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工信部发布《App用户权益保护测评规范》和《App手机使用个人信息最小必要评估规范》共18项标准

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中国信息通信院发布“铸基计划—办公即时通信软件安全系列标准”

China Academy of Information and Communications Technology released the *Foundation Plan - Series of Standards for Office Instant Messaging Software Security*

全国信息安全标准化技术委员会发布两项网络安全国家标准需求的通知

The National Information Security Standardization Technical Committee Issues Notice on the Requirements of Two National Network Security Standards

国家计算机病毒应急处理中心监测发现十八款违法移动应用超范围采集个人信息



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The National Computer Virus Emergency Response Center Discovers 18 Mobile APPs Collecting Personal Privacy Information Beyond the Scope

全国首例数据合规不起诉案件举行公开听证

China's First Public Hearing of Non-Prosecution Case Concerning Data Compliance

欧洲数据保护监督局和欧洲数据保护委员会发表联合意见，确保增强数据主体能力

EDPS and EDPB Publish Joint Opinion to Ensure Empowerment of Data Subjects

美国颁布第五部州级隐私法，包含消费者与儿童数据保护

U.S. Issues the Fifth State-Level Privacy Law Concerning Consumer and Child Data Protection

英国首次公布《数据改革法案》，创建一个世界级的数据权利制度

UK Issues the First *Data Reform Bill* to Create a World-Class Data Rights Regime

欧盟加强网络安全规则，打击网络犯罪行为

EU Strengthens Cybersecurity Rules to Fight Cybercrime

宜家加拿大公司发生约95000名客户个人信息数据泄露事件

IKEA Canada Leaks Personal Information of About 95,000 Customers

美国人脸识别公司Clearview AI同意限制在美国销售面部识别数据

U.S. Facial Recognition Company Clearview AI Agrees to Restrict Sales of Facial Recognition Data in America

法国数据隐私监管机构将对Clearview AI展开调查

France's Data Privacy Watchdog Triggers Investigation of Clearview AI

知识产权 Intellectual Property

全额判赔100万元，离职员工将原公司技术申请专利，需承担赔偿责任

RMB 1 million of damages was awarded: The departing employee shall bear damage liability for filing patent according to the former company's technology



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将“华为”设置为商品搜索关键词，法院认定系商标侵权

Setting "Huawei" as the commodity search keyword constitutes trademark infringement

“信阳毛尖”地理标志商标案：散装茶叶盒装卖，新加包装仍担责

“Xinyang Mao Jian” geographical indications trademark case: Bulk tea sold in boxes, the newly added packaging still should bear liability

全国首例短视频平台领域网络“爬虫”案宣判

The first network "Crawler" case in the field of short video platform in China was announced

网站页面被抄袭，法院：构成汇编作品，享有著作权

Website pages was plagiarized, the court contended website pages constitute compilation works and enjoy copyright

日本发布2021年专利申请技术趋势调查报告

Japan issued The Report on Patent Technology Applications Trends in 2021

赔偿20亿美元：美国两大“低代码”软件公司商业秘密盗用纠纷案

2 Billion USD of damages was awarded: The trade secret stealing dispute between two "Low-Code" software companies in the U.S.

立方竞争法周报 Weekly Competition Law News

市场监管总局：加快修订《反垄断法》等基础性法律

近日，国家市场监督管理总局（“市场监管总局”）召开会议，强调要加快修订《反垄断法》、《反不正当竞争法》等基础性法律制度，全面落实公平竞争审查制度，深入推进公平竞争政策实施，建设全国统一大市场，不断完善稳定、透明、可预期的“红绿灯”规则体系，进一步激发包括非公有制资本在内的各类资本活力。（[查看更多](#)）

The State Administration for Market Regulation: To Accelerate the Revision of Basic Laws Such as Anti-Monopoly Law

Recently, the State Administration for Market Regulation (“SAMR”) held a meeting, emphasizing that it is necessary to speed up the revision of fundamental laws and systems such as the *Anti-Monopoly Law* and the *Law against Unfair Competition*, fully implement the system of fair competition review, deeply promote the implementation of fair competition policies, build a national unified market, continuously improve a stable, transparent and predictable rule system of “traffic signals” and further stimulate the vitality of various types of capital, including non-public capital. ([More](#))

山西省发布《经营者反垄断合规指引》

近日，山西省市场监督管理局对外发布《山西省经营者反垄断合规指引》（“《指引》”）及其解读。《指引》从提示经营者反垄断合规风险、指导经营者建立健全合规管理制度、加强合规风险管理等多个层面，对经营者统筹做好反垄断合规工作作出了系统性的指引，重点提示垄断协议、行业协会组织达成垄断协议、滥用市场支配地位、特殊市场领域、境外反垄断、行政垄断等行为识别和风险防范。（[查看更多](#)）

Shanxi Issues Anti-Monopoly Compliance Guidelines for Business Operators

Recently, the Shanxi Provincial Administration for Market Regulation issued the *Anti-Monopoly Compliance Guidelines for Business Operators* (“*Guidelines*”) and relevant interpretation. The *Guidelines* provides systematic guidance for operators to organize anti-monopoly compliance from multiple levels, such as reminding operators of anti-monopoly compliance risks, guiding operators to establish and improve compliance management systems, as well as to strengthen the compliance risk management. The *Guidelines* focuses on the identification and risk prevention of monopoly agreements, cartels organized by industry associations, abuse of dominant market position, monopolistic behaviors in special fields, overseas monopolistic behaviors and administrative monopoly. ([More](#))

欧盟委员会更新《纵向协议集体豁免条例》及《纵向限制指南》

2022年5月10日，欧盟委员会通过新的《纵向协议集体豁免条例》（Vertical Block Exemption Regulations, “VBER”）及《纵向限制指南》（Guidelines on Vertical Restraints）。根据VBER的新规定，部分制造商和分销商订立的纵向协议将可被豁免，前提是该等协议不包含固定价格等核心限制条件，并且协议双方的市场份额均不超过30%。新规定将于2022年6月1日起生效。（[查看更多](#)）

European Commission Issues New Vertical Block Exemption Regulations and Vertical Restraints Guidelines

On May 10, 2022, the European Commission adopted the new *Vertical Block Exemption Regulation* (“VBER”) accompanied by the new *Guidelines on Vertical Restraints*. Under the new VBER rules, some agreements between manufacturers and distributors will be exempted, provided their agreements do not contain price-fixing and other hardcore restrictions and both do not have over a 30% market share. The revised rules will enter into force on June 1, 2022. ([More](#))

FTC要求剥离Fiagon，以此作为批准美敦力收购Intersect的条件

2022年5月10日，美国联邦贸易委员会（“FTC”）发布公告，附条件批准Medtronic Inc.（“美敦力”）收购Intersect ENT Inc.（“Intersect”），但要求剥离Intersect的子公司Fiagon。因为美敦力和Fiagon都是耳鼻喉导航系统的供应商，FTC担忧若不附加剥离要求，这笔收购交易会导致相关市场的产品价格上涨和创新减少。FTC还要求，在未来10年内，美敦力和Intersect购买耳鼻喉导航系统和球囊鼻窦扩张资产都需要获得事先批准。（[查看更多](#)）

FTC Requests to Divest Fiagon before Approval of Medtronic’s Intersect Acquisition

On May 10, 2022, the Federal Trade Commission (“FTC”) approved the proposed acquisition of Intersect ENT Inc. (“Intersect”) by Medtronic Inc. (“Medtronic”), subject to conditions that Medtronic divests its subsidiary Fiagon. Medtronic and Fiagon are both providers of ear, nose and throat navigation systems, FTC are concerned that the deal would otherwise lead to higher prices and reduced innovation in the relevant market. Additionally, Medtronic and Intersect must obtain prior approval from the FTC for 10 years before buying ENT navigation systems and balloon sinus dilation assets. ([More](#))

西雅图法院裁定游戏厂商Valve必须继续面对反垄断诉讼

2022年5月9日，据媒体报道，美国西雅图的一名联邦法官裁定，Valve Corp.（“Valve”）因涉嫌在旗下游戏分销平台Steam上实施“最惠国待遇”制度，推高全行业的电子游戏价格，必需继续面对反垄断诉讼。法官认定，Valve可通过成文和不成文的方式执行其“最惠国待遇”制度，从而对非Steam支持的游戏的销售和定价方式施加条件，可能滥用其市场支配地位，对以较低价格在其他零售商和平台销售游戏的开发者进行威胁报复。（[查看更多](#)）

Seattle Court Rules Game Maker Valve Must Continue to Face Antitrust Case

On May 9, 2022, according to media report, a federal judge in Seattle ruled that Valve Corp. (“Valve”) must face antitrust litigation over claims that “most favored nation” policies for its Steam distribution platform have driven up video game prices across the industry. The Judge found that Valve enforces its “most favored nation” policies through a combination of written and unwritten rules, imposing conditions on how non-Steam-enabled games are sold and priced. It is plausible that Valve exploits its market dominance to threaten and retaliate against developers that sell games for less through other retailers or platforms. ([More](#))

欧盟委员会就并购程序相关简化措施公开征询意见

近日，欧盟委员会发布公告，就《并购实施条例》（Merger Implementation Regulation）及《简易程序通知》（Notice on Simplified Procedure）修订草案向利益相关方公开征求意见。此前，2016年8月，欧盟委员会启动了对并购控制程序和管辖规则的深入审查，以识别并简化不太可能引起竞争关注的案件的审查程序，从而将资源集中于最复杂、最相关的案件上。审查包括对欧盟并购控制的程序性以及管辖性规定进行评估，以及就初始影响评估公开征求意见。（[查看更多](#)）

European Commission Seeks Feedback on Proposed Simplification Measures Regarding Merger Procedures

Recently, the European Commission has launched a public consultation inviting all interested parties to comment on the draft revised *Merger Implementing Regulation* and the *Notice on Simplified Procedure*. In August 2016, the Commission launched a thorough review process of the merger procedural and jurisdictional rules, to target and simplify the Commission's merger review process for cases that are unlikely to raise competition concerns and to focus resources on the most complex and relevant cases. This process included an evaluation of the procedural and jurisdictional aspects of EU merger control rules and a public consultation on an inception impact assessment. ([More](#))

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

全国人大常委会2022年度立法工作计划公布，继续审议反电信网络诈骗法

2022年5月6日，全国人民代表大会常务委员会（“全国人大常委会”）公布了2022年度立法工作计划。按照时间表，《反电信网络诈骗法》等法律案将于今年六月提请全国人大常委会继续审议，加快数字经济、互联网金融、人工智能、大数据、云计算等领域立法步伐。（[查看更多](#)）

The Standing Committee of the National People's Congress Announces 2022 Legislative Working Plan, Further Review the Law on Combating Telecom and Online Fraud

On 6 May 2022, the Standing Committee of the National People's Congress (“NPC SC”) announced its 2022 legislative working plan. According to the schedule, NPCSC will further review the *Law on Combating Telecom and Online Fraud* in this June, to accelerate the pace of legislation in the fields of digital economy, Internet finance, artificial intelligence, big data and cloud computing. ([More](#))

工信部发布《App用户权益保护测评规范》和《App手机使用个人信息最小必要评估规范》共18项标准

2022年5月7日，中华人民共和国工业和信息化部组织中国信息通信研究院、电信终端产业协会制定发布了《App用户权益保护测评规范》10项标准和《App收集使用个人信息最小必要评估规范》8项系列标准。工业和信息化部科技司根据标准制修订计划，相关标准化技术组织已完

成《第1部分：总则》、《第2部分：位置信息》、《第3部分：图片信息》和《第11部分：短信信息》。[\(查看更多\)](#)

The Ministry of Industry and Information Technology Issued 18 Standards concerning Specification for the App User Rights Protection Evaluation and Specification for the Minimum Necessary Evaluation for the Collection and Use of Personal Information by Apps

On 7 May 2022, the Ministry of Industry and Information Technology of the People's Republic of China organized the China Academy of Information and Communications Technology and the Telecommunications Terminal Industry Association to formulate and release 10 standards of *Specification for the App Users' Rights Protection Evaluation* and 8 series of standards of *Specification for the Minimum Necessary Evaluation for the Collection and Use of Personal Information by Apps*. According to the standards, the Science and Technology Department of the Ministry of Industry and Information Technology formulated and revised the plan, and relevant standardization technical organizations have completed *Part 1: General Provisions, Part 2: Location Information, Part 3: Image Information and Part 11: SMS Messages*. [\(More\)](#)

中央文明办、文化和旅游部、国家广播电视总局、国家互联网信息办公室联合发布《关于规范网络直播打赏 加强未成年人保护的意見》

2022年5月8日，中央精神文明建设指导委员会办公室、文化和旅游部、国家广播电视总局、国家互联网信息办公室根据《中华人民共和国网络安全法》、《中华人民共和国未成年人保护法》等法律法规，联合发布《关于规范网络直播打赏 加强未成年人保护的意見》（“《意見》”）。《意見》提出禁止未成年人参与直播打赏、禁止未成年人从事主播等的要求。[\(查看更多\)](#)

The Central Civilization Office, the Ministry of Culture and Tourism, the State Administration of Radio and Television, and the State Internet Information Office Jointly Issue the Opinions on Regulating Online Live Donation and Strengthening the Protection of Minors

On 8 May 2022, according to the laws and regulations including *Cybersecurity Law* and *Law of the People's Republic of China on the Protection of Minors*, Office of the Central Civilization, the Ministry of Culture and Tourism, the State Administration of Radio and Television, and the State Internet Information Office jointly issued the *Opinions on Regulating Online Live Rewards and Strengthening the Protection of Minors* (“the Opinions”). The Opinions put forward requirements such as prohibiting minors from participating in live broadcast donations and prohibiting minors from engaging in streamer activities. [\(More\)](#)

国家发改委《“十四五”生物经济发展规划》：促进健康数据共享和发展

2022年5月10日，中华人民共和国国家发展和改革委员会（“国家发改委”）印发《“十四五”生物经济发展规划》（“《规划》”）。《规划》指出，推动生物信息产业发展，促进数据共享，利用第五代移动通信（5G）、区块链、物联网等前沿技术，实现药品、疫苗从生产到使用全生命周期管理，构建药品追溯体系。整合健康可穿戴设备、互联网医疗、医疗保险等多源异

构数据，实现健康态数据和主动健康产品数据互联互通，促进区域医疗健康数据安全有序汇聚与共享，支撑区域卫生健康大数据产业发展。（[查看更多](#)）

The National Development and Reform Commission Issues 14th Five-Year Plan for Bioeconomic Development to Promote Health Data Sharing and Development

On 10 May 2022, the National Development and Reform Commission issued the *14th Five-Year Plan for Bioeconomic Development* (“the Plan”). The Plan pointed out the requirement to improve the development of the bioinformatics industry, promote data sharing, utilize the fifth-generation mobile communication (5G), blockchain, Internet of Things and other cutting-edge technologies to realize the full life cycle management of drugs and vaccines from production to utilization, and build a traceability system of medicine. It is necessary to integrate multi-source heterogeneous data such as health wearable devices, Internet medical care and medical insurance to realize the interconnection of health state data and active health production data, to promote the safe, orderly aggregation and sharing of regional medical and health data, as well as to support the development of the regional health and health big data industry. ([More](#))

《北京市数字经济促进条例》征求意见

2022年5月9日，北京市经济和信息化局组织发布了《北京市数字经济促进条例（征求意见稿）》（“《条例》”），面向社会公开征求意见。《条例》对数据目录定位和编制主体责任进行了规定，明确公共数据、各类数据资源共享与数据开放的渠道与规则，明确各主体有权对其合法收集的数据进行处理，并享有受法律保护的数据财产性收益，建立数据要素登记、评估、入表等资产化制度，建立健全数据要素市场生态，支持北京国际大数据交易所发展，促进数据资源的高效流通。（[查看更多](#)）

Beijing Digital Economy Promotion Regulations Solicit Opinions

On 9 May 2022, the Beijing Municipal Bureau of Economy and Information Technology issued the *Beijing Digital Economy Promotion Regulations (Draft)* (“the Regulations”) and widely solicited opinions from the public. The Regulations stipulate that the positioning of the data catalogue and the responsibilities of the compilation subjects, clarify the channels and rules for the opening and sharing of public data, as well as various data resources, and clarify that each subject has the right to process the data which has been collected legally, and enjoys the property income of data which is under protection of the law. The regulations also require to establish capitalization systems such as data element registration, evaluation, application, to establish and improve the data element market ecology, supporting the development of Beijing International Big Data Exchange, and promoting the efficient circulation of data resources. ([More](#))

《广州市数字经济促进条例》颁布，打造特色数据交易新生态

2022年5月13日，广州市政府新闻办公室颁布《广州市数字经济促进条例》（“《条例》”），召开新闻发布会。《条例》是国内出台的首部城市数字经济地方性法规，具有鲜明的地方特点。以《条例》出台为契机，广州市下一步将明确数据采集责任部门、建立“政务版自然人数据空间”、探索数据融合创新应用等，同时，会同各有关部门积极培育数据要素交易市场，打造更具有广州特色的数据交易新生态、新模式。（[查看更多](#)）

Guangzhou Issues Digital Economy Promotion Regulations to Create a New Ecolo-

ogy of Characteristic Data Transactions

On 13 May 2022, the Guangzhou Municipal Government Information Office Issued the *Guangzhou Digital Economy Promotion Regulations* (“the Regulations”) and held a press conference. The Regulations are the first urban digital economy local regulation and have distinctive local characteristics. Taking the promulgation of the Regulations as an opportunity, Guangzhou government will clarify the responsible department for data collection, establish “a government version of natural person data space”, and explore innovative applications of data integration in the next step. At the same time, together with relevant departments, the Guangzhou government will actively cultivate the data element trading market and create a new ecology and new model of data trading with Guangzhou characteristics. ([More](#))

中国信息通信院发布“铸基计划—办公即时通信软件安全系列标准”

2022年5月6日，中国信息通信研究院发布“铸基计划—办公即时通信软件安全系列标准”，并启动首批评估。其中，《办公即时通信软件 第1部分：安全要求和测试方法》建立了办公即时通信软件安全评测体系，基于办公即时通信软件企业在开发、运营等过程中面临的安全风险挑战，根据法律法规和行业特性，制定该系列标准，明确安全要求、目标、适用主体等，保障行业健康持续发展。（[查看更多](#)）

China Academy of Information and Communications Technology released the Foundation Plan - Series of Standards for Office Instant Messaging Software Security

On 6 May 2022, the China Academy of Information and Communications Technology released the *Foundation Plan - Series of Standards for Office Instant Messaging Software Security* and launched the first batch of the evaluation. Among them, *Office Instant Messaging Software Part 1: Security Requirements and Test Methods* established an office instant messaging software security evaluation system, based on the security risk challenges faced by office instant messaging software companies in the process of development and operation. According to laws, regulations and industry characteristics, this series of standards were formulated to clarify safety requirements, goals, applicable subjects, etc., to ensure the healthy and sustainable development of the industry. ([More](#))

全国信息安全标准化技术委员会发布两项网络安全国家标准需求的通知

2022年5月7日，为加强网络安全国家标准在国家网络安全保障工作中的基础性、规范性、引领性作用，全国信息安全标准化技术委员会秘书处根据国家网络安全有关工作急需，提出两项标准编制需求。其中，《信息安全技术：网络攻击和网络攻击事件判定准则》拟明确给出不同类型网络攻击、网络攻击事件的认定指标。《信息安全技术网络：网络弹性评价准则》拟定义网络弹性指标体系，提出网络弹性评价准则，适用于网络运营者设计网络信息系统，预防和缓解网络安全风险。（[查看更多](#)）

The National Information Security Standardization Technical Committee Issues Notice on the Requirements of Two National Network Security Standards

On 7 May 2022, in order to strengthen the fundamental, normative, and leading role of National Network Security Standard in national cybersecurity assurance, according to the urgent need of related work for national network security, the Secretariat of the National Information Security Standardization Technical Committee proposed 2 standard preparation requirements. Among them, the *Information Security Technology: Network Attack and Network Attack Event Determination Criteria* intended to clearly illustrate the identification indicators of different types of network attacks and network attack events.

The *Information Security Technology: Network Cyber Resilience Evaluation Criteria* intended to define the cyber resilience index system and propose cyber resilience evaluation criteria, which are suitable for network operators to design network information systems to prevent and mitigate cyber security risks. ([More](#))

国家计算机病毒应急处理中心监测发现十八款违法移动应用超范围采集个人信息

2022年5月12日，据报道，国家计算机病毒应急处理中心近期通过互联网监测发现十八款移动App存在隐私不合规行为，违反《网络安全法》《个人信息保护法》相关规定，涉嫌超范围采集个人隐私信息。主要包括：未向用户明示申请的全部隐私权限；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、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。 ([查看更多](#))

The National Computer Virus Emergency Response Center Discovers 18 Mobile APPs Collecting Personal Privacy Information Beyond the Scope

On 12 May 2022, according to the media report, the National Computer Virus Emergency Response Center recently discovered through Internet monitoring that 18 mobile APPs have privacy non-compliance issues, violating the relevant provisions of the *Cybersecurity Law* and the *Personal Information Protection Law*. They are suspected of collecting personal privacy information beyond the scope, which mainly include: Failing to list all the privacy rights of the users that they applied for; Starting to collect personal information before obtaining the user's consent; Failing to provide effective functions for correcting, deleting personal information and canceling the user account, or setting unreasonable conditions for canceling the user account; Failing to establish or publish complaint or reporting channels for personal information security or exceeding the promised time limit for service handling and replying. ([More](#))

全国首例数据合规不起诉案件举行公开听证

近日，普陀区检察院邀请听证员、侦查人员、企业合规第三方考察员和被害单位，对Z网络科技有限公司等非法获取计算机信息系统数据案开展不起诉公开听证。本案中，Z网络科技有限公司通过数据爬虫技术，非法获取某外卖平台数据。检察院从以下三方面进行了建议：第一，构建数据合规管理体系，设置专门的管理部门，制定并不断完善数据合规计划。第二，提高数据合规风险识别、应对能力，规范审批流程，建立合规评估制度。第三，稳定数据合规运行，建立数据合规咨询与数据不合规发现机制，建立数据分级分类及员工数据安全管理制度。 ([查看更多](#))

China's First Public Hearing of Non-Prosecution Case Concerning Data Compliance

Recently, the Putuo District Procuratorate invited hearing officers, investigators, third-party inspectors of corporate compliance and victim companies to join in the non-prosecution public hearing of the Case of Illegal Acquisition of Computer Information System Data by Z Network Technology Co., Ltd. In this case, Z Network Technology Co., Ltd. illegally obtained data from a food delivery platform through data crawler technology. There are three suggestions from the Procuratorate. First, it is neces-

sary to build a data compliance management system, set up a special management department, formulate and continuously improve data compliance plans. Second, it is essential to improve the ability to identify and respond to data compliance risks, to standardize the approval process and establish a compliance assessment system. Third, it is important to stabilize data compliance operation, establish a data compliance consultation and data non-compliance discovery mechanism, as well as establish a data classification and data security management system. ([More](#))

欧洲数据保护监督局和欧洲数据保护委员会发表联合意见，确保增强数据主体能力

近日，欧洲数据保护监督局（“EDPS”）和欧洲数据保护委员会（“EDPB”）发布了关于拟议的《数据法》的联合意见。《数据法》旨在建立访问和使用数据的统一规则，这些数据由各种产品和服务生成，包括物联网、医疗或健康设备和虚拟助手。《数据法》还旨在根据《通用数据保护条例》（“GDPR”）第20条加强数据主体的数据可移植性。同时，由于《数据法》也适用于高度敏感的个人数据，EDPS和EDPB敦促共同立法者确保数据主体的权利得到应有的保护。（[查看更多](#)）

EDPS and EDPB Publish Joint Opinion to Ensure Empowerment of Data Subjects

On 5 May 2022, The European Data Protection Supervisor (“EDPS”) and the European Data Protection Board (“EDPB”) published their Joint Opinion on the proposed *Data Act*. The *Data Act* aims to establish harmonized rules on the access to, and use of, data generated from a broad range of products and services, including Internet of Things, medical or health devices and virtual assistants. The *Data Act* also aims to enhance data subjects’ right to data portability under Art. 20 of the *General Data Protection Regulation* (“GDPR”). At the same time, since the *Data Act* would also apply to highly sensitive personal data, the EDPS and EDPB urge the co-legislators to ensure that data subjects’ rights are duly protected. ([More](#))

美国颁布第五部州级隐私法，包含消费者与儿童数据保护

2022年5月5日，美国康涅狄格州众议院通过了一项全面的隐私法案。这意味着康涅狄格州即将成为美国第五个拥有全面隐私法的州。该法案主要涉及适用主体、消费者权利、隐私设计原则、州总检察长执法权等内容。根据该法案，任何控制或处理10万名消费者个人数据，或者控制或处理2.5万名消费者个人数据，并且超过25%的收入来自于销售个人数据的主体将成为该法案的适用对象。同时该法案也规定了广泛的个人权利，包括知情权、访问权、删除权、可携权、自动化决策拒绝权等，但是不包括私人诉讼权。（[查看更多](#)）

U.S. Issues the Fifth State-Level Privacy Law Concerning Consumer and Child Data Protection

On 5 May 2022, the Connecticut House of Representatives passed a sweeping privacy bill. That means Connecticut is on the verge of becoming the fifth state to have a comprehensive privacy law. The bill mainly involves the applicable subject, consumer rights, privacy design principles, and the law enforcement power of the state attorney general. According to the Act, subjects who control or process the personal data of 100,000 consumers, and who control or process the personal data of 25,000 consumers and receive more than 25% of their income from the sale of personal data, will be

the objects to which the Act applies. At the same time, the Act also provides a wide range of individual rights, including the right to know, the access right, the erasure right, the portability right, the right to refuse automated decision-making, etc., but does not include the right to private action. ([More](#))

英国首次公布《数据改革法案》，创建一个世界级的数据权利制度

2022年5月10日，英国举行国家议会开幕式，作为女王演讲的一部分，英国政府公布了一项新的《数据改革法案》，旨在“利用英国脱欧，建立一个世界级的数据权利制度”。该法案将用于改革现有的英国《通用数据保护条例》和《数据保护法案》，寻求简化数据保护相关立法并减少繁文缛节，通过创建一种更灵活、以结果为中心的方法来减轻企业的负担，同时还引入了更明确的个人数据使用规则。 ([查看更多](#))

UK Issues the First *Data Reform Bill* to Create a World-Class Data Rights Regime

On 10 May 2022, the opening ceremony of UK's National Parliament was held. As part of the Queen's Speech, the UK government introduced the *Data Reform Bill* ("the Bill"). The purpose of the Bill is to "take advantage of the benefits of Brexit to create a world class data rights regime" and it will be used to reform the UK's existing General Data Protection Regulation and the Data Protection Act, to streamline data-protection laws and cut red tape, reducing the burden on businesses by creating a more flexible, outcomes-focused approach while also introducing clearer rules around personal data use. ([More](#))

欧盟加强网络安全规则，打击网络犯罪行为

2022年5月13日，出于对恶意网络攻击的担忧，欧盟各成员国和立法者同意对大型能源、运输和金融公司以及数字提供商和医疗设备制造商实施更严格的网络安全规则。新政策建立在欧盟委员会于2020年提出的现有规则的基础上，被称为NIS 2指令，扩展了当前NIS指令的范围。新规则涵盖能源、运输和金融等基本部门的所有大中型公司，在线搜索引擎和社交网络服务平台等数字提供商也将受到规则的约束，这些公司必须评估其网络安全风险，通知当局并采取技术和组织措施来应对风险，否则将面临高达全球营业额2%的罚款。 ([查看更多](#))

EU Strengthens Cybersecurity Rules to Fight Cybercrime

On 13 May 2022, EU countries and lawmakers agreed to impose tougher cyber-security rules for large energy, transport and financial firms, as well as digital providers and medical device makers, amid concerns about malicious cyber-attacks. The new policy builds on existing rules proposed by the European Commission in 2020, known as the NIS 2 Directive, which expands on the scope of the current NIS Directive. The new rules cover all medium and large companies in essential sectors such as energy, transport and financial firms, online search engines and social networking service platforms will also fall under the rules. The companies are required to assess their cyber-security risk, notify authorities and take technical and organizational measures to counter the risks, facing fines of up to 2 per cent of global turnover should they fail to do so. ([More](#))

宜家加拿大公司发生约95000名客户个人信息数据泄露事件

2022年5月6日，据媒体报道，宜家加拿大公司通知加拿大隐私监管机构，该公司发生涉及约95,000名客户个人信息的大规模数据泄露事件。受损数据包括客户姓名，电子邮件地址，电

话号码和邮政编码，宜家家庭忠诚度计划号码也可能已经泄露。宜家加拿大公司表示，已主动通知加拿大隐私专员办公室以及相关客户，同时审查并更新了内部流程，以防止将来发生此类事件。 ([查看更多](#))

IKEA Canada Leaks Personal Information of About 95,000 Customers

On 6 May 2022, according to media report, IKEA Canada notified Canada's privacy watchdog following a large data breach involving the personal information of approximately 95,000 customers. The compromised data included customer names, email addresses, phone numbers and postal codes, and IKEA Family loyalty program numbers may have also been visible. IKEA Canada stated that they have proactively notified the Office of the Privacy Commissioner of Canada about this incident, as well as any applicable customers. Internal processes have also been reviewed and updated to prevent such incidents in the future. ([More](#))

美国人脸识别公司Clearview AI同意限制在美国销售面部识别数据

2022年5月9日，面部识别公司Clearview AI与美国公民自由联盟（“ACLU”）达成了部分法律和解协议，已同意永久停止向美国所有私营公司和个人销售其庞大的生物识别数据库。该和解协议标志着美国公民自由联盟和隐私倡导者团体于2020年5月对该公司提起的为期两年的法律纠纷的结束。在纠纷中，Clearview AI公司被指控违反了2008年伊利诺伊州《生物识别信息隐私法》（“BIPA”）。该法案要求公司在采集一个人的生物识别信息，例如指纹、步伐数据、虹膜扫描和脸部指纹之前，必须获得许可，并授权用户起诉违反该规定的公司。 ([查看更多](#))

U.S. Facial Recognition Company Clearview AI Agrees to Restrict Sales of Facial Recognition Data in America

On 9 May 2022, according to media report, facial recognition company Clearview AI has agreed to permanently stop selling its vast biometric database to all private companies and individuals in the United States in a partial legal settlement with the American Civil Liberties Union (“ACLU”). The settlement agreement marks the end of a two-year legal dispute brought against the company by the ACLU and privacy advocate groups in May 2020. In the dispute, Clearview was accused of violating the Illinois Biometric Information Privacy Act of 2008 (“BIPA”). The act requires companies to obtain permission before capturing a person's biometric information, such as fingerprints, pace data, iris scans and facial prints, and authorizes users to sue companies that do not. ([More](#))

法国数据隐私监管机构将对Clearview AI展开调查

2022年5月11日，据媒体报道，法国数据隐私监管机构正在考虑启动对 Clearview AI 的罚款程序。监管机构表示，Clearview AI在社交媒体和互联网上收集公开的面部图像违反了欧盟关于数据隐私的规定。根据欧盟法律，GDPR 的监管框架可以适用于某些互联网服务提供商跟踪和处理欧盟互联网用户数据的情形，即使该提供商在欧盟境内并未设立实体机构。Clearview AI软件被用作面部搜索引擎，以帮助执法和情报机构进行调查，但未能征得其在在线收集图像对象的事先同意。 ([查看更多](#))

France's Data Privacy Watchdog Triggers Investigation of Clearview AI

On 11 May 2022, according to media report, the France's data privacy watchdog was considering triggering the process of fining Clearview AI. The regulator said Clearview AI's collection of publicly-available facial images on social media and the internet breached European Union rules on data privacy. Under EU law, the regulatory framework of the GDPR can apply in some cases where data of EU-based users of internet services are tracked and processed, even if the provider has no physical presence inside the bloc. The software Clearview AI, which is used as a search engine for faces to help law enforcement and intelligence agencies in their investigations, failed to ask for the prior consent of those whose images it collected online. ([More](#))

知识产权 Intellectual Property

全额判赔100万元，离职员工将原公司技术申请专利，需承担赔偿责任

广东省深圳市中级人民法院对艾默生电气（珠海）有限公司与深圳市艾阿尔电气有限公司专利权权属纠纷案做出裁判，判决涉案专利归原告所有，由被告全额赔偿经济损失及合理开支共计100万元，本判决经最高法院维持已生效。

经法院审理查明，涉案专利的发明人以及被告公司的创始人均曾任职于原告关联公司，均可以接触到涉案专利的技术方案和技术图纸，被告专利中的技术方案与形成于涉案专利申请日之前的原告图纸的技术方案实质相同，结合庭审涉案专利发明人王某的陈述，足以认定涉案专利技术并非被告独立研发，而是来自于原告关联公司，因此法院确认了专利权归属原告。

同时，一审法院在认定被告具有明显恶意的前提下，实际考虑原告由于被告一系列恶意行为所遭受的巨大经济损失和付出的维权合理开支，将相关联的权属纠纷和被告的恶意侵权责任一并处理，突破性地在权属纠纷案中全额支持了原告主张的经济损失和维权合理支出。

来源：广东省深圳市中级人民法院

RMB 1 million of damages was awarded: The departing employee shall bear damage liability for filing patent according to the former company's technology

The Shenzhen Intermediate People's Court made a judgment on patent ownership dispute between Emerson Electric (Zhuhai) Co., Ltd. and Shenzhen A.R. Electric Co., Ltd., ruling that the involved patent belong to the plaintiff, and the defendant shall pay damages and reasonable expenses totaling RMB 1 million.

The court found that the inventor of the patent and the founder of the defendant company had worked for the plaintiff's affiliated company and had access to the technical solution and drawings of the patent, and the technical solution of the defendant's patent was substantially the same as that of the plaintiff's drawings, which formed before the application date of the subject patent. Combined with the statement of the inventor on the hearing, it was sufficient to determine that the technical solution was not independently developed by the defendant, but from the plaintiff's affiliated company. So, the court confirmed that the patent belonged to the plaintiff.

At the same time, the court of first instance found that the defendant had obvious malice, actually considered the huge economic loss suffered by the plaintiff and the reasonable expenses incurred, dealt

with the related ownership dispute and the malicious infringement liability together, and broke through to fully support the damage amount the plaintiff claimed in this ownership dispute case.

Source: Shenzhen Intermediate People's Court

将“华为”设置为商品搜索关键词，法院认定系商标侵权

广东省深圳市福田区人民法院对原告华为技术有限公司与被告深圳市明宇联合科技有限公司侵害商标权纠纷一案做出裁判，判决被告赔偿经济损失及合理开支50万余元。

法院认为，首先，被控侵权产品与华为公司注册商标核定使用的商品属于同种商品。其次，被告将“华为”设置为商品搜索关键词、且在页面产品参数、主图中多处使用“华为”及其标志的行为，属于商标使用行为。虽然被告在产品实物以及页面详情中标明了自有品牌，被控侵权产品实物上并无“华为”字样或华为公司商标标识，但是其将“华为”设置为搜索关键字、在产品名称中使用“适用华为”和“华为耳机原装正品”字样、展示图片上使用华为商标标识，且在商品详情的产品名称及型号处标注“华为”，明显具有攀附原告商标知名度的恶意，极易使相关公众认为被告的耳机与原告有特定联系，导致混淆。因此，认定被告构成商标侵权。

来源：广东省深圳市福田区人民法院

Setting "Huawei" as the commodity search keyword constitutes trademark infringement

The Futian District People's Court made a judgment on the trademark infringement dispute between the plaintiff Huawei Technologies and the defendant Shenzhen Mingyu Technologies, and ordered the defendant to pay damages of more than RMB 500,000.

The court held that, firstly, the accused infringing products and the goods approved for use of Huawei's registered trademark belonged to the same kind of goods. Secondly, the defendant set "Huawei" as the search keyword, and used "Huawei" and the logo in many places in the product parameters and the main picture, which belongs to the trademark use action. Although the defendant indicated its own brand in the product and page details, and there was no "Huawei" or Huawei trademark logo on the accused infringing products, it set "Huawei" as the search keyword and used "Applicable for Huawei" and "Original and authentic Huawei earphones" in the product name, used Huawei trademark logo on the display picture, and marked "Huawei" in the product name and model in the product details, which are obviously malicious in trying to steal the trademark popularity of the plaintiff. It is easy to mislead the relevant public to believe that the earphone of the defendant has a specific connection with the plaintiff. Therefore, the defendant constituted trademark infringement.

Source: Futian District People's Court

“信阳毛尖”地理标志商标案：散装茶叶盒装卖，新加包装仍担责

北京市西城区人民法院对原告信阳市茶叶协会与被告福建省安溪县琛牌茶叶有限公司（以下简称琛牌公司）等侵害商标权纠纷一案做出判决，责令被告琛牌公司赔偿经济损失及合理开支25000元。

法院认为，本案中，被告琛牌公司自行购置散装茶叶及带有“信阳毛尖”标识的包装礼盒，整合之后在电商平台上售卖“信阳毛尖”产品，构成未经商标注册人许可，在同一种商品上使用

与其注册商标相同或近似的商标，且被告未能证明其销售的产品来源于“信阳毛尖”指定的生产地域范围以及特定的品质要求，构成对商标专用权的侵犯。法院综合考虑了“信阳毛尖”商标知名度、宣传力度、被告侵权商品销售价格、销售持续时间、销售额、侵权方式等因素，判令赔偿损失25000元。

来源：北京市西城区人民法院

"Xinyang Mao Jian" geographical indications trademark case: Bulk tea sold in boxes, the newly added packaging still should bear liability

Beijing Xicheng District People's Court made a judgment on the trademark infringement dispute between the plaintiff Xinyang Tea Association and the defendant Chen Tea Co., Ltd., and ordered the defendant to pay damages of RMB 25,000.

The court held that the defendant purchased bulk tea-leaves and gift boxes with the "Xinyang Mao Jian" logo, and then sold the "Xinyang Mao Jian" products on the e-commerce platform after repackaging them, which constituted using the same or similar trademark on the same goods without authorization. The defendant failed to prove that the products it sold originated from the designated production area designated by "Xinyang Mao Jian" or met the specific quality requirements, which constituted the infringement of the exclusive right of the trademark. The court took into account the popularity of the trademark, publicity efforts, the defendant's sales price, sales duration, sales amount, infringement methods and other factors, and awarded damages of RMB 25,000.

Source: Beijing Xicheng District People's Court

全国首例短视频平台领域网络“爬虫”案宣判

2022年5月10日，经江苏省无锡市梁溪区人民检察院提起公诉，梁溪区人民法院以提供侵入计算机信息系统程序罪判处被告人丁某有期徒刑一年六个月，缓刑两年，并处罚金三万元。此案系全国首例短视频平台领域网络“爬虫”案件。

本案中，丁某于2021年购进某“爬虫”软件成为代理商，利用该软件可以入侵某些短视频平台的服务器，通过关键词搜索可以快速抓取平台信息，主要包括用户名、UID、签名及评论等，再通过软件把UID转换成二维码，来精准定位客户。丁某对该软件进行了重新包装，对外销售违法所得2.4万余元，构成侵入计算机信息系统程序罪。

法院认为，“网络爬虫”作为一项技术手段本身并不违法，但由于本案的软件采取了避开或突破计算机信息系统的安全保护措施，未经许可进入被害单位的计算机系统，即属于非法获取计算机信息系统数据罪中的“侵入”行为。

来源：法治日报

The first network "Crawler" case in the field of short video platform in China was announced

On May 10, 2022, the Liangxi District People's Court sentenced the defendant Ding to one year and six months in prison, suspended for two years, and fined RMB 30,000 for the crime of invading computer information system programs. This case is the first case of network "crawler" in the field of short video platform in China.

In this case, Ding bought the "crawler" software on 2021 to be an agent, the "crawler" software can be used to invade some short video server platform, quickly grab information of the platform through searching keyword, mainly including the user name, UID, signature and comments, and then convert the UID into QR code to accurately locate the customer. Ding repackaged and sold the software, gained illegal income of more than RMB 24,000, which constituted the crime of invading computer information system programs.

The court held that the "web crawler" as a technical means is not illegal, but the software in this case adopted the security protection measures to avoid or break through the computer information system, unauthorized access to the victim's computer system, that is, the "invading" action of the crime of illegal acquiring the computer information system data.

Source: [Legal Daily](#)

网站页面被抄袭，法院：构成汇编作品，享有著作权

北京互联网法院近期审理了一起网站“山寨”案件，认定原告公司网页构成汇编作品，被告网站侵犯了原告网站具有独创性的部分，且构成不正当竞争，判令被告判令被告在其官方网页置顶位置就其侵权行为及商业混淆行为予以公开说明，并赔偿原告经济损失及合理开支共206390元。

本案中，法院经审理认为，被告网站与原告网站的6个页面中的文字、图片的摆放位置、比例、标题内容等高度一致，构成实质性相似，且被告多次高度引用了原告的网页源代码，故应认定被告网页已经实质性侵犯了原告网页具有独创性的部分，并将与原告网站首页实质性相似的页面置于互联网中，构成对该作品信息网络传播权的侵犯。同时，被告直接使用了原告公司中文名称和英文logo，并且将原告客户名单展示墙照搬到自己网站，造成原告客户认知混淆，构成不正当竞争。

对于侵权赔偿数额，法院以原告对外曾签署并履行的网站服务合同为基准，与涉案侵权行为行为比对，以实际发生且有票据支持的相同服务内容，认定了原告因被告侵权行为有可能招致的损失，并作出了相应赔偿裁判。

来源：北京互联网法院

Website pages was plagiarized, the court contended website pages constitute compilation works and enjoy copyright

The Beijing Internet Court recently heard a website "plagiarism" case, ruled that the plaintiff's website constituted compilation works and that the defendant infringed on the originality of the plaintiff's website and constituted unfair competition, ordering the defendant to publicly explain its infringement and commercial confusion in the top position of its official website and pay damages of RMB 206,390.

In this case, the court held that the defendant's website are highly consistent with the plaintiff's in the six pages of the text, picture placement, proportion, title content, etc, constituting substantial similarity. And the defendant repeatedly quoted the source code of the plaintiff's web page, which substantially infringed the original part of the plaintiff's web page, and the defendant placed the page on the Internet, which constituted infringement of the right of information network dissemination of the work. Meanwhile, the defendant directly used the plaintiff's Chinese name and English logo, and copied display

wall photo of the plaintiff's clients list to its website, which caused confusion to the plaintiff's clients and constituted unfair competition.

In terms of the damage amount, the court took the plaintiff's website service contract as the benchmark, compared with the infringement act involved, determined the plaintiff's loss based on the service actually occurred and supported by the bill, awarded the corresponding damages.

Source: Beijing Internet Court

日本发布2021年专利申请技术趋势调查报告

近日，日本专利局（JPO）发布2021年专利申请技术趋势调查报告，分析研究教育领域的信息技术、氮化镓（GaN）功率器件、手术辅助机器人、病毒性传染病等4个技术主题。

报告显示，教育领域的信息技术相关专利申请正在增加，其中大部分是中国专利申请，日韩申请人专利数量也在增加，而美国申请人的申请数量在减少。与优化个人学习和协助教师教学相关的技术受到关注，人工智能的技术开发和应用取得进展。

氮化镓（GaN）功率器件方面，共有15,008项专利家族，日本申请人6,582项，占申请总量的43.9%。其后依次是中国、美国、欧洲和韩国。日美欧申请人专利家族数量减少，2016年开始，中国申请人数量大幅增加。中国申请人中，涉及汽车的申请最多，其次是雷达、航空航天、基站和军事应用。

手术辅助机器人方面，专利申请数量最多的是美国申请人（5,370项），占申请总量的52.5%，其后依次是中国（1,530项，15.0%），欧洲（1,199项，11.7%），日本（915项，8.9%）。从技术类别的专利申请趋势来看，包括手术导航、模拟在内的数据利用以及AI图像识别、自动化/半自动化相关的专利申请数量正在增加。

病毒性传染病方面，报告以预防/治疗技术（抗病毒药物、疫苗、缓解/抑制并发病状的药物）、检测/诊断技术（核酸分析技术、抗原分析技术、抗体分析技术等）作为调查对象。从国家/地区的申请数量趋势来看，专利家族申请数量最多的为中国申请人（15,990项），占总量的65.4%，其后依次是美国（3,810项，15.6%），欧洲（1,993项，8.1%），韩国（1,127项，4.6%）和日本（790项，3.2%）。

来源: Japan Patent Office

Japan issued The Report on Patent Technology Applications Trends in 2021

Recently, the Japan Patent Office (JPO) issued The Report on Patent Technology Applications Trends in 2021, analyzing four technology themes including information and communication technology (ICT) in education, gallium nitride (GaN) power devices, surgery-assisted robots, and viral infectious diseases.

The report shows that ICT-related patent applications in education are on the rise, mostly from China, those from Japanese and Korean are increasing, while those from U.S. are declining. Technology related to optimizing individual learning and assisting teachers in teaching has received attention, and the development and application of technology for artificial intelligence has made progress.

For gallium nitride (GaN) power devices, there are 15,008 patent families, with 6,582 Japanese applicants, accounting for 43.9%, followed by China, the U.S., Europe and Korea. The number of patent families from Japanese, U.S. and European has decreased, while the number of Chinese applicants has increased from 2016. Among Chinese applicants, the largest number of applications are related to the automotive filed, followed by radar, aerospace, base stations and military applications.

For surgery-assisted robots, the largest number of patent applications were filed by U.S. applicants (5,370), accounting for 52.5%, followed by China (1,530, 15.0%), Europe (1,199, 11.7%), and Japan (915, 8.9%). The trend of patent applications in technology category shows that the number of patent applications related to data utilization including surgical navigation, simulation, and AI image recognition and automation/semi-automation is increasing.

For viral infectious diseases, the report takes preventive/treatment technologies (antiviral drugs, vaccines, drugs to alleviate/suppress complication symptoms) and detection/diagnostic technologies (nucleic acid analysis technologies, antigen analysis technologies, etc.) as the targets, the largest number of patent family were filed by China (15,990), accounting for 65.4%, followed by the U.S. (3,810, 15.6%), Europe (1,993, 8.1%), Korea (1,127, 4.6%) and Japan (790, 3.2%).

Source: Japan Patent Office

赔偿20亿美元：美国两大“低代码”软件公司商业秘密盗用纠纷案

2022年5月10日，根据Appian官网消息，美国费尔法克斯县巡回法院陪审团判定美国软件公司Pegasystems, Inc. 盗用了其竞争对手美国云计算公司Appian Corp. 的商业秘密，需向其支付20.4亿美元的赔偿金。该案的赔偿金额可能创造了弗吉尼亚州的历史记录。

2020年5月，Appian起诉了Pegasystems，称其在2012年至2014年期间雇佣了一位员工，利用该员工获得Appian软件的使用权限，以改进Pegasystems的产品和培训销售人员。同时，Pegasystems公司的一些员工使用虚假资质获取了Appian软件的访问权限，这其中甚至包括了Pegasystems的创始人。利用窃得的商业秘密，Pegasystems赢得了价值30亿美元的合同，其客户包括亚马逊、洛克希德·马丁、美国银行、美国空军等。

Pegasystems计划上诉，还打算要求审判法官撤销判决，其中包括该公司因违反了《弗吉尼亚州计算机犯罪法案》所需赔偿的1美元。

来源: <https://appian.com/>

2 Billion USD of damages was awarded: The trade secret stealing dispute between two "Low-Code" software companies in the U.S.

According to Appian's official website, on May 10, 2022, a jury in the U.S. Circuit Court for Fairfax County ordered Pegasystems, Inc. to pay damages of 2.04 billion USD for stealing the trade secrets of its rival Appian Corp. The damage amount may set a record for Virginia.

In May 2020, Appian sued Pegasystems, alleging that Pegasystems hired an employee between 2012 and 2014 and used the employee to gain access to Appian's software to improve Pegasystems' products and train sales staff. Meanwhile, a number of Pegasystems employees used false qualifications to gain access to Appian software, included Pegasystems' founder. Using the stolen trade secrets, Pegasystems won contracts worth 3 billion USD with clients including Amazon, Lockheed Martin, Bank of America, and the U.S. Air Force, etc.

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 www.lifanglaw.com

 Email: info@lifanglaw.com

 Tel: +8610 64096099

 Fax: +8610 64096260/64096261