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数据保护不力造成医院数据泄露 湖南衡南县网信办开出6.2万罚单

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OCR of the U.S. Department of Health and Human Services Announces \$240,000 Settlement with Yakima Valley Memorial Hospital Relating to Potential Violations of HIPAA Privacy Rule

法国数据保护局因KG COM非法处理个人数据对其处以150,000欧元罚款

CNIL Fines KG COM €150,000 for Unlawful Processing of Personal Data

知识产权 Intellectual Property

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Court Affirmed Face Massage Video Imitation as non-infringement

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Beijing High Court Recognized LAOSHAN as Well-known Trademark



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EPO Invalidates Illumina 's EP3002289 Patent

立方竞争法周报 Weekly Competition Law News

市场监管总局发布一起江西省行政垄断案

2023年6月20日，国家市场监督管理总局（“市场监管总局”）发布了江西省市场监管局（“江西省市监局”）纠正定南县城市管理局滥用行政权力排除、限制竞争行为案件。经调查，江西省市监局认为，当事人在没有法律、法规依据的情况下，通过公开招标的方式确定2家企业作为定南县主城区共享电动单车经营权项目企业，妨碍了公平竞争，构成滥用行政权力排除、限制竞争行为。调查期间，当事人积极整改，全面放开该县主城区共享电动单车市场，表示将进一步落实公平竞争审查制度。（[查看更多](#)）

SAMR Releases an Administrative Monopoly Penalty in Jiangxi Province

On June 20, 2023, the State Administration for Market Regulation (“SAMR”) announced a case of administrative monopoly in Jiangxi Province. The case involved the correction of the Urban Management Bureau of Dingnan County’s abusive exercise of administrative power which excluded and restricted competition by the Jiangxi Provincial Administration for Market Regulation (“Jiangxi AMR”). After an investigation, the Jiangxi AMR found that the parties involved, without any legal or regulatory basis, used public bidding to select two companies as the operators for the shared electric bicycle project in the main urban area of Dingnan County. This hindered fair competition and constituted an abusive exercise of administrative power which excluded and restricted competition. During the investigation, the party involved actively rectified the situation and fully opened up the shared electric bicycle market in the main urban area of the county. It also expressed its commitment to further implement a fair competition review system. ([More](#))

市场监管总局发布《经营者集中反垄断合规指引》征求意见稿

2023年6月19日，市场监管总局发布《经营者集中反垄断合规指引（征求意见稿）》（“《征求意见稿》”）并公开征求意见，意见反馈截止日期为2023年7月3日。《征求意见稿》共六章三十五条，分别为总则、经营者集中审查制度主要规定、重点合规风险、合规风险管理、合规管理保障和附则，对经营者集中反垄断合规作出了一般性指导。（[查看更多](#)）

SAMR Releases the Exposure Draft of Guidelines for Anti-Monopoly Compliance on Concentration of Undertakings

On June 19, 2023, the SAMR issued the *Guidelines for Anti-Monopoly Compliance on Concentration of Undertakings (Exposure Draft)* (“*Exposure Draft*”) and opened it for public feedback. The deadline for submitting comments is July 3, 2023. The *Exposure Draft* consists of six chapters and thirty-five articles, including general provisions, major provisions of the review system of concentration of undertakings, key compliance risks, compliance risks management, compliance management safeguards, and supplementary provisions. It provides general guidance on anti-monopoly compliance on concentration of undertakings. ([More](#))

八家保险公司达成并实施垄断协议遭市场监管总局处罚

2023年6月19日，市场监管总局发布重庆市巴南区八家保险公司达成并实施垄断协议案件行政处罚决定书。经重庆市市场监督管理局（“重庆市市监局”）调查，涉案八家保险公司协商达成统一的学平险保障保险方案，按照约定的销售区域和标准销售学平险，制定服务质量考核方案，达成并实施了学平险垄断协议，限制了企业之间的竞争，损害了消费者的合法权益。重庆市市监局决定对涉案八家保险公司处以总计1151万元的罚款。（[查看更多](#)）

Eight Insurance Companies Receive Penalties from SAMR for Reaching and Implementing a Monopoly Agreement

On June 19, 2023, the SAMR issued an administrative penalty decision regarding a case of eight insurance companies in Banan District, Chongqing City, reaching and implementing a monopoly agreement. Following an investigation by the Chongqing Municipal Administration for Market Regulation (“Chongqing AMR”), it was found that the eight insurance companies involved had negotiated and reached a unified student accident insurance program. They agreed to sell student accident insurance according to designated sales areas and specified standards and formulated a service quality assessment plan. These resulted in the implementation of a monopoly agreement in the student accident insurance market, limiting competition between enterprises and harming the legitimate rights and interests of consumers. The Chongqing AMR decided to impose a total fine of CNY 11.51 million on the eight insurance companies involved in the case. ([More](#))

新巨丰包装回应深交所关于并购交易涉反垄断问询

2023年6月16日，国内食品无菌包装公司山东新巨丰科技包装股份有限公司（“新巨丰包装”）发布公告，回应深圳证券交易所（“深交所”）日前就新巨丰包装重组收购同业竞争企业纷美包装有限公司（“纷美包装”）股权事宜下发的问询函。新巨丰包装回应：（1）本次收购无需取得纷美包装董事会的同意；（2）JSH 在董事会层面对纷美包装不享有控制权；（3）交易无需进行经营者集中申报，反垄断相关事项不会构成本次交易的实质性障碍。此外，新巨丰包装还对本次收购未取得纷美包装控制权的依据及合理性、交易合规性以及交易后董事派驻或提名计划，以及本次收购是否符合关于收购少数股权的相关规定以及拟进行的会计处理进行了详细回应。（[查看更多](#)）

NEWJF Responses to SZSE’s Inquiry Regarding Anti-Monopoly Issue in the Transaction

On June 16, 2023, Shandong NEWJF Technology Packaging Co., Ltd., a domestic aseptic food packaging company (“NEWJF”), issued an announcement in response to an inquiry letter from the Shenzhen Stock Exchange (“SZSE”) regarding the equity acquisition of its competing company, Greatview Packaging Company Limited (“Greatview Packaging”). NEWJF’s response stated the following: (i) The acquisition does not require the approval of Greatview Packaging’s board of directors. (ii) JSH, at the board level, does not possess control over Greatview Packaging. (iii) The transaction does not require a notification of concentration of undertakings, and anti-monopoly-related issues will not constitute sub-

stantial obstacles to the transaction. Additionally, NEWJF provided detailed responses regarding the basis and rationality of not obtaining control over Greatview Packaging in this acquisition, transaction's compliance, the post-transaction plan for board appointments or nominations, compliance with relevant regulations concerning the acquisition of minority equity, and the proposed accounting treatment. ([More](#))

市场监管总局召开药品行业反垄断行政指导会

2023年6月15日，市场监管总局召开药品行业反垄断行政指导会。会议指出，药品行业是国民经济的重要组成部分，但药品领域垄断问题仍然较为多发。市场监管总局始终将药品作为反垄断执法重点领域，坚持监管执法与制度建设并重，推动竞争监管与行业监管协同。会议要求药品企业要充高度重视自身可能存在的反垄断合规问题，市场监管总局将持续加强药品行业反垄断监管执法，推动及时化解问题，加大执法力度，严格依法查处垄断行为。（[查看更多](#)）

SAMR Holds Administrative Guidance Meeting on Anti-Monopoly in the Pharmaceutical Industry

On June 15, 2023, the SAMR held an administrative guidance meeting on anti-monopoly in the pharmaceutical industry. The meeting pointed out that the pharmaceutical industry is an important component of the national economy, but monopolistic issues in the pharmaceutical sector are still relatively common. The SAMR has always regarded the pharmaceutical industry as a key area for anti-monopoly law enforcement, emphasizing both regulatory law enforcement and institutional construction, and promoting the synergy between competition supervision and industry regulation. The meeting demanded that pharmaceutical companies pay high attention to potential anti-monopoly compliance issues within their own operations. The SAMR will continue to strengthen the enforcement of anti-monopoly regulations in the pharmaceutical industry, promote timely resolution of issues, intensify law enforcement efforts, and strictly punish monopolistic behaviors in accordance with the law. ([More](#))

HKCC发布首起根据《合作政策》全面和解之垄断案件

2023年6月15日，香港竞争事务委员会（“HKCC”）发布公告，公布了一起根据《为从事合谋行为之业务实体而设的合作及和解政策》（“《合作政策》”）进行和解的案件。2018年4月至2019年1月间，三家涉案企业在香港销售入信机时合谋定价、瓜分市场及围标，违反了《竞争条例》下的第一行为守则，构成合谋。HKCC与三家涉案企业于2021年12月共同向香港竞争事务审裁处申请由双方协商解决该诉讼，三家企业承认违法事实，并表示承担法律任意愿。2023年6月14日，审裁处基于前述申请裁定处罚金额，给予25%左右罚款合作减免，并同意不追究本案牵涉的企业雇员。此次案件是首次所有涉案公司于调查阶段便向HKCC提供合作，亦是首宗根据HKCC《合作政策》全面和解的案件。（[查看更多](#)）

HKCC Launches First Comprehensive Settlement in a Monopoly Case under the Cooperation Policy

On June 15, 2023, the Hong Kong Competition Commission (HKCC) issued a public announcement

disclosing a case settled under the *Cooperation and Settlement Policy for Undertakings Engaged in Cartel Conduct* (“*Cooperation Policy*”). From April 2018 to January 2019, three implicated companies engaged in collusive pricing, market allocation, and bid rigging in the sale of entrance machines in Hong Kong, violating the first conduct rule under the *Competition Ordinance* and constituting a cartel. In December 2021, HKCC and the three implicated companies jointly applied to the Hong Kong Competition Tribunal for a negotiated resolution of the litigation. The companies admitted to the illegal conduct and expressed their willingness to accept legal responsibility. On June 14, 2023, the Competition Tribunal imposed a fine reduction of approximately 25% based on the application, and agreed not to pursue the involvement of employees of the implicated companies in this case. This case marks the first instance where all implicated companies cooperated with HKCC during the investigation stage and the first comprehensive settlement case under the HKCC’s *Cooperation Policy*. ([More](#))

深交所就新巨丰收购纷美反垄断申报事项下发问询函

2023年6月6日，深交所就新巨丰包装重组收购纷美包装股权事宜下发问询函。2023年5月19日，新巨丰包装宣布计划收购纷美包装28.22%的股权，该交易遭到纷美包装股东及董事会反对，纷美包装部分股东已递交反垄断申报。纷美包装已于3月14日向市场监管总局递交申报，而新巨丰包装却在报告草案中表示无需进行申报。对此，深交所在问询函中要求新巨丰包装说明以下与反垄断相关问题：（1）本次收购是否需要取得纷美包装董事会的同意；（2）纷美包装股东JSH对该公司是否具有控制权；（3）本次收购未取得纷美包装控制权的依据及合理性、交易合规性以及交易后董事派驻或提名计划；（4）本次收购是否符合关于收购少数股权的相关规定以及拟进行的会计处理；（5）是否需要进行申报，以及反垄断事项是否构成交易实质性障碍等。（[查看更多](#)）

SZSE Issues an Inquiry Letter Regarding the Anti-Monopoly Filing of Acquisition of Greatview Packaging by NEWJF

On June 6, 2023, SZSE issued an inquiry letter to NEWJF regarding its reconstruction and acquisition matters of equity of Greatview Packaging. On May 19, 2023, NEWJF announced its plan to acquire 28.22% of Greatview Packaging’s equity. However, the transaction faced opposition from Greatview Packaging’s shareholders and board of directors. Some shareholders of Greatview Packaging have already submitted an anti-monopoly filing. Greatview Packaging submitted its merger filing to the SAMR on March 14, while NEWJF stated in its draft report that no filing was required. In regard of the situation, the SZSE’s inquiry letter requested NEWJF to provide explanations regarding the following anti-monopoly-related issues: (i) Whether the acquisition requires approval from Greatview Packaging’s board of directors; (ii) Whether JSH, a shareholder of Greatview Packaging, has control over the company; (iii) The basis and rationale of the acquisition not obtaining control over Greatview Packaging, transaction compliance, and plans for the appointment or nomination of directors after the acquisition; (iv) Compliance with relevant regulations on acquiring minority equity and proposed accounting treatment. (v) Whether a merger filing is necessary and whether the anti-monopoly matters constitute substantial barriers to the transaction. ([More](#))

安徽强化药品领域反垄断反不正当竞争监督

近日，安徽省市场监督管理局（“安徽省市监局”）召开药品领域反垄断、反不正当竞争等法律

法规政策提醒告诫会。会议要求，相关企业要对照法律法规开展自查，对发现的问题及时整改；要建立健全内部合规管理制度，加强重点风险合规管理和违法行为预防，避免从事反垄断法等相关法律法规禁止的违法行为。会议指出，全省市场监管部门将开展常态化反垄断监管执法，持续跟踪药品市场竞争状况和价格变化，营造公平竞争的市场环境。（[查看更多](#)）

Anhui Strengthens Regulation on Anti-Monopoly and Unfair Competition in the Pharmaceutical Field

Recently, the Anhui Provincial Administration for Market Regulation (“Anhui AMR”) held a reminder and warning session on anti-monopoly and unfair competition in the pharmaceutical field. The meeting emphasized that relevant companies should conduct self-inspections in accordance with laws and regulations and promptly rectify any problems found. It further stressed the importance of establishing and improving internal compliance management systems, strengthening key risk compliance management, and preventing illegal activities prohibited by anti-monopoly laws and related regulations. The meeting also highlighted that market regulation departments throughout the province will carry out regular anti-trust law enforcement, continuously monitor the competition status and price changes in the pharmaceutical market, and create a fair and competitive market environment. ([More](#))

欧盟欲阻止Orange以190亿美元收购Masmovil

2023年6月19日，据媒体报道，欧盟委员会（European Commission）欲向法国电信公司Orange（Orange S.A.）和西班牙电信公司MásMóvil（MásMóvil Ibercom, S.A.）发布一份异议声明，以阻止二者的拟议合并。此前，欧盟委员会于2023年4月启动了一项全面调查，警告称二者的合作可能会减少西班牙的网络运营商数量，且二者可能具备限制虚拟运营商对批发移动网络和批发固定网络接入服务的动机。（[查看更多](#)）

EU To Warn Orange Over USD 19 Billion Masmovil Deal

On June 19, 2023, according to media, the European Commission intends to issue a statement of objection to the proposed merger between the French telecommunications company Orange (Orange S.A.) and the Spanish telecommunications company MásMóvil (MásMóvil Ibercom, S.A.). Earlier, in April 2023, the European Commission initiated a comprehensive investigation, warning that the collaboration between the two companies could potentially reduce the number of network operators in Spain and that they may have the incentive to restrict wholesale access to mobile and fixed network services for virtual operators. ([More](#))

日本欲推新规增加智能手机应用市场竞争

2023年6月19日，据媒体报道，日本一政府部门提出了一项计划，旨在增加智能手机应用支付领域的竞争。日本的移动操作系统市场主要由苹果（Apple Inc.）的iOS和谷歌（Google LLC）的安卓(Android)所占领。苹果和谷歌实施的政策要求开发者使用它们各自的支付系统，并可能收取高达30%的佣金。此外，iPhone用户只能通过苹果的应用商店下载应用。根据该计划，政府将考虑立法禁止主要应用商店运营商强制软件开发者使用自己的支付系统，要求供应商给用户提供除了通过其应用商店之外获得应用的安全替代方案。（[查看更多](#)）

Japan Seeks to Introduce New Rules to Increase Competition in the Smartphone App Market

On June 19, 2023, according to media, a government department in Japan proposed a plan aimed at increasing competition in the field of mobile app payments. The mobile operating system market in Japan is predominantly dominated by Apple (Apple Inc.)'s iOS and Google (Google LLC)'s Android. Apple and Google have policies in place that require developers to use their respective payment systems and may charge commissions of up to 30%. Additionally, iPhone users can only download apps through Apple's app store. Under this plan, the government will consider legislation to prohibit major app store operators from mandating software developers to use their payment systems and will require suppliers to provide users with secure alternative methods of obtaining apps, apart from their own app stores. ([More](#))

JFTC发布2022财年年度报告

2023年6月16日，日本公正交易委员会（JFTC）对外发布了向国会提交的2022财年年度报告。2022财年，在立法层面，JFTC向国会提交了《反垄断法案》的修正案，并修订、提交其他与反垄断法和公平交易相关的规定与法案。在执法中，JFTC共调查了116起涉嫌违反反垄断法的案件，处理了99起，其中包括具有重大公共影响的合谋定价和围标案件、滥用优势议价地位实施掠夺性定价行为等案件。JFTC于2022财年共发布了8项禁止令，接受三起案件承诺，还从严处理了2020年东京奥运会和残奥会围标案，对涉案企业和个人提起刑事指控。从政策宣传倡导角度，JFTC积极宣传竞争政策以应对数字化和其他社会经济变化，发布《电信领域竞争促进指南》，针对信用卡市场、云服务市场、金融科技服务市场等发布了调查报告，新设创新与竞争政策研究小组，参与数字市场竞争委员会，提供多种咨询服务以推动公平竞争。此外，JFTC不断发展竞争政策的理论和实证基础，加强经济分析，积极应对和参与全球化合作，广泛进行社会意见交流，以加强竞争政策的运作基础。（[查看更多](#)）

JFTC Releases Annual Report for Fiscal Year 2022

On June 16, 2023, the Japan Fair Trade Commission (JFTC) released its annual report for the fiscal year 2022, which was submitted to the National Diet. In the legislative aspect, the JFTC submitted amendments to the *Antimonopoly Act* to the National Diet and revised and submitted other provisions and bills related to antitrust law and fair trade. In terms of enforcement, the JFTC investigated a total of 116 cases suspected of violating antitrust laws, and took action in 99 cases, including cases of cartel pricing and bid-rigging with significant public impact, as well as cases of predatory pricing through the abuse of bargaining power. In the fiscal year 2022, the JFTC issued eight cease and desist orders, accepted three case commitments, and also pursued criminal charges against companies and individuals involved in bid-rigging cases related to the 2020 Tokyo Olympics and Paralympics. From a policy advocacy perspective, the JFTC actively promoted competition policy to address digitization and other socio-economic changes. They issued the *Guidelines for Promoting Competition in the Telecommunications Sector*, published investigation reports on the credit card market, cloud service market, and fintech service market, etc., established the Innovation and Competition Policy Research Group, participated in the Digital Market Competition Commission, and provided various consulting services to pro-

mote fair competition. Additionally, the JFTC continuously develops the theoretical and empirical foundations of competition policy, strengthens economic analysis, actively responds to and participates in global cooperation, and engages in extensive social dialogue to enhance the operational basis of competition policy. ([More](#))

CMA批准Amazon收购iRobot

2023年6月16日，英国竞争与市场管理局（CMA）发布公告，批准在线零售商Amazon（Amazon.com Inc.）以17亿美元收购iRobot（iRobot Corporation）。经调查，CMA认定iRobot在英国机器人吸尘器供应中的市场地位有限，且存在数个重要的竞争对手，Amazon缺乏动力利用其作为主要零售商的地位而置与iRobot竞争的机器人吸尘器制造商于不利地位，且收购iRobot不会使与Amazon竞争的“智能家居”平台处于不利地位。因此，CMA认为该交易不会导致英国的竞争问题，最终批准该交易。（[查看更多](#)）

CMA Clears Amazon's Purchase of iRobot

On June 16, 2023, the CMA issued a statement approving the acquisition of iRobot (iRobot Corporation) by online retailer Amazon (Amazon.com Inc.) for \$1.7 billion. Following an investigation, the CMA determined that iRobot had a limited market position in the robotic vacuum cleaners supply sector in the UK and faced several significant competitors. It found that Amazon lacked the incentive to use its position as a major retailer to put robotic vacuum cleaner manufacturers competing with iRobot at a disadvantage. Additionally, the acquisition of iRobot would not place competing “smart home” platforms at a disadvantage against Amazon. Therefore, the CMA concluded that the transaction would not result in any competition concerns in the UK and ultimately approved the acquisition. ([More](#))

英国认定医药行业Bestway与Lemon收购案将损害竞争

2023年6月15日，经过第一阶段调查，CMA发布公告，认定连锁药店经营商Bestway（Bestway Panacea Holdings Limited）收购独立药店经营商Lemon（Lexon UK Holdings Limited）的交易将引发竞争问题。CMA调查发现，此次合并可能导致利物浦和英格兰东北地区12个地方的零售药店间的竞争显著减少。合并的企业承认这笔交易在这些地区引发了竞争问题，并提交方案拟出售这些地区的药店，以恢复因交易而可能丧失的竞争。（[查看更多](#)）

UK Determines that the Bestway and Lemon Acquisition in the Pharmaceutical Industry Will Harm Competition

On June 15, 2023, following the phase one investigation, the CMA issued a statement declaring that the acquisition of independent pharmacy operator Lemon (Lexon UK Holdings Limited) by the chain pharmacy operator Bestway (Bestway Panacea Holdings Limited) would raise competition concerns. The CMA investigation revealed that this merger could significantly reduce competition among retail pharmacies in 12 locations in Liverpool and the northeast region of England. The merging companies acknowledged the competition issues arising from this transaction in these areas and have proposed a plan to sell the pharmacies in these regions to restore the competition that may be lost due to the transaction. ([More](#))

欧盟对谷歌滥用行为发布异议声明，考虑强制剥离救济

2023年6月14日，欧盟委员会（European Commission）发布公告，委员会已告知谷歌（Google LLC）初步意见，认为该公司违反了欧盟反垄断规则，扭曲了广告技术行业中的竞争。谷歌为广告商和发布者提供居间的用于在网站及手机应用软件中展示广告的数种广告技术服务，包括：（1）两种广告购买工具，Google Ads和DV360；（2）一个发布者广告服务器，DoubleClick For Publishers（“DFP”）；以及（3）一个广告交易平台Ad Exchanges（“AdX”）。委员会初步认定，谷歌在欧洲经济区（EEA）市场占据支配地位：DFP服务在发布者广告服务器市场中占据支配地位，Google Ads和DV360则在用于开放网络的程序化广告购买工具市场中占据支配地位。至迟自2014年以来，谷歌滥用其在上述市场中的支配地位，在DFP所主持的广告拍卖中，提前告知AdX来自竞争对手的最佳出价，以帮助AdX赢得拍卖；让Google Ads和DV360在AdX平台上竞标以优待AdX，使之成为最具吸引力的广告交易平台。委员会对谷歌优待其在线展示广告技术服务，损害与之竞争的广告技术服务供应商、广告商和网上发布者的行为表示谴责，并初步认定在存在内在既有利益冲突的情况下，仅采取行为性救济措施可能无法阻止谷歌继续实施此类或新的自我优待行为，只有强制剥离其部分服务才能解决竞争担忧。（[查看更多](#)）

EU Issues a Statement of Objection against Google for Its Abusive Behavior, Considering Mandatory Divestiture as a Remedy

On June 14, 2023, the European Commission issued a statement informing Google (Google LLC) of its preliminary findings, stating that the company has violated EU antitrust rules and distorted competition in the advertising technology industry. Google provides various advertising technology services as an intermediary for advertisers and publishers to display ads on websites and mobile applications. These services include: (1) two advertising buying tools, Google Ads and DV360; (2) a publisher ad server, DoubleClick For Publishers (DFP); and (3) an advertising exchange platform, Ad Exchanges (AdX). The Commission has preliminarily concluded that Google holds a dominant position in the European Economic Area (EEA) market: DFP dominates the market for publisher ad servers, while Google Ads and DV360 dominate the market for programmatic advertising buying tools for open networks. Since at least 2014, Google has been found to have abused its dominant position in these markets by providing advance knowledge to AdX about the best bids from competitors in auctions conducted by DFP, thus helping AdX win the auctions. Google Ads and DV360 were also given preferential treatment in bidding on the AdX platform, making it the most attractive advertising exchange platform. The Commission condemns Google's preferential treatment of its online display advertising technology services and the harm caused to competing advertising technology service providers, advertisers, and online publishers. The Commission has preliminarily concluded that taking only behavioral remedies may not be sufficient to prevent Google from continuing such self-preferencing practices, especially considering the inherent conflict of interest. It is only through the mandatory divestiture of certain services that competition concerns can be addressed. ([More](#))

欧盟委员会对Booking拟收购eTraveli发表异议声明

2023年6月9日，欧盟委员会（European Commission）发布公告，向Booking（Booking Holdings）告知初步审查意见并发布异议声明，认为Booking拟议收购eTraveli（Flugo Group Holdings AB）可能会使Booking加强在欧洲经济区（EEA）内酒店在线旅行代理（OTA）市场上的地位。Booking和eTraveli都积极提供在线旅行代理服务，两者服务联系较为紧密。2022年11月16日，欧盟委员会对拟议交易展开调查，后认定Booking在欧洲经济区的酒店在线旅行代理市场中具有支配地位，这起交易可能会进一步加强Booking在相关市场的支配地位，使得Booking扩大其旅游服务的“生态系统”（如航班、住宿、租车、景点），增加酒店在线代理市场的进入和扩张壁垒，令Booking在线客户流量大幅增长，并最终导致酒店和终端客户的成本增加。

[\(查看更多\)](#)

European Commission Issues a Statement of Objection regarding Booking's Proposed Acquisition of eTraveli

On June 9, 2023, the European Commission issued a statement notifying Booking (Booking Holdings) and releasing a dissenting opinion, stating that Booking's proposed acquisition of eTraveli (Flugo Group Holdings AB) could strengthen its position in the online travel agency (OTA) market for hotel bookings within the European Economic Area (EEA). Both Booking and eTraveli actively provide online travel agency services, and their services are closely interconnected. On November 16, 2022, the European Commission initiated an investigation into the proposed transaction and subsequently found that Booking held a dominant position in the hotel online travel agency market in the European Economic Area. This transaction could further strengthen Booking's dominant position in the relevant market, expand its "ecosystem" of travel services (such as flights, accommodations, car rentals, and attractions), increase barriers to entry and expansion in the hotel online agency market, significantly increase Booking's online customer traffic, and ultimately lead to increased costs for hotels and end customers. ([More](#))

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

北京市通过首家企业个人信息出境标准合同备案

网信大兴2023年6月26日报道，北京德亿信数据有限公司与香港诺华诚信有限公司签订的个人信息出境标准合同已通过北京市网信办组织的备案审核，备案号为“京合同备202300001”，成为首家通过订立标准合同实现个人信息合规出境的企业，标志着个人信息出境标准合同备案制度在北京率先落地。同时，该项目首次实现了北京市与香港特别行政区间征信数据的合规出境，为京港两地个人信用风险管理及评价机制的一体化进程提供了有力支撑。([查看更多](#))

First Enterprise in Beijing Passed Review of Filing of Standard Contract for Outbound Transfer of Personal Information

As reported by Beijing Daxing Cyberspace Administration WeChat Platform on 26 June 2023, the standard contract for outbound transfer of personal information as signed by and between Beijing Deyixin Data Limited and Nova Credit Limited based in Hong Kong has passed the filing review organized by the Beijing Cyberspace Administration. The filing record number is 202300001. Beijing Deyixin Data Limited has therefore become the first enterprise in Beijing to have achieved the outbound transfer of personal information in compliance with laws and regulations applicable to the adoption of a standard contract for outbound transfer of personal information. This represents the implementation in Beijing of the filing mechanism with respect to standard contract for outbound transfer of personal information. At the same time, this project has achieved the outbound transfer from Beijing to Hong Kong Special Administrative Region of credit information in compliance with laws and regulations for the first time, providing strong support for the integration of personal credit risk management and evaluation mechanism between these two cities. ([More](#))

《信息安全技术杂凑函数第1部分：总则》等3项国家标准公开征求意见

2023年6月19日，全国信息安全标准化技术委员会秘书处发布了关于征求《信息安全技术 杂凑函数 第1部分：总则》（征求意见稿）等3项国家标准意见的通知，意见反馈截止日期为2023年8月18日。

其中，《信息安全技术 杂凑函数 第1部分：总则》（征求意见稿）明确了规范性引用文件、术语与定义、符号等内容，且对杂凑函数的通用模型步骤进行了详细规定。（[查看更多](#)）

Information Security Technology Hash Functions Part 1: General Provisions and Other Two National Standards for Public Comment

On 19 June 2023, the Secretariat of China's National Information Security Standardization Technical Committee ("NISSTC") releases the *Information Security Technology Hash Functions Part 1: General Provisions (Draft for Comments)* and other two national standards. The deadline for feedback is 18 August 2023. The normative references, terms and definitions, symbols are clarified, and the various steps of the general model of the hash functions are specified in detail. ([More](#))

《浙江省数据知识产权登记办法（试行）》出台

据2023年6月20日消息，日前，浙江省市场监管局(省知识产权局)、省委网信办等11个部门联合制定出台《浙江省数据知识产权登记办法(试行)》（以下简称《登记办法》），自2023年7月1日起施行。

《登记办法》对数据知识产权登记主体、客体、原则、程序、登记证书效力及部门职责等作出全面规范，是全国首个数据知识产权领域规范性文件，也是浙江省构建数据基础制度的一项重大制度创新。（[查看更多](#)）

Zhejiang Data Intellectual Property Registration Measures (for Trial Implementation) Issued

As reported on 20 June 2023, recently, Zhejiang Administration for Market Regulation (Provincial Intellectual Property Office) and other 10 departments issued *Zhejiang Data Intellectual Property Registration Measures (for Trial Implementation)* (the “Registration Measures”), effective from 1 July 2023.

The *Registration Measures* sets forth comprehensive provisions on subjects and objects of data intellectual property registration, principles, procedures, effects of registration certificate and departmental responsibilities, etc. It is the first national normative document in the field of data intellectual property and a major institutional innovation in Zhejiang Province to establish a foundation system for data. ([More](#))

贵州省人民政府办公厅印发《贵州省政务数据资源管理办法》

2023年6月8日，贵州省人民政府办公厅发布《贵州省政务数据资源管理办法》（以下简称《办法》）。《办法》明确了政务数据资源的概念，适用于政府部门非涉密政务数据资源采集、存储、共享、开放、授权运营、调度、安全等行为及其相关管理活动。 ([查看更多](#))

General Office of Guizhou Provincial People’s Government Issued *Guizhou Province Government Data Resource Management Measures*

On 8 June 2023, the General Office of the Guizhou Provincial People's Government issued *Guizhou Province Government Data Resource Management Measures* (the “Measures”). The Measures clarify the concept of government data resources and apply to the collection, storage, sharing, opening, authorized operation, scheduling, security and other acts of non-confidential government data resources of government departments and their related management activities. ([More](#))

《广州市快递条例》7月1日起实施

2023年6月20日，广州市人民政府新闻办公室召开《广州市快递条例》（以下简称《条例》）新闻发布会，介绍《条例》相关内容。

《条例》将于今年7月1日起施行，这是全国首部省会城市快递行业的地方性法规。《条例》规定，快递从业人员投递快件后，应当及时录入投递信息并上传网络，不得在完成投递前录入或者上传虚假的投递信息。《条例》明确指出，快递企业应当落实个人信息安全主体责任，建立用户个人信息安全保障制度。快递企业及其从业人员不得利用职务之便，出售、泄露或者非法使用在服务过程中获得的用户个人信息。此外，快递企业在处理用户个人信息时，应当对快递运单中个人敏感信息采取去标识化等保护措施，定期对快递运单实物进行集中销毁，并在停止经营时主动删除用户个人信息。 ([查看更多](#))

Regulations of Guangzhou Municipality on Express Delivery To Come Into Force on 1 July

On 20 June 2023, Guangzhou People's Government Press Office held a press conference on *Regulations of Guangzhou Municipality on Express Delivery* (the "Regulations") to brief on the Regulations.

The Regulations will come into force on 1 July this year, which is the first local regulations on the express delivery industry in provincial capitals. The Regulations stipulate that express delivery practitioners shall promptly enter and upload onto the network the delivery information after delivery, and shall not enter or upload false delivery information before the completion of delivery. The Regulations clearly point out that express delivery enterprises shall implement their responsibility for personal information security, and establish systems for the protection of user's personal information security. Express delivery enterprises and their employees shall not use their positions to sell, disclose or illegally use the personal information of users obtained in the course of service. In addition, in processing personal information of users, express delivery enterprises shall take protective measures such as de-identification of personal sensitive information in the express delivery waybill, conduct regular centralized destruction of waybills, and take the initiative to delete personal information of users when they cease operations. ([More](#))

过度收集个人信息 星巴克等三家餐饮店被上海网信办约谈

根据央广网北京2023年6月22日消息，近日，根据消费者举报线索，上海市网信办、上海市市场监督管理局执法人员调查发现星巴克、Shake Shack、天泰餐厅等餐饮企业存在频繁诱导索取用户手机号、诱导消费者提供精准位置信息、频繁弹窗诱导注册会员、诱导消费者关注公众号等问题。目前，三家涉事企业都发表声明，表示将对过度收集个人信息行为进行全面自查、整改。（[查看更多](#)）

Three Catering Businesses, Including Starbucks, Were Interviewed by the Shanghai Cyberspace Administration for Excessive Collection of Personal Information

As reported by CCTV Beijing on 22 June 2023, recently, based on leads from consumers, officers of Shanghai Cyberspace Administration and Shanghai Municipal Market Regulation Administration investigated and found that Starbucks, Shake Shack, Tiantai Restaurant and other catering companies have problems such as frequent inducement to ask for users' cell phone numbers, inducing consumers to provide accurate location information, frequent pop-ups to induce registration for membership, and inducing consumers to follow social media accounts. The three companies involved issued statements that they will conduct a comprehensive self-examination and rectification of excessive collection of personal information. ([More](#))

数据保护不力造成医院数据泄露 湖南衡南县网信办开出6.2万罚单

据网信湖南2023年6月25日报道，衡南县网信办在省、市网信办的指导下，对违反《中华人民共和国数据安全法》的相关单位及责任人作出行政处罚。经查，衡南县某医院未履行数据安全保护义务，造成部分数据泄露，违反《中华人民共和国数据安全法》第二十九条规定。衡南县网

信办依据《中华人民共和国数据安全法》第四十五条规定，对该医院作出责令整改，给予警告，并处罚款5万元的行政处罚。同时，对第三方技术公司及相关责任人处以1.2万元罚款。

据悉，这是衡阳市县级网信部门开出的首张“罚单”，也是衡阳网信部门在数据安全领域开出的首张“罚单”。（[查看更多](#)）

Hunan Hengnan County Cyberspace Administration Imposed a RMB 62,000 Fine for Inadequacy in Data Protection Causing Hospital Data Leakage

As reported by Hunan Cyberspace Administration WeChat platform, on 25 June 2023, the Cyberspace Administration in Hengnan County, Hengyang City of Hunan Province imposed administrative penalties for violations of the *PRC Data Security Law* on certain organizations and responsible persons. It was found that a hospital in Hengnan County failed to fulfill its data security protection obligations, resulting in a partial data leakage in violation of Article 29 of the Data Security Law. Hengnan County Cyberspace Administration, in accordance with Article 45 of the Data Security Law, ordered the hospital to make rectification, issued a warning and imposed an administrative penalty of RMB 50,000. At the same time, a fine of RMB 12,000 was imposed on a third-party technology company and the responsible individuals.

This is the first fine imposed by a county-level cyberspace administration in Hengyang City, Hunan Province, and the first fine imposed in the field of data security cyberspace administration in Hengyang City. ([More](#))

美国卫生与公众服务部民权办公室宣布与Yakima Valley Memorial医院就其可能违反HIPAA的行为达成240,000美元的和解

2023年6月15日，美国卫生与公众服务部（HHS）民权办公室（下称“OCR”）宣布已与Yakima Valley Memorial医院（下称“医院”）就根据“1996年健康保险可携带性和责任法案”（HIPAA）进行的调查达成和解。OCR针对该医院保安人员未经允许查阅419名个人的医疗记录的指控进行了调查。根据和解，医院将支付240,000美元，并实施行动计划以更新其保护健康信息的政策和程序，并对员工进行培训，以防止类似事件再次发生。（[查看更多](#)）

OCR of the U.S. Department of Health and Human Services Announces \$240,000 Settlement with Yakima Valley Memorial Hospital Relating to Potential Violations of HIPAA Privacy Rule

On 15 June 2023, the U.S. Department of Health and Human Services (“HHS”) Office for Civil Rights (“OCR”) announced that it had reached a settlement with Yakima Valley Memorial Hospital resolving an investigation under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). OCR investigated allegations that several security guards from the hospital impermissibly accessed the medical records of 419 individuals. The settlement requires the hospital to pay \$240,000 and to implement a plan to update its policies and procedures to safeguard potential health information and train its workforce members to prevent this type of activity from happening again in the future. ([More](#))

法国数据保护局因KG COM非法处理个人数据对其处以150,000欧元罚款

2023年6月15日，法国数据保护局（下称“CNIL”）公布了2023年6月8日第SAN-2023-008号CNIL限制性委员会的审议意见，对KG COM罚款150,000欧元，原因是在一次数据泄露事件后开展的调查显示，该公司违反了GDPR和1978年1月6日第78-17号法案（为实施GDPR而修订）。

CNIL特别指出，KG COM运营多个网站，为客户提供预知信息解读，并在2020年发生数据泄露事件后CNIL启动了调查。在调查之后，CNIL发现KG COM系统地记录了电话接线员和潜在客户之间的电话，以及算命师和客户之间的电话，目的是检查通话质量并证明已经签署合同。因此，CNIL指出，尽管已经停止了针对电话的录音，KG COM仍然违反了GDPR第5(1)(c)条的规定，未能最大限度地减少收集和处理的个人数据。（[查看更多](#)）

CNIL Fines KG COM €150,000 for Unlawful Processing of Personal Data

On 15 June 2023, the French data protection authority (“CNIL”) published the Deliberation of CNIL’s Restricted Committee No. SAN-2023-008 of 8 June 2023, in which it imposed a penalty of €150,000 on Société KG COM, for violations of the GDPR and of the Act No. 78-17 of 6 January 1978 on Data Processing, Data Files and Individual Liberties (as amended to implement the GDPR) (“the Act”), following a data breach.

In particular, CNIL highlighted that KG COM operates multiple websites to provide clairvoyance readings to customers, initiating an investigation following a data breach in 2020. Following its investigation, CNIL found that KG COM systematically recorded phone calls between telephone operators and prospects, as well as between fortune-tellers and customers, with the aim of checking quality and proving that a contract had been formed. Accordingly, CNIL noted that though KG COM has stopped phone-based recordings, it violated Article 5(1)(c) of the GDPR in failing to minimize personal data collected and processed. ([More](#))

知识产权 Intellectual Property

捏脸按摩视频被仿拍，法院认定不侵权

近日，北京互联网法院审结了程某诉高某、北京某科技公司著作权权属、侵权责任纠纷一案。法院认为，程某录制的“古法捏脸美容术”教学短视频（下称捏脸短视频）拍摄方式为固定机位拍摄，无场景变换，视频拍摄的角度皆为正对被摄制者面部，无法体现出角度、远近的选择和镜头的变换、切换，应为录像制品，不构成视听作品，高某未直接使用该录像制品，北京某科技公司履行了网络服务提供者义务，二被告行为不构成著作权侵权。

同时，法院认为，程某录制的捏脸短视频里的捏脸手法系通过不同的动作产生的刺激来促进面部肌肉的改善，或许有一定的功效，但著作权法保护的是能传递思想、感情、信息或展示美感

的特定表达。上述动作并非思想、情感的表达，既不展现文学艺术之美，也不展现科学之美，故不属于文学、艺术和科学领域内的智力成果。上述一系列动作按照规定的方法施行，本质上属于一种方法、步骤，并非著作权法保护的作品。

故法院判决驳回程某全部诉讼请求。一审判决后，程某提起上诉，二审法院审理后驳回其上诉，维持原判。目前，该判决已生效。

来源：中国知识产权报

Court Affirmed Face Massage Video Imitation as non-infringement

Recently, Beijing Internet Court issued the judgement of infringement on copyright dispute between Cheng, versus the defendants Gao and a Beijing Tech-Company. The court affirmed that the "ancient method of pinching face beauty" teaching video (the "video"). recorded by Cheng, shall be a video product, instead of audiovisual works. The defendants don't constitute infringement.

Copyright law protects specific expressions that convey ideas, feelings, information or display beauty. The court held that the context in video does not show the beauty of literature and art, nor the beauty of science. It is not the intellectual achievements in the field of literature, art and science.

Source: China Intellectual Property News

全额判赔100万元：涉“OFF WHITE”商标侵权及不正当竞争案二审宣判

广东省高级人民法院就欧夫怀特有限责任公司与广州市玮成服装有限公司、李瑞侵害商标权及不正当竞争纠纷案作出二审判决，被告需立即停止在服装商品及包装上使用侵权商标，赔偿经济损失及合理之处共计100万元。

商标注册人申请商标注册前，他人已经在同一种商品或者类似商品上先于商标注册人使用与注册商标相同或者近似并有一定影响的商标的，注册商标专用权人无权禁止该使用人在原使用范围内继续使用商标，但可以要求其附加适当区别标识。本案中，被告与原告公司属于同业竞争者，明知原告公司主要经营奢侈品潮牌服饰，却仍在服装类商品上申请与注册商标相同或近似的商标，不能构成善意。

来源：广东省高级人民法院

Second Instance of the Case on "OFF WHITE" Trademark Infringement and Unfair Competition: Full Compensation of RMB 1 Million is Supported

Guangdong High People's Court issued the judgment of infringement on trademark and unfair competition dispute between Off White Limited, versus the defendants Weicheng Limited and others. The defendant shall stop using the trademark on clothes products, awarding damages of RMB 1 million.

Before a trademark registrant applies for trademark registration, another person has already used a trademark identical or similar to the registered trademark with certain influence on the same or similar products before the trademark registrant, the owner of the exclusive right to use the registered trademark has no right to prohibit the user from continuing to use the trademark within the original scope of use, but may require it to attach an appropriate distinguishing mark. In this case, the defendant and the plaintiff company are competitors in the same industry. The defendant knows that the plaintiff company mainly deals with luxury trendy clothing, still applying for the same or similar trademark with the registered trademark on the apparel class products, which cannot constitute good faith.

Source: Guangdong High Court

北京高院认定“崂山”构成驰名商标，予以跨类保护

近日，北京市高级人民法院发布了青岛鹤山泉天然食品有限公司与国家知识产权局、青岛崂山矿泉水有限公司商标权无效宣告请求行政纠纷案判决书。判决认定“崂山”构成驰名商标。

法院认为；本案中，引证商标“崂山”经过青岛崂山公司长期持续宣传和使用，在诉争商标申请日前在矿泉水商品上已经达到驰名状态，诉争商标标志为“崂山半岛”，完整包含引证商标标志“崂山”，二者在文字构成、呼叫和含义等方面相近，诉争商标构成对引证商标的复制、摹仿或者翻译。

诉争商标核定使用的“商品和服务的买卖双方提供在线市场”等全部服务和引证商标核定使用的矿泉水商品并不属于同一种或类似商品或服务，但考虑到青岛鹤山泉公司和青岛崂山公司处于同一区域，二者均为食品经营企业，诉争商标的注册容易误导公众，使其认为诉争商标核定使用服务，系由青岛崂山公司提供或与之存在联系，致使青岛崂山公司的利益可能受到损害。

来源：北京市高级人民法院

Beijing High Court Recognized LAOSHAN as Well-known Trademark

Recently, Beijing High People's Court issued the judgement of administrative dispute on trademark validity, between Heshanquan Limited, versus CNIPA and Laoshan Limited.

The court held that, LAOSHAN, which has long-term sustained promotion and use by Laoshan Limited, has reached the well-known status In the mineral water product before the application date of the trademark at issue. The trademark at issue constitutes a copy, imitation or translation of the cited trademark.

Considering that Heshanquan Limited and Laoshan Limited are in the same area, and both are food business enterprises, the registration of the trademark at issue is likely to mislead the public, although the services such as "online marketplace for buyers and sellers of products and services" approved for use by the trademark at issue, and the mineral water product approved for use by the cited trademark do not belong to the same or similar products or services.

Source: Beijing High People's Court

浙江高院：直播账号昵称可受反不正当竞争法规制保护

近日，浙江省高级人民法院就雪蜜公司与雷苗、杜子依公司等不正当竞争纠纷一案作出二审判决。法院认定原告雪蜜公司作为企业经营者，对其经营的抖音直播账号昵称享有权利。被告杜子依公司等具有明显的共同侵权的故意，故法院认定其与雷苗共同实施了前述侵权行为。

2021年5月1日，雪蜜公司与雷苗签订《主播合作协议》，约定雷苗根据雪蜜公司运营需求，作为表演者通过第三方平台进行在线演艺及直播带货活动，直播间账号为“杜子一”。后各被告将与“杜子一”相近的名称注册为商标、企业名称、直播间账号等。法院认为，雪蜜公司的相关“杜子一”抖音账号昵称依法可以准用反不正当竞争法第六条第二项的规定进行保护。对此法院认为，雪蜜公司原代理销售“递欧”“C2U”品牌化妆品，而雷苗与杜子依公司经营相同业务，构成直接竞争关系。

来源：浙江省高级人民法院

Zhejiang High Court: Live Streaming Account Nickname Can Be Protected by Anti-unfair Competition Laws and Regulations

Zhejiang High People's Court issued the second instance judgement of unfair competition dispute between Xuemi Company, versus defendants Lei Miao and Duyizi Company. The court affirmed that Xuemi Company, as the operator, has the right to the nickname of the Tik Tok live account it operates. The defendants have infringed the plaintiff's right.

Xuemi Company signed Anchor Cooperation Agreement with Lei Miao on 1 May 2021. Lei Miao performed online and lived banding activities through the third-party platforms. The live streaming account's nickname is Duziyi. Then the defendants registered names similar to "Du Zi Yi" as trademarks, business names, live streaming accounts. The court held that direct competition exists between the plaintiff and the defendant. The nickname of "Du Ziyi" Tik Tok account can be legally protected by the anti-unfair competition law.

Source: Zhejiang High People's Court

擅自使用具有一定影响的“艾诗芬香沐浴露”产品包装装潢构成不正当竞争

广东自由贸易区南沙片区人民法院近日就维布络安舍（广东）日用品有限公司与广州宝莱化妆品有限公司、汕头市华美姿化妆品有限公司、良越电子（深圳）有限公司等不正当竞争纠纷案作出判决，认定被告使用与原告近似包装装潢的行为构成不正当竞争，判赔25万元。

具有一定的市场知名度并具有区别商品来源的显著特征的标识，人民法院可以认定为反不正当竞争法第六条规定的‘有一定影响’的标识。结合在案证据显示维布络安舍公司通过网页、报刊、抖音等方式对涉案商品持续地进行宣传推广，且涉案商品的销售量较大，足以证明维布络安舍公司的“艾诗芬香沐浴露”商品具有较高的市场知名度，属于反不正当竞争法第六条第一

项规定的“有一定影响的商品”。据此，法院认定维布络安舍公司的“艾诗芬香沐浴露”商品所使用的上述包装、装潢属于反不正当竞争法规定的“有一定影响的商品包装、装潢”。

来源：广东自由贸易区南沙片区人民法院

Unauthorized Use of Enchanteur's Product Packaging and Decoration with Certain Influence Constitutes Unfair Competition

Guangdong Free Trade Zone Nansha People's Court issued the judgment of unfair competition dispute between WIPRO UNZA, versus the defendants Baolai Guangdong Limited and others. The defendants' act, using similar product packaging and decoration with plaintiff's, constitutes unfair competition, which is awarded damages of RMB 250,000.

The plaintiff has advertised the product at issue for long term through website, magazine, Tik Tok and other platforms. The sales volume of the products is high. The evidence is so enough that it could prove Enchanteur's market popularity. It is commodity with certain influence stipulated in Item 1, Article 6 of the Anti Unfair Competition Law.

Source: Guangdong Free Trade Zone Nansha People's Court

“一棵小葱”归属之争尘埃落定：看艺名等特定名称作为姓名衍生概念的保护路径

北京市第四中级人民法院近日就周某聪因与华音鼎天（北京）音乐文化有限公司、北京红点星文化传媒有限公司网络侵权责任纠纷案作出二审判决。法院认定“一棵小葱”在国风音乐领域具有识别特定自然人的功能，与周某聪之间能够建立稳定的对应关系，周某聪有权就“小葱”“一棵小葱”“一棵小葱本葱”等主张参照姓名权的保护。

法院认为，自然人姓名权的保护对象不限于本名，艺名作为姓名的衍生概念也被纳入与本名同等保护的客体范围，保护姓名权的本质在于保护基于自然人与其姓名的符号标识之间的联系而产生的利益归属，该利益既包括精神利益也包括经济利益。自然人对于非本名的艺名等特定名称主张姓名权保护首先应当证明艺名这一符号标识能够与特定的人建立起对应的联系并形成稳定的对应关系，具体可以结合艺名的由来、艺名使用情况、民事主体在某一领域的成就等因素综合判断艺名等特定名称是否能够识别特定的人。

来源：北京市第四中级人民法院

Yikexiaocong Attribution Dispute: Protection for Specific Names such as Art Names as name derived concepts

Beijing No.4 Intermediate People's Court recently issued the second instance judgment of Internet infringement liability dispute between Zhou, versus the defendants CHINA MUSIC TOP TOWN music Limited and others. The court affirmed Yikexiaocong, as an art name of Zhou, has the function to

identify specific natural person in the field of national music. Stable correspondence can be established between the art name and Zhou. Zhou could require name right protection.

The court held that natural person's name right protection is not limited to the original name.

The concept of art name as a derivative of the name is also included in the scope. The essence of the name right protection lies in protecting the attribution of interests, which is based on the connection between a natural person and the symbolic sign of name. This interest contains both mental and financial benefits. And the connection can be judged through The origin, the use of the art name, the achievements of the civil subject in a certain field, and other factors.

Source: Beijing No.4 Intermediate People's Court

谷歌音频专利侵权案败诉，被判赔1510万美元

美国特拉华州联邦陪审团周三公布的裁决显示，谷歌必须向专利持有公司 Personal Audio LLC 支付 1510 万美元（IT之家备注：当前约 1.08 亿元人民币），因为谷歌的音乐应用 Google Play Music 侵犯了该公司的两项与音频软件相关的专利。

Personal Audio LLC 称，Google Play Music 的播放列表下载、导航和编辑功能侵犯了其专利权。陪审团还表示，谷歌故意侵犯了这些专利，这可能导致法官将赔偿金额提高到判决金额的三倍。

根据5月份的一份法庭文件，总部位于德克萨斯州博蒙特的Personal Audio要求获得3310万美元的赔偿。它在2015年首次就这些专利起诉谷歌，该诉讼后来从德克萨斯州转移到特拉华州。

来源：路透社

Google Hit with \$15 Million Verdict in US Trial over Audio Patents

Alphabet's Google (GOOGL.O) must pay patent holding company Personal Audio LLC \$15.1 million for infringing two patents related to audio software, a Delaware federal jury said in a verdict made public on Wednesday.

Personal Audio had argued that Google's music app Google Play Music featured playlist downloading, navigation and editing features that violated its patent rights.

The jury also said that Google infringed the patents willfully, which could lead to a judge increasing the award by up to three times the verdict amount.

Source: Reuters

欧洲专利局判定因美纳专利无效，华大智造测序仪实现多国销售

6月19日，欧洲专利局（EPO）申诉委员会公布了关于因美纳（Illumina）与华大智造专利无效纠纷的裁决结果。结果显示，因美纳 EP3002289专利无效。该裁决结果涉及到的因美纳

EP3002289专利此前曾在27个国家注册，其中华大智造涉及专利诉讼的国家包括土耳其、葡萄牙、奥地利、罗马尼亚、芬兰、希腊、匈牙利、比利时、丹麦等等，这意味着华大智造在这些国家将不再受EP289专利限制，其基于CoolMPS及StandardMPS测序试剂的测序仪可在这些国家销售。

来源：EPO

EPO Invalidates Illumina 's EP3002289 Patent

On June 19, the European Patent Office (EPO) Appeals Board announced the results of its decision on the patent invalidation dispute between Illumina and MGI. The result shows that the patent of Illumina EP3002289 is invalid. The ruling relates to Illumina's EP3002289 patent, which was registered in 27 countries, including Turkey, Portugal, Austria, Romania, Finland, Greece, Hungary, Belgium, Denmark, etc. This means that MGI will no longer be restricted by the EP289 patent in these countries, and its CoolMPS and StandardMPS sequencing reagents based on the sequencers based on CoolMPS and StandardMPS sequencing reagents can be sold in these countries.

Source: EPO

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 www.lifanglaw.com

 Email: info@lifanglaw.com

 Tel: +8610 64096099

 Fax: +8610 64096260/64096261