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中国反垄断法律资讯：2013 年 12 月 China Monthly Antitrust Update: December 2013

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Due to the general nature of its contents, this newsletter is not and should not be regarded as legal advice. For any questions, please kindly contact us directly.

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立法动态 Legislation

商务部审议并原则通过《经营者集中简易案件适用标准的暂行规定》

2013 年 12 月 9 日，商务部部长高虎城主持召开第 10 次部务会议，审议并原则通过了《经营者集中简易案件适用标准的暂行规定》。此前，商务部反垄断局局长尚明曾透露，该部门内部已经开始试点操作简易程序处理申报案件。

详细信息：<http://www.mofcom.gov.cn/article/ae/ai/201312/20131200421609.shtml>

MOFCOM Confirms Framework of Fast Track Rules for Merger Control

On December 9, 2013, Mr. Gao Hucheng, Minister of Commerce, chaired the 10th meeting of the Ministry of Commerce (“**MOFCOM**”), and the meeting reviewed and approved the framework of the *Interim Provisions on the Standards Applicable to Simple Cases of Concentration of Undertakings* (Fast Track Rules for Merger Control). Previously, Mr. Shang Ming, Director General of Anti-Monopoly Bureau (“**AMB**”) of MOFCOM had disclosed that the internal test to this “Interim Provision” had already been applied.

For details, please visit <http://www.mofcom.gov.cn/article/ae/ai/201312/20131200421609.shtml>

执法机构 Authorities

证监会：未来将不再以反垄断作为并购重组行政许可的前置条件

2013 年 12 月 25 日，证监会有关负责人今日就并购重组热点问题回答记者提问时表示，证监会已就并购重组流程进行多项改革，简化了申报材料，压缩了审核时限。未来将不再以反垄断、对外投资、外资审查作为证监会并购重组行政许可的前置条件。但上市公司仍然应该披露重组所需取得的有关批准，在此之前不得实施重组。

详细信息：<http://news.sina.com.cn/o/2013-12-25/193629081161.shtml>

CSRC Will Exclude Merger Control as a Prerequisite of Administrative License for M&A

On December 25, 2013, while responding to reporters upon M&A hot issues, relevant officials of China Securities Regulatory Commission (“**CSRC**”) said that CSRC has reformed M&A procedures a lot, including condensing notification materials and reducing time frame. Merger control, outbound investment review and foreign investment review will no longer be a prerequisite of administrative license for M&A. But these related approvals still need to be got and disclosed by listed companies before implementation of M&A.

For details, please visit: <http://news.sina.com.cn/o/2013-12-25/193629081161.shtml>

工信部：确有部分互联网企业滥用市场垄断地位

2013 年 12 月 23 日，在国务院新闻办公室举行的新闻发布会上，工信部部长苗圩在谈到 360 与腾讯的反垄断诉讼时表示，存在部分互联网企业滥用市场垄断地位，引发不正当竞争、绑架消费者和侵犯消费者权益等问题。

详细信息：<http://finance.sina.com.cn/china/20131223/113217720682.shtml>

MIIT Minister Warns Dominance Abuse by Internet Companies

On December 23, 2013, responding a question pertain to the antitrust litigation between Qihoo 360 and Tencent at a press conference held at the State Council Information Office, Mr. Miao Wei, Minister of Industry and Information Technology (“MIIT”), said that there are some Internet companies that have abused their market dominance, triggered unfair competition, exploited consumers and infringed consumer rights.

For details, please visit <http://finance.sina.com.cn/china/20131223/113217720682.shtml>

工商总局副局长孙鸿志会见新西兰商业部长和消费者事务部长克雷格·福斯

2013 年 12 月 13 日，国家工商总局副局长孙鸿志会见了新西兰商业部长和消费者事务部长克雷格·福斯一行。孙鸿志表示，国家工商总局非常愿意与新西兰商业委员会和其他有关部门加强交流合作，共同促进市场公平竞争，维护消费者合法权益。

详细信息：http://www.cicn.com.cn/content/2013-12/17/content_135112.htm

Vice Minister of SAIC Meets Senior Officials from New Zealand

On December 13, 2013, Mr. Sun Hongzhi, Vice Minister of State Administration of Industry and Commerce (“SAIC”), met a delegation led by Mr. Craig Foss, New Zealand Minister of Commerce and Minister of Consumer Affairs and said that SAIC is willing to strengthen exchanges and cooperation with the New Zealand Commerce Commission and other relevant departments to promote fair competition, safeguard the legitimate rights and interests of consumers.

For details, please visit http://www.cicn.com.cn/content/2013-12/17/content_135112.htm

天津市工商局举办反垄断执法培训活动

2013 年 12 月 6 日，天津市工商局举办反垄断执法培训。国家工商总局反垄断与反不正当竞争执法局大力支持并派员授课。天津市工商局反垄断执法小组成员、各工商分局部分负责人和代表等 70 余人参加了培训。

详细信息：http://www.saic.gov.cn/fldyfbzdjz/gzdt/201312/t20131211_140386.html

Tianjin AIC Organizes Antitrust Enforcement Training Activities

On December 6, 2013, Tianjin Industrial and Commercial Administration (“Tianjin AIC”) organized antitrust enforcement training activities. Anti-Monopoly and Anti-unfair Competition Enforcement Bureau (“Competition Enforcement Bureau”) of SAIC strongly supported the activities and sent its staffs to give lectures. More than 70 members from Antitrust Group of Tianjin AIC, and chiefs and representatives from sub bureaus of Tianjin AIC attended the activities.

For details, please visit http://www.saic.gov.cn/fldyfbzdjz/gzdt/201312/t20131211_140386.html

商务部反垄断局与澳竞争与消费者保护委员会举行竞争执法交流

2013 年 12 月 5-6 日，商务部反垄断局尚明局长率团访问澳大利亚，在首都堪培拉与以澳竞争与消费者保护委员会主席西蒙斯先生为首的澳方主管人员举行竞争执法双边交流，并就签署合作谅解备忘录事宜进行了积极的探讨。

详细信息：<http://www.mofcom.gov.cn/article/i/jyil/l/201312/20131200417134.shtml>

MOFCOM Chief Visits ACCC of Australia

On December 5-6, 2013, a delegation led by Mr. Shang Ming, Director General of AMB of MOFCOM

visited to Australia and conducted bilateral exchanges on competition enforcement with officials led by Mr. Rod Sims, Chair of Australian Competition and Consumer Commission (“ACCC”). Both parties actively discussed matters in respect of signing a memorandum of understanding.

For details, please visit <http://www.mofcom.gov.cn/article/i/jyjl/l/201312/20131200417134.shtml>

商务部官员赴深圳调研

根据商务部网站 12 月 2 日发布的消息，商务部反垄断局副局长郑文一行于 11 月底至深圳，就经营者集中附加限制性条件执行情况进行了调研，召开相关企业座谈会，并深入企业实地访谈。地方商务官员及监督受托人团队参加了座谈和实地访谈。

详细信息: <http://fldj.mofcom.gov.cn/article/xxfb/201312/20131200409123.shtml>

MOFCOM Officials Conduct Researches in Shenzhen

According to information released on the website of MOFCOM on December 2nd, at the end of November, a group led by Mr. Zheng Wen, Deputy Director General of AMB of MOFCOM, went to Shenzhen to conduct investigation and survey pertaining to the enforcement progress of the conditionally cleared concentration of undertakings by holding symposiums with related companies and conducting in-depth field interviews. Local business officials and supervisory trustee team attended the symposiums and filed interviews.

For details, please visit <http://fldj.mofcom.gov.cn/article/xxfb/201312/20131200409123.shtml>

行政调查 Public Enforcement

新疆查处百起公用企业反不正当竞争与反垄断案件

2013 年 12 月 25 日，记者从新疆自治区反垄断与反不正当竞争执法局了解到，2013 年新疆工商部门开展了公用企业等优势地位经营者垄断行为和不正当竞争行为的专项整治，共立案查处各类违法违章案件 100 起。该专项行动从 2013 年年初开始，重点关注与人民生活息息相关的行业。

详细信息: <http://news.sina.com.cn/o/2013-12-31/090229126760.shtml>

Up to One Hundred Antitrust/Anti-unfair Competition Cases against Public Utility Enterprises Investigated in Xinjiang

On December 25, 2013, it was reported that Competition Enforcement Bureau of Xinjiang Autonomous Region Administration for Industry and Commerce (“Xinjiang AIC”) had closed approximate 100 relevant cases in 2013 since its special action against public utility enterprises on their monopolistic or unfair competition behaviors. The special action was initiated at the beginning of 2013, and mainly concerns industries closely related to people’s livelihood.

For details, please visit: <http://news.sina.com.cn/o/2013-12-31/090229126760.shtml>

发改委称对高通反垄断调查已掌握大量证据

2013 年 12 月 12 日，《中国日报》英文版援引国家发改委价格监督检查与反垄断局局长许昆林的话称，发改委在对高通的反垄断调查中已经掌握大量证据。

详细信息: <http://tech.sina.com.cn/t/2013-12-12/20049000862.shtml>

NDRC Alleges It Has Substantial Evidence against Qualcomm

On December 12, 2013, China Daily quoted Mr. Xu Kunlin, Director General of Price Supervision and Anti-Monopoly Bureau of National Development and Reform Commission (“NDRC”), as saying that NDRC has obtained substantial evidence against Qualcomm, a leading U.S. chipmaker.

For details, please visit: <http://tech.sina.com.cn/t/2013-12-12/20049000862.shtm>

青海省发改委调查奶企价格垄断

国家发改委在 2013 年 12 月份披露，青海省发改委在 9 月调查发现，作为青海省唯一一家生产巴氏消毒奶的企业，青海天露乳业有限责任公司存在“固定向第三人转售商品的价格”和“提价幅度明显高于成本增长幅度”的价格垄断违法行为。随后，该企业根据青海省发改委的要求进行了整改。近日，青海省发改委根据《反价格垄断执法程序规定》第 15 条的规定，对该企业的价格垄断行为做出中止调查的决定。

详细信息: http://district.ce.cn/newarea/roll/201312/05/t20131205_1861827.shtml

Qinghai DRC Investigates Dairy Company for Price Monopoly

NDRC disclosed in December 2013 that, Qinghai Development and Reform Commission (“Qinghai DRC”) investigated Qinghai Tianlu Dairy Co., Ltd. in September, the only company in Qinghai Province producing pasteurized milk, and found that the company had conducted price monopoly behaviors of “fixing resale price” and “increasing sales price significantly higher than the price increase of costs”. Then, the company conducted rectification at the requirement of the authority. Recently, Qinghai DRC made a decision of suspension of investigation to the price monopoly behaviors of the company in accordance of the article 15 of *Provisions on Procedures for Enforcement of Administrative Law on Anti-Price Monopoly*.

For details, please visit http://district.ce.cn/newarea/roll/201312/05/t20131205_1861827.shtml

经营者集中 Merger Control

商务部讨论未申报处罚办法相关实践做法

2013 年 12 月 19 日，商务部在北京召集从事经营者集中申报的律师事务所讨论了《未依法申报经营者集中调查处理暂行办法》实施近两年来遇到的一系列技术问题，显示商务部对于未依法申报案件的查处力度将显著加强。

MOFCOM Deliberates Practices of Investigations into Failures to File an Antitrust Notification

On December 19, 2013, MOFCOM held a seminar in Beijing to discuss certain technical issues in the implementation of *Provisional Measures on Investigating and Sanctioning the Failure to File Concentration between Undertakings according to Law* which took effects on February 1, 2012. This indicates the authority is determined to strength its enforcement against those violation of antitrust notification obligations for M&A.

商务部发布 2013 年反垄断案件数据

2013 年 12 月 4 日，商务部发布了 2013 年经营者集中反垄断审查案件数据。2013 年 1-10 月，商务部共收到经营者集中申报 185 起，立案 175 起，审结 162 起。其中，第一阶段审结 21

起, 进一步审查阶段审结 130 起, 延长审查阶段审结 10 起。在审结的案件中, 有 4 起是附条件批准。

详细信息: <http://www.mofcom.gov.cn/article/ae/ai/201312/20131200412789.shtml>

MOFCOM Releases Merger Control Data in 2013

On December 4, 2013, MOFCOM released data of cases of antitrust review on concentration of undertakings in 2013. During January-October 2013, MOFCOM received 185 cases of notification, investigated 175 and closed 162, among which 21 were closed at the first stage, 130 at the second stage and 10 at extended stage. Four notifications closed were cleared conditionally.

For details, please visit <http://www.mofcom.gov.cn/article/ae/ai/201312/20131200412789.shtml>

商务部对微软收购诺基亚反垄断审查进入第二阶段

2013 年 12 月, 商务部对微软以 72 亿美元收购诺基亚手机业务及部分专利使用权交易的反垄断审查, 已经进入了第二阶段。据悉, 让商务部慎重对待此交易的原因之一, 就是包括中兴、联想、小米等在内的国产手机厂商, 担心诺基亚会成为一家“专利怪物”, 向它们收取高昂的专利费。

详细信息: <http://tech.sina.com.cn/it/2013-12-21/00439027048.shtml>

MOFCOM's Antitrust Review on Acquisition of Nokia by Microsoft Enters into Phase II

In December 2013, MOFCOM's antitrust review on the transaction that Microsoft acquires the mobile phone business and parts of patent right of Nokia by 7.2 billion had entered into Phase II. It's reported that one of the reasons for MOFCOM to take cautious attitude on the transaction is that domestic cell phone manufacturers such as ZTE, Lenovo, MI, etc. are worrying that Nokia may become a "Patent Monster" and may charge exorbitant royalties.

For details, please visit <http://tech.sina.com.cn/it/2013-12-21/00439027048.shtml>

私人诉讼 Private Actions

腾讯诉奇虎 360 不正当竞争案二审: 360 当庭表示愿意和解

2013 年 12 月 4 日, 腾讯与奇虎 360 不正当竞争纠纷上诉案在最高人民法院公开审理, 由最高人民法院副院长奚晓明亲自审案。纠纷双方围绕扣扣保镖软件是否恶意破坏了 QQ 软件等五大焦点问题展开交锋。此案没有当庭宣判。据悉, 法官曾建议双方和解, 奇虎 360 表示同意, 腾讯未明确表态。

详细信息: <http://gd.sina.com.cn/news/m/2013-12-05/082060335.html>

Second Instance of Tencent v. Qihoo for Unfair Competition: Qihoo Willing to Settle

On December 4, 2013, the Supreme People's Court ("SPC") publicly heard the appealing case of unfair competition dispute between Tencent and Qihoo 360. Xi Xiaoming, Vice President of SPC, heard the case personally. The parties to the case fiercely debated around 5 key issues such as whether Qihoo's software, Koukou Bodyguard, maliciously damaged Tencent's software, QQ. The case did not adjudicate in court. It's reported that Qihoo 360 agreed to the judges' suggestion for settlement, while Tencent didn't show a clear attitude.

For details, please visit <http://gd.sina.com.cn/news/m/2013-12-05/082060335.html>

学术活动 Academia

华东政法大学举办知识产权沙龙讨论互联网不正当竞争问题

2013 年 12 月 28 日，由华东政法大学举办的东方知识产权沙龙之十八-“Robots 协议与公平竞争之辩”在上海举行。会议以百度诉 360 快照侵权案为契机，讨论了 Robots 协议与公平竞争的可能的冲突与界限。华中科技大学郑友德教授、华东政法大学黄武双教授等来自高校与实务界的知识产权专家参加了会议。

ECUPL Holds IPR Salon to Discuss Unfair Competition Issues in Internet Sector

On December 28, 2013, the 18th Oriental Intellectual Property Right Salon-“Debate on Robot Agreements and Fair Competition” was held by East China University of Political Science and Law (“ECUPL”). Taking Baidu’s litigation against Qihoo 360 for snapshot infringement, the attendees discussed the possible conflicts and limits between Robots Agreements and Fair Competition. Prof. Zheng Youde, from Huazhong University of Science and Technology, Prof. Huang Wushuang, from ECUPL, and other experts from universities and practice circle attended the meeting.

北京大学举办互联网竞争法规制高端论坛

2013 年 12 月 15 日，由北京大学竞争法研究中心主办的第 17 期“竞争法论坛”——“互联网·价格·竞争法规制”高端论坛在北京举行。最高院知识产权庭庭长孔祥俊，国家发改委反垄断局副局长李青，工商总局竞争执法局副局长刘烨发表主题演讲。随后会议各方围绕互联网领域不正当竞争行为的规制、互联网领域垄断行为的规制等四个专题展开讨论。大成律师事务所邓志松受邀出席了会议并且发表了有关竞争案件损害赔偿计算的主题演讲。

详细信息：<http://new.law.pku.edu.cn/news/articledisplay.asp?NewID=6915>

The 17th Competition Law Forum Held by Peking University

On December 15, the 17th Competition Law Forum of Peking University - Internet·Price·Regulation by Competition Law was held in Beijing. Mr. Kong Xiangjun, Chairman of Intellectual Property Tribunal of SPC, Ms. Li Qing, Deputy Director General of Price Supervision and Anti-Monopoly Bureau of NDRC, Ms. Liu Ye, Deputy Director General of Competition Enforcement Bureau of SAIC, attended the forum and gave keynote speeches. Then, the attendees discussed around four topics such as the Regulation of Unfair Competition Behaviors in Internet Industry and Regulation of Monopoly Behaviors in Internet Industry. Jet Deng, Partner of Dacheng Beijing Office, was invited to attend the forum and delivered a keynote speech in respect of the calculation of damages in competition cases.

For details, please visit <http://new.law.pku.edu.cn/news/articledisplay.asp?NewID=6915>

中国竞争政策与法律年会（2013 年）在京举行

2013 年 12 月 12-13 日，由中国世界贸易组织研究会竞争政策与法律专业委员会主办的中国竞争政策与法律年会暨竞争执法国际论坛（2013 年）在北京召开。国家发改委价格监督与反垄断局局长许昆林、商务部反垄断局局长尚明、工商总局反垄断与反不正当竞争执法局副局长刘烨分别发表主题演讲，披露了三大执法的最新立法和执法情况。中国世界贸易组织研究会会长孙振宇、国务院反垄断委员会专家咨询组组长张穹出席了会议。

详细信息：<http://www.mofcom.gov.cn/article/huiyuan/zhanlhd/201312/20131200432907.shtml>

China Competition Policies and Law Annual Meeting (2013) Held in Beijing

On December 12-13, 2013, *China Competition Policies and Law Annual Meeting & Competition Law Enforcement International Forum (2013)* was held in Beijing by Competition Policy and Law Committee of China Society for World Trade Organization Studies (“CWTO”). Mr. Xu Kunlin, Director General of Price Supervision and Anti-Monopoly Bureau of NDRC, Mr. Shang Ming, Director General of AMB of MOFCOM, Ms. Liu Ye, Deputy Director General of Competition Enforcement Bureau of SAIC, respectively made keynote speeches and disclosed the most updated information about the antitrust legislation and enforcement. Mr. Sun Zhenyu, Chair of CWTO, and Mr. Zhang Qiong, Chairman of the Expert Advisory Board of the State Council Anti-Monopoly Commission attended the meeting.

For details, please visit

<http://www.mofcom.gov.cn/article/huiyuan/zhanlhd/201312/20131200432907.shtml>

中国人民大学成立反垄断研究机构

2013 年 12 月 11 日，中国人民大学汉青研究院反垄断与竞争政策研究所揭牌成立，并成功举行主题为“反垄断执法中的经济学分析”的反垄断与竞争高端论坛。国家发改委价格监督与反垄断局局长许昆林、中国人民大学吴汉洪教授、杨东副教授、中国政法大学时建中教授出席了会议。

详细信息：<http://www.antimonopolylaw.org/Article/default.asp?id=4339>

RUC Establishes Antitrust Research Institution

On December 11, 2013, Hanqing Advanced Institute of Economics and Finance of RenMin University of China (“RUC”) established a new research institution-Antitrust and Competition Policy Research Institution and held antitrust and competition summit forum with the theme of “*Economic Analysis in Antitrust Enforcement*”. Mr. Xu Kunlin, Director General of Price Supervision and Anti-Monopoly Bureau of NDRC, Prof. Wu Hanhong, Associate Prof. Yang Dong from RUC, Prof. Shi Jianzhong from China University of Political Science and Law attended the event.

For details, please visit <http://www.antimonopolylaw.org/Article/default.asp?id=4339>

国务院反垄断委员会专家咨询组举办演讲活动

2013 年 12 月 8 日，国务院反垄断委员会专家咨询组、对外经济贸易大学竞争法中心和北京凯恩克劳斯经济研究基金会联合主办的“凯恩克劳斯经济研究基金会名人演讲”在北京举行。英国竞争委员会前主席德瑞克·莫里斯爵士作为主讲人发表了题为“竞争政策与自然垄断行业的价格管制：信息、激励与治理”的演讲。英国竞争上诉法庭庭长彼得·弗里曼爵士、全国人大财经委副主任委员彭森、国务院发展研究中心研究员吴敬琏、国务院反垄断委员会专家咨询组副组长黄勇，北京大学教授张维迎教授，国家发改委、商务部、国家工商总局、最高人民法院等单位的有关负责人以及国务院反垄断委员会专家咨询组成员等学者以及各高校师生共 700 余人参加了会议。邓志松律师出席活动并与彼得·弗里曼爵士进行了交流。

详细信息：http://caijing.chinadaily.com.cn/2013-12/09/content_17162116.htm

Expert Advisory Board of the State Council Anti-Monopoly Commission Holds Lecture Event

On December 8, 2013, “*The Cairncross Foundation Lecture*” co-hosted by Expert Advisory Board of

the State Council Anti-Monopoly Commission, Competition Law Center of University of International Business and Economics (“UIBE”) and Cairncross Foundation was held in Beijing. Sir Derek Morris, Former Chairman of UK Competition Commission, delivered a speech entitled “*Competition Policy and the Regulation of Prices in Natural Monopoly: Information, Incentives and Governance*”. More than 700 people, including Sir Peter Freeman, Chairman of UK Competition Appeal Tribunal, Mr. Peng Sen, Vice Chairman of Financial and Economic Affairs Committee of The National People’s Congress, Prof. Wu Jinglian, Researcher of Development Research Center of the State Council, Prof. Huang Yong, Vice Chair of the Expert Advisory Board of the State Council Anti-Monopoly Commission, Prof. Zhang Weiyang, Peking University, chiefs of NDRC, MOFOCM, SAIC and SPC, members of Expert Advisory Board of the State Council Anti-Monopoly Commission and teachers and students from universities and colleges, attended the meeting. Jet Deng, Partner of Dacheng Beijing office attended the event and had discussion with Sir Peter Freeman.

For details, please visit http://caijing.chinadaily.com.cn/2013-12/09/content_17162116.htm

团队动态 Dacheng Team

戴健民律师出席福布斯专栏作家年会，和与会者交流反垄断话题

2013 年 12 月 28 日，福布斯中文网专栏作家年会在上海举行。作为福布斯中文网的专栏作家，来自各行各业的企业代表及精英出席了这次聚会。作为唯一一位来自律师界的专栏作家，戴健民律师和与会者交流了 2013 年反垄断执法对商业运营的影响。同时，戴健民于 2013 年在福布斯中文网就“五茅案件”，强生纵向垄断协议和华为诉美国专利公司滥用市场支配地位等多个反垄断案件发表评论(<http://www.forbeschina.com/column/column.php?name=daijianmin>)，受到读者的一致好评。

Ken Dai Attends the Annual Party of Forbes China Columnists and Shares Antitrust Insights with Participants

On December 28, 2013, the Annual Party of Forbes China Columnists was held in Shanghai. As columnists of Forbes China, enterprise representatives and elites from various industries attended the party. As the only columnist from legal professional, Ken Dai communicated with participants about the impact of antitrust enforcement on business operation in 2013. In addition, Ken Dai has made comments (<http://www.forbeschina.com/column/column.php?name=daijianmin>) on a number of antitrust cases since 2013, including without limitation cases of Moutai and Wuliangye, Johnson’s vertical monopoly agreement, and Huawei suing American Patent Company for abusing its market dominant position, which were highly welcomed.

邓志松律师荣获中国青年竞争法十大优秀论文并应邀出席互联网高端论坛

2013 年 12 月 15 日，中国经济法学研究会和北京大学竞争法研究中心联合举办的中国青年竞争法优秀论文评选揭晓，大成律师事务所合伙人邓志松律师荣获“中国青年竞争法十大优秀论文”。这次论文评选采用双向匿名评审，评审专家来自全国人大、最高人民法院、国家发改委、国家工商总局、北京大学、中国社会科学院、对外经贸大学等机构，包括了竞争法立法界、学术界及实务界的代表人物。作为获奖者，邓律师也应邀参加了北京大学竞争法研究中心于当日举办了“互联网·价格·竞争法规制”高端论坛，并发表了题为“反不正当竞争案件损害赔偿计算的若干思考”的专题演讲，北京市第一中级人民法院知识产权庭副庭长仪军对邓律

师的演讲进行了点评。

Jet Deng Wins Prize of “China's Top 10 Outstanding Youth Competition Law Papers” and Gives Speech on Internet Antitrust Forum

On December 15, 2013, as the result of paper selection activities co-hosted by China Economic Law Studies Association and Competition Research Center of Peking University released, Jet Deng, Partner of Dacheng Beijing Office, won the prize of “China's Top 10 Outstanding Youth Competition Law Papers”. The paper selection employed double-blind peer review system and the reviewing experts were from institutions such as The National People's Congress, SPC, NDRC, SAIC, Peking University, Chinese Academy of Social Sciences, UIBE, etc. including representative personages from the legislation, academic and practice circles in competition law. As a prize winner, Jet Deng was also invited to attend the 17th Competition Law Forum of Peking University - Internet· Price· Regulation by Competition Law and made a keynote speech entitled “Several Thoughts on the Calculation of Damages in Anti-Unfair Competition Cases”. Mr. Yijun, Vice Presiding Judge of Intellectual Property Tribunal of Beijing First Intermediate People's Court commented on Jet Deng's lecture.

邓志松律师接受《财新》、《新京报》采访，就华北制药维 C 反垄断案件发表观点

2013 年 12 月 3 日与 17 日，邓志松律师分别接受了《财新》与《新京报》的采访，就华北制药下属子公司维尔康在美国的维 C 反垄断案一审判决发表观点。

详细信息：<http://companies.caixin.com/2013-12-03/100613062.html>,

<http://www.bjnews.com.cn/finance/2013/12/17/297774.html>

Jet Deng Airs Observations of Vitamin C Antitrust Case on Caixin and the Beijing News

On December 3 and 17, Jet Deng, Partner of Dacheng Beijing Office, took interviews by *Caixin and the Beijing News* and aired his professional observations on the American court's first instance judgment against Hebei Welcome Pharmaceutical Co., Ltd, a subsidiary of North China Pharmaceutical, for reaching price cartels in Vitamin C.

For details, please visit <http://companies.caixin.com/2013-12-03/100613062.html>,

<http://www.bjnews.com.cn/finance/2013/12/17/297774.html>

邓志松律师接受《中国工商报》采访，就“中国互联网反不正当竞争第一案”发表观点

2013 年 12 月 11 日，邓志松律师接受《中国工商报》采访，就“中国互联网反不正当竞争第一案”——腾讯诉奇虎 360 不正当竞争案发表观点。邓律师指出，针对违法收益远远高于违法成本的问题，《反不正当竞争法》应明确直接损失概念和间接损失概念，同时还应提高损害赔偿数额标准。

详细信息：http://www.cicn.com.cn/content/2013-12/11/content_134878.htm

Jet Deng Delivers Views of Tencent v. Qihoo Unfair Competition Case on China Industry & Commercial News

On December 11, 2013, Jet Deng, Partner of Dacheng Beijing Office, took interview by *China Industry & Commercial News* and aired his professional opinions on the “The First Anti-Unfair Competition cases in Internet Industry”- Tencent's litigation against Qihoo 360 for anti-unfair Competition behaviors in the Supreme Court. Jet Deng points out that, to deal with the issue that

illegal profits far outnumber illegal cost, *Anti-Unfair Competition Law* should clearly provides the concepts of direct damages and indirect damages, and enhance the compensation standard for damages.

For details, please visit http://www.cicn.com.cn/content/2013-12/11/content_134878.htm

戴健民律师出席第九届亚洲竞争论坛年会，主持中国反垄断法单元

2013 年 12 月 8 日至 10 日，第九届亚洲竞争论坛在香港召开，来自中国大陆、香港、日本、韩国、新加坡、澳大利亚、欧盟、美国等近 30 个国家的反垄断执法机构官员及反垄断专家出席了该论坛。戴健民律师在“中国反垄断法”环节担任主持人，其精彩的发言赢得了与会嘉宾的一致好评。

Ken Dai Attends ACF's 9th Annual Conference and Chairs the session of Antitrust Issues in China

From December 8 to 10, 2013, Asian Competition Forum's ("ACF") 9th Annual Conference was held in Hong Kong, attended by officials of antitrust enforcement agencies and antitrust experts from more than 30 countries, including China Mainland, Hong Kong, Japan, Korea, Singapore, Australia, EU and the U.S.. Ken Dai chaired the main theme on "Antitrust Issues in China" in the Forum, and won great applause from the audience.