



# NEWSLETTER

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## 国内要闻 Domestic News

### 最高院知产法庭拟开庭审理滴滴出行被诉垄断案

2019年9月19日，最高人民法院（“最高院”）发布公告称，其定于9月20日在知产法庭第十法庭公开开庭审理黄文得与滴滴出行科技有限公司（“滴滴出行”）滥用市场支配地位纠纷一案。中国庭审公开网、最高院官方微博、官方微信、新浪司法频道进行庭审直播。9月20日当天，相关平台未见有关该案的直播内容，该案原定的开庭与庭审直播计划可能有变。（[查看更多](#)）

### China's Supreme Court Plans to Hear Didi Chuxing Antitrust Case

On 19 September 2019, the Supreme People's Court of China (“SPC”) announced that the SPC's Intellectual Property Tribunal would hear an antitrust case in which a consumer sued Didi Chuxing, a China-based ride-hailing giant for abuse of dominance on September 20. The trial would be broadcast live on several official online platforms, including the SPC's Weibo and WeChat Official Account. However, no relevant content was found on these platforms at the preset time and the scheduled trial and/or broadcasting plan might have been changed. ([More](#))

### 苹果被诉垄断获北京知产法院受理，原告索赔10元

2019年9月18日，据南方都市报报道，近日，因不满百度网盘超级会员在苹果手机端和安卓手机端的定价差异，一消费者以苹果公司滥用市场支配地位为由，向北京知识产权法院（“北京知产法院”）提起诉讼并获法院受理。原告认为，苹果限制用户购买网盘会员时必须通过苹果支付渠道的行为及规定30%的抽成比例违反了《反垄断法》的相关规定，诉请法院判令苹果取消该等限制并返回10元差价。（[查看更多](#)）

### Apple Sued for Monopoly before the Beijing IP Court

On 18 September 2019, the *Southern Metropolis Daily* reported that because of the membership price of a popular APP is different on iPhone and Android phones, a consumer sued Apple for abuse of dominance before the Beijing Intellectual Property Court (“Beijing IP Court”). The plaintiff claimed that Apple violated the relevant provisions of the *Anti-Monopoly Law* (“AML”) by requiring users to buy APP memberships only through its payment system and taking a 30% commission on APP sales, and demanded that Apple stop such behaviors and return the price difference of CNY 10. ([More](#))

### 江西省市监局纠正两地公立医院药品配送业务相关排除、限制竞争行为

2019年9月17日，江西省市场监督管理局（“江西省市监局”）发布新闻称，今年8月，江西省市监局根据有关线索，及时纠正了（原）新余市卫生和计划生育委员会和赣州市于都县公立医

院管理委员会，违反公平竞争审查规定，在公立医院药品配送业务中排除、限制竞争行为。（[查看更多](#)）

## Jiangxi AMR Corrects Two Local Medical Regulators' Behaviors of Eliminating or Restricting Competition

On 17 September 2019, the Administration for Market Regulation of Jiangxi Province (“**Jiangxi AMR**”) issued two press releases saying that it had timely corrected the misconducts of the (Former) Health and Family Planning Commission of Xinyu City and the Public Hospital Management Commission of Yudu County in Ganzhou City. These two local medical regulators were found to have violated the relevant provisions of the *Fair Competition Review System* by eliminating or restricting competition in the drug distribution business of public hospitals. ([More](#))

## 收购轰达电源股权未依法申报，天能集团被罚30万元

2019年9月16日，国家市场监督管理总局（“**市场监管总局**”）发布了对天能电池集团股份有限公司（“**天能集团**”）收购安徽轰达电源有限公司（“**轰达电源**”）股权未依法申报案的行政处罚决定书，对天能集团罚款30万元。2018年，天能集团与轰达电源股东签订《股权转让协议》，收购轰达电源股权并取得控制权。该交易达到了中国经营者集中申报标准但未依法申报，违反了《反垄断法》第二十一条的规定。（[查看更多](#)）

## SAMR Fines Tianneng Group CNY 300,000 for Gun-jumping

On 16 September 2019, China's State Administration for Market Regulation announced that it had fined Tianneng Battery Group Co, Ltd. (“**Tianneng Group**”) CNY 300,000 for failure to notify its acquisition of the equity of Anhui Hongda Power Supply Co, Ltd. (“**Anhui Hongda**”). In 2018, Tianneng Group signed the Share Transfer Agreement with Anhui Hongda's shareholders and took control of Anhui Hongda. Tianneng Group did not notify this deal, which violating the *AML* provisions regarding the concentration of undertakings under Article 21. ([More](#))

## 海外动态 Overseas News

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### 金砖国家反垄断中心发布数字经济与反垄断报告

2019年9月18日，俄罗斯联邦反垄断局发布新闻称，时值第6届金砖国家国际竞争大会（VI BRICS Competition Conference）于莫斯科召开之际（9月16日-19日），金砖国家反垄断中心（BRICS Antimonopoly Centre）发布了一份关于数字经济与反垄断的报告。据了解，该报告由金砖国家反垄断中心的专家以及国际知名专家学者共同撰写，全面梳理了金砖国家对数字市场的反垄断规定和新近经验。（[查看更多](#)）

## **BRICS Antimonopoly Centre Releases Report on Digital Economy and Antitrust**

On 18 September 2019, the Federal Antimonopoly Service of the Russian Federation issued a press release saying that BRICS Antimonopoly Centre released a report on digital economy and antitrust during the VI BRICS Competition Conference held in Moscow on September 16-19. This report was prepared by experts of BRICS Antimonopoly Centre and leading international experts. It reviews the entire spectrum of antimonopoly regulation on digital markets in general and the latest BRICS experience, in particular, as well as analysis of the leading modern theories in the context of the economics of the BRICS space. ([More](#))

## **美国发布2018财年经营者集中反垄断审查报告**

2019年9月16日，美国联邦贸易委员会发布新闻称，其已与司法部反垄断局联合发布了2018财年（2017年10月1日至2018年9月30日）经营者集中反垄断审查报告。报告显示，2018财年，美国两大反垄断执法机构共接到2011起交易的经营集中申报，比2017年增长2.9%。其中，两机构共对39起并购交易发起了挑战，涉及诸多对消费者至关重要的领域，如医疗卫生、科技、医疗器械、能源、消费品和服务等。 ([查看更多](#))

## **DOJ and FTC Release Fiscal Year 2018 Hart-Scott-Rodino Premerger Notification Report**

On 16 September 2019, the Federal Trade Commission (“FTC”) released a piece of news saying that the FTC and the Department of Justice (“DOJ”) released the agencies’ 41<sup>st</sup> Annual Hart-Scott-Rodino Report. The report provides HSR Premerger Notification data for fiscal year 2018. As the report explains, companies notified the agencies of 2,111 HSR reportable transactions during fiscal year 2018, which is a 2.9 percent increase over the 2,052 transactions reported in fiscal year 2017. The report also summarizes the agencies’ merger enforcement activities for fiscal year 2018, with a total of 39 merger challenges brought to maintain competition in sectors of great importance to consumers, including healthcare, technology, medical devices, energy, and consumer goods and services. ([More](#))

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