

Advanced Seminar on

CHINA ANTITRUST

中国反垄断高级研讨会



April 2, 2015 • InterContinental Shanghai Pudong • Shanghai, China



Conference Co-Chairs:



Munesh Mahtani
Senior Competition Counsel
Google (London)

Ying Zhang
Legal Vice President
General Counsel, North Asia
Unilever China (Shanghai)

Benefit from an Exceptional Faculty of Antitrust Experts:



Cui Shufeng
Post Doctor on Anti-trust Law
Chinese Academy of Social Sciences
*Former Deputy Division Director,
Anti-Monopoly Bureau
Ministry of Commerce*



Edwin Li
General Counsel
BASF



Jason Cao
Chief Legal Counsel – China
Dover Corporation



Hongbin Wang
General Manager of Legal Affairs
Intel China



Sheana Chen
Senior Legal Counsel
Texas Instruments



Lingling Yan
Asia Pacific Compliance Counsel
Agilent Technologies

Get first hand insights from the leaders of the China Antitrust bar and senior in-house counsel

From MNC Antitrust Executives and Key Players

- Responding to China Antitrust Enforcement Uptick:
How to Proactively Prepare for New Risks Amid Increased
NDRC and SAIC Activity
- Dawn Raids – A Practical Guide to Effective Crisis Management
for the Most Vigorous Investigation

Focus on Long term Antitrust Compliance Program

- How to Design A Sustainable China Antitrust Strategy
and Compliance Program

Hands-on Risk Management Strategy for Your China Operations

- Addressing IP Challenges in Antitrust Cases: A Global Review
and Approach for Essential Patents with FRAND Commitments
- How to Mitigate Monopoly Risks on Cartels in China,
When Overseas Businesses are Under Investigation
- How to Resolve Complex Monopoly Risks in Distribution
Channel
- Navigating MOFCOM's Conditional Approvals and Simple
Case Review Process: How to Ensure Your Deal Obtains a Timely
Approval

Media and Association Partners:



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A unique conference focused on long term strategy and sustainable antitrust compliance program for China

American Conference Institute is delighted to announce the Advanced China Antitrust Seminar April 2, 2015 at the InterContinental Pudong Shanghai Hotel.

This exclusive conference is specifically designed for China in-house counsel, antitrust lawyers and consultants, and will provide a comprehensive and up to date China antitrust roadmap. ACI has selected the leading in-house counsel, consultants and lawyers in the area to discuss how to resolve the most challenging issues in China antitrust field.

The China antitrust enforcement landscape is changing dramatically. High profile antitrust enforcement will affect more companies in China than ever before. Recent investigations targeting companies such as Qualcomm and Microsoft illustrate that monopoly can become a serious concern for companies doing business in China. Now is the time to review and rebuild your antitrust strategy.

Focus on Long-term and Sustainable Strategy

ACI dedicated six months of solid research into producing this premier seminar. This means that you benefit from original, innovative and timely content rather than recycled presentations. The one-day seminar format will save time and address the most pressing issues to help you build your antitrust program.

Unprecedented Industry Speaker Faculty

Get first-hand information from senior antitrust executives and attorneys across China, the USA and Europe. Industry presenters will share effective corporate strategies from high-tech, internet, manufacturing, consumer products and other key industries. We guarantee you can walk away with practical tips and share it with your team

Reserve your place today for what is already regarded as a one of a kind antitrust event in China. Group rates are available. Train your legal team and get CLE.

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Thursday, April 2, 2015

8:00 Registration Begins and Coffee/Tea Served 签到早餐

9:00 Conference Co-Chairs Opening Remarks
大会主席致辞



Munesh Mahtani
Senior Competition Counsel
Google (London)

Ying Zhang
Legal Vice President –
General Counsel, North Asia
Unilever China (Shanghai)

9:15 Responding to China Antitrust Enforcement Uptick:
How to Proactively Prepare for New Risks Amid
Increased NDRC and SAIC Activity
中国反垄断执法的动向：如何积极准备日趋递增的发改委和工商局的严格执法浪潮。



Edwin Li
General Counsel
BASF (Shanghai)



Janet Hui
Partner
JunHe (Beijing)

- Contrasting NDRC and SAIC functions, their roles and interaction in antitrust enforcement
- What individual goal NDRC and SAIC have in China, what industry or particular products are their priority
- What recent cases reveal on future antitrust enforcement trends in China
- What triggers enforcement, what are current investigations legal bases
- How significant is agencies investigative power, and what information they are able to access
- What is the normal process of an antitrust investigation
- What companies and their advisors can do to engage NDRC and SAIC for the investigation
- How to provide evidence during the investigation, and how much you should disclose
- What is right to defend for your NDRC and SAIC investigation

10:15 How to Design a Long Term and Sustainable China
Antitrust Strategy and Compliance Program
如何建立长久的反垄断内部体制及设计远期合规战略



Jason Cao
Chief Legal Counsel – China
Dover Corporation China
(Shanghai)



Munesh Mahtani
Senior Competition
Counsel
Google (London)



Yasue (Becky) Nao Koblitiz
Special Counsel
Sheppard Mullin Richter & Hampton LLP (Beijing)

- How to assess and monitor product distribution and ensure the price strategy complies with the requirements under AML
- Monitoring and reassessing operation systems and employees
- Communicating with sales team, technical team and R&D group to ensure the suitable strategy will be implemented in practice
- Internal audit guide for your compliance program – when and how to conduct such an audit in China
- Providing adequate training for your operations team
- How to allocate resources wisely
- How to assess the information and data of transaction during M&As
- How to establish government relationship to stay current on regulation and enforcement, and communicate with government official
- Planning for operations for the long term beyond the scope of current China antitrust enforcement

11:15 Refreshment Break 茶点休息

Interface of Antitrust Law and Patent Law: A Comparative Analysis of U.S., Europe and China's Approach to Essential Patents and FRAND

反垄断法与专利法的交点：从中美欧角度评析标准专利的公平合理和不带歧视性条款问题的把握



Benjamin Bai
Partner
Allen & Overy (Shanghai)



He Jing
Senior Consultant
AnJie Law Firm (Beijing)



Thomas Pattloch
Partner, Taylor Wessing (Munich)



Hongbin Wang – Panel Moderator
General Manager of Legal Affairs
Intel China (Beijing)

- Reviewing of relevant cases: Huawei vs. Interdigital (China); Microsoft v. Motorola (U.S.); Huawei v. ZTE (CJEU)
- Examination of MOFCOM's approval of mergers on IP issues and its requirement of FRAND (Microsoft's acquisition of Nokia)
- How is FRAND defined in litigation around the world?
- What royalty payment is fair and reasonable?
- Lessons learned from the litigation and merger approvals
- Are China, U.S. and Europe converging on FRAND?
- Predicting the future trend and best way to handle FRAND issues in licensing and litigation

12:30

Networking Luncheon for Attendees and Speakers 与会嘉宾与演讲嘉宾互动午餐

13:45

How to Mitigate Monopoly Risks on Cartels in China, When Overseas Businesses are Under Investigation 海外企业联合稽查对中国企业联合的影响



Susan Ning
Partner
King & Wood Mallesons
(Beijing)



Peter Wang
Partner
Jones Day (Shanghai)

- What should be initial actions when responding to overseas investigations
- Case studies on overseas antitrust cartel investigations and how to evaluate if China-related business can be involved in any manner
- How to conduct internal investigation to collect information?
- How to deal with privilege issue in multi-jurisdiction investigation?
- How to develop response strategy, including evaluating the option of leniency application?
- How to adjust horizontal agreement on price fixing and market allocation among competitors
- What are the guidelines of leniency
- Discussing price law impact to the investigation

14:30

How to Resolve Complex Monopoly Risks in Distribution Channel: Strategies to Mitigate Your Vertical Supply Chain Antitrust Price and Non-Price Challenges

如何解决纷繁复杂的销售渠道中的价格和非价格垄断问题



Sheana Chen
Senior Counsel
Texas Instruments
(Shanghai)



Lingling Yan
Asia Pacific Compliance
Counsel, Agilent Technologies
(GuangZhou)



Ying Zhang
Legal Vice President
General Counsel,
North Asia
Unilever China (Shanghai)

Fay Zhou
Partner
Linklaters (Beijing)

- How to manage and monitor distributors in each tier of the distribution chain to ensure compliance
- How to set recommended resale price and maximum resale prices
- Assessing what price is reasonable in the region and globally

- How to set a price for service provision in different stage of your supply chain
- How to resolve unique situations including unauthorized territories, fixing the maximum discount offer by downstream distributors, fixing the distribution margin, minimum distribution margin, fixing the minimum operating profit, minimum tax burden ratio for downstream distributors
- Addressing other vertical risks: abusing dominate, threshold, and unfairly high price

15:30

Refreshment Break 茶点休息

15:45

Navigating MOFCOM's Conditional Approvals and Simple Case Review Process: How to Ensure Your Deal Obtains Timely Approval

商务部最新条件性合并审批及简易程序：
如何确保节约您的合并审批时间



Cui Shufeng
Post Doctor on Anti-trust Law
Chinese Academy of Social Sciences (Beijing)
Former Deputy Division Director, Anti-Monopoly Bureau,
Ministry of Commerce



Yan Hai
Senior Partner
Guangsheng & Partners
PRC Lawyers (Beijing)

- Case studies on recent MOFCOM decisions on simple case procedure
- What is the criteria threshold for horizontal and vertical mergers
- Introducing electronic online filing system, and its pros and cons
- What areas MOFCOM is focusing on: offshore transaction, China access on raw material imports
- Timeline and procedure of new merger control review process, Planning efficiently in the early stage of merger to save review time
- How to avoid and handle the concerns from third parties and competition
- Discussing the cases that still go through the normal review process, with remedies that may be imposed by MOFCOM
- Look forward to future trend by contrasting US and European Merger Control Review
- Contrasting inbound and outbound merger situations
- How to gather sufficient information on market share data as soon as the deal is being mullied
- What is an effective lobbying strategy

16:30

Dawn Raids – A Practical Guide to Effective Crisis Management for the Most Vigorous Investigation 对突袭检查危机机制的管理指南



Michael Han
Partner
FangDa (Beijing)



Ninette Dodoo
Counsel
Co-head China Antitrust Practice
Freshfields Bruckhaus Deringer
(Hong Kong)

- Conducting Dawn Raid training and preparation before it happens
- Discussing immediate response considerations including:
 - managing the first hours of the investigation
 - ascertaining the focus of the investigation
 - understanding rights of defence
 - interactions with the regulator
- Preparing for the unexpected for the Chinese characteristics of dawn raid
- Understanding the leniency risks and rewards; Coordinating with applications made in other jurisdictions
- Managing your defense including: interviewing witnesses, international coordination, managing large scale document reviews, disclosing the scope of the information and the access

17:15

Co-Chairs Closing Remarks and Conference Ends 大会结束



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- Antitrust Compliance
- Compliance
- Operation
- Supply Chain
- International Trade
- logistics and Supply Chain
- Government Relationship
- Economists

In House Counsel/Legal Counsel:

- Competition Counsel
- IP Counsel
- Antitrust Counsel
- Compliance Counsel

Outside Counsel and Consultants:

- International Trade
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ADMINISTRATIVE DETAILS

CONFERENCE

Date: April 2, 2015

Time: 8:00 – 17:15

VENUE: InterContinental Shanghai Pudong

ADDRESS: 777 Zhangyang Road, Pudong New Area, 200120 Shanghai, P.R. China

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