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江苏省知识产权 十大典型案例

江苏省知识产权和商标战略实施工作领导小组办公室

中国 · 江苏

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(2025)

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序

2025 年，全省知识产权系统坚持以习近平新时代中国特色社会主义思想为指导，坚持把学习贯彻习近平总书记对江苏工作重要讲话重要指示精神作为贯穿全部工作的主线，在省委、省政府和国家知识产权局的正确领导下，牢牢把握“经济大省挑大梁”的“四个着力点”，以系统改革激发创新活力，以全局思维重塑保护生态，以更实举措服务发展，以更高标准推进全面从严治党，知识产权强省建设实现体系化突破、内源式增长。这一年，中央知识产权保护考核我省得分全国第一，每万人口高价值发明专利拥有量达 34.2 件、位居全国省区首位，知识产权保护社会满意度与保护水平两项评估调查均位列全国榜首，知识产权事业发展交出亮眼答卷。

2025 年，省知识产权和商标战略实施工作领导小组（以下简称“领导小组”）强化顶层统筹与协同联动，完善跨部门信息共享、联合执法与行刑衔接机制，构建起统筹协调、分工负责、齐抓共管的一体化工作格局。领导小组各成员单位聚焦知识产权全链条保护，行政与司法部门同频发力，从严查办商标侵权、盗版侵权、商业秘密犯罪、跨境侵权等各类案件，全面强化行政保护效能、健全司法保护体系、创新多元纠纷化解机制，以最严格保护筑牢创新发展法治屏障，有力维护了市场公平竞争与权利人合法权益。

为全面展现江苏知识产权“严保护、大保护、快保护、同保护”的实践成效，充分发挥示范引领、规则统一、警示教育作用，领导小组办公室统筹法院、检察院、公安、市场监管、版权、知识产权、南京海关等多部门力量，从年度办结的案件中，遴选并发布“2025 年江苏省知识产权十大典型案例”。本次遴选的十大案件覆盖专利、商标、著作权、商业秘密等领域，融合民事、行政、刑事三重保护路径，聚焦新能源、光伏储能、文创潮玩等重点产业与新业态，直击非正常专利申请、跨境侵权、网络盗版、商业秘密泄露、制售假冒等社会热点问题，集中体现全链条打击侵权、全方位护航创新的坚定决心。

让我们一起努力：以发布“2025 年江苏省知识产权十大典型案例”为契机，引导各类市场主体增强知识产权合规意识，推动行政执法与司法裁判标准统一、尺度一致，持续营造尊重知识、崇尚创新、诚信守法、公平竞争的良好氛围，不断擦亮江苏知识产权保护“金字招牌”，为江苏在推进中国式现代化中走在前、做示范，提供更加坚实的知识产权法治保障。

江苏省知识产权和商标战略实施工作领导小组办公室
2026 年 4 月

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01 杜某某与陆某化工（昆山）有限公司侵害专利权纠纷案

案情介绍

原告杜某某系三项涉案发明专利“氨法生产金属化合物的装置及工艺”“氨法生产金属化合物的溶金属浸出槽及浸出工艺”“氨法生产金属化合物的分解沉淀槽”的专利权人。被告陆某化工（昆山）有限公司（简称为“陆某公司”）长期生产电子级氧化铜等金属化合物产品。

杜某某自 2001 年至 2018 年在陆某公司处任厂长并负责技术工作。早在涉案专利申请日（2016 年 12 月 6 日）前，双方曾就涉案专利相关的技术签订多份技术许可及“大包干”协议，后在 2010 年、2011 年协议中约定按产量支付特许使用费。

2016 年 8 月，双方因技术许可费产生技术合同纠纷诉讼，法院判决陆某公司应向杜某某支付 2016 年 1 月至 8 月的技术许可使用费 307 万余元。2016 年 12 月 6 日，杜某某申请涉案三项发明专利并在 2017-2018 年期间分别获得授权，随即双方就涉案专利产生权属纠纷诉讼，法院最终认定涉案专利并非职务发明，系杜某某个人专利，权属应归杜某某。

2019 年 10 月，双方再次因技术许可费产生技术合同纠纷诉讼，法院生效判决确认，双方技术许可关系自 2019 年 8 月 1 日解除，陆某公司应停止实施涉案专利，陆某公司应向杜某某支付 2019 年 4 至 7 月的技术许可使用费 167 万余元。

在双方许可关系解除后，陆某公司对设备结构和工艺流程进行了局部改造，继续利用由浸出槽、分解沉淀槽及吸收装置等构成的氨法生产装置及工艺生产电子级氧化铜产品，并主张改造后的装置和工艺未落入专利保护范围，同时提出先用权抗辩。杜某某认为，陆某公司所谓改造未实质改变技术方案，其继续生产行为构成对三项发明专利的侵权，遂提起本案诉讼，请求判令陆某公司停止侵权、销毁侵权专用设备、适用惩罚性赔偿 2 亿元并承担合理开支 30 万元。

处理结果

江苏省高级人民法院经审理认为：被诉侵权技术方案落入涉案专利权保护范围，陆某公司主张的先用权抗辩不能成立；判令陆某公司停止使用侵权专用设备及对应工艺、停止销售与许诺销售侵权产品；因被诉侵权大型设备，存在改造为现有技术或不

落入涉案专利权保护范围的技术方案的可能性，从节约社会资源的角度出发，在已经责令陆某公司停止使用现有设备的情况下，对杜某某要求销毁侵权专用设备的诉讼请求不予支持；综合涉案专利作用、利润贡献率、许可费等因素，判令陆某公司赔偿经济损失 1.2 亿元，其侵权行为未达到惩罚性赔偿适用条件，不予适用；同时支持杜某某 30 万元维权合理开支。

最高人民法院于 2025 年 9 月 10 日作出二审判决，明确“一审判决认定事实清楚、适用法律正确，判决结果无误”。但为破解停止侵害专利权判项的执行难问题，最高人民法院依职权对一审判决主文中的停止侵权判项的履行方式做了调整，明确要求被告应该在一审法院的监督和原告的见证下完成设备改造，确保改造后的设备及相应工艺不落入专利权的保护范围。

（本案由江苏省高级人民法院提供）

分析点评

本案涉及集成电路产业基础性原材料的生产制造技术，体现了人民法院司法护航自主创新，严格保护新质生产力的态度和决心。

判决赔偿额创下了国内个人专利的最高获赔纪录 1.2 亿元，该赔偿数额的确定并非单纯追求高额赔偿，而是法院综合涉案专利对产品生产的核心贡献（涵盖整个被诉侵权专用设备，对应产品为侵权人主营唯一产品）、双方此前许可使用费约定、侵权人营业利润等多重因素，科学核算专利贡献率后作出的公正裁判，充分弥补了权利人的经济损失，凸显了司法对个人创新成果的严格保护，向社会传递了“尊重知识产权、严惩侵权行为”的鲜明导向，对激励自然人投身技术创新具有重要示范意义。

本案充分发挥专家辅助人作用，有效助力法院破解复杂技术事实查明难题，彰显了技术类案件审理中专家辅助人机制的实践价值。在案件审理和法律适用层面上，本案判决聚焦等同侵权认定、先用权抗辩和惩罚性赔偿适用条件、停止侵权方式等专利审判中的难点问题展开事实调查和释法说理，裁判逻辑严谨、参考价值突出、产业影响巨大。

需要特别说明的是，最高人民法院依职权对一审判决主文中的停止侵权判项的履行方式作了创新型调整，本案不属于传统意义上被二审改判的案件，且最高人民法院对专利案件停止侵权民事责任方式的创新，也是本案值得推荐的重要理由。

02

“一种触头灭弧系统”专利侵权纠纷案

案情介绍

某开关制造有限公司（简称为“请求人”）于 2023 年 9 月 15 日获得名称为“一种触头灭弧系统”的实用新型专利权，专利号为“ZL202321318093.3”（简称为“涉案专利”），该专利为光伏储能设备使用的开关部件。

2025 年 5 月，请求人向江苏省知识产权局提出江苏某储能技术有限公司、上海某电器股份有限公司、某电器（海盐）有限公司侵犯其专利权纠纷处理请求，2025 年 5 月 14 日江苏省知识产权局立案。该涉案专利专利权在请求人提起侵权纠纷处理请求时合法有效。

立案后，江苏省知识产权局执法人员分别到三被请求人处现场进行了调查取证。2025 年 7 月 29 日，江苏省知识产权局举行公开口审，四方当事人均到庭参加。在本案处理中，被请求人上海某电器股份有限公司对涉案专利向国家知识产权局提出了无效请求，并计划将其作为对抗手段，将针对请求人的产品提出近十件的专利侵权诉讼。

江苏省知识产权局了解到涉案专利能根本性解决光伏储能设备的开关开闭时产生的弧光及高温对开关的影响。光伏储能为我国新能源产业光伏发展的重要支柱，在我国及全球属于高速发展的产业。请求人及上海某电器股份有限公司均为上市企业，属于产品领域的头部企业；江苏某储能技术有限公司正在申请上市。针对光伏和光伏储能行业近年来产能过剩、价格战激烈的状况，江苏省知识产权局认识到针对四方当事人的专利侵权纠纷处理行为，极易引发企业间长期对抗，甚至出现“互相诉讼、彼此拖垮”的境况，影响到行业的发展。

处理结果

江苏省知识产权局一边对涉案产品和本专利进行技术比对和判定，同时采取“调解优先、化解矛盾、促进合作”的审理思路，使行政机关不仅扮演“裁判员”，更作为“协调员”，通过调解机制来有效避免企业间对抗，转而走向协同发展的道路。

四方当事人在江苏省知识产权局主持下坦诚沟通，澄清技术边界，消除了误解，同时在调解过程中，江苏省知识产权局引导双方探索交叉许可使用、联合研发等合作

模式，推动技术双向流动与合作创新。最终在江苏省知识产权局的努力下，四方当事人达成调解协议：请求人与被请求人之间达成交叉许可专利技术协议；互相撤回专利侵权纠纷处理请求和专利无效宣告请求，并针对相关技术进行合作。

（本案由江苏省知识产权局提供）

分析点评

本案避免了一场专利侵权纠纷演变为全面商业敌对的情况，为当事人节约了大量时间、资金与管理精力，特别是在光伏储能产业迈向高质量发展的关键阶段，行政机关若单纯依靠执法，虽能遏制侵权，却难以修复双方关系、激发协同发展。在本案中江苏省知识产权局凭借其中立性、专业性和公信力，通过行政裁决过程中的调解机制促成双方握手言和，避免了“内斗式消耗”，维护了产业稳定。

本案由行政机关快速介入处理，且程序简捷，特别是主动调查取证对涉嫌侵权企业进行现场勘验、抽样取证、调取生产销售记录等，极大减轻了专利权人“维权难”的核心痛点，解决了证据有效性的争议。同时树立“协商解决争议”的行业新模式，有助于改变目前行业内“遇纠纷即起诉”“靠诉讼抢市场”的惯性思维，培育尊重知识产权、理性解决争端的商业文化。

针对同质化严重、低价倾销、模仿抄袭等问题，导致“内卷”加剧的光伏和光伏储能这类高度竞争又技术密集型产业，行政机关不仅要扮演“裁判员”，更可作为“协调员”，通过行政裁决过程中调解机制有效避免企业间陷入对抗，转而走向协同发展。这种高效行政保护机制，让守法创新者敢于投入、敢于领先，从而推动光伏和光伏储能产业从“拼价格、拼产能”向“拼技术、拼创新、拼标准”的转型升级。

03

李某、丁某侵犯他人注册商标专用权案

案情介绍

2025 年 7 月 14 日，江苏省常熟市市场监督管理局在商标侵权专项执法行动中，成功查办一起涉及多个知名服装品牌的商标侵权案件。

在案件前期，执法人员积极对接“可隆”“始祖鸟”“萨洛蒙”“海丽汉森”等商标权利人，经过周密摸排，精准锁定位于常熟及安徽铜陵的多处制假窝点及相关涉案人员。2025 年 7 月 14 日，常熟市市场监督管理局联合安徽省铜陵市市场监督管理局开展跨省同步行动，两地联动，同时对涉案的安徽铜陵加工点、常熟市尚湖镇门面铺以及常熟市辛庄镇经营场所实施突击检查。经权利人现场辨认，尚湖镇门面铺、辛庄镇经营场所查获的标有“可隆”“始祖鸟”等品牌商标标识的涉案服装及“可隆”吊牌、“萨洛蒙”合格证等涉案辅料均为侵犯注册商标专用权产品及专用标识。

调查显示，当事人李某通过“快团团”平台销售侵权服装，并委托丁某组织生产，丁某又将部分缝纫工序转包至安徽铜陵周某处加工，形成“生产-加工-销售”一体化侵权链条。经核实，李某已销售侵权商品金额 26 万余元，现场查扣库存货值 20 余万元，违法经营额共计 46 万余元；丁某生产及转包加工侵权服装的违法经营额共计 43 万余元，涉案整体货值金额超 100 万元。

处理结果

李某、丁某生产销售侵权商品的行为，违反《中华人民共和国商标法》第五十七条第一项之规定，且涉案金额已达到《最高人民法院、最高人民检察院关于办理侵犯知识产权刑事案件适用法律若干问题的解释》（法释〔2025〕5 号）第三条规定的刑事立案标准。2025 年 10 月 28 日，常熟市市场监督管理局依据《市场监督管理行政处罚程序规定》第十七条第二款等相关规定，将李某、丁某、周某移送常熟市公安局处理，实现行政执法与刑事司法无缝衔接。

（本案由江苏省市场监督管理局、江苏省公安厅提供）

分析点评

本案针对商标侵权活动跨区域、链条化、隐蔽化的新趋势，成功实施了一次覆盖“生产-加工-销售”全环节、横跨苏皖两省的同步精准打击。执法行动彻底斩断了侵权利益链条，并通过规范的行刑衔接程序，将涉案人员移送司法机关，实现了对知识产权违法犯罪行为的强力震慑，为跨区域、全链条知识产权联合执法提供了实践范本。

针对商标侵权跨区域、链条化、隐蔽化新趋势，本案摒弃单一环节查处模式，对生产加工、仓储物流、线上销售全环节系统治理，彻底斩断侵权利益链条，实现精准打击，提升执法整治实效。

依托长三角一体化协作机制，常熟与铜陵市场监管部门实现线索互通、执法联动、行动同步，破解跨区域执法难题，遏制侵权商品跨区域流动，为长三角知识产权联合执法积累实践经验。

精准把握行刑衔接标准，对达到刑事立案标准的案件依法移送司法机关，实现行政处罚与刑事处罚有效衔接，提高侵权违法成本，强化法律惩戒力度，形成强有力执法震慑。

本案构建的“长三角联动、全链条打击、行刑衔接”三位一体执法新格局，为知识产权执法工作提供典型示范，为持续升级监管策略、完善知识产权保护执法体系、推动全社会形成知识产权保护共识奠定实践基础。

04

张某某等销售侵犯爱马仕国际注册商标专用权案

案情介绍

2025 年 5 月 19 日，苏州工业园区市场监督管理局接 12345 平台转办线索，反映辖区某民宅涉嫌销售假冒名牌包具，核查线索时存在举报人失联、涉案品牌不明、涉案金额不清等问题。6 月 5 日，执法人员抓住快递员上门取件契机，依法进入涉案场所检查，现场发现大量标注爱马仕国际（HERMES INTERNATIONAL）注册商标

“HERMÈS”“HERMÈS”“H”“”的包、鞋、饰品等商品。

面对现场人员较多、情绪激动、消极拖延的情况，执法人员立即启动市场监管领域“两法衔接”机制，商请公安机关提前介入，协助稳控现场秩序；同时依托市场监督管理总局执法人才库，与品牌权利人实时网络连线，完成远程初步鉴定，确认涉案物品均为侵权假冒商品。

经查，该团伙作案隐蔽性极强，交易记录、客户信息等关键数据均存储于云端，并通过设置登录权限、远程数据灭迹等手段规避检查。执法人员连夜开展库存盘点、证人询问及证据固定，果断采取物资移仓措施，严防证据转移销毁。现场共查获侵权包具 459 个、配饰及包装材料 1000 余件。

处理结果

因相关人员涉嫌构成《中华人民共和国刑法》第二百一十四条销售假冒注册商标的商品罪，市场监管部门于 2025 年 6 月 6 日依法移送公安机关立案侦查。据悉，该案共抓获犯罪嫌疑人 10 名，涉案金额达 5000 余万元。

（本案由江苏省市场监督管理局、江苏省公安厅、江苏省人民检察院提供）

分析点评

一是典型性突出。案件涉及国际品牌，涉案金额特别巨大，反映了当下商标侵权行为跨区域分工、数字化云端管理的新特征，相关查办成果对震慑同类违法犯罪、规范高端消费品市场秩序、保护国内外品牌权利人合法权益具有重要现实意义。

二是推广性较强。面对线索匮乏、现场复杂等困境，市场监管部门主动担当作为，依托总局人才库开展权利人远程鉴定，实现涉案物品快速定性；并通过市场监管精准预警、公安部门提前介入的联动模式，实现行刑无缝衔接。全过程程序规范、质效突出，为同类案件办理提供了清晰样本。

三是指导价值高。案件成功应对了交易数据云端化所带来的取证挑战，及时采取手机断网、快速移仓等针对性措施，完整固定关键证据链，为基层查处涉网、涉云端智能化侵权案件提供了实战经验。

四是社会影响好。本案有力震慑了跨区域制假售假犯罪团伙，展现了市场监管执法人员恪尽职守、攻坚克难的优良作风，获得国际品牌权利人高度认可，显著提升了社会各界对政府部门知识产权保护工作的信任度与满意度，营造了尊重知识、崇尚创新、诚信守法的良好社会氛围。

本案针对当前制假售假犯罪“制、售、发”三地分离的跨区域作案、核心数据云端存储等新特点，探索形成了“市场监管预警 + 公安提前介入 + 权利人远程鉴定”协同执法模式。通过现场稳控、连夜移仓、电子数据固证等关键举措，有效破解了民宅窝点隐蔽、云端证据易销毁、现场抗法风险高等执法难题，为全链条打击新型知识产权侵权行为提供了可借鉴、可推广的实战范本。

05 上海卓某网络科技有限公司与江阴摩某口腔医院有限公司侵害计算机软件著作权纠纷案

案情介绍

上海卓某网络科技有限公司（简称为“卓某公司”）系名为“织梦商业网站内容管理系统（简称为‘Dedecms Biz’）V1.0”计算机软件登记的著作权人，其在登记版本软件的基础上开发了多个后续版本，包括其主张权利的 DedeCMSV5.7 版本软件。卓某公司发现江阴摩某口腔医院有限公司（简称为“摩某口腔医院”）名下网站的相关网页源代码与其享有著作权的涉案软件源代码相同，摩某口腔医院未经许可，擅自使用其涉案软件建立网站的行为，侵害了卓某公司涉案软件的复制权、署名权。遂诉至法院，请求判令摩某口腔医院承担赔偿责任、消除影响的民事责任。摩某口腔医院抗辩认为卓某公司不是涉案软件的著作权人；涉案软件长期对外宣称“开源、免费”，要求用户支付费用有违诚信；涉案软件因包含适用 GPL 协议的 sphinxclient.class.php 代码文件（简称为“sphinxclient 文件”），故应受 GPL 协议的约束，卓某公司无权收取授权费用。

处理结果

江苏省无锡市中级人民法院于 2024 年 2 月 19 日作出（2023）苏 02 民初 482 号民事判决：摩某口腔医院赔偿卓某公司经济损失及合理维权开支共计 800 元；摩某口腔医院在其公司网站主页上发布赔礼道歉声明。

江苏省高级人民法院经审理认为：

1. 涉案软件应受 GPL 协议的约束。卓某公司系涉案软件的著作权人。卓某公司将适用 GPL 协议的 sphinxclient 文件集成于涉案软件中，以整体形式进行发布，使该文件处于随时可以调用的状态，其实现的全文检索功能与涉案软件自有程序实现的检索功能并不相同，删除 sphinxclient 文件，则无法实现全文检索功能。涉案软件与 sphinxclient 文件不应认定为相互独立的作品，其属于部分包含 sphinxclient 的派生作品，应当受 GPL 协议的约束。

2. 被诉行为侵害了卓某公司对涉案软件享有的复制权和署名权。虽然涉案软件应

受 GPL 协议的约束，但在卓某公司应当遵循 GPL 协议而未遵循的情况下，并不意味着涉案软件自动适用 GPL 协议进行了许可。本案系卓某公司针对涉案软件提起的侵害计算机软件著作权纠纷，其自身是否违反 GPL 协议并向 Sphinx 软件权利人承担责任，与其是否享有软件著作权并据此追究摩某口腔医院的侵权责任，是相对独立的两个法律问题。即使卓某公司因违反 GPL 协议导致涉案软件存在权利瑕疵，也不影响其在本案中针对被诉行为寻求侵权救济。因涉案软件并未自动适用 GPL 协议向摩某口腔医院进行许可，而是适用卓某公司自拟的商业许可协议，摩某口腔医院使用涉案软件搭建用于商业用途的涉诉侵权网站，但未按照卓某公司商业许可协议取得授权并支付版权费用，侵害了卓某公司对涉案软件享有的复制权。同时，卓某公司在其许可协议中要求使用涉案软件建成的网站主页上保留模板 footer.htm 中相关版权信息链接或添加 DedeCMS 官方网址（www.dedecms.com）的链接，摩某口腔医院未按协议要求在使用涉案软件建成的网站主页上保留任何卓某公司的版权标识、官网链接，应认定该行为侵害了卓某公司对涉案软件享有的署名权。

3. 赔偿数额的确定。基于以下因素酌定本案赔偿额为 800 元：卓某公司的涉案软件自发布以来对外宣传“开源免费”，其在先版本曾经适用过 GPL 协议，说明其对适用 GPL 协议的内容非常了解。卓某公司将 sphinxclient 文件以直接调用的方式集成于涉案软件中，以整体形式进行发布，而未采取有效措施对遵循 GPL 协议的 sphinxclient 文件与涉案软件其他部分进行隔离，也未联系 Sphinx 作者获得商业许可的方式以规避 GPL 协议对涉案软件的影响，导致涉案软件应当受 GPL 协议的约束。在此情况下，卓某公司本应遵循 GPL 协议进行许可，供用户基于 GPL 协议免费使用，但其采用自拟的商业许可协议要求商用用户通过付费取得授权，并在全国范围内对未遵守其自拟协议的使用者提起大规模诉讼。其在要求涉案软件使用者遵守其协议的同时，却未遵循他人软件的 GPL 协议，该行为不仅违背诚信原则，更破坏了开源领域的基本秩序，不利于构建健康有序的开源生态。同时涉案软件是卓某公司在他人开源代码的基础上完成的作品，确定赔偿额时应当考虑卓某公司自身对该软件所做贡献。此外，还考虑到摩某口腔医院并非专业建站公司，不具有明显的侵权故意，侵权情节轻微；卓某公司自身对涉案软件的著作权也存在管理不周的情况；卓某公司存在上述自身因素，特别是有违诚信的情况下，在全国开展大规模维权的模式既不利于有效打击侵权源头，又大量占用解决纠纷的公共资源，不宜提倡和鼓励；本案维权成本较低等因素。

综上，江苏省高级人民法院于 2025 年 12 月 29 日作出（2024）苏民终 581 号民事判决：维持一审判决第一项，变更第二项为发布消除影响声明。

（本案由江苏省高级人民法院提供）

分析点评

本案系一起涉开源软件的典型案件，开创性地确立了此类争议的处理规则。二审判决通过翔实的分析论证，明确了受 GPL 协议约束的权利软件，在权利人未遵循 GPL 协议的情况下，并不意味着权利软件自动适用 GPL 协议进行了对外许可。权利人因违反 GPL 协议导致权利软件存在权利瑕疵，与权利人是否享有著作权并追究被诉方的侵权责任系相对独立的两个法律问题，但对该种破坏开源领域基本秩序的不诚信行为，应确定较低的赔偿额。这一裁判规则的确立，不仅明晰了类案的审理思路，也为进一步推动开源产业规范发展，构建健康有序的开源生态提供了明确的司法指引。

06 张某等销售侵权盗版教材刑事案

案情介绍

2023 年 8 月 23 日下午，淮安市文化市场综合执法支队执法人员联合市食药环侦支队、盱眙县公安局食药环侦大队民警在盱眙县都梁书城、山水第一城、十老路三处查获张某存放的教科书 372405 本。8 月 24 日上午，淮安市文化市场综合执法支队将该案移送盱眙县公安局，并于同日立案进行侦查。执法人员经过多次摸排，方才确定教科书存放仓库的位置。

经查，2022 年以来，犯罪嫌疑人卢某以牟利为目的，先后在临沂市区及临沭县城租赁空厂房，架设印刷设备，在未经著作权人许可的情况下，擅自复制、发行中小学教科书。卢某通过售书网店查找获得店主联系方式，由销售员高某川、李某与店主对接下单。接单后，卢某安排工人赵某西等人印制书本，再由卢某龙负责找车、装车并发送给客户，书款由卢某、李某、卢某振或送书的货运司机收取现金。

2022 年 5 月至 2023 年 8 月期间，犯罪嫌疑人张某、谈某及谈某吉共同出资从卢某等人处购进 500 余万元盗版教科书，并在盱眙县十里营大街租赁房屋用于办公，注册经营 16 个淘宝网店，雇佣客服刘某丹等人，通过线上、线下两种方式销售教科书，16 个店铺销售总金额 1182.2 万元（含正版教科书）。

处理结果

淮安市淮安区人民法院于 2025 年 9 月 4 日以侵犯著作权罪、销售侵权复制品罪判处当事人相应刑罚。2025 年 12 月 4 日，江苏省淮安市中级人民法院二审维持原判。

（本案由江苏省版权局、江苏省广播电视局、江苏省人民检察院提供）

分析点评

随着电商平台快速发展，网上售书已成为主流。但与此同时，网上盗版图书销售也屡禁不止。本案涉案金额大、销售网络覆盖广，其成功查处有力震慑了淮安地区盗版图书产业链，取得了显著的法律与社会效果。

本案突破传统办案模式，由行政执法机关与公安机关紧密协作，从线下仓储到线上店铺、从终端销售到上游货源实现全链条打击，并有效运用技术手段固定证据。这是践行知识产权“严保护、大保护、快保护、同保护”治理理念的生动实践，对规范图书市场秩序、保护著作权人权益、保障青少年健康成长，具有重要示范价值。

07 爱某艺公司与快某公司等侵害著作权纠纷案

案情介绍

爱某艺公司系电视剧《狂飙》的出品单位，该剧首播热映期间，快某公司在旗下的快某 APP 设置“狂飙”话题，专门提供有关该剧的切段短视频，基本涵盖剧集全部内容；仅在 2023 年 1 月至 3 月期间，快某 APP 中显示“狂飙”播放量就高达 116 亿次。爱某艺公司向快某公司发送预警函后，快某公司仍未及时断开相关链接。

处理结果

南通市中级人民法院一审认为，被诉侵权行为发生时，电视剧《狂飙》处于热播期，而案涉侵权视频数量及播放量均极为巨大，快某公司应该很容易发现侵权，但其未能积极作为，故应当认定其构成对《狂飙》著作权的侵害。虽然爱某艺公司因侵权所受实际损失及快某公司违法所得均难以精准计算，但根据在案证据可以认定爱某艺公司的实际损失已超出法定赔偿最高额 500 万元上限，应当综合知识产权的市场价值、侵权行为的性质、规模、具体情节和侵权人主观过错等因素，在法定赔偿限额以上确定本案赔偿数额。

南通市中级人民法院判决快某公司停止侵权，并综合考量案涉作品的知名度、影响力、许可费用等因素，全额支持爱某艺公司 3000 万元的诉请金额。

快某公司不服提起上诉，江苏省高级人民法院二审驳回上诉，维持原判。

（本案由江苏省高级人民法院提供）

分析点评

本案涉及当前频发的长短视频著作权侵权纠纷，所涉作品为 2023 年现象级热播影视剧《狂飙》。

在平台责任认定层面，判决通过分析平台设置专题话题、算法推荐等行为，认定其超出“技术中立”范畴，构成应知侵权，为类似案件平台责任的认定提供了清晰指引。

在侵权赔偿确定方面，将作品市场价值、百亿级播放侵权规模、平台分成收益等纳入量化考量，为高流量影视作品网络侵权赔偿额确定提供了可复制的司法范式。

此外，本案判决在规制侵权行为的同时，通过司法裁判反向推动短视频平台重构审核机制、规范运营行为。长远来看，本案判决在业内产生广泛影响，对促进长视频与短视频平台走向合作共赢，助推整个影视行业形成健康、有序的创新格局具有积极意义。

08 塑料棒玩具、出口文具侵犯知名潮玩品牌著作权案

案情介绍

2025 年以来，随着知名盲盒品牌“LABUBU”风靡全球，进出口环节一度“井喷”式出现相关侵权产品。2025 年 6 月、10 月，南京海关先后在一般贸易渠道、市场采购渠道查获大量侵犯本土知名潮玩品牌“LABUBU”系列著作权的商品。

2025 年 6 月，广州某公司以一般贸易方式向南京禄口机场海关申报出口一批塑料玩具棒至荷兰，经查验，发现该批 19400 个塑料玩具棒使用了类似“THE MONSTERS-坐坐派对搪胶毛绒盲盒”形象，涉嫌侵犯北京某文化创意有限公司在海关总署备案的著作权（备案号：C2025-193051），货值人民币 4150 元。

2025 年 10 月，义乌某公司以市场采购贸易方式向南京海关所属太仓海关申报出口橡皮擦等货物，经查验，发现有 14331 个卷笔刀使用了类似“THE MONSTERS-坐坐派对搪胶毛绒盲盒”形象、有 21789 块橡皮擦使用了类似“THE MONSTERS 春天野在家-搪胶毛绒公仔”形象、另有 1152 个夹藏文具盒使用了类似“THE MONSTERS-心动马卡龙搪胶脸盲盒”形象，涉嫌侵犯北京某文化创意有限公司在海关总署备案的著作权（备案号：C2025-193051、C2025-199513、C2025-203174），货值人民币 39238 元。

处理结果

经联系权利人北京某文化创意有限公司确权，海关根据权利人申请，对广州某公司的塑料玩具棒依法予以扣留，并经调查，依法作出“认定侵权”的结论，没收侵权货物并处罚款人民币 1200 元；对义乌某公司的文具依法予以扣留，并经调查，依法作出“认定侵权”的结论，没收侵权货物并处罚款人民币 5884 元。

（本案由南京海关提供）

分析点评

2025 年，南京海关在我省进出口口岸查获的个案最大数量侵权潮玩品牌商品，有力护航“文化出海”。

两起案件均是海关在进出口环节打击文创产品侵权、加强本土知名潮玩品牌创新保护的有效实践，且合计涉案货物近六万件（56672 件），出口目的国覆盖发达国家、发展中国家，体现了海关在促进潮玩产业健康有序发展、维护“中国创造”国际声誉、为外贸发展注入新动能方面的有力成效。同时，该案权利人打造了知名国潮原创 IP，在中国文创从“产品出海”到“文化出海”方面具备极强的行业示范与文化传播价值，相关出口侵权案件的查办，充分体现了海关作为精准普法先行者、企业出海守护者、文化自信与品牌强国推动者的功能定位，进一步彰显了知识产权全链条保护中海关行政保护的制度成效。

09 王某某等 3 人侵犯商业秘密刑事案

案情介绍

江苏天某科技股份有限公司（简称为“天某公司”）主营生产用于提升新能源汽车锂电池导电性的碳纳米管导电浆料。天某公司经数年攻坚研发出“7000”与“9200”碳纳米管催化剂配方及制备工艺。

2012 年 6 月至 2019 年 6 月，王某某等 3 人均为天某公司前员工，在职期间分别负责催化剂、导电浆料的实验操作及生产，掌握“7000”与“9200”催化剂配方及制备工艺，均与天某公司签署《保密合同》及《保密及竞业禁止协议》，对天某公司的技术信息负有保密义务。王某某等 3 人于 2021 年 9 月入职内蒙古长某纳米科技有限公司（简称为“长某公司”），违反与天某公司签订的保密协议，擅自将天某公司的“7000”与“9200”催化剂配方及制备工艺带入长某公司，组织生产同类产品。同时，为规避天某公司追责，三人共同商议对上述催化剂配方及制备工艺申请专利，导致天某公司的技术秘密被公开。

经鉴定，天某公司主张的“7000”与“9200”的技术信息在专利申请公开之日前不为公众所知悉；经评估，商业价值分别为 1956.72 万元、1785.68 万元，共计 3742.4 万元。

2023 年 6 月，镇江市经济开发区人民检察院在走访高新技术企业过程中，收到天某公司反映其公司技术秘密被专利公开的案件线索，经研判分析认为王某某等 3 人的行为涉嫌侵犯商业秘密犯罪，遂建议天某公司向公安机关报案，后公安机关立案侦查。2024 年 10 月 18 日，在省、市检察院对口指导下，镇江市经济开发区人民检察院以侵犯商业秘密罪对王某某等 3 人依法提起公诉。

处理结果

2025 年 10 月 20 日，镇江经济开发区人民法院作出一审判决，采纳检察机关起诉意见和量刑建议，以侵犯商业秘密罪判处王某某等 3 人有期徒刑三年六个月至三年九个月不等，并处罚金三十万元至五十万元不等。被告人均未提出上诉，判决已生效。

（本案由江苏省人民检察院提供）

分析点评

依法严惩危害新质生产力发展的犯罪，保护创新主体合法权益。本案受害企业系一家在新能源领域从事纳米级碳材料及相关产品的研发、生产、销售的高新技术企业，涉案“7000”与“9200”系列碳纳米管催化剂及制备工艺系企业核心商业秘密。检察机关依托技术调查官、鉴定人出庭作证等方式，解决商业秘密的认定和商业价值的确定问题，有力指控犯罪，护航新质生产力发展。

延伸检察职能，强化诉源综合治理。检察机关坚持治罪与治理并重，结合本案办理，针对企业在日常经营管理中存在的薄弱环节，通过与企业负责人座谈、深入企业调研、开展法治讲座、设立商业秘密保护站点、制发社会治理类检察建议等方式，助力企业堵漏建制，健全知识产权保护长效机制，服务企业创新发展。

在办理侵犯商业秘密案件中，对于涉及化学元素、配方、参数等特定组合形成的技术方案是否具有非公知性，应全面审查鉴定意见和其他在案证据，必要时可以咨询相关领域专家、邀请技术调查官提供协助，综合判断整体技术方案是否不为所属领域相关人员普遍知悉和容易获得。以商业价值来认定损失数额的案件，应注重审查商业价值的评估方法是否合理，主动与评估机构进行沟通，对因研发成本方面的证据缺失或市场中缺乏同类参照物等客观原因无法通过成本法、市场法进行评估，而采用收益法能够合理评估出该技术秘密未来可实现收益的，可以综合权利人财务信息、经营状况、市场需求等各类评估参数，采用收益法评估认定侵权损失数额。

10

李某与某专利代理事务所服务合同纠纷案

案情介绍

2024 年 8 月 9 日，原告李某与被告某专利代理事务所签订《知识产权事务委托合同》，约定原告委托被告代为办理发明专利 1 件，总费用 15450 元。该合同第 1.2 条明确，如原告不提供技术交底书，技术申请材料将由被告工程师编写相关内容，编写完成后直接申请直至完成（在原告不提供技术交底书的情况下，表示原告完全认同并默许被告代为编写的知识产权材料，原告不做修改，不提建议）。第 2.2 条约定，被告服务内容包含技术现场挖掘，撰写，图纸处理，申请材料后期答复审查意见等。该合同未载明拟申请的专利。当日，原告向被告支付首期款 10000 元。

针对涉案专利申请，原告没有提供技术交底书，仅提供了一些关于机器人的链接作为申请专利选题参考。被告称原告所发送链接仅起到了“方向性思路”的作用，不符合专利技术交底书在“现有技术难题、专利技术创新”方面的要求。2024 年 8 月 12 日，原被告确认拟提交发明的项目名称。8 月 20 日，被告向原告提交发明专利说明书及附图。后原告提出异议，要求修改或退款。被告拒绝退款。故原告诉至法院要求解除《知识产权事务委托合同》并返还已经支付的服务费及利益。被告辩称原告未提交技术交底书，按照第 1.2 条约定已依约完成合同义务，原告主张缺乏依据。

处理结果

苏州工业园区人民法院经审理认为，本案争议焦点为案涉合同的效力。《民法典》第一百五十三条规定：“违背公序良俗的民事法律行为无效”。在司法适用中，应全面考虑规范对象、行业规范及社会利益等因素。

首先，从制度目的看。《中华人民共和国专利法》第一条规定：“为了保护专利权人的合法权益，鼓励发明创造，推动发明创造的应用，提高创新能力，促进科学技术进步和经济社会发展，制定本法。”专利制度的目的之一在于鼓励发明创造，故当事人申请专利应当以真实的发明创造活动为基础，以实际存在的发明创造为依据。

其次，从规范对象看。原告在没有进行实际技术研发的情况下，委托被告编造专

利申请文件。被告在原告没有提交技术交底书的情况下，在短时间内编写技术方案，违反民事主体从事民事活动应遵循的诚实信用原则。

最后，从行业规范看。被告按照“优先审查的技术领域及确保授权率”，仅根据发明主题即编造创造内容，进行商业化运作，扰乱了正常的专利申请秩序，损害公共利益。

基于上述理由，法院认定案涉合同无效。至于合同无效后的债权债务清理，原告在向被告转账 1 万元后，被告已根据 2024 年 8 月 12 日双方拟定的主题，按照事先约定完成了专利说明书材料，再考虑到原告在无实际研发的情况下委托被告编造材料，其自身对于案涉合同的无效也有过错。故考虑到上述因素，原告基于案涉合同主张的债权、利息及法律服务费等诉请，缺乏事实和法律依据，不予支持。

综上，苏州工业园区人民法院驳回原告的全部诉讼请求。一审宣判后，当事人均未提出上诉，判决已发生法律效力。

（本案由江苏省高级人民法院提供）

分析点评

专利制度的核心在于保护真实创新成果，激励研发投入。当前，我国已成为世界上首个国内有效发明专利数量突破 500 万件的国家。在专利数量激增的趋势背后，存在着非市场因素的盲目申请等非正常专利申请行为。

推动专利高质量发展，需司法与行政协同发力，引导市场主体秉持诚信理念开展创新活动，让专利制度真正成为激励创新、促进科技进步的有力保障。本案中的“专利定制”服务合同纠纷，法院明确了对于无真实发明创造活动，通过虚构、编造、拼凑等方式生产技术方案并代为提交申请的行为性质，既厘清了专利代理的合法边界，也遏制了非正常专利申请的异化倾向。





TOP 10 TYPICAL INTELLECTUAL PROPERTY CASES OF JIANGSU PROVINCE (2025)

Office of the Leading Group for the Implementation of
Intellectual Property and Trademark Strategy of Jiangsu Province

Preface

In 2025, the intellectual property authorities in Jiangsu Province remained committed to the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and consistently prioritized the study and implementation of General Secretary Xi Jinping's important speeches and instructions regarding the work of Jiangsu as the primary theme guiding all endeavors. Under the sound leadership of the CPC Jiangsu Provincial Committee, the People's Government of Jiangsu Province, and the China National Intellectual Property Administration (CNIPA), they remained firmly focused on four key priorities for an economically developed province to play a leading role. They stimulated innovation vitality through systemic reforms, reshaped the protection ecosystem with holistic thinking, served development with more practical measures, and advanced full and rigorous self-governance of the Party with higher standards. Consequently, the development of a strong province for intellectual property achieved systematic breakthroughs and endogenous growth. During this year, Jiangsu Province ranked first in the national intellectual property protection assessment by the Central Government. It recorded 34.2 high-value invention patents per 10,000 people, ranking first among provinces and regions nationwide. Jiangsu Province also topped the national rankings in both social satisfaction evaluations and intellectual property protection level assessments, delivering an outstanding performance in the development of intellectual property undertakings.

In 2025, the Leading Group for the Implementation of Intellectual Property and Trademark Strategy of Jiangsu Province (hereinafter referred to as the Leading Group) strengthened top-level coordination and collaborative synergy. It improved mechanisms for cross-departmental information sharing, joint enforcement, and the connection between administrative and criminal justice, establishing an integrated work structure characterized by overall coordination, shared responsibilities, and concerted management. Members of the Leading Group focused on the whole-chain protection of intellectual property, with administrative and judicial departments working in synchrony. They strictly investigated and handled various cases involving trademark infringement, piracy, trade secret crimes, and

cross-border infringement. Efforts were made to comprehensively enhance administrative protection efficiency, refine the judicial protection system, and pioneer diversified dispute resolution mechanisms. This established a legal safeguard for innovative development through the strictest protection, maintaining fair market competition and the legitimate rights and interests of rights holders.

To comprehensively demonstrate the practical achievements of Jiangsu in "strict, extensive, rapid, and equal protection" of intellectual property, and to fully leverage the roles of demonstration, unified rules, and cautionary education, the Office of the Leading Group coordinated forces from various authorities, including the court, procuratorate, public security, market regulation, copyright, intellectual property, and Nanjing Customs. From the cases concluded during the year, the Top 10 Typical Intellectual Property Cases of Jiangsu Province (2025) were released. The 10 cases cover fields such as patents, trademarks, copyrights and trade secrets. They integrate the triple protection paths of civil, administrative, and criminal law, focusing on key industries and new business formats such as new energy, photovoltaic energy storage and cultural and creative trendy toys. These cases directly address top social concerns such as improper patent applications, cross-border infringement, online piracy, trade secret leakage, and manufacturing and sale of counterfeit goods, showing a firm determination to combat infringement across the whole chain and safeguard innovation in all aspects.

Let's work together! With the Top 10 Typical Intellectual Property Cases of Jiangsu Province (2025) as an opportunity, we aim to help market entities to enhance their awareness of intellectual property compliance, promote the unification of standards and consistency of scale between administrative enforcement and judicial adjudication, and continuously foster a sound atmosphere of respecting knowledge, advocating innovation, integrity, law-abiding, and fair competition. We will continue to enhance the premium brand of Jiangsu's intellectual property protection, providing a more solid legal foundation for intellectual property as Jiangsu takes the lead and sets an example in the Chinese path to modernization.

Office of the Leading Group for the Implementation of Intellectual
Property and Trademark Strategy of Jiangsu Province
April 2026

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01 Patent Infringement Dispute Case Involving Du ** v. Lu** Chemical (Kunshan) Co., Ltd.

Case Description

The plaintiff, Du **, is the patentee of three invention patents involved in the case: "Apparatus and Process for Producing Metal Compounds by Ammonia Method", "Metal-Dissolving Leaching Tank and Leaching Process for Producing Metal Compounds by Ammonia Method", and "Decomposition and Sedimentation Tank for Producing Metal Compounds by Ammonia Method". The defendant, Lu** Chemical (Kunshan) Co., Ltd. (hereinafter referred to as "Lu** Chemical"), has long been engaged in the production of metal compound products such as electronic-grade copper oxide.

Du ** served as the factory director and was responsible for technical work at Lu** Chemical from 2001 to 2018. Long before the filing date of the involved patents (December 6, 2016), both parties had signed multiple technical licensing and lump-sum contracting agreements regarding the technologies related to the involved patents. Agreements signed in 2010 and 2011 subsequently stipulated that royalties be paid based on output.

In August 2016, a technical contract dispute arose between the two parties over technical licensing fees. The court ruled that Lu** Chemical should pay Du ** technical licensing royalties of more than RMB 3.07 million for the period from January to August 2016. On December 6, 2016, Du ** applied for the three involved invention patents, which were granted in 2017 and 2018. Subsequently, a patent ownership dispute arose. The court finally determined that the involved patents were not service-related inventions but were personal patents of Du **, and ownership should belong to Du **.

In October 2019, another technical contract dispute occurred. An effective court judgment confirmed that the technical licensing relationship between the parties was rescinded as of August 1, 2019. Lu** Chemical was ordered to cease

the implementation of the involved patents and pay Du ** technical licensing royalties of more than RMB 1.67 million for the period from April to July 2019.

After the rescission of the licensing relationship, Lu** Chemical performed partial modifications to the equipment structure and process flow, continuing to use the ammonia-method production apparatus and process consisting of leaching tanks, decomposition and sedimentation tanks, and absorption devices to produce electronic-grade copper oxide products. The company argued that the modified apparatus and process did not fall within the scope of patent protection and raised a prior-use rights defense. Du ** contended that the so-called modifications did not substantially change the technical solutions and that the continued production constituted an infringement of the three invention patents. Consequently, Du ** filed this lawsuit, requesting that Lu** Chemical be ordered to stop the infringement, destroy the specialized infringing equipment, pay punitive damages of RMB 200 million, and bear reasonable expenses of RMB 300,000.

Handling Result

Upon trial, the Higher People's Court of Jiangsu Province held that the alleged infringing technical solutions fell within the scope of protection of the involved patent rights and that the prior-use rights defense claimed by Lu** Chemical could not be established. The court ordered Lu** Chemical to stop using the specialized infringing equipment and corresponding processes, and to stop selling and offering to sell the infringing products. Since the alleged infringing large-scale equipment could potentially be modified into prior art or technical solutions that do not fall within the scope of the involved patent protection, the court, from the perspective of conserving social resources and having already ordered Lu** Chemical to stop using the existing equipment, did not support the claim for the destruction of the specialized infringing equipment. Based on factors such as the role of the involved patents, profit contribution rate, and licensing fees, the court ordered Lu** Chemical to pay RMB 120 million in

economic losses. Punitive damages were not applied as the infringing acts did not meet the conditions for application. Simultaneously, the court supported Du **'s claim for RMB 300,000 in reasonable enforcement expenses.

On September 10, 2025, the Supreme People's Court rendered a second-instance judgment, clarifying that "the first-instance judgment identified the facts clearly, applied the law correctly, and reached the correct result." However, to resolve the difficulty in enforcing the order to cease patent infringement, the Supreme People's Court exercised its authority to adjust the method of performance of the cease-infringement order in the main text of the first-instance judgment. It explicitly required the defendant to complete the equipment modification under the supervision of the first-instance court and in the presence of the plaintiff to ensure that the modified equipment and corresponding processes do not fall within the scope of patent protection.

(This case was provided by the Higher People's Court of Jiangsu Province)

Analysis and Comments

This case involves the production and manufacturing technology of basic raw materials for the integrated circuit industry, reflecting the attitude and determination of the people's courts to judicially safeguard independent innovation and strictly protect new quality productive forces.

The awarded compensation of RMB 120 million set a record for the highest compensation for a personal patent in China. The determination of this amount was not a simple pursuit of high compensation but a just judgment made by the court after scientifically calculating the patent contribution rate. The court comprehensively considered multiple factors, including the core contribution of the involved patents to product production (covering the entire specialized equipment and the infringer's sole main product), the prior royalty agreements, and the infringer's operating profits. This fully compensated the rights holder's economic losses and highlighted the strict judicial protection of individual innovative achievements. It conveyed a clear orientation of "respecting

intellectual property and severely punishing infringement" to society, serving as a significant demonstration for encouraging natural persons to engage in technical innovation.

This case gave full play to the role of expert assistants, effectively helping the court solve the difficult problem of identifying complex technical facts and demonstrating the practical value of the expert assistant mechanism in hearing technical cases. At the level of case trial and legal application, the judgment in this case focused on difficult issues in patent trials, such as the determination of infringement by equivalents, prior-use rights defense, conditions for applying punitive damages, and the methods for ceasing infringement. The judicial logic is rigorous, the reference value is prominent, and the industrial impact is immense.

It is particularly noteworthy that the Supreme People's Court made an innovative adjustment to the performance method of the cease-infringement order in the first-instance judgment. This case does not belong to the category of cases where the original judgment was overturned in the traditional sense. The innovation by the Supreme People's Court regarding the method of civil liability for ceasing infringement in patent cases is also an important reason why this case is recommended.

02 Patent Infringement Dispute Case Involving "A Contact Arc Extinguishing System"

Case Description

A certain switch manufacturer (hereinafter referred to as the "Petitioner") obtained the utility model patent right for "A Contact Arc Extinguishing System" on September 15, 2023, with patent number ZL202321318093.3 (hereinafter referred to as the "Involved Patent"). This patent pertains to switch components used in photovoltaic (PV) energy storage equipment.

In May 2025, the Petitioner filed requests with the Intellectual Property Office of Jiangsu Province to handle patent infringement disputes against an energy storage technology company in Jiangsu, an electric appliance company in Shanghai, and an electric appliance (Haiyan) company. On May 14, 2025, the Intellectual Property Office of Jiangsu Province formally filed the case. The Involved Patent was legally valid at the time the Petitioner filed the requests for dispute handling.

After filing the case, enforcement officers from the Intellectual Property Office of Jiangsu Province conducted on-site investigations and evidence collection at the premises of the three Respondents. On July 29, 2025, the Intellectual Property Office of Jiangsu Province held a public oral hearing attended by all the four parties. During the proceedings, the Respondent, the electric appliance in Shanghai, filed a request for invalidation of the Involved Patent with the China National Intellectual Property Administration. They planned to use this as a countermeasure and intended to file nearly 10 patent infringement lawsuits against the Petitioner's products.

The Intellectual Property Office of Jiangsu Province learned that the Involved Patent fundamentally solves the impact of arcs and high temperatures generated during the opening and closing of switches in PV energy storage equipment. As a vital pillar of China's new energy industry, PV energy storage is

a rapidly developing sector both domestically and globally. Both the Petitioner and the Shanghai-based Respondent are listed companies and leading enterprises in the product field, while the Jiangsu-based energy storage company was in the process of applying for an initial public offering. Given the recent issues of overcapacity and fierce price wars in the PV and energy storage industries, the Intellectual Property Office of Jiangsu Province recognized that a protracted patent dispute among these four parties could easily trigger long-term confrontation, leading to a "mutual litigation, mutual exhaustion" scenario that might hinder industrial development.

Handling Result

While conducting technical comparisons and determinations regarding the involved products and the patent, the Intellectual Property Office of Jiangsu Province adopted a trial strategy of "prioritizing mediation, resolving conflicts, and promoting cooperation". In this capacity, the administrative organ acted not only as a "referee" but also as a "coordinator", utilizing mediation mechanisms to prevent the enterprises from falling into confrontation and instead guiding them toward a path of collaborative development.

Under the auspices of the Intellectual Property Office of Jiangsu Province, the four parties engaged in candid communication, clarified technical boundaries, and eliminated misunderstandings. During the mediation process, the Intellectual Property Office of Jiangsu Province guided both sides in exploring cooperation models such as cross-licensing and joint research and development, promoting the two-way flow of technology and collaborative innovation. Ultimately, through these efforts, the four parties reached a mediation agreement: a cross-licensing agreement for patent technology was established between the Petitioner and the Respondents. They mutually withdrew the requests for patent infringement dispute handling and patent invalidation declarations and agreed to cooperate on relevant technologies.

(This case was provided by the Intellectual Property Office of Jiangsu Province)

Analysis and Comments

This case prevented a patent infringement dispute from escalating into full-scale commercial hostility, saving the parties significant time, capital, and management energy. Particularly at a critical stage when the PV energy storage industry is moving toward high-quality development, administrative organs relying solely on enforcement might curb infringement but find it difficult to repair relationships or stimulate collaborative growth. In this case, the Intellectual Property Office of Jiangsu Province, leveraging its neutrality, professionalism, and credibility, facilitated a reconciliation through mediation during the administrative adjudication process. This has avoided "internal exhaustion", thus maintaining industrial stability.

The rapid intervention and streamlined procedures of the administrative organ, especially the proactive on-site inspections, sampling, and retrieval of production and sales records, greatly alleviated the "difficulty in protecting rights", a core pain point for patentees, and resolved disputes over the validity of evidence. At the same time, it established a new industry model of "resolving disputes through consultation". This helps change the prevailing mindset of "suing immediately upon dispute" or "relying on litigation to grab market share", fostering a business culture that respects intellectual property and resolves disputes rationally.

For highly competitive and technology-intensive industries like PV and energy storage, where rat-race competition is intensified amid issues like severe product homogenization, low-price dumping, and imitation, administrative organs should act as "coordinators". Through mediation mechanisms in administrative adjudication, they can effectively prevent enterprises from falling into confrontation and guide them toward synergistic development. Such an efficient administrative protection mechanism allows law-abiding innovators to invest and lead with confidence, thereby promoting the transformation and upgrading of the industry from "competing on price and capacity" to "competing on technology, innovation and standards".

03 Case Involving Li ** and Ding ** for Infringement of the Exclusive Right to Use Registered Trademarks

Case Description

On July 14, 2025, during a special enforcement action against trademark infringement, the Changshu Administration for Market Regulation of Jiangsu Province successfully investigated and handled a case involving trademark infringement of multiple well-known apparel brands.

During the preliminary phase of the case, enforcement officers coordinated with trademark rights holders such as "KOLON", "ARC'TERYX", "SALOMON", and "HELLY HANSEN". Following thorough investigations, they precisely identified multiple counterfeit production dens and relevant personnel located in Changshu and Tongling, Anhui. On July 14, 2025, the Changshu Administration for Market Regulation launched a synchronized cross-provincial operation in collaboration with the Tongling Administration for Market Regulation of Anhui. Coordinating across the two locations, they conducted simultaneous surprise inspections on the involved processing site in Tongling, Anhui, a storefront in Shanghu Town, Changshu, and a business premise in Xinzhuang Town, Changshu. Upon on-site identification by the rights holders, the involved apparel labeled with trademarks such as "KOLON" and "ARC'TERYX", along with accessories such as "KOLON" hangtags and "SALOMON" certificates of conformity seized at the Shanghu and Xinzhuang locations, were all identified as products and special signs infringing upon the exclusive right to use registered trademarks.

Investigations revealed that the party Li ** sold infringing apparel through the "Kuaituantuan" platform and entrusted Ding ** to organize production. Ding ** subsequently outsourced part of the sewing processes to Zhou ** in Tongling, Anhui, for processing, forming an integrated "production-processing-sales" infringement chain. Upon verification, Li ** had sold infringing goods worth over RMB 260,000, and the value of the inventory seized on-site exceeded

RMB 200,000, totaling over RMB 460,000 in illegal business turnover. The illegal business turnover from Ding **'s production and outsourced processing of infringing apparel totaled over RMB 430,000, with the overall value of goods involved in the case exceeding RMB 1 million.

Handling Result

The acts of Li ** and Ding ** in producing and selling infringing goods violated the provisions of Article 57, Sub-paragraph (1) of the *Trademark Law of the People's Republic of China*. Furthermore, the amount involved reached the threshold for criminal prosecution as stipulated in Article 3 of the *Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Specific Application of Law in Handling Criminal Cases of Infringement of Intellectual Property Rights* (FS [2025] No. 5). On October 28, 2025, the Changshu Administration for Market Regulation, in accordance with the relevant provisions of Article 17, Paragraph 2 of the *Procedures for Market Regulation Administrative Punishment*, transferred Li **, Ding **, and Zhou ** to the Changshu Public Security Bureau for handling, achieving a seamless connection between administrative enforcement and criminal justice.

(This case was provided by the Administration for Market Regulation of Jiangsu Province)

Analysis and Comments

Addressing the new trends of cross-regional, chain-based, and concealed trademark infringement activities, this case features successful implementation of a synchronized and precise crackdown covering the entire "production-processing-sales" process across the provinces of Jiangsu and Anhui. The enforcement action thoroughly severed the chain of infringing interests. Through standardized procedures connecting administrative and criminal justice, the personnel involved were transferred to judicial organs, creating a powerful

deterrent against intellectual property crimes and providing a practical model for joint cross-regional and full-chain intellectual property enforcement.

Targeting the new trends of cross-regional, chain-based, and concealed trademark infringement, this case abandoned the single-link investigation model in favor of systemic governance across all stages, i.e., production and processing, warehousing and logistics, and online sales, thoroughly severing the chain of infringing interests to achieve a precise strike and enhance enforcement effectiveness.

Relying on the Yangtze River Delta integration collaboration mechanism, the administrations for market regulation of Changshu and Tongling achieved information sharing, enforcement synergy, and synchronized action. This resolved cross-regional enforcement difficulties and curbed the cross-regional flow of infringing goods, accumulating practical experience for joint intellectual property enforcement in the Yangtze River Delta.

By accurately grasping the standards for connecting administrative and criminal justice, cases meeting the threshold for criminal prosecution were legally transferred to judicial organs. This achieved an effective connection between administrative and criminal penalties, increased the cost of infringement and illegal acts, strengthened legal punishment, and formed a robust enforcement deterrent.

The new "three-in-one" enforcement pattern established in this case, comprising "Yangtze River Delta coordination, full-chain crackdown, and administrative-criminal connection", provides a typical demonstration for intellectual property enforcement. It lays a practical foundation for continuously upgrading regulatory strategies, improving the intellectual property protection enforcement system, and promoting a social consensus on intellectual property protection.

04 Case Involving Zhang ** et al. for Selling Goods Infringing upon the Exclusive Right to Use Registered Trademarks of HERMES INTERNATIONAL

Case Description

On May 19, 2025, the Suzhou Industrial Park Administration for Market Regulation received a clue transferred from the "12345" platform, reporting that a residential property within its jurisdiction was suspected of selling counterfeit designer bags. During the initial verification, challenges arose, such as the informant being unreachable and the involved brands and amounts being unclear. On June 5, enforcement officers seized the opportunity when a courier arrived for a pickup to legally enter and inspect the premises. On-site, they discovered a large quantity of bags, shoes, and accessories bearing the registered trademarks " , " , " , and "  " of HERMES INTERNATIONAL. Facing a large number of agitated and uncooperative personnel at the scene, the enforcement officers immediately activated the "administrative-criminal connection" mechanism in the field of market regulation, requesting the public security organs to intervene early to assist in stabilizing the scene. Simultaneously, relying on the enforcement talent pool of the State Administration for Market Regulation, they established a real-time online connection with the brand rights holder to complete a preliminary remote appraisal, confirming that all items involved were infringing and counterfeit goods.

Investigations revealed that the syndicate operated with extreme concealment. Key data, such as transaction records and customer information, was stored in the cloud, and the suspects used methods like login permission settings and remote data wiping to evade inspection. Enforcement officers worked through the night to conduct inventory counts, witness interviews, and evidence securing, decisively taking measures to move the materials to a different warehouse to prevent the transfer or destruction of evidence. A total

of 459 infringing bags and over 1,000 pieces of accessories and packaging materials were seized on-site.

Handling Result

As the relevant personnel were suspected of committing the crime of selling goods bearing counterfeit registered trademarks under Article 214 of the *Criminal Law of the People's Republic of China*, the market regulation authority legally transferred the case to the public security organs for investigation on June 6, 2025. It is reported that a total of 10 criminal suspects were captured, with the amount involved reaching over RMB 50 million.

(This case was provided by the Administration for Market Regulation of Jiangsu Province, the Jiangsu Public Security Department and the People's Procuratorate of Jiangsu Province)

Analysis and Comments

First, this is a highly typical case involving an international high-end brand and a particularly massive amount of money. It reflects the new characteristics of contemporary trademark infringement crimes, such as cross-regional division of labor and digital cloud management. The results of this investigation hold significant practical importance for deterring similar crimes, regulating the high-end consumer goods market, and protecting the legitimate rights of both domestic and foreign brand owners.

Second, the case provides strong potential for promotion. Faced with scarce clues and a complex scene, the market regulation authority took proactive responsibility. By utilizing the talent pool of the State Administration for Market Regulation to conduct remote appraisals with the rights holder, they achieved rapid characterization of the items involved. The linkage model of precise market regulation warnings combined with early intervention by public security ensured a seamless administrative-criminal connection. The entire process was standardized and efficient, providing a clear template for handling similar

cases.

Third, the case holds high instructional value. The case successfully addressed the evidentiary challenges posed by the cloud-based nature of transaction data. By taking targeted measures such as disconnecting mobile devices from the Internet and rapidly moving inventory, the officers completely secured the key chain of evidence. This provides practical experience for grassroots authorities in handling intellectual infringement cases involving the Internet and the cloud.

Fourth, the case has produced a positive social impact, as it deterred a cross-regional counterfeit production and sales syndicate and demonstrated the dedication and perseverance of market regulation enforcement personnel. It received high recognition from international brand owners and significantly enhanced the trust and satisfaction of all sectors of society regarding the government's intellectual property protection work, fostering a social environment of respecting knowledge, advocating innovation, and upholding integrity and the law.

Addressing the new characteristics of modern counterfeiting, where production, sales, and shipping occur in three different regions and core data is stored in the cloud, this case explored and formed a collaborative enforcement model of "market regulation warning + early public security intervention + remote rights holder appraisal". Through key measures such as on-site stabilization, overnight warehouse transfer, and securing electronic evidence, the case solved enforcement difficulties like concealed residential dens, easily destructible cloud evidence, and high risks of resistance. It provides a replicable and promotable practical model for the full-chain crackdown on new types of intellectual property infringement crimes.

05 Case of Computer Software Copyright Infringement Dispute Involving Shanghai Zhuo** Network Technology Co., Ltd. v. Jiangyin Mo** Stomatological Hospital Co., Ltd.

Case Description

Shanghai Zhuo** Network Technology Co., Ltd. (hereinafter referred to as "Zhuo**") is the registered copyright owner of the computer software named "Dede Business Web Content Management System (hereinafter referred to as 'Dedecms Biz') V1.0." It developed multiple subsequent versions based on the registered software, including the DedeCMS V5.7 software for which it claims rights. Zhuo** discovered that the source code of relevant webpages on the website under the name of Jiangyin Mo** Stomatological Hospital Co., Ltd. (hereinafter referred to as "Mo** Stomatological Hospital") was identical to the source code of the involved software, which it holds copyright to. Zhuo** alleged that Mo** Stomatological Hospital's unauthorized use of the involved software to establish a website infringed upon its rights of reproduction and authorship. Consequently, Zhuo** filed a lawsuit, requesting the court to order Mo** Stomatological Hospital to bear civil liabilities, including compensation for losses and elimination of ill effects. Mo** Stomatological Hospital argued in defense that Zhuo** was not the copyright owner of the software; that the software had long been advertised as "open source and free", making the demand for fees a violation of the principle of good faith; and that since the software contained the code file "sphinxclient.class.php" (hereinafter referred to as the "sphinxclient file") which is subject to the General Public License (GPL), the software should be bound by the GPL, and Zhuo** had no right to charge licensing fees.

Handling Result

On February 19, 2024, the Wuxi Intermediate People's Court of Jiangsu Province rendered the civil judgment (2023) S 02 MC No. 482: Mo**

Stomatological Hospital shall compensate Zhuo** for economic losses and reasonable enforcement expenses totaling RMB 800; Mo** Stomatological Hospital shall publish an apology statement on its official website homepage.

Upon trial, the Higher People's Court of Jiangsu Province held that:

1. The involved software should be bound by the GPL. Zhuo** is the copyright owner of the software. Zhuo** integrated the GPL-compliant sphinxclient file into the software and released it as a whole, making the file available for invocation at any time. The full-text search function implemented by this file is distinct from the search function implemented by the software's own programs; without the sphinxclient file, the full-text search function cannot be realized. The involved software and the sphinxclient file should not be identified as mutually independent works; rather, it is a derivative work partially containing sphinxclient and should be bound by the GPL.

2. The alleged acts infringed upon the rights of reproduction and authorship held by Zhuo** in the software. Although the software should be bound by the GPL, the fact that Zhuo** failed to follow the GPL does not mean the software was automatically licensed under the GPL. This case is a computer software copyright infringement dispute initiated by Zhuo**. Whether Zhuo** itself violated the GPL and should bear liability toward the rights holder of the Sphinx software is a legal issue relatively independent from whether it enjoys software copyright and can hold Mo** Stomatological Hospital liable for infringement. Even if Zhuo**'s violation of the GPL resulted in a defect in the rights to the software, it does not prevent Zhuo** from seeking infringement relief against the alleged acts in this case. Since the involved software was not automatically licensed to Mo** Stomatological Hospital under the GPL but was instead subject to a commercial license agreement drafted by Zhuo**, Mo** Stomatological Hospital's use of the software to build a commercial website without obtaining authorization or paying royalties per Zhuo**'s commercial license infringed upon Zhuo**'s right of reproduction. Meanwhile, Zhuo**'s license agreement requires websites built with the software to retain the relevant copyright information links

in the "footer.htm" template or add a link to the DedeCMS official website (www.dedecms.com) on the homepage. Mo** Stomatological Hospital failed to retain any of Zhuo**'s copyright marks or official website links on the homepage of the website built using the software as required by the agreement; such behavior shall be identified as an infringement of the right of authorship held by Zhuo** in the involved software.

3. Determination of compensation. The compensation amount in this case was determined to be RMB 800 based on the following factors: Since its release, Zhuo**'s involved software has been advertised as "open source and free", and its earlier versions had applied the GPL, indicating that Zhuo** is well aware of the contents of the GPL. Zhuo** integrated the sphinxclient file into the involved software via direct invocation and released it as a whole, without taking effective measures to isolate the GPL-compliant sphinxclient file from other parts of the involved software, nor did it contact the author of Sphinx to obtain a commercial license to circumvent the impact of the GPL on the involved software, resulting in the involved software being bound by the GPL. Under these circumstances, Zhuo** should have provided licenses in compliance with the GPL for users to use the software for free based on the GPL; however, it adopted a self-drafted commercial license agreement requiring commercial users to obtain authorization by paying fees and initiated large-scale lawsuits nationwide against users who did not comply with its self-drafted agreement. While demanding that users of the involved software comply with its own agreement, it failed to follow the GPL of others' software. Such behavior not only violates the principle of good faith but also disrupts the basic order of the open-source field, which is detrimental to the construction of a healthy and orderly open-source ecosystem. Meanwhile, the involved software is a work completed by Zhuo** based on the open-source code of others; therefore, Zhuo**'s own contribution to the software should be considered when determining the compensation amount. Furthermore, it was also considered that Mo** Stomatological Hospital is not a professional website development company and did not have an

obvious infringing intent, and the circumstances of the infringement were minor. Zhuo** itself also had instances of inadequate management of the copyright of the involved software. Given Zhuo**'s aforementioned internal factors, especially the breach of good faith, its model of conducting large-scale rights enforcement nationwide is neither conducive to effectively striking at the source of infringement nor a productive use of a large amount of public resources for dispute resolution, and should not be advocated or encouraged. In addition, the costs of rights enforcement in this case were relatively low.

In summary, on December 29, 2025, the Higher People's Court of Jiangsu Province rendered the civil judgment (2024) SMZ No. 581: upholding the first item of the first-instance judgment and modifying the second item to the publication of a statement to eliminate ill effects.

(This case was provided by the Higher People's Court of Jiangsu Province)

Analysis and Comments

This is a typical case involving open-source software, establishing the rules for handling such disputes in a groundbreaking manner. Through detailed analysis and reasoning, the second-instance judgment clarified that for a rights-protected software bound by the GPL, the rights holder's failure to follow the GPL does not mean that the software is automatically licensed to the public under the GPL. The fact that the rights holder's violation of the GPL resulted in a defect in the rights to the software is a legal issue relatively independent from whether the rights holder enjoys copyright and can pursue the infringement liability of the accused party; however, for such dishonest behavior that disrupts the basic order of the open-source field, a lower compensation amount should be determined. The establishment of this judicial rule not only clarifies the trial approach for similar cases but also provides clear judicial guidance for further promoting the standardized development of the open-source industry and constructing a healthy and orderly open-source ecosystem.

06 Criminal Case Involving Zhang ** et al. for Selling Infringing and Pirated Textbooks

Case Description

On the afternoon of August 23, 2023, enforcement officers from the Huai'an Cultural Market Comprehensive Law Enforcement Detachment, in conjunction with officers from the Huai'an Food and Drug and Environmental Crime Investigation Detachment and the Food and Drug and Environmental Crime Investigation Brigade of the Xuyi County Public Security Bureau, seized 372,405 textbooks stored by Zhang ** at three locations in Xuyi County: Duliang Bookstore, Shanshui Diyicheng, and Shilao Road. On the morning of August 24, the Huai'an Cultural Market Comprehensive Law Enforcement Detachment transferred the case to the Xuyi County Public Security Bureau, which initiated an investigation on the same day. Enforcement officers confirmed the exact locations of the textbook warehouses after multiple rounds of investigation and screening.

Investigations revealed that since 2022, the suspect Lu ** had leased vacant factory buildings in the urban areas of Linyi and Linshu County for the purpose of profiting. Lu ** set up printing equipment to reproduce and distribute primary and secondary school textbooks without the authorization of the copyright owners. Lu ** obtained contact information for bookstore owners through online book sales platforms, and salespersons Gao **chuan and Li ** coordinated with these owners to place orders. After receiving orders, Lu ** arranged for workers such as Zhao **xi to print the books. Lu **long was then responsible for arranging vehicles, loading the goods, and dispatching them to customers. Payments for the books were collected in cash by Lu **, Li **, Lu **zhen, or the freight drivers delivering the books.

Between May 2022 and August 2023, suspects Zhang **, Tan **, and Tan **ji jointly invested in and purchased over RMB 5 million worth of pirated textbooks from Lu ** and others. They leased a building on Shiliying Avenue in Xuyi County

for office space, registered and operated 16 Taobao stores, and employed customer service staff such as Liu **dan to sell textbooks through both online and offline channels. The total sales volume of the 16 stores reached RMB 11,822,000 (including authentic textbooks).

Handling Result

On September 4, 2025, the People's Court of Huai'an District, Huai'an, sentenced the parties involved for the crime of copyright infringement and the crime of selling infringing reproductions. On December 4, 2025, the Huai'an Intermediate People's Court of Jiangsu Province upheld the original judgment in the second instance.

(This case was provided by the Jiangsu Copyright Administration, the Jiangsu Provincial Radio and Television Administration and the People's Procuratorate of Jiangsu Province)

Analysis and Comments

With the rapid development of e-commerce platforms, selling books online has been here to stay. However, simultaneously, the online sale of pirated books persists despite repeated bans. This case involved a massive amount of money and a wide-reaching sales network. The resolution of this case has deterred the criminals in the pirated book industry chain in Huai'an, achieving significant legal and social effects.

This case broke through traditional case-handling models. Through close collaboration between administrative enforcement organs and public security organs, a crackdown was launched against the full chain, ranging from offline warehousing to online stores, and from terminal sales to upstream sources. Technical means were utilized to secure evidence. This is a vivid practice of implementing the governance philosophy of "strict, extensive, rapid, and equal protection" of intellectual property. It holds important demonstration value for regulating the order of the book market, protecting the rights and interests of copyright holders, and safeguarding the healthy growth of young people.

07 Copyright Infringement Dispute Case Involving Ai**yi v. Kuai**

Case Description

Ai**yi is the producer of the TV drama *The Knockout*. During the initial broadcast and peak popularity of the drama, Kuai** set up a "The Knockout" topic on its Kuai** APP, specifically providing short video clips of the drama that essentially covered the entire content of the episodes. Between January and March 2023 alone, the short video clips of "The Knockout" on the Kuai** APP racked up as high as 11.6 billion views. After Ai**yi sent a warning letter to Kuai**, Kuai** still failed to disconnect the relevant links in a timely manner.

Handling Result

The Nantong Intermediate People's Court held in the first instance that when the alleged infringing acts occurred, the TV drama *The Knockout* was in its peak broadcast period, and both the quantity and viewership of the infringing videos involved were extremely massive. Kuai** should have easily discovered the infringement but failed to take proactive action; therefore, it should be deemed to have committed infringement against the copyright of *The Knockout*. Although the actual losses suffered by Ai**yi and the illegal gains of Kuai** due to the infringement were difficult to calculate accurately, the evidence on record supported a finding that Ai**yi's actual losses exceeded the RMB 5 million statutory maximum compensation limit. The amount of compensation in this case should be determined above the statutory compensation limit by comprehensively considering factors such as the market value of the intellectual property, the nature, scale, and specific circumstances of the infringing acts, and the subjective fault of the infringer.

The Nantong Intermediate People's Court ordered Kuai** to stop the infringement and, by comprehensively weighing factors such as the popularity, influence, and licensing fees of the work involved, fully supported Ai**yi's claim for RMB 30 million.

Kuai** filed an appeal against the decision. The Higher People's Court of Jiangsu Province dismissed the appeal in the second instance and upheld the original judgment.

(This case was provided by the Higher People's Court of Jiangsu Province)

Analysis and Comments

This case involves the frequently occurring copyright infringement disputes between long-form and short-form videos, concerning the 2023 phenomenal hit TV drama *The Knockout*.

Regarding the determination of platform liability, the judgment analyzed behaviors such as the platform's creation of specialized topics and algorithmic recommendations, concluding that these exceeded the scope of "technological neutrality" and constituted constructive knowledge of infringement. This provides clear guidance for determining platform liability in similar cases.

In terms of determining infringement compensation, the court incorporated quantitative considerations such as the market value of the work, the tens-of-billions-level scale of infringement, and the platform's profit-sharing income. This provides a replicable judicial paradigm for determining compensation for online infringement of high-traffic film and television works.

Furthermore, while regulating infringing acts, the judgment in this case used judicial adjudication to conversely push short-video platforms to reconstruct their review mechanisms and standardize operational behavior. In the long run, the judgment has generated wide influence within the industry and is of positive significance for promoting cooperation and win-win outcomes between long-video and short-video platforms, and for facilitating a healthy and orderly innovative development pattern for the entire film and television industry.

08 Copyright Infringement Cases Involving Plastic Stick Toys and Exported Stationery Against a Well-Known Trendy Toy Brand

Case Description

Since 2025, as the well-known blind box brand LABUBU has gained global popularity, infringing products have "surged" in the import and export sectors. In June and October 2025, Nanjing Customs successively seized a large quantity of goods infringing upon the copyrights of LABUBU, a well-known local trendy toy brand, through general trade and market procurement channels.

In June 2025, a company in Guangzhou declared the export of a batch of plastic toy sticks to the Netherlands via general trade at Nanjing Lukou Airport Customs. Upon inspection, it was discovered that the 19,400 plastic toy sticks utilized images similar to "THE MONSTERS - Sitting Party Vinyl Plush Blind Box", suspected of infringing upon the copyright filed with the General Administration of Customs by a cultural and creative company in Beijing (Record No.: C2025-193051), with a value of RMB 4,150.

In October 2025, a company in Yiwu declared the export of erasers and other goods via market procurement trade to Taicang Customs, under the jurisdiction of Nanjing Customs. Upon inspection, it was discovered that 14,331 pencil sharpeners used images similar to "THE MONSTERS - Sitting Party Vinyl Plush Blind Box", 21,789 erasers used images similar to "THE MONSTERS Forest Goodness Series - Vinyl Plush Doll", and another 1,152 concealed pencil cases used images similar to "THE MONSTERS - Exciting Macarons Vinyl Face Blind Box". These were suspected of infringing upon the copyrights filed with the General Administration of Customs by the cultural and creative company in Beijing (Record Nos.: C2025-193051, C2025-199513, C2025-203174), with a total value of RMB 39,238.

Handling Result

After contacting the rights holder, the cultural and creative company in

Beijing, for right verification, the Customs legally detained the plastic toy sticks of the Guangzhou-based company based on the rights holder's application. Following an investigation, a conclusion of "infringement identified" was legally reached, the infringing goods were confiscated, and a fine of RMB 1,200 was imposed. Regarding the stationery from the Yiwu-based company, the Customs legally detained the goods and, following an investigation, reached a conclusion of "infringement identified", confiscated the infringing goods, and imposed a fine of RMB 5,884.

(This case was provided by Nanjing Customs)

Analysis and Comments

In 2025, Nanjing Customs seized the largest single batch of infringing trendy toy brand goods at Jiangsu Province's import and export ports, safeguarding the "Global Expansion of Culture".

Both cases represent the effective practice of Customs in combating infringement of cultural and creative products in the import and export sectors and strengthening the protection of innovation for well-known local trendy toy brands. With 56,672 pieces of involved goods in total and export destinations covering both developed and developing countries, these cases demonstrate the robust effectiveness of Customs in promoting the healthy and orderly development of the trendy toy industry, maintaining the international reputation of "Created in China", and injecting new momentum into foreign trade development. Meanwhile, the rights holder in these cases has created a well-known original "Guochao" IP, which holds immense industry demonstration and cultural dissemination value in the transition of Chinese cultural creativity from "Product Export" to "Culture Export". The resolution of these export infringement cases fully reflects the functional positioning of Customs as a pioneer in precise law popularization, a guardian of enterprises expanding overseas, and a promoter of cultural confidence and brand power, further highlighting the institutional effectiveness of administrative protection by Customs within the whole-chain protection of intellectual property.

09 Criminal Case Involving Wang ** and Two Others for Infringement of Trade Secrets

Case Description

Jiangsu Tian** Technology Co., Ltd. (hereinafter referred to as "Tian**") is primarily engaged in the production of carbon nanotube conductive paste used to enhance the conductivity of lithium batteries for new energy vehicles. Through years of intensive research and development, Tian** developed the "7000" and "9200" carbon nanotube catalyst formulas and preparation processes.

From June 2012 to June 2019, Wang ** and two others were former employees of Tian**. During their tenure, they were respectively responsible for the experimental operation and production of catalysts and conductive paste, mastering the "7000" and "9200" catalyst formulas and preparation processes. All three had signed *Confidentiality Contracts* and *Confidentiality and Non-compete Agreements* with Tian**, and they bore confidentiality obligations regarding the technical information of Tian**. In September 2021, Wang ** and the two others joined Inner Mongolia Chang** Nano Technology Co., Ltd. In violation of the confidentiality agreements signed with Tian**, they brought the "7000" and "9200" catalyst formulas and preparation processes of Tian** to the new company without authorization and organized the production of similar products. Meanwhile, to evade accountability from Tian**, the three individuals jointly conspired to apply for patents for the aforementioned catalyst formulas and preparation processes, leading to the disclosure of Tian**'s technical secrets.

Upon investigation, the technical information of "7000" and "9200" claimed by Tian** was not known to the public prior to the date of patent application disclosure. Upon evaluation, the commercial value of the two formulas was RMB 19,567,200 and RMB 17,856,800, respectively, totaling RMB 37,424,000.

In June 2023, while visiting high-tech enterprises, the People's Procuratorate of Zhenjiang Economic and Technological Development Zone received clues

from Tian** regarding its technical secrets being disclosed through patent publications. After research and analysis, it was determined that the actions of Wang ** and the two others were suspected of the crime of infringing on trade secrets. Consequently, the procuratorate suggested that Tian** report the case to the public security organ, which subsequently filed the case for investigation. On October 18, 2024, under the professional guidance of the provincial and municipal procuratorates, the People's Procuratorate of Zhenjiang Economic and Technological Development Zone legally initiated a public prosecution against Wang ** and the two others for the crime of infringing on trade secrets.

Handling Result

On October 20, 2025, the People's Court of Zhenjiang Economic and Technological Development Zone rendered a first-instance judgment, adopting the prosecution's opinions and sentencing recommendations. For the crime of infringing on trade secrets, Wang ** and the two others were sentenced to terms of imprisonment ranging from three years and six months to three years and nine months, and were fined between RMB 300,000 and RMB 500,000. None of the defendants appealed, and the judgment entered into legal effect.

(This case was provided by the People's Procuratorate of Jiangsu Province)

Analysis and Comments

Only by fighting resolutely against crimes that endanger the development of new quality productive forces in accordance with the law can the legitimate rights and interests of innovative entities be protected. The aggrieved party in this case is a high-tech enterprise engaged in the research, development, production, and sales of nano-scale carbon materials and related products in the new energy field. The involved "7000" and "9200" series carbon nanotube catalysts and their preparation processes are the core trade secrets of the enterprise. Relying on technical investigators and appraisers appearing in court to testify, the procuratorial organs resolved the issues of trade secret identification and commercial value determination, prosecuting the criminals

and safeguarding the development of new quality productive forces.

Extending procuratorial functions and strengthening comprehensive governance at source. The procuratorial organs emphasized both punishment and governance. In conjunction with the handling of this case, and addressing the weak links in the daily operation and management of the enterprise, the procuratorate helped the enterprise fix loopholes and establish systems through symposiums with enterprise leaders, in-depth research, legal lectures, the establishment of trade secret protection stations, and the issuance of social governance-related procuratorial recommendations. This strengthened the long-term mechanism for intellectual property protection and promoted the innovative development of the enterprise.

In handling cases of trade secret infringement, regarding whether a technical solution formed by specific combinations of chemical elements, formulas, and parameters is non-public, the appraisal opinions and other evidence on record should be comprehensively reviewed. If necessary, experts in relevant fields can be consulted, or technical investigators can be invited to provide assistance to comprehensively judge whether the overall technical solution is generally known to or easily obtained by personnel having ordinary skill in the art. For cases where the loss amount is determined based on commercial value, emphasis should be placed on reviewing whether the evaluation method for commercial value is reasonable, and pro-active communication with evaluation agencies is necessary. If evaluation via the cost method or market method is unfeasible due to objective reasons such as a lack of evidence regarding R&D costs or a lack of similar references in the market, the income method may be used to reasonably evaluate the future realizable income of the technical secret. In such cases, various evaluation parameters such as the rights holder's financial information, operational status, and market demand can be integrated to evaluate and determine the amount of infringement loss using the income method.

10 Case of Service Contract Dispute Involving Li ** v. a Certain Patent Agency

Case Description

On August 9, 2024, the plaintiff, Li **, entered into an Intellectual Property Affairs Entrustment Contract with the defendant, a certain patent agency, stipulating that the plaintiff entrusted the defendant to handle one invention patent application for a total fee of RMB 15,450. Article 1.2 of the contract explicitly stated that if the plaintiff did not provide a technical disclosure document, the technical application materials would be drafted by the defendant's engineers. Once drafted, the application would proceed directly to completion (in the event no technical disclosure was provided, the plaintiff would be deemed to fully acknowledge and acquiesce to the materials drafted by the defendant, making no modifications or suggestions). Article 2.2 stipulated that the defendant's services included on-site technical mining, drafting, drawing processing, and responding to subsequent office actions. The contract did not specify the intended patent for application. On the same day, the plaintiff paid an initial installment of RMB 10,000 to the defendant.

With regard to the patent application in this case, the plaintiff clarified that no technical disclosure document was provided, and only some links related to robots were sent as a reference for selecting the patent topic. The defendant claimed that the links sent by the plaintiff only served as a "directional idea" and did not meet the requirements of a technical disclosure regarding "existing technical difficulties and technical innovations". On August 12, 2024, the parties confirmed the project name for the proposed invention. On August 20, the defendant submitted the invention patent specification and drawings to the plaintiff. Subsequently, the plaintiff raised objections, requesting modifications or a refund. The defendant refused the refund. Consequently, the plaintiff filed a lawsuit requesting the rescission of the Intellectual Property Affairs Entrustment

Contract and the return of the service fees and interest already paid. The defendant argued that since the plaintiff failed to submit a technical disclosure, the defendant had fulfilled its contractual obligations according to Article 1.2, rendering the plaintiff's claim groundless.

Handling Result

Upon trial, the Suzhou Industrial Park People's Court held that the focus of the dispute was the validity of the involved contract. Article 153 of the *Civil Code of the People's Republic of China* stipulates: "A civil legal act that violates public order or good customs is void." In judicial application, factors such as the objects of regulation, industry norms, and social interests should be comprehensively considered.

First, regarding the purpose of the system: Article 1 of the *Patent Law of the People's Republic of China* states: "This Law is enacted for the purpose of protecting the legitimate rights and interests of patentees, encouraging invention-creations, promoting the application of invention-creations, enhancing innovation capabilities, and fostering scientific and technological progress and economic and social development." One purpose of the patent system is to encourage invention-creations; therefore, a party's patent application should be based on authentic invention-creation activities and grounded in actual existing inventions.

Second, regarding the objects of regulation: The plaintiff entrusted the defendant to fabricate patent application documents without having conducted actual technical research and development. The defendant drafted technical solutions in a short period, violating the principle of good faith that civil subjects must follow.

Finally, regarding industry norms: The defendant fabricated creative content based solely on the theme of the invention to conduct commercial operations under the guise of "technical fields for prioritized examination and ensuring authorization rates". This disrupted the normal order of patent applications and

harmed public interests.

Based on the above reasons, the court determined the involved contract to be void. Regarding the settlement of credits and debts after the contract was declared void: After the plaintiff transferred RMB 10,000, the defendant completed the patent specification materials according to the theme agreed upon on August 12, 2024. Furthermore, considering that the plaintiff entrusted the defendant to fabricate materials without actual R&D, the plaintiff was also at fault for the invalidity of the contract. Therefore, the plaintiff's claims for the return of service fees, interest, and legal service fees lacked factual and legal basis and were not supported.

In summary, the Suzhou Industrial Park People's Court dismissed all of the plaintiff's litigation requests. After the first-instance judgment was announced, neither party appealed, and the judgment entered into legal force.

(This case was provided by the Higher People's Court of Jiangsu Province)

Analysis and Comments

The core of the patent system lies in protecting authentic innovation results and incentivizing R&D investment. Currently, China has become the first country in the world to have more than 5 million valid domestic invention patents. Behind this surge in patent numbers, however, exist abnormal patent application behaviors such as blind applications driven by non-market factors.

To promote the high-quality development of patents, the judiciary and administration must work in coordination to guide market entities to carry out innovation activities with integrity, ensuring the patent system serves as a powerful guarantee for encouraging innovation. In this "customized patent" service contract dispute, the court clarified the nature of the act of producing and submitting technical solutions through fabrication and patchwork without actual invention activities. The court clarified the legal boundaries of patent agency and curbed the abnormal tendency of patent application alienation.

