



Shanghai CILS® Law Firm  
上海信石®律师事务所

Room 2615, Enterprise Square  
No. 228 Meiyuan Road, Shanghai 200070  
People's Republic of China

中国上海市梅园路 228 号  
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725  
Fax: +86 21 80127724  
[www.cilslaw.com](http://www.cilslaw.com)

\*\*\*\*\*

## 法律法规简报 2021-06-29

### Legal Update 2021-06-29

#### 目录

#### Contents

◇ [国家药监局就《药品追溯码印刷规范》等征求意见](#)

**NMPA Seeks Comments on the Printing Specification for Drug Traceability Codes**

◇ [全国人大常委会通过《数据安全法》](#)

**NPC Standing Committee Adopts the Data Security Law**

◇ [七部门：探索建立食品安全民事公益诉讼惩罚性赔偿制度](#)

**Seven Authorities to Explore the Punitive Compensation System for Food Safety-related Civil Public Interest Lawsuits**

◇ [国知局就《商标审查审理标准》征求意见](#)

**CNIPA Seeks Comments on the Trademark Examination and Adjudication Standards**

**一、国家药监局就《药品追溯码印刷规范》等征求意见**

**2021.06.22**

**NMPA Seeks Comments on the Printing Specification for Drug Traceability Codes**



Shanghai CILS® Law Firm  
上海信石®律师事务所

Room 2615, Enterprise Square  
No. 228 Meiyuan Road, Shanghai 200070  
People's Republic of China

中国上海市梅园路 228 号  
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725  
Fax: +86 21 80127724  
[www.cilslaw.com](http://www.cilslaw.com)

\*\*\*\*\*

日前, 国家药品监督管理局发出《药品追溯码印刷规范(征求意见稿)》(下称《征求意见稿》)等两项标准, 现向社会征求意见, 意见反馈截至 7 月 20 日。

The National Medical Products Administration (the “NMPA”) has recently issued two standards including the *Printing Specification for Drug Traceability Codes (Draft for Comment)* (the “Draft for Comment”) for public comments by July 20, 2021.

《征求意见稿》规定了药品追溯码的印刷样式、印刷位置和印刷质量。其适用于在中国境内销售和使用的药品各级销售包装单元上的药品追溯码印刷。《征求意见稿》明确, 药品追溯码印刷应包括“药品追溯码”字样、药品追溯码人眼识读的字符和药品追溯码设备识读的符号(一般包括一维条码和二维条码); 可标识药品追溯码识读方法。药品追溯码应印制于药品包装明显可见之处, 并应避免与商品条码、自定义的物流码等其它条码印制在一起, 以免误扫。

The *Draft for Comment*, which specifies the printing style, position and quality of the drug traceability codes (DTC), applies to printing of DTC on all levels of sales packaging units of drugs sold and used in China. The *Draft for Comment* clarifies that the printing of DTC should include the words “drug traceability code”, characters that can be read by the DTC human vision, and symbols that can be read by DTC equipment (generally including 1D barcodes and 2D barcodes); and the method of identifying the DTC can be indicated as well. The DTC should be printed on the noticeable place of the drug packaging, and should not be printed with other barcodes such as commodity barcodes, self-defined custom logistics codes to avoid scanning by mistake.

(Source: <https://www.nmpa.gov.cn/xxgk/ggtg/qtggtg/20210621161500105.html>)

## 二、全国人大常委会通过《数据安全法》

2021.06.11

### NPC Standing Committee Adopts the Data Security Law

近日, 第十三届全国人民代表大会常务委员会第二十九次会议表决通过《中华人民共和国数据安全法》(下称《数据安全法》), 《数据安全法》自 2021 年 9 月 1 日起施行。



Shanghai CILS® Law Firm  
上海信石®律师事务所

Room 2615, Enterprise Square  
No. 228 Meiyuan Road, Shanghai 200070  
People's Republic of China

中国上海市梅园路 228 号  
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725  
Fax: +86 21 80127724  
[www.cilslaw.com](http://www.cilslaw.com)

\*\*\*\*\*

The 29<sup>th</sup> session of the Standing Committee of the 13<sup>th</sup> National People's Congress (the "NPC") has recently adopted seven laws, namely, the *Data Security Law of the People's Republic of China* (the "Data Security Law"), which shall come into effect from September 1, 2021.

《数据安全法》确立了数据分类分级管理，数据安全风险评估、监测预警、应急处置，数据安全审查等基本制度，明确相关主体的数据安全保护义务等。与此前二审稿相比，《数据安全法》明确了对关系国家安全、国民经济命脉、重要民生、重大公共利益等数据实行更严格的管理制度。

The *Data Security Law* establishes the basic systems for classified and graded data management, data security risk assessment, monitoring and early warning, emergency response and data security review, clearly defining the data security protection obligations for relevant subjects. Compared with its second draft for review, the *Data Security Law* clarifies that data which have a bearing on national security, the lifelines of national economy, people's livelihood and major public interests shall be subject to stricter management system.

(Source: <http://www.npc.gov.cn/npc/c30834/202106/7c9af12f51334a73b56d7938f99a788a.shtml>)

### **三、七部门：探索建立食品安全民事公益诉讼惩罚性赔偿制度 2021.06.08**

#### **Seven Authorities to Explore the Punitive Compensation System for Food Safety-related Civil Public Interest Lawsuits**

日前，最高人民检察院等七部门发布《探索建立食品安全民事公益诉讼惩罚性赔偿制度座谈会会议纪要》（下称《纪要》）。

Recently, seven authorities including the Supreme People's Procuratorate (the "SPP") have recently issued the *Summary of Panel Discussion on Exploring and Establishing a*



Shanghai CILS® Law Firm  
上海信石®律师事务所

Room 2615, Enterprise Square  
No. 228 Meiyuan Road, Shanghai 200070  
People's Republic of China

中国上海市梅园路 228 号  
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725  
Fax: +86 21 80127724  
[www.cilslaw.com](http://www.cilslaw.com)

\*\*\*\*\*

*Punitive Compensation System for Food Safety-related Civil Public Interest Lawsuits (the "Summary").*

《纪要》主要内容如下：一是针对法律依据不明确、认识不一致问题，《纪要》指出各部门要落实《关于深化改革加强食品安全工作的意见》要求，稳步推进食品安全民事公益诉讼惩罚性赔偿实践探索。二是惩罚性赔偿制度功能定位。三是提出惩罚性赔偿诉讼请求的适用条件。四是关于认定损害社会公共利益的标准。五是食品安全民事公益诉讼惩罚性赔偿金的管理使用。六是构建长效协作配合机制。

The *Summary* mainly involves the following contents: (1) regarding the issues of unclear legal basis and inconsistent understandings, requiring each department to implement the requirements in the *Opinions on Deepening the Reform to Strengthen Food Safety*, and progressively explore the punitive compensation system for food safety-related civil public interest lawsuits; (2) the functions and position of the punitive compensation system; (3) setting forth the application conditions for claiming punitive compensation; (4) making clear the conditions for the identification of "harming public interests"; (5) the administration and utilization of the punitive damages in the food safety-related civil public interest lawsuits; and (6) building long-term coordination and cooperation mechanism.

《纪要》提出，应当根据侵权人主观过错程度、违法次数和持续时间、受害人数、损害类型、经营状况、获利情况、财产状况、行政处罚和刑事处罚等因素，综合考虑是否提出惩罚性赔偿诉讼请求。

The *Summary* specifies that, such factors as the infringer's subjective fault, the frequency and duration of violation, the number of victims, the type of damage, the business status, the profits earned, the property status, the administrative and criminal penalties shall be taken into account to comprehensively consider whether to claim punitive compensation.



Shanghai CILS® Law Firm  
上海信石®律师事务所

Room 2615, Enterprise Square  
No. 228 Meiyuan Road, Shanghai 200070  
People's Republic of China

中国上海市梅园路 228 号  
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725  
Fax: +86 21 80127724  
[www.cilslaw.com](http://www.cilslaw.com)

\*\*\*\*\*

(Source:

[https://www.spp.gov.cn/spp/xwfbh/wsfbt/202106/t20210608\\_520675.shtml?ZhCZs3cB rx6S=1624852140465#2](https://www.spp.gov.cn/spp/xwfbh/wsfbt/202106/t20210608_520675.shtml?ZhCZs3cB rx6S=1624852140465#2) )

#### 四、国知局就《商标审查审理标准》征求意见

2021.06.15

### CNIPA Seeks Comments on the Trademark Examination and Adjudication Standards

近日，国家知识产权局制发《商标审查审理标准（征求意见稿）》（下称《征求意见稿》），现征求社会各界意见，意见反馈截止于 7 月 12 日。

The China National Intellectual Property Administration (the “CNIPA”) has recently formulated and issued the *Trademark Examination and Adjudication Standards (Draft for Comment)* (the “*Draft for Comment*”) to solicit comments from all walks of life by July 12, 2021.

《征求意见稿》分上下两编，力求反映商标理论和审查审理实践发展的最新成果。修订内容主要包括两方面：一是新增商标形式审查和事务工作审查标准；二是修改完善商标审查审理实体性标准。其中，第一方面包含“商标申请形式审查部分，明确了形式审查一般性要求，细化了注册、异议、评审、撤销等商标各项业务形式审查工作标准”等五项内容；第二方面包括“新增关于商标法第四条的审查审理标准，明确不以使用为目的的恶意商标注册申请的适用要件、考虑因素和适用情形”等六项内容。

The *Draft for Comment* is divided into two parts, which seeks to reflect the latest achievements in the development of trademark theory as well as the examination and adjudication practice. The revised content mainly includes two aspects: the first is to add new standards on trademark formality examination and trademark affairs examination; the second is to revise and improve the substantive standards of trademark examination and adjudication. Among them, the first aspect includes the “part on formality examination of trademark applications, clarifying the general requirements for



Shanghai CILS® Law Firm  
上海信石®律师事务所

Room 2615, Enterprise Square  
No. 228 Meiyuan Road, Shanghai 200070  
People's Republic of China

中国上海市梅园路 228 号  
企业广场 2615 室, 邮编: 200070

Tel: +86 21 80127725  
Fax: +86 21 80127724  
[www.cilslaw.com](http://www.cilslaw.com)

\*\*\*\*\*

formality examination and refining the work standards on formality examination of trademark registration, opposition, review, and cancellation”, and other four elements; and the second aspect includes six elements, including the “addition of the examination and adjudication standards concerning Article 4 of the *Trademark Law*, clarifying the applicable requirements, consideration factors and applicable circumstances of malicious trademark registration applications that are not intended for use”.

(Source: [http://www.cnipa.gov.cn/art/2021/6/11/art\\_75\\_159963.html](http://www.cnipa.gov.cn/art/2021/6/11/art_75_159963.html))

本期编辑:  
Author:

Chenwei Bao  
Tel: 86-21-80127725  
Email: [wendy.bao@cilslaw.com](mailto:wendy.bao@cilslaw.com)

\*\*\*\*\*

*This publication is for informational purpose only. It does not cover every aspect of the topics with which it deals. It should not be construed or relied on as legal advice or to create a lawyer-client relationship. For any further legal advice, please contact us.*

---

*Shanghai CILS® Law Firm, a partnership registered at Room 2615, Enterprise Square, No. 228 Meiyuan Road, Shanghai, PRC.*

*CILS® 2021*