



# NEWSLETTER

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## 国内要闻 Domestic News

### 五部门联合发文：严禁供水供电供气供热企业实施垄断行为

2021年1月6日，国务院办公厅发布了由国家发展与改革委员会、财政部、住房和城乡建设部、国家市场监督管理总局（“市场监管总局”）、国家能源局联合印发的《关于清理规范城镇供水供电供气供暖行业收费促进行业高质量发展的意见》（“《意见》”）。《意见》提到，严禁供水供电供气供热企业实施垄断行为，对违反反垄断法、妨碍市场公平竞争、损害其他市场主体和消费者利益的，按照相关法律法规予以处罚。市场监管部门要加强对供水供电供气供暖工程安装、维护维修领域的价格监管和反垄断执法，着力查处不执行政府定价或政府指导价、收取不合理费用以及达成实施垄断协议、滥用市场支配地位和滥用行政权力排除限制竞争等违法违规行为。（[查看更多](#)）

### Chinese Regulators Urge Public Utility Enterprises to Comply with Antitrust Rules

On January 6, 2021, the General Office of the State Council of China published the *Opinions on Cleaning up and Regulating Charges in Urban Water Supply, Power Supply, Gas Supply and Heat Supply Industries to Promote High-quality Development of the Industries* (“**Opinions**”), which is jointly issued by the National Development and Reform Commission, the Ministry of Finance, the Ministry of Housing and Urban-Rural Development, the State Administration for Market Regulation (“SAMR”), and the National Energy Administration. The Opinions underlines that water supply, power supply, gas supply and heat supply enterprises are prohibited from antitrust violations, and those who violate the *Anti-Monopoly Law*, interfere with fair competition in the market or harm the interests of other market players and consumers will be punished in accordance with relevant laws and regulations. Market regulatory authorities should strengthen price supervision and antitrust enforcement in the field of installation, maintenance and repair of water supply, power supply, gas supply and heat supply projects, focus on investigating and punishing violations of laws and regulations such as non-implementation of government-set prices or government-guided prices, charging unreasonable fees, reaching and implementing monopoly agreements, abusing dominant market position and abusing administrative power to eliminate or restrict competition. ([More](#))

### 市场监管总局发布扬子江药业集团涉嫌垄断案听证公告

2021年1月4日，市场监管总局发布公告称，根据《中华人民共和国行政处罚法》《市场监督管理行政处罚听证暂行办法》有关规定，市场监管总局对扬子江药业集团有限公司涉嫌垄断一案，将于2021年1月8日上午9:00在市场监管总局（三里河办公区）机关A304室举行听证。（[查看更多](#)）

### SAMR Schedules Hearing on Yangtze River Pharmaceutical Group's Alleged Monopoly Case

On January 4, 2021, SAMR announced that in accordance with the relevant provisions of the *Administrative Penalty Law* and the *Interim Measures for Hearing on Administrative Penalties of Market Regulation*, it would hold a hearing on the case of the alleged monopoly of Yangtze River Pharmaceutical Group Co., Ltd at Room A304 of its office area at Sanlihe at 9:00 a.m. on January 8, 2021. ([More](#))

## 最高人民法院修改垄断纠纷司法解释

近日，最高人民法院公布了《最高人民法院关于修改〈最高人民法院关于审理侵犯专利权纠纷案件应用法律若干问题的解释（二）〉等十八件知识产权类司法解释的决定》。本次修改的司法解释文件中包括《最高人民法院关于审理因垄断行为引发的民事纠纷案件应用法律若干问题的解释》，修改后的司法解释自2021年1月1日起施行。（[查看更多](#)）

## China's Supreme Court Amends Anti-monopoly Judicial Interpretation

Recently, China's Supreme People's Court issued the Decision of the Supreme People's Court on Amending the Interpretation (II) of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Patent Infringement and 17 Other Judicial Interpretations on Intellectual Property Rights. The revised judicial interpretations, which include the Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Civil Dispute Cases Arising from Monopolistic Conduct, came into force on January 1, 2021. ([More](#))

## 山东省市监局查处淄博市淄川区人社局指定劳务公司行政垄断案

近日，市场监管总局反垄断局发布了由山东省市场监督管理局（“山东省市监局”）查处的淄博市淄川区人力资源和社会保障局（“淄川区人社局”）滥用行政权力排除、限制竞争行为一案的情况。据举报称，淄川区人社局以发布通知的形式，要求所有机关事业单位和区属国有企业使用的编外用工人员，统一由淄博齐信劳务合作有限公司代理。2020年9月23日，淄川区人社局向山东省市监局提交了《整改报告》，内容包括：立即废止涉案文件；在淄川区政府网站予以公示，接受群众监督；下一步，将加强规范性文件制定程序和管理规范。（[查看更多](#)）

## SAMR Releases Administrative Monopoly Case in Labor Market in Shandong

Recently, the Anti-Monopoly Bureau of SAMR released that the Administration for Market Regulation of Shandong Province (“**Shandong AMR**”) investigated the case of the Human Resources and Social Security Bureau of Zichuan District, Zibo City (“**Zichuan HRSS**”) abusing administrative power to eliminate or restrict competition.

According to the whistle-blowing, Zichuan HRSS issued a notice requiring all the supernumerary staff employed by government organs, institutions and state-owned enterprises in the district to be represented by Zibo Qixin Labor Service Cooperation Co., Ltd. On September 23, 2020, Zichuan HRSS submitted the rectification report to Shandong AMR, which includes: (i) immediately abolish the document involved in the case, (ii) publicize the rectification on the website of Zichuan District Government to accept supervision, and (iii) improve the formulation procedures and management of normative documents in the next step. ([More](#))

## 海外动态 Overseas News

### 英国反垄断执法机构将对英伟达400亿美元收购Arm展开调查

2021年1月6日，英国竞争与市场管理局（Competition and Market Authority, “CMA”）发布新闻称，在对英伟达计划以400亿美元收购Arm的交易展开正式调查前，其已就此项交易的竞争影响向利益相关方征求意见。CMA称，其将就此项交易对竞争可能产生的影响展开研究，可能会考虑，在此项收购完成后，Arm是否有动机撤回对英伟达竞争对手的知识产权许可，或提高价格、降低质量。（[查看更多](#)）

### UK to Investigate NVIDIA's Acquisition of Arm

On January 6, 2021, the UK's Competition and Market Authority (“CMA”) announced that in advance of its formal investigation starting later this year on the anticipated acquisition of Arm by NVIDIA, it is inviting interested third parties to provide initial views on the impact that the takeover could have on competition in the UK. According to the CMA, it will look at the deal's possible effect on competition in the UK. Also, the CMA is likely to consider whether, following the takeover, Arm has an incentive to withdraw, raise prices or reduce the quality of its IP licensing services to NVIDIA's rivals. ([More](#))

### 遭FTC挑战后，宝洁宣布放弃收购女性剃须刀新兴品牌Billie

2021年1月5日，美国联邦贸易委员会（Federal Trade Commission, “FTC”）发布新闻称，宝洁已放弃对女性剃须刀新兴品牌Billie的收购计划。此前，FTC曾于2020年12月8日宣布已提起行政诉讼并授权在联邦法院申请临时限制令和临时禁令，以阻止此项收购。FTC认为，无论是女性还是男性湿剃剃须刀，宝洁公司都是市场领先的供应商，此项收购将使宝洁得以消除来自Billie的日益激烈的竞争。（[查看更多](#)）

### P&G Calls off Proposed Acquisition of Billie after FTC's Lawsuit

On January 5, 2021, the U.S. Federal Trade Commission (“FTC”) announced that the Procter & Gamble Company (“P&G”) has abandoned its proposed acquisition of Billie, Inc (“Billie”). On December 8, 2020, the FTC announced that it had filed an administrative complaint and authorized staff to seek a temporary restraining order and preliminary injunction in federal court that would stop the proposed acquisition. The FTC charged that the acquisition would allow P&G, the market-leading supplier of both women's and men's wet shave razors, to eliminate growing competition from Billie. ([More](#))

### CoStar与RentPath收购案后续：双方已放弃收购计划

近日，FTC发布新闻称，互联网租房平台CoStar拟以5.875亿美元收购竞争对手RentPath交易的交易方已放弃此项收购计划。此前，FTC曾于2020年11月30日宣布已提起行政诉讼并授权在联邦法院提起一项诉讼，已阻止此项收购。诉状称，此项收购将显著提高本已高度集中的美国49个大都市地区的大型公寓互联网挂牌服务广告市场的集中度。（[查看更多](#)）

## CoStar Drops Acquisition of RentPath

Recently, the FTC announced that the parties have abandoned CoStar Group Inc.'s (“CoStar”) proposed acquisition of RentPath Holdings, Inc (“RentPath”). On November 30, 2020, the FTC announced that it had filed an administrative complaint and authorized staff to seek a preliminary injunction in federal court that would stop CoStar’s \$587.5 million proposed acquisition of RentPath. The complaint alleges the acquisition would significantly increase concentration in the already highly concentrated markets for internet listing services advertising for large apartment complexes in 49 individual metropolitan areas across the United States. ([More](#))

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