



北京知识产权法院 2025 年度案例

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北京知识产权法院 2025 年度案例

案例一：行业协会组织垄断协议反垄断行政系列案

——行业协会组织经营者从事垄断行为的认定

1. 案件信息

原告：某省水泥协会（简称某水泥协会）

被告：某省市场监督管理局（简称某省市监局）

被告：国家市场监督管理总局

2. 基本案情

某水泥协会系依法成立的行业协会，主要负责水泥行业指导、协调工作。2019年5月，某省市监局接到举报，反映某水泥协会组织本行业企业联合涨价，涉嫌违反反垄断法。某省市监局依法调查后，于2022年6月作出行政处罚决定，认定某水泥协会组织、推动某省某区域13家水泥企业多次达成统一上涨水泥产品价格的横向垄断协议，并协调涉案企业实施，故责令其立即停止违法行为，并处罚款50万元。某水泥协会不服，向国家市场监督管理总局申请行政复议，国家市场监督管理总局复议维持原处罚决定。水泥协会向北京知识产权法院提起行政诉讼，请求撤销涉案行政处罚决定及行政复议决定。北京知识产权法院经审理认为，在案证据足以证明某水泥协会存在组织本行业经营者达成并实施横向垄断协议的行为，被诉行政处罚决定、行政复议决定认定

事实清楚、适用法律正确、程序合法，判决驳回其诉讼请求。某水泥协会提起上诉，最高人民法院驳回上诉，维持原判。

3. 裁判要旨

行业协会通过组建微信群、召开行业会议、组织聚会等方式，为经营者实施共谋提供沟通交流平台，协调、促使和推动经营者达成、实施垄断协议的，属于反垄断法所禁止的行业协会组织本行业经营者从事垄断行为。

4. 典型意义

该系列案件作为首例涉行业协会反垄断行政案件，立足我国反垄断治理实践需求，精准回应行业协会履职中的突出问题，紧扣与基础设施建设、民生保障密切相关的重点领域，为行业协会依法履职、反垄断执法机关精准执法、司法机关公正裁判提供了可落地、可参照的明确指引，彰显了司法维护公平竞争秩序、服务保障全国统一大市场建设的责任与担当。

一是明确了行业协会组织达成垄断协议的具体认定规则。我国反垄断实践中对于哪些行为属于“行业协会组织本行业经营者从事垄断行为”缺乏具体规则，行业协会合法履职，与以“行业协调”“规范发展”为名、变相组织经营者实施共谋以排除、限制竞争的行为边界存在模糊地带。本案结合水泥行业特点，明确行业协会通过组建微信群、召集行业会议、组织线下聚会等方式，对经营者达成、实施垄断协

议起到决定性或主导作用的，构成垄断行为。该裁判规则明晰了“行业协调”与“垄断共谋”的边界，为法院审理同类案件提供了清晰指引，也为反垄断执法机关定性处罚提供了明确依据。二是强化了反垄断行政执法与司法审查的协同衔接。本案完整呈现“地方执法—国家复议—法院审查”全流程衔接：某省市监局接到举报后，依法固定微信群聊天记录、会议纪要等证据，精准认定违法事实并作出处罚；国家市场监督管理总局复议维持原决定，保障执法统一性；北京知识产权法院、最高人民法院通过一审、二审，全面审查处罚及复议决定的合法性与合理性，既监督执法程序、确保过罚相当，又支持执法机关的正确定性。这种协同衔接提升了执法公信力，推动形成“执法查处、复议监督、司法把关”的治理闭环，落实了反垄断法关于“健全行政执法和司法衔接机制”的要求，为同类案件办理提供了程序范本，助力完善反垄断公共实施体系。

三是为行业协会规范履职提供了明确指引。水泥行业作为基础设施建设、房地产开发的基础性产业，产品价格直接关系到工程成本与民生保障。某水泥协会组织水泥企业联合涨价，不仅排除了区域市场竞争、抬高了下游成本，还会向终端民生领域传导，最终损害消费者权益。本案裁判明确警示行业协会，自律管理必须在法治框架内进行，不得借“行业自律”之名组织经营者达成垄断协议、干预市场竞争；同时

明确其合法履职边界，引导协会回归行业服务、技术交流、标准制定等核心职能。此外，案件公开审理也对各类行业协会起到警示教育作用，推动树立“合规履职、公平竞争”理念，促进行业健康生态形成，彰显司法保障民生的立场。

综上，该系列案是我国反垄断法治建设的重要探索，也是规范行业协会行为、完善反垄断治理体系的关键实践。案件通过明确认定规则、强化协同衔接、指引合规履职，明晰了行业协会垄断认定标准，推动执法与司法协同发力，为行业协会划定法治红线，为维护公平竞争秩序、保障实体经济发展、守护民生福祉提供了法治保障。其裁判精神将持续引导行业协会依法自律，推动反垄断治理体系和治理能力现代化，助力打造市场化、法治化、国际化营商环境，为全国统一大市场建设注入持久法治动力。

案例二：“变身漫画特效”不正当竞争纠纷案

——首例人工智能模型和参数保护案

1. 案件信息

上诉人（原审被告）：某信息技术公司

被上诉人（原审原告）：某科技公司

2. 基本案情

2020年6月15日，某科技公司在其APP（手机应用程序）上线变身漫画特效。该特效功能由人工智能技术实现，可以将用户实时拍摄的照片、视频，按照真人比例重构五官并进行微调，实时转换为漫画风格。2020年8月4日，某信息技术公司在其运营的手机应用程序上线少女漫画特效，该特效形成的漫画形象、视频与某科技公司变身漫画特效成像在视觉效果上高度一致。某科技公司认为，某信息技术公司的行为构成不正当竞争。一审法院认为，某信息技术公司的行为损害了某科技公司的竞争利益，属于反不正当竞争法第二条规制的不正当竞争行为。某信息技术公司不服，提起上诉。

北京知识产权法院二审认为，某科技公司投入大量经营资源研发变身漫画特效，使得用户在使用某科技公司APP时可生成与真人具有对应关系的动漫形象，该经过数据训练和调校后的参数与结构，为某科技公司取得了创新优势，构成受到反不正当竞争法保护的竞争利益。在案证据证明，某信

息技术公司直接使用其他经营者的人工智能模型结构和参数，并在某科技公司变身漫画特效上线后不久与其竞争流量和用户，其行为违反人工智能研发经营领域公认的商业道德，扰乱了人工智能模型经营活动和健康有序的竞争秩序，损害了消费者的合法权益。某信息技术公司实施了反不正当竞争法第二条所规定的不正当竞争行为。二审法院判决驳回上诉，维持原判。

3. 裁判要旨

经营者通过数据训练、优化调校等方式所形成的人工智能模型结构和参数，能够为其带来创新优势和经营收益，属于反不正当竞争法所保护的合法权益。他人未经许可，擅自商业化利用上述模型结构及参数，构成不正当竞争。

4. 典型意义

在人工智能技术快速发展并成为数字经济重要生产要素的时代背景下，人工智能模型结构和参数是人工智能产品与服务的核心竞争力，其研发需投入大量技术、资金和劳动，对该类创新成果的司法保护，是激励人工智能产业创新发展、维护市场竞争秩序的关键命题。本案作为全国首例保护人工智能模型结构和参数的生效判决，以司法创新实践回应人工智能模型成果的保护需求，为人工智能产业的健康发展奠定法治基础。

本案生效判决裁判规则核心体现在对人工智能模型竞

争利益属性的明确认定与人工智能成果司法保护路径的划定。

一是明确人工智能模型结构和参数的竞争利益属性。生效判决指出，经营者对人工智能模型结构和参数的实质性研发投入，所形成的能带来市场竞争优势的成果，属于反不正当竞争法所保护的竞争利益，在无相反证据的情况下，可依据研发投入证据、模型成果应用效果等认定权益归属。这一规则认可了经营者对人工智能模型研发的合法投入，为人工智能创新成果的司法保护划定了基础边界，也为司法实践中相关权益认定提供了明确指引。

二是构建人工智能模型成果的分层保护路径。针对人工智能模型结构和参数的不同法律属性，二审判决明确了分类保护、按需适用的规则。对难以作为计算机软件予以著作权保护，且非公开符合商业秘密要件的人工智能模型结构和参数，适用反不正当竞争法商业秘密条款保护；对分发本地缺乏商业秘密保护基础，但经营者存在实质性投入形成竞争利益的，可依据反不正当竞争法第二条予以保护。本案中，涉案模型虽因分发本地缺乏商业秘密保护基础，但法院认定某科技公司的实质性研发投入形成合法竞争利益，结合某信息技术公司违背商业道德的使用行为，适用反不正当竞争法规制，为人工智能模型成果的保护划定了尊重研发投入、恪守商业道德的边界。

三是强化人工智能模型研发领域的商业道德约束。生效判决首次明确，未经许可直接使用他人经实质性投入研发的人工智能模型结构和参数，属于违背人工智能模型领域公认商业道德的行为。这一规则既回应了人工智能产业发展中创新保护与公平竞争的平衡难题，也正确引导人工智能企业的研发经营行为，即合法创新研发是核心准则，搭便车、抄袭照搬的不正当竞争行为必将承担法律责任。

人工智能产业高质量发展需要法律保障。本案生效判决所确立的裁判规则，有力保护人工智能创新成果，明确指引企业研发经营，规范引导产业竞争秩序，对促进人工智能产业高质量发展具有重要意义。

案例三：“拥堵延时指数”数据集合不正当竞争纠纷案

——明确公共数据概念 划定衍生数据获取使用边界

1. 案件信息

上诉人（原审被告）：某信息技术公司

上诉人（原审原告）：北京某科技有限公司、某软件有限公司（合称某两公司）

2. 基本案情

某两公司主张其对自行研发的“拥堵延时指数”数据集合享有合法权益，某信息技术公司采用非法手段抓取该数据集合并进行商业性使用，构成不正当竞争。一审判决认定被告行为违反反不正当竞争法第二条规定，判令某信息技术公司停止侵权、消除影响、赔偿经济损失 1200 万元及合理开支 50 万元。双方均不服，提起上诉。

北京知识产权法院二审认为，涉案数据集合系某两公司收集、加工形成，虽属于可用于反映城市交通状况的公开数据，但其形成源于企业经营行为，仍应认定系具有公共属性的企业数据。在某两公司设置 Robots 协议等技术保护措施的情况下，某信息技术公司未经许可破坏技术保护措施持续爬取前述公开数据，构成不正当竞争。关于使用行为，某信息技术公司在未获授权、未作再次开发利用的情况下，直接有偿对外提供涉案数据集合，亦构成不正当竞争。二审驳回上诉，维持原判。

3. 裁判要旨

判断获取公开数据的行为是否正当，需从数据类型、数据公开方式、用户协议约定、技术保护措施等客观情况判断数据持有者的合理预期。数据虽公开但数据持有者采取了相关技术保护措施，他人未经许可获取该公开数据违背数据持有者的合理预期，具有不正当性。

4. 典型意义

数据可以无限复制，供多人同时使用。这一特性带来了根本难题，保护过度会阻碍流通，保护不足则打击创新。本案裁判的价值在于，没有简单地在“保护”与“流通”之间二选一，而是通过精细化的裁判规则，为公开衍生数据的权益保护提供了可操作的方案。本案裁判规则，回应了数据要素市场实践中三个核心的法律问题。

一是明晰公开衍生数据的保护范围。公众往往产生一种直觉，能够反映交通拥堵情况的数据应当向社会免费开放。但本案厘清了一个关键区分，数据的“社会价值”不等于“法律属性”。判断数据的性质，不看“它能干什么”，而看“它是怎么来的”。企业基于自身经营活动收集、加工形成的数据，即使客观上可以服务于公益目的，仍属企业数据的范畴，持有者不因此负有无偿开放的法律义务。本案“拥堵延时指数”凝结了某两公司实质性的技术、资金和劳动投入，如果仅因其能反映交通状况就认定为公共数据并要求无偿开放，

无异于否定数据加工环节的价值创造，最终损害的是数据产业的创新基础。

二是明晰公开数据获取行为的正当性判断标准。“互联网上公开的数据，我拿走用行不行？”这是互联网行业争议多年的核心问题，本案生效判决给出指引：司法实践已经形成共识，对公开数据不应赋予持有者绝对排他性的权利，否则会人为制造“数据孤岛”。但同时，持有者可以通过 Robots 协议、用户协议等技术措施，表达其对数据获取方式的合理预期。在数据持有者通过技术措施明确表达限制他人获取其所持有的公开数据的意愿之后，行为人仍然规避该措施持续获取的，可以认定构成不正当竞争。2025 年修订的《反不正当竞争法》新增的数据专条明确，不得以避开技术管理措施等不正当方式获取他人数据。在适用该条时，技术管理措施成为判断数据获取行为正当与否的重要因素，本案与之形成有效衔接。本案的裁判规则，既承认公开数据在一定程度上的可获取性，为数据流通保留空间；又尊重数据持有者通过技术措施管理数据的能力，为合规获取公开数据提供了可操作的行为依据。

三是明晰衍生数据使用行为的侵权边界。数据获取之后，使用行为同样需要规制。本案生效判决明确，对于具有公共属性的公开数据，数据加工者等市场主体正当获取、持有后，可再次开发利用，但不得未经授权而直接对外提供实

质性替代原产品的服务。这既为数据加工者市场主体正当获取数据后的再开发利用预留了空间，也为数据持有者的核心权益提供了保护。

本案生效判决的裁判思路与“数据二十条”确立的“三权分置”框架形成呼应，既防止数据被无偿攫取，又为合法利用预留空间。对市场主体而言，这是“踏实投入、合规经营”的制度保障，对数据要素市场而言，这是“流通有章、保护有据”的法治基础，最终激活的是数据要素的潜在价值，赋能数字经济高质量发展。

案例四：涉“英德红茶”地理标志商标行政纠纷调解案

——留标限权、协同共治：以治理思维实质解纷

1. 案件信息

原告：某茶业协会

被告：国家知识产权局

第三人：某茶业公司

2. 基本案情

某茶业公司于2012年、2016年先后申请注册“英红”“英红及图”商标（统称诉争商标），核定使用在第30类茶、红茶等商品上。2023年4月，某茶业协会向国家知识产权局提出商标无效宣告请求，认为“英红”是“英德红茶”地理标志的简称，将其作为普通商标进行注册和使用，可能误导公众，具有欺骗性且缺乏显著性，国家知识产权局经审查，作出被诉裁定对诉争商标予以维持。

某茶业协会不服向北京知识产权法院提起行政诉讼。北京知识产权法院经审理查明，不仅诉争商标曾先后被本案原告及案外人多次提起无效宣告申请，本案第三人也曾针对当地多家企业申请注册的涉“英红”系列商标提出无效宣告请求。同时，本案背后还存在复杂的历史渊源和市场格局：上世纪七八十年代，某茶业公司的股东某华侨茶场就已将“英红”作为商号及商标注册和使用；2006年，“英德红茶”获准地理标志产品保护，成为当地茶产业的核心品牌；2010年

“英德红茶 Yingde Black Tea 及图”地理标志证明商标获准注册；2012 年某茶业公司成立后，持续注册、推广“英红”系列商标，由此导致“英红”商标与“英德红茶”地理标志之间的权利冲突。

考虑到本案纠纷涉及多方利益、历史注册问题及当地产业发展，为从根本上化解纠纷，北京知识产权法院以在先入库案例为参考，确立“留标限权”解纷思路，并通过搭建市场主体与地方政府、行业主管部门对话平台，赴当地对产业发展情况进行实地调查，最终经过法院与地方政府和行业主管部门联合组织调解，促成某茶业协会与某茶业公司达成全面和解协议。

3. 解纷要旨

当普通商标与地理标志权利冲突时，需兼顾商标权人合法权益与地理标志所承载的区域公共利益的平衡，从共同富裕和产业发展全局出发，结合区域产业规划、品牌保护需求、市场经营实际等多重因素，采取“留标限权+多方协同”的解纷思路，运用“法院+地方政府+行业主管部门+行业协会+市场主体”五位一体沟通协调机制进行统筹化解，实现定分止争与产业赋能的双重目标。

4. 典型意义

地理标志代表特定区域相关商品或服务的独特品质和市场声誉，是地方经济与特色产业的核心资产，是区域内市

场主体的共同财富；普通商标则承载着市场主体的经营商誉，是市场主体的私权。两者发生冲突时，仅靠司法裁判不仅无法彻底化解纠纷、难以实现案结事了，更容易造成品牌资源内耗、产业发展受阻、公共利益与市场主体个体利益失衡等问题。本案创新突破传统裁判思维，以共同富裕为指导理念，用“留标限权+多方协同”柔性调解代替刚性判决，为化解普通商标与地理标志权利冲突提供了全新治理路径：

一是平衡私权与公共利益，以“留标限权”柔性调解模式实现源头化解。针对“英红”普通商标与“英德红茶”地理标志因历史使用、先后注册引发的长期冲突，法院没有简单判决维持注册或宣告无效，而是采用“留标限权”的方式，保留某茶业公司诉争商标的合法注册，又明确某茶业公司在行使商标权利时，不得损害“英德红茶”地理标志公共利益。既保护企业商标商誉与历史投入，又维护地理标志公共属性，用柔性调解替代一判了之，从根本上化解多年缠讼纠纷。

二是构建“五位一体”长效解纷机制，司法护航区域特色产业发展。本案兼顾企业商标商誉、地理标志公共属性与地方茶产业发展大局，在保护某茶业公司商标合法权益的同时，维护“英德红茶”地理标志的公共品牌价值，把商标权利冲突转化为产业发展合力。通过“五位一体”机制，将法院的司法指引、政府的统筹协调、部门的监管执行、协会的

自律协调和企业的主动践行结合起来，以“司法引领、多方联动、源头治理、产业共赢”的知识产权司法治理新模式，实现司法保护与产业治理深度融合，为新时代知识产权保护与区域特色经济高质量发展提供可复制的治理样本。

当前，地理标志已成为乡村振兴与区域经济发展的重要载体，权利冲突治理需求持续提升。本案以治理思维破解法律难题，以协同机制化解产业矛盾，充分彰显司法服务高质量发展的功能作用，为同类案件审理与知识产权协同保护提供了有益参考。

案例五：“笔趣阁”商标因不良影响无效宣告案

——根据特定领域公众普遍认知认定“不良影响”

1. 案件信息

原告：上海某信息技术公司等五公司

被告：国家知识产权局

第三人：某信息技术公司

2. 基本案情

“笔趣阁”商标最初由案外公司于2016年申请注册，后经转让归第三人某信息技术公司所有。上海某信息技术公司等五家公司，以“笔趣阁”在网络文学领域已被大量同名APP、网站长期用于传播盗版小说，还夹杂色情、暴力内容，严重破坏版权管理秩序、存在不良影响为由，请求宣告该商标无效。该主张未获国家知识产权局支持，五家公司遂向北京知识产权法院提起行政诉讼。

北京知识产权法院经审理认为，“笔趣阁”文字本身虽无负面含义，但在网络文学领域经长期非法使用，已成为“盗版”代名词与盗版流量入口，其在网络文学相关商品或服务上的注册与使用，损害了版权行业管理秩序与行业公共利益，违反商标法第十条第一款第八项“不良影响”规定，据此判决撤销被诉裁定。

一审宣判后，第三人提起上诉，北京市高级人民法院二审驳回上诉、维持原判。

3. 裁判要旨

特定领域公众基于生活常识已经对商标标志的含义形成有别于其本身固有含义的普遍认知，能够确定其可能对社会公共利益或者公共秩序产生消极、负面影响的，可以认定其具有商标法第十条第一款第八项规定的“其他不良影响”。

4. 典型意义

本案系商标文字成为作品盗版代名词而被宣告无效的标志性案件。“十五五”规划建议明确提出，引导规范网络文学、网络游戏、网络视听等健康发展。网络文学是新大众文艺的典型代表，与网络游戏、网络剧并称文化出海“新三样”。本案从源头上斩断了盗版标志商标化的合法路径，对网络文学版权保护与数字内容产业健康发展产生了深远影响。

一是丰富了商标不良影响条款审查维度。商标法规定，有害于社会主义道德风尚或者有其他不良影响的标志不得作为商标使用。实践中，商标审查多聚焦商标标志本身表达的含义，而本案将审查重点投向特定领域公众普遍认知，认为现有证据足以证明“笔趣阁”在商标申请注册前已成为盗版网站的隐语和代号，不仅“笔趣阁”网站本身存在大量盗版，还出现了大量模仿“笔趣阁”名称的以盗版为业的网站。本案将“笔趣阁”认定为不良影响代名词继而宣告无效，为数字时代商标合法性审查确立了新标杆，并表明了司法态

度：商标注册和使用不能盲目追求流量效应，必须评估其承载的社会影响与公共利益，凡已被公众普遍认知为负面、不良影响的商标标志，即便取得注册，同样面临被宣告无效的法律风险。

二是斩断了盗版违法标志通过商标合法化的路径。“笔趣阁”长期作为盗版流量入口和产业符号，是网络文学盗版黑灰产业链条中的核心标识。判决宣告该商标无效，使其失去商标法赋予的排他性保护，为后续下架、屏蔽、追责提供了坚实的法律依据，对“搭盗版便车”“抢注盗版符号”形成强力震慑，从根本上保护了创作源头，提振了平台、作家和读者对正版创新的信心。

案例六：涉“中药组合物”专利行政确权纠纷案

——关于中药组方“以效证方”的创造性评价要点

1. 案件信息

原告：中国中医某医院（简称某医院）

被告：国家知识产权局

2. 基本案情

涉案专利申请系名称为“用于治疗化疗期间骨髓抑制的中药组合物”，申请人为某医院。国家知识产权局作出的复审决定，维持国家知识产权局对涉案申请作出的驳回决定。某医院不服，向北京知识产权法院提起行政诉讼，主张涉案申请相对于对比文件实际解决的技术问题是提供一种与最接近的现有技术用途不同的中药组合物，本领域技术人员难以从现有技术获得具体的处方及配比的技术启示，因此，涉案申请具备创造性。北京知识产权法院经审理认为，原告在本案补充提交的证据中，前期动物试验、临床试验的结论和数据能够科学、客观地反映涉案中药组方在治疗结直肠癌放疗期间骨髓抑制方面的有益效果，可以证明涉案中药组方取得了预料不到的技术效果，涉案申请权利要求1-3符合专利法第二十二条第三款所规定的创造性。被诉决定对此认定有误，北京知识产权法院判决撤销被诉决定，并判令国家知识产权局重新作出审查决定。判决作出后，双方当事人均未提起上诉，本案一审判决已生效。

3. 裁判要旨

中药组方专利创造性的认定应结合本领域技术人员的认知特点和中医施治规律，避免简单套用针对现代医学技术的评价方法、低估中医药技术方案的创新程度。中药组方的创造性主要通过临床效果予以体现，如其能够显著提升疗效指标或解决长期存在的临床痛点，即使分子机理尚未完全阐明，亦可基于其治疗效果的显著进步而认定符合创造性要求。此外，应严格把握中药领域公知常识的认定标准，现有技术中泛泛记载的药材基础功效不足以否定特定配比下实现新用途或协同效应的中药组方的技术贡献。

4. 典型意义

本案是通过将国家政策与行业需求转化为具体的裁判规则，为中医药知识产权保护提供了清晰稳定的司法预期，有效破解了“评价难”的困境。这不仅为中药创新成果的产权化指明了路径，也为激励中医药原始创新、推动中西医并重的医药卫生事业发展，注入了坚实的司法动能。

一是精准贯彻国家战略与司法政策，彰显保护决心。本案的审理思路与裁判规则，是对国家强化中医药发展宏观战略的具体司法践行。近年来，从《知识产权强国建设纲要》要求完善中医药知识产权保护，到最高人民法院强调司法认定要“遵循中医药发展规律”，政策导向清晰明确。本案将政策理念转化为了可操作的司法审查标准，坚持从中医学自

身的理论内核出发进行专利创造性判断，杜绝机械照搬以化学成分、分子结构为核心的现代西药评价体系。

二是确立符合学科规律的创造性判断规则，破解评价难题。长期以来，如何用专利制度评价中药组方这一兼具传统智慧与现代研发的智力劳动成果，是业界与审查实践的难点。本案确立并示范了“以效证方”的裁判逻辑，构建了中药组方专利创造性评价的清晰审查框架。以是否具备“预料不到的技术效果”为核心评价，而不依赖药方组成的简单比对，着眼于是否通过临床试验、药理研究证明其在疗效、安全性等关键指标上取得了实质性进步，并倡导构建“临床-机制-对照”三维一体的验证体系。通过高质量的临床疗效数据、一定深度的现代机理探索，以及与经典方或对照组的比较数据，系统性的证明组方创新价值。明确界定“公知常识”抗辩的边界，不能仅因组方包含已知药材就否定其创造性，必须深入考察特定配伍与剂量所产生的协同增效等独特作用，防止低估基于中医理论进行深度组方创新的价值。

三是体现对中医药非物质文化遗产的适应性保护，为文化传承提供支撑。本案确认了中医药这一中华民族传统智慧结晶的独特价值，使其在现代法律框架中获得了明确的保护路径。稳定了传承与创新的制度预期，让基于经典名方和临床经验的现代研发有法可依、有章可循，通过知识产权保护，为传统医药文化的传承与发展筑牢了坚实保障，助力其能在

当代社会发展中永葆生机活力。

案例七：涉复合肥“问题专利”行政确权纠纷案

——创造性判断中技术问题认定与实验数据审查规则的确立

1. 案件信息

原告（无效宣告请求人）：某农业科技股份有限公司

被告：国家知识产权局

第三人（专利权人）：深圳市某知识产权运营有限公司

2. 基本案情

涉案专利为“高塔造粒生产颗粒复合肥料的方法及设备”的发明专利，由案外人于2003年申请，2019年转让给本案第三人深圳市某知识产权运营有限公司。自2019年起，第三人依据该专利先后对包括本案原告在内的20余家复合肥生产企业提起侵权诉讼，索赔金额从100万元至2000万元不等，部分案件还要求被告拆除生产设备。本案中，原告某农业科技股份有限公司以涉案专利不具备创造性为由，向国家知识产权局提出无效宣告请求。国家知识产权局作出决定，维持专利权有效。原告不服，向北京知识产权法院提起诉讼。

北京知识产权法院经审理认为：首先，涉案专利与最接近现有技术为原料相同、工艺条件不同的情况下，产品性能数据却基本一致，不符合常理，无法证明技术效果真实有效。其次，被诉决定将“如何实现高塔造粒生产颗粒复合肥料”

作为实际解决的技术问题，错误包含了“高塔”这一区别技术特征本身，实际应界定为“提供另一种生产颗粒复合肥的技术方案”。再次，现有技术已公开可根据冷却需要调整造粒塔高度，本领域技术人员容易想到将低塔替换为高塔，技术方案不具备创造性。因此，法院判决撤销被诉决定。第三人不服一审判决，提起上诉。最高人民法院二审维持原判。

2025年4月，国家知识产权局依据法院判决重新作出审查决定，宣告涉案专利权全部无效。第三人基于该专利提起的20余起侵权诉讼均因权利基础丧失而终结。

3. 裁判要旨

在专利确权审查审理中，不应将区别技术特征本身作为发明实际解决的技术问题内容，若专利技术方案与最接近现有技术效果相当，则其实际解决的技术问题仅为提供一种替代方案；若不同工艺条件下产品参数几乎相同、关键工艺参数与公知常识明显相悖且无法合理解释，该实验数据不能用于证明专利具备预料不到的技术效果；因经济考量放弃的技术方案，不构成专利法意义上的技术偏见。

4. 典型意义

复合肥被称为粮食的“粮食”，高塔造粒是复合肥生产的主流工艺。本案是涉及复合肥行业核心工艺的发明专利无效行政纠纷典型案例，从根本上解决了行业长期存在的专利维权乱象，有助于维护国家粮食安全。

一是明晰裁判规则，统一行政审查和司法审理标准。本案严格依照专利法创造性规定，厘清了“实际技术问题界定”“技术启示判断”“实验数据审查”三大核心问题，明确技术问题不得包含区别特征、数据真实性可作为创造性审查前提等规则，准确划分专利保护与现有技术边界，防止专利权滥用，推动行政审查与司法裁判标准统一。

二是化解行业风险，护航产业发展。高塔造粒是行业通用核心工艺，国内相关装置超 400 座。第三人受让专利后未投入实际应用，反而批量起诉行业重点企业、索要高额赔偿，严重影响企业正常经营与农资供应链稳定。本案判决宣告专利无效，避免了投入高额投入在建和在用的高额设施被停用或拆除，从根本上消除全行业侵权风险，保障企业正常生产，助力农资产业与粮食供应链安全。

三是遏制权利滥用，服务实体经济。本案明确传递“保护真实创新、反对权利滥用”的司法态度，否定无实质创新价值的专利，遏制“非实施主体”买专利搞批量维权、牟取不当利益的行为，引导市场主体把专利用于实际生产，而非作为牟利工具，为营造公平竞争、激励创新的营商环境提供有力司法保障。

案例八：涉“锌电解污染治理装备”其他科技成果权纠纷案 ——技术迭代升级中其他科技成果权权属判断

1. 案件信息

原告：盐城市某有限公司

被告：中国某研究院、某大学

2. 基本案情

原告盐城市某有限公司曾与中国某研究院、某大学等单位共同完成了“锌电解过程重金属水污染物源削减成套技术及装备”，该成果通过科技成果鉴定并获得省部级科技奖励一等奖。原告认为，被告未经其同意，使用双方共同完成的科技成果申报并获得国家科学技术进步二等奖，侵害了原告的其他科技成果权，遂向法院提起诉讼。

北京知识产权法院审理后，对各方在原合作成果中的技术贡献、被告申报奖项所依托的技术内容逐一比对，认定被告并非直接使用原合作成果申报奖项，而是在原合作成果基础上，与案外单位开展了新的研发工作。新形成的科技成果中，原告贡献的技术内容已被完全替换为其他不同的技术方案。被告基于新成果申报奖项，不构成对原告其他科技成果权的侵害，判决驳回原告诉讼请求。盐城市某有限公司提起上诉，北京市高级人民法院二审判决驳回上诉，维持原判。

3. 裁判要旨

在产学研合作中，一方在原合作成果基础上开展后续研

发，如形成对原成果相关部分进行实质性替换、具有独立技术贡献的新科技成果，后续研发方可依据新成果行使相关权利。各方共同完成原成果的事实，不构成对后续独立研发及基于新成果申报奖项权利的永久限制。

4. 典型意义

现在技术不断更新迭代，合作方在原有成果上继续升级研发的情况越来越普遍，由此引发的成果归属、权益分配纠纷也越来越多。本案将司法裁判规则与产学研合作的创新发展需求深度结合，为科创领域成果权属与权益分配纠纷提供了清晰的司法指引，有效破解了产学研合作后续研发“权责界定难”的困境。

一是确立产学研合作成果的“以贡献定权属”判定规则，破解权责界定难题。一直以来，如何区分产学研合作中原成果与后续改进成果的权属、判定后续研发申奖等行为的正当性，是业界与司法实践的难点。本案着眼于识别原成果与新成果中各方的具体技术贡献，甄别新成果是否对原成果相关部分进行了实质性升级、形成了不同的技术贡献，保障了后续研发者基于独立研发产生新成果行为的合法性，有效避免了“一次合作、终身绑定”可能对科技创新活力的抑制。

二是本案为科创链条接续发展提供规则保障。基于产学研合作中后续研发成果的相对独立性，既保障了原成果完成者的合法精神权利，也鼓励了科创主体在已有技术基础上的

大胆突破与升级创新。通过判决彰显了司法鼓励科技创新、激发创新活力的价值导向，对科研力量的持续探索和自由创新“解绊松绑”，对于营造健康有序的科技创新生态，保障创新链条接续发展具有积极意义。

案例九：“卡利普索”凤梨植物新品种行政确权纠纷案

——“侵权销售”不破坏植物新品种新颖性

1. 案件信息

原告：陈某某

被告：农业农村部植物新品种复审委员会（简称新品种复审委）

第三人：某植物园艺公司

2. 基本案情

涉案品种系某植物园艺公司拥有的名称为“卡利普索”的观赏性凤梨植物新品种。陈某某以该品种不具有新颖性为由，向新品种复审委请求宣告品种权无效。其主要理由为：

“卡利普索”在中国申请品种权的时间为2008年，但该品种已于2000年被他人以“星光”“凯瑟琳”为名在境外进行公开销售。根据1997年《植物新品种保护条例》（简称《条例》）第十四条之规定，“卡利普索”品种在中国申请品种权时已丧失新颖性。被告新品种复审委驳回了该无效宣告请求。陈某某不服，向北京知识产权法院提起行政诉讼。北京知识产权法院认为，“卡利普索”品种不因其他主体的侵权销售而丧失新颖性，故驳回陈某某诉讼请求。陈某某不服一审判决上诉至最高人民法院。最高人民法院二审判决驳回上诉，维持原判。

3. 裁判要旨

在判断植物新品种新颖性时，只有经权利人许可的销售行为才可能导致品种丧失新颖性，他人未经许可的“侵权销售”，因其违背权利人意愿且损害其合法权益，不应对权利人产生权利丧失的消极后果。

4. 典型意义

本案针对植物新品种授权确权中的新颖性要件作出阐释，进一步明晰了新颖性的司法判断标准与法律边界，对统一裁判尺度、强化育种创新成果司法保护、完善植物新品种保护体系具有重要指导价值和示范引领作用。

一是填补了植物新品种新颖性判断的规则空白。现行立法中，仅规定对于植物品种的销售行为将破坏其新颖性，但对于“销售行为”的内涵及外延并未进一步区分。本案率先确立“侵权销售不破坏新颖性”的司法准则，精准界定了“导致新颖性丧失的销售行为”的法律边界，该边界仅限于经申请人自行或许可的合法销售行为，他人未经许可的侵权销售不产生新颖性丧失的法律后果。这一裁判规则清晰划定了影响新颖性的销售行为边界，填补了法律适用中的解释空白，为品种授权审查提供了明确的司法判断标准，有助于统一法律适用，推动植物新品种保护制度向更加精细化、科学化的方向发展。

二是破除了植物新品种权利人“被侵权又失权”的困境。本案裁判深度契合《国际植物新品种保护公约》（UPOV 公约）

的基本精神，与我国植物新品种保护立法本意形成内在统一，从制度设计上避免了育种者因他人违法行为而遭受“权利受损”与“市场丧失”双重打击的极端不公，有效维护了法律的基本价值追求与公平正义底线。

三是筑牢了以原始创新护航“种源自主可控”的战略基石。本案有利于消除创新主体对“侵权导致新颖性丧失”的普遍担忧，为育种企业、科研院所提供了稳定的法律保护预期，激励行业对突破性品种研发的持续投入。同时，该规则从源头封堵了恶意抢先销售破坏他人品种新颖性的投机路径，净化了种业市场环境，弘扬诚信创新的行业准则，为国家种业科技自立自强和粮食安全战略实施提供司法保障。

案例十：涉“网盘”传播视听作品侵害著作权纠纷案

——对网盘服务者的侵权通知标准及侵权责任认定

1. 案件信息

上诉人（原审原告）：某科技（北京）公司、上海某影视公司、深圳市某公司（统称为“某三公司”）

上诉人（原审被告）：杭州某技术公司

原审被告：北京某科技公司

2. 基本案情

某三公司依法享有影视作品《春闺梦里人》的信息网络传播权。其发现，由杭州某技术公司运营的“某云盘”平台存在大量用户上传该作品并生成分享链接传播的侵权行为，遂多次向该公司发送侵权告知函，要求其采取断开侵权链接、过滤拦截侵权内容、删除侵权文件、处置重复侵权用户等必要措施。北京某科技公司运营的网站可提供该云盘客户端下载服务。某三公司以侵害著作权为由，将杭州某技术公司、北京某科技公司诉至法院，请求判令二被告停止侵权，并赔偿经济损失及合理维权开支共计 300 万元。

一审法院认为北京某科技公司仅提供网盘 APP 的下载服务，未参与网盘运营故不承担侵权责任，杭州某技术公司作为网盘运营者，未尽到合理审查义务，并在通知后未完全履行下线义务，应承担侵权责任，故判决杭州某技术公司赔偿某三公司经济损失及合理开支共计 100 万元。双方均不服，

提起上诉。

北京知识产权法院二审审理查明，杭州某技术公司作为网盘服务者，已对绝大部分合格通知及时采取断开链接措施，并主动设置中英文关键词对涉案作品实施过滤拦截，已履行合理注意义务，故仅应对少量未及时处置的侵权链接承担相应责任。对于某三公司发出的不合格通知，该公司不负有主动过滤及处置重复侵权用户的法定义务。由于杭州某技术公司不应对不合格通知指向的侵权行为承担责任，二审基于涉案作品知名度、侵权行为发生时处于首播及热播期、网盘用户规模、市场占有率等因素，酌定杭州某技术公司赔偿某三公司经济损失及合理开支共计 30 万元。

3. 裁判要旨

网盘服务亦属于信息存储空间网络服务，应当在收到权利人通知的分享链接后，及时采取断开、屏蔽分享链接的措施。

权利人发出通知要求删除侵权内容的，应当提供足以定位侵权内容的信息；通知要求主动发现和处置侵权内容的，应当提供足以识别、判断侵权内容的信息；通知要求处置重复侵权用户，应当主动告知重复侵权用户信息。

网盘服务者作为网络服务提供者在采取必要措施时，既要针对已发生的侵权行为，也要针对同一作品、同一平台、同一行为模式、在时间上紧密相连的具有高度关联性、承继

性、同一性的未发生的行为，在能力范围内应采取如关键词过滤等合理预防措施。但网盘服务者在采取必要措施时，不应径行删除用户个人网盘内存储的内容，需结合作品内容、投诉情况、侵权传播等实际情况审慎判断，兼顾版权保护与用户隐私。

4. 典型意义

本案系涉及网盘著作权侵权纠纷的典型案列，立足数字版权保护与互联网产业发展的现实需求，为破解行业痛点、规范市场秩序、引导网盘行业健康发展贡献了司法智慧。

一是完善了“通知—删除”规则在网盘场景下的适用细节规则，破解了以往“投诉模糊、应对无据”的司法难题。一方面，基于网盘技术和产业特点，明确否定了要求网盘服务商对海量私密存储内容承担事前全面审查义务的不合理诉求，结合网盘“私密存储为主、分享为辅”的属性，兼顾技术局限性与行业规律，避免服务商责任无序扩张。另一方面，细化了合格侵权通知的认定标准，明确通知的合格性与权利人要求采取的措施直接挂钩，细化了删除侵权内容、主动防控、处置重复侵权用户等不同需求下的合格通知要求。此外，本案明确了网盘服务商预防措施的适用范围，即针对同一作品、同一平台、同一行为模式且时间紧密关联的潜在侵权行为，应在能力范围内采取关键词过滤等合理防控措施，既坚守了“避风港原则”的立法精神，又弥补了其在数

字时代的适用短板，为全国法院审理同类案件提供了清晰的裁判参照。

二是平衡了网盘行业及版权方的利益，破解了行业长期存在的侵权防控困境。对于网盘服务商而言，收到合格通知后及时断开侵权链接、在能力范围内采取合理预防措施，同时不得擅自删除用户私密存储内容，兼顾版权保护与用户隐私，为服务商制定侵权防控策略提供了明确依据，避免因义务界定模糊导致的过度防控或防控不足。对于版权方而言，明确其需提供精准、有效的侵权通知，避免仅提诉求而不提供定位、识别侵权内容的必要信息，倒逼版权方提升投诉质量，减少双方因通知不合格产生的争议内耗。

三是强化了数字时代的著作权保护，同时兼顾了用户权益与社会公共利益。通过明确侵权责任、规范防控义务，有效遏制了网盘领域的侵权乱象，彰显了司法对著作权的有力保护，引导社会公众树立尊重版权、依法使用作品的意识。同时，本案兼顾用户隐私与使用权益，明确禁止网盘服务商擅自删除用户私密存储内容，避免因过度防控损害普通用户的合法权益，实现了版权方、网盘服务商、普通用户三方利益的平衡。此外，本案裁判为数字时代著作权保护与互联网产业发展的平衡提供了司法指引，助力营造尊重创新、保护版权、规范有序的数字生态环境，推动数字文化产业高质量发展。

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Case I: Series of Anti-Monopoly Administrative Cases Involving Cartel Agreements Organized by an Industry Association

—Determination of Monopolistic Conduct by Industry Associations Organizing Business Operators

1. Case Information

Plaintiff: A Provincial Cement Association (hereinafter “the Cement Association”)

Defendants: X Provincial Administration for Market Regulation (hereinafter “the Provincial AMR”) and State Administration for Market Regulation (hereinafter “SAMR”)

2. Basic Facts

The Cement Association is a lawfully established industry association primarily responsible for guidance and coordination of the cement industry. In May 2019, the Provincial AMR received a report alleging that the Cement Association had organized enterprises within the industry to engage in coordinated price increases in suspected violation of the *Anti-Monopoly Law*.

Following a lawful investigation, the Provincial AMR issued an administrative penalty decision in June 2022, finding that the Cement Association had organized and facilitated 13 cement enterprises in a certain region of the province to conclude horizontal monopoly agreements on multiple occasions to uniformly increase the prices of cement products, and had coordinated the relevant enterprises to implement said agreements. Accordingly, the Provincial AMR ordered the Cement Association to immediately cease the illegal conduct and imposed a fine of RMB 500,000.

The Cement Association, dissatisfied with the decision, applied to SAMR for administrative reconsideration. SAMR issued a reconsideration decision affirming the original administrative penalty. The Cement Association subsequently filed an administrative lawsuit with the Beijing Intellectual Property Court, requesting to

revoke the administrative penalty decision and the administrative reconsideration decision. After adjudication, the Beijing Intellectual Property Court held that the evidence on record was sufficient to prove that the Cement Association had organized business operators within the industry to conclude and implement a horizontal monopoly agreement. The court found that the administrative penalty decision and the reconsideration decision were based on clear facts, correct application of law, and lawful procedures, and thus dismissed the claims of the Cement Association. The Cement Association then appealed. The Supreme People's Court dismissed the appeal and upheld the original judgment.

3. Judgment Abstract

Where an industry association provides a communication and coordination platform for business operators to engage in collusion, such as by establishing WeChat groups, convening industry meetings, or organizing social gatherings, and thereby coordinates, induces, or compels business operators to conclude and implement monopoly agreements, such conduct constitutes organizing industry operators to engage in monopolistic activities, which is prohibited under the *Anti-Monopoly Law*.

4. Typical Significance

As the first anti-monopoly administrative cases involving an industry association, this series of cases accurately address the pressing issues arising from industry associations' fulfillment of their duties in light of China's anti-monopoly enforcement practice. Focused on key sectors closely related to infrastructure construction and public welfare, the cases provide clear, actionable, and duplicable guidance for industry associations to lawfully discharge their functions, for anti-monopoly enforcement authorities to conduct precise enforcement, and for judiciary authorities to render impartial judgments. These cases demonstrate the judiciary's commitment to maintaining a fair competitive order and safeguarding the development of a unified national market.

First, the cases establish specific rules for determining when an industry association has organized the conclusion of a monopoly agreement. In China’s anti-monopoly practice, there has been a lack of specific rules defining what constitutes “an industry association organizing business operators within the industry to engage in monopolistic conduct”, and the boundary has remained ambiguous between lawful discharge of functions by an industry association and conduct that, under the guise of “industry coordination” or “standardized development”, covertly organizes business operators to collude in order to eliminate or restrict competition. Drawing on the characteristics of the cement industry, the court clarified that where an industry association, through the establishment of WeChat group chats, convening industry meetings, and organizing offline social gatherings, plays a decisive or dominant role in enabling business operators to conclude and implement monopoly agreements, its conduct constitutes monopolistic behavior. This judicial rule demarcates the boundary between “industry coordination” and “collusive monopoly”, provides clear guidance for courts adjudicating similar cases, and furnishes a definitive basis for anti-monopoly enforcement authorities to characterize and sanction violations.

Second, the cases reinforce the coordinated linkage between administrative enforcement and judicial review in the field of anti-monopoly. The cases provide a complete demonstration of the full-chain interface between the local level administrative enforcement, national level administrative reconsideration and the judicial review. To be specific, the Provincial AMR, upon receipt of the complaint, lawfully preserved evidence including WeChat records and meeting minutes, accurately identified the illegal conduct, and imposed penalties; SAMR upheld the original decision on reconsideration, ensuring consistency of enforcement; and Beijing Intellectual Property Court and the Supreme People’s Court, through first and second instance proceedings, comprehensively reviewed the legality and reasonableness of the penalty and reconsideration decisions, supervising enforcement procedures, ensuring proportionality between violation and penalty imposed, and supporting the enforcement authority's correct characterization of the conduct. This

coordinated linkage enhances the credibility of enforcement, advances the formation of a comprehensive governance chain encompassing “administrative investigation and execution, supervisory review through administrative reconsideration, and judiciary review as gatekeeping”, which implements the requirement to “improve the interface mechanism between administrative enforcement and the judiciary” under the *Anti-Monopoly Law*, provides a procedural model for handling similar cases and contributes to the improvement of the public anti-monopoly enforcement system.

Third, the cases provide clear guidance for industry associations to lawfully discharge their functions. As a foundational industry for infrastructure construction and real estate development, the prices of cement products directly affect construction costs and public welfare. The Cement Association’s organization of cement enterprises to engage in coordinated price increases not only eliminated regional market competition and raised downstream costs, but also transmitted adverse effects to end consumers, harming their rights and interests. The court’s ruling in these cases explicitly warns industry associations that self-regulatory management must be conducted within the framework of the rule of law, and that industry associations may not, in the name of “industry self-regulation”, organize business operators to conclude monopoly agreements or interfere with market competition. At the same time, the ruling defines the boundaries of lawful conduct, guiding associations to return to their core functions of industry services, technical exchange, and standard-setting. Furthermore, the public hearing of the cases served an educational and deterrent function for industry associations of all types, promoting the development of a “compliance and fair competition” mindset and contributing to the formation of a healthy industry ecosystem, thereby demonstrating the judiciary’s commitment to protecting public welfare.

In sum, this series of cases represents an important exploration in the development of China’s anti-monopoly rule of law, as well as a key practice in regulating industry association conduct and improving the anti-monopoly governance framework. By establishing specific determination rules, reinforcing coordinated linkages, and

guiding compliant conduct, the cases clarify the standard for determining monopolistic conduct by industry associations, drive the coordinated application of enforcement and judicial power, draw a legal red line for industry associations, and provide a rule-of-law safeguard for maintaining a fair competitive order, supporting the development of the real economy, and protecting public welfare. The adjudicatory principles established will continue to guide industry associations to exercise self-regulation within the law, advance the modernization of the anti-monopoly governance system and its implementation capacity, contribute to the creation of a market-oriented, rule-of-law-based, and internationalized business environment, and inject enduring legal momentum into the construction of a unified national market.

Case II: Unfair Competition Dispute Involving the “AI Manga Effect”

—The First Case on the Protection of AI Model Architecture and Parameters

1. Case Information

Appellant (Defendant at First Instance): X Information Technology (Beijing) Co., Ltd. (hereinafter “X Company”)

Appellee (Plaintiff at First Instance): Beijing Y Technology Co., Ltd. (hereinafter “Y Company”)

2. Basic Facts

On June 15, 2020, Y Company launched an “AI Manga Effect” feature on its “Y” mobile application. This feature, powered by artificial intelligence technology, reconstructs a user’s facial features in real-time photos and live videos in proportion to the actual human face with fine adjustments, and converts the image in real-time into an anime/manga style. On August 4, 2020, X Company launched a “Girls’ Manga Effect” feature on its mobile application. The anime-style images and videos produced by this feature were visually highly consistent with those generated by Y Company’s “AI Manga Effect”.

Y Company alleged that X Company's conduct constituted unfair competition. The court of first instance held that X Company's conduct had damaged Y Company’s competitive interests and constituted an act of unfair competition regulated by Article 2 of the *Anti-Unfair Competition Law*. X Company, dissatisfied with the first-instance judgment, filed an appeal.

The Beijing Intellectual Property Court, in its second instance judgment, held that Y Company had invested substantial business resources in developing the “AI Manga Effect” model, and that the parameters and architecture of the model, after data training and calibration, enabled users of the Y App to generate anime characters corresponding to their actual appearance, thereby conferring an innovation advantage

upon Y Company and constituting a competitive interest protected under the *Anti-Unfair Competition Law*. The evidence on record demonstrated that X Company had directly used another operator's AI model architecture and parameters and engaged in competition for traffic and users shortly after Y Company's "AI Manga Effect" was launched. X Company's conduct violated the recognized business ethics of the AI research, development, and operation sector, disrupted the orderly conduct of AI model business activities and the healthy competitive order, and damaged the lawful rights and interests of consumers. X Company had committed an act of unfair competition as prescribed by Article 2 of the *Anti-Unfair Competition Law*. The court of second instance dismissed the appeal and upheld the original judgment.

3. Judgment Abstract

The architecture and parameters of an AI model formed by a business operator through data training, optimization, and calibration are capable of conferring innovation advantages and business returns upon that operator, and constitute legitimate interests protected under the *Anti-Unfair Competition Law*. Unauthorized commercial exploitation of such model architecture and parameters by another party without permission constitutes unfair competition.

4. Typical Significance

Against the backdrop of the rapid development of artificial intelligence technology, which has become a key factor of production in the digital economy, AI model architecture and parameters represent the core competitiveness of AI products and services. Their development requires substantial investment of technology, capital, and labor. Judicial protection of such innovative results is a critical issue for incentivizing innovation and development in the AI industry and for maintaining market competitive order. As the first final judgment in China to protect AI model architecture and parameters, this case responds to the need to protect AI model outputs through judicial innovation, laying a legal foundation for the healthy development of the AI industry.

The core of the adjudicatory rules established by the final judgment is reflected in the definitive characterization of the competitive interest nature of AI models and the delineation of judicial protection pathways for AI results.

First, the case establishes the competitive interest nature of AI model architecture and parameters. The final judgment holds that the results of a business operator's substantial R&D investment in AI model architecture and parameters — results capable of conferring a market competitive advantage , constitute competitive interests protected under the *Anti-Unfair Competition Law*. In the absence of contrary evidence, ownership of such interests may be determined based on evidence of R&D investment and the application effects of model results. This rule recognizes the legitimacy of business operators' investment in AI model R&D, delineates the basic boundaries for the judicial protection of AI innovative results, and provides clear guidance for the recognition of such interests in judicial practice.

Second, the case constructs a tiered protection pathway for AI model results. Addressing the different legal attributes of AI model architecture and parameters, the second-instance judgment establishes rules for classified protection to be applied as needed. For AI model architecture and parameters that cannot be protected as computer software under copyright law, and whose non-disclosure satisfies the requirements for trade secret protection, the trade secret provisions of the *Anti-Unfair Competition Law* apply; for locally deployed models that lack a basis for trade secret protection, but in which the operator has made substantial investment to create competitive interests, protection may be provided under Article 2 of the *Anti-Unfair Competition Law*. In this case, although the model in question lacked a basis for trade secret protection due to its local distribution, the court recognized that Y Company's substantial R&D investment had formed lawful competitive interests. In light of X Company's use of the model in violation of business ethics, the *Anti-Unfair Competition Law* was applied, thereby delineating a boundary for the protection of AI model results that respects R&D investment and upholds business ethics.

Third, the case reinforces business ethics constraints in the AI model R&D sector. The final judgment is the first to establish that the unauthorized direct use of AI model architecture and parameters developed through substantial investment by another party constitutes conduct that violates the recognized business ethics of the AI model sector. This rule both responds to the challenge of balancing innovation protection with fair competition in the development of the AI industry, and correctly guides AI enterprises' R&D and operational conduct, i.e., lawful and independent innovation is the core principle, and free-riding, wholesale copying, or other acts of unfair competition will invariably incur legal liability.

The high-quality development of the AI industry requires legal safeguards. The adjudicatory rules established by the final judgment in this case effectively protect AI innovative results, clearly guide enterprise R&D and operations, regulate and guide the competitive order of the industry, and are of significant importance for promoting the high-quality development of the AI industry.

Case III: Unfair Competition Dispute Over Congestion Delay Index Dataset

—Defining Public Data and Demarcating Boundaries for Access to and Use of Derived Data

1. Case Information

Appellants (Defendant at First Instance): X. Information Technology Co., Ltd. (“X. Company”)

Appellants (Plaintiffs at First Instance): Beijing Y. Technology Co., Ltd. and Y. Software Co., Ltd. (collectively “Y. Entities”)

2. Basic Facts

Y. Entities claimed lawful rights in the Congestion Delay Index dataset independently developed by them, alleging that Wan Company had scraped the dataset through improper means and used it for commercial purposes, constituting unfair competition. The court of first instance held that the defendant’s acts violated Article 2 of the Anti-Unfair Competition Law, ordering Wan Company to cease infringement, eliminate adverse effects, and compensate economic losses of RMB 12 million plus reasonable expenses of RMB 500,000. Both parties appealed.

On appeal, Beijing Intellectual Property Court held that the dataset in question was collected and processed by Y. Entities. Though reflecting urban traffic conditions and thus of strong public welfare attributes, it was created through corporate business activities and did not constitute public data. As to access: before Y. Entities implemented technical protection measures such as a Robots protocol, Wan Company’s data crawling was not improper; yet persistent crawling after such measures were imposed constituted unfair competition. As to use: Wan Company directly provided the dataset to third parties for remuneration without authorization or further development, also constituting unfair competition. The appellate judgment corrected the first-instance finding on the

lawfulness of access prior to technical protection, but upheld the damages award as appropriate, thereby dismissing the appeal and affirming the original judgment.

3. Judgment Abstract

To determine the lawfulness of accessing publicly available data, courts shall assess the data holder's reasonable expectations based on objective factors including data type, manner of public disclosure, user agreements, and technical protection measures. Where data is fully public and the holder has not adopted any technical restrictions, access by others does not violate the holder's reasonable expectations and is not improper.

4. Typical Significance

Data can be infinitely copied and used simultaneously by multiple parties, posing a fundamental challenge: overprotection impedes circulation, while underprotection discourages innovation. This case avoids an either-or choice between "protection" and "circulation" and establishes refined rules for protecting rights in publicly available derived data. It addresses three core legal questions in the data factor market:

First, clarifying the legal nature of publicly available derived data. Public intuition often assumes traffic data should be freely accessible. However, the judgment draws a critical distinction: social value does not equal legal status. Data classification turns on how the data is generated, not what it can do. Data collected and processed by enterprises through their own operations remains corporate data even if serving public interests; holders bear no legal duty to make it freely available. The Congestion Delay Index embodied substantial technical, financial, and labor inputs by Y. Entities. Treating it as public data merely because it reflects traffic conditions would negate value creation in data processing and ultimately undermine innovation in the data industry.

Second, establishing criteria for lawful access to public data. A longstanding industry question is whether “publicly available online data may be taken and used.” This judgment provides guidance: the lawfulness of access hinges on whether the holder has expressed restrictive intent via technical measures. Judicial consensus holds that absolute exclusivity should not be granted over public data, lest data silos be artificially created. Nevertheless, holders may signal reasonable expectations on data access through Robots protocols, user agreements, and other technical means. The judgment clarifies that access to public data is generally permissible before explicit technical restrictions are imposed, but circumvention of such measures to continue accessing data changes the nature of the conduct and may constitute unfair competition. The 2025 revised Anti-Unfair Competition Law explicitly prohibits obtaining others’ data by circumventing technical management measures, which this case aligns with. The rule balances permissible access for data circulation and respect for holders’ data governance via technical measures, offering clear compliance guidance.

Third, demarcating permissible use of derived data. Use after access is also regulated. The judgment confirms that market participants may lawfully obtain and hold derived data for re-development, but may not directly provide services that materially substitute for the original product without authorization and without substantive development. It draws an operational line between “lawful reuse” and “improper substitution”: others may use the data for “secondary processing” with permission, but may not directly sell the “original finished product.” This preserves space for data re-development while safeguarding core rights of data processors.

The reasoning is consistent with the “separation of three rights” framework under the Twenty Data Rules. It prevents free appropriation of data while reserving space for legitimate use, offering institutional certainty for enterprises to invest with confidence and operate in compliance, and laying a rule-of-law foundation for orderly circulation and robust protection in the data factor market, ultimately

unlocking data value to empower high-quality development of the digital economy.

Case IV : Mediated Administrative Dispute Over “Yingde Black Tea”

Geographical Indication Trademark

——**Trademark Retention with Restricted Rights + Collaborative Governance:**

Substantive Dispute Resolution Through Governance-Oriented Thinking

1. Basic Case Information

Plaintiff: A Tea Industry Association

Defendant: China National Intellectual Property Administration (CNIPA)

Third Party: A Tea Company

2. Basic Facts

In 2012 and 2016, the Tea Company applied to register the trademarks “Ying Hong” and “Ying Hong & Device” (collectively “Disputed Trademarks”), approved for use in Class 30 goods including tea and black tea. In April 2023, the Tea Industry Association requested CNIPA to invalidate the Disputed Trademarks, arguing that “Ying Hong” is the short name of the “Yingde Black Tea” geographical indication; registration and use as an ordinary trademark would mislead the public, being deceptive and lacking distinctiveness. CNIPA upheld the Disputed Trademarks.

The Tea Industry Association sued Beijing Intellectual Property Court. The court found repeated invalidation challenges against the Disputed Trademarks and cross-challenges by the Tea Company against local “Ying Hong” marks. The dispute had complex historical and market roots: the shareholder of the Tea Company used “Ying Hong” as a trade name and trademark in the 1970s–1980s; “Yingde Black Tea” obtained geographical indication protection in 2006 and a certification trademark in 2010; the Tea Company was founded in 2012 and continuously registered and promoted “Ying Hong” marks, leading to conflicts between the private trademarks and the geographical indication.

To resolve the multi-stakeholder, history-laden dispute in line with local industrial development, the court adopted a “trademark retention with restricted rights” approach with reference to precedents. It established a dialogue platform among market players, local government, and industry regulators, conducted on-site investigations, and organized joint mediation with government and regulatory authorities. A comprehensive settlement was reached between the Tea Industry Association and the Tea Company.

3. Judgment Abstract

Where an ordinary trademark conflicts with a geographical indication, courts shall balance the legitimate rights of trademark owners and the public interest embodied in geographical indications. Adopting a holistic view of common prosperity and industrial development, and considering regional industrial planning, brand protection needs, and market realities, courts may use “trademark retention with restricted rights + multi-party collaboration” and a five-in-one coordination mechanism (court + local government + industry regulator + industry association + market entity) to achieve both dispute closure and industrial empowerment.

4. Typical Significance

Geographical indications represent unique quality and reputation of regional goods, serving as core assets for local economies and characteristic industries and common wealth for regional market players. Ordinary trademarks embody business goodwill as private rights. Rigid judicial rulings alone may fail to fully resolve conflicts, waste brand resources, hinder industrial development, or imbalance public and private interests. This case innovates beyond traditional adjudication, using flexible mediation under “trademark retention with restricted

rights + multi-party collaboration” to resolve conflicts between ordinary trademarks and geographical indications:

First, balancing private rights and public interest through flexible “trademark retention with restricted rights” mediation for root-cause resolution. Instead of simply upholding or invalidating registration amid longstanding conflicts from historical use and sequential registration, the court retained lawful registration of the Tea Company’s marks while clarifying that exercise of such rights must not harm the public interest of the “Yingde Black Tea” geographical indication. This protects corporate goodwill and historical investment while upholding the public nature of the geographical indication, ending years of entangled litigation at source.

Second, building a five-in-one long-term dispute resolution mechanism to judicially support regional characteristic industries. The case aligns corporate trademark rights, public value of the geographical indication, and local tea industry development, turning conflict into industrial synergy. Integrating judicial guidance, government coordination, regulatory enforcement, association self-regulation, and enterprise compliance, it creates a new model of IPR governance featuring “judicial leadership, multi-stakeholder collaboration, source governance, and industrial win-win,” deeply integrating judicial protection and industrial governance and offering a replicable model for IPR protection and high-quality development of regional economies.

Geographical indications have become vital for rural revitalization and regional economic growth, driving demand for conflict resolution. This case uses governance thinking to solve legal difficulties and collaborative mechanisms to resolve industrial conflicts, demonstrating the judiciary’s role in serving high-quality development and providing a useful reference for adjudicating similar cases and coordinated IPR protection.

CaseV: Invalidation Case of the “Biquge” Trademark Due to Adverse Influence

—— Determining “Adverse Influence” Based on General Public Perception within Specific Fields

1. Case Information

Plaintiffs: Beijing Hong-X Technology Co., Shanghai Xuan-X Technology Co., Shanghai Yue-X Information Technology Co., Beijing Wang-X Technology Co., and a certain Cultural Development Co.

Defendant: National Intellectual Property Administration

Third Party: Tie-X Information Technology Co.

2. Basic Facts

The “Biquge” trademark was originally applied for registration by a non-party company in 2016 and was subsequently transferred to the Third Party, Tie-X Information Technology Co. Five companies, including Shanghai Yue-X Information Technology Co., requested that the trademark be declared invalid. They argued that in the field of online literature, “Biquge” has long been used by a large number of eponymous apps and websites to disseminate pirated novels—often interspersed with pornographic and violent content—which seriously disrupts the order of copyright management and exerts an adverse influence. After the National Intellectual Property Administration rejected this claim, the five companies filed an administrative lawsuit with the Beijing Intellectual Property Court.

The Beijing Intellectual Property Court held that while the literal characters of “Biquge” do not inherently possess a negative meaning, their long-term illegal use in the field of online literature has made the term a synonym for “piracy” and a major entry point for pirated traffic. Its registration and use on goods or services related to online literature damage the management order of the copyright industry and public interests. This constitutes a violation of Article 10, Paragraph 1, Item 8 of the

Trademark Law regarding “adverse influence”. Consequently, the court revoked the disputed ruling.

Following the first-instance judgment, the third party appealed. The Beijing High People’s Court dismissed the appeal in the second instance and upheld the original judgment.

3. Judgment Abstract

Where the public in a specific field has formed a general perception of a trademark sign—based on common knowledge—that differs from its inherent meaning, and it can be determined that such a sign may have a negative or detrimental impact on social public interests or public order, the sign may be recognized as having “other adverse influences” as stipulated in Article 10, Paragraph 1, Item 8 of the Trademark Law.

4. Typical Significance

This is a landmark case where a trademark was declared invalid because its literal text became synonymous with pirated works. The proposals for the 15th Five-Year Plan explicitly emphasize the need to guide and regulate the healthy development of online literature, online games, and online audio-visual services. Online literature stands as a quintessential representative of new popular arts; together with online games and web series, it is hailed as one of the “New Three” pillars of China’s cultural exports. By severing the legal pathway for the trademarking of pirated logos at its source, this case exerts a profound influence on the copyright protection of online literature and the sustainable growth of the digital content industry.

First, it enriches the dimensions of examination for the “adverse influence” clause in trademark law. The Trademark Law stipulates that signs detrimental to socialist morals or ethics, or having other adverse influences, shall not be used as trademarks. In practice, trademark examination often focuses on the literal meaning of the sign itself. However, this case shifts the focus toward general public perception within specific fields. It concludes that the evidence is sufficient to prove that

“Biquge” had become a shorthand and code for piracy websites prior to its trademark application. Not only did the “Biquge” website itself host a vast amount of pirated content, but a large number of copycat websites dedicated to piracy also emerged under its name. By identifying “Biquge” as a synonym for adverse influence and subsequently declaring it invalid, this case establishes a new benchmark for trademark legality review in the digital era. It further signals a clear judicial stance: trademark registration and use must not blindly pursue “traffic effects”; instead, the social impact and public interest they carry must be evaluated. Any sign widely recognized by the public as having negative or adverse influences faces the legal risk of being declared invalid, even if registration was initially granted.

Second, it severs the pathway for illegal piracy signs to achieve "legalization" through trademarking. For a long time, “Biquge” has served as a major traffic portal and industry symbol for piracy, acting as a core identifier within the “black and grey” industry chain of online literature piracy. The judgment declaring the trademark invalid strips it of the exclusive protection afforded by trademark law, providing a solid legal basis for subsequent takedowns, blocking, and accountability measures. This forms a powerful deterrent against “free-riding on piracy” and “bad-faith registration of piracy symbols”. Ultimately, it protects the very source of creation and bolsters the confidence of platforms, authors, and readers in legitimate innovation.

CaseVI: Administrative Dispute over the Validation of a Patent for a “Traditional Chinese Medicine (TCM) Composition”

—— Key Points for Evaluating the Inventiveness of TCM Formulas: “Validating Formulas via Efficacy”

1. Case Information

Plaintiff: A certain Hospital of Traditional Chinese Medicine (hereinafter referred to as the “Hospital”)

Defendant: National Intellectual Property Administration

2. Basic Facts

The patent application involved is titled “A TCM Composition for Treating Bone Marrow Suppression During Chemotherapy”, with the Hospital as the applicant. The National Intellectual Property Administration issued a reexamination decision upholding its original rejection of the application. Disagreeing with this, the Hospital filed an administrative lawsuit with the Beijing Intellectual Property Court, contending that the technical problem actually solved by the application in suit, relative to the prior art documents, was to provide a TCM composition for a use different from that of the closest prior art. It further argued that a person skilled in the art would have found it difficult to derive technical suggestions regarding the specific formula and proportions from the prior art; therefore, the application possessed inventiveness. Upon trial, the Beijing Intellectual Property Court held that the conclusions and data from the preliminary animal and clinical trials—submitted by the plaintiff as supplementary evidence—could scientifically and objectively reflect the beneficial effects of the TCM formula in treating bone marrow suppression during radiotherapy for colorectal cancer. This proved that the formula achieved unexpected technical effects. Thus, claims 1-3 of the application met the inventiveness requirements stipulated in Article 22, Paragraph 3 of the Patent Law. The court found the accused decision’s determination erroneous, revoked it, and ordered the National

Intellectual Property Administration to issue a new examination decision. Neither party appealed, and the first-instance judgment has taken legal effect.

3. Judgment Abstract

The determination of inventiveness for TCM formula patents should align with the cognitive characteristics of a person skilled in the art and the underlying principles of TCM clinical practice. It is essential to avoid mechanically applying evaluation methodologies designed for modern medical technologies, which may lead to underestimating the degree of innovation inherent in TCM technical solutions. The inventiveness of a TCM formula is primarily manifested through clinical efficacy. If a formula significantly improves therapeutic indicators or addresses long-standing clinical “pain points”, it can be deemed to meet inventiveness requirements based on significant progress in therapeutic effect, even if its molecular mechanism is not yet fully elucidated. Furthermore, the standards for identifying common knowledge in the TCM field should be strictly managed; vague records of the basic properties of medicinal materials in prior art are insufficient to negate the technical contribution of a formula that achieves new uses or synergistic effects under specific proportions.

4. Typical Significance

This case translates national policies and industry needs into specific adjudicative rules, providing stable judicial expectations for the protection of TCM intellectual property and effectively resolving the dilemma of “difficulty in evaluation”. It not only clarifies the path for the propertization of TCM innovations but also provides a solid judicial impetus for encouraging original TCM innovation and promoting a healthcare system that places equal emphasis on both TCM and Western medicine.

First, it precisely implements national strategies and judicial policies, demonstrating a commitment to protection. The judicial reasoning in this case is a concrete practice of the national macro-strategy to strengthen TCM development. From the Outline for Building a Powerful Intellectual Property Nation to the Supreme People’s Court’s emphasis on “following the laws of TCM development”, the policy

direction is clear. This case transforms policy concepts into operable judicial review standards, insisting on judging inventiveness based on TCM's own theoretical core, rather than blindly copying the evaluation systems of modern Western medicine centered on chemical components and molecular structures.

Second, it establishes rules for judging inventiveness that align with the discipline's characteristics, solving evaluation hurdles. For a long time, evaluating TCM formulas—which combine traditional wisdom with modern R&D—has been a challenge for both the industry and examination practice. This case establishes the logic of “validating the formula via its efficacy” and builds a clear framework for reviewing TCM patent inventiveness. It centers the evaluation on the presence of “unexpected technical effects” rather than a simple comparison of formula ingredients. It focuses on whether substantial progress in key indicators, such as therapeutic efficacy and safety, has been proven through clinical trials and pharmacological research, while advocating for the construction of a “Clinical-Mechanism-Control” three-dimensional verification system. This system systematically demonstrates the innovative value of a formula through high-quality clinical efficacy data, modern mechanistic exploration of sufficient depth, and comparative data against classic formulas or control groups. Furthermore, the case clearly delineates the boundaries of the “common knowledge” defense, asserting that inventiveness should not be negated solely because a formula comprises known medicinal materials. Instead, a rigorous examination of unique effects—such as synergy arising from specific proportions and dosages—must be conducted. This prevents the undervaluation of in-depth formula innovation rooted in TCM theory.

Third, it reflects adaptive protection for TCM as an Intangible Cultural Heritage, supporting cultural inheritance. This case affirms the unique value of TCM as a crystallization of traditional Chinese wisdom, granting it a clear protection path within the modern legal framework. By stabilizing institutional expectations for inheritance and innovation, it ensures that modern R&D based on classic famous formulas and clinical experience has a legal basis to follow. This provides practical protection for

the continuity and development of traditional medical culture in contemporary society.

Case VII: Administrative Patent Confirmation Dispute Involving “Problem Patent” of Compound Fertilizer

—Establishment of Rules for Technical Problem Identification and Experimental Data Examination in Inventiveness Judgment

1. Case Information

Plaintiff (Invalidation Petitioner): XX Agricultural Science and Technology Co., Ltd.

Defendant: China National Intellectual Property Administration (hereinafter referred to as CNIPA)

Third Party (Patentee): Shenzhen XX Intellectual Property Operation Co., Ltd.

2. Basic Facts

The patent in dispute is an invention patent titled “Method and Equipment for Producing Granular Compound Fertilizer by High-Tower Granulation”. Filed in 2003 by a non-party, it was assigned to the third party Shenzhen XX Intellectual Property Operation Co., Ltd. in 2019. Starting from 2019, the third party filed patent infringement lawsuits based on this patent against more than 20 compound fertilizer manufacturers including the plaintiff, claiming compensation ranging from RMB 1 million to 20 million, and in some cases demanding the removal of production equipment. In this case, the plaintiff XX Agricultural Science and Technology Co., Ltd. filed a request for invalidation with CNIPA on the ground that the patent lacked inventiveness. CNIPA made a decision upholding the validity of the patent. Dissatisfied, the plaintiff sued CNIPA before the Beijing Intellectual Property Court.

The Beijing Intellectual Property Court held: First, the patent in dispute had the same raw materials as the closest prior art but different process conditions, yet the product performance data were nearly identical, which was unreasonable and failed to prove genuine and effective technical effects. Second, the challenged decision incorrectly defined the technical problem as “how to realize high-tower granulation for granular compound fertilizer”, which improperly

included the distinguishing technical feature “high tower” itself. The actual technical problem should be “providing an alternative technical solution for producing granular compound fertilizer”. Third, the prior art had disclosed adjusting granulation tower height according to cooling needs, and a person skilled in the art would easily replace a low tower with a high tower, so the technical solution was not inventive. The court therefore revoked the challenged decision. The third party appealed, and the Supreme People’s Court upheld the judgment on appeal.

In April 2025, CNIPA made a new examination decision in accordance with the court judgment and declared the entire patent invalid. All 20-odd infringement lawsuits based on this patent were dismissed for a loss of entitlement.

3. Judgment Abstract

In the patent confirmation examination and trial, the distinguishing technical feature itself shall not be included in the technical problem actually solved by the invention. If the technical effect of the patented solution is equivalent to that of the closest prior art, the technical problem actually solved is merely to provide an alternative solution; if product parameters are nearly identical under different process conditions, and key process parameters are obviously inconsistent with common general knowledge without reasonable explanation, the experimental data cannot be used to prove unexpected technical effects; a technical solution abandoned for economic reasons does not constitute a technical prejudice within the meaning of the Patent Law.

4. Typical Significance

Compound fertilizer is known as “food for crops”, and high-tower granulation is a mainstream process in compound fertilizer production. This case is a typical invention patent invalidation dispute concerning core processes in the compound fertilizer industry. It fundamentally resolves long-standing disorder in patent enforcement in the industry and helps safeguard national food security.

First, it clarifies adjudication rules and unifies standards for administrative examination and judicial trial. In strict compliance with the provisions on inventiveness under the Patent Law, this case has clarified three core issues: the definition of the actual technical problem, the determination of technical motivation, and the examination of experimental data. It has further set forth rules that the technical problem shall not incorporate the distinguishing features, and that the authenticity of experimental data may be taken as a prerequisite for inventiveness examination. Such rulings accurately demarcate the boundary between patent protection and prior art, prevent the abuse of patent rights, and advance the unification of standards applied in administrative examination and judicial adjudication.

Second, it mitigates industrial risks and supports industrial development. High-tower granulation is a universal core process, with over 400 related facilities in China. After acquiring the patent, the third party did not put it into practical use but instead filed mass lawsuits against key enterprises seeking high damages, seriously disrupting normal business operations and the stability of agricultural input supply chain. The judgment invalidating the patent avoids suspension or removal of costly facilities in operation or under construction, fundamentally eliminating infringement risks across the industry, ensuring normal production of enterprises, supporting the agricultural inputs industry and ensuring the security of the food supply chain.

Third, it curbs abuse of rights and serves the real economy. The judgment reflects an explicit judicial stance that the judiciary protects genuine innovation and opposes abuse of rights. It rejects patents without substantive innovative value, curbs “non-practicing entities” from acquiring patents to conduct mass enforcement for improper gains, and guides market entities to use patents for actual production rather than as tools for profit-making, providing robust judicial protection for fostering a business environment of fair competition and innovation incentives.

Case VIII: Case Concerning Rights to Other Scientific and Technological Achievements Involving "Zinc Electrolysis Pollution Control Equipment —Determination of Ownership of Other Scientific and Technological Achievement Rights in Technological Iteration and Upgrading

1. Case Information

Plaintiff : Yancheng XX Co., Ltd.

Defendants : Chinese XX Research Institute; XX University

2. Basic Facts

The plaintiff Yancheng XX Co., Ltd., together with Chinese XX Research Institute and XX University, jointly developed “Complete Set of Technology and Equipment for Source Reduction of Heavy Metal Water Pollutants in the Zinc Electrolysis Process”. This achievement passed scientific and technological evaluation and won a first - class provincial and ministerial science and technology award. The plaintiff claimed that the defendants, without consent, used the jointly developed achievement to apply for and obtain a second-class National Science and Technology Progress Award, infringing its “other scientific and technological achievement rights”. The plaintiff sued before the Beijing Intellectual Property Court.

During the trial before the Beijing Intellectual Property Court, a point-by-point comparison was conducted regarding the technical contributions of each party in the original cooperative achievement and the technical content on which the defendants based their award application. The Beijing Intellectual Property Court found that the defendants did not directly use the original cooperative achievement for the award application. Instead, they conducted new research and development with other entities on the basis of the original achievement. In the newly formed scientific and technological achievement, the technical content corresponding to the plaintiff’s contribution had been completely replaced with a different technical solution. The defendants’ award

application based on the new achievement did not constitute infringement of the plaintiff's other scientific and technological achievement rights. The court dismissed the plaintiff's claims. Yancheng XX Co., Ltd. appealed, and the Beijing Higher People's Court upheld the judgment.

3. Judgment Abstract

In industry-university-research cooperation: If one party conducts follow-up research and development(hereinafter referred to as R&D) on the basis of the original cooperative achievement and forms a new scientific and technological achievement that substantially replaces the relevant part of the original achievement and reflects independent technical contributions, the follow-up R&D party may exercise relevant rights based on the new achievement. The fact that parties jointly completed the original achievement does not permanently restrict the follow-up independent R&D and the right to apply for awards based on the new achievement.

4. Typical Significance

With continuous technological advancement, cases in which cooperating parties upgrade R&D based on existing achievements have become increasingly common, leading to more disputes over ownership and interest distribution. This case deeply integrates judicial adjudication rules with the innovative development needs of industry-university-research cooperation, providing clear judicial guidance for disputes over achievement ownership and interest allocation in the scientific and technological innovation sector, and effectively solving the difficulty of defining rights and obligations in follow-up R&D of industry-university-research cooperation.

First, it establishes the rule of “determining ownership by contribution” for cooperative scientific and technological achievements, solving the difficulty of right-obligation definition. It has long remained a difficult issue in both industry

and judicial practice to distinguish the ownership of original achievements and subsequent improved achievements in industry-university-research cooperation, and to determine the legitimacy of acts such as applying for awards on the basis of subsequent research and development. This case focuses on identifying specific technical contributions of each party in original and new achievements, and verifying whether the new achievement involves substantive upgrading and independent technical contribution, safeguarding the legitimacy of follow-up R&D based on independent innovation and avoiding restraining innovation vitality due to “one-time cooperation, lifelong binding”.

Second, it provides rule support for the sustainable development of the innovation chain. Recognizing the relative independence of follow-up R&D achievements under industry-university-research cooperation protects the legitimate moral rights of the original achievement developers while encouraging bold breakthroughs and upgrading based on existing technologies. The judgment reflects the judiciary’s orientation of encouraging technological innovation, invigorating vitality, and liberating researchers to conduct sustained exploration and unrestricted innovation, which serves to promote a sound and orderly ecosystem for technological innovation and ensure the continuous development of the innovation chain.

Case IX: "Calypso" Pineapple Plant Variety Right Administrative Confirmation Dispute

— "Infringing Sales" Do Not Destroy the Novelty of New Plant Varieties

1. Case Information

Plaintiff: Chen XX

Defendant: The Reexamination Board for New Varieties of Plants, Ministry of Agriculture and Rural Affairs (hereinafter referred to as the Reexamination Board for New Varieties of Plants)

The Reexamination Board for New Varieties of Plants, Ministry of Agriculture and Rural Affairs (hereinafter referred to as The Reexamination Board for New Varieties of Plants)

Third Party: X Plant Horticulture Co., Ltd.

2. Basic Facts

The disputed variety in this case is an ornamental pineapple new plant variety named "Calypso" owned by X Plant Horticulture Co., Ltd. Chen XX filed a request for invalidation with the Reexamination Board for New Varieties of Plants on the grounds that the variety lacks novelty. The main reason was: the application time for the variety right of "Calypso" in China was 2008, but the variety had already been publicly sold overseas by others under the names "Starlight" and "Catherine" in 2000. According to Article 14 of the *1997 Regulations on the Protection of New Plant Varieties* (hereinafter referred to as the *Regulations*), the "Calypso" variety had lost its novelty when applying for the variety right in China. The defendant, the Reexamination Board for New Varieties of Plants, dismissed the invalidation request. Chen XX disagreed and filed an administrative lawsuit with the Beijing Intellectual Property Court. The Beijing Intellectual Property Court held that the "Calypso" variety did not lose its novelty due to infringing sales by other entities, and thus dismissed Chen XX's claims. Chen XX appealed, and the Supreme People's Court made a final ruling, dismissed the appeal and upheld the original judgment.

3. Judgment Abstract

In the judgment of novelty for plant varieties, "infringing sales" do not destroy novelty. Only sales activities licensed by the rights holder may lead to the loss of novelty of the variety. Unauthorized "Infringing sales" by others go against the right holder's will and damage their legitimate rights and interests, and therefore should not produce the negative consequence of the right holder losing their rights.

4. Typical Significance

This case elaborates on the novelty requirement in the authorization and confirmation of new plant varieties, further clarifying the judicial judgment standards and legal boundaries of novelty, which has important guiding value and demonstration leading role for unifying adjudication standards, strengthening judicial protection of breeding innovation achievements, and improving the new plant variety protection system.

First, it fills the gap in the rules for judging the novelty of new plant varieties. In current legislation, it only stipulates that sales activities of a plant variety will destroy its novelty, but does not further distinguish the connotation and extension of "sales activities". This case takes the lead in establishing the judicial principle that "infringing sales do not destroy novelty", precisely defining the legal boundary of "sales activities causing the loss of novelty" strictly to legal sales activities conducted or permitted by the applicant, and that unauthorized infringing sales by others do not produce the legal consequence of the loss of novelty. This adjudication rule clearly demarcates the boundary of sales activities affecting novelty, fills the interpretation gap in law application, provides a clear judicial judgment standard for variety authorization examination, helps unify the application of law, and promotes the development of the new plant variety protection system towards a more refined and scientific direction.

Second, it breaks the dilemma of "being infringed and losing rights" for plant variety rights holders. The judgment of this case deeply aligns with the basic spirit of the *International Convention for the Protection of New Varieties of*

Plants (UPOV Convention) and forms inherent unity with the original legislative intent of China's plant variety protection. It systematically prevents the extreme injustice of breeders suffering the dual blows of "infringement of rights" and "loss of market" due to the illegal acts of others, effectively safeguarding the basic value pursuit and the bottom line of fairness and justice of the law.

Third, it builds a solid strategic cornerstone for "independent and controllable germplasm sources" with original innovation. This case is conducive to eliminating the common concern among innovative entities about "infringement leading to the loss of novelty", provides stable legal protection expectations for breeding enterprises and research institutes, and incentivizes the industry's continuous investment in the research and development of breakthrough varieties. Meanwhile, this rule fundamentally blocks the speculative path of maliciously preemptive sales to destroy the novelty of others' varieties, purifies the seed industry market environment, promotes the industry norms of good faith and innovation, and provides judicial safeguards for the national seed industry scientific and technological self-reliance and the implementation of the food security strategy.

Case X: Copyright Infringement Dispute Involving the Dissemination of Audiovisual Works via "Cloud Drive"

— Standards for Infringement Notices and Determination of Infringement Liability for Cloud Drive Service Providers

1. Case Information

Appellants (Plaintiff at First Instance): X Technology (Beijing) Co., Ltd., Shanghai X Film & Television Co., Ltd., Shenzhen X Co., Ltd. (collectively referred to as "the Three X Companies")

Appellant(Defendant at First Instance): Hangzhou X Technology Co., Ltd.

Defendant at First Instance: Beijing X Technology Co., Ltd.Appellant

2. Basic Facts

The Three X Companies legally enjoy the right of information network dissemination for the audiovisual work "*Chun Gui Meng Li Ren*" (《春闺梦里人》). They found that on the "X Cloud Drive" platform operated by Hangzhou X Technology Co., Ltd. had a large number of users uploading the work and generating sharing links for transmission, constituting infringement. They repeatedly sent infringement notification letters to the company, requesting it to take necessary measures such as disconnecting the infringing links, filtering and intercepting infringing content, deleting infringing files, and disposing repeat infringing users. The website operated by Beijing X Technology Co., Ltd. provided download services for the cloud drive client. The Three X Companies sued Hangzhou X Technology Co., Ltd. and Beijing X Technology Co., Ltd. for copyright infringement, requesting an order for the two defendants to cease the infringement, and compensate for economic losses and reasonable costs totaling RMB 3 million.

The court of first instance held that Beijing X Technology Co., Ltd. only provided download services for the cloud drive APP and did not participate in the operation of the cloud drive, thus it should not bear infringement liability.

Hangzhou X Technology Co., Ltd., as the cloud drive operator, failed to fulfill its duty of reasonable review and failed to fully perform its takedown obligation after notification, and should bear infringement liability, hence it ordered Hangzhou X Technology Co., Ltd. to compensate the Three X Companies for economic losses and reasonable expenses totaling RMB 1 million. Both parties disagreed and filed appeals.

The Beijing Intellectual Property Court, upon trial in the second instance, found that Hangzhou X Technology Co., Ltd., as a cloud drive service provider, had promptly taken measures to disconnect links in response to the vast majority of qualified notices and actively set Chinese and English keywords to filter and intercept the involved work, thus fulfilling its duty of reasonable care. Therefore, it should only bear corresponding liability for a small number of infringing links that were not handled in a timely manner. For the unqualified notices issued by the Three X Companies, the company does not bear the statutory obligation to proactively filter and handle repeat infringing users. Since Hangzhou X Technology Co., Ltd. should not be held liable for the infringing acts pointed out in the unqualified notices, the second instance court, taking into account factors such as the popularity of the involved work, the fact that the infringement occurred during its premiere and peak broadcasting period, the scale of cloud drive users, and the market share, determined that Hangzhou X Technology Co., Ltd. should compensate the Three X Companies for economic losses and reasonable expenses totaling RMB 300,000.

3. Judgment Abstract

Cloud drive services also belong to information storage space network services, and should promptly take measures to disconnect or block the sharing links upon receiving sharing links notified by the right holder. When a right holder issues a notice requesting the deletion of infringing content, they should provide sufficient information to locate the infringing content; notice requesting proactive discovery and disposal of infringement content should provide information sufficient to identify and judge infringement content; notice requesting the disposal

of repeat infringing users should proactively provide information on repeat infringing users.

As network service providers, when network disk service providers take necessary measures, they should target not only the infringing acts that have already occurred, but also potential, unoccurred acts with high correlation, inheritance, and identity regarding the same work, same platform, same behavior pattern, and closely connected in time. Within their capability range, they should take reasonable preventive measures such as keyword filtering. However, when taking necessary measures, cloud drive service providers should not directly delete content stored within users' personal cloud drives, but need to prudently judge based on actual circumstances such as the content of the work, the complaint situation, and the spread of infringement, balancing copyright protection with user privacy.

4. Typical Significance

This case is a typical case involving copyright infringement disputes in cloud drives, which, based on the practical needs of digital copyright protection and Internet industry development, contributes judicial wisdom to solving industry pain points, regulating market order, and guiding the healthy development of the cloud drive industry.

First, it perfects the detailed rules for applying the "notice-and-takedown" rule in cloud drive scenarios, solving the past judicial dilemma of "vague complaints and groundless responses". On the one hand, based on cloud drive technology and industry characteristics, it explicitly rejects the unreasonable demand that cloud drive service providers should bear a comprehensive ex-ante review obligation for massive amounts of privately stored content, and combines the attribute of cloud drives being "primarily for private storage and secondarily for sharing", taking into account technological limitations and industry laws, to avoid the disorderly expansion of service providers' liabilities. On the other hand, it refines the criteria for recognizing a qualified infringement notice, clarifying that the qualification of the notice is directly linked to the measures the right holder requests to be taken,

and detailed the requirements for qualified notices under different demands, such as deleting infringing content, proactive prevention and control, and disposing of repeat infringing users. In addition, this case clarifies the scope of application of preventive measures by cloud drive service providers, namely, against potential infringing acts concerning the same work, the same platform, and the same behavioral pattern that are closely connected in time, they should take reasonable preventive and control measures such as keyword filtering within their capacity, which not only upholds the legislative spirit of the "safe harbor principle", but also makes up for its application shortcomings in the digital age, providing a clear adjudication reference for courts nationwide in hearing similar cases.

Second, it balances the interests of the cloud drive industry and copyright holders, solving the long-existing infringement prevention and control dilemma in the industry. For cloud drive service providers, promptly disconnecting infringing links after receiving a qualified notice and taking reasonable preventive measures within their capacity, while not arbitrarily deleting users' privately stored content, balances copyright protection and user privacy, and provides a clear basis for service providers to formulate infringement prevention and control strategies, avoiding excessive or insufficient prevention caused by vague definitions of obligations. For copyright holders, it clarifies that they need to provide precise and effective infringement notices, avoiding simply making demands without providing the necessary information to locate and identify infringing content, which forces copyright holders to improve the quality of their complaints and reduces internal friction caused by disputes over unqualified notices.

Third, it strengthens copyright protection in the digital age while balancing user rights and social public interests. By clarifying infringement liabilities and regulating prevention and control obligations, it effectively curbs infringement chaos in the cloud drive field, demonstrating the strong judicial protection of copyrights and guiding the public to establish awareness of respecting copyright and using works lawfully. Meanwhile, this case takes user privacy and usage interests into consideration, explicitly prohibiting cloud drive service providers

from arbitrarily deleting users' privately stored content, avoiding damage to the legitimate rights and interests of ordinary users caused by excessive prevention and control, and achieving a balance of interests among copyright holders, cloud drive service providers, and ordinary users. Furthermore, the adjudication of this case provides judicial guidance for the balance between copyright protection and internet industry development in the digital age, helping to create a digital ecological environment that respects innovation, protects copyright, and is regulated and orderly, promoting the high-quality development of the digital cultural industry.

【扫码查看文书】



案例一



案例二



案例三



案例五



案例六



案例七



案例八



案例九



案例十

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