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张工接替肖亚庆出任市场监管总局局长

2020年8月12日，国务院公布任免国家工作人员名单，任命张工为国家市场监督管理总局（“市场监管总局”）局长，肖亚庆不再担任市场监管总局局长。据市场监管总局官网8月3日消息，日前，中共中央决定，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 the Minister of SAMR

On August 12, 2020, China's State Council published the appointment and removal list of state workers. Zhang Gong was appointed as the Minister of China's State Administration for Market Regulation ("SAMR") and Xiao Yaqing no longer served. On August 3, 2020, according to SAMR's website, the Central Committee of the Communist Party of China has recently decided that Zhang Gong would serve as the Secretary of the Party Leadership Group of SAMR. ([More](#))

江苏省市监局：2019年查处垄断案件19件，修改或废止违反公平竞争原则文件316份

2020年8月11日，江苏省市场监督管理局（“江苏省市监局”）发布《关于2019年度法治政府建设情况的报告》（“《报告》”）。《报告》指出，2019年反垄断执法和公平竞争审查扎实开展，共查处原料药、招标投标等领域垄断案件19件，处罚金额居全国第一。健全公平竞争审查协查机制，推动修改、废止违背公平竞争原则的文件316份。（[查看更多](#)）

Jiangsu AMR Investigated 19 Monopoly Cases and Promoted the Revision and Abolishment of 316 Documents Violating Fair Competition Principle in 2019

On August 11, 2020, the Administration for Market Regulation of Jiangsu Province ("Jiangsu AMR") released the *Report on the Construction of a Law-based Government in 2019* ("Report"). The Report pointed out that the antitrust enforcement and fair competition review were carried out solidly and steadily in 2019. Nineteen monopoly cases over active pharmaceutical ingredients, tendering and bidding, and other fields were investigated, resulting in highest fines in China. Jiangsu AMR also improved the fair competition review and co-investigation mechanism, and promoted the revision and abolishment of 316 documents that violated the principle of fair competition. ([More](#))

广东省市监局开展滥用行政权力线索及公平竞争专项核查工作

2020年8月10日，广东省市场监督管理局（“广东省市监局”）发布新闻称，其将在8月至9月期间，开展全省滥用行政权力线索及公平竞争审查专项核查工作，重点核查2019年12月31日前制定的规章、规范性文件等。此次专项核查将重点核查四个方面：（1）妨碍各类市场主体依法平等进入和退出市场；（2）限制商品和要素在地区之间自由流动；（3）违法违规实行区别性、歧视性优惠政策；（4）不当干预市场主体生产经营行为。（[查看更多](#)）

Guangdong AMR Launches a Special Inspection for Clues of Abusing Administrative Power

On August 10, 2020, the Administration for Market Regulation of Guangdong Province (“Guangdong AMR”) announced that it launched a special inspection for clues of abusing administrative power and a fair competition review across the province from August to September, focusing on the inspection of regulations and normative documents formulated before December 31, 2019. The special inspection will concentrate on four aspects, including: (i) obstructing market entities from entering and exiting the market legally and equally; (ii) restricting the free flow of commodities and elements between regions; (iii) implementing different and discriminatory preferential policies in violation of laws and regulations; and (iv) intervening inappropriately the production and operation of market entities. ([More](#))

海外动态 Overseas News

遭应用商店下架，《堡垒之夜》游戏制作商起诉苹果违反反垄断法

2020年8月14日，据CNN Business报道，《堡垒之夜》游戏制作商Epic就苹果应用商店下架该游戏向美国加州北区地方法院对苹果提起反垄断诉讼，主张苹果在iOS应用自带支付系统的运营上行使了垄断力量。苹果表示，该游戏在未使用专门支付系统的情况下，为用户购买游戏货币提供其他支付方式，违反了苹果保证应用商店安全的指南。但Epic指出，用户使用苹果支付方式购买游戏，将无法获得直接从Epic处购买游戏所享受的20%折扣，且将被收取30%的费用。（[查看更多](#)）

Fortnite’s Maker Sues Apple After Fortnite is Removed From iOS App Store

On August 14, 2020, *CNN Business* reported that the maker of Fortnite, Epic, filed an antitrust lawsuit against Apple in the United States District Court for the Northern District of California, claiming that Apple flexed its monopoly power over the iOS in-App payment processing market. Apple stated that Epic violated the App Store guidelines that are designed to keep the store safe for users by announcing a way for players to buy in-game currency without using proprietary payment systems. However, Epic pointed out that players could not get a permanent 20% discount on Fortnite’s in-game currency if players purchase from Apple’s payment systems, and would also have to pay a 30% fee. ([More](#))

美国上诉法院对FTC诉高通垄断案作出判决，高通胜诉

2020年8月12日，据路透社报道，美国联邦第九巡回上诉法院于2020年8月11日对美国联邦贸易委员会（Federal Trade Commission, “FTC”）诉高通垄断案作出判决，推翻了美国加州北区地方法院认定高通垄断行为成立的判决，判定高通无义务将其专利许可给作为其竞争对手的芯片供应商，并且高通要求手机制造商签署专利许可协议并不构成反竞争行为。同时，法院还撤销了一项要求高通改变其知识产权许可行为的禁令。（[查看更多](#)）

United States Ninth Circuit Court of Appeals Reverses Antitrust Ruling Against Qualcomm

On August 12, 2020, *Reuters* reported that on August 11, 2020, the United States Ninth Circuit Court of Appeals reversed the United States District Court for the Northern District of California ruling against Qualcomm in an antitrust lawsuit brought by the Federal Trade Commission. The appeals court ruled that Qualcomm had no duty to license its patents to rival chip suppliers and that it was not anticompetitive to require phone makers to sign a license agreement. The appeals court also vacated an injunction that would have required Qualcomm to change its intellectual property licensing practices. ([More](#))

澳大利亚竞争执法机构延迟对谷歌收购Fitbit作出决定

2020年8月11日，据CHANNELNEWS报道，澳大利亚竞争和消费者委员会（Australian Competition and Consumer Commission, “ACCC”）决定，将对谷歌收购可穿戴设备制造商Fitbit交易案作出决定的期限再延长4个月。ACCC于约6个月前对谷歌以21亿美元收购Fitbit的交易展开审查，该案的审查期限现已延长至10个月。据悉，ACCC这一决定是在欧盟委员会宣布将对该项收购进行深入审查后作出的。（[查看更多](#)）

Google Fitbit Takeover Delayed by ACCC

On August 11, 2020, *CHANNELNEWS* reported that the Australian Competition and Consumer Commission (“ACCC”) had delayed its ruling on Google’s proposed takeover of fitness wearables manufacturer, Fitbit, by another four months. The ACCC launched its investigation into Google’s USD 2.1b takeover of Fitbit around six months ago, taking the new extension to a notable 10 month saga. The ruling was made after the European Commission announced it would engage in-depth investigation into the proposed takeover. ([More](#))

俄罗斯联邦反垄断局：苹果滥用手机应用市场支配地位，应对其违法行为进行整改

2020年8月11日，据路透社报道，俄罗斯联邦反垄断局于周一表示，苹果公司通过iOS设备的应用商店滥用了其在手机应用市场的支配地位，因此俄罗斯联邦反垄断局将发布一项命令，要求苹果公司整改其违法行为。苹果应用商店规则要求应用开发者使用苹果自己的应用内购系统。对此，俄罗斯联邦反垄断局指出，用户需要通过应用商店下载适用于苹果iOS操作系统的应用程序，苹果在其应用商店保留屏蔽任何第三方应用的权利并不合法。（[查看更多](#)）

Russian Competition Watchdog Says Apple Abuses Mobile App Market Dominance and Will Demand Apple to Resolve Regulations Breaches

On August 11, 2020, *Reuters* reported the Federal Anti-Monopoly Service (“FAS”) on Monday said that Apple had abused its dominant position in the mobile Apps market through its App Store for iOS devices and FAS would issue an order demanding the company to resolve regulations breaches. The App Store rule requires that App developers use its own in-App purchase system. The FAS cited the need to download Apps for the Apple’s iOS operating system via its App Store, and also said that Apple has unlawfully reserved rights to block any third-parties’ Apps from the App Store. ([More](#))

纽约南区联邦法院废止关于规制电影业垄断的《派拉蒙法案》

2020年8月7日，美国司法部发布新闻称，纽约南区联邦法院废止了《派拉蒙法案》（“《法案》”），对该法令的审查和废止是司法部审查过去反垄断判决的一部分。《法案》要求电影制片厂将其发行业务与放映业务分开，还禁止各类电影发行做法，包括打包预定、区域排他放映体系、转售价格维持和授予专属许可。州政府认为，几十年前电影业的通谋和实践已不复存在，废止《法案》符合自由竞争下的公共利益。（[查看更多](#)）

A Federal Court in Southern District of New York Terminates Paramount Consent Decrees Regulating Antitrust Behaviors in Movie Industry

On August 7, 2020, the Department of Justice (“DOJ”) released news that the a federal court in the Southern District of New York terminated the *Paramount Consent Decrees* (“Decrees”). The review and termination of the Decrees were part of the DOJ’s review of legacy antitrust judgments. The Decrees required the movie studios to separate their distribution operations from their exhibition businesses, and also banned various motion picture distribution practices, including block booking, circuit dealing, resale price maintenance and granting overbroad clearances. The government explained that the conspiracy and practices that existed decades ago no longer existed, and termination of the Decrees served the public interest in free and unfettered competition. ([More](#))

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