points during the survey-taking process -- when the individual first engaged with the tablet, and after they completed the survey. OAIC determined that the company collected up to 3.2 million facial images over a 10 month period. 7-Eleven complied with an order to cease the data collection and has been further ordered to destroy all collected "faceprint" data. ([More](#))

乌克兰提交法律草案以设立数据保护委员会

乌克兰议会提出了一项关于设立国家个人数据保护和公共信息访问委员会的法律草案，目的是设立一个委员会来监督该国数据保护法的遵守情况。法律草案概述了该委员会的职责、组织目标，称该机构将“促进恢复个人数据保护权和获取公共信息的权利”。([查看更多](#))

Ukraine Submits Draft Law to Create Data Protection Commission

The Ukrainian Parliament proposed a draft law on the creation of a National Commission for Personal Data Protection and Access to Public Information, with the intent of creating a commission to monitor compliance with the country's data protection law. The draft law outlines the commission's duties, organization and goals, saying the body will "promote the restoration of the right to protection of personal data and the right to access public information." ([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。



This Newsletter has been prepared for clients and professional associates of Lifang & Partners. Whilst every effort has been made to ensure accuracy, no responsibility can be accepted for errors and omissions, however caused. The information contained in this publication should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases.





Subscribe to our WeChat community

扫码关注公众号“立方律师事务所”和“竞争法视界”

北京 | 上海 | 武汉 | 广州 | 深圳 | 韩国
Beijing | Shanghai | Wuhan | Guangzhou | Shenzhen | Korea

 www.lifanglaw.com
 Email: info@lifanglaw.com

 Tel: +8610 64096099
 Fax: +8610 64096260/64096261