



# NEWSLETTER

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## Weekly Competition Law News

By Lifang & Partners

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## Domestic News

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### **SAMR Accepts the Antitrust Complaint Against WPG Holdings' Acquisition of WT Microelectronics**

On 2 December 2019, it was reported by *laoyaoba.com* that WPG Holdings' "hostile takeover" of WT Microelectronics exists potential monopoly risks toward relevant industry in the Mainland of China and thus should be notified to China's State Administration for Market Regulation ("SAMR"). Recently, the Mobile Phone China Alliance complained to SAMR about this acquisition, which has already been accepted. It is reported that both WPG Holdings and WT Microelectronics are leading players in the global semiconductor component distributing market, with high overlap in both upstream and downstream markets. ([More](#))

### **19th EU-China Competition Week Held in Beijing**

Recently, the 19th EU-China Competition Week was held by SAMR and the European Commission Directorate-General for Competition ("DG Competition") in Beijing. Mr. Xu Lefu, the Deputy Director-General of the Anti-Monopoly Bureau of SAMR, and Mr. Torben Toft, the Senior Expert of the International Relations Unit of DG Competition, delivered the opening remarks. During the meeting, the officials and experts discussed a broad range of topics, including State Aid control in the EU and its Member States, the Chinese Fair Competition Review System, merger review, and competition law enforcement and the digital economy. The roundtable discussions provided a platform for frank exchanges on practical experiences with cases and enforcement of competition law and policy in both countries. ([More](#))

## Overseas News

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### **CAFC Remands a SEP Appeal Involving Ericsson and TCL**

On 5 December 2019, the United States Court of Appeals for the Federal Circuit ("the Court") issued a decision in a standard essential patent ("SEP") appeal involving Ericsson and TCL (Docket No. 8:14-cv-00341-JVS-DFM). The court vacated part of the United States District Court for the Central District of California's determination, reversing the dismissal of Ericsson's patent infringement claims and TCL's related counter-claims, and remanded all above determinations for further proceedings. This appeal arose from a March 9, 2018 decision and order, imposing FRAND rates in a binding worldwide license on Ericsson and TCL for Ericsson's portfolio of SEPs incorporated into 2G, 3G, and 4G mobile communications standards. ([More](#))

### **BMW Sues Valeo, Denso over Price Fixing**

On 5 December 2019, *Reuters* reported that BMW was suing two of its suppliers, Valeo and Denso, over price fixing on air conditioning components for damages of EUR 141m. The case relates to a decision in 2017 by the EU Commission to fine several car part-makers, including Valeo and Denso, a total of EUR 155m for having operated cartels in a number of their markets. All the companies admitted wrongdoing in return for a 10 percent reduction in their fines. ([More](#))

## **InterDigital Files Patent Infringement Action Against Huawei in UK**

On 4 December 2019, InterDigital, Inc. (“**InterDigital**”) announced that it had filed a patent infringement action in the High Court of Justice of England and Wales. In the proceedings, InterDigital is seeking, among other things, a declaration that terms offered by InterDigital to Huawei for a worldwide license are consistent with InterDigital’s FRAND commitments or, alternatively, a determination of FRAND terms for a license to InterDigital’s portfolio of 3G, 4G and 5G SEPs. The company is also seeking a “FRAND injunction”. On 2 January 2019, Huawei filed a patent license lawsuit against InterDigital in Shenzhen Intermediate People’s Court. ([More](#))

## **Qualcomm to Appeal Record South Korean Antitrust Fine**

On 4 December 2019, *the New York Times* reported that Qualcomm said it would appeal the Seoul High Court decision on Wednesday to uphold a record USD 873m fine against the U.S. chip giant. In 2016, the Korea Fair Trade Commission concluded that Qualcomm had abused its dominant market position in business practices of patent licensing and modem chip sales. ([More](#))

## **EU Commission Investigating Google’s Data Collection**

On 1 December 2019, *Reuters* reported that the EU Commission was investigating Google’s collection of data. The EU regulator told *Reuters* that the Commission had sent out questionnaires as part of a preliminary investigation into Google’s practices relating to Google’s collection and use of data. The preliminary investigation was ongoing. A document seen by *Reuters* shows the EU’s focus is on data related to local search services, online advertising, online ad targeting services, login services, web browsers and others. In the last two years, the Commission has fined totaling more than EUR 8.25bn to Google and ordered it to change its business practices. ([More](#))

## **Nokia Says Working to End Patent Licensing Row with Daimler and Other Firms**

On 30 November 2019, *Reuters* reported that Nokia said on Friday it was working to end patent licensing row with Germany’s Daimler and other firms. Daimler, German electronics firm Bury Technologies, German car parts maker Continental, France’s Valeo and chipmaker Gemalto, now part of Thales, had complained to the EU Commission about the fees demanded by Nokia for patents that are essential to car communications. One source said the EU Commission had indicated in October it could launch a probe. ([More](#))

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