



No. 111

2019.12

立方竞争法周报

Weekly Competition Law News

国内要闻 Domestic News

贵州高院开庭审理并在线直播一起燃气行业垄断纠纷上诉案

Guizhou High People's Court Hears a Gas Company's Antitrust Appeal

江西省市监局召开砂石市场价格行为提醒告诫会

Jiangxi AMR Warns Local Sand and Gravel Companies for Antitrust Violations

海外动态 Overseas News

美国司法部等三部门发布关于标准必要专利救济的联合政策声明

DOJ, USPTO and NIST Announce Joint Policy Statement on Remedies for SEP

SEP许可争端升级，苹果、宝马、联想等27家企业联名致信欧盟委员会

Apple, Cisco, Daimler and BMW Complain to Brussels over Patents

法国对4家餐券发行商开出超4亿欧元反垄断罚单

France's Competition Watchdog Imposes a Fine of EUR 415m for Anticompetitive Practices on Four Meal Vouchers Issuers

13家大型金融公司拟支付3.37亿美元和解操纵债券价格反垄断诉讼

13 Large Financial Firms to Pay USD 337m to Settle Price-Fixing Allegations

设定最低佣金比例，英国对三家房产中介公司开出超60万英镑反垄断罚单

CMA Fines 3 Estate Agents over Half a Million Pounds for Price Fixing

国内要闻 Domestic News

贵州高院开庭审理并在线直播一起燃气行业垄断纠纷上诉案

2019年12月17日，贵州省高级人民法院公开开庭审理并在线直播了上诉人六盘水裕民液化石油气有限公司与被上诉人百江西南燃气有限公司水城气库、六盘水瑞安液化石油气有限公司、六盘水诚达商贸有限公司垄断纠纷一案（（2019）黔民终898号）。庭审视频链接为：<http://tingshen.court.gov.cn/live/9615356>。（[查看更多](#)）

Guizhou High People's Court Hears a Gas Company's Antitrust Appeal

On 17 December 2019, the Guizhou High People's Court held and live-streamed the hearing of the anti-trust disputes between the appellant Liupanshui Yumin LPG Co., Ltd and the appellees Liupanshui Chengda Trading Co., Ltd., Liupanshui Ruian LPG Co., Ltd., and Baijiang Southwest Gas Co., Ltd. (Case No.: (2019) Qian Min Zhong No. 898). The video is available at: <http://tingshen.court.gov.cn/live/9615356>. ([More](#))

江西省市监局召开砂石市场价格行为提醒告诫会

近日，江西省市场监督管理局（“江西省市监局”）召开砂石市场价格行为提醒告诫会。针对目前砂石市场客观上存在竞争不充分的情况，江西省市监局强调，砂石经营者应严格遵守《反垄断法》的规定，严禁达成、实施垄断协议，以及滥用市场支配地位的违法行为。对违反《反垄断法》的行为，最高将被处以上一年度销售额10%的罚款。（[查看更多](#)）

Jiangxi AMR Warns Local Sand and Gravel Companies for Antitrust Violations

Recently, the Administration for Market Regulation of Jiangxi Province (“Jiangxi AMR”) held a reminder and warning meeting on the price behavior of sand and gravel markets. Regarding the shortage of competition in the current sand and gravel markets, the Jiangxi AMR stressed that sand and gravel companies shall strictly abide by the *Anti-Monopoly Law* (“AML”) and shall not enter into and implement any monopoly agreements, or abuse dominant market position. Violations of the AML will be subject to a fine of up to 10% of the turnover of the undertakings in the preceding year. ([More](#))

海外动态 Overseas News

美国司法部等三部门发布关于标准必要专利救济的联合政策声明

2019年12月19日，美国司法部（Department of Justice, “DOJ”）、专利和商标局（U.S. Patent and Trademark Office, “USPTO”）和国家标准与技术研究院发布了一份关于标准必要专利（standard-essential patents, “SEP”）救济的联合政策声明。该声明取代了DOJ与

USPTO于2013年联合发布的有关SEP救济的政策声明，澄清了专利所有人承诺按公平、合理、无歧视（F/RAND）条款许可专利并不妨碍其获得任何特定救济，包括禁令救济。（[查看更多](#)）

DOJ, USPTO and NIST Announce Joint Policy Statement on Remedies for SEP

On 19 December 2019, the Department of Justice (“DOJ”), U.S. Patent and Trademark Office (“USPTO”), and National Institute of Standards and Technology (“NIST”) issued a joint policy statement regarding the treatment of standard-essential patents (“SEP”) where the patent holder has agreed to license its patents on fair, reasonable, and non-discriminatory (F/RAND) terms. This Statement replaces the 2013 policy statement on SEP remedies issued jointly by the DOJ and USPTO. To the end, the Statement clarifies that a patent owner’s promise to license a patent on F/RAND terms is not a bar to obtaining any particular remedies, including injunctive relief. ([More](#))

SEP许可争端升级，苹果、宝马、联想等27家企业联名致信欧盟委员会

2019年12月18日，据英国《金融时报》报道，近日，苹果、思科、戴姆勒、宝马、福特、大陆集团、戴尔、联想等27家企业联名致信欧盟委员会，呼吁对阻碍自动驾驶汽车和其他联网设备发展的滥用专利行为采取行动。这封投诉信并未指明被投诉公司的名称，但此前欧盟委员会表示，在收到德国汽车制造商戴姆勒和汽车零部件供应商Bury等企业的投诉之后，他们将调查诺基亚拒绝就自动驾驶汽车零部件进行专利许可的情况。（[查看更多](#)）

Apple, Cisco, Daimler and BMW Complain to Brussels over Patents

On 18 December 2019, the *Financial Times* reported that 27 companies including Apple, Cisco, Daimler, BMW, Ford, Continental, Dell, Lenovo had urged the European Commission to take actions on patent abuses that were hampering the development of self-driving cars and other connected devices. The letter did not name names, but it came after regulators said they would investigate Nokia’s refusal to offer licenses for components for self-driving cars after complaints from German carmaker Daimler and car supplier Bury and others. ([More](#))

法国对4家餐券发行商开出超4亿欧元反垄断罚单

2019年12月18日，法国竞争管理局宣布，其已对4家餐券发行商Edenred France、Up、Natixis Intertitres和Sodexo Pass France开出总计近4.15亿欧元（约合人民币32.3亿元）的反垄断罚单。调查显示，涉案公司主要实施了两类行为：1）2010年至2015年，每月通过证券结算中心交换有关各自市场份额的机密商业信息，从而可能限制竞争；2）2002年至2018年，通过了一系列旨在通过控制新的竞争对手进入和禁止发行非纸质餐券来锁定餐券市场的协议。（[查看更多](#)）

France’s Competition Watchdog Imposes a Fine of EUR 415m for Anticompetitive Practices on Four Meal Vouchers Issuers

On 18 December 2019, the French competition watchdog, the Autorité de la Concurrence, announced that it had imposed fines totaling around EUR 415m on four historical meal vouchers issuers, Edenred France, Up, Natixis Intertitres and Sodexo Pass France for anticompetitive practices. Two types of practices were implemented: 1) between 2010 and 2015, four companies exchanged confidential commercial

information every month, through the Centrale de Règlement des Titres (“CRT”), regarding their respective market shares, which made it possible to restrict competition between them; 2) between 2002 and 2018, four companies adopted a series of agreements intended to lock the market for meal vouchers by controlling the entry of new players and by reciprocally banning the launch of dematerialized vouchers issuing. ([More](#))

13家大型金融公司拟支付3.37亿美元和解操纵债券价格反垄断诉讼

2019年12月17日，据美联社报道，13家大型金融公司已同意支付3.37亿美元，以和解由美国宾夕法尼亚州财政部等政府机构及养老基金提起的反垄断诉讼。该案中，这些金融公司被指控操纵了美国两大房贷抵押融资公司——房利美（Fannie Mae）和房地美（Freddie Mac）发行债券的价格，而这些债券是政府和机构投资者投资组合的基石。（[查看更多](#)）

13 Large Financial Firms to Pay USD 337m to Settle Price-Fixing Allegations

On 17 December 2019, the *Associated Press* reported that thirteen large financial firms were agreeing to pay USD 337m to settle claims by Pennsylvania’s treasury department and about a dozen other government agencies and pension funds accusing them of inflating the price of bonds issued by Fannie Mae and Freddie Mac. The bonds were a cornerstone for the investment portfolios of government and institutional investors. ([More](#))

设定最低佣金比例，英国对三家房产中介公司开出超60万英镑反垄断罚单

2019年12月17日，英国竞争与市场管理局（Competition and Markets Authority, “CMA”）宣布，其已对3家房产中介公司设定最低佣金比例的行为开出了总计超60万英镑（约合人民币550万元）的反垄断罚单。调查发现，过去七年中，作为英国部分地区的主要房产中介公司，Michael Hardy、Prospect、Richard Worth和Romans四家公司合谋设定了这些地区出售住宅地产的最低佣金比例。Romans公司因向CMA告发并全力配合调查而适用宽大制度未被处罚。（[查看更多](#)）

CMA Fines 3 Estate Agents over Half a Million Pounds for Price Fixing

On 17 December 2019, the Competition and Markets Authority (“CMA”) announced that it had fined 3 Berkshire estate agents more than GBP 600,000 for illegally fixing the minimum commission rates they charged their customers. For almost 7 years, the 4 companies, Michael Hardy, Prospect and Richard Worth, together with Romans, conspired to set minimum commission rates for the sale of residential properties in Wokingham, Winnersh, Crowthorne, Bracknell and Warfield – where they were the leading estate agents at that time. Romans was not fined as it brought the illegal activity to the CMA’s attention and fully cooperated with the investigation, under the CMA’s Leniency Programme. ([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