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No.378

2024.4

立方要闻周报

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立方竞争法周报 **Weekly Competition Law News**

江西、天津、安徽、上海四地开展民生领域反垄断执法专项行动

Jiangxi, Tianjin, Anhui and Shanghai Carry out Special Antitrust Law Enforcement Actions in Field of People's Livelihood

反垄断、营商环境与统一大市场专题研讨会成功召开

Symposium on Anti-monopoly, Business Environment and A Unified Market Successfully Held

市场监管总局就经营者集中简易案件申报表及公示表修订版公开征求意见

SAMR Publicly Solicits Opinions on Revised Version of Simple Case Declaration Form and Publication Form for Concentration of Undertakings

惠氏就抗抑郁药物怡诺思达成反垄断和解协议，支付3900万美元

Wyeth Reaches Pays USD 39 Million in Antitrust Settlement Agreement on Antidepressant Drug Effexor XR

ACCC支持加强合并法的提案

ACCC Welcomes Proposal for Stronger Merger Laws

DOJ诉苹果反垄断案审理法官申请回避

Judge in DOJ v. Apple Antitrust Case Files to Recuse Himself

亚马逊请求驳回有关其网络流量共享的反垄断诉讼

Amazon Seeks Dismissal of Antitrust Lawsuit over Web Traffic Sharing

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

网安标委：下达八项标准制定计划，就四项标准公开征求意见



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No.378

2024.4

TC260: Issues Eight Standard-Setting Plans and Seeks Input on Four Standards

国家数据局就《深化智慧城市发展 推进城市全域数字化转型的指导意见》公开征求意见

National Data Bureau Seeks Input on *Guiding Opinions on Deepening the Development of Smart Cities and Promoting Comprehensive Digital Transformation of Urban Areas*

网安标委发布《网络安全标准实践指南——网络安全产品互联互通 资产信息格式》

TC260 Issues the *Cybersecurity Standards Practice Guide - Cybersecurity Product Interconnection Asset Information Format*

自然资源部发布《自然资源领域数据安全管理办法》

The Ministry of Natural Resources Releases the *Measures for the Management of Data Security in the Field of Natural Resources*

浙江通过《杭州市数字贸易促进条例》

Zhejiang Approves the *Hangzhou Municipal Regulations on Promoting Digital Trade*

上海发布《关于进一步加强本市数据资产管理的通知》

Shanghai Issues the *Notice on Further Strengthening the Management of Data Assets in the City*

网信办发布生成式人工智能服务备案信息

CAC Releases the Generative AI Service Filing Information

2024年全国数据工作会议召开

The 2024 National Data Work Conference Held in Beijing

国家数据局公布2024年度部门预算

National Data Bureau Releases 2024 Departmental Budget

上海公布车联网网络安全防护定级备案和评测评估审核结果

Shanghai Publishes Review Results of Network Security Protection Classification Filing and Evaluation Assessment of Internet of Vehicle

美英签定关于人工智能模型安全的备忘录

U.S. and UK Announce Partnership in Science of AI Safety

美国FTC发布《2023隐私与数据保护更新》文件



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No.378

2024.4

FTC Issues 2023 Privacy and Data Security Update

美国就《关键基础设施网络事件报告法案》拟议规则征求意见

U.S. Authority Seeks Input on CIRCIA Notice of Proposed Rulemaking

法国CNIL发布《GDPR实务指南——2024年个人数据安全》

CNIL Issues *Practice Guide GDPR – Security of Personal Data 2024*

知识产权 Intellectual Property

最高人民法院发布2023年中国法院十大知识产权案件和50件典型知识产权案例

SPC Issued Top 10 IPR Cases and 50 Typical IPR Cases in China in 2023

贵州贵酒向上海贵酒提起商标诉讼，索赔1亿元

Guizhou Gui Spirits Files Trademark Lawsuit Against Shanghai Gui Spirits Claiming Damages for RMB 100 Million

浙江案例：法院判令抢注者停止抢注“ReFa”近似商标：撤回已申请，注销已注册

Zhejiang Court Case: the Court Ordered to Stop Snatching "ReFa" Similar Trademarks: Withdrawal of the Application, Cancellation of the Registration

北京案例：未经许可展示、销售NFT数字藏品，法院认定构成侵权

Beijing Court Case: Court Finds Infringement in Displaying and Selling NFT Digital Collections Without Permission

浙江案例：“搬店软件”一键丝滑，构成不正当竞争

Zhejiang Court Case: "Move Store Software", Constitute Unfair Competition

湖南案例：高管离职后侵犯前东家商业秘密构成犯罪，法院判决惩罚性赔偿

Hunan Court Case: After the Departure of Executives Infringement of Trade Secrets of the Former Owner Constitutes a Crime, Awarded Punitive Damages

河南案例：离职偷走资源包，将游戏“换皮”后上线“吸金”，13人获刑

Henan Case: Stealing the Resource Package When Leaving the Job, Making Surface Change of the Game to Make Profits, 13 People Were Sentenced to Imprisonment



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2024.4

北京案例：屏蔽芒果TV开屏广告，软件“拦精灵”被判构成不正当竞争

Beijing Court Case: Blocking Mango TV's Open Screen Ads, Software "Block Genie" Constituted Un-fair Competition

美国USPTO发布使用人工智能工具的实务指南

USPTO Issues Guidance on Use of Artificial Intelligence-Based Tools in Practice

2024年美国AI专利100强榜单发布

Harrity Isued 2024 AI Patent 100

立方竞争法周报 Weekly Competition Law News

江西、天津、安徽、上海四地开展民生领域反垄断执法专项行动

2024年4月7日到4月11日，江西省、天津市、安徽省、上海市市场监督管理局（“市监局”）印发通知，部署启动2024年民生领域反垄断执法专项行动，严格查处医药、建筑材料等重点领域垄断协议和滥用市场支配地位案件，加强对城市水电气热等领域内经营自然垄断业务企业的反垄断执法，依法加强对行业协会的反垄断监管，强化药品、医疗器械、农业、航空运输业、供水供电供气、房地产等民生重点领域经营者集中审查，切实加大制止滥用行政权力排除、限制竞争执法力度。（[查看更多](#)）

Jiangxi, Tianjin, Anhui and Shanghai Carry out Special Anti-Monopoly Law Enforcement Actions in Field of People's Livelihood

From April 7 to April 11, 2024, Administrations for Market Regulation (“AMR”) of Jiangxi Province, Tianjin Municipality, Anhui Province, and Shanghai Municipality issued notices to deploy and launch special anti-monopoly law enforcement actions in the field of people's livelihood in 2024, strictly investigate and handle cases of monopoly agreements and abuses of market dominant positions in key fields such as pharmaceuticals and construction materials, strengthen anti-monopoly law enforcement against enterprises operating natural monopoly businesses in fields such as water supply, electricity supply, gas supply and heat supply in urban area, enhance anti-monopoly regulation of industry associations in accordance with the law, strengthen the review of concentration of undertakings in key areas of people's livelihoods such as pharmaceuticals, medical devices, agriculture, air transportation, water supply, electricity supply, gas supply and real estate, and effectively step up the law enforcement to combat abuses of administrative power which excludes or restricts competition. ([More](#))

反垄断、营商环境与统一大市场专题研讨会成功召开

2024年4月9日，据媒体报道，由武汉大学主办的反垄断、营商环境与统一大市场专题研讨会在湖北武汉召开。来自近30所高校的专家学者高度关注世界银行市场竞争方面的新指标，并将这些指标对标我国反垄断法律规则体系，总结制度实施成效并提出进一步完善的方向，为建设全国统一大市场、实现高标准制度型开放建言献策。（[查看更多](#)）

Symposium on Anti-monopoly, Business Environment and A Unified Market Successfully Held

On April 9, 2024, according to media reports, the Symposium on Anti-monopoly, Business Operation Environment and a Unified Market was held in Wuhan, Hubei, by Wuhan University. Experts and scholars from nearly 30 universities paid close attention to the World Bank's new indicators of market competition, benchmarked the anti-monopoly legal rule system of China against the indicators, summarized the effectiveness of the system's implementation and proposed directions for further improvement, and provided suggestions for building a unified national market and achieving high-standard institutional opening-up. ([More](#))

市场监管总局就经营者集中简易案件申报表及公示表修订版公开征求意见

2024年4月8日，国家市场监督管理总局（“市场监管总局”）发布了《经营者集中简易案件反垄断审查申报表（修订版）》和《经营者集中简易案件公示表（修订版）》，并向社会公开征求意见，意见反馈截止日期为2024年4月22日。市场监管总局在本次修订过程中调整、简化了简易案件申报表的结构和信息收集要求，从而便利经营主体申报，降低申报成本，发挥经营者集中简易案件制度作用。（[查看更多](#)）

SAMR Publicly Solicits Opinions on Revised Version of Simple Case Declaration Form and Publication Form for Concentration of Undertakings

On April 8, 2024, the State Administration for Market Regulation (“SAMR”) issued the *Anti-Monopoly Review Declaration Form for Simple Cases of Concentration of Undertakings (Revised Version)* and *Publication Form for Simple Cases of Concentration of Undertakings (Revised Version)*, and publicly solicited opinions. The deadline for feedback is April 22, 2024. In this revision process, the SAMR adjusted and simplified the structure and information collection requirements of the simple case declaration form, thereby facilitating business undertaking’s declaration, reducing declaration costs, and giving full play to the role of the simple case system of concentration of undertakings. ([More](#))

惠氏就抗抑郁药物怡诺思达成反垄断和解协议，支付3900万美元

2024年4月11日，据媒体报道，辉瑞（Pfizer）的子公司惠氏（Wyeth）已达成一项3900万美元（2.82亿人民币）的和解协议，以解决有关其抗抑郁药物怡诺思（Effexor XR）的反竞争行为指控。该和解协议在经过12年多的法律诉讼后达成，涉案产品怡诺思一直是惠氏重要的创收产品，产品年销售额在高峰期曾达到40亿美元。本案由罗切斯特药品合作公司（Rochester Drug Co-Operative）等药品采购商提起，指控惠氏向梯瓦（Teva）进行了反向支付（reverse payment），以推迟仿制药进入市场，导致消费者支付更高的价格。（[查看更多](#)）

Wyeth Reaches Pays USD 39 Million in Antitrust Settlement Agreement on Antidepressant Drug Effexor XR

On April 11, 2024, according to media reports, Wyeth, a subsidiary of Pfizer, reached an antitrust settlement of USD 39 million (CNY 282 million) to resolve anti-competitive conduct allegations regarding its antidepressant drug Effexor XR. The settlement agreement was reached after more than 12 years of legal proceedings. The product involved, Effexor XR, had always been an important revenue-generating product for Wyeth, with annual sales reaching USD 4 billion at its peak. The case was filed by Rochester Drug Co-Operative and other drug purchasers, accusing Wyeth of making a reverse payment to Teva to delay the market entry of generic drugs, resulting in consumers paying higher prices. ([More](#))

ACCC支持加强合并法的提案

2024年4月10日，澳大利亚竞争与消费者委员会（ACCC）发布公告，宣布其支持加强澳大利亚的合并法（merger laws）的提案，从而使澳大利亚与大多数其他发达经济体保持一致。该提案

接受了ACCC呼吁建立更好地识别和防止反竞争交易的合并制度的意见。新的合并法预计将于2026年1月1日生效，但须经澳大利亚议会通过相关立法。目前，澳大利亚的合并制度不要求合并各方通知ACCC相关拟议收购，也不要求在进行合并交易程序之前由ACCC进行批准。拟议的改革包括引入对超过一定门槛的合并交易的强制通知要求，并且禁止未收到ACCC或澳大利亚竞争仲裁庭裁定的合并交易程序。 ([查看更多](#))

ACCC Welcomes Proposal for Stronger Merger Laws

On April 10, 2024, the Australian Competition and Consumer Commission (ACCC) issued a notice, announcing its welcome for proposals for stronger merger laws, bringing Australia into line with most other developed economies. The proposal followed the ACCC's calling for a fit for purpose merger regime to better identify and prevent anti-competitive transactions. The new merger laws are expected to come into effect on January 1, 2026, subject to the passage of legislation through the Australian Parliament. Currently, Australia's merger regime does not require merging parties to notify the ACCC of the proposed acquisition, nor does it require clearance by the ACCC before proceeding with the merger transaction process. The proposed reforms include introducing a mandatory notification requirement for merger transactions above a certain threshold and a prohibition on merger transaction proceedings without receiving a determination from the ACCC or Australian Competition Tribunal. ([More](#))

DOJ诉苹果反垄断案审理法官申请回避

2024年4月10日，据媒体报道，美国司法部（DOJ）针对科技巨头苹果公司（Apple Inc.）备受瞩目的反垄断诉讼经历了重大变动。最初被指派审理此案的美国地区法院法官Michael Farbiarz（“Farbiarz”）以潜在利益冲突为由申请回避。该事件导致该案被重新分配给新泽西州的美国地区法院法官Julien Neals。Farbiarz决定回避是出于职业伦理准则的考虑，该准则禁止法官负责其本人或其家庭成员可能与涉案方存在经济联系或其他关系的案件。虽然Farbiarz没有提供有关潜在冲突性质的具体细节，但其描述自己的回避属于强制性回避的情形。 ([查看更多](#))

Judge in DOJ v. Apple Antitrust Case Files to Recuse Himself

On April 10, 2024, according to media reports, the U.S. Department of Justice (DOJ)'s high-profile antitrust lawsuit against the technology giant Apple (Apple Inc.) underwent a major change. U.S. District Court Judge Michael Farbiarz (“Farbiarz”), who was originally assigned to the case, filed to recuse himself, citing a potential conflict of interest. The incident resulted in the case being reassigned to U.S. District Court Judge Julien Neals in New Jersey. Farbiarz's decision to recuse himself was based on professional ethics rules, which prohibit judges from taking charge of cases in which he or his family members might have financial ties or other connections to the parties involved. While Farbiarz did not provide specific details about the nature of the potential conflict, he described his recusal as mandatory. ([More](#))

亚马逊请求驳回有关其网络流量共享的反垄断诉讼

2024年4月9日，据媒体报道，亚马逊（Amazon.com）目前正请求驳回指控其云计算部门亚马逊网络服务（Amazon Web Services, “AWS”）从事反竞争行为的诉讼。提起诉讼的是一家专门从事网络流量优化的初创公司Subspace Omega (“Subspace”)，该公司已于2022年停止运营。Subspace为Epic Games的旗舰游戏《堡垒之夜》（Fortnite）提供优化服务，AWS和Subspace此前签有对等协议（peering agreement），允许网络以低成本、高效率、低延迟的方式进行连接。本案中，AWS不当终止对等协议的行为将导致Subspace无法为《堡垒之夜》提供足够的优化服务。Epic Games为《堡垒之夜》选择了AWS作为云计算和托管服务提供商（hosting provider），所有入站和出站数据流量都会通过AWS的网络传输，且AWS设置了高昂的退出费用，使得Subspace无法采用其他网络来减少延迟。Subspace因此向西雅图联邦法院提起诉讼，主张亚马逊拒绝继续执行对等协议构成滥用市场支配地位拒绝交易，并要求亚马逊赔偿4.17亿美元（30亿人民币）。（[查看更多](#)）

Amazon Seeks Dismissal of Antitrust Lawsuit over Web Traffic Sharing

On April 9, 2024, according to media reports, Amazon (Amazon.com) was currently requesting to dismiss a lawsuit accusing its cloud-computing division Amazon Web Services (“AWS”) of engaging in anti-competitive practices. The lawsuit was filed by Subspace Omega (“Subspace”), a startup specializing in network traffic optimization, which ceased operations in 2022. Subspace provided optimization services for Epic Games’ flagship game *Fortnite*. AWS and Subspace previously signed a peering agreement, allowing networks to connect at low-costs, high-efficiencies, and low-latency manner. In this case, AWS’s improper termination of the peering agreement would result in Subspace being unable to provide sufficient optimization services for *Fortnite*. Epic Games chose AWS as the cloud computing and hosting provider for *Fortnite*. The fact that all inbound and outbound data traffic must be transmitted via AWS’s network and that AWS had set high exit fees, made it impossible for Subspace to use other networks to reduce latency. Subspace therefore filed a lawsuit in the Seattle Federal Court, claiming that Amazon’s refusal to continue implementing the peering agreement constituted a refusal to trade of abusing the market dominant position, and demanded that Amazon pay USD 417 million (CNY 3 billion) in compensation. ([More](#))

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

网安标委：下达八项标准制定计划，就四项标准公开征求意见

2024年4月3日，全国网络安全标准化技术委员会（“网安标委”）在其官网发布了八项需要制定的网络安全推荐性国家标准的计划清单，计划在2024年5月制定完成，相关标准涵盖深度合成、网络身份认证、公钥密码应用、数据接口安全、网络安全运维等方面的网络安全技术。同日，网安标委还公开对四项信息安全技术标准征求意见，相关标准涵盖数字水印技术、生成式

人工智能预训练和优化训练数据安全、生成式人工智能数据标注安全和基于个人请求的个人信息转移的技术信息安全规范。 ([查看更多](#))

TC260: Issues Eight Standard-Setting Plans and Seeks Input on Four Standards

On April 3, 2024, the National Technical Committee 260 on Cybersecurity of Standardization Administration of China (“TC260”) announced a plan to develop eight voluntary national standards for cybersecurity on its official website which are scheduled to be completed by May 2024. The relevant standards cover network security technologies in the areas of deep synthesis, network authentication, public key cryptography applications, data interface security, and network security operation and maintenance. At the same day, TC260 also seeks input on four information security technology standards, which cover cybersecurity technology specifications in the areas of digital watermarking, generative artificial intelligence pre-training and fine-tuning data security, generative artificial intelligence data annotation security and requirements for personal information transfer based on request of personal information subject. ([More](#))

国家数据局就《深化智慧城市发展 推进城市全域数字化转型的指导意见》公开征求意见

2024年4月2日，国家数据局就《深化智慧城市发展 推进城市全域数字化转型的指导意见》（“《指导意见》”）公开征求意见，截止时间为2024年4月8日。《指导意见》树立了不同阶段全国城市全域数字化转型的目标和整体基本原则，指出了推进城市数字化转型需着力的工作领域，明确了需要全方位增强城市数字化转型支撑、全过程优化城市数字化转型生态以及相应的工作保障措施。 ([查看更多](#))

National Data Bureau Seeks Input on Guiding Opinions on Deepening the Development of Smart Cities and Promoting Comprehensive Digital Transformation of Urban Areas

On April 2, 2024, the National Data Bureau publicly seeks input on the *Guiding Opinions on Deepening the Development of Smart Cities and Promoting Comprehensive Digital Transformation of Urban Areas* (“*Guiding Opinions*”), with the deadline set for April 8, 2024. The *Guiding Opinions* establishes the goals and overall basic principles for the digital transformation of urban areas across the country at different stages, points out the key areas to promote urban digital transformation, and clarifies the need to comprehensively strengthen the support for urban digital transformation and to optimize the urban digital transformation ecosystem throughout the process, and points out the implement corresponding measures to ensure the work. ([More](#))

网安标委发布《网络安全标准实践指南——网络安全产品互联互通 资产信息格式》

2024年3月25日，网安标委公开发布了《网络安全标准实践指南——网络安全产品互联互通 资产信息格式》（“《实践指南》”），以促进网络安全产品互联互通资产信息有效互通和整合。《实践指南》覆盖的互联互通信息类型主要包括资产信息、脆弱性信息、威胁信息、行为

信息、告警信息和事件信息六大类，给出了网络安全产品互联互通时不同类型信息（尤其是资产信息）的描述格式，可用于指导网络安全产品互联互通功能的设计、开发、应用和测试。

[\(查看更多\)](#)

TC260 Issues the *Cybersecurity Standards Practice Guide - Cybersecurity Product Interconnection Asset Information Format*

On March 25, 2024, the TC260 publicly released the *Cybersecurity Standards Practice Guide - Cybersecurity Product Interconnection Asset Information Format* (“*Practice Guide*”) to promote interoperability of cybersecurity products and effective interoperability and integration of asset information. The *Practice Guide* covers six major types of interoperability information, including asset information, vulnerability information, threat information, behavior information, alert information, and incident information. It provides descriptive formats for different types of information (especially asset information) when cybersecurity products are interconnected, which can be used to guide the design, development, application, and testing of the interoperability functions of cybersecurity products. [\(More\)](#)

自然资源部发布《自然资源领域数据安全管理办法》

2024年3月22日，自然资源部公开发布了《自然资源领域数据安全管理办法》（“《办法》”）。该《办法》旨在规范自然资源领域数据处理活动，主要涉及地理信息数据、自然资源调查监测数据、国土空间规划数据和自然资源管理数据，由自然资源部牵头，与国家林业和草原局及地方行业监管部门共同监管。《办法》共有七章37条，就涉及自然资源数据的分类分级管理、数据全生命周期安全管理、数据安全监测预警与应急管理、监督检查和法律责任做出了框架性规定。 [\(查看更多\)](#)

The Ministry of Natural Resources Releases the *Measures for the Management of Data Security in the Field of Natural Resources*

On March 22, 2024, the Ministry of Natural Resources (“MNR”) publicly released the *Measures for the Management of Data Security in the Field of Natural Resources* (“the *Measures*”). The *Measures* aims to regulate data processing activities in the field of natural resources, primarily involving geographic information data, natural resource survey and monitoring data, territorial spatial planning data, and natural resource management data. Led by the MNR, the ministry will jointly supervise with the National Forestry and Grassland Administration and local industry regulatory authorities. Consisting of seven chapters and 37 articles, the *Measures* provides framework provisions on the class-based and category-based management of natural resource data, data lifecycle security management, data security monitoring, warning and emergency management, supervision and inspection, and legal responsibilities. [\(More\)](#)

浙江通过《杭州市数字贸易促进条例》

2024年3月29日，据媒体报道，浙江省十四届人大常委会批准了《杭州市数字贸易促进条例》（“《条例》”），将于2024年6月1日起施行，这是全国首部数字贸易领域的地方性法规。《条例》由杭州市人大制定，于2023年11月对外公开征求意见近千条。《条例》围绕数字贸易

业态模式、主体培育、数字营商环境、开放合作、保障措施等作了规定，把影视、动漫等数字产品贸易作为重点内容之一，并对数据交易场所的定位和职责作出明确规定，有利于促进杭州数据要素市场发展。（[查看更多](#)）

Zhejiang Approves the Hangzhou Municipal Regulations on Promoting Digital Trade

On March 29, 2024, according to media reports, the Standing Committee of the 14th People's Congress of Zhejiang Province approved the *Hangzhou Municipal Regulations on Promoting Digital Trade* ("the *Regulations*"), which will take effect on June 1, 2024. This is the first local regulation in the field of digital trade nationwide. The *Regulations* is formulated by the Hangzhou Municipal People's Congress and nearly a thousand opinions were publicly solicited in November 2023. The *Regulations* provides provisions on digital trade patterns, subject cultivation, digital business environment, open cooperation, and safeguard measures, with a focus on digital product trade such as film and television, animation, and others. Additionally, it clearly stipulates the positioning and duties of data trading venues, which is conducive to promoting the development of Hangzhou's data market. ([More](#))

上海发布《关于进一步加强本市数据资产管理的通知》

近日，上海市财政局发布了《关于进一步加强本市数据资产管理的通知》（“《通知》”），响应此前国家财政部发布的关于加强数据资产管理的政策文件。《通知》提出积极探索数据资产全过程管理路径，着重在数据资产基础信息管理、使用、价值评估、收益分配、处置及管理信息披露和报告等方面，积极探索数据资产管理的方法；同时也要夯实各政府部门的主体责任，严格防控数据资产管理风险。（[查看更多](#)）

Shanghai Issues the Notice on Further Strengthening the Management of Data Assets in the City

Recently, the Shanghai Municipal Finance Bureau issued the *Notice on Further Strengthening the Management of Data Assets in the City* ("the *Notice*") in response to the previous policy document issued by the Ministry of Finance on strengthening the management of data assets. The *Notice* proposes to actively explore the approach of managing data assets throughout the entire process, focusing on methods of data asset management in areas such as basic information management, usage, value assessment, revenue distribution, disposal, and management information disclosure and reporting. At the same time, it also emphasizes the need to solidify the principal responsibility of government departments and strictly prevent and control risks in data asset management. ([More](#))

网信办发布生成式人工智能服务备案信息

2024年4月2日，国家互联网信息办公室（“网信办”）对外发布了2023年8月至2024年3月间通过的生成式人工智能服务备案信息。这一批次全国共有117个生成式人工智能服务成功通过备案，申请者包含京东、淘宝、TCL、中国移动、美图等众多知名企业。根据网信办的公告，提供具有舆论属性或者社会动员能力的生成式人工智能服务的，可通过属地网信部门履行备案程

序，属地网信部门将对外发布通过的已备案信息，网信办将在官网定期汇总更新，不再另行公告。（[查看更多](#)）

CAC Releases the Generative AI Service Filing Information

On April 2, 2024, the Cyberspace Administration of China (“CAC”) released to the public information on the filings of generative AI services that passed between August 2023 and March 2024. A total of 117 generative AI services nationwide successfully passed the filing in this batch, and the applicants included many well-known companies such as JD, Taobao, TCL, China Mobile, and Meitu. According to the announcement of CAC, the provision of generative AI services with public media attributes or social mobilization capabilities can perform the filing process through the local cyberspace administration department. The local cyberspace administration department will release the approved filed information to the public. CAC will regularly summarize and update the information on its official website and will not make any further announcements. ([More](#))

2024年全国数据工作会议召开

2024年4月1日，2024年全国数据工作会议在北京召开。会议回顾了2023年的数据工作进展，确认数据工作体系已初步成型，推进了数据基础设施建设，进一步拓展了数据领域开放合作。会议明确了2024年的国家数据工作主要目标和工作原则：健全数据基础制度、提升数据资源开发利用水平、以数字化赋能高质量发展、促进数据科技创新发展、优化数据基础设施布局、强化数据安全保障能力、提升数据领域国际合作水平，并发挥试点试验的引领作用。（[查看更多](#)）

The 2024 National Data Work Conference Held in Beijing

On April 1, 2024, the 2024 National Data Work Conference was held in Beijing. The conference reviewed the progress of data work in 2023, confirming that the data work system has taken initial shape, the construction of data infrastructure has been advanced, and the authority has further expanded open cooperation in the data field. The meeting clarified the main objectives and working principles of national data work in 2024: improving the basic data system, enhancing the level of development and utilization of data resources, enabling high-quality development through digitization, promoting the innovative development of data technology, optimizing the layout of data infrastructure, strengthening data security protection capabilities, elevating the level of international cooperation in the data field, and leveraging the leading role of pilot tests. ([More](#))

国家数据局公布2024年度部门预算

2024年3月26日，国家数据局对外公布了2024年度部门预算。预算文件显示，国家数据局（设立于2023年10月）由国家发展和改革委员会（“国家发改委”）管理，内设综合司、政策和规划司、数据资源司、数据经济司、数字科技和基础设施建设司五个机构。2024年度，国家数据局预算为7,856.69万元，较2023年增长214.3%。国家数据局将于2024年全面正常开展工

作，新增5个机构用于开展业务的必要业务支出、社会保障和就业支出以及住房保障支出。

([查看更多](#))

National Data Bureau Releases 2024 Departmental Budget

On March 26, 2024, the National Data Bureau released its departmental budget for 2024. According to the budget document, the bureau, established in October 2023, is administered by the National Development and Reform Commission (NDRC). It comprises five internal departments: the Comprehensive Department, the Policy and Planning Department, the Data Resources Department, the Data Economy Department, and the Digital Technology and Infrastructure Department. In 2024, the bureau's budget is 78,566,900 yuan, representing a 214.3% increase compared to 2023. The bureau will fully commence its normal operations in 2024, the additional expenditures will be used for the necessary operations of the five agencies, social security and employment, and housing supply and support. ([More](#))

上海公布车联网网络安全防护定级备案和评测评估审核结果

2024年3月26日，上海市通信管理局（“上海市信管局”）发布了近期对上海市各车联网信息系统的定级情况和安全评测评估的审核结果。截至2024年3月，上海市信管局共审核通过了28家企业的42个车联网信息系统定级申请，并予以备案登记。同时，上海市信管局还审核并通过了21家企业的30个定级系统的符合性评测和安全风险评估报告。([查看更多](#))

Shanghai Publishes Review Results of Network Security Protection Classification Filing and Evaluation Assessment of Internet of Vehicle

On March 26, 2024, the Shanghai Municipal Communications Management Administration released the recent review results of the classification and security evaluation of various information systems of Internet of vehicle in Shanghai. As of March 2024, the Shanghai Communications Management Administration has approved and registered 42 classification applications of information systems of Internet of vehicle from 28 enterprises. Additionally, it has also reviewed and passed the compliance evaluation and security risk assessment reports for 30 classified systems from 21 enterprises. ([More](#))

美英签定关于人工智能模型安全的备忘录

2024年4月1日，美国和英国签署了一份备忘录（MOU），双方将履行在2023年11月的人工智能安全峰会上作出的承诺，共同开发测试最先进的人工智能模型。两国的人工智能安全研究所将合作建立通用的人工智能安全测试方法，并计划在可公开访问的模型上进行至少一次联合测试。此外，两国还将共享关于人工智能模型和系统相关能力和风险的重要信息，以及关于人工智能安全的基础技术研究。([查看更多](#))

U.S. and UK Announce Partnership in Science of AI Safety

On April 1, 2024, the U.S. and UK signed a *Memorandum of Understanding* (MOU) which will see them work together to develop tests for the most advanced AI models, following through on commitments made at the AI Safety Summit last November. The U.S. and UK AI Safety Institutes have laid

out plans to build a common approach to AI safety testing and they intend to perform at least one joint testing exercise on a publicly accessible model. Today's announcement will also see both countries sharing vital information about the capabilities and risks associated with AI models and systems, as well as fundamental technical research on AI safety and security ([More](#))

美国FTC发布《2023隐私与数据保护更新》文件

2024年3月28日，美国联邦贸易委员会（the Federal Trade Commission, “FTC”）发布了《2023隐私和数据保护更新》文件，告知公众FTC最近在健康隐私、地理追踪、儿童隐私、数据安全、信用报告和财务隐私等领域为保护消费者所付出的执法努力。此外，文件还汇总了近期更新的与隐私安全相关的FTC规则、研究和政策。包括对《联邦贸易委员会法》第五条生物识别信息的政策声明、基于《联邦贸易委员会法》第六条对社交媒体和视频流媒体公司的信息实践进行的研究、对《格雷姆-里奇-比利雷法案》（《GLB法案》）保障规则的更新、持续强化《儿童在线隐私保护规则》以及草拟《商业监控和数据安全规则》。（[查看更多](#)）

FTC Issues 2023 Privacy and Data Security Update

On March 28, 2024, the Federal Trade Commission (“FTC”) issues the *2023 Privacy and Data Security Update* (the “Update”) document. The *Update* describes recent agency efforts to protect consumers in areas like health privacy, geolocation tracking, children’s privacy, data security, credit reporting and financial privacy. The *Update* also gets readers up to speed on FTC rulemakings, reports, research, and policy initiatives. Among the highlights: the *Policy Statement on Biometric Information and Section 5 of the FTC Act*; a study under Section 6(b) of *FTC Act* of social media and video streaming companies’ information practices; updates to the *GLB Safeguards Rule*; ongoing efforts to strengthen the *Children’s Online Privacy Protection Rule*; and the proposed *Commercial Surveillance and Data Security Rulemaking*. ([More](#))

美国就《关键基础设施网络事件报告法案》拟议规则征求意见

2024年3月27日，美国国土安全部下属网络安全和基础设施安全局（CISA）对其根据2022年《关键基础设施网络事件报告法案》（CIRCIA）制定的拟议规则公开征求意见，意见征求期间为60天。拟议规则中包括关于网络安全事件和赎金支付报告的规定以及其他关于CIRCIA监管的内容。CIRCIA的实施将使得CISA能够深入了解网络安全威胁形势，降低全美网络安全风险，并为可能面临攻击风险的实体提供前期预警。（[查看更多](#)）

U.S. Authority Seeks Input on CIRCIA Notice of Proposed Rulemaking

On March 27, 2024, the Department of Homeland Security’s (DHS) Cybersecurity and Infrastructure Security Agency (CISA) posted the Notice of Proposed Rulemaking for public opinions which was developed by CISA by the *Cyber Incident Reporting for Critical Infrastructure Act of 2022* (“CIRCIA”). The public will have 60 days to submit comments. The Notice contains proposed regulations for cyber incident and ransom payment reporting, as well as other aspects of the CIRCIA regulatory program. Implementation of CIRCIA enables CISA to develop insight into the cyber threat landscape to drive

cyber risk reduction across the nation and to provide early warning to entities who may be at risk of targeting. ([More](#))

法国CNIL发布《GDPR实务指南——2024年个人数据安全》

2024年3月26日，法国数据保护机构国家信息自由委员会（CNIL）发布了《GDPR实务指南——2024年个人数据安全》（“《2024指南》”）。该指南旨在帮助机构实施安全措施以确保他们处理的个人数据受到保护，数据保护官（DPO）、首席信息安全官（CISO）、计算机科学家或法律专家都可在数据安全活动中参考该指南，CNIL也将参考该指南评估个人信息处理的安全性。《2024指南》对此前版本进行了全面的修订，新增了关于人工智能、移动应用程序、云计算、应用程序编程接口（APIs）和数据管理安全的情况介绍。（[查看更多](#)）

CNIL Issues *Practice Guide GDPR – Security of Personal Data 2024*

On March 26, 2024, the French National Data Protection Commission (“CNIL”) issued the *Practice Guide GDPR – Security of Personal Data 2024* (“2024 Guide”). The 2024 Guide is aim to support organizations in the implementations of security measures in order to ensure the protection of personal data that they treat. This guide is a reference whom data protection officers (DPO), chief information security officers (CISO), computer scientists or legal experts may refer to in the context of their activities for data security. This guide is also a reference used by the CNIL in order to assess the security of personal data processing. The 2024 Guide overhauls the previous guide and introduces new factsheets, including ones on artificial intelligence, mobile applications, cloud computing, application programming interfaces (APIs) and data management security. ([More](#))

知识产权 Intellectual Property

最高人民法院发布2023年中国法院十大知识产权案件和50件典型知识产权案例

2024年4月22日，最高人民法院召开知识产权宣传周新闻发布会，4月22日，最高人民法院发布《中国法院知识产权司法保护状况（2023年）》、2023年中国法院10大知识产权案件和50件典型知识产权案例。

最高人民法院发布的2023年中国法院10大知识产权案件和50件典型知识产权案例，覆盖专利、商标、著作权、植物新品种、反不正当竞争和垄断等知识产权类型，涉及关键核心技术创新、国内外知名品牌、数字经济、种业等众多新时代的重点领域和行业。

最高法表示，法院严格保护科技创新成果，服务新质生产力发展。“丹玉405号”玉米植物新品种侵权案，对多次实施套牌侵权、重复侵权，侵权故意明显的企业，依法适用惩罚性赔偿，有效增强农业科研者的信心。“香菇多糖”侵害技术秘密案探索了传统道地药材技术秘密的认定和非法利用技术秘密的赔偿问题，对传统中医药的守正创新具有积极意义。

来源：江苏法治报

SPC Issued Top 10 IPR Cases and 50 Typical IPR Cases in China in 2023

On April 22, 2024, the Supreme People's Court (SPC) held a press conference for the IPR Awareness Week. The SPC released the "Status of Judicial Protection of IPR in Chinese Courts (2023)," the Top 10 IPR Cases and 50 Typical IPR Cases in China in 2023.

The Top 10 IPR Cases and 50 Typical IPR Cases in Chinese Courts in 2023 released by the SPC cover patents, trademarks, copyrights, new plant varieties, anti-unfair competition and antitrust, involving many key areas and industries in the new era such as key core technology innovation, famous domestic and international brands, digital economy and so on.

SPC said that the court strictly protects scientific and technological innovations and serves the development of new quality productivity. In the case of "Danyu 405" corn plant variety infringement, punitive damages were applied according to the law to enterprises that had repeatedly infringed on the brand name, repeated infringement, and obvious infringement intention, which effectively enhanced the confidence of agricultural researchers. The case of "Shiitake mushroom polysaccharide" infringement of technical secrets explored the identification of technical secrets of traditional Chinese medicinal herbs and the issue of compensation for illegal use of technical secrets, which is of positive significance to the innovation of traditional Chinese medicine.

Source: Jiangsu Legal News

贵州贵酒向上海贵酒提起商标诉讼，索赔1亿元

2024年4月12日，上海贵酒股份有限公司（以下简称“上海贵酒”）发布诉讼公告。公告显示，上海贵酒等五家企业被贵州贵酒集团有限公司（以下简称“贵州贵酒”）指控侵犯商标权，涉案金额1亿元。

贵州贵酒认为：被告一、二生产的系列产品在瓶身、酒盒等显著位置突出使用“上海贵酒”标识，与原告注册商标“贵”构成相同。“上海贵酒”构成在相同商品上使用与原告注册商标相同的商标，构成对原告“贵”商标专用权的侵害。被告三、四作为侵权产品的销售商，被告一、二作为侵权商品的生产商，共同实施生产、销售等侵权行为。被告五作为被告四的总公司，应对被告四的赔偿责任承担责任，诉请五被告赔偿原告经济损失及合理维权费用共计1亿元。

来源：上海贵酒股份有限公司

Guizhou Gui Spirits Files Trademark Lawsuit Against Shanghai Gui Spirits Claiming Damages for RMB 100 Million

On April 12, 2024, Shanghai Gui Spirits Company Limited (Defendant) issued a litigation announcement, which showed that Shanghai Gui Spirits and five other enterprises were accused of trademark infringement by Guizhou Gui Spirits Group Co.

Guizhou Gui Spirits held that the series of products produced by Defendants 1 and 2 prominently used the "Shanghai Gui Spirits" logo on bottles, boxes and other prominent positions, which is same as the plaintiff's registered trademark "Gui", constituting infringement to right of the plaintiff's "Gui" trademark. Defendants 3 and 4 as the infringing products sellers, defendants 1 and 2 as the infringing goods manufacturers, joint production, sales and other infringing act. Defendant 5 as defendant 4's head of office, shall bear this liability. The five defendants were claimed for the plaintiff's economic damages and reasonable expenses totaling RMB 100 million.

Source: [Shanghai Gui Spirits Co.](#)

浙江案例：法院判令抢注者停止抢注“ReFa”近似商标：撤回已申请，注销已注册

近日，浙江省宁波市鄞州区人民法院就原告株式会社MTG与被告浙江某电器有限公司、宁波市某电器有限公司、宁波某控股有限公司、宁波某网络科技有限公司、宁波某电子科技有限公司侵害商标权、不正当竞争纠纷一案作出一审判决，判决被告停止侵权并连带赔偿原告经济损失及合理费用共计650000元。

法院认为：宁波某控股有限公司、宁波某网络科技有限公司、宁波某电子科技有限公司进行“ReFa”“黎珺”商标注册，宁波市某电器有限公司、浙江某商贸有限公司负责线上销售，浙江某电器有限公司负责生产，少量产品销售用于使用商标、维持商标效力状态，各被告之间相互分工，共同实施了被诉商标侵权及不正当竞争行为，构成共同侵权，应承担停止侵权、赔偿损失等民事责任。原告要求被告浙江某电器有限公司、宁波市某电器有限公司停止商标侵权行为，被告宁波某控股有限公司、宁波某网络科技有限公司、宁波某电子科技有限公司停止申请注册、撤回、注销与“ReFa”“黎珺”相同或近似商标的不正当竞争行为，于法有据，予以支持。

来源：浙江省宁波市鄞州区人民法院

Zhejiang Court Case: the Court Ordered to Stop Snatching "ReFa" Similar Trademarks: Withdrawal of the Application, Cancellation of the Registration

Recently, the People's Court of Yinzhou District, Ningbo City, Zhejiang Province, made a first instance judgment on the dispute of trademark infringement and unfair competition between the MTG Co., Ltd. (Plaitiff) and the defendant Zhejiang electrical appliances Co.(Defendant 1), Ningbo electrical appliances Co.(Defendant 2), Ningbo Holding Co., Ltd.(Defendant 3), Ningbo Network Technology Co., Ltd.(Defendant 4), Ningbo Certain Electronic Technology Co., Ltd.(Defendant 5), and awarded damages and reasonable expense totaling RMB 650000..

The court held that: Defendant 3, 4 and 5 for "ReFa" "ReFa" trademark registration, Defendant 2 for on-line sales, Defendant 1 for production, a small amount of product sales for the use of trademarks to maintain its effectiveness, the defendants divide the work between each other, jointly implemented the trademark infringement and unfair competition, constituting a joint infringement, shall bear the liabil-

ity to stop the infringement, compensation for damages and so on. The plaintiff demanded that the five defendants to stop trademark infringement, the Defendant 3, 4 and 5 to stop applying for registration, withdrawal and cancellation of unfair competition with "ReFa" and "ReFa", which are identical or similar trademarks.

Source: People's Court of Yinzhou District, Ningbo City, Zhejiang Province

北京案例：未经许可展示、销售NFT数字藏品，法院认定构成侵权

2024年4月15日，北京互联网法院公布一起4.26典型案例，基本案情为：原告范某是涉案美术作品的作者和著作权人，被告某科技公司系涉案APP的运营主体，于2022年4月29日在其官方微博中向公众宣传涉案美术作品的数字藏品，文中包含范某简介及作品介绍、发售渠道、发售数量、发售时间等详情内容。同日，被告在开发、运营的APP上发行涉案美术作品的NFT数字藏品。

法院经审理认为，被告在涉案APP出售涉案数字藏品时，曾将涉案美术作品的复制件从后台上传至其服务器，网络用户在APP首页即可查看。此外，在商品详情、支付页面以及订单详情处也均显示有涉案美术作品。被告上传涉案美术作品复制件的行为，已经使该作品处于为公众所知的状态。在涉案数字藏品销售期间，网络用户只要登录涉案APP，即可在线浏览涉案美术作品，并且实际已有相当数量的网络用户以购买数字藏品的方式接触到了该作品。因此，被告的行为应当落入信息网络传播权的控制范围，构成对原告信息网络传播权的侵害。故法院一审判决被告赔偿原告经济损失330731.1元和合理开支20000元，二审维持原判。

来源：北京互联网法院

Beijing Court Case: Court Finds Infringement in Displaying and Selling NFT Digital Collections Without Permission

On April 15, 2024, Beijing Internet Court announced a typical case on April 26, the basic facts of the case are: the Mr.Fan(Plaintiff) is the author and copyright holder of the art work, and a technology company(Defendant), is the operating body of the APP, which advertised to the public the digital collection of the art work in question in its official microblogging on April 29, 2022, the text contained the introduction of Mr.Fan's profile and the introduction of the art work, the sale channel, number of items on sale, time of sale, and other details. On the same day, the defendant released the NFT digital collection of the artwork on the APP developed and operated by the defendant.

The Court held that the defendant had uploaded copies of the artworks from the backend to its server when it sold the digital collection on the APP, which could be viewed by internet users on the APP's homepage. In addition, the works of art were also displayed in the product details, payment page and order details. The Defendant's act of uploading the copy of the art work had already made the work known to the public. During the sale of the digital collection, internet users could browse the art work online by logging into the App, and a considerable number of internet users had actually accessed the work of art by purchasing the digital collection. Therefore, the defendant's act should fall into the scope of control of the right to disseminate information network, constituting infringement of the

plaintiff's right to disseminate information network. Therefore, the court judged in the first instance that the defendant shall compensate the plaintiff for the economic damages of RMB 330,731.1 and reasonable expenses of 20,000 yuan, and upheld the original judgment in the second instance.

Source: Beijing Internet Court

浙江案例：“搬店软件”一键丝滑，构成不正当竞争

2024年4月15日，杭州中院公布了去年审结的不正当竞争案例，基本案情为：两原告某宝公司、某猫公司分别系电商平台某宝网、某猫网的经营者。绍兴某公司等被告在另一网购平台发布“搬家大师”“上货专家”应用软件，主打“一键上货”“一键搬家”“支持批量修改宝贝信息”等供商家付费使用功能，且“全店复制”功能仅针对某宝、某猫平台设定。

杭州中院经审理认为，两原告付出经济成本，通过一系列举措，逐步积累了优质可靠、规模可观的商品数据库，并以此为基础构建了平台、消费者、商家互为促进、良性循环的电子商务生态，据此拥有了可为其带来经营收益的竞争优势，应当认定两原告对涉案整体商品数据享有竞争法意义上的合法权益。涉案软件系利用技术手段导致两原告平台的商品数据尤其关键核心数据，可以轻而易举地、大规模地、无差别地被复制到其他电子商务平台，导致其他平台及商家对于两原告平台及商家的实质性替代，势必动摇两原告的核心竞争力，增加了两原告平台内的不正常流量，妨碍两原告的流量监控和服务效能，使得两原告即使开展诚信经营也难以实现预期收益，破坏了两原告合法正常经营，构成不正当竞争。同时，被诉行为亦违背诚实信用原则和商业道德，遂判决二案各被告立即停止侵权并共同赔偿经济损失及维权合理费用合计410万元，二审均维持原判。

来源：杭州市中级人民法院

Zhejiang Court Case: "Move Store Software", Constitute Unfair Competition

On April 15, 2024, Hangzhou Intermediate Court announced a case of unfair competition judged last year, the basic facts of the case are: A company(Plaintiff 1) and B company(Plaintiff 2), respectively, is two e-commerce platform operators. Shaoxing a company and other defendants in another online shopping platform released "moving master" putting on shelves expert" application software, whose main functions is "one key putting on shelves" "one key moving", "support for batch modification of good information" and other functions for merchants to pay for the use of the application software, and the function of "copying the whole store" was only set up for the platform of Plaintiff 1 and Plaintiff 2.

The Hangzhou Intermediate Court held that the two plaintiffs paid economic costs, through a series of initiatives, and gradually accumulated a high-quality, reliable and sizable commodity database, and based on this to build an e-commerce ecosystem in which platforms, consumers, and merchants promote each other in a benign cycle, and thus possessed a competitive advantage that could bring them business benefits, and should be recognized that the two plaintiffs had a legitimate right and interest in the overall commodity data of the case in the meaning of the competition law. The software utilized technical means to cause the commodity data of the two plaintiffs' platforms, especially the key core data, to be copied to other e-commerce platforms easily, on a large scale and without discrimination,

leading to substantial substitution of other platforms and merchants for the two plaintiffs' platforms and merchants, which would inevitably destabilize the core competitiveness of the two plaintiffs and increase the abnormal traffic on the two plaintiffs' platforms, impede the monitoring of the flow of traffic and the effectiveness of their services, and make it difficult for the two plaintiffs to realize their expected returns even if they conduct their business in good faith, and undermining the lawful and normal business operations of the two plaintiffs constituting unfair competition. At the same time, the accused act also violated the principle of honesty and credit and business ethics, so it was judged that the defendants in the two cases immediately stop infringing and jointly compensate the economic damages and reasonable expenses to a total of RMB 4.1 million, and the second trial upheld the original verdict.

Source: Hangzhou Intermediate People's Court

湖南案例：高管离职后侵犯前东家商业秘密构成犯罪，法院判决惩罚性赔偿

2024年4月15日，株洲中院发布一则商业秘密案例，法院经审理认为：高管从受害单位离职后，组建公司并招募受害单位同类技术研发人才，以不正当手段破解受害单位产品涉技术信息商业秘密或非法使用受害单位技术信息商业秘密研发技术信息并制造、销售同类技术产品，造成受害单位重大损失。法院认定，无论该产品是否优于受害单位的技术产品，该公司的行为均构成对商业秘密的侵犯，构成侵犯商业秘密罪，作为该公司的法定代表人和实际控制人，作为直接主管人员，应予以惩处。受害单位诉请惩罚性赔偿的，应予以支持。遂判决该公司与法定代表人双双受领刑罚，并连带赔偿受害单位经济损失1884万元。

来源：株洲市中级人民法院

Hunan Court Case: After the Departure of Executives Infringement of Trade Secrets of the Former Owner Constitutes a Crime, Awarded Punitive Damages

On April 15, 2024, Zhuzhou Intermediate Court issued a trade secret case, the court held that: after leaving the victim unit, executives set up a company and recruited the victim unit similar technology research and development personnel, by improper means to crack the victim unit products related to technical information commercial secrets or illegal use of the victim unit of technical information commercial secret research and development of technical information and manufacturing, sales of similar technology products, resulting in a significant loss of the victim unit. The court found that regardless of whether the product was superior to the victimized unit's technical product or not, the company's act constituted an infringement of commercial secrets, and constituted the crime of infringing on commercial secrets. The company's legal representative and de facto controller, and the directly supervisory personnel, should be punished. The victimized unit appealed for punitive damages shall be supported. The company and the legal representative were both sentenced to the penalty, and jointly and severally compensated the victimized unit for the economic damages of RMB 18.84 million.

Source: Zhuzhou Intermediate People's Court

河南案例：离职偷走资源包，将游戏“换皮”后上线“吸金”，13人获刑

2024年4月18日，河南省郑州市管城回族区检察院发布一则案例，基本案情为：2019年1月，程某入职B公司，负责某款网络游戏的前端开发，同年10月，程某利用职务权限进入服务器，将

所有游戏资源包复制到个人网盘中保存。2020年1月，程某离职后，将游戏资源包转卖，该游戏资源包后被广州某公司的法定代表人马某购买。为了将游戏改头换面，不引起著作权公司的注意，马某安排公司员工谢某、邱某、梁某、林某对游戏进行“二次开发”，在不动游戏原框架的基础上尽量修改游戏的场景、画面，重新设计游戏角色、道具等，并给“换皮”后的游戏改名。为了避免法律风险，他们套用假的游戏版号，通过私下联系平台用户的方式推广这款游戏。在海南某公司的宣传推介下，偷偷上线的游戏吸引到了不少玩家。2021年8月至2022年9月，累计有829人为该游戏充值，充值次数达8264次，充值金额达300余万元。扣除推广及运营成本后，广州某公司分成获利40余万元，海南某公司分成获利200余万元。

法院经审理以侵犯著作权罪分别判处被告人马某、何某、梁某等12人有期徒刑三年至一年六个月不等，均适用缓刑，各并处罚金。因被告人林某系累犯，法院以侵犯著作权罪判处其有期徒刑一年二个月，并处罚金。林某不服提出上诉，日前，二审法院经审理，驳回上诉，维持原判。

来源：郑州市管城回族区检察院

Henan Case: Stealing the Resource Package When Leaving the Job, Making Surface Change of the Game to Make Profits, 13 People Were Sentenced to Imprisonment

On April 18, 2024, District Procuratorate of Guancheng Hui autonomous region, Zhengzhou, Henan issued a case, the basic case for: January 2019, Mr. Cheng(Defendant 1) joined Company B(Plaintiff), responsible for the front-end development of a network game, in October of the same year, Mr. Cheng used the position of authority to enter the server, to make all the game resource packages copied to a personal network disk to save. In January 2020, Mr. Cheng left the job and sold resource packages. The game resource packages later purchased by the legal representative of a company in Guangzhou, Mr. Ma(Defendant 2). In order to change the game, not to cause the attention of the copyright company, Mr. Ma arranged for company employees Mr. Xie, Mr. Qiu, Mr. Liang, Mr. Lin "secondary development" of the game, without moving the original framework of the game on the basis of the game as much as possible to modify the game's scenes, images, redesign the game characters, props, etc., and making surface change of game after t rename it. In order to avoid legal risks, they use fake game version number, through private contact platform users to promote the game. Because of the publicity and promotion of a company in Hainan, the game secretly on the line attracted a lot of players. From 2021 August to 2022 September, a total of 829 people for the game recharge, recharge times of 8264 times, recharge amounted to more than RMB 3 million. After deducting the promotion and operation costs, a company in Guangzhou made a profit of more than RMB 400,000, and a company in Hainan made a profit of more than RMB 2 million.

The court sentenced the defendants to three years' to one year and six months' imprisonment for the crime of copyright infringement, with probation and a fine. Because the defendant Mr. Lin is a recidivist, the court sentenced him to one year and two months of imprisonment for the crime of copyright infringement, and a fine. Mr. Lin appealed, recently, the court of second instance, rejected the appeal and upheld the original sentence.

Source: District Procuratorate of Guancheng Hui autonomous region, Zhengzhou, Henan

北京案例：屏蔽芒果TV开屏广告，软件“拦精灵”被判构成不正当竞争

2024年4月17日，北京知识产权法院就“芒果TV”诉“拦精灵”自动跳过APP开屏广告不正当竞争二审案件进行当庭宣判，维持原判。

基本案情为：北京焱高玖泰广告有限公司（以下简称“焱高玖泰公司”）开发经营了名为“拦精灵”的软件，使用户能够直接跳过开屏广告、进入“芒果TV”。“芒果TV”的经营者湖南快乐阳光互动娱乐传媒有限公司（以下简称“湖南快乐阳光公司”）认为，该行为妨碍、破坏了“芒果TV”的正常运行，损害了其合法权益。一审法院经审理后判令焱高玖泰公司立即停止被诉不正当竞争行为，赔偿经济损失8万元及合理支出1万元。焱高玖泰公司不服，向北京知识产权法院提起上诉。二审法院认为，涉案“拦精灵”软件实际上对被上诉人合法提供的开屏广告页面实施了屏蔽，而非仅仅用技术手段实现了“跳过”操作。这种屏蔽破坏了被上诉人在依法提供网络服务时开屏广告的投放及跳过设置方式，同时影响到广告投放效果，进而使被上诉人通过开屏广告为广告投放者推广广告内容，并据此获得广告收益的商业目的无法实现，实质上损害了被上诉人的经营利益，减损其市场竞争优势，构成反不正当竞争法第十二条第四项规定的不正当竞争行为，故判决对一审判决予以维持。

来源：北京知识产权法院

Beijing Court Case: Blocking Mango TV's Open Screen Ads, Software "Block Genie" Constituted Unfair Competition

On April 17, 2024, the Beijing Intellectual Property Court (IPC) made a second instance judgment the dispute of unfair competition between Mango TV(Plaintiff) and "Block Genie"(Defendant) by automatically skipping the opening screen advertisement of the app.

The basic fact of this case is: Beijing Yangaotaijiu advertising Co. Ltd. developed and operated a software called "Block Wizard", which enables users to directly skip the opening screen advertisement and enter "Mango TV". Hunan Happy Sunshine Interactive Entertainment Media Co. Ltd., the operator of "Mango TV", argued that such behavior hindered and damaged the normal operation of "Mango TV" and its legitimate rights and interests. The Court of First Instance ordered defendant to immediately stop the unfair competition, compensate for the economic damages of RMB 80,000 and reasonable expenses of RMB 10,000. The defendant appealed to the Beijing IP Court. The Court of Second Instance held that the "Blocking Wizard" software actually blocked the plaintiff's legally provided open-screen advertisement page, rather than just using technical means to realize the "skip" operation. Such blocking act destroyed the plaintiff's method of placing and skipping open-screen advertisements when the plaintiff provided network services in accordance with the law, and affected the effect of advertisement, thus preventing the plaintiff from promoting advertisement contents for advertisement placers through open-screen advertisements and obtaining advertisement revenues accordingly, which essentially harmed the plaintiff's business interests and reduced its competitive advantages in the market. This act constituted unfair competition under Article 12(4) of the Anti-Unfair Competition Law and the judgment of the first instance was upheld.

Source: Beijing Intellectual Property Court

美国USPTO发布使用人工智能工具的实务指南

2024年4月11日，美国专利商标局（USPTO）发布使用人工智能（AI）工具的实务指南（Guidance on Use of Artificial Intelligence-Based Tools in Practice），旨在向从业人员和公众通报专利和商标专业人士、创新者和企业家在美国专利商标局处理事务时使用人工智能（AI）时必须解决的重要问题。美国专利商标局认识到人工智能将用于准备和起诉专利和商标申请的可能性，以及向专利局提交的其他申请，包括提交给专利审判和上诉委员会（PTAB）和商标审判和上诉委员会（TTAB）的文件。

目前，基于USPTO通过USPTO的人工智能和新兴技术(ET)伙伴关系(AI/ET Partnership)与利益相关者的接触，以及对现有规则的审查，USPTO已经确定，现有规则可以保护USPTO的生态系统免受此类潜在危险的侵害。该指南提醒参与美国专利商标局相关规则和政策诉讼的个人，帮助告知这些个人与使用人工智能系统相关的风险，并提供减轻这些风险的建议。

来源：[USPTO](#)

USPTO Issues Guidance on Use of Artificial Intelligence-Based Tools in Practice

On April 11, 2024, the U.S. Patent and Trademark Office (USPTO) issued Guidance on Use of Artificial Intelligence-Based Tools in Practice to inform practitioners and the public of important issues that must be addressed when using AI in USPTO matters. The USPTO recognizes the potential for AI to be used in the preparation and prosecution of patent and trademark applications, as well as other applications filed with the Patent Office, including documents filed with the Patent Trial and Appeal Board (PTAB) and the Trademark Trial and Appeal Board (TTAB).

Currently, based on the USPTO's engagement with stakeholders through the USPTO's AI and Emerging Technologies (ET) Partnership (AI/ET Partnership) and a review of the existing rules, the USPTO has determined that the existing rules protect the USPTO's ecosystem from such potential dangers. This guidance alerts individuals involved in USPTO-related rule and policy proceedings, helps inform those individuals of the risks associated with the use of AI systems, and provides recommendations for mitigating those risks.

Source: [USTPO](#)

2024年美国AI专利100强榜单发布

2024年4月16日，美国专利数据分析公司Harrity Patent Analytics 发布了2024年美国AI专利100强榜单，该榜单记录了2023年在美国获得最多AI专利的公司。

美国公司在该榜单中占据绝对优势：前五名中包括IBM、谷歌母公司字母表、亚马逊和微软，均为美国公司。在榜单上的中国企业，按照排名先后顺序是百度（第10名）、腾讯（第29名）、华为（第37名）、台积电（第45名）、图森未来和上海联影（并列第92），中国科学院（第95名），寒武纪（第97名）。

来源: [Harrity](#)

Harrity Issued 2024 AI Patent 100

On April 16, 2024, Harrity Patent Analytics, a U.S. patent data analytics firm, issued 2024 AI Patent 100 list, which documents the companies that received the most AI patents in the U.S. in 2023.

U.S. companies dominate the list: the top five include IBM, Google's parent company Alphabet, Amazon, and Microsoft, all of which are U.S. companies. Chinese companies on the list, in order of ranking, are Baidu (10th), Tencent (29th), Huawei (37th), TSMC (45th), Tucson Future and Shanghai Union Image (tied for 92nd), the Chinese Academy of Sciences (95th), and Cambrian (97th).

Source: [Harrity](#)

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