



# NEWSLETTER

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2020.08

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## 国内要闻 Domestic News

### 国务院：加强反垄断执法，维护集成电路产业和软件产业市场公平竞争

2020年8月4日，国务院发布《新时期促进集成电路产业和软件产业高质量发展若干政策》，其中提到，进一步规范集成电路产业和软件产业市场秩序，加强反垄断执法，依法打击各种垄断行为，做好经营者反垄断审查，维护集成电路产业和软件产业市场公平竞争。 ([查看更多](#))

### China to Strengthen Antitrust Enforcement in the Industries of Integrated Circuit and Software

On August 4, 2020, China's State Council released the *Several Policies on Promoting High-quality Development of Integrated Circuit Industry and Software Industry in the New Era* which underlines that China will further normalize the market order of integrated circuit industry and software industry, strengthen antitrust enforcement, crack down monopoly behaviors in accordance with laws, promote the review of concentration of undertakings, and safeguard the fair competition in integrated circuit industry and software industry. ([More](#))

### 广东高院对两起网络游戏垄断纠纷案作出终审判决：单个游戏难以构成独立的相关市场

2020年8月4日，广东省高级人民法院（“广东高院”）对华多诉网易滥用市场支配地位及不正当竞争纠纷、章某诉网易著作权许可使用合同及垄断纠纷两案作出终审判决，认为网易公司在相关市场内不具有市场支配地位，不具有排除、限制竞争的市场能力。广东高院还认为，单个网络游戏尽管可能对玩家构成较强的锁定效应，但这种锁定效应有限，难以构成一个特定的相关市场。 ([查看更多](#))

### Guangdong High Court Rules in Favor of Netease in Two Antitrust Lawsuits

On August 4, 2020, the Guangdong High People's Court (“Guangdong High Court”) issued the final decisions over the dispute between *Guangzhou Huaduo Network Technology Co., Ltd. and Guangzhou Netease Computer System Co., Ltd.* (“Netease”) and the dispute between *Kaiping Zhang and Netease*, in which the Guangdong High Court determined that Netease had no market dominance in the relevant market and had no ability to eliminate or restrict the competition. The Guangdong High Court also underlined that although one online game may have strong lock-in effects on the players, the effects are limited, and thus one single game cannot constitute a specific relevant market. ([More](#))

### 因收购股权未依法申报，济民可信遭市场监管总局处罚

2020年8月4日，国家市场监督管理总局（“市场监管总局”）发布了对江西济民可信医药产业投资有限公司（“济民可信”）收购南京恒生制药有限公司（“南京恒生”）83.35%股权未依法申报案作出的行政处罚决定，对济民可信处以30万元罚款。根据调查，济民可信通过多项股权收购间接持有南京恒生83.35%股权并取得单独控制权，达到经营者集中申报标准，但未提前申报。该行为违反了《反垄断法》的规定，构成未依法申报的经营者集中。 ([查看更多](#))

## SAMR Fines a Pharmaceutical Company for Gun-jumping

On August 4, 2020, China's State Administration for Market Regulation ("SAMR") released the sanction decision in which Jiangxi Jemincare Group Co., Ltd. ("Jemincare") was fined CNY 300,000 for gun-jumping. SAMR found that Jemincare indirectly held 83.35% of the shares of Nanjing Hencer Pharmaceutical Co., Ltd. ("Hencer") through several share acquisition and acquired the exclusive control of Hencer without filing any notification before SAMR and therefore violated the *Anti-Monopoly Law* ("AML"). ([More](#))

## 张工接替肖亚庆出任市场监管总局党组书记

2020年8月3日，据市场监管总局官网消息，日前，中共中央决定，原中华全国总工会副主席张工同志任市场监管总局党组书记，肖亚庆同志不再担任市场监管总局党组书记。 ([查看更多](#))

## Zhang Gong Appointed as Secretary of the Party Leadership Group of SAMR

On August 3, 2020, according to SAMR's website, the Central Committee of the Communist Party of China has recently decided that Zhang Gong, the former Vice President of All-China Federation of Trade Unions, would serve as Secretary of the Party Leadership Group of SAMR and Xiao Yaqing no longer served as the Secretary of the Party Leadership Group of SAMR. ([More](#))

## 市场监管总局公开汽车业、宽大制度、承诺制度和知识产权4部反垄断指南

近日，由市场监管总局反垄断局编写的《2019年反垄断规章和指南汇编》一书正式出版。该书收录了国务院反垄断委员会制定的4部反垄断指南及相关解读，上述指南分别为《关于汽车业的反垄断指南》、《横向垄断协议案件宽大制度适用指南》、《垄断案件经营者承诺指南》和《关于知识产权领域的反垄断指南》。 ([查看更多](#))

## SAMR Unveils Four Antitrust Guidelines

Recently, a book entitled "*Anti-Monopoly Regulations and Guidelines 2019*", compiled by the Anti-Monopoly Bureau of SAMR, has been published. The book contains the following four guidelines formulated by the Anti-Monopoly Commission under the State Council: *Antitrust Guidelines for Automotive Industry*, *Guidelines for the Application of Leniency Program to Horizontal Monopoly Agreement Cases*, *Guidelines for Commitments of Operators in Anti-Monopoly Cases* and *Antitrust Guidelines in the Field of Intellectual Property*. ([More](#))

## 新书速递 | 《中国反垄断立法与执法实践》

近日，由市场监管总局反垄断局编写的《中国反垄断立法与执法实践》一书由中国工商出版社正式出版。该书以《反垄断法》各章内容为主线，系统介绍了《反垄断法》有关法律规定，全面呈现了法律实施以来反垄断立法、执法、国际合作等各方面工作取得的进展。该书还收录了《反垄断法》实施十周年（2008—2018）十大典型案例。 ([查看更多](#))

## SAMR Publishes A New Book on Anti-Monopoly Legislation and Law Enforcement Practice of China

Recently, a book entitled “*The Anti-Monopoly Legislation and Law Enforcement Practice of China*”, compiled by the Anti-Monopoly Bureau of SAMR, has been published by China Industry and Commerce Press. Basing on each chapter of the AML, this book systematically introduces the relevant laws and regulations of the AML and comprehensively presents the progress of anti-monopoly legislation, law enforcement, international cooperation that has been achieved since the implementation of the AML. Besides, this book also includes ten typical cases of the tenth anniversary (2008-2018) of the implementation of the AML. ([More](#))

## 海外动态 Overseas News

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### 欧盟委员会宣布对谷歌收购Fitbit展开深入审查

2020年8月4日，欧盟委员会发布新闻称，其已对谷歌收购Fitbit的交易展开深入审查。欧盟委员会认为，该交易使谷歌在已经持有大量数据的情况下获得更多的数据用以投放定制化广告，而这可能会进一步巩固谷歌在在线广告市场的市场地位。据悉，谷歌曾承诺将创建一个虚拟的数据存储仓，用于专门存储通过可穿戴设备收集的特定数据，并限制该类数据用于谷歌的广告业务。但是，欧盟委员会认为其承诺不足以消除该交易可能对竞争带来的负面影响。（[查看更多](#)）

### European Commission Opens In-Depth Investigation into the Proposed Acquisition of Fitbit by Google

On August 4, 2020, in a press release, the European Commission said that it had opened an in-depth investigation to assess the proposed acquisition of Fitbit by Google. The European Commission concerned that the proposed transaction would further entrench Google’s market position in the online advertising markets by increasing the already vast amount of data that Google could use for personalization of the ads it serves and displays. It was reported that Google made a commitment consisted in the creation of a virtual storage of data, where certain data collected through wearable devices. Such data would have been restricted from usage for Google’s advertising purposes. However, the European Commission considered that the commitment proposed by Google is insufficient to clearly dismiss the potential harmful effects of the transaction. ([More](#))

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