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知识产权 Intellectual Property

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Supreme People's Court held hearing in the appeal case, where Byte Dance was sued by Tencent for copyright infringement regarding the live broadcast of "Honor of Kings", with claimed damages for RMB 50,000,000

B站UP主上传《玉楼春》，法院裁定B站采取过滤拦截措施

Uploaders of Bilibili uploaded the video of TV series, the court ruled that Bilibili shall adopt filtering and interception measures to stop infringing video

“德禄”商标侵权案一审宣判，5000万元索赔全额支持

The "raumplus" trademark infringement case sentenced in the first instance, with RMB 50,000,000 claimed damages was fully supported by the court

法院认定“合生元”不属于通用名称，擅用者被判赔200万元

The court held that "heshengyuan" was not a generic name, and the unauthorized user was ordered to pay damages of RMB 2,000,000

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Google to Allow Removal of Minors' Photos from Search

知识产权 Intellectual Property

北京知识产权法院发布《侵犯商业秘密民事案件诉讼举证参考》

2021年10月29日上午，北京知识产权法院召开新闻发布会，发布《北京知识产权法院侵犯商业秘密民事案件诉讼举证参考》（中英文版）。会上，宋鱼水副院长发布了北京知识产权法院侵犯商业秘密民事案件审理的情况和特点、《举证参考》制定过程和基本内容。

来源：北京知识产权法院

Beijing Intellectual Property Court issued the "Reference for Proof in Civil Cases of Commercial Secrets Infringement"

On October 29, 2021, Beijing Intellectual Property Court held a press conference on issuing the " Reference for Provision of Evidences in Civil Cases of Infringement on Trade Secrets ". During the meeting, Vice President Judge Song Yushui elaborated on the circumstances and characteristics of the trial of commercial secret infringements by the Beijing Intellectual Property Court, as well as the formulation process and basic content of the " Reference ".

Source: Beijing Intellectual Property Court

直播《王者荣耀》，西瓜视频被诉索赔5000万元，最高人民法院二审开庭

2021年10月29日，最高人民法院知识产权法庭就腾讯诉字节跳动著作权纠纷案进行了二审公开开庭审理。

2019年1月，腾讯起诉字节跳动旗下西瓜视频，称其招募、组织主播直播《王者荣耀》游戏的行为未获腾讯授权许可，涉嫌侵犯腾讯对该游戏所享有的著作权；广州知识产权法院在该案一审过程中裁定，与西瓜视频相关联的三家公司立即停止《王者荣耀》游戏直播，并判决字节跳动赔偿腾讯1000万元。腾讯与字节跳动均不服一审判决，将案件上诉至最高人民法院。

来源：知产力

Supreme People's Court held hearing in the appeal case, where Byte Dance was sued by Tencent for copyright infringement regarding the live broadcast of "Honor of Kings", with claimed damages for RMB 50,000,000

In January 2019, Tencent sued ByteDance's XIGUA Video, claiming that its recruitment and organization of anchors to broadcast the "Honor of Kings" game infringed on Tencent's copyright of the game. The first instance court, Guangzhou Intellectual Property Court, ruled that the three companies associated with XIGUA Video shall immediately stop the live broadcast of the “Honor of Kings" game, and ordered Byte Dance to compensate Tencent with RMB 10,000,000. Both Tencent and Byte Dance r appealed to the Supreme People's Court.

Source: Zhichanli

B站UP主上传《玉楼春》，法院裁定B站采取过滤拦截措施

2021年8月16日，阿里巴巴、优酷针对哔哩哔哩平台（以下称“B站”）涉嫌侵犯《玉楼春》电视剧信息网络传播权一案申请诉前行为保全，请求B站立即删除并采取有效措施过滤拦截其平台内未经授权上传的侵害《玉楼春》电视剧信息网络传播权的视频。

青岛市中级人民法院认定，涉案作品《玉楼春》于2021年7月26日在优酷视频独家上线，优酷视频的付费VIP会员相对于非会员可以提前观看相关剧集，并且可以支付3元/集超前点播。涉案作品属于热播剧，能为申请人带来较高的广告流量和VIP会员、超前点播收入。但自涉案作品在优酷视频上线后，涉案平台B站即有大量用户上传涉案作品的片段，涉案平台用户的上传行为极有可能侵犯申请人的信息网络传播权。申请人已经多次向B站方发出权利预警通知及投诉被诉侵权视频，但涉案品台上仍有用户上传被诉侵权视频，且存在多个用户多次重复上传被诉侵权视频的情况。B站方应当知道平台用户利用其网络服务上传和传播可能侵权的被诉侵权视频，依法应当采取删除、屏蔽、断开链接等必要措施。涉案平台是国内知名的视频弹幕平台，用户数量多，传播范围广，如不及时制止被诉侵权行为，将导致申请人市场交易机会丧失，给申请人造成流量降低、收入减少和竞争优势削弱等难以弥补的损害。

最终，青岛市中级人民法院于2021年8月20日做出保全裁定，支持了阿里巴巴、优酷的诉前行为保全请求。

来源：知产宝

Uploaders of Bilibili uploaded the video of TV series, the court issued preliminary injunction, ruling that Bilibili shall adopt filtering and interception measures to stop infringing acts before

On August 16, 2021, Alibaba and Youku applied for preliminary injunction in the case of Bilibili platform suspected of infringing on the information network dissemination rights of the "Yu Lou Chun" TV series, and requested Bilibili to immediately delete the infringing video, and take effective measures to filter and intercept unauthorized videos uploaded on its platform, which infringe on the copyright of the "Yu Lou Chun" TV series.

The Qingdao Intermediate People's Court determined that, the works involved in the case are hit dramas, which can bring higher advertising traffic, VIP membership, and advanced on-demand revenue to the applicant. The uploading of Bilibili users is very likely to infringe the applicant's right of information network dissemination. The applicant has repeatedly issued rights warning notices and complaints about the alleged infringing video to Bilibili, but the alleged infringing video are still uploaded on the platform, and multiple users have repeatedly uploaded the alleged infringing video. Bilibili should know that, and shall take necessary measures, such as deleting, blocking, and disconnecting links. The Bilibili platform is a well-known video platform with a large number of users and a wide range of dissemination. If the accused infringement acts are not stopped effectively and efficiently, it will cause the applicant to lose market trading opportunities, income, and weaken competitive advantages, etc. , which shall lead to irreparable damage.

The court, based on the above, made a preservation ruling on August 20, 2021, supporting Alibaba and Youku’s request for preliminary injunction, against Bilibili.

Source: IPHOUSE

“德禄”商标侵权案一审宣判，5000万索元赔全额支持

近日，江苏省苏州市中级人民法院就原告德禄产业与发展有限责任两合公司（简称“德禄两合公司”）、德禄国际有限公司（简称“德禄国际公司”）、德禄（太仓）家具科技有限公司（简称德禄太仓公司）诉被告德禄家具（上海）有限公司（简称德禄上海公司）、德禄家具（南通）有限公司（简称德禄南通公司）、朱培军侵害商标权及不正当竞争纠纷案作出一审判决，全额支持原告提出的5000万元经济损失的诉讼请求。

“Raumplus德禄”品牌创设于1986年，系提供滑动门、房间隔断、衣柜等产品的全球知名品牌，原告德禄两合公司、德禄国际公司、德禄太仓公司三原告享有中国境内“Raumplus”及对应中文“德禄”商标的商标权，核定商品为第20类家具、办公家具等。

被告德禄上海公司、德禄南通公司未经许可，在生产、销售的定制家具、家具发货单、宣传册、设计图纸、微信公众号、店铺装潢、店铺门头、展会展厅、投标文件等处大量使用“德禄”商标，在家具发货单、对外宣传中使用“raumplus”标识，并以德禄作为企业字号、抢注域名，被告朱培军系两公司的法定代表人，三原告遂以三被告构成侵犯商标权及不正当竞争为由诉至法院。

法院认为，二被告在生产经营中未经许可在相同商品上使用原告的注册商标，侵犯原告的商标权；被告在原告退出合资关系后，仍旧使用“德禄”作为企业字号，容易产生市场混淆与误认的后果；被告在广告宣传中使用原告的品牌发展历史等宣传自身产品，构成虚假宣传；被告抢注包含有“德禄”的域名，构成不正当竞争。基于原告提交的被告侵权获利证据，被告侵权的主观恶意与侵权情节，法院确定了一倍的惩罚性赔偿。在确定侵权损害赔偿方面，被告被法院认定构成举证妨碍。原告主张以被告的侵权获利作为计算依据，并提交了被告相关商业项目、宣传资料等，法院责令被诉侵权人提交能够完整反映被控侵权产品销量、利润率及全国加盟店情况的财务资料等证据的情况下，被告未能如实、完整地提交该部分证据，故法院根据双方提交的现有证据对被告的侵权获利予以计算。认定被告的侵权获利远高于原告的诉讼主张，最终全额支持原告的诉讼请求。

立方评论

涉及品牌合作、授权的商业模式中，知识产权条款尤为重要。作为权利人，明确授权的条件与终止合作后的知识产权返还条款，对于维权的顺利进行大有助益，本案中，被告两公司是原告与他人合资开设的企业，原告授权被告使用原告的注册商标、企业名称及相关生产技术、专利等，双方还约定：原告不再持有被告股份之日起，上述授权均终止。故被告在授权终止后的使用行为就失去了合理依据。在主张惩罚性赔偿时，一方面，基于先前的合作协议，权利人可以顺理成章地主张侵权人具备明显的主观恶意，另一方面，权利人可以通过向侵权人发送停止侵

权通知等函件，及时固定通知发送后的侵权行为，还可以搜集侵权人的商标注册、域名抢注等情况，上述证据均有助于侵权恶意的判定。在主张利润率时，除提交本企业相关商品的利润资料外，权利人还可以考虑提交同行业其他企业的利润报表，法院对于涉案无关企业的相关利润证据通常会予以采纳。作为被授权方，应当注重培育自身品牌，在许可协议终止后应当及时对授权内容予以清理。除商标、专利等内容外，品牌授权合作的经营模式下如企业名称、字号为权利人的授权内容的，商业合作终止后，被授权方通常无正当理由继续使用该企业名称、字号。在证明侵权获利方面，对于权利人主张的利润率，如能向法院证明经营模式、销售渠道、获利数额存在明显差别，法院可能会被指控侵权的一方的证据予以采纳。此外，在商标民事诉讼过程中，被指控侵权的一方可以考虑主张对方的商标权利无效，但需要考虑是否具备提起无效的正当理由，否则有可能出现本案的情形，即被法院认定具备试图中止诉讼，拖延原告的正常维权程序的主观恶意

来源：知产力

The "Raumplus" trademark infringement case sentenced in the first instance, with RMB 50,000,000 claimed damages fully supported by the court, and punitive damages is also applied by the court

The plaintiff raumplus Besitz-und Entwicklungs-GmbH & Co.KG., raumplus GmbH, Delu (Taicang) Furniture Technology Co., Ltd. filed trademark infringement and unfair competition litigation against the defendants Delu Furniture (Shanghai) Co., Ltd., Delu Furniture (Nantong) Co., Ltd. and Zhu Peijun before Suzhou Intermediate People's Court in Jiangsu Province, which recently issued first-instance judgment, fully supported the plaintiff's request for damages of RMB 50,000,000.

The "Raumplus" brand was created in 1986, and is a world-renowned brand that provides products such as sliding doors, room partitions, wardrobes, etc. The plaintiffs registered the trademark of "Raumplus" in China, and the corresponding Chinese trademark "德禄（Delu）", with designated goods on furniture, office furniture, and etc.

The two company defendants were the joint ventures established by the plaintiff and others, and the two defendants are authorized to use IP of the plaintiff until plaintiff exit as shareholder of the two companies. However, after exit of plaintiff as shareholder of the two companies, both companies still used the plaintiff's trademark extensively in business activities, such as production, sales, and promotion, and used "德禄（Delu）" as the corporate name, and registered the same domain name. Defendant Zhu Peijun is the legal representative of the two companies.

The court held that the defendants infringed on the plaintiff's trademark rights, and constituted false publicity, free-riding and other unfair competition acts. The punitive damages were therefore awarded by the court in this case, and the plaintiff's claims were fully supported.

Lifang Comments:

Article of restoration of IP after termination of cooperation in the cooperation agreement is crucial for the IP owners, when the IP license is involved in such cooperation. In addition to the affirmation of IP infringement after the termination of cooperation, such articles are also useful for IP owners to claim punitive damages against the other party, as based on the previous cooperation agreement, IP owner can reasonably claim that the infringer has obvious malice. Other measures, such as sending a C & D letter to the infringers to request them to stop infringement could further enhance such purpose.

Source: Zhichanli

法院认定“合生元”不属于通用名称，擅用者被判赔200万元

近日，广东省广州市越秀区人民法院对“合生元”商标侵权案作出一审判决，判令四被告向原告赔偿200万元。

2021年2月2日，原告健合（中国）有限公司（简称健合公司）、合生元（广州）健康产品有限公司（简称合生元公司）以被告广州比速长药业有限公司（简称比速长公司）、安徽萬福堂生物科技有限公司（简称萬福堂公司）、王贺奎、王允闭未经许可侵害其对“合生元”品牌享有的商标权及构成不正当竞争为由诉至法院，请求法院判令四被告赔偿原告200万元经济损失（每案50万元）。被告辩称：“合生元”三字是行业通用名称，原告将“合生元”文字商标用于益生菌类产品上，属于将本商品的通用名称注册为商标,违反了《商标法》第十一条规定，被告的使用不构成侵权。

法院认为：原告享有“合生元”注册商标的权利人，其商标专用权依法应予保护。被告比速长公司、萬福堂公司未经商标权人授权或许可，在其生产、销售的涉案产品上使用与原告商标构成近似的“合生元”标识，构成商标侵权；在原告的“合生元”商标具有较高的知名度和美誉度的前提下，比速长公司、萬福堂公司将该企业名称以“委托方广州合生元药业生物科技有限公司”且不突出使用“合生元”字样的方式标注在涉案产品包装盒或包装罐上，行为构成不正当竞争；被告王贺奎、王允闭作为被告比速长公司、萬福堂公司股东，在不能证明公司财产独立于股东自己的财产的情况下，应当对两公司应承担的债务承担连带清偿责任。

本案中，在案证据显示原告的“合生元”商标具有极高知名度，在行业内享有较高美誉度，曾被认定为驰名商标。被告主张“合生元”属于保健产品通用名称，并未提供原告商标淡化为通用名称的有效证据，故而抗辩理由并未被法院采纳。

来源：知产宝

The court held that "heshengyuan" was not a generic name, and the unauthorized user was ordered to pay damages of RMB 2,000,000

Recently, the Yuexiu District People’s Court of Guangzhou City, Guangdong Province, made a first-instance judgment on the trademark infringement case of "Heshengyuan", and ordered the four defendants to pay damages of RMB 2,000,000.

The court held that: the plaintiff was the owner of the registered trademark of "Heshengyuan". The defendants, Bisuchang Company and Wanfutang Company, used logos similar to the plaintiff’s trademark on the products involved in their production and sales without the authorization or permission. As the plaintiff’s "Heshengyuan" trademark has a high reputation, Bisuchang Company and Wanfutang Company used "Heshengyuan" in a non-prominent way on the packaging of the products, constituted unfair competition. The defendants Wang Hekui and Wang Yungu, as shareholders of the defendants Bisuchang Company and Wanfutang Company, could not prove that the company’s property was independent from the shareholders’ own property, and shall bear joint and several liability with the two

companies. The four defendants jointly shall undertake infringement liability for trademark infringement and unfair competition.

In this case, the defendants claimed that " Heshengyuan" was a generic name for health care products, but the court held that, the defendants failed to provide sufficient evidences to prove that the plaintiff's trademark was diluted as a generic name, and such argument was not accepted by the court.

Source: IPHOUSE

“和天下”烟诉“和天下”酒侵权案宣判，赔偿400万元

“和天下”卷烟是原告湖南中烟工业有限责任公司旗下的知名品牌，“和天下”商标及其商品包装、装潢在全国范围内享有较高知名度，被告贵州御贵和天下酒业销售有限公司、湖南乾广鑫源商贸有限公司、李正华、贵州省仁怀市茅台镇国珍酒业（集团）有限公司未经原告许可，在其生产并销往各地的“御贵和天下”白酒商品擅自使用“和天下”商标以及与原告有一定影响的“和天下”卷烟商品包装、装潢高度近似的标识，并在展销会中刻意将外包装极其近似的“和天下”卷烟条盒与被控侵权白酒包装盒相邻放置用于宣传，且不标注任何来源区别信息以加剧混淆后果。

长沙市中级人民法院一审判决：被告立即停止侵犯原告“和天下”商标专用权的行为和不正当竞争行为，在《法制日报》、《知识产权报》刊登致歉声明消除影响，并赔偿原告经济损失400万元。

来源：知产财经

"Hetianxia" cigarettes v. "Hetianxia" liquor infringement case was sentenced, the defendant shall pay damages of RMB 4,000,000

"Hetianxia" are a well-known tabaco brandof the plaintiff Hunan China Tobacco Industry Co., Ltd. The trademark "Hetianxia" and its product packaging and decoration enjoy a high reputation nationwide. The defendant Guizhou Yuguihetianxia Liquor Industry Sales Co., Ltd. , Hunan Qianguang Xinyuan Trading Co., Ltd., Li Zhenghua, Guozhen Liquor Industry (Group) Co., Ltd., used the plaintiff’s trademark and similar cigarette packaging and decoration on its Chinese spirits products, and intentionally placed the original cigarette box with extremely similar outer packaging next to the accused infringing packaging box for exhibition promotion.

Changsha Intermediate People’s Court affirmed that although the plaintiff’s trademark was registered in class 34 for tabaco, rather than in class 33, considering the reputation of the trademarks, the close relation of spirits and tobacco, as well as the obvious malice of the defendants, the acts of the defendants constituted trademark infringement, and therefore order the defendants to immediately stop the acts of infringement and unfair competition, publishing an public apology, and compensated the plaintiff for economic losses of RMB 4,000,000.

Source: IP Economy

欧盟普通法院维持了UNIVERS申请注册AGATE具有恶意的裁定

山东恒丰橡塑有限公司针对UNIVERS公司在欧盟的AGATE商标注册提出了无效宣告请求，认为其申请具有恶意，并主张了其在保加利亚拥有的在先未注册商标权利。欧盟知识产权局撤销处支持了关于恶意的请求。UNIVERS就此提起上诉，并被上诉委员会驳回，UNIVERS遂向普通法院提起诉讼。

欧盟普通法院审理认为，UNIVERS公司就AGATE商标申请并无商业使用意图，维持了上诉委员会关于其商标申请具有恶意的裁定。

来源：国际知识产权观察

The EU general Court upheld the ruling that UNIVERS applied to register AGATE with bad faith

Shandong Hiflytire Co., Ltd. filed an invalidation request against UNIVERS's AGATE trademark registration in the EU, claiming that its application was malicious, and asserted its prior unregistered trademark rights in Bulgaria. The Revocation Division of the European Intellectual Property Office supported the request for bad faith. UNIVERS filed an appeal in this regard and was rejected by the Appeal Board, and UNIVERS filed a lawsuit in the ordinary court.

The General Court of the European Union found that UNIVERS had no intention of commercial use in the AGATE trademark application, maintained the Appeal Board's ruling that its trademark application was malicious.

Source: International Intellectual Property Watch

独立于产品之外的图像设计可在韩国获得外观设计保护

近日，韩国知识产权局（KIPO）宣布，通过法律修订，具有独立于物品之外的各种用途和功能的数字图像设计可以获得保护，如用于信息通信、医疗信息、犯罪预防和医疗保健的形象设计等。

来源：kipo.go.kr

Image design independent from the product can obtain design patent protection in Korea

Recently, the Korean Intellectual Property Office (KIPO) announced that through legal amendments, digital image designs with various uses and functions independent from the product, can be protected as design patent, such as those used for information communication, medical information, crime prevention, and healthcare. Image design, etc.

Source: kipo.go.kr

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

工信部开展信息通信服务感知提升行动

11月1日，工业和信息化部（“工信部”）近日印发通知，部署开展信息通信服务感知提升行动。将聚焦影响用户感知的信息通信服务环节，推动实现服务举措“五优化”（即优化资费套餐设置展示方式、双千兆服务宣传方式、隐私政策和权限调用展示方式、APP开屏弹窗信息展示方式、网盘类服务提供方式），建立个人信息保护“双清单”（即建立已收集个人信息清单、与第三方共享个人信息清单），实现服务能力“四提升”（即提升跨区域通办能力、携号转网服务能力、客服热线响应能力、APP关键责任链个人信息保护能力）。明确到2022年3月底，信息通信行业综合服务明显改善，用户获得感、幸福感和安全感进一步提升。（查看更多）

MIIT Carries Out Information and Communication Service Perception Enhancement Actions

On November 1, the Ministry of Industry and Information Technology ("MIIT") issued a notice to deploy an information and communication service perception improvement actions. It will focus on the information and communication service links that affect users' perceptions, promote the perception of "five optimizations" of service initiatives (i.e. optimizing the display of tariff , the promotion of dual-gigabit services, the display of privacy policies and permission calls, the display of pop-up information in APP open screens, and the provision of Internet disk-type services), and establish personal information protection (i.e. establishing a list of collected personal information and a list of personal information shared with third parties), and achieving "four enhancements" in service capabilities (i.e. enhancing the ability to handle cross-region transactions, the ability to transfer numbers to other networks, the ability to respond to customer service hotlines, and the ability to protect key responsibility chains of APPs). By the end of March 2022, the comprehensive services of the information and communications industry will be significantly improved, and the sense of access, happiness and security of users will be further enhanced. (More)

工信部通报38款App违规处理个人信息

11月3日，工信部通报38款App违规处理个人信息，此次被通报的App中，过半App存在强制、频繁、过度索取权限的问题；超范围收集个人信息的问题也较为严重，共有26款涉及此问题。另外，被通报的App还涉及的问题有：欺骗误导强迫用户、应用分发平台上的App信息明示不到位、强制用户使用定向推送功能、违规收集个人信息以及违规使用个人信息等。（查看更多）

MIIT Notified 38 Apps Which Illegally Processed Personal Information

On November 3, MIIT notified 38 apps which for illegal of processing of personal information. Among the notified apps, more than half had the problem of compulsory, frequent and excessive requests for authority, while 26 apps involved in excessive collecting personal information. In addition, the notified apps also had problems such as: deceiving and misleading users, inappropriate information disclosure of apps on application distribution platforms, forcing users to use accurate delivery functions, illegal collection and use of personal information. (More)

中国网络空间安全协会发布《应用商店App个人信息收集使用上架审核和管理规范（征求意见稿）》

11月3日，中国网络空间安全协会发布团体标准《应用商店App个人信息收集使用上架审核和管理规范（征求意见稿）》。《征求意见稿》拟对应用商店等App分发平台进行规范，其中要求建立App开发者信用档案，产品被有关监管部门通报五次以上或者下架三次以上的开发者，五年内不得从事App开发和运营。

App收集使用个人信息时，有下列情形之一的，平台运营者应当拒绝App进入平台，包括：诱导、强迫用户一次性授权同意个人信息处理规则；因用户不同意收集非必要个人信息而拒绝提供服务；在用户拒绝收集非必要个人信息后，频繁征求用户同意，干扰用户正常使用；具有定向推送信息功能的，未向用户提供关闭定向推送信息的选项等12种情形。（查看更多）

CSAC Solicited Comments on the *Group Standard Application Shop's Review and Management Specification for the Collection and Use of Personal Information by Apps (Exposure Draft)*

On November 3, Cyber Security Association of China ("CSAC") released a group standard *Application shop's Review and Management Specification for the Collection and Use of Personal Information by Apps (Exposure Draft)*. The Draft was projected to regulate App distribution platforms such as application shop, which requires the establishment of credit files for App developers, and developers whose products have been notified more than five times or taken down more than three times by the regulatory authorities will be prohibited from engaging in App development and operation for five years. App collects and uses personal information under one of the following circumstances, the platform operator shall refuse App access to platform, such as inducing and forcing users to agree personal information processing rules with one-time authorization; refusing to provide services because users do not agree to collect non-essential personal information; frequently seeking users' consent after they refuse to collect non-essential personal information, interfering with their normal use; failing to provide users with the option to turn off accurate delivery information, and other 12 circumstances. (More)

海南开展小程序过度收集使用个人信息专项治理

11月3日，海南省委网信办召开小程序违法违规收集使用个人信息情况通报新闻通气会，通报“肯德基自助点餐”等11款小程序违法违规收集使用个人信息的情况，并要求各小程序运营主体于通报发布之日起15个工作日内完成整改，这也是海南率先开展小程序过度收集使用个人信息专项治理。（查看更多）

Hainan Launches Special Regulation of Excessive Collection and Use of Personal Information by Small Programs

On November 3, Party Committee's Internet Information Office of Hainan Provincial held a press briefing on the illegal and irregular collection and use of personal information by small programs, notifying

11 small programs such as "KFC Self Service" which engaged in illegal collection and use of personal information, and requiring the small program operators to complete rectification within 15 working days from the date of the briefing, which is also the first local authority in China to regulate the excessive collection and use of personal information by small programs. (More)

Facebook将关闭人脸识别系统，将删除超过10亿用户数据

Facebook表示将关闭人脸识别系统，并删除超过10亿人的脸部识别数据，因为人们对这项技术被政府、警察和其他人滥用的情况日益关注。Facebook每日活跃用户中超过三分之一（约6.4亿人）选择让Facebook系统识别他们的脸，。Facebook在十多年前引入了面部识别功能，迫于监管压力，在2019年便停止了自动识别照片中的人脸，停止将其作为默认功能，要求用户选择是否要使用其面部识别功能。（查看更多）

Facebook to shut down face-recognition system，and delete the faceprints of more than 1 billion people

Facebook said it will shut down its face-recognition system and delete the faceprints of more than 1 billion people amid growing concerns about the technology and its misuse by governments, police and others. More than a third of Facebook's daily active users have opted in to have their faces recognized by the social network's system. That's about 640 million people. Facebook introduced facial recognition more than a decade ago and in 2019 stopped automatically recognizing people in photos and instead of making that the default, asked users to choose if they wanted to use its facial recognition feature. (More)

美国联邦贸易委员会更新 GLB 保障规则

10月27日，美国联邦贸易委员会通过了一项新的GLB保障规则。与2002年颁布的原GLB规则相比，此次修订规定了更详细的数据安全要求。在信息安全计划所需的要素方面，新规则要求：

受监管机构必须定期审查访问控制；

对所有客户信息进行加密；

对任何访问信息系统的个人实施多因素身份验证，或使用其他合理的等效或更安全的访问控制；

监视和记录授权用户的活动，并检测未经授权的访问、使用或篡改客户信息。（查看更多）

FTC Updates GLB Safeguards Rule

On Oct. 27, the U.S. Federal Trade Commission adopted a new Gramm-Leach-Bliley Safeguards Rule. The revision imposes more detailed data security requirements than the original GLB rule promulgated in 2002.The new rule is considerably more detailed in terms of the elements required in an information security plan. Among other things, regulated entities must:

Implement and periodically review access controls

Encrypt all customer information both in transit over external networks and at rest.

Implement multifactor authentication for any individual accessing any information system or use other reasonably equivalent or more secure access controls.

Monitor and log the activity of authorized users and detect unauthorized access or use of, or tampering with, customer information. (More)

新加坡网络安全局发布网络安全共同责任公告

2021年11月1日，新加坡网络安全局(CSA)发布了其11月CyberSense公告，重点关注企业如何将网络安全纳入整体组织的共同责任。CSA强调网络安全不仅仅是一个技术问题，并提供了建议，供组织在制定网络安全问题的战略决策时考虑。具体而言，为了使网络安全成为一种共同责任，CSA建议高级管理层应该在加强网络安全方面发挥积极作用，技术员工应该考虑让网络安全更容易理解，从而让IT部门以外的员工和团队更容易了解网络安全。（查看更多）

Singapore: CSA Publishes Bulletin on Cybersecurity Shared Responsibility

The Cyber Security Agency of Singapore ('CSA') published, on 1 November 2021, its November CyberSense bulletin focusing on how businesses can incorporate cybersecurity as a shared responsibility across the whole organisation. In particular, the CSA emphasised that cybersecurity is more than a technical concern and outlined a number of recommendations for organisations to consider when making strategic decisions on cybersecurity issues. More specifically, in order to make cybersecurity a shared responsibility, the CSA advised that senior management should take an active role in enhancing cybersecurity and that technical employees should consider making cybersecurity more comprehensible and thereby more accessible to employees and teams outside of the IT department. (More)

谷歌将应要求删除未成年人的照片

谷歌计划允许18岁及以下的未成年人要求从其搜索引擎上删除他们的照片。未成年人或监护人可以向谷歌提交一份表格请求删除照片，谷歌将考虑该请求决定是否予以删除。谷歌在声明中写道:“我们相信，这一变化将帮助年轻人更好地控制自己的数字化足迹，以及他们的照片在搜索引擎上的位置。”（查看更多）

Google to Allow Removal of Minors' Photos from Search

Google plans to allow kids age 18 and under to request removal of their images from the company's search engine. The child, or their guardian, will be asked to submit a request form at which point Google will consider the request under its requirements for removal. " We believe this change will help give young people more control over their digital footprint and where their images can be found on Search," Google wrote in its announcement. (More)

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