

# 中国反垄断法律资讯

## China Monthly Antitrust Update

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## 立法动态 Legislation

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### 国务院同意建立公平竞争审查工作部际联席会议制度

2017年1月24日，国务院办公厅印发《关于同意建立公平竞争审查工作部际联席会议制度的函》，同意由发改委牵头建立公平竞争审查工作部际联席会议制度，同时对该制度的主要职责、成员单位、工作规则和工作要求做出规定。该制度的建立将有利于各部委在公平竞争审查工作方面统筹配合，进一步推动市场竞争秩序的规范和完善。<sup>1</sup>

### The State Council Approves to Establish Inter-Ministerial Liaison System for Fair Competition Review

On January 24, 2017, the General Office of the State Council printed and issued *the Correspondence on Approval of Establishment of Inter-Ministerial Liaison System for Fair Competition Review*, in which the State Council appointed the National Development and Reform Commission (“**NDRC**”) as the lead agency for the establishment of Inter-Ministerial Liaison System for Fair Competition Review (“**the System**”) and meanwhile, regulated major responsibilities, member departments, implementation rules and requirements of the System. The System will be beneficial to cooperation between ministerial departments during implementation of fair competition review and further improvement of market competition order.<sup>1</sup>

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<sup>1</sup>[http://www.gov.cn/zhengce/content/2017-01/24/content\\_5162929.htm](http://www.gov.cn/zhengce/content/2017-01/24/content_5162929.htm).

## 执法机构 Authorities

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### 国家发改委价监局会见美国先进医疗技术协会一行

2017年1月18日，国家发改委价监局李青副局长会见了美国先进医疗技术协会执行副总裁艾服思一行。双方就深入开展医疗器械相关政策竞争效应研究、促进医疗器械行业公平竞争等问题进行了沟通交流。<sup>2</sup>

### PSAMB of NDRC Meets with A Delegation of AdvaMed

On January 18, 2017, Li Qing, Deputy Director-general of the Price Supervision and Anti-Monopoly Bureau (“**PSAMB**”) of NDRC, met with a delegation led by Ralph F. Ives, Executive Vice President of the US-based Advanced Medical Technology Association (“**AdvaMed**”). Both parties communicated in aspects of deeply carrying out the research on competition effects of policies relevant to medical device and fair competition improvement in medical device sector.<sup>2</sup>

### 国家工商总局竞争执法局派员参加美国南加州大学反垄断研讨会

1月13日至14日，美国南加州大学古尔德法学院举办了以“全球化背景下的反垄断执法”为主题的反垄断研讨会，十几个国家近50名执法机构官员、跨国公司代表参加了会议。国家工商总局反垄断与反不正当竞争执法局（“**竞争执法局**”）派员参会，在执法官员圆桌论坛发言，介绍了总局近期执法工作情况，并回答与会者提问。<sup>3</sup>

### Officials from CEB of SAIC Participate Anti-Monopoly Seminar Held by USC

From January 13 to 14, the anti-monopoly seminar on the topic of “Anti-Monopoly Enforcement under Globalization” (“**the Seminar**”) was held by Gould Law School of University of South California. Nearly 50 attendees participated in the Seminar, including officials of authorities from several countries and representatives of multinational corporations. Officials from the Anti-Monopoly and Anti-Unfair Competition Enforcement Bureau (“**CEB**”) of the State of Administration for Industry and Commerce (“**SAIC**”) participated the Seminar, delivered speeches during the officials’ panel, introduced recent enforcement of SAIC and answered questions raised by the participants.<sup>3</sup>

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<sup>2</sup>[http://jjs.ndrc.gov.cn/gzdt/201701/t20170119\\_835591.html](http://jjs.ndrc.gov.cn/gzdt/201701/t20170119_835591.html).

<sup>3</sup>[http://www.saic.gov.cn/fldyfbzdjz/gzdt/201701/t20170117\\_174430.html](http://www.saic.gov.cn/fldyfbzdjz/gzdt/201701/t20170117_174430.html).

## 国家工商总局公布整治公用企业限制竞争和垄断行为专项行动情况

1月12日，国家工商总局召开集中整治公用企业限制竞争和垄断行为专项执法行动情况通报会，工商总局新闻发言人、办公厅主任于法昌透露，专项执法期间，全国工商机关以供水、供电、供气、公共交通、殡葬等行业为重点，共立案1267件，结案585件，罚没金额1.67亿元，退赔多收费用及减少消费者经营者损失4.7亿元，并建议地方和有关部门取消公交、供电、供水、供气等行业涉嫌妨害公平竞争的政策、规定。另外，通过专项整治，还全国工商机关梳理出执法中一些行业性、系统性限制竞争和垄断问题。<sup>4</sup>

### SAIC Releases Situation about Special Action to Regulate Anti-Competitive and Monopolistic Acts of Public Utility Enterprises

On January 12, SAIC held release conference about special action to regulate anti-competitive and monopolistic acts of public utility enterprises. Mr. Yu Fachang, Press Spokesman and Director of General Office of SAIC, released that during the enforcement towards sectors of water supply, electricity supply, gas supply, public traffic, funeral and interment, etc., SAIC and its local counterparts (“AIC system”) had filed 1267 cases totally, 585 of which had been closed. The amount of penalty and confiscation reached CYN 167 million and the amount of drawback, compensation and interests saved reached CYN 470 million. Meanwhile, AIC system had suggested local and related departments to abolish the policies and regulations which were harmful to competition. Besides, several industrial and systematic problems about competition restriction and monopoly had been found through the special enforcement.<sup>4</sup>

## 清华大学国家战略研究院调研组访问国家工商总局

1月9日，国家工商总局竞争执法局接待了清华大学国家战略研究院调研组的来访，应邀介绍了利乐案查办的过程、有关专业问题、对于企业和行业以及中国反垄断执法环境的影响等相关情况。清华大学国家战略研究院系清华大学创办的公益研究型智库，目前拟撰写我国反垄断实践方面的研究报告。<sup>5</sup>

### Research Group from National Strategy Institute of Tsinghua University visits SAIC

On January 9, CEB of SAIC met a research group from National Strategy Institute of Tsinghua University. CEB of SAIC introduced the investigation process and relevant professional issues of the “Tetra Pak Case”. Meanwhile, CEB of SAIC analyzed the

<sup>4</sup>[http://www.legaldaily.com.cn/index/content/2017-01/11/content\\_6951837.htm?node=20908](http://www.legaldaily.com.cn/index/content/2017-01/11/content_6951837.htm?node=20908).

<sup>5</sup>[http://www.saic.gov.cn/fldyfbzdjz/gzdt/201701/t20170110\\_174156.html](http://www.saic.gov.cn/fldyfbzdjz/gzdt/201701/t20170110_174156.html).

influences of the “Tetra Pak Case” toward enterprises, sectors and environment of China’s antitrust enforcement. National Strategy Institute established by Tsinghua University is an institute which devotes to commonweal research. It’s planning to compose a research report in aspect of China’s antitrust practice.

### 国家发改委价监局提醒告诫家电企业公平有序竞争

1月9日，国家发改委价格监督检查与反垄断局（“价监局”）在京召开家电行业价格法规政策提醒告诫会，国内主要空调、冰箱、彩电、洗衣机、小家电生产企业和主要电子商务平台负责人参加。国家发改委价监局负责人提醒告诫企业公平有序竞争，不得相互串通横向垄断，不得实施纵向垄断，不得滥用市场支配地位，不得哄抬价格，不得以排挤竞争对手为目的低价倾销，不得利用虚假或者使人误解的价格手段实施价格欺诈。一旦触犯法律，价格主管部门将根据《价格法》、《反垄断法》严肃查处。<sup>6</sup>

### NDRC Reminds and Warns Household Appliances Manufactures to Conduct Fair and Orderly Competition

On 9 January, PSAMB of NDRC held a reminding & warning meeting about price regulation and policy in home appliances industry. The meeting was attended by representatives of companies manufacturing air conditioners, refrigerators, television sets, and small home appliances as well as major e-commerce platform operators. The attendees were asked by the official of PSAMB to compete fairly and orderly and refrain from vertical and horizontal price-related monopolistic conduct, abuse of market dominance, artificially pushing up prices, predatory pricing for the purpose of excluding competitors, and price fraud by means of false or misleading method. Violators will face strict sanctions in accordance with the Price Law and the Anti-Monopoly Law.<sup>6</sup>

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<sup>6</sup>[http://jjs.ndrc.gov.cn/gzdt/201701/t20170111\\_834826.html](http://jjs.ndrc.gov.cn/gzdt/201701/t20170111_834826.html).

## 行政调查 Public Enforcement

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### 四川省德阳市工商局处罚天然气有限责任公司限制竞争行为

2017年1月19日，四川省工商行政管理局发布公告，德阳市工商局对该市一家天然气有限责任公司限制竞争行为依法作出行政处罚，责令该公司立即改正限制竞争违法行为，并处罚款。该公司凭借其优势地位，限制用户知情权、自主选择权、议价权等权利，排挤了其他具备合法资质的经营者参与天然气工程设计、监理、安装等市场的公平竞争，其行为构成限制竞争行为。德阳市工商局根据《反不正当竞争法》第二十三条规定，责令该公司立即改正违法行为，并处罚款。这是该局“红盾春雷行动2017”启动以来办结的首例公用企业限制竞争典型案件。<sup>7</sup>

### Deyang AIC Penalizes Natural Gas Limited Corporation over Competition Restrictive Conducts

On January 19, 2017, the Sichuan Administration for Industry and Commerce posted a case on its website, which indicates that the Deyang City Administration for Industry and Commerce (“**Deyang AIC**”) decided to penalize a natural gas limited corporation over the anti-competition conduct, instruct the corporation to correct the violation immediately and impose a fine. Relied on its dominance, the corporation restricted customers’ knowing right, choosing right and bargain right, thus excluding other qualified undertakings from fair competition in the markets of natural gas construction designing, inspecting and installing, which constitute anti-competition conducts. Pursuant to Article 23 of Anti Unfair Competition Law, Deyang AIC instructed the corporation to correct its illegal conducts immediately and imposed a fine. This is the first typical case closed that involves restrictive conducts of public utilities since the implementation of “Red Shield & Thunder Enforcement of 2017”.<sup>7</sup>

### 山东省工商局中止调查供电公司涉嫌滥用市场支配地位

1月4日，国家工商总局公布了山东省工商行政管理局（“山东省工商局”）对国网山东省电力公司烟台市牟平区供电公司（“烟台供电公司”）涉嫌垄断行为作出中止调查决定。2014年7月山东省工商局接到举报，称烟台供电公司借助地方政府收费文件，垄断房地产电力安装工程，限制民营企业参与烟台市牟平区房地产供配电施工市场的经营活动。经国家工商总局

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<sup>7</sup>[http://www.scaic.gov.cn/zwgk/xwdt/szdt/201701/t20170119\\_30257.html](http://www.scaic.gov.cn/zwgk/xwdt/szdt/201701/t20170119_30257.html).



授权，山东省工商局于 2014 年 9 月 18 日正式立案并展开调查。经查，牟平供电公司是烟台市牟平区唯一一家供电经营企业，其在调查过程中承认在组织建设新建住宅小区供配电工程时指定施工企业的事实，表示要积极采取措施进行整改，希望山东省工商局中止调查。考虑到牟平供电公司的整改措施和积极配合的态度，山东省工商局同意中止调查，要求其在期限内履行承诺，并提交履行承诺情况的书面报告，否则将恢复调查。<sup>8</sup>

### Shandong AIC Suspends Abuse of Dominance Probe Against Local Power Supplier

On January 4, according to a decision published by SAIC, the Shandong Administration for Industry and Commerce (“**Shandong AIC**”) has suspended an investigation into Shandong Power Company Yantai City Mouping District Power Supply (“**Mouping District Power Supply**”). In July 2014, Shandong AIC received a complaint alleging that Mouping District Power Supply took advantage of a local government fee charging policy to engage in monopolistic conduct by restricting privately held companies from participating in the construction of power supply facilities for real estate developments in Mouping district of Yantai city. After receiving due authorization from the SAIC, Shandong AIC launched an anti-monopoly investigation into the power supplier on September 18, 2014 in response to the complaint. The investigation showed that the company was the only power supplier in Mouping district. During the investigation, Mouping District Power Supply admitted having designating the exclusive party to construct temporary power supply facilities for newly-built residential compounds. It also admitted that its conduct had adversely impacted the market competition. Mouping District Power Supply said it would take active corrective measures, and requested Shandong AIC to suspend the investigation. After concluded that Mouping District Power Supply had actively cooperated in the probe and prepared a remedy proposal on the timely elimination of the restrictive effects on competition, Shandong AIC decided to suspend the probe and ordered the company to fulfill its commitments and submit implementation reports on time. Otherwise, Shandong AIC will resume the investigation.<sup>8</sup>

### 山西、贵州两省价格主管部门依法查处机动车检测机构价格垄断协议案

1 月 4 日，国家发改委公布两起案件—山西、贵州两省发展改革委分别对省内部分地区机动车检测机构达成并实施价格垄断协议的行为进行了调查，并依法作出行政处罚。山西省长治市 18 家机动车检测机构在 2015 年 5 月机动车检测收费放开后，自 2015 年 6 月 15 日联合上调机动车检测收费标准。山西省发展改革委根据举报，查明涉案机动车检测机构举行会议，达成上调机动车检测收费项目及标准的共识，并约定共同实施的事实。山西省发展改革委对涉案机动车检测机构分别处以上一年度销售额 3—8% 的罚款，罚款共计 131.99 万元。贵州

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<sup>8</sup>[http://www.saic.gov.cn/zwgk/gggs/jzsf/201701/t20170104\\_173944.html](http://www.saic.gov.cn/zwgk/gggs/jzsf/201701/t20170104_173944.html).

省毕节市城区 5 家机动车检测机构自 2015 年 12 月起，多次商议统一机动车检测收费标准，于 2016 年 2 月 1 日签订协议书，统一收费标准，并规定了不执行约定的处罚措施。贵州省发改委依据在达成并实施垄断协议中发挥的不同作用及垄断行为的性质和持续时间等因素，对涉案机动车检测机构分别处以上一年度销售额 1—6% 的罚款，共计 27.69 万元。<sup>9</sup>

### **Shanxi DRC and Guizhou DRC Penalize Vehicle Inspection Firms over Price Collusive Conducts**

On January 4, NDRC released two cases on its website -Shanxi Development and Reform Commission (“DRC”) and Guizhou DRC recently conducted investigations and imposed administrative penalties on companies providing motor vehicle inspection services for allegedly entering into and implementing price monopoly agreements in their respective provinces. On June 15, 2015, 18 vehicle inspection services providers in Changzhi raised service fees collectively, which followed the province’s decision in May 2015 to allow the market to determine the inspection fees. Shanxi DRC received a complaint and thus launched an investigation, in which it found that 18 companies held a meeting prior to the fee increase to reach an agreement in aspects of charging items, charging norms and implementation. Each of the 18 firms was, therefore, fined an amount corresponding to 3%-8% of its sales in the previous year based on its role in the anticompetitive conduct. The combined fines amounted to CNY 1.31 million. In the other case, Guizhou DRC found that five vehicle inspection service providers in the urban area of Bijie reached an agreement to unify their service fee charging norms on February 1, 2016, and imposed penalty measures to ensure implementation. Before arriving at the agreement, they met for several times from December 2015 to discuss the matter. Based on the nature of the conduct and the duration of the violations into consideration, Guizhou DRC imposed fines amounting 1%-6% of the providers’ respective sales in the previous year. The cumulative fines amounted to CNY 276,900.<sup>9</sup>

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<sup>9</sup>[http://jjs.ndrc.gov.cn/fjgld/201701/t20170104\\_834259.html](http://jjs.ndrc.gov.cn/fjgld/201701/t20170104_834259.html).

## 经营者集中 Merger Control

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### 商务部 1 月公布 20 起简易案件

截至 2017 年 1 月 31 日，商务部 1 月份在其网站上公布的简易案件数量达到 20 起，简易案件总量达 614 起。<sup>10</sup>

### MOFCOM Releases 20 Streamlined Cases in January

Up to January 31, 2017, the Ministry of Commerce (“MOFCOM”) has released 20 streamlined cases in January on its website, with a total amount reaching 614 so far.<sup>10</sup>

### 商务部公布 2016 年经营者集中申报数据

1 月 5 日，商务部召开例行发布会，新闻发言人孙继文对 2016 年商务部开展经营者集中审查的总体情况进行了介绍。2016 年，商务部共收到申报 378 件，立案 360 件，审结 395 件，均创反垄断法实施以来新高。从案件行业分布看，制造业占比最大，占审结案件的 53%，其中半导体、通信、高端制造业案件增长较快。从集中类型看，横向并购占比最高，占审结案件的 40%。2016 年，在 30 天内初步审查阶段即审结案件 324 件，简易案件申报占全部申报的 76%，按照简易案件立案的案件中，约 98.6% 在初步审查阶段审结。<sup>11</sup>

### MOFCOM Releases Figures of Concentration of Undertakings Handled in 2016

On January 5, MOFCOM held the routine press conference, on which Mr. Sun Jiwen, Press Spokesman of MOFCOM, introduced the general picture of review of concentration of undertakings conducted by MOFCOM during 2016. In 2016, MOFCOM received 352 cases of notification of concentration, 360 of which were accepted and 395 of which were closed. The number of cases handled by MOFCOM in 2016 reached the top since the effectiveness of the AML. From the aspect of industry distribution, the proportion of manufacturing industry cases reached 53% and the number semiconductor industry cases, communication industry cases and high-end manufacturing industry cases increased fast thereinto. From the case type point of view, horizontal merger cases took the majority proportion, which reached 40%. In 2016, 324 cases were closed during preliminary review, the proportion of streamlined cases reached 76%, 98.6% of which were closed during

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<sup>10</sup><http://fldj.mofcom.gov.cn/article/jyzizijaigs/>.

<sup>11</sup><http://www.mofcom.gov.cn/article/ae/slfw/201701/20170102496823.shtml>.

preliminary review.<sup>11</sup>

### 商务部公布 2016 年第四季度无条件批准经营者集中案件列表

1 月 4 日，商务部在其网站上公布了 2016 年第四季度无条件批准经营者集中案件列表，共计 92 起案件。<sup>12</sup>

### MOFCOM Releases Unconditionally Cleared Cases in the 4th Quarter of 2016

On January 4, MOFCOM released on its website a list of unconditionally cleared cases in the fourth quarter of 2016, which includes 92 cases in total.<sup>12</sup>

### 商务部处罚佳能收购东芝医疗未依法申报实施集中行为

1 月 4 日，商务部公布行政处罚决定书，对佳能株式会社收购东芝医疗系统株式会社未依法申报实施集中行为作出处罚。商务部评估认为，该项经营者集中不会产生排除、限制竞争的影响，但佳能未依法提起申报的行为违反了《反垄断法》第四十八条、第四十九条和《未依法申报经营者集中调查处理暂行办法》第十三条的规定，因此，商务部决定对佳能处以 30 万元人民币罚款的行政处罚。<sup>13</sup>

### MOFCOM Penalizes Canon for Failing to Duly Notify Concentration

On January 4, MOFCOM issued an administrative penalty decision, penalizing Canon for its failing to notify its acquisition of Toshiba Medical System, Inc. MOFCOM assessed the impact of the acquisition and concluded that the concentration would not eliminate or restrict competition, but MOFCOM fined Canon CYN 300,000 pursuant to Articles 48 and 49 of AML and Article 13 of *Interim Measures for the Investigation and Handling of the Failure to Notify Concentration of Undertakings in Accordance with the Law*.<sup>13</sup>

### 商务部附条件批准雅培收购圣犹达医疗

2016 年 12 月 30 日，商务部发布 2016 年第 88 号公告，附条件批准雅培公司收购圣犹达医疗公司全部股权。商务部认为，此项经营者集中在中国小腔血管闭合器市场具有排除、限制竞争的效果，因此要求圣犹达剥离小腔血管闭合器业务。<sup>14</sup>

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<sup>12</sup><http://fldj.mofcom.gov.cn/article/zcfb/201701/20170102495842.shtml>.

<sup>13</sup><http://fldj.mofcom.gov.cn/article/ztxx/201701/20170102495433.shtml>.

<sup>14</sup><http://fldj.mofcom.gov.cn/article/ztxx/201612/20161202440204.shtml>.

**MOFCOM Conditionally Approves Abbott's Proposed Acquisition of St. Jude Medical**

On December 30, 2016, MOFCOM issued No.88 Announcement of 2016, in which it conditionally approved the proposed acquisition of all shares of St. Jude Medical, Inc. ("**St. Jude Medical**") by Abbott Laboratories ("**Abbott**"). MOFCOM believed that such concentration might eliminate and restrict competition in the market of vascular closure device of China. Therefore, MOFCOM required St. Jude Medical to fully divest its Vascular Closure Devices business.<sup>14</sup>

## 民事诉讼 Private Actions

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### 苹果向北京知识产权法院对高通提起反垄断诉讼

2017年1月25日，北京知识产权法院受理苹果公司对高通公司提起的两项诉讼。其一，苹果公司诉称高通公司滥用其在芯片市场上的支配地位，并向其索赔经济损失10亿元人民币。其二，苹果公司称高通公司未能按照其承诺进行标准必要专利许可，收取过高许可费。据悉，苹果公司还于1月20日在位于美国加利福尼亚的联邦法院对高通公司提起了相关诉讼，称其收取过高许可费，并索赔10亿美元。<sup>15</sup>

### Apple Files a Lawsuit to Beijing Intellectual Property Court against Qualcomm

On January 25, 2017, Apple Inc. (“**Apple**”) filed a lawsuit to Beijing Intellectual Property Court against Qualcomm Inc. (“**Qualcomm**”), alleging Qualcomm abused its dominance in the chip industry and seeking CYN 1 billion. Apple also filed a second lawsuit against Qualcomm which accused it of failing to live up to promises made to license "standard essential patents" broadly and inexpensively. Apple followed with a related lawsuit in the U.S. which asked a federal court in California for USD1 billion in promised rebates and accused Qualcomm of overcharging for chips.<sup>15</sup>

### 南京、苏州知识产权法庭正式挂牌成立

1月19日，南京、苏州知识产权法庭在南京、苏州两地正式挂牌成立。两地知识产权法院皆可跨市受理涉及垄断纠纷的一审知识产权民事案件。<sup>16</sup>

### Nanjing and Suzhou Set up Intellectual Property Courts

On January 19, Nanjing and Suzhou set up intellectual property court respectively, which are authorized to accept intellectual property civil cases in first instance that relate to monopolistic dispute.<sup>16</sup>

### 成都知识产权审判庭正式揭牌

1月10日，成都知识产权审判庭正式揭牌。该知识产权审判庭可跨区域受理四川全省范围内

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<sup>15</sup><http://www.reuters.com/article/us-apple-qualcomm-china-idUSKBN159264>.

<sup>16</sup><http://www.jsfy.gov.cn/xwzx2014/tpxw/2017/01/20092135572.html>.

有关垄断纠纷的一审知识产权民事与行政案件。<sup>17</sup>

### Chengdu Sets Up Intellectual Property Trial Court

On January 10, Chengdu set up intellectual property trial court, which is authorized to accept intellectual property civil cases in first instance that relate to monopolistic dispute.<sup>17</sup>

### 广东省高级人民法院维持化州市食品总公司、化州市杨梅食品公司滥用市场支配地位纠纷案初审裁定

2016年11月8日，化州市杨梅陈亚旺种养合作社起诉化州市食品总公司、化州市杨梅食品公司滥用市场支配地位、拒绝陈亚旺种养合作社提出的交易。广东省茂名市中级人民法院以其对因垄断行为引发的民事纠纷案件不具有管辖权为由，裁定不予受理起诉。陈亚旺种养合作社不服一审裁定，提起上诉。2016年12月23日，广东省高级人民法院裁定驳回上诉，维持原裁定。<sup>18</sup>

### Guangdong Higher People's Court Affirms the Decision of Lawsuit against two Food Corporation for Abusing Dominant Market Position

On November 8, 2016, the appellant Huazhou City Yangmei Chenyawang Planting and Breeding Cooperatives (“the appellant”) sued Huazhou City Food Corporation and Huazhou City Yangmei Food Corporation for abusing their dominant market position and refusing to enter into transaction with the appellant. Maoming City Intermediate People's Court of Guangdong refused to accept the case for jurisdiction unauthorized. The appellant refused to accept the decision and filed an appeal. Guangdong Higher People's Court rejected the appeal and affirmed the original decision.<sup>18</sup>

### 北京知识产权法院裁定准许郑敏杰撤回对中国互联网络信息中心等五家被告的起诉

原告郑敏杰诉中国互联网络信息中心、北京市国信公证处、天津倚天会计师事务所北京分所、北京新网数码信息技术有限公司、杭州狗狗网络科技有限公司拒绝交易一案，北京知识产权法院与2015年11月16日受理，并依法组成合议庭进行审理。案件审理过程中，原告于2016年10月18日向法院申请撤回起诉。2016年10月20日，法院裁定准许原告撤回起诉。<sup>19</sup>

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<sup>17</sup><http://sichuan.scol.com.cn/m/ggxw/201701/55795767.html?from=groupmessage&isappinstalled=0>.

<sup>18</sup><http://wenshu.court.gov.cn/content/content?DocID=73ae3065-a321-407c-b3da-7fc10425993f>.

<sup>19</sup><http://wenshu.court.gov.cn/content/content?DocID=05343849-ba4a-40c5-9a0b-641ffed999e4>.

## **Beijing Intellectual Property Court Grants Zheng Minjie to Withdraw the Lawsuit against Five Defendants Including CNNIC**

The plaintiff Zheng Minjie sued China Internet Network Information Center, Beijing Guoxin Notary Office, Beijing Office of Tianjin Yitian Accounting Firms, Beijing Xinnet Digital Information Technology Co., Ltd. and Hangzhou Gougou Network Co., Ltd. for refusing to transaction, which was registered at Beijing Intellectual Property Court on 16 November 2015 and had been heard by collegial panel. During the process of hearing, plaintiff filed for withdrawing the lawsuit on 10 October 2016. The court granted the withdraw on October 20, 2016.<sup>19</sup>



## 中国竞争政策与法律年会在对外经济贸易大学举行

2017年1月12日，由中国世界贸易组织研究会竞争政策与法律专业委员会主办的“中国竞争政策与法律年会（2016/2017）暨《中国竞争法律与政策报告 2016》发布仪式”在对外经济贸易大学举行。三家反垄断执法机构的负责人、法官、高校学者、公司法务、国内外律师事务所律师等人士共同参与本次年会。年会上，三家执法机构负责人就2016年反垄断执法分别进行了介绍，与会嘉宾也就行政性垄断与竞争审查、行业部门之间的不正当竞争和垄断、共享经济与平台竞争的市场规制、《反不正当竞争法》的修改等热点问题进行了研讨。

### **The Competition Policies and Law Annual Meeting (2016/2017) Held in University of International Business and Economics**

On January 12, 2017, the “Competition Policies and Law Annual Meeting (2016/2017) and the Release Ceremony of Report on Competition Law and Policy of China 2016” (“**Annual Meeting**”), hosted by Professional Committee of Competition Policy and Law under China Society for World Trade Organization Studies, were held in University of International Business and Economics. Officials from the three antitrust authorities, scholars from universities, in-house counsels and domestic and overseas lawyers participated in the Annual Meeting. In the Annual Meeting, the officials from the three authorities introduced the antitrust law enforcement situation in 2016 respectively. Hot issues, such as issues on administrative monopoly and competition review, unfair competition and monopoly in multiple industries, market regulation towards sharing economy and platform competition, amendment of the *Anti-Unfair Competition Law*, had also been discussed in the Annual Meeting.

## 大成团队 Dentons Team

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### 邓志松律师和戴健民律师应邀为《中国法律商务》撰写竞争法及信息保护领域 2016 年度回顾

近期，北京大成律师事务所的合伙人邓志松律师和戴健民律师应邀为《中国法律商务》(China Law & Practice) 杂志撰写了竞争及反垄断 (Competition & Antitrust) 和网络安全及数据保护 (Cybersecurity & Data Protection) 领域的 2016 年度回顾，就 2016 年相关领域的法律法规、政策发展和执法实践进行了广泛介绍和深入分析，并对相关企业提出了合规建议。邓志松律师和戴健民律师以中英双语的形式共同撰写了两篇年度回顾。第一篇为《争取公平》(Fighting for Fairness)，文章对 2016 年医疗行业、汽车行业和公用企业的反垄断法规和执法趋势进行了探讨，并与市场参与者分享了主要并购控制和商业协议战略。第二篇为《网络安全合规》(Cybersecurity Compliance)，文章对主要行业的数据保护监管框架、《网络安全法》的重要性以及违规面临的严厉处罚进行了介绍和分析。两篇文章皆为 Q&A 形式。

### Jet Deng and Ken Dai Compose Annual Reviews of 2016 in Competition Law and Data Protection Area for China Law & Practice Journal

Recently, Jet Deng and Ken Dai, Partners of Dentons Law Offices, were invited to compose annual reviews of 2016 in Competition & Antitrust area and Cybersecurity & Data Protection area for China Law & Practice Journal. The annual reviews of 2016 contained broadly introduction and deep analysis toward the development of laws, regulations and enforcement practice in relevant area. Based on above introduction and analysis, Jet Deng and Ken Dai proposed compliance suggestions for relevant enterprises within the reviews. Jet Deng and Ken Dai collectively composed two annual reviews in both Chinese and English. The first review, which was named Fighting for Fairness, discussed antitrust laws and regulations and enforcement trends in medical sector, automobile sector and public utilities area and shared major strategies in merger control and business negotiation. The second review, which was named Cybersecurity Compliance, introduced and analyzed the framework of data protection and supervision, the importance of the *Cybersecurity Law* and severe sanction system towards violators. Both reviews were composed in a Q&A model.

### 大成被《全球法律专家》评选为 2016 年度最佳竞争法中国律师事务所

近期，大成律师事务所荣获英国知名律师指南《全球法律专家》(Global Law Experts, GLE) 评选的 2016 年度最佳竞争法中国律师事务所 (Competition Law Firm of the Year in China

2016)。此次国际性奖项的获得再次彰显大成律师事务所在全球反垄断与竞争法领域的重要地位。2016年，邓志松律师和戴健民律师领衔的大成反垄断与竞争业务团队代理了多起具有社会影响力的反垄断案件，包括生命科学、移动通信、国际航运和化工等行业中的反垄断调查案件，软件开发、光电、零售、制药等行业内全球知名企业的经营者集中申报，并为众多跨国公司就其在华的各种商业安排提供反垄断合规法律意见。

### **Dentons China Awarded the Competition Law Firm of the Year in China 2016 by GLE**

Recently, Dentons China was awarded as the Competition Law Firm of the Year in China 2016 by Global Law Experts (“GLE”), an UK’s famous guideline for lawyers. The award demonstrates Dentons China’s important position in global antitrust and competition law area. In 2016, Dentons China Antitrust Team, headed by Jet Deng and Ken Dai, participated a plenty of cases which had great social influence, including antitrust investigations in life science sector, mobile communication sector, international shipping sector and chemical sector and merger filing of famous undertakings in software development sector, optoelectronics sector, retailing sector and pharmacy sector. Meanwhile, Dentons China Antitrust Team offered antitrust compliance suggestions in terms of business arrangements for several multinational corporations.

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