



立方竞争法周报

Weekly Competition Law News

国内要闻 Domestic News

市场监管总局副局长甘霖访问塞尔维亚、摩洛哥、葡萄牙

Vice Minister of SAMR Gan Lin Visits Serbia, Morocco and Portugal

第三届中国知竞论坛拟于11月初在武汉大学举行

The 3rd China IPR & Competition Forum to be Held in WHU in Early November

四川省市监局召开原料药生产企业反垄断约谈会

Sichuan AMR Holds a Meeting with Local APIs Manufactures amid Antitrust Issues

海外动态 Overseas News

卡西欧因RPM在英被罚370万英镑

UK Fines Casio GBP 3.7m for RPM

美电视台运营商Nexstar收购Tribune 被要求资产剥离

DOJ Requires Structural Relief to Resolve Antitrust Concerns in Nexstar's Merger with Tribune

欧盟最高法院首次对卡车卡特尔案后继诉讼作出裁定，释明管辖权问题

ECJ Issues First Ruling on Trucks Follow-on Claims

被辉瑞起诉后，美国医药巨头强生遭FTC反垄断调查

J&J Says FTC Probing Efforts to Protect Arthritis Drug Remicade

五家银行巨头操纵外汇遭集体诉讼，索赔超10亿英镑

Barclays, JP Morgan among Banks Facing UK Class Action over Forex-rigging

日本硬盘零件制造商因串谋固定价格被罚2850万美元

Japanese Manufacturer Agrees to Pay USD 28.5m Criminal Antitrust Fine for Fixing Prices

国内要闻 Domestic News

市场监管总局副局长甘霖访问塞尔维亚、摩洛哥、葡萄牙

2019年7月24日至8月2日，国家市场监督管理总局（“市场监管总局”）副局长甘霖率团访问塞尔维亚、摩洛哥、葡萄牙，与三国竞争执法机构开展竞争政策和反垄断执法高层交流，与塞尔维亚竞争保护委员会签署双边反垄断合作备忘录，与摩洛哥竞争委员会就落实反垄断合作备忘录具体内容和双边执法合作开展交流，与葡萄牙竞争局就签署反垄断合作备忘录进行磋商。

[\(查看更多\)](#)

Vice Minister of SAMR Gan Lin Visits Serbia, Morocco and Portugal

From July 24 to August 2, Gan Lin, Vice Minister of China's State Administration for Market Regulation ("SAMR"), led a delegation to Serbia, Morocco and Portugal to conduct high-level exchanges on competition policy and antitrust enforcement with the antitrust authorities of the three countries. Gan Lin signed *Memorandum of Understanding on Competition Cooperation between China and Serbia* with the Commission for Protection of Competition of Serbia and had a meeting with Morocco Competition Council for implementing *Memorandum of Understanding on Competition Cooperation* and bilateral enforcement cooperation. In addition, Gan Lin also negotiated with the Portuguese Competition Authority for signing a memorandum of understanding on competition cooperation. [\(More\)](#)

第三届中国知竞论坛拟于11月初在武汉大学举行

2019年7月31日，湖北省法学会竞争法学研究会秘书处发布通知称，第三届中国知竞论坛暨湖北省法学会竞争法学研究会2019年年会拟于11月初在武汉大学法学院召开。本次会议拟围绕当前竞争法理论与实务中的热点展开研讨，议题包括但不限于：1)《反垄断法》修订问题；2)互联网平台竞争问题；3)公平竞争审查实践中的难点问题；4)知识产权强国战略实施热点问题；5)新技术变革中的知识产权问题。[\(查看更多\)](#)

The 3rd China IPR & Competition Forum to be Held in WHU in Early November

On 31 July 2019, the Secretariat of the Competition Law Research Institute of Hubei Law Society issued a notification saying that the 3rd China IPR & Competition Forum is scheduled to be held at Wuhan University ("WHU") in early November. This forum will focus on current hotspots of competition theory and practice, including but not limited to: (i) the amendment of the *Anti-Monopoly Law* ("AML"); (ii) competition issues regarding internet platform; (iii) the difficulty in the practice of fair competition review system; (iv) the hotspots in the practice of building Powerful Intellectual Property Nation; and (v) the IPR issues in the new technology revolution. [\(More\)](#)

四川省市监局召开原料药生产企业反垄断约谈会

2019年7月26日，四川省市场监督管理局（“四川省市监局”）会同医药领域相关主管部门，召集四川省22家原料药生产企业开展反垄断约谈。会议通报了原料药领域垄断行为典型案例并向

企业宣讲了《反垄断法》，相关部门结合工作实际对参会企业提出了具体要求。企业代表们承诺将切实规范经营行为，绝不参与原料药垄断涨价，坚决支持原料药领域反垄断执法，积极配合相关部门共同维护原料药市场秩序。（[查看更多](#)）

Sichuan AMR Holds a Meeting with Local APIs Manufactures amid Antitrust Issues

On 26 July 2019, Sichuan Administration for Market Regulation (“Sichuan AMR”), together with the relevant medical regulators, held a meeting with 22 local active pharmaceutical ingredients (“APIs”) manufacturers. Sichuan AMR introduced the typical antitrust cases in the field of APIs and preached the AML to the drugmakers. The relevant medical regulators put forward specific requirements for the attendees in combination with the actual work. The representatives of the enterprises promised to standardize the business behavior, never participate in price conspiracy of APIs, resolutely support the anti-trust enforcement and actively cooperate with relevant medical regulators to jointly maintain the market order. ([More](#))

海外动态 Overseas News

卡西欧因RPM在英被罚370万英镑

2019年8月1日，英国竞争与市场管理局发布新闻称，其已就日本卡西欧公司（Casio）的转售价格维持行为（Resale Price Maintenance, “RPM”）开出370万英镑（约合人民币3110万元）的反垄断罚单。卡西欧承认，其在2013年至2018年间违反竞争法实施了旨在限制零售商网上定价自由的政策，该政策要求零售商在销售卡西欧品牌数码钢琴和键盘时不得低于特定的最低价格。此外，卡西欧还通过对零售商进行监控和施压，促使零售商修改低于该最低价格的网上报价。（[查看更多](#)）

UK Fines Casio GBP 3.7m for RPM

On 1 August 2019, the Competition and Markets Authority of the United Kingdom announced that it has fined Casio GBP 3.7m for breaking competition law by resale price maintenance (“RPM”) for its digital pianos and keyboards. Casio admitted that, between 2013 and 2018, it broke competition law by implementing a policy designed to restrict retailer freedom to set prices online, requiring digital pianos and keyboards to be sold at or above a minimum price. It also monitored retailers’ prices and pressured them to modify or raise their prices online when they fell below the specified minimum price. ([More](#))

美电视台运营商Nexstar收购Tribune 被要求资产剥离

2019年7月31日，美国司法部发布新闻称，为解决Nexstar拟以64亿美元收购Tribune交易的竞争担忧，其将要求双方在13个市场中分别剥离至少一个目前由Nexstar 或Tribune所有的广播电视台。据悉，Nexstar是美国目前仅次于Sinclair的第二大地方电视台运营商，交易完成后，Nexstar将在该领域跃居首位。（[查看更多](#)）

DOJ Requires Structural Relief to Resolve Antitrust Concerns in Nexstar's Merger with Tribune

On 31 July 2019, the Department of Justice (“DOJ”) announced that it will require Nexstar Media Group Inc. and Tribune Media Company to divest one or more stations currently owned by either Nexstar or Tribune in each of the thirteen markets as a condition of resolving a challenge to the proposed USD 6.4bn merger between Nexstar and Tribune. Nexstar is now the second-largest local TV operator in the U.S. after Sinclair, and the deal would catapult it to the top of the field. ([More](#))

欧盟最高法院首次对卡车卡特尔案后继诉讼作出裁定，释明管辖权问题

2019年7月31日，据爱尔兰时报报道，欧盟最高法院——欧洲法院（European Court of Justice）近日首次对欧盟“卡车卡特尔案”后继诉讼作出裁定，认为受卡特尔行为影响的间接购买者可在本国法院提起损害赔偿诉讼。2016年6月，欧盟委员会曾对包括DAF、戴姆勒在内的主要卡车制造商的卡特尔行为开出38亿欧元的创纪录反垄断罚单。欧洲法院作出此项裁定之后，卡车卡特尔案涉案企业将可能面临在欧盟成员国的其他损害赔偿后继诉讼。（[查看更多](#)）

ECJ Issues First Ruling on Trucks Follow-on Claims

On 31 July 2019, *The Irish Times* reported that the European Court of Justice (“ECJ”) issued first ruling on trucks follow-on claims that an indirect purchaser of vehicles affected by the EU-wide trucks cartel can sue a cartel member for damages in any member state where the cartel distorted market prices and the purchaser claims to have suffered loss. The claims follow a determination by the European Commission in July 2016, that several major truck manufacturers including DAF and Daimler, had broken EU anti-trust laws. Record fines totaling EUR 3.8bn were imposed on the companies. After the ECJ's decision, the enterprises involved in the truck cartel case may face other follow-on claims for damages in the member states of the European Union. ([More](#))

被辉瑞起诉后，美国医药巨头强生遭FTC反垄断调查

2019年7月30日，据路透社报道，美国强生公司周一在一份监管文件中表示，美国联邦贸易委员会曾在今年6月向其发出“民事调查要求”，以调查强生有关关节炎药物“类克”的合同行为是否违反反垄断法。早在2017年，强生曾遭竞争对手辉瑞起诉，被指通过与医疗保险公司签订合同的方式，阻碍辉瑞的生物仿制药Inflectra的销售。据悉，Inflectra于2016年获得批准，而类克系于1998年上市。（[查看更多](#)）

J&J Says FTC Probing Efforts to Protect Arthritis Drug Remicade

On 30 July 2019, *Reuters* reported that the Federal Trade Commission (“FTC”) issued civil subpoenas to Johnson & Johnson (“J&J”) in June as part of an investigation into whether contracting practices for its blockbuster rheumatoid arthritis drug, Remicade, violated antitrust laws, the company said in a regulatory filing on Monday. Pfizer Inc filed a lawsuit against J&J in 2017, saying its rival's contracts with health insurers for blockbuster rheumatoid arthritis drug, Remicade, were anticompetitive and aimed at

blocking sales of Pfizer's biosimilar called Inflectra. Inflectra was approved in 2016 while Remicade went on the market in 1998. ([More](#))

五家银行巨头操纵外汇遭集体诉讼，索赔超10亿英镑

2019年7月29日，据路透社报道，巴克莱银行、摩根大通、苏格兰皇家银行、瑞银集团及花旗集团被指操纵全球外汇市场，在英国遭到投资者们提起的“美式”集体诉讼。据悉，该起诉讼已于本周一向英国竞争上诉法庭提起，索赔金额估计超过10亿英镑（约合人民币84亿元）。此前，多家投资银行巨头已合计支付超110亿美元的罚款，以和解美国、英国和欧盟监管机构关于操纵外汇市场的指控。 ([查看更多](#))

Barclays, JP Morgan among Banks Facing UK Class Action over Forex-rigging

On 29 July 2019, *Reuters* reported that Barclays, JP Morgan, RBS, UBS and Citigroup are being sued by investors over allegations they rigged the global foreign exchange market, in a test of U.S.-style class actions in Britain. The claim, estimated to be worth more than GBP 1bn, was filed at the Competition Appeal Tribunal on Monday. Some of the world's biggest investment banks have already paid more than a combined USD 11bn in fines to settle U.S., British and European regulatory allegations that traders rigged the currency markets. ([More](#))

日本硬盘零件制造商因串谋固定价格被罚2850万美元

2019年7月29日，美国司法部发布新闻称，日本弹簧株式会社（NHK Spring Co. Ltd., “NHK Spring”）已就其参与一项全球串谋固定价格的行为认罪，同意支付2850万美元的刑事罚金。据悉，NHK Spring就硬盘悬挂装置产品与竞争对手达成了避免价格竞争和分割市场的垄断协议。调查显示，NHK Spring至少从2008年5月开始此项串谋行为，并至少持续到2016年4月。 ([查看更多](#))

Japanese Manufacturer Agrees to Pay USD 28.5m Criminal Antitrust Fine for Fixing Prices

On 29 July 2019, the DOJ announced that NHK Spring Co. Ltd. (“NHK Spring”), a Japanese manufacturer of suspension assemblies used in hard disk drives, has agreed to plead guilty for its role in a global conspiracy to fix prices, to pay a USD 28.5m criminal fine. NHK Spring reached agreements with co-conspirators to refrain from price competition and allocate their respective market shares for suspension assemblies used in hard disk drives. NHK Spring participated in the conspiracy from at least as early as May 2008 and continuing until at least April 2016. ([More](#))

立方律师事务所编写《立方观评》的目的仅为帮助客户及时了解中国法律及实务的最新动态和发展，上述有关信息不应被看作是特定事务的法律意见或法律依据，上述内容仅供参考。



This Newsletter has been prepared for clients and professional associates of Lifang & Partners. Whilst every effort has been made to ensure accuracy, no responsibility can be accepted for errors and omissions, however caused. The information contained in this publication should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases.





Subscribe to our WeChat community

扫码关注公众号“立方律师事务所”和“竞争法视界”

北京 | 上海 | 武汉 | 广州 | 深圳 | 韩国
Beijing | Shanghai | Wuhan | Guangzhou | Shenzhen | Korea

 www.lifanglaw.com
 Email: info@lifanglaw.com

 Tel: +8610 64096099
 Fax: +8610 64096260/64096261