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Weekly Competition Law News

立方反垄断与合规团队

Antitrust & Compliance Team

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1、第七届中国竞争政策论坛在京举行，发布“十大”有影响力的反垄断执法案件

7月31日，第七届中国竞争政策论坛在北京举行。本届论坛为期两天，由国务院反垄断委员会专家咨询组主办、对外经济贸易大学竞争法中心承办，近300名来自反垄断执法机构、国际组织、其他政府部门、研究机构、企业和律师事务所的中外代表参加论坛。

会上，国务院反垄断委员会专家咨询组成员张穹发布了《反垄断法》实施十年来，“十大”有影响力的反垄断执法案件。

“十大”反垄断执法案件：

- (1)高通公司滥用市场支配地位案
- (2)利乐公司滥用市场支配地位案
- (3)附条件批准陶氏化学与杜邦合并案
- (4)十二个省份相关政府部门在“新居配”建设中滥用行政权利排除限制竞争案
- (5)日本12家汽车零部件横向价格垄断协议案
- (6)禁止马士基、地中海航运、达飞设立网络中心案
- (7)安徽信雅达等三家密码器企业垄断协议案
- (8)禁止可口可乐收购汇源果汁案
- (9)上海港、天津港、大连港等港口经营企业滥用市场支配地位案
- (10)重庆青阳药业有限公司涉嫌滥用市场支配地位拒绝交易案【1】

The 7th China Competition Policy Forum is Hosted in Beijing and Issues ‘Top 10’ Most Influential Antitrust Cases

Beijing is hosting the 7th China Competition Policy Forum on 31 July. The two-day event, organized by the expert advisory group of the State Council’s Anti-Monopoly Commission (AMC) and undertaken by the Competition Law Centre of University of International Business and Economics, has as many as 300 participants from competition agencies, international organizations, government departments, research institutions, companies and law firms.

During the conference, Zhang Qiong, a senior member of the Expert Advisory Committee, made the announcement of a ‘Top 10’ list of China’s most influential antitrust cases to coincide with the 10th anniversary of the *Anti-Monopoly Law*.

【1】 <http://www.chinaipmagazine.com/news-show.asp?id=22624>

Here is the ‘Top 10’ list:

- (1) Qualcomm: abuse of dominance
- (2) Tetra Pak: abuse of dominance
- (3) Dow/Dupont: conditional merger approval
- (4) Government departments in 12 provinces: abuse of administrative power in restricting competition in building power supply and distribution facilities in new residential neighborhoods
- (5) 12 Japanese auto parts companies: horizontal monopoly agreement on price
- (6) Prohibition on the establishment of the P3 Network by Maersk Line, Mediterranean Shipping Company and CMA CGM
- (7) Three cryptograph companies including Anhui Xinyada: monopoly agreements
- (8) Prohibition of Coca-Cola’s acquisition of Huiyuan
- (9) Shanghai Port, Tianjin Port, Dalian Port and other port operators: abuse of market dominance
- (10) Chongqing Qingyang Pharmaceutical: refusal to deal

2、《第五轮中德政府磋商联合声明》，达成相关共识

2018年7月9日，中国国务院总理李克强与德国总理默克尔共同主持召开第五轮中德政府磋商，达成重要共识。双方决定在竞争政策、消费者权益保护、计量、标准、认证认可、知识产权等市场监管领域深化合作。

近年来，中德两国反垄断机构通过研讨会、案件执法交流等形式在反垄断立法与执法方面开展双边合作，市场监管总局将进一步加强中德反垄断合作，有效应对跨国垄断行为，为双方企业在内的各国经营者营造公平竞争的市场环境，促进经贸关系健康发展。

市场监管总局和标准委将与德方定期召开中德标准化合作委员会工作会议，继续跟进和推动落实智能制造、电动汽车等领域的标准化合作。

此外，中国知识产权主管机构将继续加强与德国专利商标局等部门的对话与合作，共同努力为中德两国创新者和知识产权用户提供更好的创新和营商环境。【2】

The Fifth Round of the Joint Statement by the Sino-German Government, Reaching a Consensus

On July 9, 2018, Chinese Premier Li Keqiang and German Chancellor Angela Merkel jointly hosted the fifth round of Sino-German government consultations and reached important consensus. The two sides

【2】 http://samr.saic.gov.cn/xw/yw/wjfb/201807/t20180712_275045.html

decided to deepen cooperation in the field of market regulation such as competition policy, consumer rights protection, measurement, standardization, certification and recognition, and intellectual property rights.

In recent years, SAMR has carried out cooperation activities with German regulators in the field of anti-trust legislation and enforcement through seminars and case exchanges. SAMR will further strengthen Sino-German antitrust cooperation, effectively dealing with transnational monopolistic behavior, creating a fair and competitive market environment for the operators, and promote the healthy development of economic and trade relations.

SAMR and the Standardization Administration of China plan to join hands with their German counterparts to organize regular meetings of the China-Germany Standardization Cooperation Commission. They also plan to boost standardization cooperation in intelligent manufacturing and electric vehicles.

In addition, China's intellectual property authorities will strengthen dialogue and cooperation with the German Patent and Trade Mark Office and other departments, working together to provide a better innovation and business environment for innovators and intellectual property users in China and Germany.

3、国务院办公厅调整国务院反垄断委员会组成人员

国务院7月19日发布通知，对国务院反垄断委员会组成人员进行了调整。

调整后的组成人员名单如下：

主任：王 勇	国务委员
副主任：张 茅	市场监管总局局长
孟 扬	国务院副秘书长
委员：胡祖才	发展改革委副主任
王江平	工业和信息化部副部长
甘藏春	司法部党组成员
程丽华	财政部副部长
戴东昌	交通运输部副部长
李成钢	商务部部长助理
刘国强	人民银行行长助理

翁杰明 国资委副主任
甘霖 市场监管总局副局长
贾楠 统计局副局长
梁涛 银保监会副主席
阎庆民 证监会副主席
慕成元 能源局副局长
贺化 知识产权局副局长

秘书长：甘霖（兼）

国务院反垄断委员会办公室设在市场监管总局，承担国务院反垄断委员会日常工作。【3】

China's State Council Reshuffles AMC

China's State Council has announced changes to the membership of its Anti-Monopoly Commission (AMC), according to a government notice issued 19 July.

The current officials are as follows:

Director:

Wang Yong, State Councilor

Deputy directors:

Zhang Mao, head of SAMR

Meng Yang, deputy secretary general of the State Council

Other members:

Hu Zucui, vice chairman of the National Development and Reform Commission

Wang Jiangping, vice minister for the Ministry of Industry and Information Technology

Gan Cangchun, member of the party leadership group under the Ministry of Justice

Cheng Lihua, vice minister for the Ministry of Finance

Dai Dongchang, vice minister for the Ministry of Transport

Li Chenggang, assistant minister for the Ministry of Commerce

Liu Guoqiang, assistant governor of the People's Bank of China

【3】 http://www.gov.cn/zhengce/content/2018-07/19/content_5307747.htm

Weng Jieming, vice chairman of the State-owned Assets Supervision and Administration Commission

Gan Lin, deputy director of SAMR

Jia Nan, deputy head of the National Bureau of Statistics

Liang Tao, vice chairman of the China Banking and Insurance Regulatory Commission

Yan Qingmin, vice chairman of the China Securities Regulatory Commission

Qi Chengyuan, deputy director of the National Energy Administration

He Hua, deputy director of the State Intellectual Property Office

Secretary general:

Gan Lin (concurrent)

The routine work of the commission will be overseen by its office under SAMR.

4、国家市场监督管理总局附加限制性条件批准依视路国际与陆逊梯卡集团合并案

国家市场监督管理总局于2018年7月25日附条件地批准了依视路国际与陆逊梯卡集团合并案。

在审查过程中，执法机构征求了有关政府部门、行业协会及下游客户意见，多次召开座谈会了解相关市场界定、市场参与者、市场结构、行业特征等方面信息，聘请了独立第三方咨询机构对此项集中的竞争问题进行了经济分析，并对申报方提交的文件、材料真实性、完整性和准确性进行了审核。

执法机构将初步审查意见及时告知申报方，并与申报方就如何减少此项经营者集中对竞争产生的不利影响等有关问题进行了多轮商谈。对申报方提交的限制性条件建议，执法机构按照《关于经营者集中附加限制性条件的规定（试行）》规定，重点从限制性条件的有效性、可行性和及时性方面进行了评估。

执法机构认为，申报方2018年7月20日提交的限制性条件建议最终稿可以减少此项经营者集中对竞争造成的不利影响。【4】

Luxottica/Essilor Conditionally Approved by SAMR

SAMR conditionally cleared the merger of Essilor International and Luxottica Group on 25 July, 2018.

During its review, SAMR solicited feedback from relevant government departments, industry associations and downstream enterprises, and held several seminars to learn the definition of the relevant

【4】 http://samr.saic.gov.cn/gg/201807/t20180726_275250.html

markets, market players, the structure of market competition and industry features. It also hired an independent third party to conduct economic analysis over the proposed deal and reviewed the parties' submissions to ensure they are authentic, complete, and accurate.

SAMR informed the parties of its preliminary conclusions and held multiple rounds of discussions with the companies on potential remedies to reduce the adverse impact of the proposed deal on market competition. Based on the 'Provisions on Imposing Restrictive Conditions on the Concentration of Undertakings (Trial Version)', the agency assessed the remedies suggested by the parties, mainly focusing on the effectiveness, feasibility, and timeliness.

The agency concluded that the final version of the suggested remedies, submitted to it on 20 July 2018, could reduce the merger's adverse impact on competition.

5、国家市场监管总局对高通公司放弃收购恩智浦半导体交易表示遗憾。

国家市场监管总局对高通收购恩智浦半导体交易最新评估结果表明，高通的最新方案无法消除竞争忧虑，市场监管总局已将评估结果通报高通，期望继续与高通沟通，在审查期限内找到合适的能够解决问题的方案。本次集中的进一步审查阶段截止日是2018年8月15日，进一步审查阶段延长期截止日是2018年10月14日。

市场监管总局注意到，高通和恩智浦因双方约定的交易期限到期而决定放弃本次交易，对此表示遗憾。市场监管总局尊重交易双方的选择。审查过程中，市场监管总局与高通公司始终保持了良好沟通，对高通公司的积极配合予以赞赏。

市场监管总局将严格按照《反垄断法》规定，公平公正对待国内外各类企业，保障各类市场主体公平参与竞争。【5】

SAMR Expresses Regret over Qualcomm's Move to Terminate its Acquisition of NXP

SAMR's latest assessing results indicated that the remedial measures proposed by Qualcomm in regard to its acquisition of NXP Semiconductors failed to allay the regulator's concerns. The antitrust regulator had notified Qualcomm of its concerns over the now-terminated deal and expressed willingness to continue talks in order to arrive at a suitable solution. The transaction had been placed under SAMR's extended review procedure with a deadline of 15 August, and was eligible for a further extension until 14 October.

Expressing regret over Qualcomm's move to terminate the deal, SAMR said it respected the concerned parties' decision. According to the regulator, it had ensured good communication with Qualcomm throughout the review and the US chipmaker had actively cooperated in the process.

SAMR will strictly follow the provisions of the *Anti-Monopoly Law*, treating domestic and foreign enterprises fairly and equitably, and ensure that all market players participate in competition fairly.

【5】 http://samr.saic.gov.cn/xw/yw/zj/201807/t20180726_275245.html

6、市场监管总局发布对天津海光与超威半导体设立合营企业未依法申报案的行政处罚决定

2018年4月26日，商务部对天津海光与超威半导体设立合营企业未依法申报案作出行政处罚决定。机构改革后，由国家市场监管总局于2018年8月3日予以公告。

2016年1月26日，天津海光与超威半导体签署两份合资协议，设立成都海光微电子技术有限公司和成都海光集成电路设计有限公司。2016年2月26日，两家合营企业取得营业执照。

商务部认为交易符合《反垄断法》第二十条第三款，构成经营者集中。集中双方的营业额达到了《国务院关于经营者集中申报标准的规定》第三条规定的申报标准，属于应当申报的情形。合营企业在取得营业执照未向商务部申报，违反了《反垄断法》第二十一条。商务部就该交易对市场竞争的影响进行了评估。评估认为，该项经营者集中不会产生排除、限制竞争的影响。

商务部根据《反垄断法》第四十八条、第四十九条和《未依法申报经营者集中调查处理暂行办法》第十三条规定，对天津海光和超威半导体各处以15万元人民币罚款的行政处罚。

【6】

SAMR Announces a Penalty Decision against Tianjin Haiguang and AMD for Failure to Notify Their Joint Venture Deals

MOFCOM has made a penalty decision against Tianjin Haiguang Advanced Technology Investment and Advanced Micro Devices (AMD) for failure to notify their joint venture deals on 26 April, 2018. After the institutional reform, SAMR announced it on 3 August, 2018.

Tianjin Haiguang and AMD entered into two joint venture agreements on 26 January 2016 to establish Chengdu Haiguang Integrated Circuit Design and Chengdu Haiguang Microelectronic Technology. The two joint ventures obtained business permits on 26 February 2016.

MOFCOM said the deal amounted to concentration of undertakings, as defined in Article 20 (3) of the *Anti-Monopoly Law* (AML). The parties had a legal obligation to notify the regulator of the deal under Article 3 of the 'Provisions of the State Council on Thresholds for Prior Notification of Concentrations of Undertakings'. The two parties failed to notify the transaction before obtaining business permits and violated the AML provisions regarding concentration of undertakings under Article 21. After assessing the deal's impact on market competition, MOFCOM concluded the conduct had no anticompetitive impact.

Citing Articles 48 and 49 of the AML and Article 13 of the 'Provisional Measures on Investigation and Punishments on Undertakings that Failed to Declare the Concentration of Undertakings as Required by Law', MOFCOM imposed a fine of CNY 150,000 each on the two companies.

【6】 http://samr.saic.gov.cn/gg/201808/t20180803_275414.html

7、国家市场监督管理总局对深圳两家理货公司达成垄断协议行为作出行政处罚决定

根据2018年7月20日公告，国家市场监督管理总局对两家理货公司（分别为深圳中理外轮理货有限公司、深圳中联理货有限公司）达成并实施垄断协议的行为作出行政处罚决定，处以2015年度相关销售额4%的罚款，合计3,163,108元人民币。

国家市场监督管理总局于2017年11月起，对两家涉案企业进行调查。经查，两家理货公司于2013年5月至2016年8月达成并实施垄断协议，将深圳港西部港区市场份额进行划分，并共同提高理货价格。

国家市场监督管理总局认定两家理货公司的行为限制了竞争，达成并实施垄断协议违反了《中华人民共和国反垄断法》第13条规定。【7】

SAMR Publishes Administrative Penalty Decisions against 2 Shenzhen Tally Companies over Monopoly Agreements

SAMR has imposed CNY 3,163,108 in cumulative fines on two Shenzhen tally companies (i.e. China Ocean Shipping Tally Shenzhen Co., Ltd. and China United Tally Shenzhen Co., Ltd.) for entering into a monopoly agreement, amounting to 4% of their sales in 2015, according to an SAMR announcement issued on 20 July, 2018.

SAMR started investigating the two companies in November 2017. The regulator found that the two companies reached and implemented an agreement to divide sales and service areas for the tally market in the western area of the Port of Shenzhen and jointly drove up prices from May 2013 to August 2016.

SAMR concluded that the conduct hindered competition, amounting to reaching and implementing monopoly agreements in breach of Article 13 of the *Anti-Monopoly Law*.

8、国家市场监督管理总局对两家天然气公司涉嫌转售价格维持作出行政处罚决定

2018年1月26日，国家发展改革委对两家中石油天然气分公司（分别是中石油大庆油田天然气分公司和中国石油天然气股份有限公司天然气销售大庆分公司）涉嫌转售价格维持作出行政处罚决定，处以2016年销售额6%罚款，合计8406万元人民币。机构改革后，由国家市场监督管理总局于2018年7月27日予以公告。

经查，两家天然气公司与哈尔滨、齐齐哈尔、大庆地区13家下游CNG（压缩天然气）母站经营者达成并实施了限定转售CNG天然气最低价格的垄断协议，违反了《中华人民共和国反垄断法》第十四条第（二）项的规定，严重排除、限制了天然气产品的市场竞争，损害了终端客户和消费者的合法权益。【8】

【7】 http://samr.saic.gov.cn/gg/201807/t20180720_275163.html

【8】 http://samr.saic.gov.cn/gg/201807/t20180727_275281.html

SAMR Publishes Administrative Penalty Decisions against 2 Natural Gas Units of PetroChina over Resale Price Maintenance

The National Development and Reform Commission (NDRC) has imposed CNY 84.06m in cumulative fines on two natural gas units of PetroChina (i.e. Daqing Oilfield Company and PetroChina's Daqing gas sales branch) for resale price maintenance on 26 January 2018, amounting to 6% of their sales in 2016. After the institutional reform, SAMR announced it on 27 July, 2018.

The two companies reached and implemented a monopolistic agreement restricting the minimum resale price for compressed natural gas (CNG) for 13 downstream CNG companies in Harbin, Qiqihar, and Daqing, which violated Article 14 (2) of the *Anti-Monopoly Law* (AML). Their behavior restricted the competition in the CNG market and infringed upon terminal customers and consumers' legitimate rights and interests.

9、广东省首例纵向垄断纠纷案件二审宣判

广东首例纵向垄断协议纠纷案在广东省高级人民法院公开宣判，广东高院二审认定国昌电器商店对晟世公司和合时公司“约定有限制最低转售价格条款，构成纵向垄断”的指控不成立，维持一审原判，驳回国昌电器商店的全部诉讼请求。

由于司法审判与行政执法对《中华人民共和国反垄断法》第十四条第（二）项规定理解和适用存在分歧，该案广受关注。广东高院最终在判决中确立了纵向垄断案件的裁判规则，即构成纵向垄断协议需要以“具有排除、限制竞争效果”为前提条件。【9】

Guangdong's First Case of Vertical Monopolistic Agreements Is Publicly Pronounced

Guangdong's first case of vertical monopolistic agreements was publicly pronounced in the Guangdong Higher People's Court. The Guangdong Higher People's Court has maintained the original judgment of the first instance and dismissed an appeal filed by Dongguan Hengli Guochang Electrical Appliance Store against Dongguan Heshi Electrical Appliance over alleged vertical restraints.

In terms of antitrust investigations and litigations, there are differences in the understanding and application of the provisions of Article 14(2) of the *Anti-Monopoly Law*, which is the reason why the case caught wide attention. The Guangdong High Court finally established the rules of vertical monopoly cases in the judgment, that is, the constitution of the vertical monopolistic agreement needs to be based on the premise of “excluding and restricting the market competition”.

10、上海知产法院最新判决重申对RPM行为须进行竞争效果分析

7月27日，上海知识产权法院审结原告武汉市汉阳光明贸易有限责任公司诉被告上海韩泰轮胎销售有限公司纵向垄断协议、滥用市场支配地位纠纷案，一审判决驳回原告全部诉讼请求。

【9】 <https://www.chinacourt.org/article/detail/2018/08/id/3442145.shtml>

上海知产法院法官丁文联表示，本案在纵向垄断协议认定问题上，重申了强生医疗器材公司纵向垄断协议纠纷案所明确的审理原则与分析方法，即限制最低转售价格协议构成垄断协议必须以具有排除、限制竞争效果为要件，限制最低转售价格协议的经济效果可以从相关市场竞争是否充分、被告是否具有很强的市场地位、被告实施最低转售价格限制的动机、限制最低转售价格的竞争效果等四个方面进行分析判定。【10】

The Latest Judgment of the Shanghai IP Court Reaffirms the Need to Analyze the Competitive Effects of RPM Behavior

The Shanghai IP Court has dismissed Wuhan Hanyang Guangming Trading's lawsuit against South Korea-based Hankook Tire over vertical monopolistic agreements and abuse of dominance on 27 July.

Ding Wenlian, a judge of the Shanghai IP Court, said that the case reaffirmed the principle of judgment and the method of analysis that were confirmed in the case of Johnson medical equipment company vertical monopolistic agreements dispute, that is, the agreement of fixing the lowest price for resale constituting a monopoly agreement must have the effect of excluding and restricting the market competition. The economic effect of fixing the lowest price for resale can be defined from four aspects: whether the relevant market competition is sufficient, whether the defendant has a strong market position, the motivation of the defendant to implement the agreement, and the competitive effect of fixing the lowest resale price.

11、博通以189亿美元收购CA

2018年7月11日，芯片制造商博通（Broadcom）同意以189亿美元收购软件公司CA。这笔交易的价值约为每股44.50美元，大致相当较CA公司11日收盘价（37.21美元）溢价20%。

此次收购是博通的战略胜利，在收购竞争对手高通公司的交易失利后，博通进一步推进了收购“关键技术业务”的使命。博通收购云软件和传统企业软件开发商CA的交易如果能够获得美国、欧盟和日本反垄断监管部门的批准，能够帮助其多元化业务。博通与CA两家公司的董事会已批准了这一交易。

Broadcom Reaches Deal to Acquire CA Technologies for \$18.9 Billion

Broadcom and CA Technologies on 11 July, 2018 announced that Broadcom has agreed to acquire the enterprise technology company for \$18.9 billion in cash. The deal values CA stock at about \$44.50 per share, or a premium of about 20 percent to the closing price (\$37.21) of CA common stock on July 11.

The acquisition represents a strategic win for Broadcom, furthering its mission to acquire "critical technology businesses," following its failed takeover bid for rival Qualcomm. CA Technologies, which

【10】 <https://www.jiemian.com/article/2342676.html>

manufactures cloud-based and traditional enterprise software, could help diversify Broadcom, should it gain antitrust approvals in the U.S., the E.U. and Japan. The boards of both companies have already approved the deal. 【11】

12、欧盟因安卓系统案对谷歌开出43.4亿欧元罚单

欧盟委员会认定谷歌违反欧盟反垄断规定而对其处以43.4亿欧元罚款。自2011年以来，谷歌对Android设备制造商和移动网络运营商实施非法限制措施，以巩固其在互联网搜索领域的主导地位。

欧盟委员会表示，该案件涉及谷歌对Android设备制造商和网络运营商施加的三种限制：

- 谷歌要求设备制造商预先安装谷歌搜索和浏览器应用软件（Chrome），作为使用智能手机应用商店（Play Store）的条件；
- 谷歌使用财务激励措施，使某些大型移动网络运营商和设备制造商预装谷歌搜索程序，而非其他竞争对手的程序；
- 谷歌阻挠有意预装谷歌应用程序的设备制造商使用任何未经谷歌批准的“安卓分支”系统。

欧盟委员会认为，谷歌以上三种行为构成了谷歌整体战略的一部分，以巩固其在互联网搜索中的主导地位，剥夺竞争对手在搜索引擎上与其展开竞争的可能性。此外，谷歌还在更广泛的移动领域损害竞争和进一步创新。

欧盟委员会要求谷歌在90天内以有效方式终止其非法行为，否则谷歌每日将面临最多相当于谷歌母公司“Alphabet”全球日均营业额5%的罚款。

EU Commission Fines Google €4.34 Billion for Illegal Practices Regarding Android Mobile Devices

The European Commission has fined Google €4.34 billion for breaching EU antitrust rules. Since 2011, Google has imposed illegal restrictions on Android device manufacturers and mobile network operators to cement its dominant position in general internet search.

The Commission indicated that the case was about three types of restrictions that Google has imposed on Android device manufacturers and network operators:

- Google has required manufacturers to pre-install the Google Search app and browser app (Chrome), as a condition for licensing Google's app store (the Play Store);

【11】 <https://www.cnbc.com/2018/07/11/ca-technologies-soars-after-reportedly-nearing-deal-with-broadcom.html>

- Google made payments to certain large manufacturers and mobile network operators on condition that they exclusively pre-installed the Google Search app on their devices; and
- Google has prevented manufacturers wishing to pre-install Google apps from selling even a single smart mobile device running on alternative versions of Android that were not approved by Google (so-called "Android forks").

The Commission decision concluded that these three types of abuse form part of an overall strategy by Google to cement its dominance in general internet search. Google's practices have denied rival search engines the possibility to compete on the merits. Furthermore, Google's practices also harmed competition and further innovation in the wider mobile space.

The Commission forced that Google must now bring the conduct effectively to an end within 90 days or face penalty payments of up to 5% of the average daily worldwide turnover of Alphabet, Google's parent company. 【12】

13、日本FTC要求苹果整改iPhone不公平交易协议

日本反垄断监管机构公平贸易委员会（JFTC）7月11日表示，苹果剥夺消费者的公平选择，强迫日本运营商低价向消费者销售iPhone，然后再收取高额的月租费，此举可能违反了日本的反垄断法规。日本公平贸易委员会表示，苹果强迫日本三大移动运营商NTT Docomo、KDDI和软银提供补贴，然后折价销售iPhone。

从2016年开始对苹果销售惯例展开调查的日本公平贸易委员会并未因此对苹果进行处罚，原因是后者已同意对该公司与运营商之间的协议进行修改。运营商以折扣价将它们转卖给消费者，这就为苹果提供了一种领先于三星电子等竞争对手的优势。为了弥补损失，他们强制要求消费者签订两到四年的合同，这种策略使日本成为苹果利润贡献最高的市场之一。日本公平贸易委员会表示，修改后的协议中，苹果公司同意允许运营商为客户提供购买iPhone的选择权，每月支付较低费用，无需支付补贴。

Japanese FTC Forces Apple to Change Unfair iPhone Carrier Deals

Japanese Fair Trade Commission (JFTC) said on 11 July Apple may have breached antitrust rules by forcing mobile service providers to sell its iPhones cheaply and charge higher monthly fees, denying consumers a fair choice. The JFTC said that the Japanese unit of Apple had forced NTT Docomo, KDDI and SoftBank to offer subsidies and sell iPhones at a discount.

【12】 http://europa.eu/rapid/press-release_IP-18-4581_en.htm

The JFTC, which began looking into Apple's sales practices in 2016, did not punish Apple as the U.S. company had agreed to revise its contracts with the carriers, it said. The carriers sold the iPhones at a discount, giving Apple an advantage over rivals such as Samsung. In order to make up for the losses, they locked consumers in to lucrative two- and four-year contracts, which making Japan one of its most profitable markets. In revising the contracts, Apple has agreed to allow the carriers to offer customers a choice of buying iPhones without subsidies but paying lower monthly charges, the JFTC said. 【13】

【13】 <https://venturebeat.com/2018/07/16/apple-wont-repair-2016-2017-macbook-pros-with-quieter-2018-keyboard/>

IMPORTANT INFORMATION

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