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国家发展改革委、国家数据局发布三份公共数据资源政策文件

NDRC and NDA Issue Three Public Data Resource Policy Documents

全国网安标委发布《网络安全标准实践指南——人脸识别支付场景个人信息安全保护要求》

TC260 Issues Cybersecurity Standard Practice Guidelines - Personal Information Security Protection Requirements for Face Recognition Payment Scenario

全国网安标委发布《人工智能安全标准体系（V1.0）》（征求意见稿）

TC260 Issues AI Security Standard System (V1.0) (Draft for Public Consultation)

全国网安标委发布《网络安全标准实践指南——摇一摇广告个人权益规范指引（征求意见稿）》

TC260 Releases Cybersecurity Standard Practice Guidelines - Guidelines for Regulating Personal Rights and Interests in Shake Advertisements (Draft for Public Consultation)

全国网安标委发布《网络安全标准实践指南——人工智能生成合成内容标识 服务提供者编码规则（征求意见稿）》

TC260 Issues Cybersecurity Standard Practice Guidelines - Artificial Intelligence Generation of Synthetic Content Identifiers Service Provider Coding Rules (Draft for Public Consultation)

法国：CNIL发布《数据传输影响评估指南》

France: CNIL Issues the Practical Guide on Transfer Impact Assessment

美国：参议员霍利提出《2025年美国人工智能能力与中国脱钩法案》

USA: Senator Hawley Introduces the Decoupling America's Artificial Intelligence Capabilities from China Act 2025

意大利：意大利数据保护机构Garante封禁DeepSeek服务



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Italy: Italy's Data Protection Agency Garante Bans DeepSeek Services

英国：ICO 采取行动解决英国前1000家网站的cookie合规问题

UK: ICO Takes Action to Address Cookie Compliance of Top 1000 UK Websites

知识产权 Intellectual Property

最高法知产庭：商业秘密侵权案件审理中需警惕秘密性认定与侵权同一性比对环节“两头得利”

IP Tribunal of the Supreme People's Court: In the trial of trade secret infringement cases, be vigilant against "reaping double benefits" in the determination of secrecy and the comparison of infringement.

最高法知产庭：纺纱方法专利侵权，500万元诉求获法院全额支持

IP Tribunal of the Supreme People's Court: In a process patent infringement case regarding a spinning method, claim of RMB 5 million was fully supported.

最高法知产庭：涉新三板公司侵害技术秘密案，历时五年获最高院二审改判

IP Tribunal of the Supreme People's Court: In a case of infringement of technical secrets, after five years, original judgment was reversed.

北京知产法院：认定商标拆分抢注仍构成复制摹仿

Beijing IP Court: splitting and squatting registration of trademarks still constitutes reproduction and imitation.

浙江高院：侵害商标及不正当竞争纠纷案，二审改判，适用惩罚性赔偿，全额支持原告530万诉求

Zhejiang Higher People's Court: In a case of trademark infringement and unfair competition disputes, punitive damages were applied, and the plaintiff's claim of RMB 5.3 million was fully supported.

深圳中院：走私进口正品洋酒构成对正品洋酒中国总经销商的不正当竞争

Shenzhen Intermediate People's Court: Smuggling genuine foreign spirit constitutes unfair competition against the general distributor of genuine foreign spirit in China.

IBM与格罗方德就高性能芯片纠纷达成和解

IBM and Global Foundries reached a settlement in a high - performance chip dispute.

立方竞争法周报 Weekly Competition Law News

国家市场监督管理总局：多措并举营造公平公正市场环境

2025年1月10日，在国务院新闻办公室举行的“中国经济高质量发展成效”系列新闻发布会上，国家市场监督管理总局（“市场监管总局”）相关负责人介绍了该局在营造公平公正市场环境方面的举措。在反垄断领域，市场监管总局部署开展地方保护、市场分割突出问题专项整治行动，开展了民生领域“反垄断执法专项”行动；同时完善数字经济反垄断常态化监管，聚焦平台经济重点领域；创新监管执法方式方法，促进市场竞争秩序持续向好。（[查看更多](#)）

SAMR: Multiple Measures Taken to Create a Fair and Just Market Environment

On January 10, 2025, at the press conference series “China’s High-Quality Economic Development Achievements” held by the State Council Information Office, the relevant officers from the State Administration for Market Regulation (“SAMR”) introduced measures taken by the SAMR to create a fair and just market environment. In the field of anti-monopoly, the SAMR has deployed special rectification actions to address the prominent issues of local protectionism and market segmentation. It has also launched the “Anti-Monopoly Law Enforcement Special Actions” in the field of people’s livelihood. Simultaneously, the SAMR has improved the normalization of anti-monopoly regulation in the digital economy, focusing on key areas of the platform economy. It has also innovated regulatory and law-enforcement methodologies to promote continuous improvement in market competition order. ([More](#))

最高人民法院：依法规制科技创新领域的不正当竞争和垄断行为

2025年1月6日，最高人民法院对外发布《最高人民法院关于以高质量审判服务保障科技创新的意见》（“《意见》”），聚焦涉科技创新审判中的突出问题，共提出25条、共计98项政策举措。《意见》提出，应依法规制科技创新领域的不正当竞争和垄断行为，助推构建全国统一大市场，具体做法包括：依法审理科技领域的垄断纠纷案件，准确认定知识产权正常行使行为与滥用知识产权排除、限制竞争行为的界限，既依法保障科技创新，又有效遏制非法垄断技术行为；审慎审理不正当竞争和垄断行政案件，消除市场分割和市场壁垒，依法破除地方保护和行政性垄断等。（[查看更多](#)）

Supreme People’s Court: Regulating Unfair Competition and Monopolistic Practices in the Field of Science and Technology Innovation in Accordance with the Law

On January 6, 2025, the Supreme People’s Court issued *the Opinions of the Supreme People’s Court on Ensuring Technological Innovation with High-Quality Trial Services* (“*the Opinions*”) to the public. The *Opinions* focuses on prominent issues in trials related to technological innovation and proposes a total of 25 policy measures, comprising 98 items. *The Opinions* proposes that unfair competition and monopolistic behavior in the field of scientific and technological innovation should be regulated in accordance with the law, and that efforts should be made to promote the construction of a unified national market. Specific measures include: hearing monopoly dispute cases in the field of science and technology in accordance with the law; accurately determining the boundary between the normal exercise of intellectual property rights and the abuse of intellectual property rights to exclude or restrict market com-

petition, with the aim of not only safeguarding scientific and technological innovation in accordance with the law but also effectively curbing illegal monopolistic technological behavior; prudently hearing administrative cases of unfair competition and monopoly to eliminate market segmentation and market barriers, and to lawfully dismantle local protectionism and administrative monopolies. ([More](#))

美国司法部起诉阻止美国运通环球商旅对中航嘉信商旅的收购

2025年1月10日，美国司法部提起了反垄断民事诉讼，以阻止全球最大的商务差旅管理公司美国运通环球商旅(“Amex GBT”)收购其竞争对手、全球第三大的商务差旅管理公司中航嘉信商旅(“CWT”)。美国司法部在美国纽约南区联邦地区法院起诉，并在起诉状中称该拟议收购将使合并后的公司在为全球公司和位于美国的跨国公司提供商务旅行管理服务的市场中拥有显著市场份额，且很少有其他公司能够以同等规模有效提供商务旅行管理服务。美国司法部认为，目前Amex GBT和CWT正在为大型企业和具有复杂差旅需求的公司提供差旅管理服务方面进行激烈竞争；收购一旦获准将导致这类竞争不复存在，甚至可能导致价格上涨、创新减少和选择变少等风险。 ([查看更多](#))

The US Department of Justice Sues to Prevent Amex GBT from Acquiring CWT

On January 10, 2025, the US Department of Justice (“DOJ”) filed an antitrust civil lawsuit to prevent Global Business Travel Group Inc (“Amex GBT”), the world’s largest business travel management company, from acquiring its rival, CWT Holdings LLC (“CWT”), the world’s third-largest business travel management company. The DOJ has filed a lawsuit in the Federal District Court for the Southern District of New York, stating in the complaint that the proposed acquisition will give the merged company a significant market share in the market of providing business travel management services for global companies and multinational corporations located in the United States, and few other companies can effectively provide business travel management services at the same scale. The DOJ believes that Amex GBT and CWT are currently competing fiercely to provide travel management services for large enterprises and those with complex travel needs; if the acquisition were to be approved, the said kind of competition would cease to exist, and more risks such as higher prices, reduced innovation, and fewer choices might occur. ([More](#))

欧盟委员会附条件批准新思科技收购 Ansys

2025年1月10日，欧盟委员会（“欧委会”）官网宣布附条件批准新思科技(Synopsys)对Ansys的拟议收购。欧委会调查了该交易对全球光学软件供应市场、光子学软件供应市场和用于芯片设计的电子设计自动化软件工具供应市场的影响。经调查，欧委会认为，尽管两家公司的经营活动在很大程度上属于互补，但该交易如果按照最初的申报进行，将减少上述相关市场的竞争，并导致合并后的市场份额过高和市场集中度过高，且在集中后市场上，将缺乏足够的替代竞争对手来对集中后的实体施加足够的竞争压力。为化解欧委会的竞争担忧，双方提出承诺，剥离各自在欧委会认定存在重大竞争问题的市场中的全部重叠业务。经市场测试，欧委会认为经承诺修改的拟议交易将不再引起竞争担忧，因此附条件批准该交易。 ([查看更多](#))

The European Commission Approves Synopsys' Acquisition of Ansys Subject to Conditions

On January 10, 2025, the official website of the European Commission (“the Commission”) announced conditional approval of Synopsys’ proposed acquisition of Ansys. The European investigated the impact of the transaction on the global markets for the supply of optics software, photonics software and electronic design automation software tools for the design of chips. Upon investigation, the Commission finds the following: although the business activities of the two companies are largely complementary, the transaction, as initially notified, would have reduced competition in the relevant markets described above, and it would have led to high combined market share and high concentration levels in the above market; also after such transaction there would not be enough alternative competitors in the market to exert sufficient competitive pressure on the merged entity. To address the competition concerns of the Commission, the two parties proposed commitments to divest the entire overlap in terms of the merging parties’ respective activities in the markets where the Commission identified significant competition concerns. After the market test, the Commission concluded that the proposed transaction as modified by the commitments would no longer raise competition concerns, and therefore conditionally approves the transaction. ([More](#))

美国法院裁定驳回理想国演艺所提暂停审理消费者集体诉讼请求

2025年1月8日，据媒体报道，美国联邦法院一法官在美国消费者对理想国演艺集团（Live Nation Entertainment Inc.）及其子公司 Ticketmaster提起的集体诉讼中作出裁定。该诉讼指控理想国演艺集团及其子公司抬高票价。法官驳回理想国演艺集团基于浪费资源和可能导致冲突判决为由提出的暂停审理请求。与此同时，美国政府联合多个州对该集团提起的反垄断诉讼仍在进行中。这两起诉讼将一并继续由法院审理。该消费者集体诉讼的起诉时间为2022年1月，主张被告公司在现场活动票务领域制造了不公平的竞争壁垒，并寻求金钱赔偿；相关反垄断诉讼的起诉时间是2024年5月，美国司法部等认为原告在票务市场中施加了过多影响力，并寻求拆分理想国演艺集团和 Ticketmaster。两起诉讼均指控理想国演艺集团通过与场馆的独家协议和其他限制性安排从事反竞争行为。（[查看更多](#)）

The US Court Ruled to Rejects the Request from Live Nation Entertainment Inc. to Suspend the Trial of the Consumer Class-Action Lawsuit

On January 8, 2025, according to media reports, a judge of the U.S. federal court issued a ruling in the class-action lawsuit filed by U.S. consumers against Live Nation Entertainment Inc. (“Live Nation”) and its subsidiary Ticketmaster. This lawsuit accuses Live Nation and its subsidiary of inflating ticket prices. The judge rejected Live Nation’s request to pause this action on the grounds that it would waste resources and lead to conflicting judgments. Meanwhile, the antitrust lawsuit filed by the U.S. government and several states against Live Nation is still ongoing. The two lawsuits will continue to be heard by court. The consumer class-action lawsuit was filed in January 2022, which alleged that the defendant company created unfair barriers to competition in live event ticketing and sought monetary compensation; and the relevant antitrust lawsuit was filed in May 2024, where the DOJ and others alleged that the plaintiff had wielded too much influence in the ticketing market and sought to break up Live Nation and Ticketmaster. Both lawsuits accuse Live Nation of engaging in anti-competitive practices through exclusive deals with venues and other restrictive arrangements. ([More](#))

石油公司因“抢跑”违反反垄断法，向FTC支付创纪录民事罚款

2025年1月7日，美国联邦贸易委员会（“FTC”）宣布，原油生产商 XCL Resources Holdings, LLC、Verdun Oil Company II, LLC 和 EP Energy LLC三家公司将支付560 万美元民事罚款，以和解FTC对上述三家公司提起的反垄断诉讼。具体而言，上述三家公司同为一项应申报的并购交易的参与方，其中收购方在申报正式获得批准前即获得了被收购方的经营和决策控制权，因此FTC对这三家公司提起诉讼，称其行为违反了美国哈特-斯科特-罗迪诺法案（the Hart-Scott-Rodino Act）关于等待期的规定（waiting period），构成“抢跑”（gun-jumping）。最终上述三家公司与FTC达成和解，并将支付560万美元罚款，这也是FTC在“抢跑”领域开出的最高罚款金额。（[查看更多](#)）

Oil Companies to Pay Record Civil Penalty to FTC for “Gun-Jumping” Antitrust Law Violation

On January 7, 2025, the Federal Trade Commission (“FTC”) announced that three crude oil producers XCL Resources Holdings, LLC, Verdun Oil Company II, LLC, and EP Energy LLC, will pay a record civil penalty of \$5.6 million to settle the antitrust lawsuit brought by FTC against them. Specifically, the three companies mentioned above are all participants in a merger transaction that requires a notification, where the acquiring party has assumed control over the operation and decision-making of the acquired party before the notification is officially approved. Therefore, the FTC filed a lawsuit against the three companies, alleging that their conduct violated the waiting period requirements in the Hart-Scott-Rodino Act of the United States and constituted “gun jumping”. Eventually, the three companies have reached a settlement with the FTC and will pay a fine of \$5.6 million, which is also the highest penalty amount of the FTC in the field of “gun jumping”. ([More](#))

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

市场监督管理总局发布《网络交易合规数据报送管理暂行办法（征求意见稿）》

2025年1月24日，市场监督管理总局发布了《网络交易合规数据报送管理暂行办法（征求意见稿）》（以下简称《暂行办法》），向社会公开征求意见，意见反馈截止时间为2025年2月23日。《暂行办法》共二十一条，旨在规范网络交易合规数据报送和管理活动，提高网络交易监管效能。《暂行办法》规定了网络交易平台经营者应当履行的报送身份信息、报告违法行为线索数据、提交协助行政执法协查的交易数据、提供特定商品或服务交易数据、更正补充错误数据以及配合数据检查等多方面义务。《暂行办法》还明确了市场监管部门的访问数据、使用数据等各项权利。（[查看更多](#)）

SAMR Releases the *Interim Measures of Compliance Data Reporting in Online Transactions (Draft for Public Consultation)*

On 24 January, 2025, the State Administration for Market Regulation (SAMR) released *the Interim Measures of Compliance Data Reporting in Online Transactions (Draft for Public Consultation) (the Interim Measures)* for public consultation. The deadline for feedback is 23 February, 2025. The Interim Measures consists of 21 articles aimed at regulating compliance data reporting and management activities in online transactions to enhance the efficiency of online transaction supervision. The Interim Measures stipulates that network transaction platform operators must fulfill obligations such as submitting identity information, reporting clues of illegal activities, providing transaction data for administrative enforcement assistance, correcting and supplementing erroneous data, and cooperating with data inspections. The Interim Measures also clarify the rights of market regulatory authorities to access and use data. ([More](#))

十八部门联合印发《困境儿童个人信息保护工作办法》

2025年1月24日，民政部等十八个部门联合印发了《困境儿童个人信息保护工作办法》（以下简称《办法》）。《办法》共十八条，要求民政部门在组织实施社会救助、慈善帮扶、关爱服务时，要依法保护困境儿童个人信息。《办法》明确了各部门的儿童个人信息处理规则，并对处理儿童个人信息的同意规则、通讯新闻限制、书籍影视限制、网络信息限制等方面作出规定。《办法》强调了任何组织和个人不得将困境儿童标签化，不得利用困境儿童个人信息博眼球、赚流量，不得利用困境儿童个人信息进行募捐、直播带货等。（[查看更多](#)）

Eighteen Departments Jointly Issue Measures for the Protection of Personal Information of Children in Difficult Situations

On 24 January, 2025, the Ministry of Civil Affairs and 17 other departments jointly issued the *Measures for the Protection of Personal Information of Children in Difficult Situations (Measures)*. The Measures consists of 18 articles, requiring civil affairs departments to legally protect children's personal information in difficult situations during the implementation of social assistance, charitable aid, and care services. The Measures specifies the rules for processing children's personal information by various departments and set out consent rules, communication and news restrictions, book and film restrictions, and online information restrictions. The Measures emphasizes that no organization or individual shall label children in difficult situations, use their personal information for attention-seeking, profit from their information, or use their information for fundraising or live-streaming sales. ([More](#))

国家医保局发布《关于建立医保数据工作组更好赋能医疗机构发展的通知》

2025年1月23日，国家医疗保障局（以下简称“国家医保局”）办公室发布了《关于建立医保数据工作组更好赋能医疗机构发展的通知》（以下简称《通知》）。《通知》明确了医疗数据工作组的构成和职责，规定了数据工作组应向医疗机构公布医保数据的具体内容，同时提出了完善工作机制、狠抓工作落实和加强信息化支撑等三项工作要求。（[查看更多](#)）

NHSA Issues the Notice on Establishing Medical Insurance Data Working Group to Better Empower Medical Institutions

On 23 January, 2025, the National Healthcare Security Administration (NHSA) issued the *Notice on Establishing Medical Insurance Data Working Group to Better Empower Medical Institutions (Notice)*. The Notice clarifies the composition and responsibilities of the medical data working group,

stipulates that the group should disclose specific medical insurance data to medical institutions, and proposes three work requirements: improving the work mechanism, ensuring work implementation, and strengthening information technology support. ([More](#))

国家数据局发布向社会公开征求《数据领域常用名词解释（第二批）》意见的公告

2025年1月23日，国家数据局发布《数据领域常用名词解释（第二批）》（以下简称《解释》），向社会公开征求意见，意见反馈截止时间为2025年2月16日。《解释》对数据产权、衍生数据、企业数据、数据交易机构和数据产业等二十个数据领域名词进行了解释，旨在进一步凝聚共识，推动社会各界对数据领域术语形成统一认识和理解。（[查看更多](#)）

NDA Seeks Public Consultation on Second Batch of Common Terms in the Data Field

On 23 January, 2025, the National Data Administration (NDA) issued the *Second Batch of Common Terms in the Data Field (Terms)* for public consultation, with feedback due by 16 February, 2025. The Terms provides explanations for 20 data-related terms, including data property rights, derivative data, enterprise data, data trading institutions, and the data industry, aiming to further build consensus and promote unified understanding and recognition of data field terminology across society. ([More](#))

国家发展改革委、国家数据局发布三份公共数据资源政策文件

2025年1月20日，国家发展改革委、国家数据局发布了《公共数据资源登记管理暂行办法》、《公共数据资源授权运营实施规范（试行）》、《关于建立公共数据资源授权运营价格形成机制的通知》（以下分别简称《管理办法》、《实施规范》、《通知》）。

《管理办法》共六章二十四条，旨在规范公共数据资源登记工作，构建全国一体化的公共数据资源登记体系，从登记要求、登记程序、登记管理、监督管理等四个方面，明确了登记工作相关主体权利义务和工作流程。

《实施规范》共七章二十七条，旨在通过建立公共数据资源授权运营基础制度规则，正确处理政府和市场、效率和公平、发展和安全的关系，指导相关单位规范化开展授权运营工作，重点从基本要求、方案编制、协议签订、运营实施、运营管理等五个方面，明确了授权运营工作的决策流程、实施路径和管理要求。

《通知》坚持问题导向和目标导向相结合，聚焦公共数据授权运营这一关键环节，基于运营机构特殊角色定位，对公共数据运营服务费实行政府指导价（上限价格）管理，既保障运营机构健康可持续发展，又防止其形成垄断利润。（[查看更多](#)）

NDRC and NDA Issue Three Public Data Resource Policy Documents

On 20 January, 2025, the National Development and Reform Commission (NDRC) and the NDA issued three public data resource policy documents: *the Interim Measures for Public Data Resource Registration Management (Registration Measures)*, *the Implementation Specifications for Public Data Resource Authorized Operation (Trial) (the Implementation Specifications)*, and *the Notice on Establishing a Price Formation Mechanism for Public Data Resource Authorized Operation (Notice)*.

The Registration Measures consists of six chapters and 24 articles, aiming to regulate public data resource registration work, build a nationwide integrated public data resource registration system, and clarify the rights, obligations, and work processes of relevant entities involved in registration.

The Implementation Specifications consists of seven chapters and 27 articles, aiming to establish basic institutional rules for authorized operation of public data resources, properly handle the relationship between government and market, efficiency and fairness, development and security, and guide relevant units to carry out authorized operation work in a standardized manner. The specifications focus on five aspects: basic requirements, program development, agreement signing, operation implementation, and operation management, clarifying the decision-making process, implementation path, and management requirements for authorized operation work.

The Notice adopts a problem-oriented and goal-oriented approach, focusing on the key link of public data authorized operation. Based on the special role of operating institutions, it implements government-guided pricing (upper limit price) management for public data operation service fees, ensuring the healthy and sustainable development of operating institutions while preventing them from forming monopoly profits. ([More](#))

全国网安标委发布《网络安全标准实践指南——人脸识别支付场景个人信息安全保护要求》

2025年1月26日，全国网络安全标准化技术委员会（以下简称“全国网安标委”）发布了《网络安全标准实践指南——人脸识别支付场景个人信息安全保护要求》（以下简称《指南》）。

《指南》提出了人脸识别支付场景数据收集、存储、传输、导出、删除等环节的安全要求，可为人脸识别支付服务提供方、人脸验证服务方、场所管理方、设备运营方处理个人信息提供参考。（[查看更多](#)）

TC260 Issues *Cybersecurity Standard Practice Guidelines - Personal Information Security Protection Requirements for Face Recognition Payment Scenario*

On 26 January, 2025, the National Technical Committee 260 on Cybersecurity of Standardization Administration of China (TC260) released *Cybersecurity Standard Practice Guidelines - Personal Information Security Protection Requirements for Face Recognition Payment Scenario. (Guidelines)*. The Guidelines give security requirements for data collection, storage, transmission, export, and deletion in face recognition payment scenarios, which can provide reference for face recognition payment service providers, face verification service providers, management of relevant venues, and operators of relevant equipment in processing personal information. ([More](#))

全国网安标委发布《人工智能安全标准体系（V1.0）》（征求意见稿）》

2025年1月26日，全国网安标委发布了《人工智能安全标准体系（V1.0）（征求意见稿）》（以下简称《标准体系》），并向社会公开征求意见，意见反馈截止时间为2025年2月21日。

《标准体系》旨在积极响应《全球人工智能治理倡议》，支撑落实《人工智能安全治理框架》（以下简称《框架》），充分发挥标准对人工智能技术应用和产业规范引领作用，持续完善人工智能安全标准体系建设。《标准体系》主要内容包括三个章节和三个附件，第一章建立了标准体系架构，第二章围绕人工智能安全标准重点领域进行详细阐述，第三章规定了人工智能安全标准体系的组织实施。三个附件分别是《框架》的标准映射表、人工智能安全现行及在研标准文件以及标准重点方向明细表。（[查看更多](#)）

TC260 Issues AI Security Standard System (V1.0) (Draft for Public Consultation)

On 26 January, 2025, the TC260 issued the *AI Security Standard System (V1.0) (Draft for Public Consultation) (Standard System)* for public comment, with feedback due by 21 February, 2025. The Standard System aims to actively respond to the Global AI Governance Initiative, support the implementation of the *AI Security Governance Framework (Framework)*, and fully leverage the role of standards in guiding the application and development of AI technology and industry. The Standard System consists of three chapters and three appendices. The first chapter establishes the standard system architecture, the second chapter elaborates on key areas of AI security standards, and the third chapter specifies the organization and implementation of the AI security standard system. The three appendices include a mapping table of the Framework standards, a list of existing and under-development AI security standards, and a detailed list of key directions for AI security standards. ([More](#))

全国网安标委发布《网络安全标准实践指南——摇一摇广告个人权益规范指引（征求意见稿）》

2025年1月23日，全国网安标委发布了《网络安全标准实践指南——摇一摇广告个人权益规范指引（征求意见稿）》（以下简称《指引》），向社会公开征求意见，意见反馈截止时间为2025年2月5日。《指引》明确了摇一摇广告个人权益保障的基本原则和行为优化提升要求，适用于规范App和第三方SDK展示和触发摇一摇开屏广告的行为。（[查看更多](#)）

TC260 Releases Cybersecurity Standard Practice Guidelines - Guidelines for Regulating Personal Rights and Interests in Shake Advertisements (Draft for Public Consultation)

On 23 January, 2025, the TC260 released the *Cybersecurity Standard Practice Guidelines - Guidelines for the Regulation of Individual Rights and Interests in Shake Advertisements (Draft for Public Consultation) (Guidelines)* to solicit public comments from the society. The Guidelines give the basic principles and behavioral optimization and enhancement requirements for the protection of personal rights and interests in shake ads, which apply to regulating the behavior of displaying and triggering the open screen ads of shake ads by apps and third-party SDK. ([More](#))

全国网安标委发布《网络安全标准实践指南——人工智能生成合成内容标识 服务提供者编码规则（征求意见稿）》

2025年1月23日，全国网安标委发布了《网络安全标准实践指南——人工智能生成合成内容标识 服务提供者编码规则（征求意见稿）》（以下简称《规则》），向社会公开征求意见，意见反馈截止时间为2025年2月5日。《规则》为生成合成服务提供者和内容传播服务提供者提供编码规则，指导其开展人工智能生成合成内容的文件元数据隐式标识工作。（[查看更多](#)）

TC260 Issues Cybersecurity Standard Practice Guidelines - Artificial Intelligence Generation of Synthetic Content Identifiers Service Provider Coding Rules (Draft for Public Consultation)

On 23 January, 2025, the TC260 issued the *Cybersecurity Standard Practice Guidelines - Artificial Intelligence Generation of Synthetic Content Identifiers Service Provider Coding Rules (Draft for Public Consultation) (Rules)* for public comment, with feedback due by 5 February, 2025. The Rules provide coding rules for AI-generated content service providers and content dissemination service providers, guiding them in the implicit identification of file metadata for AI-generated content. ([More](#))

法国：CNIL发布《数据传输影响评估指南》

2025年1月31日，法国数据保护机构（CNIL）发布了《数据传输影响评估指南》（以下简称《指南》），以帮助企业将个人数据传输到欧洲经济区之外。《指南》概述了进行数据传输影响评估的流程，除非适用豁免，受GDPR管辖的数据传输组织（无论是控制者还是处理者）在使用SCC或BCR等工具进行数据出境前必须进行TIA评估。《指南》详细介绍了进行数据传输影响评估的五步流程，并推荐了确保有效数据传输的六项措施，包括了解传输行为、确定使用的传输工具、评估目的国立法及实践和传输工具有效性、识别并采取补充措施、实施补充措施和必要的程序步骤、适时重新评估并监测。《指南》是建议性的，而非强制性的，各组织可自行决定考虑哪些因素。（[查看更多](#)）

France: CNIL Issues the Practical Guide on Transfer Impact Assessment

On 31 January, 2025, the French data protection authority (CNIL) issued the *Practical Guide on Transfer Impact Assessment (Guide)* to help organizations transfer personal data outside the European Economic Area. The Guide outlines a Transfer Impact Assessment (TIA) must be carried out by the exporter subject to the GDPR, whether controller or processor, with the assistance of the importer, before transferring the data to a country outside the EEA where that transfer is based on a tool in Article 46 of the GDPR (e.g., Standard Contractual Clauses, Binding Corporate Rules), unless an exemption applies. The Guide details a five-step process for conducting a TIA and recommends six measures to ensure effective data transfers, including assessment of the transfer activities, the transfer tools used, the legislation and practices of the destination country and the effectiveness of the transfer tools, existing and implementation of supplementary measures, following necessary procedural steps, and re-evaluating the analysis at appropriate intervals. The Guide is advisory rather than mandatory, and organizations can decide for themselves which factors to consider. ([More](#))

美国：参议员霍利提出《2025年美国人工智能能力与中国脱钩法案》

2025年1月29日，美国参议员乔什·霍利提出了《2025年美国人工智能能力与中国脱钩法案》（以下简称《法案》），旨在保护美国的人工智能发展免受中国影响。中国近日推出了名为“DeepSeek”的数据收集型低成本AI模型，此举引发了国际关注，并导致美国科技股暴跌，《法案》在此背景下提出。《法案》规定：（1）禁止从中国进口或向中国出口人工智能技术；（2）禁止美国公司在中国进行AI研究或与中国公司合作开展AI研究；和（3）禁止美国公司投资中国的AI开发。（[查看更多](#)）

USA: Senator Hawley Introduces the *Decoupling America's Artificial Intelligence Capabilities from China Act 2025*

On 29 January, 2025, US Senator Josh Hawley introduced the *Decoupling America's Artificial Intelligence Capabilities from China Act 2025 (the Act)*, aimed at protecting the development of US artificial intelligence from Chinese influence. Recently, China launched a low-cost AI model for data collection named *DeepSeek*, which has attracted international attention and caused a plunge in US tech stocks. Against this backdrop, the Act was proposed. The Act stipulates: (1) Prohibit the import of artificial intelligence technologies from China or the export of such technologies to China; (2) Prohibit US companies from conducting AI research in China or collaborating with Chinese companies on AI research and (3) Prohibit US companies from investing in the AI development in China. ([More](#))

意大利：意大利数据保护机构Garante封禁DeepSeek服务

2025年1月30日，意大利数据保护机构（Garante）对中国人工智能应用程序DeepSeek实施禁令，原因在于其对于该应用程序个人数据处理的担忧。Garante 声称 DeepSeek 的母公司——杭州DeepSeek人工智能和北京DeepSeek人工智能声称它们不受欧洲法律的约束，因为它们不在欧盟境内运营。在一份新闻稿中，Garante表示：“与管理局的调查结果相反，这些公司表示他们不在意大利运营，欧洲法规不适用于他们。”因此，DeepSeek现在被意大利应用商店阻止上架。（[查看更多](#)）

Italy: Italy's Data Protection Agency Garante Bans DeepSeek Services

On 30 January, 2025, Italy's data protection agency (Garante) imposed a ban on the Chinese artificial intelligence application DeepSeek due to concerns over its personal data processing. Garante claims that DeepSeek's parent companies, Hangzhou DeepSeek AI and Beijing DeepSeek AI, asserted that they are not bound by European laws as they do not operate within the European Union. In a press release, Garante stated, "Contrary to the findings of the authority, these companies stated that they do not operate in Italy and that European regulations do not apply to them." As a result, DeepSeek is now blocked from being listed on Italian app stores. ([More](#))

英国：ICO 采取行动解决英国前1000家网站的cookie合规问题

2025年1月23日，英国信息专员办公室（ICO）宣布已启动对英国排名前1000家网站的cookie合规性审查。ICO已经评估了英国排名前200家网站的合规性，并向其中134家网站表达了关切，提出了明确的监管要求，即各机构必须遵守法律规定，在如何在线使用个人信息方面给予用户有意义的选择。此外，ICO宣布发布《针对实施或考虑实施“同意或付费”模式的指南》，该指南阐明了各机构如何部署“同意或付费”模式，以便在支持其经济可行性的同时赋予用户有意义的控制权。（[查看更多](#)）

UK: ICO Takes Action to Address Cookie Compliance of Top 1000 UK Websites

On 23 January, 2025, the Information Commissioner's Office (ICO) announced that it had launched a review of cookie compliance for the top 1,000 websites in the UK. It noted that it had assessed the compliance of the top 200 websites in the UK and communicated concerns to 134 of them, setting out the regulatory expectation that organizations must comply with the law and allow people to choose how their personal information is used online. In addition, the ICO published *guidance for organisations implementing or considering implementing 'consent or pay' models*, which clarifies how organizations can deploy this model to support its economic feasibility while giving users meaningful control. ([More](#))

知识产权 Intellectual Property

最高法知产庭：商业秘密侵权案件审理中需警惕秘密性认定与侵权同一性比对环节“两头得利”

近日，最高人民法院知识产权法庭就沈阳博某实业有限公司等三家关联公司（以下统称博某方）与其原技术人员侵害其技术秘密和经营秘密案作出终审判决，认为博某方所主张的技术信息和经营信息均不构成商业秘密，终审判决驳回上诉，维持原判。

博某方起诉主张，其公司原技术人员在离职后入职沈阳高某炉料有限公司（以下简称高某公司），博某方的企业资源规划与客户关系管理系统的模块及功能系原告方享有的技术秘密，涉案软件系统数据库中客户名单系博某方享有的经营秘密，高某公司、董某等侵害了博某方的技术秘密和经营秘密。博某方请求判令高某方停止侵害并赔偿经济损失800万元及维权合理开支。

最高法知产庭认为，关于侵害技术秘密，博某方主张作为技术秘密保护的内容实为对涉案软件系统中软件模块名称及相关功能的简单罗列，缺乏明确、具体的技术信息，且相关信息可以通过公开渠道获取，已为公众所知悉，不能构成技术秘密，故对博某方主张高某方侵害其技术秘密，不予支持。关于侵害经营秘密，博某方主张的客户信息具有价值性、秘密性和保密性，构成反不正当竞争法所保护的经营秘密。博某方主张作为商业秘密保护的经营信息是客户信息，对其中任何一家客户而言，只有客户名称与名称对应的业务联系人、联系方式、品种信息组合

在一起形成的信息集合才具有价值性和秘密性。因此，在进行侵权比对时，也应当以每一家客户所对应的信息集合作整体比对。在商业秘密案件中，应当特别注意审查用来作侵权比对的商业秘密在内容或范围上是否与权利人所主张保护的商业秘密保持一致，避免出现“两头得利”的情形。

来源：最高人民法院知识产权法庭

IP Tribunal of the Supreme People's Court: In the trial of trade secret infringement cases, be vigilant against "reaping double benefits" in the determination of secrecy and the comparison of infringement.

Recently, the IP Tribunal of the Supreme People's Court (SPC) rendered a final judgment in the case involving Shenyang Buo xx Industrial Co., Ltd. and three affiliated companies (hereinafter referred to as the "Buo Party") and their former technical personnel regarding the infringement of technical and business secrets. SPC held that neither the technical information nor the business information claimed by the Buo Party constituted trade secrets, and the final judgment upheld the original judgment.

The Buo Party alleged in its lawsuit that its former technical personnel, after leaving their posts, joined Shenyang Gao xx Furnace Material Co., Ltd. (hereinafter referred to as the "Gao Company"). The modules and functions of the Buo Party's enterprise resource planning and customer relationship management systems, as well as the software system database customer name list, were technical secrets owned by the Buo Party. The Gao Company, among others, allegedly infringed upon the Buo Party's technical and business secrets. The Buo Party claimed compensation for economic losses of 8 million yuan and reasonable rights - protection expenses.

SPC held that regarding the alleged infringement of technical secrets, the content claimed by the Buo Party as technical secret protection was merely a simple list of software module names and related functions in the software system, lacking clear and specific technical information. Moreover, the related information could be obtained through public channels and was already known to the public, thus not constituting technical secrets. Therefore, the claim by the Buo Party that the Gao Company infringed its technical secrets was not supported.

Regarding the alleged infringement of business secrets, the business information claimed by the Buo Party had value, confidentiality, and protection measures, and was business information protected by the Anti - Unfair Competition Law. However, the business information claimed by the Buo Party as trade secrets was customer information. For any single customer, only the information set formed by combining the customer name, the corresponding business contact person, contact information, and variety information had value and confidentiality. Therefore, during the infringement comparison, the information set corresponding to each customer shall be compared as a whole. In trade secret cases, special attention shall be paid to whether the scope of the business secret content used for infringement comparison overlaps with the scope of the business secrets claimed to be protected by the right holder, so as to avoid the situation of "reaping double benefits".

Source: Intellectual Property Tribunal of the Supreme People's Court

最高法知产庭：纺纱方法专利侵权，500万元诉求获法院全额支持

最高法知产庭就某某轻子公司与埃尔马科某某公司侵害发明专利权纠纷案，作出终审判决，某某轻子公司赔偿埃尔马科公司500万元。

本案中，被诉侵权技术方案是否落入涉案专利权的保护范围为争议焦点，最高法知产庭认为，涉案专利中“有效纺纱区朝向纺纱电极具有稳定位置”这一技术特征是指有效纺纱区和收集电极之间的直线距离保持不变。经查，被诉侵权产品中，面对收集电极的缆线表面生成纳米纤维，缆线平行固定，该部分相对于收集电极的距离固定不变，即为被诉侵权产品的有效纺纱区。故一审法院认定被诉侵权产品具有涉案专利权利要求中的“有效纺纱区”和“有效纺纱区朝向纺纱电极具有稳定位置”这一相关技术特征，并无不当。

来源：最高人民法院知识产权法庭

IP Tribunal of the Supreme People's Court: In a process patent infringement case regarding a spinning method, a claim of RMB 5 million was fully supported by the court.

SPC rendered a final judgment in the invention patent infringement dispute between a Jingzi Company and Elmarco Company. The certain Jingzi Company was ordered to compensate Elmarco Company RMB 5 million.

In this case, whether the alleged infringing technical solution fell within the protection scope of the involved patent right was the focus of the dispute. SPC held that the feature "the effective spinning area in the involved patent faces the spinning electrode with a stable position" meant that the straight - line distance between the effective spinning area and the collecting electrode remained unchanged. Upon investigation, in the alleged infringing product, nanofibers were generated on the winding surface facing the collecting electrode, and the winding was fixed in parallel. The distance of this part relative to the collecting electrode remained unchanged, which was the effective spinning area of the alleged infringing product. Therefore, the first - instance court's finding that the alleged infringing product had the technical features of "the effective spinning area" and "the effective spinning area faces the spinning electrode with a stable position" in the claims of the involved patent right was correct.

Source: Intellectual Property Tribunal of the Supreme People's Court

最高法知产庭：涉新三板公司侵害技术秘密案，历时五年获最高院二审改判

近日，最高人民法院知识产权法庭对一起侵害技术秘密纠纷案作出终审判决，本案历时五年终获最高院二审改判。优漫公司拥有某项纳米技术秘密以及以该纳米技术为核心开发的系列乳液和涂料，钱某系优漫公司股东，同时系该技术秘密的开发者。但钱某违反保密义务，与奇想股份公司的股东刘某结识后，擅自将该技术秘密以高价出售给奇想股份公司。

最高人民法院知识产权法庭认为，权利人主张的技术信息是否不为公众所知悉的认定，应当全面考虑在案证据。当事人对于涉案技术信息是否“不为公众所知悉”存在争议的，可以依法合理分配举证责任，综合考虑各方当事人的举证情况，尤其是涉案技术信息的形成过程，权利人

是否提交证据证明其采取了相应保密措施，是否有初步证据证明被诉侵权人实施了侵权行为，以及被诉侵权人是否提交了足以反驳的证据等。在权利人的举证符合《反不正当竞争法》第三十二条第一款的规定，且被诉侵权人有充分的机会提交反驳证据的情况下，不宜简单以权利人未能申请司法鉴定为由认定权利人有关涉案技术信息不为公众所知悉的主张不能成立。

来源：最高人民法院知识产权法庭

IP Tribunal of the Supreme People's Court: In a case of infringement of technical secrets, after five years, original judgment was reversed.

Recently, SPC rendered a final judgment in a technical secret infringement case. The case took five years to reach a second instance judgment before SPC.

Youman Company owned certain nanotechnology secrets and a series of emulsions and coatings developed with this nanotechnology as the core. Mr. Qian was an employee of Youman Company and also a developer of the technology secrets. However, Mr. Qian violated his confidentiality obligations. After leaving the company, he sold the technology secrets to Qixiang Co., Ltd. at a high price, and a shareholder of Qixiang Co., Mr. Liu, was aware of this.

SPC held that when determining whether the technical information claimed by the right holder is not known to the public, all evidence on record shall be comprehensively considered. When the parties have a dispute over whether the technical information involved is "not known to the public", the burden of proof shall be reasonably allocated in accordance with the law. Comprehensively consider the situation of evidence submitted by all parties, especially the formation process of the technical information involved, whether the right holder has submitted evidence to prove that it has taken corresponding confidentiality measures, whether there is preliminary evidence to prove that the alleged infringer has implemented the infringing act, and whether the alleged infringer has submitted evidence sufficient to refute shall be comprehensively considered. When the right holder's burden of proof complies with the provisions of Article 32.1 of the Anti - Unfair Competition Law, and the alleged infringer has no opportunity to submit refuting evidence, it is not appropriate to simply determine that the right holder's claim that the technical information involved is not known to the public cannot be established on the ground that the right holder has not applied for a judicial appraisal.

Source: Intellectual Property Tribunal of the Supreme People's Court

北京知产法院：认定商标拆分抢注仍构成复制摹仿

美的集团在我国享有较高的知名度，自然人关某经营家用电器业务，与美的集团总部同位于广东。基于地缘因素及同业竞争关系，关某对美的集团及其“美的/Midea”系列商标的知名度和影响力明知应知。关某名下8件商标均存在抄袭痕迹，特别是涉案“丁美”、“白勺丁”商标，对“美的”商标拆分实施抢注。国知局裁定认定美的集团请求首次认驰的第6765872号“美的”引证商标在争议商标申请日2013年4月7日前未构成驰名商标，遂依据商标法第四十四条第一款裁定对诉争商标予以无效宣告。美的集团认为，其第6765872号构成驰名商标，故起诉。北京市知识产权法院认为，涉案商标构成《商标法》第十四条第一款规定的为相关公众所熟知的商标。商标申请人关某申请注册了第12385889号商标，该商标标志与本案诉争商标结

合后呈现出的标志，完整包含争议商标“美的”。根据美的集团提供的商标申请人申请注册多件摹仿他人知名商标的证据，商标申请人注册本案争议商标具有明显的主观故意，结合美的集团引证商标的知名度因素，应当认定争议商标与引证商标一构成混淆性近似，应予无效宣告。

来源：北京知识产权法院

Beijing IP Court: splitting and squatting registration of trademarks still constitutes reproduction and imitation.

Midea Group enjoys a high reputation in China. Mr. Guan, a natural person, is engaged in the household appliance business and is located in Guangdong, the same province as Midea Group's headquarters. Based on geographical factors and peer competition, Mr. Guan shall have known the popularity and influence of Midea Group and its "美的/Midea" series of trademarks. Mr. Guan applied for trademark registration by splitting and pre - emptying. In particular, for the disputed trademarks "丁美" and "白勺丁", which were judged by the Trademark Review and Adjudication Board to be imitations of Midea Group's well - known trademarks, especially the "Midea" trademark, as of April 7, 2013, the disputed trademarks had not become well known trademarks. According to Article 44.1 of the Trademark Law, the disputed trademarks were declared invalid. Midea Group believed that the trademark No. 16765872 constituted a well - known trademark and filed a lawsuit. The Beijing IP Court held that the registered trademark constituted an imitation of Midea Group's well - known trademark and shall be declared invalid. The trademark applicant, Mr. Guan, applied for the registration of the trademark No. 12385889. The trademark logo, when combined with the disputed trademark in this case, presented a logo that completely included the disputed trademark "Midea". According to the evidence provided by Midea Group that the trademark applicant applied for multiple trademarks imitating well known trademarks of others, the trademark applicant's registration of the disputed trademark in this case had obvious subjective intentions. Considering the high reputation of Midea Group's cited trademarks, the disputed trademark and the cited trademarks shall be determined to constitute confusing similarities and shall be declared invalid.

Source: Beijing Intellectual Property Court

浙江高院：侵害商标及不正当竞争纠纷案，二审改判，适用惩罚性赔偿，全额支持原告530万诉求

浙江高院就上海世谊商贸有限公司与义乌市珍亮日用百货有限公司、义乌荒岛家居用品有限公司侵害商标权及不正当竞争纠纷案作出二审判决，认定被告两公司存在侵犯原告商标专用权行为以及不正当竞争行为，对其共同适用惩罚性赔偿，全额支持原告530万诉求。

被告两公司是否构成共同侵权为本案争议焦点，浙江高院认为，珍亮公司使用与原告公司涉案商标相同或近似的侵权标识并仿冒原告公司的商品包装、装潢，且明知买受人会利用其生产的被诉商品实施侵权行为，而仍长时间向荒岛公司大规模进行供货；荒岛公司作为同行业经营者，明知涉案商标及商品的知名度，却积极向珍亮公司大规模购买被诉侵权商品，且从被诉侵权商品的销售规模及被诉侵权行为的持续时间看，两公司就被诉侵权商品存在较为稳定的供销

关系。虽然本案并无直接证据证明被告两公司存在侵权意思联络，但通过上述客观事实已能体现两者在实施侵权行为时分工合作，存在共同的主观故意，其行为已经结合构成了一个具有内在联系的共同侵权行为，故珍亮公司应基于其实施的相应侵权行为与荒岛公司承担连带责任。

来源：浙江省高级人民法院

Zhejiang Higher People's Court: In a case of trademark infringement and unfair competition disputes, punitive damages were applied, and the plaintiff's claim of RMB 5.3 million was fully supported.

Zhejiang Higher People's Court rendered a second instance judgment in the trademark infringement and unfair competition dispute case between Shanghai Shiyi Trading Co., Ltd. and Yiwu Zhenliang Daily Necessities Co., Ltd., Yiwu Huangdao Home Products Co., Ltd. The court affirmed that the two defendants had infringed the plaintiff's exclusive right to use a well known trademark and engaged in unfair competition, and fully supported the plaintiff's claim of damages of RMB 5.3 million for compensation.

Whether the two defendant companies constituted joint infringement was the focus of the dispute in this case. The court held that Zhenliang Company used infringing marks identical or similar to the plaintiff company's trademarks involved and imitated the packaging and decoration of the plaintiff's goods. Moreover, it knew that the transferees would use the sued goods it produced to commit infringement acts and supplied goods to Huangdao Company on a large scale for a long time. As a competitor in the same industry, Huangdao Company knew the popularity of the trademarks and goods involved and actively purchased the sued infringing goods on a large scale from Zhenliang Company. Judging from the sales scale of the sued infringing goods and the duration and time of the infringing acts, there was a relatively stable supply relationship between the two companies regarding the sued infringing goods. Although there was no direct evidence in this case to prove that there was an infringement intention network between the two defendant companies, the above mentioned objective facts could already reflect that they cooperated in a division of labor when implementing the infringing acts and had a joint subjective intent. Their acts had jointly constituted a joint infringing act with an internal connection. Therefore, Zhenliang Company shall bear joint and several liability with Huangdao Company based on the corresponding infringing acts it implemented.

Source: Zhejiang Higher People's Court

深圳中院：走私进口正品洋酒构成对正品洋酒中国总经销商的不正当竞争

深圳市全通宝货物运输有限公司与保乐力加（中国）贸易有限公司不正当竞争纠纷案，由广东省深圳市中级人民法院作出二审判决，认定走私进口正品洋酒构成对正品洋酒中国总经销商的不正当竞争。

本案中，被告通过制作虚假贸易合同、发票等手段，走私进口涉案酒类并进行销售，法院认为其行为直接影响了原告作为合法进口商和总经销商的市场地位，对原告市场份额和销售利益造成了实质性损害，根据反不正当竞争法第二条，构成不正当竞争。本案其他被告，明知涉案酒类进口后会非法销售，但仍然协助报关，其行为亦构成不正当竞争；其在走私过程中的行为已

经为后续的低价销售提供了条件，属于共同侵权行为的一部分。同时强调，民事责任与刑事责任并不冲突，已因偷逃关税承担刑事责任的，仍需对其不正当竞争行为承担相应的民事责任。

来源：广东省深圳市中级人民法院

Shenzhen Intermediate People's Court: Smuggling genuine foreign spirit constitutes unfair competition against the general distributor of genuine foreign spirit in China.

The unfair - competition dispute between Shenzhen Quantongbao Goods Transportation Co., Ltd. and Pernod Ricard (China) Trading Co., Ltd. was adjudicated in the second instance by the Shenzhen Intermediate People's Court. It was determined that smuggling in genuine foreign spirits constituted unfair competition against the general distributor of genuine foreign spirits in China.

In this case, the defendant smuggled in and sold the spirits involved by means of forging false trade contracts, invoices, etc. The court held that its acts directly affected the legitimate import and general distribution market position of the plaintiff, damaging the plaintiff's market share and sales interests. The act was of an illegal nature, in violation of the Anti - Unfair Competition Law. Other defendants in this case, knowing that the spirits involved would be sold illegally after being imported, still assisted in customs declaration, and their acts also constituted unfair competition. The acts during the smuggling process had provided conditions for the subsequent low price sales and were part of the joint infringing acts. It was also emphasized that civil liability and criminal liability did not conflict. Those who had already borne criminal liability for evading customs duties shall still bear corresponding civil liability for their unfair - competition acts.

Source: Shenzhen Intermediate People's Court , Guangdong Province

IBM与格罗方德就高性能芯片纠纷达成和解

2025年1月2日，国际商业机器公司（IBM）与格罗方德半导体股份有限公司（Global Foundries）宣布双方已就正在进行的诉讼达成和解，解决了涉及违约、商业机密及知识产权索赔的所有法律争议。本次和解标志着双方法律纠纷的结束，并使两家公司能够在共同关注的领域探索新的合作机会。

在之前的诉讼中，格罗方德半导体股份有限公司被指控涉嫌违反与IBM的合同，而IBM则被指控滥用格罗方德半导体股份有限公司的商业秘密。

2015年，格罗方德半导体股份有限公司收购了IBM的半导体工厂。2021年，IBM向纽约州法院起诉格罗方德半导体股份有限公司，称其违反了一份价值15亿、为IBM制造高性能芯片的合同。2023年，格罗方德半导体股份有限公司向纽约联邦法院起诉IBM，指控其在与英特尔（Intel）、日本瑞萨电子（Rapidus）合作期间，涉嫌挪用格罗方德半导体股份有限公司的芯片制造商业秘密，并与这两家公司共享。英特尔发言人拒绝对和解一事发表评论。瑞萨电子的发言人也未立即回应置评请求。2024年11月，美国商务部向格罗方德半导体股份有限公司提供了15亿美元补贴，以助力其扩大在纽约州和佛蒙特州的半导体生产规模。

来源: IBM

IBM and Global Foundries reached a settlement in a high - performance chip dispute.

On January 2, 2025, International Business Machines Corporation (IBM) and Global Foundries Inc. announced that the two parties had reached a settlement in the ongoing litigation, resolving all legal disputes involving breach of contract, trade secrets, and intellectual property claims. This settlement marks the end of the legal disputes between the two parties and enables the two companies to explore new cooperation opportunities in areas of common interest.

In previous litigations, Global Foundries Inc. was accused of allegedly breaching its contract with IBM, while IBM was accused of misusing the business secrets of Global Foundries Inc.

In 2015, Global Foundries Inc. acquired IBM's semiconductor factory. In 2021, IBM sued Global Foundries Inc. in a New York state court, alleging that it had violated a \$1.5 billion contract to manufacture high performance chips for IBM. In 2023, Global Foundries Inc. sued IBM in a New York federal court, accusing it of allegedly misappropriating Global Foundries' chip manufacturing business secrets and sharing them with Intel and Rapidus during its cooperation with these two companies. Intel's spokesperson declined to comment on the settlement. The spokesperson of Rapidus also did not immediately respond to the request for comment. In November 2024, the U.S. Department of Commerce provided Global Foundries Inc. with a \$1.5 billion subsidy to help it expand its semiconductor production scale in New York state and Vermont.

Source: IBM

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