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立方要闻周报
Weekly News By Lifang & Partners
NO.18

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Baidu sues browser plug-in for hijacking traffic as unfair competition, gets RMB 800,000 in damages

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恶意使用“禧宝鹿王”注册商标，法院判决赔偿100万元

Malicious use of "Xi Bao Deer King" registered trademark, the court awarded RMB 1 million in damages

奥比中光突遭宁波盈芯5起专利侵权诉讼指控，被索赔7850万元，两个月内和解

ORBBEC was accused of 5 patent infringement lawsuits by Ningbo Yingxin, with total claimed damages of RMB 78.5 million, and settled within two months

擅用“STOKKE”商标及企业字号，法院判赔250万元

Unauthorized use of "STOKKE" trademark and trade name, the court awarded RMB 2.5 million in damages

New Balance “N”字商标维权获赔1800万元

New Balance's "N" trademark rights were infringed, and Jiangsu Court awarded damages of RMB 18 million

中兴通讯以许可方/被许可方身份加入HEVC Advance专利池

ZTE Joins HEVC Advance Patent Pool as Licensor/Licensee

印度香米（Basmati rice）的欧盟商标申请引发了英国脱欧和以英国法为依据的异议问题

EU trademark application for Basmati rice raises issues of Brexit and opposition based on UK law

立方竞争法周报 Weekly Competition Law News By Lifang & Partners

国家反垄断局正式成立

China Launches Its National Anti-Monopoly Bureau

《国务院反垄断委员会关于原料药领域的反垄断指南》发布

State Council's Anti-Monopoly Committee's Anti-monopoly Guideline for Active Pharmaceutical Ingredients Published Issued

市场监管总局发布《企业境外反垄断合规指引》

The Guidelines for Overseas Anti-Monopoly Compliance for Enterprises Issued by SAMR

江苏一燃气企业因滥用市场支配地位被罚没超4000万元

A Jiangsu Gas Company Fined and Confiscated over CNY 40 Million for Abuse

南京一原料药企业因滥用市场支配地位被罚没超650万元

A Nanjing APIs Company Fined and Confiscated over CNY 6.5 Million for Abuse

欧盟普通法院确认谷歌需为175亿元反垄断罚单买单

Google Loses Key Appeal against EU 2.4 billion Shopping Antitrust Case

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

中共中央政治局召开会议，审议《国家安全战略》等重要文件

Political Bureau of the CCCPC Held a Meeting to Review *the National Security Strategy*

国务院副总理刘鹤：研究推进数据确权和分类分级管理、使数据畅通交易流动

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Vice-Premier Liu He: Promoting Data Validation and Classification Management to Enable Smooth Flow of Data Transactions

工信部将进一步深化工业和信息化领域数据安全保护工作

MIIT Will Further Deepen Data Security Protection in the Field of Industry and Information Technology

工信部：截至目前已通报2049款违规App，并下架540款拒不整改的App

MIIT: 2049 Non-Compliant Apps Have Been Notified, and 540 Apps That Refuse to Rectify Have Been Taken Off Shelves

国家等保办撤销网络安全等级测评机构推荐证书

NNSPCO Withdrew Recommended Certificates of Network Security Level Assessment Bodies

欧洲数据保护委员会就“数据传输”的定义发布新的指南

EDPB Announced Guidelines Related to "Cumulative Criteria"

CISA发布网络安全事件、漏洞响应手册

CISA Launches *Government Cybersecurity Incident and Vulnerability Response Playbooks*

英国政府就《国家安全与投资法案》规定下需要向政府部门进行报告的并购发布相关指南

UK: Government Releases National Security and Investment Act Guidance on Notifiable Acquisitions

法国数据保护机构出台DPO指南

CNIL Published a Guide on the Role of the DPO

知识产权 Intellectual Property

北交所近日起航，首批81家上市公司平均专利申请82件

11月15日，首批81家北交所上市公司亮相，集体接受机构和合格投资者的“选秀”。科技创新情报SaaS服务商智慧芽发布数据显示，截至11月14日，首批81家上市公司专利申请总量6600余件，平均每家企业约82件；有效发明专利总量1000余件，平均每家企业约13件；软件著作权登记总量1300余件，平均每家企业软件著作权登记量约17件。

来源：北京知识产权

The Beijing Stock Exchange recently began trading with the first 81 listed companies filing an average of 82 patents

On November 15, the first batch of 81 companies listed on the new Beijing Stock Exchange made their debut, collectively accepting the draft of institutions and qualified investors. According to data released by Wisdom Bud, a technological innovation intelligence SaaS service provider, as of November 14, 2021, the first batch of 81 listed companies had a total of more than 6,600 patent applications, with an average of about 82 per company; the total number of valid invention patents was more than 1,000, with an average about 13 for each company; the total number of software copyright registrations is more than 1,300, and the average is about 17.

Source: IP Beijing

海淀法院：描述性使用不构成商标侵权，百度提供关键词搜索亦无责任

北京市海淀区人民法院就北京云测信息技术有限公司诉达内时代科技集团有限公司、北京百度网讯科技有限公司侵害商标权及不正当竞争纠纷一案，做出一审判决：驳回原告云测公司的诉讼请求。法院认为，善意使用他人商标中的通用字样，仅为说明或描述所提供的服务性质，不构成商标侵权或不正当竞争；同时，在本案中，网络服务提供者百度公司亦不构成帮助侵权。

对于达内公司在涉案推广链接中使用“云平台测试”字样的行为，法院认为，达内公司在涉案推广链接标题及描述中使用的系"云平台测试"字样，并未单独使用"云测"，不能证明达内公司的该行为存在恶意，相反，达内公司该项行为应仅系为说明或描述其所提供的服务的性质，不属于商标使用行为。对于达内公司设置关键词推广之行为，法院认为，该项被诉行为系后台行为，并非标识性使用行为，相关公众不可能因此发生混淆。虽因达内公司添加"云测试"作为涉案网站的推广关键词，从而导致当输入"云测"时出现涉案推广链接，但根据达内公司提交的证据显示，多个云测试平台均使用"云测平台"、"云测服务"指代其所提供的云测试服务；据此，可以认定"云测"系云测试行业约定俗成指代"云测试"服务的简称，因此，相关公众使用"云测"作为关键词在百度网中进行搜索时，并不一定是试图通过涉案商标定位云测公司及其服务。

立方短评：企业在经营过程中，善意使用他人商标中的通用字样，仅为说明或描述所提供的服务性质，应当被视为非商标性使用，故不构成商标侵权；考虑到企业恶意的排除，自然也不应构成不正当竞争行为。

来源：知产力

Haidian Court: Descriptive use of words “Cloud Test” does not constitute trademark infringement, and Baidu is not responsible for providing keyword search

The People’s Court of Haidian District of Beijing made a first-instance judgment on Beijing Yunce Information Technology Co., Ltd. v. Dane Times Technology Group Co., Ltd. and Beijing Baidu Netcom Technology Co., Ltd. for trademark infringement and unfair competition disputes. The court dismissed the plaintiff claims. The court held that the use of the common words in the trademarks of others with good faith was to explain or describe the nature of the services provided, and did not constitute trademark infringement or unfair competition. Meanwhile, in this case, the Internet service provider Baidu Company did not constitute assistance infringement by providing keywords search on the accused words.

Regarding the use of the word "cloud platform test" in the promotion link involved in the case, the court held that the word "cloud platform test" used by the company in the title and description of the promotion link involved did not use "cloud test" alone. ", and the plaintiff failed to prove that the act of Dane Company was malicious. On the contrary, the act of Dane Company use the words to explain or describe the nature of the services it provided, which was not a trademark use. Regarding Darnet’s act of setting up keyword promotion with Baidu, the court held that the accused act was a backstage act, and the relevant public will not be confused due to this. Although Dane Company added "cloud test" as the promotion keyword of the website involved, it resulted in the promotion link involved when entering "cloud test", but according to the evidence submitted by Dane Company, such words are being used by multiple cloud test platforms." "Cloud testing platform" and "cloud testing service" refer to the cloud testing services they provide, rather than distinguising the source of the service provided; accordingly, "cloud testing" shall be treated as the abbreviation of the cloud testing industry to describe "cloud testing" services, which is a descriptive use. Therefore, when searching for "cloud test" as a keyword on Baidu.com, the public is searching for the service itself, rather than to search a brand.

LIFANG&PARTNERS: enterprises use the descriptive words which is also a trademark, if it is only to illustrate or describe the nature of the services provided, such use shall be regarded as non-trademark use, and therefore does not constitute trademark infringement; as malice of the company can be excluded, naturally it shall not constitute an act of unfair competition.

Source: Zhichanli.com

百度起诉浏览器插件劫持流量构成不正当竞争，获赔偿80万元

因认为上海政凯信息科技有限公司运营的“新媒体管家「Plus」”浏览器插件在百度网页面中插入链接，强制跳转至其运营的新媒体管家网相关页面，北京百度网讯科技有限公司将政凯公司诉至法院，要求政凯公司赔偿百度公司经济损失及合理开支，并消除影响。海淀法院经审理，判决政凯公司赔偿百度公司经济损失80万元及合理开支3万元。

法院经审理后认为，百度网是百度公司合法运营的搜索引擎产品，百度公司在运营过程中所收获的经营收益及竞争优势属于合法权益，应受反不正当竞争法的保护。政凯公司在无合理理由的情况下，利用涉案插件在百度网中插入“微信”专题和“实时热点”版块链接，使用户在点击上述链接后进入政凯公司运营的相关页面，上述行为影响了用户的选择，干扰了百度网搜索服务的正常运行，损害了百度公司的合法权益，属于反不正当竞争法第十二条第二款第一项所规制的不正当竞争行为。

立方评论：在移动互联网环境下，用户流量能为互联网服务经营、提供者提供巨大的商业利益，因而已经成为互联网经营者之间极为重要的争夺对象，但该种争夺须通过公平合理的手段进行，并必须遵循公认的商业道德。不正当的流量劫取行为，既不利于互联网平台的正常经营，也会不合理地限制消费者的合法权益，从而导致对商业投入、产业创新和诚实经营造成相当大的影响。

来源：知产财经

Baidu sues browser plug-in for hijacking traffic as unfair competition, gets RMB 800,000 in damages

Baidu filed lawsuit against Shanghai Zhengkai Information Technology Co to court for inserting a link in Baidu's webpage, and forcing the browser to jump to the relevant page of its New Media Manager website, which was operated by Zhengka. The court requested Zhengkai to stop such acts of unfair competition, and compensate Baidu for economic losses and reasonable expenses of RMB 830,000, and to eliminate the adverse impact.

LIFANG&PARTNERS: user traffic is crucial benefits and interest in the mobile internet era, and thus has become an extremely important object of competition among Internet operators, but such competition must be conducted through fair, reasonable and justified means, and must follow accepted business ethics. Improper traffic hijacking from other websites can not be justified by the business ethic, and confiscate the reasonably expected business expectation of others, such acts constitute violation of Anti-Unfair Competition Law, and shall be stopped and punished.

Source: Intellectual Property Finance

适用1.5倍惩罚性赔偿，合同到期后仍使用商标被判赔偿81万元

聊城中院依法审结了全市首例适用惩罚性赔偿的知识产权民事侵权案。该案系原告北京某粮油公司诉被告丁某、临清市某面业公司侵害商标权纠纷案件。聊城中院审理认为，被告临清市某面业的前身曾于2008年与原告就“本乡”商标签订过商标许可使用合同，合同到期后，仍然继续使用该商标，主观上明显具有恶意，侵权时间长，情节严重，可以适用惩罚性赔偿确定赔偿数额。法院根据侵权面粉的销售地域范围，参照3万元/月的许可使用费，确定本案惩罚性赔偿的基数为1.5万元/月；结合被告主观恶意、侵权情节、涉案商标知名度综合考虑，依据该基数1.5倍确定本案赔偿数额为81万元，被告丁某与被告临清市某面业公司对该赔偿数额承担连带责任。一审判决作出后，双方当事人均未提起上诉。

立方短评：本案是比较特殊的案件，法院根据商标许可使用合同关系确定被告主观恶意，并根据许可使用费确定惩罚性赔偿的基数，以适用惩罚性赔偿，有助于鼓励商标权人开展对外许可，而不必担忧被许可人到期后继续无偿使用商标。

来源：聊城中院

1.5 times punitive damages applied by Shandong Liaocheng Court, with total of $810,000 awarded for using the trademark after the license contract expired

Shandong Liaocheng Intermediate People's Court concluded the first civil infringement case of application of punitive damages. The defendant signed a trademark license contract with the plaintiff in 2008 for the trademark "Benxiang", and continued to use the trademark after the expiration of the license contract.

The court held that such use of trademark after license contract expired, is obviously malicious, and the defendant used the trademark after expiration of contract for a long time, and punitive damages shall be applied. The court calculated the base amount of punitive damages as license fee for RMB 15,000 / month based on the sales territory of the infringing flour and the license fee in the trademark license agreement for RMB 30,000 /month; with consideration of malice of the defendant, the infringement circumstances and the reputation of the trademark involved in the case, the compensation amount of the case was determined as RMB 810,000 based on 1.5 times of the base amount.

LIFANG&PARTNERS: This is a rather special case. The court affirmed the defendant's bad faith based on the contractual relationship of trademark licensing, and affirmed the base amount of punitive damages based on the licensing fee regarding punitive damages. This judgment can encourage trademark owners to proceed external licensing without concern of the licensee continuing to use the trademark without compensation after expiration of the license.

Source: Liaocheng Intermediate People's Court

员工离职后仍用原公司名称交易，法院：构成不正当竞争

2020年2月，某耀公司将其前销售人员王某及王某离职后任职的某乐公司起诉到法院，称王某离职后依然使用某耀公司的企业邮箱向国外客户 Ekong发送邮件，以邮件形式销售某乐公司产品。法院认为，某耀公司和某乐公司均从事游艺娱乐用品的批发零售、制造等，存在竞争关系。王某从某耀公司离职后，在某乐公司工作期间仍在电子邮件、形式发票中擅自使用某耀公司名称，导致客户Ekong对交易对象产生混淆，误认为交易对象与某耀公司存在特定联系，王某与某乐公司构成共同侵权，其行为违反反不正当竞争法的规定，构成不正当竞争。法院判决王某停止擅自使用原告某耀企业名称的行为，赔偿某耀公司经济损失及合理开支4万元，某乐公司与王某构成共同侵权。

立方短评：公司员工在离职后，利用与原公司的关联关系及信息，开办与之前所在企业经营范围相同或近似的公司，擅自使用原公司企业名称进行交易，引人混淆并被误认为是原公司商品或者与原公司存在特定联系，这是比较明显的恶意竞争行为，应进行规制。

来源：羊城晚报·羊城派

Employees still use the original company name to promote business after resignation, the court: this is unfair competition

In February 2020, the plaintiff sued its former salesperson Mr. Wang and Mr. Wang 's new employment Moule company to the court, claiming that Mr. Wang still used Moule's corporate email address to send emails to foreign customers to sell Moule's products by email after he resigned from the plaintiff.

The court held that both companies were engaged in the wholesale, retail and manufacturing of amusement and entertainment products, and had a competitive relationship. After Wang left the plaintiff, he continued to use the plaintiff's company name in emails and invoices without authorization, which led to confusion of the clients, and led to the misconception that the defendant had a specific connection with the plaintiff. The court ruled that Mr. Wang shall stop using the name of the plaintiff's trade name, and compensate the plaintiff RMB 40,000, and that both defendants shall undertake joint liabilities.

LIFANG&PARTNERS: After leaving the company, employees of the company use the relationship and information with the original company to explore transactions with previous clients, the clients is very likely to be confused and misled, and even if the client was not confused eventually, and realized the actual relationship, it is possible that the client may have spent much time on the transactions, and reluctant to resort to the previous company, the business opportunities of which was therefore confiscated. Considering the business ethics and the justification of such acts, the court shall issue order to stop such acts.

Source: Yangcheng Evening News

恶意使用“禧宝鹿王”注册商标，法院判决赔偿100万元

江苏省高级人民法院就内蒙古鹿王羊绒有限公司诉南京新街口百货商店股份有限公司、桐乡市莫拉克服饰有限公司、上海格伯美服饰有限公司、孙某侵害商标权纠纷一案作出二审判决，鹿王公司获赔100万元。鹿王公司是“鹿王”商标的权利人，格伯美公司、莫拉克公司、孙某生产销售的服装商品上使用“禧宝鹿王”商标，对“鹿王”二字进行突出使用。

法院认为，被控侵权商品系格伯美公司、莫拉克公司、孙某生产销售，且存在混同经营行为，共同实施了生产销售被控侵权商品的行为。格伯美公司、莫拉克公司、孙某被控侵权行为侵害了涉案注册商标专用权。

来源：知产宝

Malicious use of "Xi Bao Deer King" registered trademark, the court awarded RMB 1 million in damages

Jiangsu High People's Court made a second-instance judgment on Inner Mongolia Deer King Cashmere Co., Ltd. v. Nanjing Xinjiekou Department Store Co., Ltd., et. al, in a trademark infringement case, and the plaintiff was awarded RMB 1 million. The clothing produced and sold by the defendants use the " Xi Bao Deer King " trademark of the plaintiff, and the word "Deer King" is prominently used on the product.

The court held that the alleged infringing goods were produced and sold by jointly by the defendants, and they shall undertake joint liabilities, regardless of specific acts during the infringing process by the specific defendant.

Source: IPHOUSE

奥比中光突遭宁波盈芯5起专利侵权诉讼指控，被索赔7850万元，两个月内和解

奥比中光，是一家以AI 3D传感技术为核心的创新型企业，AI 3D感知是为人工智能提供三维视觉能力的关键基础共性技术。目前已服务全球客户超过2000家，其中包括蚂蚁集团、OPPO、中国银联、惠普、魅族等知名品牌。

自2021年6月29日科创板申请被受理以来，目前已经完成了两轮的审核答复。看似一切顺利，但却突然在11月16日披露的“发行人及保荐机构关于审核中心意见落实函的回复意见”中，披露了与宁波盈芯之间的一起高达7850余万元的专利侵权案件。

宁波盈芯在2021年8月26日、2021年9月6日和2021年10月20日在深圳市中级人民法院向奥比中光提起了5项专利侵权纠纷诉讼，并要求索赔7850万元以及承担案件相关公证费、律师费、诉讼费等费用。宁波盈芯以奥比中光未经许可，为生产经营目的实施其四项发明专利权，构成对涉案专利侵害为由，提起五项民事诉讼，诉请公司停止制造、销售、许诺销售AstraE（Deeyea）系列产品、Astra系列产品、Astra P系列产品及MX6000、MX6300的深度引擎芯片。

但根据奥比中光对涉事案件的最新描述显示，这5起高达7850万元的诉讼，已经以双方和解的结果收场了。

来源：企业专利观察

ORBBEC was accused of 5 patent infringement lawsuits by Ningbo Yingxin, with total claimed damages of RMB 78.5 million, and settled within two months

ORBBEC, an innovative company with AI 3D sensing technology as its core, AI 3D perception is a key fundamental technology that provides 3D vision capability for artificial intelligence. It has served more than 2,000 customers worldwide, including well-known brands such as Ant Group, OPPO, China UnionPay, HP and Meizu.

Since June 29, 2021, after ORBBEC application to be listing on Science and Technology Stock Exchange (Chinese version of NASDAQ) was accepted, , a series of patent infringement cases with Ningbo Yingxin amounting to more than RMB 78.5 million yuan was disclosed by ORBBEC.

Ningbo Yingxin filed five patent infringement lawsuits against ORBBEC in Shenzhen Intermediate People's Court fromAugust to October, 2021,which claimed total damages of RMB 78.5 million, on the grounds that ORBBEC had used its four invention patents, and requested the company to stop manufacturing, selling and offering to sell the infringing products, which are the core products of ORBBEC.

However, according to the latest disclosure by ORBBEC, the five lawsuits have been settled by the two parties.

Source: Corporate Patent Watch

擅用“STOKKE”商标及企业字号，法院判赔250万元

江苏省高级人民法院就斯托克股份有限公司诉思拓科（上海）生物科技股份有限公司等被告侵害商标权及不正当竞争纠纷案作出二审判决，斯托克股份有限公司获赔250万元。

思拓科生物公司运营“STOKKE”商标并开展“STOKKE”品牌产品的推广销售。京东尚信公司在“京东商城”平台开设“思拓科京东自营官方旗舰店”，销售涉案侵权商品。

斯托克公司向法院主张思拓科生物公司赔偿400万元，京东尚信公司与京东参佰陆拾度公司对其中的100万元承担连带责任。

一审法院综合考虑斯托克公司商标及字号等具有较高知名度和影响力；思拓科生物公司侵权行为涉及商标、字号、产品包装装潢、词条、店铺名称、产品标识等多方面，侵权的主观故意较为明显；思拓科生物公司及关联公司在众多类别上申请注册“STOKKE”商标，导致斯托克公司花费大量人力、物力进行救济维权；涉案纠纷涉及面广、争议大，斯托克公司支出较多律师费、公证费等合理开支等相关因素，酌情确定思拓科生物公司赔偿斯托克公司250万元，二审法院对此予以确认。

立方短评：侵权产品销售总量、侵权产品销售价格、侵权产品利润率、权利产品知识产权贡献率、知识产权授权许可使用费等不仅仅是所失利益计算公式、侵权获利计算公式、合理许可费计算公式中涉及的计算要素，也是知识产权损害赔偿中酌定赔偿的考量要素。

来源：知产宝

Unauthorized use of "STOKKE" trademark and trade name, the court awarded RMB 2.5 million in damages

The Jiangsu High People's Court made a second-instance judgment on Stokke Co., Ltd.（Stokke） v. Stoke (Shanghai) Biotechnology Co., Ltd.（Stoke）and other defendants for trademark infringement and unfair competition disputes.

The plaintiff is the world famous producer of baby stroller, with registered trademark on the same products.

The defendant, Stoke, purchased Stokke trademarks registered for cosmetics and other similar products. Stoke opened an outlets on JD.com platform, and later, JD opened "Stoke Jingdong Self-operation Official Flagship Store" on the platform of "Jingdong Mall", to sell the infringing goodsof baby cosmetic products.

Stokke filed infringement lawsuit to the court,claiming that Stoke shall stop infringing acts, and pay damages of RMB 4 million, and Jingdong related companies shall stop selling the infringing products, and jointly and severally liable for damages of RMB 1 million, as they assisted infringement by not blocking or deleting the infringing links.

The specific of this case is that the plaintiff did not sell or produce the infringing products, and can not affirm loss due to infringement, or the profits of the infringement. The court took into account the high popularity and influence of Stokke, and that the infringement of Stoke involved multiple aspects, including the squatted trademarks on multiple classes, the trade name, trade dress, packaging and decora-

tion of the products, and etc., the malice of the defendants is quite obvious, and the plaintiff spent much for stopping infringing acts of the plaintiff, and finally awarded judicial damages of RMB 2.5 million.

LIFANG&PARTNERS: The total sales of infringing products, the sales price of infringing products, the profit margin of infringing products, the contribution rate of intellectual property rights of the right products, and the license royalty of intellectual property rights are not only the calculation elements involved in the formula of lost benefits or infringing profits, but also the key elements of affirming judicial damages by the court.

Source: IPHOUSE

New Balance “N”字商标维权获赔1800万元

江苏省高级人民法院就新平衡体育运动公司（NEW BALANCE ATHLETICS，INC）、新百伦贸易（中国）有限公司诉莆田市盛丰盛鞋业有限公司、莆田市沃百利贸易有限公司、王金标、姑苏区美百陆鞋店侵害商标权及不正当竞争纠纷案作出二审判决，新平衡公司获赔1800万元。

法院认为，对于商标侵权，沃百利公司等在被控侵权“new bairin”运动鞋产品上使用的被控侵权标识与涉案“N”商标构成近似，容易导致相关公众的混淆，侵害了新平衡公司、新百伦公司涉案注册商标专用权。对于不正当竞争，新平衡公司、新百伦公司在“New Bal ance 运动鞋两侧使用大写粗体的“N”字母装潢构成知名商品特有包装装潢，沃百利公司等在被控侵权运动鞋两侧擅自使用与之相近似的包装装潢，容易使相关公众误认为是新平衡公司、新百伦公司商品或者与之存在特定联系，因此，沃百利公司等涉案行为构成不正当竞争。

立方短评：法院从原告损失、被告获利等多个角度考量，通过确定被告实际生产销售侵权产品数量、利润的计算依据和计算标准，尤其是对被告通过快递公司的发货记录的审查，认定损害赔偿金额加上原告为制止本案侵权所支出的合理费用超过了1800万元，因此灵活适用酌定赔偿，这对于打击恶意侵权有相当积极的作用。

来源：江苏省高级人民法院

New Balance's "N" trademark rights were infringed, and Jiangsu Court awarded damages of RMB 18 million

Jiangsu High People's Court made a second instance judgment on the case of New Balance Athletics, Inc, New Balance Trading (China) Co. v. Putian Shengfeng Sheng Shoes Co., Ltd, Putian Wobaili Trading Co., Ltd, Wang Jinbiao, and Gusu District Meibailu Shoes Store for infringement of trademark rights and unfair competition dispute, in which New Balance was awarded RMB 18 million.

The court held that the infringing logo on the infringing products was similar to the "N" trademark in question, which was likely to cause confusion among the relevant public, and shall constitute trademark infringement. As for unfair competition, New Balance Athletics and New Balance used the "N" letter decoration in bold capital letters on both sides of the "New Balance" sports shoes, shall constitute the unique packaging decoration of famous goods. The use of similar packaging and decorations on both sides of the infringing sneakers will misled the public into believing that they were New Balance Athlet-

ics or New Balance products or that there was a specific connection with them, and therefore, the defendants' acts shall constitute unfair competition.

LIFANG&PARTNERS: The court awarded in this case the discretionary damages, which is not judicial damages with maximum amount of RMB 5 million, nor the loss of plaintiff, or the profit of the plaintiff, but rather the minimum assumption of the profits of the defendants. Therefore, the court contemplated multiple aspects of the case, including the defendant's actual production and sales of infringing products, the basis for calculating profits and calculation standards, especially the examination of the defendant's shipping records through the courier company, and finally make such awards, which could reduce the burden of proof the plaintiff, and deter the malicious infringing acts.

Source: Jiangsu High People's Court

中兴通讯以许可方/被许可方身份加入HEVC Advance专利池

独立许可管理机构 Access Advance日前宣布，中兴通讯已经以许可方和被许可方的身份加入HEVC Advance专利池。

据悉，作为许可方，中兴通讯的所有HEVC/H.265必要专利现在都被纳入HEVC Advance专利池中。作为被许可方，中兴通讯可以获得超过16,000项实施 HEVC/H.265 视频编解码器标准所必需的全球专利。

中兴通讯首席授权官 Marco Tong表示："我们很高兴加入 HEVC Advance 专利池，我们与 Access Advance 的参与和合作是双方对 FRAND 原则和真诚谈判的坚定承诺的另一个例子。"

来源：集微网

ZTE Joins HEVC Advance Patent Pool as Licensor/Licensee

Access Advance, an independent licensing administrator, has announced that ZTE has joined the HEVC Advance patent pool as a licensor and licensee.

As a licensor, it is reported that all of ZTE's HEVC/H.265 essential patents are now included in the HEVC Advance patent pool. As a licensee, ZTE has access to over 16,000 global patents necessary to implement the HEVC/H.265 video codec standard.

Marco Tong, ZTE's Chief Licensing Officer, said, "We are pleased to join the HEVC Advance patent pool and our participation and collaboration with Access Advance is another example of the strong commitment of both parties to the FRAND principles and good faith negotiations."

Source: ijiwei.com

印度香米（Basmati rice）的欧盟商标申请引发了英国脱欧和以英国法为依据的异议问题

2017年6月14日，Chakari在以下第30、31类商品上提交了一份欧盟商标注册申请，申请的图形标志上印有"Abresham Super Basmati Selaa Grade One World's Best Rice"字样：第30

类：米粉；以大米为主的小吃；年糕;；烹饪用米浆；大米制膨化食品；第31类：“米粉饲料”。

2017年10月13日，印欧食品有限公司（申请人）基于英国在先未注册商标“BASMATI”提出了异议，该商标被用来指代大米。根据《欧盟商标条例》第8（4）条，异议人指出，根据英国的适用法律，其有权以“延伸的”仿冒之诉阻止所申请的商标。该异议于2019年4月5日在异议部门被驳回，并于2020年4月2日被BoA（第四复审委）驳回，随后向欧盟普通法院起诉。

在处理申请人所依赖的抗辩之前，欧盟普通法院考虑了诉讼请求的可受理性。在诉讼过程中，EUIPO（欧盟知识产权局）提出，《英国退出协议》（UK Withdrawal Agreement）中规定的过渡期届满时，将剥夺其目的之下的异议程序和现有行为，这样，在EUTMR中提及成员国及其法律时将不再提及英国及其法律。还有人认为，所基于的“仿冒之诉”的权利将不再构成《欧盟商标条例》第8（4）条含义范围内的“在先权利”。

有鉴于此，欧盟普通法院指出，《英国退出协议》规定了从2020年2月1日至12月31日的过渡期，在此期间，欧盟法律仍然适用于英国。尽管EUIPO已经提出了若干意见，但欧盟普通法院满足于其得出的结论，由于申请和复审委的在先决定都是在过渡期结束之前作出的，英国退出欧盟并不会导致行为完全无意义。

申请人无意提起诉讼的事实也不会影响法律裁决的执行，欧盟普通法院进一步坚持认为，复审委不应为了评估案件事实而将自己置于作出新决定的时机。

英国脱欧问题再次浮现，提供了另一个讨论要点，并提出了一个由来已久的问题，即脱欧何时会结束。

来源：国际知识产权观察

EU trademark application for Basmati rice raises issues of Brexit and opposition based on UK law

On June 14, 2017, Chakari filed an application for registration of an EU trademark in the following classes 30 and 31 for goods bearing the graphic mark "Abresham Super Basmati Selaa Grade One World's Best Rice ": Class 30: rice flour; rice based snacks; rice cakes; rice paste for cooking; puffed foodstuffs made of rice; Class 31: "rice flour feed".

On October 13, 2017, Indo-European Foods Limited (the applicant) filed an opposition based on the prior unregistered UK trademark "BASMATI", which was used to refer to rice. Pursuant to Article 8(4) of the EU Trade Marks Regulation, the opponent stated that it was entitled under applicable UK law to block the applied-for mark by an "extended" claim of counterfeiting. The opposition was rejected in the Opposition Division on April 5, 2019, and by the BoA (Fourth Board of Review) on April 2, 2020, and was subsequently filed with the General Court of the EU.

The EU General Court considered the admissibility of the claim before addressing the defences relied upon by the applicant. In the course of the proceedings, the EUIPO (EU Intellectual Property Office) argued that the expiry of the transition period provided for in the UK Withdrawal Agreement would deprive the opposition procedure and existing acts under its purpose, so that references to Member States and their laws in the EUTMR would no longer refer to the UK and its laws. It was also argued that the

rights based on the "counterfeiting claim" would no longer constitute "prior rights" within the meaning of Article 8(4) of the EUTMR.

Therefore, the EU General Court noted that the UK Withdrawal Agreement provides for a transitional period from February 1 to December 31, 2020, during which EU law will continue to apply in the UK. Although the EUIPO has made several observations, the General Court of the EU was content with its conclusion that the UK's withdrawal from the EU would not result in a complete mootness of the conduct, as both the application and the prior decision of the Review Commission were made before the end of the transition period.

The fact that the applicant did not intend to initiate proceedings would also not affect the enforcement of the legal decision, and the EU General Court further insisted that the Review Commission should not put itself in a position to make a new decision in order to assess the facts of the case.

The issue of the UK's exit from the EU has resurfaced, providing another point of discussion and raising the long-standing question of when Brexit will end.

Source: International IP Watch

立方竞争法周报 Weekly Competition Law News By Lifang & Partners

国家反垄断局正式成立

2021年11月18日，国家反垄断局正式成立。甘霖为国家反垄断局局长，负责主持国家反垄断局工作。国家反垄断局的成立，体现了国家对反垄断体制机制的进一步完善，将充实反垄断监管力量，切实规范市场竞争行为，促进建设强大国内市场，为各类市场主体营造公平、透明、可预期的良好竞争环境。（查看更多）

China Launches Its National Anti-Monopoly Bureau

On November 18, 2021, China inaugurated its new National Anti-monopoly Bureau in Beijing. Ganlin was appointed as the leader, taking charge of this newly established bureau. The establishment of the National Anti-monopoly Bureau, which reflects the China's further improvement of the anti-monopoly system and mechanism, will strengthen the anti-monopoly supervision force, effectively regulate market competition behaviors, promote the construction of a strong domestic market, and create a fair, transparent and predictable good competition environment for all kinds of market players. (More)

《国务院反垄断委员会关于原料药领域的反垄断指南》发布

2021年11月18日，《国务院反垄断委员会关于原料药领域的反垄断指南》（“**《原料药反垄断指南》**”）正式发布。《原料药反垄断指南》旨在预防和制止原料药领域垄断行为，进一步明确市场竞争规则，维护原料药领域市场竞争秩序，保护消费者利益和社会公共利益。《原料药反垄断指南》共包含六章（共29条），分别从总则、垄断协议、滥用市场支配地位、经营者集中、滥用行政权力排除、限制竞争、附则的角度进行了规定。（查看更多）

State Council's Anti-Monopoly Committee's Anti-monopoly Guideline for Active Pharmaceutical Ingredients Published Issued

On November 18, 2021, the State Council's Anti-Monopoly Committee's Anti-monopoly Guideline for Active Pharmaceutical Ingredients ("**APIs Guideline**") was formally issued. The APIs Guideline aims to prevent and stop monopolistic behaviors in the field of APIs, further clarify the market competition rules, maintain the market competition order in the field of APIs, and protect the interests of consumers and social public interests. The APIs Guideline contains six Chapters (29 Articles in total), which respectively provides provisions from the perspectives of general provisions, monopoly agreement, abuse of dominant market position, concentration of operators, abuse of administrative power to exclude and restrict competition, and supplementary provisions. (More)

市场监管总局发布《企业境外反垄断合规指引》

2021年11月18日，国家市场监督管理总局（"**市场监管总局**"）发布《企业境外反垄断合规指引》（"**《指引》**"）。该《指引》制定的目的在于鼓励企业培育公平竞争的合规文化，引导企业建立和加强境外反垄断合规管理制度，增强企业境外经营反垄断合规管理意识，提升境外经营反垄断合规管理水平，防范境外反垄断法律风险。该《指引》共包含五章（共27条），分别从总则、境外反垄断合规管理制度、境外反垄断合规风险重点、境外反垄断合规风险管理、附则的角度进行了规定。（查看更多）

The Guidelines for Overseas Anti-Monopoly Compliance for Enterprises Issued by SAMR

On November 18, 2021, the State Administration of Market Regulation ("**SAMR**") issued the Guidelines for Overseas Anti-Monopoly Compliance for Enterprises ("**Guideline**"). This Guideline serves the purposes of encouraging enterprises to foster fair competition compliance culture, guide enterprises to establish and strengthen the foreign antitrust compliance management system, enhance enterprise overseas business antitrust compliance management consciousness, improve the level of overseas business antitrust compliance management and guard against foreign anti-monopoly law risks. The Guidance consists of five Chapters (27 Articles in total), which respectively provide provisions from the perspectives of general provisions, overseas anti-monopoly compliance management system, overseas anti-monopoly compliance risks, overseas anti-monopoly compliance risks management and supplementary provisions. (More)

江苏一燃气企业因滥用市场支配地位被罚没超4000万元

2021年11月17日，江苏省市场监督管理局（"**江苏省市监局**"）对宜兴港华燃气有限公司（"**宜兴港华**"）滥用市场支配地位案作出处罚决定。调查结果显示，作为在相关市场具有支配地位的企业，宜兴港华实施了以不公平高价销售商品、限定交易和附加不合理交易条件的违法行为。对此，江苏省市监局对宜兴港华处以上一年度销售额2%的罚款（约3500万元）并没收其违法所得，合计金额超过4000万元。（查看更多）

A Jiangsu Gas Company Fined and Confiscated over CNY 40 Million for Abuse

On November 17, 2021, the Administration for Market Regulation of Jiangsu Province ("**Jiangsu AMR**") issued its decision against Yixing Towngas. Upon the investigation, it was found that Yixing Towngas abused its dominant market position in relevant market, selling its products at unfair price, restricting trade and imposing unreasonable trading conditions. As a result, Jiangsu imposed a fine of around CNY 35 million and confiscated its illegal gains over CNY 5 million. (More)

南京一原料药企业因滥用市场支配地位被罚没超650万元

2021年11月17日，上海市市场监督管理局（"**上海市监局**"）作出了针对南京宁卫医药有限公司（"**南京宁卫**"）滥用市场支配地位案的处罚决定。根据上海市监局的调查，南京宁卫滥用其在相关原料药销售市场的支配地位，实施以不公平的高价销售氯解磷定原料药、附加不合理交易条件的垄断行为。对此，上海市监局对南京宁卫作出处罚决定，罚没金额超650万元。（查看更多）

A Nanjing APIs Company Fined and Confiscated over CNY 6.5 Million for Abuse

On November 17, 2021, the Administration for Market Regulation of shanghai municipality ("**Shanghai AMR**") issued its decision against Nanjing Ningwei Medicine Co., Ltd ("**Nanjing Ningwei**"). According to the investigation by Shanghai AMR, Nanjing Ningwei abused its dominant position in relevant APIs area, selling API at unfair price and imposing unreasonable trading conditions. As a result, Shanghai AMR imposed a fine of over CNY 4 million and confiscated illegal gains over CNY 2.5 million. (More)

欧盟普通法院确认谷歌需为175亿元反垄断罚单买单

近日，欧盟普通法院作出裁定，驳回了谷歌针对2017年欧盟委员会向其作出的反垄断处罚决定的上诉。此前，欧盟委员会认定谷歌使用搜索引擎降低竞争对手排名和推广谷歌的购物比价服务并做出了24亿欧元（约人民币175亿元）的罚款。随后，谷歌及其母公司Alphabet针对欧盟委员会的这一处罚决定进行上诉，但这一上诉如今却被欧盟普通法院正式驳回。目前，谷歌及Alphabet仍可以选择向欧洲法院进行上诉。（查看更多）

Google Loses Key Appeal against EU 2.4 billion Shopping Antitrust Case

Recently, the EU's second-most senior court, the General Court, has upheld a 2017 ruling by the European Commission which found that Google broke antitrust law in how it used its search engine to promote its shopping comparison service and demote those of its rivals. Google and its parent company Alphabet appealed the decision, but the General Court dismissed that appeal and upheld a fine of EU 2.4 billion. Google and Alphabet now have the option to appeal the decision yet again with the EU's highest court, the European Court of Justice. (More)

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

中共中央政治局召开会议，审议《国家安全战略》等重要文件

2021年11月18日，中共中央政治局召开会议，审议《国家安全战略（2021－2025年）》等重要文件，中共中央总书记习近平主持会议。会议强调，必须坚持把政治安全放在首要位置，统筹做好政治安全、经济安全、社会安全、科技安全、新型领域安全等重点领域、重点地区、重点方向国家安全工作。要持续做好新冠肺炎疫情防控，加快提升生物安全、网络安全、数据安全、人工智能安全等领域的治理能力。（查看更多）

Political Bureau of the CCCPC Held a Meeting to Review *the National Security Strategy*

On 18 November 2021, Political Bureau of the Central Committee of the Communist Party of China ("**CCCPC**") held a meeting to review *the National Security Strategy (2021-2025)*. Xi Jinping, General Secretary of the CCCPC, presided over the meeting. The meeting stressed that it is imperative to put political security in the first place, and coordinate and effectively carry out state security work in key areas, key areas and key directions, including political security, economic security, social security, science and technology security, and security in new areas. Efforts shall be made to continue to effectively prevent and control the COVID-19 epidemic, and accelerate the improvement of the governance capacity in such fields as biosafety, cyber security, data security and artificial intelligence security. (More)

国务院副总理刘鹤：研究推进数据确权和分类分级管理、使数据畅通交易流动

2021年11月20日，中国5G+工业互联网大会在湖北武汉开幕。中共中央政治局委员、国务院副总理刘鹤作书面致辞。在致辞中，刘鹤指出，数据正在成为关键生产要素。要研究推进数据确权和分类分级管理，畅通数据交易流动，实现数据要素市场化配置，合理分配数据要素收益。各地方、各行业要探索建立符合数据要素特点的制度体系和流通平台，同时加快构建政府监管和行业自律相结合的治理新模式。（查看更多）

Vice-Premier Liu He: Promoting Data Validation and Classification Management to Enable Smooth Flow of Data Transactions

On 20 November 2021, The China 5G+ Industrial Internet Conference opened in Wuhan, Hubei Province. LIU He, a member of the Political Bureau of the CCCPC and Vice Premier of the State Council, delivered a written speech. In the speech, LIU He pointed out that data is becoming a key essential productive factor. It is necessary to promote data rights, classification and grading management, smooth the data transactions, realize the market allocation of data elements and reasonably allocate the benefits of data elements. Localities and industries shall explore the establishment of institutional systems and circulation platforms that meet the characteristics of data elements, while accelerating the construction of a new model of governance that combines government regulation and industry self-regulation. (More)

工信部将进一步深化工业和信息化领域数据安全保护工作

2021年11月16日，工业和信息化部（“工信部”）在《“十四五”信息通信行业发展规划》新闻发布会上表示，“十四五”期间，工信部将在总结固化前期工作基础上，通过以下四点进一步深化工业和信息化领域数据安全保护工作：一是构建行业数据安全制度体系，加快出台《工业和信息化领域数据安全管理办法》；二是加强标准顶层设计和统筹制定，建立行业数据安全标准体系；三是加强数据安全监管；四是大力发展数据安全产业，推动出台促进数据安全产业发展的政策文件。（查看更多）

MIIT Will Further Deepen Data Security Protection in the Field of Industry and Information Technology

On 16 November 2021, the Ministry of Industry and Information Technology ("**MIIT**") stated at the press conference of the *14th Five-Year Plan for the Development of the Information and Communications Industry (the "**Plan**")* that during the 14th Five-Year Plan period, MIIT will, on the basis of summarizing and consolidating the preliminary work, further deepen the data security protection in the field of industry and information technology through the following four points: The first is to establish an industrial data security system and accelerate the introduction of the *Administrative Measures for Data Security in the Field of Industry and Information Technology*; the second is to strengthen the top-level design and overall formulation of standards and establish an industrial data security standard system; the third is to strengthen data security supervision; and the fourth is to vigorously develop the data security industry and promote the introduction and promotion of data security. (More)

工信部：截至目前已通报2049款违规App，并下架540款拒不整改的App

2021年11月16日，工信部在其召开的“十四五”信息通信行业发展规划新闻发布会中，介绍了App个人信息治理行动的成果：截至目前，已组织检测21批次共244万APP，累计通报2049款违规APP，下架540款拒不整改的APP，对违规行为持续保持高压震慑。同时，工信部不断强化应用商店关键责任链管理，督促应用商店加强自查清理，应用商店已主动下架40余万款违规APP。近期，工信部还开展了服务感知提升行动，推动全行业优化服务举措、提升服务能力，建立个人信息保护“双清单”，持续加大用户信息保护力度。（查看更多）

MIIT: 2049 Non-Compliant Apps Have Been Notified, and 540 Apps That Refuse to Rectify Have Been Taken Off Shelves

On 16 November 2021, in its press conference on the development plan of the information and communication industry for the 14th Five-Year Plan, MIIT introduced the results of the app personal information governance action: up to now, 21 batches total 2.44 million apps have been tested, 2,049 non-compliant apps have been notified, 540 apps that refuse to rectify have been removed from apps shops, and non-compliant have been continuously deterred. At the same time, MIIT has been strengthening the management of the key responsibility chain of application shops, urging them to strengthen self-examination and clean-up, and they have taken the initiative to take down more than 400,000 non-compliant APPs. MIIT has also recently launched a service perception improvement campaign to promote industry-wide service optimization initiatives, improve service capabilities, establish a "double

list" of personal information protection, and continuously increase the protection of user information. (More)

国家等保办撤销网络安全等级测评机构推荐证书

2021年11月19日，为贯彻落实国务院“放管服”改革要求，不断提升网络安全等级测评机构管理工作的规范化、专业化和社会化水平，国家网络安全等级保护工作协调小组办公室（“国家等保办”）经研究决定，撤销网络安全等级测评机构推荐证书，不再发布《全国网络安全等级测评机构推荐目录》，相关工作纳入国家认证体系。（查看更多）

NNSPCO Withdrew Recommended Certificates of Network Security Level Assessment Bodies

On 19 November 2021, In order to implement the State Council's " streamline administration" reform requirements, and constantly improve the standardization, professionalism and socialization of the management of network security level assessment organizations, the Office of the National Network Security Level Protection Coordination Group ("NNSPCO") has determined towithdraw the recommended certificates of network security level assessment bodies and no longer issue the *Recommended List of National Network Security Level Assessment Organizations*. Relevant work is integrated into the national certification system.（More）

欧洲数据保护委员会就“数据传输”的定义发布新的指南

2021年11月19日，欧洲数据保护委员会（EDPB）宣布了欧盟《通用数据保护条例》下的数据转移和地域范围之间的关联关系的指南，并面向公众征求意见。该指南提供了会使“数据处理”被认为是“数据传输”行为的三个“累积标准”。值得注意的是，EDPB明确表示“数据转移”的行为不包括“主动从欧盟的数据主体处直接收集数据”的行为。（查看更多）

EDPB Announced Guidelines Related to "Cumulative Criteria"

On 19 November 2021, the European Data Protection Board (EDPB) announced guidelines related to the interplay between data transfers and territorial scope under the *EU General Data Protection Regulation* and seek comments from public. The guidance offers three "cumulative criteria" that would categorize data processing as a transfer. Notably, the board explicitly said it does not consider a transfer to be the "collection of data directly from data subjects in the EU at their own initiative." (More)

CISA发布网络安全事件、漏洞响应手册

2021年11月16日，美国网络安全基础设施和安全局（CISA）发布了联邦政府网络安全事件和漏洞响应手册。CISA表示，这些手册适用于联邦民事机构以及代表联邦机构的承包商或其他组织，提供了“一套标准程序，用于识别、协调、补救、恢复和跟踪影响（联邦民用）系统、数据和网络的事件和漏洞的成功缓解措施”。（查看更多）

CISA Launches *Government Cybersecurity Incident and Vulnerability Response Playbooks*

On 16 November 2021, the U.S. Cybersecurity Infrastructure and Security Agency published the *Federal Government Cybersecurity Incident and Vulnerability Response Playbooks*. CISA said the playbooks are intended for federal civilian agencies as well as contractors or other organizations on behalf of federal agencies. They provide "a standard set of procedures to identify, coordinate, remediate, recover, and track successful mitigations from incidents and vulnerabilities affecting (federal civilian) systems, data, and networks". (More)

英国政府就《国家安全与投资法案》规定下需要向政府部门进行报告的并购发布相关指南

2021年11月15日，英国商务、能源与工业战略部发布指南文件，该指南文件根据《国家安全与投资法案》（将于2022年1月4日生效）起草，并对并购的报告义务作出规定，明确包含“数据基础设施”在内的17个“敏感行业”，前述行业如发生并购案都应当向相关政府部门进行报告。对于“数据基础设施”行业，指南阐述了需履行报告义务的并购情形：

并购运营相关数据基础设施的企业；

并购代理其他实体管理数据基础设施的企业；

并购管理相关数据基础设施所在建筑物的企业；

并购向参与上述任何活动的实体提供专业或技术服务的企业；

并购为参与上述任何活动的实体生产或开发软件的企业；

并购对相关数据基础设施享有管理权限的企业。（查看更多）

UK: Government Releases National Security and Investment Act Guidance on Notifiable Acquisitions

On 15 November 2021, The Department for Business, Energy & Industrial Strategy released, guidance on notifiable acquisitions under the *National Security and Investment Act,* which will enter into force on 4 January 2022. In particular, the guidance reiterates that the Act requires 17 areas of the economy deemed to be 'sensitive' organisations including data infrastructure to notify the government about acquisitions of certain entities. In addition, the guidelines further clarify what companies need to be reported for acquisitions in the "data infrastructure" sector:

owns or operates relevant data infrastructure

manages relevant data infrastructure on behalf of other entities

manages facilities where relevant data infrastructure is located

provides specialist or technical services to entities involved in any of the above activities

produces or develops software for entities involved in any of the above activities and

is given administrative access to relevant data infrastructure.

(More)

法国数据保护机构出台DPO指南

2021年11月16日，法国国家数据保护委员会（“CNIL”）于发布了GDPR下的数据保护官（“DPO”）角色指南，重点介绍了DPO的作用、DPO的任命、DPO的执行以及CNIL对DPO的支持，并提供了具体案例和常见问题回答。此外，CNIL强调，指南对如何确保DPO能够完全独立地、不存在任何利益冲突地执行其任务进行了详细说明。（查看更多）

CNIL Published a Guide on the Role of the DPO

On 16 November 2021, The French data protection authority (CNIL) published, a guide on the role of the data protection officer (DPO) under the General Data Protection Regulation (GDPR). In particular, the guide focuses on the role of the DPO, the designation of the DPO, the exercise of the tasks of the DPO, and support for the DPO by CNIL. In addition, CNIL outlined that guidance on each of these themes is supplemented by concrete examples and answers to frequently asked questions. In addition, the CNIL highlights that the guidance provides details on how to ensure that DPOs are able to carry out their tasks completely independently and without any conflict of interest. (More)

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