

# 中国反垄断与数据保护法律资讯

## China Monthly Antitrust & Data Protection Update

2021 年 6 月

June 2021

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## 第一部分：反垄断 Antitrust

### 立法动态 Legislation

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#### 《反垄断法》修改列入全国人大常委会 2021 年度工作要点

2021 年 5 月 14 日，全国人大常委会发布 2021 年度工作要点，其中包括修改反垄断法。<sup>1</sup>

#### **Anti-Monopoly Law Amendment Listed in the Main Work Points of the Standing Committee of the National People's Congress in 2021**

On 14 May 2021, the Standing Committee of the National People's Congress issued the main points of work plan in 2021, including amending the anti-monopoly law.<sup>2</sup>

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<sup>1</sup> <https://mp.weixin.qq.com/s/YFHaBUFrZBAbeAlFApI1-Q>。

<sup>2</sup> <https://mp.weixin.qq.com/s/YFHaBUFrZBAbeAlFApI1-Q>。

## 执法机构 Authorities

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### 国家市场监督管理总局召开互联网平台企业整改督察专题会

2021年5月7日，国家市场监督管理总局召开互联网平台企业整改督察专题会。会议指出，相关省（市）市场监管局应立即对34家平台企业展开中期督导，确保对“二选一”等突出问题在限期内高质量完成整改。下一步，国家市场监督管理总局将持续推进平台企业整改工作，对问题突出的平台企业进行重点检查，对仍然顶风作案的平台企业，一律从严从重查处。<sup>3</sup>

### **SAMR Holds a Special Meeting on the Rectification and Supervision of Internet Platform Enterprises**

On 7 May 2021, the State Administration for Market Regulation (“SAMR”) held a special meeting on the rectification and supervision of Internet platform enterprises. The meeting pointed out that the relevant provincial (municipal) market regulation bureau should immediately carry out mid-term supervision on 34 platform enterprises to ensure that high-quality rectification of major problems such as “choose one out of two” is completed within the time limit. In the next step, the SAMR will continue to promote the rectification of platform enterprises, focus on the inspection of platform enterprises with major problems, and carry out strict investigation and punish those that refuse to comply with the law.<sup>4</sup>

### 四川省市监局召开白酒行业反垄断提醒告诫会

2021年5月6日，四川省市场监管局召开提醒告诫会，对宜宾五粮液等6家川酒企业经营者进行反垄断法宣传和提醒告诫。<sup>5</sup>

### **AMR of Sichuan Province Holds an Antitrust Warning Meeting in Liquor Industry**

On 6 May 2021, Administration for Market Regulation of Sichuan Province held a warning meeting to publicize the Anti-monopoly Law and warn risks to six Sichuan liquor enterprises, including Yibin Wuliangye.<sup>6</sup>

### 江苏省市监局开展全省药品企业反垄断合规培训

2021年5月8日，江苏省市场监管局开展全省药品企业反垄断合规培训，省内近70家药企参加培训。<sup>7</sup>

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<sup>3</sup> <https://mp.weixin.qq.com/s/PEqQ4I8ECR0IKqLIDOzEDw>。

<sup>4</sup> <https://mp.weixin.qq.com/s/PEqQ4I8ECR0IKqLIDOzEDw>。

<sup>5</sup> <http://scjgj.sc.gov.cn/scjgj/c104475/2021/5/7/172bd3eb69d34db49df972e33a03767d.shtml>。

<sup>6</sup> <http://scjgj.sc.gov.cn/scjgj/c104475/2021/5/7/172bd3eb69d34db49df972e33a03767d.shtml>。

<sup>7</sup> [https://mp.weixin.qq.com/s/FO7Ne\\_A\\_HwQCI3MQZK4mIg](https://mp.weixin.qq.com/s/FO7Ne_A_HwQCI3MQZK4mIg)。

## AMR of Jiangsu Province Carries Out Anti-Monopoly Compliance Training for Pharmaceutical Enterprises

On 8 May 2021, AMR of Jiangsu Province carried out an anti-monopoly compliance training for pharmaceutical enterprises in Jiangsu Province with nearly 70 local pharmaceutical enterprises participated in the training.<sup>8</sup>

### 国务院：保障大宗商品价格稳定，严厉查处垄断协议行为

2021年5月19日，国务院总理李克强主持召开国务院常务会议，部署大宗商品保供稳价工作。会议强调要依法严厉查处达成实施垄断协议、散播虚假信息、哄抬价格特别是囤积居奇等行为并公开曝光。<sup>9</sup>

## State Council: Ensure the Stability of Bulk Commodity Prices, Severely Investigate and Punish Monopoly Agreements

On 19 May 2021, Premier Li Keqiang presided over an executive meeting of the State Council to deploy the work of ensuring supply and stabilizing prices of bulk commodities. The meeting stressed that it is necessary to strictly investigate and deal with behaviors of reaching and implementing monopoly agreements, spreading false information, bidding up prices, especially hoarding, and expose these behaviors to the public.<sup>10</sup>

### 五部门约谈大宗商品重点企业，要求不得串通操纵市场价格

2021年5月23日，国家发展改革委、工业和信息化部、国资委、国家市场监管总局、证监会等五个部门召开会议，联合约谈了铁矿石、钢材、铜、铝等行业具有较强市场影响力的重点企业，要求不得相互串通操纵市场价格、捏造散播涨价信息，不得囤积居奇、哄抬价格。<sup>11</sup>

## Five Departments Interview Key Bulk Commodity Enterprises: Market Price Manipulation not Allowed

On 23 May 2021, five departments including the NDRC, MIIT, SASAC, SAMR and CSRC held a meeting to jointly interview key enterprises with strong market influence in iron ore, steel, copper and aluminum industries. It is required that they should not collude with each other to manipulate market prices, fabricate and spread the information of price hikes, and shall not hoard and bid up prices.<sup>12</sup>

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<sup>8</sup> [https://mp.weixin.qq.com/s/FO7Ne\\_A\\_HwQCI3MQZK4mIg](https://mp.weixin.qq.com/s/FO7Ne_A_HwQCI3MQZK4mIg)。

<sup>9</sup> [http://www.gov.cn/premier/2021-05/19/content\\_5608922.htm](http://www.gov.cn/premier/2021-05/19/content_5608922.htm)。

<sup>10</sup> <https://mp.weixin.qq.com/s/Bb60ThHxbT7VVi5vSFVgiw>。

<sup>11</sup> <https://mp.weixin.qq.com/s/DzJ9UyvBOCrhkaFCPxoEg>。

<sup>12</sup> <https://mp.weixin.qq.com/s/DzJ9UyvBOCrhkaFCPxoEg>。



## 七部委发文规范水泥市场，协调产业政策与竞争政策

2021年5月21日，国家市场监督管理总局、工业和信息化部、国家发展改革委、生态环境部、商务部、海关总署、国家知识产权局联合发布《关于提升水泥产品质量规范水泥市场秩序的意见》，要求严肃查处垄断协议、滥用市场支配地位，依法进行经营者集中申报。<sup>13</sup>

### Seven Ministries and Commissions Issue Documents to Regulate Cement Market and Coordinate Industrial Policy and Competition Policy

On 21 May 2021, the State Administration for Market Regulation, the Ministry of Industry and Information Technology, the National Development and Reform Commission, the Ministry of Ecology and Environment, the Ministry of Commerce, the General Administration of Customs and the China National Intellectual Property Administration jointly issued the *Opinions on Improving the Quality of Cement Products and Standardizing the Order of the Cement Market*, which requires serious investigation and punishment on reaching monopoly agreements, abuse of dominant market position and submitting merger filing according to law.<sup>14</sup>

### 国务院常务会议：深入推进反垄断执法

2021年5月26日，国务院总理李克强主持召开国务院常务会议。会议指出，加强公正监管。严格落实公平竞争审查制度，对各类市场主体一视同仁，清理废除歧视、妨碍各类市场主体参与市场经济活动的政策和法规。深入推进反垄断、反不正当竞争执法，依法查处具有优势地位的企业为抢占市场份额恶意补贴、低价倾销等行为。整治各种乱收费乱罚款。<sup>15</sup>

### Executive Meeting of the State Council: Further Promoting Anti-Monopoly Law Enforcement

On 26 May 2021, Premier Li Keqiang presided over the executive meeting of the State Council. The meeting pointed out that fair supervision should be strengthened. The government shall strictly implement the fair competition review system, treat all kinds of market entities equally, and eliminate policies and regulations that discriminate against and hinder all kinds of market entities from participating in market economic activities. The government shall further promote anti-monopoly and anti-unfair competition law enforcement, and investigate against enterprises with a superior position who in order to seize market shares conduct illegal practices such as malicious subsidies and low price dumping. The government shall rectify all kinds of arbitrary charges and fines.<sup>16</sup>

## “中国出租汽车产业联盟”被取缔，曾炮轰网约车垄断

<sup>13</sup> [https://www.miit.gov.cn/jgsj/ycls/wjfb/art/2021/art\\_5c51a8ae1a8440c2bb0b959c2a29d77d.html](https://www.miit.gov.cn/jgsj/ycls/wjfb/art/2021/art_5c51a8ae1a8440c2bb0b959c2a29d77d.html)。

<sup>14</sup> [https://www.miit.gov.cn/jgsj/ycls/wjfb/art/2021/art\\_5c51a8ae1a8440c2bb0b959c2a29d77d.html](https://www.miit.gov.cn/jgsj/ycls/wjfb/art/2021/art_5c51a8ae1a8440c2bb0b959c2a29d77d.html)。

<sup>15</sup> [http://www.xinhuanet.com/politics/2021-05/26/c\\_1127495526.htm](http://www.xinhuanet.com/politics/2021-05/26/c_1127495526.htm)。

<sup>16</sup> [http://www.xinhuanet.com/politics/2021-05/26/c\\_1127495526.htm](http://www.xinhuanet.com/politics/2021-05/26/c_1127495526.htm)。

上海市民政局宣布，于 2021 年 5 月 25 日对非法社会组织“中国出租汽车产业联盟”予以取缔。该组织由全国 50 多家出租汽车企业和部分地区行业协会共同成立。曾多次以发公开信、发函的方式向国家多个监管部门反映网约车行业和互联网出行平台存在的问题，其中两次都是关于滴滴与优步合并的反垄断调查。<sup>17</sup>

### **China Taxi Industry Alliance Banned, Once Bombarded Online Car-Hailing Monopoly**

Shanghai Civil Affairs Bureau announced that on 25 May 2021, the illegal social organization “China Taxi Industry Alliance” has been banned. The organization was jointly established by more than 50 taxi enterprises and some regional industry associations, and has repeatedly reported the problems of the online car-hailing industry and Internet travel platforms to many regulatory agencies in the country by sending open letters and letters, two of which were about the antitrust investigations on the merger of DiDi and Uber.<sup>18</sup>

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<sup>17</sup> <https://mp.weixin.qq.com/s/XLleb-Mit-ChPe62JbPBjA>。

<sup>18</sup> <https://mp.weixin.qq.com/s/XLleb-Mit-ChPe62JbPBjA>。

## 行政调查 Public Enforcement

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### 国家市场监督管理总局公布天津天药垄断协议案处罚决定书

2021年4月30日，国家市场监督管理总局发布了对天津天药药业股份有限公司（“天津天药”）等三家企业的行政处罚决定书。经调查，天津天药与天津太平洋化学制药有限公司三次达成并实施划分市场、固定醋酸氟轻松原料药价格的垄断协议。深圳市富海通医药有限公司参与了第三次的垄断协议，并与另两家公司组成三方协查小组监督垄断协议的实施情况。经过综合考虑，国家市场监督管理总局对三家公司分别处以4400万、520万、154万罚没款。<sup>19</sup>

### SAMR Issues the Punishment Decision of Tianjin Tianyao Monopoly Agreement Case

On 30 April 2021, the SAMR issued an administrative punishment decision against Tianjin Tianyao Pharmaceutical Co., Ltd. (“**Tianjin Tianyao**”) and other three enterprises. The investigation found that Tianjin Tianyao and Tianjin Pacific Chemical Pharmaceutical Co., Ltd. have reached and implemented the monopoly agreement of dividing the market and fixing the price of Fluocinolone Acetate API. Shenzhen Fuhaitong Pharmaceutical Co., Ltd. participated in the third monopoly agreement and formed a tripartite investigation team with the other two companies to supervise the implementation of the monopoly agreement. After comprehensive consideration, the SAMR imposed RMB 44 million, 5.2 million and 1.54 million fines on the three companies respectively.<sup>20</sup>

### 公牛集团因涉嫌实施垄断协议被立案调查

2021年5月13日，公牛集团股份有限公司（“公牛集团”）发布公告，称其于5月11日收到浙江省市场监督管理局对公牛集团涉嫌与交易相对人达成并实施垄断协议行为进行立案调查的通知。<sup>21</sup>

### Bull Group under Investigation for Suspected Implementation of Monopoly Agreement

On 13 May 2021, Bull Group Co., Ltd. (“**Bull Group**”) announced that on May 11, it received an investigation notice from AMR of Zhejiang Province, which had decided to investigate Bull Group for allegedly entering and implementing a monopoly agreement with trading counterparties.<sup>22</sup>

### 福建省市监局纠正两起行政垄断案

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<sup>19</sup> [http://www.samr.gov.cn/fldj/tzgg/xzcf/202104/t20210430\\_328493.html](http://www.samr.gov.cn/fldj/tzgg/xzcf/202104/t20210430_328493.html)。

<sup>20</sup> [http://www.samr.gov.cn/fldj/tzgg/xzcf/202104/t20210430\\_328493.html](http://www.samr.gov.cn/fldj/tzgg/xzcf/202104/t20210430_328493.html)。

<sup>21</sup> [http://static.sse.com.cn/disclosure/listedinfo/announcement/c/new/2021-05-13/603195\\_20210513\\_1.pdf](http://static.sse.com.cn/disclosure/listedinfo/announcement/c/new/2021-05-13/603195_20210513_1.pdf)。

<sup>22</sup> [http://static.sse.com.cn/disclosure/listedinfo/announcement/c/new/2021-05-13/603195\\_20210513\\_1.pdf](http://static.sse.com.cn/disclosure/listedinfo/announcement/c/new/2021-05-13/603195_20210513_1.pdf)。

2021年5月和2月，福建省市场监督管理局纠正了以下两起行政垄断案。仙游县工信局发布通知设定市场准入条件，将外地经营者排除在仙游县区域的特定市场之外。福州市交通运输局要求全市道路运输企业及从业人员安装应用“安途帮”交通运输安全培训管理服务平台。

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### **AMR of Fujian Province Corrects Two Administrative Monopoly Cases**

In May and February 2021, AMR of Fujian Province corrected the following two administrative monopoly cases. Xianyou County Bureau of Industry and Information issued a notice to set market entry barrier, excluding the field operators from the specific market in Xianyou county. Fuzhou Transportation Bureau required the city's road transport enterprises and practitioners to install and apply the “Antubang”, a traffic safety training management service platform. <sup>24</sup>

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<sup>23</sup> [https://mp.weixin.qq.com/s/miPmqB8yxjc\\_IkQUTV6qTQ](https://mp.weixin.qq.com/s/miPmqB8yxjc_IkQUTV6qTQ)。

<sup>24</sup> [https://mp.weixin.qq.com/s/miPmqB8yxjc\\_IkQUTV6qTQ](https://mp.weixin.qq.com/s/miPmqB8yxjc_IkQUTV6qTQ)。

## 经营者集中 Merger Control

### 国家市场监督管理总局发布互联网领域九起违法实施经营者集中案

2021年4月30日，国家市场监督管理总局集中发布了九起互联网领域违法实施经营者集中案件的行政处罚决定书，包括腾讯控股有限公司收购 Bitauto Holdings Limited 股权案、腾讯控股有限公司收购上海阑途信息技术有限公司股权案、林芝腾讯科技有限公司与大连万达商业管理集团股份有限公司设立合营企业案、上海汉涛信息咨询有限公司收购上海领健信息技术有限公司股权案、嘉兴创业环球有限公司与丰田汽车公司设立合营企业案、嘉兴创业环球有限公司收购赢时通汽车租赁有限公司股权案、滴滴智慧交通科技有限公司与济南浪潮智投智能科技有限公司设立合营企业案、苏宁润东股权投资管理有限公司收购上海易果电子商务有限公司股权案、弘云久康数据技术(北京)有限公司与上海云鑫创业投资有限公司设立合营企业案。相关企业均被顶格处罚 50 万元。<sup>25</sup>

### SAMR Issues 9 Gun-Jumping Cases in the Internet Sector

On 30 April 2021, SAMR issued nine administrative punishment decisions for gun-jumping in the Internet sector, including the equity acquisition of Bitauto Holdings Limited by Tencent Holdings, the equity acquisition of Shanghai Lantu Information Technology by Tencent, the establishment of a joint venture between Linzhi Tencent Technology and Dalian Wanda Commercial Management Group, the equity acquisition of Shanghai LinkCare Information Technology by Shanghai Hantao Information Consulting, the establishment of a joint venture between Cheering Venture Global Limited and Toyota Motor, the equity acquisition of Yestock Car Rental by Cheering Venture, the establishment of a joint venture between DiDi Smart Transportation Technology and Jinan Inspur Zhitou Smart Technology, the equity acquisition of Shanghai Yiguo E-commerce by Suning Rundong Equity Investment Management, the establishment of a joint venture between Hongyun Jiukang Data Technology (Beijing) and Shanghai Yunxin Venture Capital Management. Relevant enterprises were fined RMB 500,000 each.<sup>26</sup>

### 南北船重组已完成国际反垄断审查

2021年5月18日，中国船舶工业股份有限公司发布公告称，原中国船舶工业集团有限公司和原中国船舶重工集团有限公司联合重组涉及的在全球主要国家（地区）的反垄断审查目前刚刚完成，现正抓紧办理工商变更、产权登记等法律手续。<sup>27</sup>

<sup>25</sup> [http://www.samr.gov.cn/xw/zj/202104/t20210430\\_328470.html](http://www.samr.gov.cn/xw/zj/202104/t20210430_328470.html)。

<sup>26</sup> [http://www.samr.gov.cn/xw/zj/202104/t20210430\\_328470.html](http://www.samr.gov.cn/xw/zj/202104/t20210430_328470.html)。

<sup>27</sup> [http://www.eworldship.com/html/2021/ship\\_stock\\_comment\\_0519/171119.html](http://www.eworldship.com/html/2021/ship_stock_comment_0519/171119.html)。

## International Antitrust Reviews for the Reorganization of the South and North Shipbuilding Corporations Completed

On 18 May 2021, China State Shipbuilding Industry Co., Ltd. announced that the anti-monopoly reviews in major countries (regions) involved in the joint reorganization of the former China State Shipbuilding Co., Ltd. and the former China Shipbuilding Industry Co., Ltd. have just been completed. The company is now stepping up the legal procedures of industrial and commercial change and property right registration.<sup>28</sup>

### 五矿发展：未依法申报不实施进一步调查

2021年5月25日，五矿发展发布公告，称其收到国家市场监督管理总局出具的《涉嫌违法实施经营者集中不实施进一步调查决定书》，决定对五矿发展与阿里巴巴集团控股有限公司设立合营企业不对其实施进一步调查。<sup>29</sup>

### Minmetals Development: No Further Investigation on Gun-Jumping

On 25 May 2021, Minmetals Development Co., Ltd announced that it had received the *Decision of No Further Investigation of Suspected Illegal Implementation of Concentration of Undertakings* from SAMR, which had decided not to carry out against it further investigation on the establishment of a joint venture between Minmetals Development and Alibaba Group Holding Limited.<sup>30</sup>

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<sup>28</sup> [http://www.eworldship.com/html/2021/ship\\_stock\\_comment\\_0519/171119.html](http://www.eworldship.com/html/2021/ship_stock_comment_0519/171119.html)。

<sup>29</sup> <https://wap.eastmoney.com/a/202105261935701532.html>。

<sup>30</sup> <https://wap.eastmoney.com/a/202105261935701532.html>。

## 法院诉讼 Courts Litigation

### 汽车行业协会以程序瑕疵为由请求撤销反垄断处罚，未获二审法院支持

2021年4月27日，中国裁判文书网发布菏泽市汽车行业协会（“汽车行业协会”）与山东省市场监督管理局二审行政判决书。济南市中级人民法院判决，行政处罚程序虽轻微违法，但未损害各方当事人的实体权益，驳回汽车行业协会上诉，维持原判。<sup>31</sup>

#### **Court of Second Instance Rejects the Request of the Automobile Industry Association on Cancelling the Anti-Monopoly Punishment Based on Procedural Defects**

On 27 April 2021, China Judgement Online released the second instance administrative judgment of the case between Heze Automobile Industry Association (“**Automobile Industry Association**”) and AMR of Shandong Province. Jinan Intermediate Court ruled that although the administrative penalty procedure is slightly illegal, it didn’t damage the substantive rights and interests of the parties. The appeal of the automobile industry association was therefore rejected and the original judgment was upheld.<sup>32</sup>

### 最高院：横向垄断协议实施者无权要求其他实施者赔偿经济损失

2021年5月10日，最高人民法院知识产权法庭发布砖瓦协会垄断案裁判要点，明确横向垄断协议的实施者无权要求其他实施者赔偿其因实施横向垄断协议导致的所谓经济损失。<sup>33</sup>

#### **SPC: Implementers of Horizontal Monopoly Agreement Not Entitled to Claim Economic Damages from other Implementers**

On 10 May 2021, The Intellectual Property Tribunal of the Supreme People’s Court (“**SPC**”) released the main points of the judgment on the monopoly case of Brick and Tile Association, making it clear that the implementers of the horizontal monopoly agreement have no right to ask other implementers to compensate for the so-called economic losses caused by the implementation of the horizontal monopoly agreement.<sup>34</sup>

### 最高院召开反垄断审判工作专家座谈会

<sup>31</sup> <https://wenshu.court.gov.cn/website/wenshu/181107ANFZ0BXS4/index.html?docId=766d5d3f5d3f45bba59bad1200f34356>。

<sup>32</sup> <https://wenshu.court.gov.cn/website/wenshu/181107ANFZ0BXS4/index.html?docId=766d5d3f5d3f45bba59bad1200f34356>。

<sup>33</sup> <https://mp.weixin.qq.com/s/XNH06i-someroxm-iy33wA>。

<sup>34</sup> <https://mp.weixin.qq.com/s/XNH06i-someroxm-iy33wA>。

2021年5月12日，最高院召开反垄断审判工作专家座谈会。最高院院长周强出席座谈会并对加强反垄断审判工作提出具体要求。他强调要坚持反垄断与保障平台经济发展相统一，加强反垄断司法与行政执法的有效衔接。<sup>35</sup>

### SPC Holds Expert Forum on Antitrust Trial

On 12 May 2021, the SPC held an expert forum on antitrust trial. Zhou Qiang, President of the SPC, attended the forum and put forward specific requirements for strengthening the anti-monopoly trial work. He stressed the need to adhere to the unity of anti-monopoly and platform economic development, and strengthen the effective connection between anti-monopoly justice and administrative law enforcement.<sup>36</sup>

### 最高院5月18日第三次开庭审理首例原料药垄断上诉案

2021年5月18日上午，最高人民法院知产法庭开庭审理扬子江药业原料药垄断侵权案件的上诉案。2020年12月18日和2021年4月25日，该案曾先后两次开庭审理。<sup>37</sup>

### SPC Holds the Third Hearing of the First API Monopoly Suit Appeal on May 18

On the morning of 18 May 2021, the Intellectual Property Tribunal of the SPC held a public hearing on an appeal filed by Yangtze River Pharmaceutical Group relating to a monopoly conduct dispute on API. The case had been heard twice, relatively on December 18, 2020 and April 25, 2021.<sup>38</sup>

### 最高院裁定深圳中院对TCL诉爱立信案有管辖权

最高院近日对TCL诉爱立信滥用市场支配地位纠纷案的管辖权作出二审裁定，认为：垄断纠纷案件的管辖可以以被诉垄断行为产生排除、限制竞争影响的结果地作为管辖连结点。<sup>39</sup>

### SPC: Shenzhen Intermediate Court Has Jurisdiction over TCL v. Ericsson

Recently, the SPC made a second instance ruling on the jurisdiction of TCL v. Ericsson, which involves abuse of dominant market position. The court holds that the place where the accused monopoly have effects of excluding or restricting competition can be regarded as the jurisdiction node of the anti-monopoly case.<sup>40</sup>

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<sup>35</sup> <https://mp.weixin.qq.com/s/Bb60ThHxbT7VVi5vSFVgiw>。

<sup>36</sup> <https://mp.weixin.qq.com/s/Bb60ThHxbT7VVi5vSFVgiw>。

<sup>37</sup> <https://mp.weixin.qq.com/s/wiElqOutmdapYoiaZPC8PQ>。

<sup>38</sup> <https://mp.weixin.qq.com/s/wiElqOutmdapYoiaZPC8PQ>。

<sup>39</sup> <https://wenshu.court.gov.cn/website/wenshu/181107ANFZ0BXS4/index.html?docId=1640700464524f0595d3acde0122dac2>。

<sup>40</sup> <https://wenshu.court.gov.cn/website/wenshu/181107ANFZ0BXS4/index.html?docId=1640700464524f0595d3acde0122dac2>。



## 第二部分：数据保护 Data Protection

### 立法动态 Legislation

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#### 网信办发布《汽车数据安全若干规定（征求意见稿）》

2021年5月12日，国家网信办发布了《汽车数据安全若干规定（征求意见稿）》，向社会公开征求意见。征求意见稿提出，收集汽车数据信息，需要取得被征集人的同意。征求意见稿所称个人信息包括车主、驾驶人、乘车人、行人等的个人信息，以及能够推断个人身份、描述个人行为的各种信息。实践中难以实现的（如通过摄像头收集车外音视频信息），且确需提供的，应当进行匿名化或脱敏处理，包括删除含有能够识别自然人的画面，或对这些画面中的人脸等进行局部轮廓化处理等。<sup>41</sup>

#### ***CAC Releases Several Provisions on the Management of Automobile Data Security (Draft for Public Comments)***

On 12 May 2021, the Cyberspace Administration of China (“CAC”) released *Several Provisions on the Management of Automobile Data Security (Draft for Public Comments)* for public comment. The draft for public comment proposes that the collection of automotive data information requires the consent of the person being collected. The personal information referred to in the draft for public consultation includes personal information of car owners, drivers, riders, pedestrians, etc., as well as various information that can infer personal identity and describe personal behavior. In the case where relevant data is practically difficult to collect (such as through the camera to collect audio and video information outside the car), and must be provided, such data should be anonymized or desensitized, including the deletion of images containing natural persons can be identified, or the face of these images, such as local contouring process.<sup>42</sup>

#### 广东试点首席数据官制度，推进公共数据开放应用

5月14日，广东省政府办公厅印发《广东省首席数据官制度试点工作方案》（下称《试点工作方案》），推进政府首席数据官制度。首席数据官的职责将侧重于统筹数据管理和融合创新，推进公共数据共享开放和开发利用；领导本行政区域内数据工作，对信息化建设及数据

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<sup>41</sup> [http://www.cac.gov.cn/2021-05/12/c\\_1622400511898266.htm](http://www.cac.gov.cn/2021-05/12/c_1622400511898266.htm)。

<sup>42</sup> [http://www.cac.gov.cn/2021-05/12/c\\_1622400511898266.htm](http://www.cac.gov.cn/2021-05/12/c_1622400511898266.htm)。

发展和保护工作中的重大事项进行决策，协调解决相关重大问题；组织制订数据治理工作的中长期发展规划及相关制度规范，推动公共数据与社会数据深度融合和应用场景创新。<sup>43</sup>

### **Guangdong Pilots Chief Data Officer System to Promote Open Application of Public Data**

On May 14 2021, the General Office of the Guangdong Provincial Government issued the *Guangdong Chief Data Officer System Pilot Working Plan* (“**Pilot Working Plan**”) to promote the government's Chief Data Officer system. The responsibilities of the Chief Data Officer will focus on coordinating data management and integration innovation, promoting public data sharing, opening and development and utilization; leading data work in the administrative region, making decisions on major matters in information construction and data development and protection, coordinating and solving relevant major issues; organizing the formulation of medium- and long-term development plans and relevant institutional norms for data governance, and promoting the deep integration of public data and social data and innovation in application scenarios.<sup>44</sup>

### **深圳数据条例提请市人大“二审”**

2021年5月27日至28日，《深圳经济特区数据条例（草案修改一稿）》提请深圳市七届人大常委会第一次会议审议。与一审稿相比，修改案增设了不少亮点内容，例如在提出“数据权益”的基础上进一步明确了个人数据的具体属性，新增对用户画像、个性化推荐的规制以及数据公平竞争的规范等，同时规定违规处理个人数据的，将按照每处理一个自然人的个人数据处以二百元以上一千元以下的罚款。<sup>45</sup>

### **Shenzhen Special Economic Zone Provisional Data Regulations submitted to Municipal People's Congress for Second Review**

From May 27 to 28 2021, *Shenzhen Special Economic Zone Provisional Data Regulations (First Revised Draft)* were submitted to the first meeting of the Standing Committee of the seventh Shenzhen Municipal People's Congress for deliberation. Compared with the first draft, the many highlights are added to the revised draft, such as further clarifying the specific attributes of personal data on the basis of proposing “data rights”, adding regulations on user portraits, personalized recommendation, and fair data competition, and so on. At the same time, it also provides for the illegal

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<sup>43</sup> [http://www.gd.gov.cn/zwgk/wjk/qbwj/ybh/content/post\\_3281723.html](http://www.gd.gov.cn/zwgk/wjk/qbwj/ybh/content/post_3281723.html).

<sup>44</sup> [http://www.gd.gov.cn/zwgk/wjk/qbwj/ybh/content/post\\_3281723.html](http://www.gd.gov.cn/zwgk/wjk/qbwj/ybh/content/post_3281723.html).

<sup>45</sup> [http://duchuang.sznews.com/content/2021-05/29/content\\_24254456.html](http://duchuang.sznews.com/content/2021-05/29/content_24254456.html).

handling of personal data as a fine of more than 200 yuan and less than 1000 yuan will be imposed for each processing of personal data of a natural person.<sup>46</sup>

### 上海召开数据立法研讨会，《上海市数据条例（暂定名）》草案已经形成

2021年5月27日，上海市召开数据立法研讨会，就加快突破数据立法中的重点、难点问题展开探讨。上海数据立法起草组组长、市大数据中心主任朱宗尧表示，目前，《上海市数据条例（暂定名）》草案已经形成，这部《条例》草案在不触碰数据权属的前提下，对数据主体和数据处理者的“数据权益”作出了明确规定，明确市场主体在不违反法律、行政法规禁止性规定以及与被收集人约定的情况下，对自身产生和依法收集的数据，以及开发形成的数据产品和服务，有权进行管理、收益和转让，解决权益不清带来的数据流通不畅、利用不足的问题。<sup>47</sup>

### Shanghai Holds Data Legislative Seminar: Drafting Work of *Shanghai Data Regulations* has finished

On 27 May 2021, Shanghai held a data legislation seminar to discuss the key and difficult issues in accelerating the breakthrough of data legislation. Zhu Zongyao, leader of Shanghai data legislation drafting group and director of Shanghai big data center, said that at present, the draft of *Shanghai Data Regulations* (tentative name) (“**Regulations**”) has been completed. The draft Regulations, on the premise of not touching the ownership of data, include clear provisions on the “data rights and interests” of data subject and data processor. It clarifies that market subject has the right to manage, profit and transfer the data generated by itself and legally collected, as well as the data products and services developed and formed without violating the prohibitive provisions of laws and administrative regulations and the agreement with the collected person, so as to solve the problems of poor data circulation and insufficient utilization caused by unclear rights and interests.<sup>48</sup>

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<sup>46</sup> [http://duchuang.sznews.com/content/2021-05/29/content\\_24254456.html](http://duchuang.sznews.com/content/2021-05/29/content_24254456.html)。

<sup>47</sup> <http://finance.sina.com.cn/jjxw/2021-05-28/doc-ikmxzfmm5084880.shtml>。

<sup>48</sup> <http://finance.sina.com.cn/jjxw/2021-05-28/doc-ikmxzfmm5084880.shtml>。

## 执法案例 Enforcement Cases

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### 国家网信办通报百度输入法、高德地图等 33 款 APP 违法违规收集使用个人信息

2021 年 5 月 1 日，国家互联网信息办公室对 33 款 App 违法违规收集使用个人信息情况进行通报，涉及搜狗、QQ 等输入法类 App，以及百度、腾讯、高德等地图类 App。网信办要求相关 App 运营者于本通报发布之日起 10 个工作日内完成整改。<sup>49</sup>

### CAC Reports 33 Apps including Baidu Input Method and Gaode Map for Illegal Collection and Use of Personal Data

On 1 May 2021, the Cyberspace Administration of China (“CAC”) issued a statement on the illegal collection and use of personal data of 33 mobile phone apps, including input method apps such as Sogou and QQ, as well as map apps such as Baidu, Tencent and Gaode. CAC required the relevant app operators to comply with the rules within 10 working days from the date of this statement.<sup>50</sup>

### 国家网信办通报 84 款 App 违法违规收集使用个人信息

2021 年 5 月 10 日，国家网信办通报了近期对安全管理、网络借贷等常见类型公众大量使用的部分 App 的个人信息收集使用情况的检测结果，腾讯手机管家等 84 款 App 被点名。国家网信办要求，相关 App 运营者应当于 15 个工作日内完成整改，并将整改情况上报，逾期未完成整改的将依法予以处置。<sup>51</sup>

### CAC Reports 84 Apps for Illegal Collection and Use of Personal Data

On 10 May 2021, the Cyberspace Administration of China (“CAC”) published a statement regarding the examination results of personal data collection and use of some mobile apps widely used by the public, such as security management, online lending and so on. A total number of 84 apps including Tencent Mobile Housekeeper were listed for illegal collection and use of personal data. In the statement, CAC required the relevant app operators to comply with the rules within 15 working days and file the rectification to the authority. Those who fail to comply within the time limit will be dealt with penalties according to law.<sup>52</sup>

### 八部门约谈滴滴等十家运输平台企业，提出强化个人信息保护

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<sup>49</sup> [http://www.cac.gov.cn/2021-04/30/c\\_1621370239178608.htm](http://www.cac.gov.cn/2021-04/30/c_1621370239178608.htm)。

<sup>50</sup> [http://www.cac.gov.cn/2021-04/30/c\\_1621370239178608.htm](http://www.cac.gov.cn/2021-04/30/c_1621370239178608.htm)。

<sup>51</sup> [https://mp.weixin.qq.com/s/cuxW\\_1Fxpj190zt6nkII6g](https://mp.weixin.qq.com/s/cuxW_1Fxpj190zt6nkII6g)。

<sup>52</sup> [https://mp.weixin.qq.com/s/cuxW\\_1Fxpj190zt6nkII6g](https://mp.weixin.qq.com/s/cuxW_1Fxpj190zt6nkII6g)。

2021年5月14日，交通运输部、中央网信办、国家发展改革委、工业和信息化部、公安部、人力资源社会保障部、国家市场监督管理总局、国家信访局等交通运输新业态协同监管部际联席会议8家成员单位对滴滴出行、首汽约车、曹操出行、美团出行、T3出行、高德、嘀嗒出行、满帮、货拉拉、快狗打车等10家交通运输新业态平台公司进行联合约谈。约谈指出，要落实企业主体责任，加快推进网约车合规化进程，严格落实驾驶员背景核查有关要求，清退不符合条件的人员和车辆，加强对驾驶员的内部管理和安全教育，强化用户个人信息保护，确保行业安全稳定发展。<sup>53</sup>

### **Eight Departments Jointly Interviewed Ten Transportation Platform on Strengthening Personal Data Protection**

On 14 May 2021, eight departments including the Ministry of Transport, the Central Cyberspace Affairs Office, the Ministry of Industry and Information Technology, the Ministry of Public Security, the Ministry of Emergency Management, and the Market Supervision and Administration, in the name of the Inter-Ministry Joint Conference Office for Coordination and Supervision of New Transportation Business Forms, conducted joint interviews with 10 new transportation platform companies, including Didi Chuxing, Shouqi Car-hailing, Cao Cao Travel, Meituan Travel, T3 Chuxing, Gaode, Dida Travel, and Man Bang, Huolala, Kuaigou Hailing. The interview pointed out that it is necessary to implement the main responsibility of enterprises, accelerate the process of online car booking compliance, strictly implement the relevant requirements of driver background verification, remove unqualified personnel and vehicles, strengthen the internal management and safety education of drivers, and strengthen the protection of users' personal information, so as to ensure the safe and stable development of the industry.<sup>54</sup>

### **国家网信办通报抖音、快手、百度等 105 款 APP 违法违规收集个人信息**

5月21日，国家网信办发布关于抖音、快手、百度等105款App违法违规收集使用个人信息情况的通报。这些APP中包括短视频、浏览器、求职招聘等多种常见App。经检测，各类App存在的主要问题为违反必要原则，收集与其提供的服务无关的个人信息、未公开收集使用规则、未按法律规定提供删除或更正个人信息功能、未提供删除更正功能和投诉举报渠道等。网信办要求针对检测发现的问题，相关App运营者应当于通报发布之日起15个工作日内完成整改，逾期未完成整改的将被依法予以处置。<sup>55</sup>

<sup>53</sup> [https://www.sohu.com/a/466393876\\_260616](https://www.sohu.com/a/466393876_260616)。

<sup>54</sup> [https://www.sohu.com/a/466393876\\_260616](https://www.sohu.com/a/466393876_260616)。

<sup>55</sup> [http://www.cac.gov.cn/2021-05/20/c\\_1623091083320667.htm](http://www.cac.gov.cn/2021-05/20/c_1623091083320667.htm)。

## CAC Reports 105 Apps including Douyin, Kuaishou and Baidu for Illegal Collection and Use of Personal Data

On 21 May 2021, the Cyberspace Administration of China (“CAC”) issued a statement on the illegal collection and use of personal data of 105 mobile phone apps, including Bytedance’s Douyin and short video app Kuaishou. The examined apps are short video, browser, job recruitment and other common apps. The statement cited these apps for violation of the principle of necessity, collection of personal information unrelated to the services they provide, failure to collect and use rules publicly, failure to provide the function of deleting or correcting personal information according to the law, failure to provide the function of deleting and correcting personal information, and failure to provide the channel of complaint reporting, etc. CAC required the relevant app operators to comply with the rules within 15 working days and file the rectification to the authority. Those who fail to comply within the time limit will be dealt with penalties according to law.<sup>56</sup>

### 杭州公交、蘑菇街等 34 款 APP 因侵害用户个人信息权益等被通报

2021 年 5 月 21 日，浙江省通信管理局发布关于侵害用户权益行为的 APP 通报（2021 年第四批）。通报称，该局近期组织第三方检测机构对 95 款手机应用软件开展检测工作，其中 59 款 APP 存在“违规收集个人信息”“超范围收集个人信息”“APP 强制、频繁、过度索取权限”“强制用户使用定向推送功能”等相关问题，该局已书面要求问题 APP 相关企业限期整改。截至目前，尚有 34 款 APP 未完成整改，上述 APP 应在 5 月 28 日前完成整改落实工作。逾期不整改的，该局将依法依规组织开展相关处置工作。<sup>57</sup>

## Zhejiang Authority Cites 34 Apps including Hangzhou Public Transportation and Mogujie for Infringement of Users' Data Rights and Interests

On 21 May 2021, Zhejiang Provincial Bureau of Communications issued a statement on app infringement of users' data rights and interests (the fourth batch in 2021). According to the statement, the Bureau recently organized a third-party testing agency to carry out the examination on 95 mobile phone applications. Among them, 59 apps have problems related to “illegal collection of personal data”, “excessive collection of personal information”, “app compulsion, frequent and excessive access” and “forcing users to use the directional push function”. The Bureau has requested in writing that the enterprises related to the problem apps rectify within a time limit. There are now still 34 apps that have not been rectified including Hangzhou Public Transportation and Mogujie. The Bureau said the rectification and implementation of the above apps should be completed before May 28. If it fails

<sup>56</sup> [http://www.cac.gov.cn/2021-05/20/c\\_1623091083320667.htm](http://www.cac.gov.cn/2021-05/20/c_1623091083320667.htm).

<sup>57</sup> [https://zjca.miit.gov.cn/zwgk/tzgg/art/2021/art\\_9c69b8dc9a5b44ad9923b8b2f1b0e7a9.html](https://zjca.miit.gov.cn/zwgk/tzgg/art/2021/art_9c69b8dc9a5b44ad9923b8b2f1b0e7a9.html).

to rectify within the time limit, the Bureau will organize and carry out relevant disposal work in accordance with laws and regulations.<sup>58</sup>

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<sup>58</sup> [https://zjca.miit.gov.cn/zwgk/tzgg/art/2021/art\\_9c69b8dc9a5b44ad9923b8b2f1b0e7a9.html](https://zjca.miit.gov.cn/zwgk/tzgg/art/2021/art_9c69b8dc9a5b44ad9923b8b2f1b0e7a9.html)。

## 法院诉讼 Courts Litigation

### “人脸识别第一案”郭兵申请再审，称“原判决适用法律错误”

近日，浙江某大学特聘副教授郭兵诉杭州野生动物世界的“国内人脸识别第一案”再有新进展。4月9日，该案在杭州市中级人民法院二审宣判。二审判决杭州野生动物园应删除采集的郭兵的指纹识别信息。二审宣判后，郭兵认为“未注册人脸识别的用户将无法正常入园”条款是一个“霸王条款”，但两审法院均未应其请求对该条款进行审查。随后，郭兵以“原判决认定的基本事实缺乏证据证明”以及“原判决适用法律确有错误”为由，向浙江高院申请再审。<sup>59</sup>

### Guo Bing of "China's First Face Recognition Case" Applies For Retrial on the Grounds of "Wrongly Law Application"

Recently, new progress was made in the "China's first face recognition case" where a law professor filed lawsuit against a wildlife park for its enforcement of facial-recognition technology on its members. On 9 April 2021, the Hangzhou Intermediate People's Court ruled that Hangzhou Wildlife World deleted the facial and fingerprint identification data submitted by the plaintiff when he applied for the annual fingerprint card. Mr. Guo expressed disappointment at the judgement that the term "consumer who have not registered for face recognition will not be able to enter the park" is an imparity clause. However, the courts of the two instances did not review the term. Now Guo Bing has applied to the Zhejiang High Court for a retrial on the grounds that "the basic facts found in the original verdict lacked evidence" and "the original verdict was wrong in applying the law".<sup>60</sup>

### 开发“爬虫”搜集他人信息提供有偿查询，上海 8 人被法院定罪判刑

近日，经上海市浦东新区检察院提起公诉，法院以侵犯公民个人信息罪判处被告人刘某、黄某等 8 人有期徒刑三年，缓刑三年至有期徒刑一年，缓刑一年不等，各并处罚金 3 万元至 1 万元不等。经查，该公司通过签订合作协议等方式和 3000 余家上下游公司达成合作框架，用自行开发的“爬虫”技术在互联网上爬取身份证、社保、公积金、出行、社交、消费能力、通信记录、电商消费记录等各类公民个人信息共计 308 万余条，通过有偿提供查询服务违法所得共计 1750 余万元。<sup>61</sup>

### Eight Departments Hold Jointly Interview with Ten Transportation Platform on Strengthening Personal Data Protection

<sup>59</sup> [https://www.sohu.com/a/465863565\\_161795](https://www.sohu.com/a/465863565_161795)。

<sup>60</sup> [https://www.sohu.com/a/465863565\\_161795](https://www.sohu.com/a/465863565_161795)。

<sup>61</sup> [http://news.jcrb.com/jszx/202105/t20210519\\_2280801.html](http://news.jcrb.com/jszx/202105/t20210519_2280801.html)。



Recently, after the Shanghai Pudong new area procuratorate filed a public prosecution, the court sentenced eight defendants for the crime of infringing on citizens' personal information, including Liu and Huang, to three years' imprisonment, suspended for three years to one year's imprisonment, suspended for one year, and each of them was fined 30000 yuan to 10000 yuan. Investigation shows that the company has reached a cooperation framework with more than 3000 upstream and downstream companies by signing cooperation agreements and other means, and has used self-developed "Crawler" technology to crawl more than 3080000 pieces of personal information of citizens on the Internet, such as ID card, social security, provident fund, travel, social networking, consumption capacity, communication records, e-commerce consumption records, etc. More than 17.5 million yuan of illegal income was obtained by providing paid inquiry services.<sup>62</sup>

### 通过木马软件远程“捕获”消费者信息，一男子因侵犯公民个人信息罪获刑

近日，经山西省大同市广灵县法院查明，男子张某翔为找到定向客户，通过电脑木马软件远程获取其他公司消费者信息后，向消费者售卖产品获取利润。截至 2020 年 1 月，张某翔共获取客户个人信息 315 条，销售本草膏方 33.2679 万元，获利 20 余万元。法院认为，张某翔违反国家有关规定，通过给他人电脑植入木马程序，远程监控对方与客户聊天内容，非法获取公民个人信息 315 条，其行为侵犯了公民个人身份信息的安全和公民身份管理秩序，触犯了《中华人民共和国刑法》的规定，构成侵犯公民个人信息罪，判处有期徒刑 1 年，缓刑 1 年，并处罚金 5000 元。<sup>63</sup>

### Man Sentenced for the Crime of Infringing Citizens' Personal Information for “Capturing” Consumer Data through Trojan Horse Software

Recently, the court of Guangling County, Datong City, Shanxi Province found out that a man named Zhang, in order to find targeted customers, remotely obtained consumer data of other companies through computer Trojan horse software, and then sold products to consumers for profit. As of January 2020, Zhang has obtained 315 pieces of personal data of customers, sold RMB 332,679 of herbal cream, and made a profit of more than RMB 200,000. The court held that Zhang violated the relevant provisions of the state by implanting Trojan horse programs into other people's computers, remotely monitoring the chat content between the other party and customers, and illegally obtaining 315 pieces of citizens' personal information. His behavior violated the security of citizens' personal identity information and the order of citizens' identity management, violated the provisions of the Criminal Law of the People's Republic of China, and constituted the crime of infringing citizens' personal data. He was sentenced to one year's imprisonment, one year's probation and a fine of RMB 5000.<sup>64</sup>

<sup>62</sup> [http://news.jcrb.com/jszx/202105/t20210519\\_2280801.html](http://news.jcrb.com/jszx/202105/t20210519_2280801.html)。

<sup>63</sup> <http://epaper.sxrb.com/wap/sxfzb/20210525/641330.shtml>。

<sup>64</sup> <http://epaper.sxrb.com/wap/sxfzb/20210525/641330.shtml>。

## 重庆市消委会提起要求赔偿损失的个人信息保护民事公益诉讼

2021年5月25日，重庆市消费者权益保护委员会根据《中华人民共和国消费者权益保护法》第四十七的规定，就重庆某企业营销策划有限公司非法泄漏万名消费者个人信息提起重庆市首例个人信息保护消费民事公益诉讼。本案提出的以行为补偿损失的诉求，在全国消费民事公益诉讼中尚属首次。本案已由重庆市第一中级人民法院立案受理。<sup>65</sup>

### Chongqing Consumer Committee Filed Civil Public Interest Lawsuit for Personal Information Protection

On 25 May 2021, Chongqing Consumer Rights Protection Committee filed the first civil public interest lawsuit for the protection of personal information of Chongqing for the illegal leakage of thousands of consumer personal information by a marketing planning company in Chongqing according to Law of the People's Republic of China on Protection of Consumer Rights and Interests. This case is the first time in consumer civil public interest litigation to claim compensation for loss by behavior. This case has been accepted by the Chongqing First Intermediate People's court.<sup>66</sup>

## 字节跳动“抄袭搬运”新浪微博数据，被判不正当竞争，赔偿 2100 万元

2021年5月28日消息，北京市海淀区人民法院对新浪微博诉字节跳动不正当竞争纠纷案作出了判决。判决生效之日起十日内，字节跳动需依法赔偿新浪微博经济损失 2000 万元及合理开支 115.7 万元。原告称，2016年10月起字节公司利用技术手段抓取，或由其公司员工以人工复制方式大规模获取源发自新浪微博的内容，并紧随其后发布、展示在今日头条中，向用户进行传播。判决书显示，被告北京字节跳动科技有限公司立即停止“抄袭搬运”等不正当竞争行为。同时字节跳动需在头条网首页及其微博官方帐号“今日头条”置顶位置连续七日刊登声明，就涉案不正当竞争行为为原告新浪微博消除影响。<sup>67</sup>

### For "Plagiarism" on Weibo, Bytedance Sentenced to Compensate 21 RMB Million for Unfair Competition

On 28 May 2021, the People's Court of Haidian District of Beijing disclosed a first-instance civil judgment on an unfair competition dispute case between ByteDance and Sina Weibo. Within ten days from the effective date of the judgment, ByteDance must compensate Sina Weibo for economic losses of 20 million yuan and reasonable expenses of 1.157 million yuan in accordance with the law. The plaintiff claimed that since October 2016, ByteDance has used technical means to capture, or its employees have manually copied the large-scale acquisition source from Sina Weibo. The content of

<sup>65</sup> [https://mp.weixin.qq.com/s/TMSR\\_kF-6dYsANpzItHyqg](https://mp.weixin.qq.com/s/TMSR_kF-6dYsANpzItHyqg)。

<sup>66</sup> [https://mp.weixin.qq.com/s/TMSR\\_kF-6dYsANpzItHyqg](https://mp.weixin.qq.com/s/TMSR_kF-6dYsANpzItHyqg)。

<sup>67</sup> <https://www.ithome.com/0/554/086.htm>。

it will be released and displayed in today's headlines immediately afterwards to spread to users. The verdict showed that the defendant Beijing ByteDance Technology Co., Ltd. immediately ceased "plagiarism and removal" and other unfair competition behaviors from the date of the verdict's effective date (May 17). At the same time, ByteDance must publish a statement on the top page of Toutiao.com and its official Weibo account "Today Toutiao" for seven consecutive days to eliminate the impact of the plaintiff's Sina Weibo on the unfair competition.<sup>68</sup>

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<sup>68</sup> <https://www.ithome.com/0/554/086.htm>.

## 微信公众号 WeChat Public Accounts

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