



NEWSLETTER

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Weekly Competition Law News

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By Lifang & Partners

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Domestic News

Gansu AMR Investigates An Administrative Monopoly Case

On March 2, 2021, the State Administration for Market Regulation (“SAMR”) issued the administrative suggestion made by Gansu Provincial Administration for Market Regulation (“**Gansu AMR**”) for correcting the abusing administrative power behaviors by Wushan County Road Transport Administrative Bureau (“**Wushan RTAB**”). In the past year, based on complaints, Gansu AMR launched an investigation against the Wushan RTAB’s behavior of illegally adding administrative license review terms and excluding and restricting the competition of local road transportation market, and further concluded that the Wushan RTAB’s behavior constituted the abuse of administrative power. Gansu AMR then made administrative suggestion for the Wushan County People’s Government, suggesting revoking the illegal decision of the Wushan RTAB, re-bidding and implementing the administrative license for the involved roads and holding the people in charge accountable. ([More](#))

“Zhejiang Fair Online” Launched for Utilizing Big Data to Monitor Monopoly Behaviors

On March 2, 2021, the Zhejiang Provincial Administration of Market Regulation (“**Zhejiang AMR**”) released a press stating “Zhejiang Fair Online” has been launched. Based on six behaviors currently monitored by National Network Transaction Monitoring Platform, including “prohibited and restricted network sales”, “false advertisement”, “price violation”, “network pyramid scheme”, “intellectual property right infringement” and “entity violation”, “Zhejiang Fair Online” monitoring system will focus on monopolistic and unfair behaviors in the field of platform economics, mainly supervising “either-or”, “using the algorithms to implement differentiated transaction conditions”, “vertical monopoly agreement” and “illegal undertakings concentration”. The system has also developed 5 risk control models and is able to intelligently identify clues of platform’s suspected monopolistic behaviors, and will form platform monopoly risk list. ([More](#))

SPC’s IP Court Issues the Judgment of A Monopoly Case and Related Four Articles

On March 2, 2021, the official Wechat account of the Intellectual Property Court of the Supreme People’s Court (“**SPC’s IP Court**”) issued the full text of judgment of the “Bricks and Tile Association” monopoly case and other related 4 comment articles. According to the judgment, the Sichuan Yibin Bricks and Tile Association (“**Association**”) and its member enterprises implemented a monopoly agreement and restrained the market competition order. One of the enterprises appealed before SPC claiming that it was forced to participate in and therefore asked other enterprises and the Association to compensate for its economic damage and reasonable expenses. SPC found that the implementor of a horizontal monopoly agreement has no right to require other implementors to compensate for its so-called economic damage caused by its implementation of the agreement and therefore rejected the appeal. ([More](#))

Guangdong Releases and Introduces the Competition Policy Implementation Plan in the Greater Bay Area

On March 1, 2021, the Guangdong Province Government held a press conference to introduce the *Implementation Plan for Guangdong Province to Further Promote the Implementation of Competition*

Policy in the Guangdong-Hong Kong-Macao Greater Bay Area (“Plan”). The *Plan* requires to fully implement the fair competition review system, further strengthen the enforcement of *Anti-Monopoly Law* and *Law against Unfair Competition*, further promote market access reforms benefiting fair competition, and fully support Shenzhen to carry out pilot of competition law enforcement and advocate competition culture. ([More](#))

SPC’s IP Court Releases Judgement Essence of Three Monopoly Cases

On February 26, 2021, SPC’s IP Court released the *Judgment Essence (2020) of Intellectual Property Court of SPC*, summarizing the court’s judicial theories, trial logics and judging methods. Three of these cases involved antitrust disputes, including the case concerning the economic damages asserted by the horizontal monopoly agreement implementor from other implementors; the case concerning the conditions for accepting civil monopoly disputes caused by the abuse of administrative power, and the case concerning the jurisdiction of civil monopoly disputes involving foreign monopolistic behaviors. ([More](#))

Overseas News

CMA Investigates Apple Over Suspected Anti-Competitive Behaviors

On March 4, 2021, the Competition & Market Authority (“CMA”) stated that it has launched an investigation into Apple following complaints that its terms and conditions for app developers are unfair and anti-competitive. All apps available through the App Store have to be approved by Apple, with this approval hinging on developers agreeing to certain terms. These complaints also highlighted that certain developers who offer ‘in-app’ features, add-ons or upgrades are required to use Apple’s payment system, rather than an alternative system. Apple charges a commission of up to 30% to developers on the value of these transactions or any time a consumer buys their app. The CMA’s investigation will consider whether Apple has a dominant position in connection with the distribution of apps on Apple devices in the UK – and, if so, whether Apple imposes unfair or anti-competitive terms on developers using the App Store, ultimately resulting in users having less choice or paying higher prices for apps and add-ons. ([More](#))

FTC Issues Annual Report on Ethanol Market Concentration 2020

On 3 March 2021, the Federal Trade Commission (“FTC”) issued its *2020 Report on Ethanol Market Concentration*. The *Energy Policy Act of 2005* directed the Commission to perform an annual review of market concentration in the ethanol production industry “to determine whether there is sufficient competition among industry participants to avoid price-setting and other anticompetitive behavior.” As in prior years, the 2020 report concludes that “[t]he low level of concentration and large number of market participants in the U.S. ethanol production industry continue to suggest that the exercise of market power to set prices, or coordinate on price or output levels, is unlikely on a nationwide basis.” ([More](#))

OECD Issues Competition Trends 2021

On February 24, 2021, the Organization for Economic Co-operation and Development (“OECD”) launched the *Competition Trends 2021 (“Report”)* at OECD Competition Open Day. The *Report* describes enforcement trends relating to cartels, abuse of dominance cases and merger reviews. The report



is presented in two volumes. *Volume I. Global Competition Enforcement Update 2015-19* provides an update on the competition enforcement trends between 2015-2019 for the competition authorities of the 56 jurisdictions. *Volume II. Global Merger Control* provides an “in-focus” view on merger control by providing an overview of trends in global merger control, describing a selection of the different choices made by jurisdictions when designing legal regimes, global merger control activity, and trends in merger control enforcement. ([More](#))

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