

# 電子知識產權

Electronics  
Intellectual Property

曾培炎题字

总第 367 期 / 2022 年 06 期

- 商标权利取得中注册与使用的平衡——在公平与效率之间来回
- 局部外观设计制度下图形用户界面保护路径的重构
- 刑民衔接视域下信息网络传播行为侵权与入罪范围的教义学分析  
——以《刑法修正案（十一）》相关修改为背景

IMPUTATION PRINCIPLE  
TRADEMARK RIGHT ACQUISITION  
PRESUMPTION OF FAULT  
OPEN SOURCE SOFTWARE  
LICENSE  
TRADEMARK RIGHT ACQUISITION  
IMPLIED PERMISSION  
NATIONAL SECURITY EXCEPTIONS  
REGISTRATION  
DATA BREACH  
IMPLIED PERMISSION  
TRADEMARK RIGHT ACQUISITION  
PRESUMPTION OF FAULT

ISSN 1004-9517



9 771004 951223

06>

邮发代号：2-738  
零售价：人民币 28 元

2022 / 06

## Electronics Intellectual Property

### 学术研究

商标权利取得中注册与使用的平衡——在公平与效率之间来回 ..... 宁立志 叶紫薇 4

论信息泄露侵权的归责原则 ..... 刘维 于雪锋 13

刑民衔接视域下信息网络传播行为侵权与入罪范围的教义学分析

——以《刑法修正案（十一）》相关修改为背景 ..... 杨馥铭 27

国际知识产权制度中安全例外问题分析

——兼评美国泛化国家安全概念的非法性 ..... 潘雪娇 39

### 业界实务

开源软件司法保护探析 ..... 潘亮 50

人工智能发明在欧洲的专利保护 ..... 汪涛 57

局部外观设计制度下图形用户界面保护路径的重构 ..... 马云鹏 66

数字音乐时代录音法定许可的正当性证成 ..... 林秀芹 代晓焜 76

|||||| Academic |||||

The Balance Between Registration and Use of Trademark Right Acquisition —Back and Forth Between Fairness and Efficiency .....	<b>Ning Lizhi Ye Ziwei</b>	4
Study on Imputation Principle for Data Breach.....	<b>Liu Wei Yu Xuefeng</b>	13
Doctrinal Analysis on the Scope of Infringement and Criminalization of Information Network Communication from the Perspective of Joint between Criminal Law and Civil Law .....	<b>Yang Fuming</b>	27
Analysis of Security Exceptions in International Intellectual Property System —On the Illegality of U.S. Generalizing the Concept of National Security .....	<b>Pan Xuejiao</b>	39

|||||| Practice |||||

An Analysis of Judicial Protection of Open Source Software .....	<b>Pan Liang</b>	50
Patent Protection for AI Inventions in Europe .....	<b>Wang Tao</b>	57
Reconstruction of Graphical User Interface Protection Path Under Partial Design System .....	<b>Ma Yunpeng</b>	66
The Justification of Compulsory Recording License in the Digital Music Era .....	<b>Lin Xiuqin Dai Xiaokun</b>	76