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## 1、高通将重新向商务部提交申请，希望批准其440亿美元收购恩智浦半导体交易

高通公司4月19日宣布，将重新向商务部提交申请，希望批准其440亿美元收购恩智浦半导体交易。此举将赋予中国商务部更多的审批时间，从而避免该交易被否决。与此同时，高通和恩智浦半导体还达成一致，同意将该收购交易的有效期限从当前的4月25日延长至7月25日。之前，双方已多次延长该交易的有效期限。

4月19日，在商务部召开的例行新闻发布会上，新闻发言人高峰针对该案的审查作出回应。商务部正在根据《反垄断法》的规定，依法对高通收购恩智浦半导体股权案进行审查。由于该交易在行业内将产生深远的影响，可能对市场竞争不利，调查机关需要花费大量的时间调查取证和分析，并已就此交易向高通提出竞争关注，与高通就如何消除交易产生的不利影响进行磋商。对于高通已经提出的救济措施的方案，调查机关进行的市场测试初步反馈认为，高通的方案难以解决相关市场竞争问题。

美国芯片巨头高通收购恩智浦的交易备受关注，目前已经获得了全球9家监管机构中的8家的批准，仅剩中国尚未批准该项交易。今年年初，另一大芯片巨头博通对高通发起敌意收购时，高通一度将收购恩智浦半导体的价格从原来的390亿美元提高到440亿美元。市场普遍认为，无论是博通收购高通，还是高通收购恩智浦，都将对芯片市场产生重大影响。【1】

### Qualcomm will Refile an Application with MOFCOM to Clear Its \$44 Billion Takeover of NXP Semiconductors

On April 19, Qualcomm announced that it will refile an application with MOFCOM to clear its \$44 billion takeover of NXP Semiconductors, giving the authority more time to decide on the deal and averting a collapse. At the same time, Qualcomm and NXP Semiconductors also agreed to extend the validity of the acquisition from April 25 to July 25. Previously, both parties have extended the validity of the transaction several times.

On April 19, at the press conference held by MOFCOM, the spokesman Gao Feng responded to the review of the acquisition. MOFCOM is reviewing Qualcomm's acquisition of NXP Semiconductors' equity in accordance with the provision of *the Anti-Monopoly Law*. Since the transaction will have a profound influence on the industry and may be detrimental to market competition, the authority need to spend more time to investigate, collect, and analyze, and has already raised concerns about the transaction to Qualcomm and has discussed with Qualcomm on how to eliminate the adverse effects of transactions. For Qualcomm's proposed remedy package, preliminary feedback from market research conducted by the investigation agency concluded that Qualcomm's remedy package is difficult to solve the relevant market competition issues.

【1】来源：新浪科技<http://tech.sina.com.cn/it/2018-04-19/doc-ifzihneq1362798.shtml>

来源：商务部官网<http://www.mofcom.gov.cn/xwfbh/20180419.shtml>

来源：澎湃新闻[https://www.thepaper.cn/newsDetail\\_forward\\_2085164](https://www.thepaper.cn/newsDetail_forward_2085164)

U.S. chip giant Qualcomm's acquisition of NXP attracted much attention. At present, it has already received approval from eight of nine required global regulators to finalize the acquisition, with Chinese clearance the only one pending. At the beginning of this year, when Broadcom, another big chip giant, launched a hostile bid for Qualcomm, Qualcomm raised the price of acquiring NXP Semiconductors from the original 39 billion to 44 billion dollar. The market generally believes that neither Broadcom nor Qualcomm's acquisition of NXP will have a significant impact on the chip market.

## 2、商务部公布两起未依法申报经营者集中案处罚决定

4月17日，商务部在其官方网站公布行政处罚决定书，对两起未依法申报经营者集中案进行处罚。

商务部于2017年8月9日依法对青岛港招商局国际集装箱码头有限公司（简称招商局青岛）、青岛港（集团）有限公司（简称青岛港集团）设立合营企业及招商局青岛、青岛新前湾集装箱码头有限责任公司（简称青岛新前湾）设立合营企业两起涉嫌未依法申报违法实施经营者集中案进行立案调查。经查，两案均构成未依法申报违法实施的经营者集中，但不具有排除、限制竞争的效果，同时考虑到各企业在调查过程中能够积极配合调查等因素，根据《反垄断法》及商务部的相关规定，商务部决定对招商局青岛和青岛港集团各处以20万元人民币罚款的行政处罚，对招商局青岛和青岛新前湾各处以20万元人民币罚款。【2】

### MOFCOM Publishes Administrative Punishment Decisions to Penalize Two Cases of Failure to Legally Declare Their Concentration

On April 17th, MOFCOM published Administrative Punishment Decisions to penalize two cases of failure to legally declare their concentration.

On August 9, 2017, MOFCOM commenced its investigation on two illegally unnotified concentration cases, namely, the establishment of joint venture between CMT and Qingdao Port Group Co., Ltd, and the establishment of joint venture between CMT and Qingdao New Qianwan Container Terminal. MOFCOM concluded that two deals constitute concentration of business undertakings and they failed to legally declare the transaction, which violated the AML provisions regarding concentration of undertakings. However, MOFCOM concluded the conduct had no anticompetitive impact. In addition, taking into account of the two companies' active cooperation during MOFCOM's investigation, MOFCOM imposed a fine of CNY 200,000 each on the two companies of the two cases, citing provisions of the AML and MOFCOM's relevant regulations.

【2】来源：商务部官网 <http://fldj.mofcom.gov.cn/article/ztxx/201804/20180402733759.shtml>  
<http://fldj.mofcom.gov.cn/article/ztxx/201804/20180402733760.shtml>

### 3、天猫和淘宝起诉网易旗下两家软件公司构成不正当竞争，索赔2040万元

因认为网易有道信息技术(北京)有限公司、北京网易有道计算机系统有限公司在天猫网和淘宝网上安装惠惠购物助手插件，提供比价信息构成不正当竞争，浙江天猫网络有限公司、浙江淘宝网络有限公司将网易旗下两家公司诉至法院，要求对方共计赔偿2040万元。昨天下午，海淀法院合并开庭审理了两案。

天猫和淘宝公司诉称，两被告具有直接竞争关系，惠惠插件易使相关公众对于服务来源产生混淆和误认，而且劫持巨大流量，已构成对原告的不正当竞争。网易旗下两家公司辩称，惠惠与原告公司并非竞争关系，并且不存在流量劫持情况，不存在不正当竞争行为，请求法院驳回原告诉讼请求。

由于天猫公司不同意调解，合议庭宣布休庭。本案未当庭宣判。【3】

#### **Tmall and Taobao Sue Two Netease's Software Companies for Unfair Competition, Claims of RMB20.4 Million**

It is believed that NetEase Youdao Information Technology (Beijing) Co., Ltd. and Beijing NetEase Youdao Computer System Co., Ltd. installed Huihui shopping assistant plug-in on Tmall.com and Taobao.com to provide parity information, which constituted unfair competition. Zhejiang Tmall Network Co., Ltd. Zhejiang Taobao Network Co., Ltd. brought two companies to the court and demanded compensation of RMB 20.4 million. The Haidian court heard two cases yesterday afternoon.

Tmall and Taobao claimed that the they had direct competitive relationship with two defendants and that the Huihui plug-in made it easy for the public to confuse and misidentify the source of the service, and hijacked huge amount of traffic, which constituted unfair competition. Netease's two companies argued that Huihui was not in a competitive relationship with the plaintiff and there was no traffic hijacking and asked the court to reject the plaintiff's lawsuit request.

Because Tmall disagreed to mediate, the collegiate bench declared adjournment. The case was not pronounced in court.

### 4、谷歌遭韩国反垄断调查：强迫游戏上架自家商店

据报道，韩国的竞争管理机构正在调查Google是否滥用其在手机游戏行业的支配地位，迫使开发者仅在Google Play应用商店发布手机游戏。报道称，本次调查的重点是如果韩国手机软件公司没有遵守在谷歌商店独家上架的要求，将会面临怎样的不利影响。谷歌对此尚未作出评论。

在韩国，谷歌开发的安卓系统占到了九成市场份额，因此在移动软件行业，谷歌商店拥有支配地位。根据韩国移动互联网企业协会上个月发布的报告，上一年度韩国手机软件的销售，谷歌Play商店占到了60.7%的份额，苹果运营的AppStore软件商店占到了24.5%的份额。

据悉，这并不是韩国政府第一次对谷歌展开反垄断调查，2016年，韩国政府曾经调查谷歌在手机操作系统方面是否实施不公平竞争行为。据业内人士称，谷歌曾经强迫一些韩国手机厂商使用安卓系统，不得采用竞争对手的操作系统。在欧盟，谷歌遭到了三宗反垄断调查，欧盟仍然在调查谷歌安卓系统是否对手机厂商实施了不公平竞争行为，比如强迫预装谷歌的软件和服务，另外谷歌是否在网络

广告市场要求一些媒体网站排他性使用自己的服务。【4】

### Google Is Investigated in Korea, for Pressuring Developers to Release Games Only on the Google Play Store

Korea's competition authority is reportedly investigating whether Google abused its dominance in the mobile gaming industry by pressuring developers to release games only on the Google Play Store. According to reports, the focus of the investigation is that if mobile phone software companies do not meet Google's requirements for releasing games only on Google's own stores, what negative effects they will face. Google has not made any comment.

In South Korea, Google's Android system accounts for 90% of the market, so Google Play Store has a dominance in the mobile software industry. According to a report released by the Korean Mobile Internet Enterprise Association last month, Google Play Store accounted for 60.7% of the sales of South Korean mobile phone software last year, and Apple Store accounted for 24.5% of the total.

It is reported that it is not the first time that the South Korean authority has launched an anti-monopoly investigation against Google. In 2016, the South Korean authority investigated whether Google had conducted unfair practice on mobile operating systems. According to industry source, Google has forced some South Korean mobile phone manufacturers to use Android, not to use competitor's operating systems. In EU, Google suffered three antitrust investigations. EU is still investigating whether Google's Android system has conducted unfair practice on mobile phone manufacturers, such as forcing them pre-install Google's software and services, in addition, in the online advertising market, whether Google requires some media sites to use their services exclusively.

### 5、欧盟反垄断专员：正推进对谷歌Android和AdSense调查

欧盟反垄断专员周三表示，关于谷歌可能使用Android系统和AdSense广告服务来排挤竞争对手的调查正在推进。

【4】来源：腾讯科技 <http://tech.qq.com/a/20180417/002518.htm>

来源：GCR: <https://globalcompetitionreview.com/article/1168057/google%E2%80%99s-play-store-reportedly-investigated-in-korea>

欧盟委员会于2015年启动了针对Android系统的调查。两年前，游说组织FairSearch向欧盟提出相关投诉。路透社2016年获得的文件显示，欧盟反垄断执法者计划对谷歌课以高额罚款，并要求谷歌停止此前的做法，即向智能手机厂商提供营收分成，鼓励厂商只预装谷歌搜索。此外，欧盟还计划要求谷歌停止将Chrome浏览器和其它应用与Google Play商店捆绑安装的做法。

关于AdSense的问题，2016年，谷歌遭到投诉称，在网络搜索广告中封杀竞争对手。

欧盟委员会尚未对这两起案件作出裁决，这引起了谷歌竞争对手和消费者保护组织的担忧。

欧盟反垄断专员玛格丽特·维斯塔格 ( Margrethe Vestager ) 此次对欧盟议员表示：“我们正在推进两起涉及谷歌的案件，包括Android案和AdSense案。” 【5】

### **EU Antitrust Chief Says Investigation of Google's Android, AdSense Is Advancing**

Investigations into how Google may be using its Android smartphone operating system and its AdSense advertising service to thwart rivals are advancing, Europe's antitrust chief said on Wednesday.

The European Commission opened its investigation into Android in 2015, following a complaint two years earlier from the lobbying group FairSearch. A 2016 document seen by Reuters said the EU competition enforcer planned to levy a large fine against the company and would order it to stop giving revenue-sharing payments to smartphone makers to pre-install only Google Search. It is also expected to tell the company, a unit of Alphabet, to stop requiring Google's Chrome browser and other apps to be installed alongside Google's Play store.

In the AdSense case, Google was accused of blocking rivals in online search advertising in 2016.

The Commission has yet to rule on either case, triggering worries among rivals and consumer groups.

"We are advancing on our two cases involving Google, both the Android case and the AdSense case," European Competition Commissioner Margrethe Vestager told EU lawmakers.

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【5】来源：新浪科技 <http://tech.sina.com.cn/i/2018-04-19/doc-ifzfkmt6839150.shtml>



## IMPORTANT INFORMATION

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