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市场监管总局发文回顾2020反垄断工作

SAMR Issues Review of 2020 Antimonopoly Works

最高院发布十大知识产权案件和典型案例

SPC Publishes Top Ten Intellectual Property Right Cases and Typical Cases

广东高院首次发布互联网领域反不正当竞争和反垄断十大案例

Guangdong High People's Court First Publishes Top Ten Antitrust and Anti-Unfair Competition Cases in the Internet Field

市场监管总局调查五矿发展涉嫌违法实施经营者集中

SAMR Investigates Minmetals Development for Gun-Jumping

国务院通报深圳政府滥用行政权力和行业协会进行行业垄断行为

The State Council Notifies the Behaviors of Shenzhen Government Abusing Administrative Power and Industry Association Conducting Industry Monopoly

海外动态 Overseas News

美国针对苹果和谷歌的移动应用市场举行反垄断听证会

U.S. Holds Antitrust Hearing on Apple's and Google's Mobile App Markets

英国、澳大利亚与德国竞争机构就合并控制发表联合声明

CAA, ACCC and Bundeskartellamt Release Joint Statement on Merger Control

欧盟委员会对实行卡特尔的三家铁路公司罚款4800万欧元

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俄罗斯联邦反垄断局对谷歌涉嫌滥用市场支配地位发起调查

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市场监管总局发文回顾2020反垄断工作

2021年4月22日，国家市场监督管理总局（“市场监管总局”）发文回顾了2020年反垄断工作。2020年全国办结垄断案109件，罚没金额达4.5亿元，其中含垄断协议案16件，滥用市场支配地位案件10件，违法实施经营者集中案件16件，滥用行政权力案件67件。与此同时，市场监管总局强化了平台经济领域的反垄断监管，深化了在医药、建材等民生领域的反垄断执法，加强对半导体、汽车等重点领域经营者集中的反垄断审查。（[查看更多](#)）

SAMR Issues Review of 2020 Antimonopoly Works

On April 22, 2021, the State Administration for Market Regulation (“SAMR”) issued a review of 2020 antimonopoly work. In 2020, 109 monopoly cases were concluded nationwide, with fines of CNY 450 million, including 16 cases of monopoly agreement, 10 cases of abuse of dominant market position, 16 gun-jumping cases, and 67 cases of abuse of administrative power. Meanwhile, SAMR strengthened anti-monopoly supervision in the field of platform economy, deepened anti-monopoly law enforcement in the fields of people’s livelihoods such as medicine and building materials, and strengthened anti-monopoly review of the mergers of undertakings in key areas such as semiconductors and automobiles. ([More](#))

最高院发布十大知识产权案件和典型案例

2021年4月22日，最高人民法院（“最高院”）召开知识产权宣传周新闻发布会，会议提出，2020年，人民法院做好垄断和不正当竞争行为司法审查，尤其加强互联网平台经济反垄断审判。同日，最高院公布了2020年十大知识产权案件和50件典型知识产权案件，其中包括两件垄断案，分别为惠州市欢唱壹佰娱乐有限公司与中国音像著作权集体管理协会垄断纠纷案和宜宾“砖瓦协会”垄断纠纷案。（[查看更多](#)）

SPC Publishes Top Ten Intellectual Property Right Cases and Typical Cases

On April 22, 2021, the Supreme People’s Court (“SPC”) held a press conference and mentioned that in 2020, People’s Courts conducted excellent judicial reviews of monopolistic and unfair competition behaviors, and, in particular, strengthened the trial of internet platform economy antitrust. On the same day, SPC published the top ten intellectual property right cases and fifty typical cases in 2020, including two monopoly cases, namely the monopoly dispute between Huizhou Huanchang Yibai Entertainment Co., Ltd. and the China Audio-Video Copyright Association, and the Yibin “Brick and Tile Association” monopoly dispute case. ([More](#))

广东高院首次发布互联网领域反不正当竞争和反垄断十大案例

2021年4月20日，广东省高级人民法院（“广东高院”）发布互联网领域反不正当竞争和反垄断十大案例。广东法院2020年审结的不正当竞争纠纷和反垄断纠纷案件达897件，同比增长10.9%，约占全国20%。十大案例中有两件反垄断案，一为华多公司诉网易公司滥用市场支配地位纠纷案，该案规范了网络游戏及游戏直播市场竞争秩序；一为深圳微源码公司诉腾讯公司滥用市场支配地位纠纷案，该案明确了互联网服务垄断应以涉诉行为具体指向商品或服务界定相关市场。（[查看更多](#)）

Guangdong High People's Court First Publishes Top Ten Antitrust and Anti-Unfair Competition Cases in the Internet Field

On April 20, 2021, Guangdong High People's Court publishes the top ten antitrust and anti-unfair competition cases in the internet field. Guangdong courts concluded 897 antitrust and anti-unfair competition cases in 2020, with an increase of 10.9% on a year-on-year basis and accounting for about 20% of the country. Among the top ten cases, there are two antitrust cases. One is *Huaduo Inc. v. NetEase Inc.* over abuse of market dominance. This case regulated the competition order in the online game and game live broadcast market. The other case is *Shenzhen Weiyuanma Co., Ltd. v. Tencent Inc.* for abuse of market dominance. This case clarified that in an internet service monopoly case, the determination of relevant market should be based on the terms of goods or services to which the disputed behaviors specifically directed. ([More](#))

市场监管总局调查五矿发展涉嫌违法实施经营者集中

2021年4月20日，五矿发展股份有限公司（“五矿发展”）发布公告称近日收到了市场监管总局出具的反垄断调查通知书。市场监管总局认为五矿发展与阿里巴巴集团设立合营企业五矿电子商务有限公司的交易涉嫌构成违法实施经营者集中，决定予以立案调查。五矿发展将主动积极配合市场监管总局的调查。（[查看更多](#)）

SAMR Investigates Minmetals Development for Gun-Jumping

On April 20, 2021, Minmetals Development Co., Ltd. (“Minmetals”) published an announcement, stating that it had recently received an antitrust investigation notice issued by SAMR. SAMR believed that the establishment of a joint venture between Minmetals and Alibaba Group, Minmetals E-Commerce Co., Ltd., was suspected of constituting a gun-jumping behavior, and therefore decided to open the investigation. Minmetals stated that it will take the initiative to actively cooperate with SAMR's investigation. ([More](#))

国务院通报深圳政府滥用行政权力和行业协会进行行业垄断行为

2021年4月15日，国务院“互联网+督查”平台通报了关于深圳市两起涉嫌垄断行为的督察情况。经调查，2012年11月，深圳市交通运输委发布文件，以加强砂石渣土运输企业资质管理为由，设定若干如规定车辆最低运力限制等不合理限制条件，涉嫌构成滥用行政权力。同时，经调查，深圳市建设工程运输车辆协会砂石车专业委员会利用审核资质的便利条件，制定有违市场公平竞争的规则，限制其他企业进入砂石运输行业，进行行业垄断，涉嫌违反《反垄断法》。（[查看更多](#)）

The State Council Notifies the Behaviors of Shenzhen Government Abusing Administrative Power and Industry Association Conducting Industry Monopoly

On 15 April, 2021, the “Internet Plus Inspection” Platform of State Council notified the supervision of two suspected monopolistic activities in Shenzhen. After investigation, it is found that in November 2012, the Shenzhen Municipal Transportation Commission issued a document, setting a number of unreasonable restrictions, such as the minimum capacity of vehicles, on the grounds of strengthening the management of the qualifications of sand and gravel muck transportation enterprises. This behavior is suspected of constituting an abuse of administrative power. At the same time, after investigation, it is found that the Sand and Gravel Vehicle Professional Committee of the Shenzhen Construction Engineering Transportation Vehicle Association took advantage of reviewing qualifications, formulated rules that violated fair market competition, restricted other companies from entering the sand and gravel transportation industry, and conducted industry monopoly. This behavior is suspected of violating the *Anti-Monopoly Law*. ([More](#))

海外动态 Overseas News

美国针对苹果和谷歌的移动应用市场举行反垄断听证会

2021年4月21日，据报道，美国参议院竞争政策、反垄断与消费者权益小组委员会组织了移动应用市场反垄断听证会。会上，Spotify、Tile指控苹果和谷歌的应用程序的内置支付和更新规则扼杀竞争对手，并报复那些拒绝合作的应用程序开发商。参会公司还指控苹果对应用程序内的交易收取30%佣金。如果他们试图采用替代苹果支付系统的方案，则会很快发现遭到苹果的报复。苹果和谷歌高管出席了听证会并进行了反驳。（[查看更多](#)）

U.S. Holds Antitrust Hearing on Apple’s and Google’s Mobile App Markets

On April 21, 2021, according to news report, the Subcommittee on Competition Policy, Antitrust and Consumer Rights of U.S. Senate organized a Hearing examining competition in app stores. During the Hearing, Spotify and Tile accused that Apple and Google’s rules surrounding in-app payments and app updates allow the tech giants to choke off rival services, and that they engage in retaliation when app developers refuse to comply. The companies also blasted Apple’s practice of charging providers of digital goods and services a 30% commission on in-app transactions. If companies try to find alternatives to Apple’s payment system, they will quickly find themselves on Apple’s bad side. Apple’s and Google’s

top executives attended the Hearing and made response. ([More](#))

英国、澳大利亚与德国竞争机构就合并控制发表联合声明

2021年4月20日，英国竞争与市场管理局、澳大利亚竞争与消费者委员会以及德国联邦卡特尔局就合并执法发表联合声明。在声明中，三机构表示此次疫情不应导致对最终评估合并时标准的放松，仍应维持对合并的长期后果的关注。声明提到，竞争机构有机会重新评估其方法，以确保相关市场中未来发展的不确定性不会导致默认的批准决定。动态市场日益增长的复杂性以及采取前瞻性评估的需求要求竞争机构偏向于采用结构性救济。 ([查看更多](#))

CAA, ACCC and Bundeskartellamt Release Joint Statement on Merger Control

On April 20, 2021, the Competition and Markets Authority (CAA), Australian Competition and Consumer Commission (ACCC) and Bundeskartellamt released a joint statement on merger control. In the statement, these 3 agencies stated that the pandemic should not be used to bring about a relaxation of the standards against which mergers are ultimately assessed and merger assessments should remain focused on the long-term consequences of a merger. The statement mentioned that competition agencies have an opportunity to reassess their approach so that a degree of uncertainty about future developments in the relevant markets does not lead, by default, to a clearance decision. The increasing complexity of dynamic markets and the need to undertake forward-looking assessments require competition agencies to favor structural over behavioral remedies. ([More](#))

欧盟委员会对实行卡特尔的三家铁路公司罚款4800万欧元

2021年4月20日，欧盟委员会对奥地利联邦铁路公司（“ÖBB”）、德国联邦铁路公司（“DB”）和比利时国家铁路公司（“SNCB”）违反欧盟反垄断规定的行为共罚款4800万欧元。据调查，2008年12月至2014年4月，这三家铁路公司为了获得具有竞争力的报价而串通交换关于客户需求的信息，互相提供更高报价来保护其各自业务。最终，ÖBB根据宽大制度获得完全豁免，委员会对DB和SNCB分别处以4830万欧元和27万欧元的罚款。 ([查看更多](#))

EU Commission Fines Three Railway Companies Euro 48 Million for Cartel

On April 20, 2021, the European Commission fined Österreichische Bundesbahnen (“ÖBB”), Deutsche Bahn (“DB”) and Société Nationale des Chemins de fer belges / Nationale Maatschappij der Belgische Spoorwegen (“SNCB”) a total of Euro 48 million for breaching EU antitrust rules. According to investigation, from December 2008 to April 2014, the three railway companies coordinated by exchanging collusive information on customer requests for competitive offers and provided each other with higher quotes to protect their respective business. In the end, ÖBB received full immunity under *the Leniency Notice*, and the Commission fined DB and SNCB for Euro 48.3 million and Euro 270,000 respectively. ([More](#))

俄罗斯联邦反垄断局对谷歌涉嫌滥用市场支配地位发起调查

2021年4月19日，俄罗斯联邦反垄断局（Federal Antimonopoly Service of the Russian Federation, “FAS”）称对谷歌涉嫌滥用其在Youtube视频托管服务市场的支配地位发起调查。此前，区域性公共组织ROICT向FAS投诉谷歌突然屏蔽并删除Youtube视频托管中的用户账号和内容。FAS认定谷歌关于在Youtube上开设、中止、屏蔽账号以及内容流通的规则不透明、不客观且无法预测，这可能导致用户账号被突然屏蔽删除，侵害用户利益，限制相关市场的竞争。

[\(查看更多\)](#)

FAS initiates A Case against Google for Abusing Market Dominance

On April 19, 2021, the Federal Antimonopoly Service of the Russian Federation (“FAS”) announced that it had initiated a case against Google for its abuse of dominant position in the market of Youtube video hosting services. Previously, the Regional Public Organization “Center for Internet Technologies” (ROCIT) had complained on Google’s actions of sudden blocking, deleting user accounts and content on the Youtube video hosting. FAS has established that the rules related to the formation, suspension, blocking of accounts and the circulation of user content on Youtube are non-transparent, non-objective and unpredictable. This leads to sudden blocking and deletion of user accounts, and leads to infringement of the interests of users, as well as restriction of competition in related markets. [\(More\)](#)

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