



CHINA UNIVERSITY OF POLITICAL SCIENCE AND LAW
中国政法大学

CHINA INSTITUTE OF INTERNATIONAL ANTITRUST AND INVESTMENT 中国国际反垄断和投资研究中心

1st ANNUAL SYMPOSIUM

21 - 22 MARCH 2013 | FRIENDSHIP HOTEL, BEIJING

Dear colleague,

The China Institute of International Antitrust and Investment (CIIAI) was established in March 2012 by the China University of Political Science and Law, each of which is based in Beijing, with the goals of promoting due process and transparency in antitrust proceedings, as well as the adoption of "best practices" where it is reasonable to do so. The CIIAI seeks to achieve these objectives by encouraging open, intellectual debate between antitrust regulators, private practitioners and scholars.

The CIIAI is proud to announce that its inaugural antitrust symposium will take place on 21-22 March 2013 at the Friendship Hotel in Beijing. The emphasis of this symposium is on Chinese antitrust law and, specifically, what companies doing business in China need to know about the law and its enforcement, both present and future. Moreover, our distinguished faculty will also explore policy directions in the US, EU, Brazil and India—four of the key foreign markets for Chinese companies.

As the CIIAI is based in China and is part of one of the top law schools in the country, our top priority is to educate and inform Chinese companies on how antitrust laws may affect them. Within the course of a two-day conference, we intend to achieve this goal by providing comprehensive coverage of the issues concerning them, such as: relevant market analysis; practical guidance on obtaining merger clearances; how one may become involved in illegal cartels and how best to avoid them; and how one becomes "dominant" and commits an abuse of this position. Those attending this symposium will obtain an understanding of how these principles operate under Chinese law, and where the US and EU systems may differ.

Our faculty for this symposium includes senior regulators, in-house counsel, partners from law firms and economic consultancies and leading academics—all of whom have rich antitrust backgrounds—thereby enabling discussion and debate from various perspectives.

We are also proud to announce that LexisNexis, the legal publisher, will be publishing a book containing the papers and proceedings relating to the symposium, including papers from CIIAI Fellows from around the world.

So don't miss out on this unique opportunity. Come join us at the symposium, which will set a new standard in Asia.

Kind regards,

Frank L Fine
Chairman of the Symposium

CIIAI MEETING EXECUTIVE MEMBERS



FRANK FINE
Senior Counsel, DeHeng Law Offices
Executive Director of the CIIAI
Visiting Professor of CUPL



Qi Huan
Managing Director of the CIIAI
Ph.D. Associate Professor
Faculty of International Law
Deputy Director of Research Institute of
International Economic Law

CONFERENCE SPEAKERS INCLUDED:

Ms. Li Qing
Deputy Director General, NDRC

Mr. Shang Ming
Director General, MOFCOM

Mr. Maureen Ohlhausen
Commissioner of US Federal Trade Commission

Mr. Bernd Langeheine
Deputy Director General, DG Competition

Mr. Willard Tom
Former General Counsel, US Federal Trade
Commission

Mr. John Davies
Head of Competition Division, OECD

Professor William Kovacic
George Washington University Law School

Professor Jianzhong Shi
China University of Law and Political Science

Dr. Wolfgang Heckenberger
Chief Competition Counsel, Siemens

Ms. Penny Newman
Global Competition Law Advisor, Bertelsmann

Ms. Susan Ning
Partner, King & Wood Mallesons

Mr. Michael Han
Partner, Freshfields

Mr. Huanzhong Chen
Partner, Global Law Office

Mr. Tito Amaral de Andrade
Partner, Machado Meyer

Mr. Simon Baxter
Partner, Skadden Arps

Mr. Simon Bishop
Partner and Co-Founder, RBB Economics

Mr. Justin Coombs
Senior Vice President, Compass Lexicon



FIRST ANNUAL SYMPOSIUM PROGRAM

21-22 MARCH 2013

DAY ONE

THURSDAY 21 MARCH 2013

09:00: Registration and welcome coffee

09:30-10:00: Keynote speaker

(to be announced)

10:00-10:45

DEFINITION OF THE RELEVANT MARKETS (CHINESE LAW)

Prof. Jianzhong Shi
China University of Political
Science and Law

Mr. Su Sun
Senior Economist
Economists Incorporated

- Are the 2009 Guidelines the final word?
- Do all three PRC agencies apply the same assessment tools?
- Must relevant markets be defined in all cases?
- What is the relevance, if any, of foreign case law?
- What scope is given, in practice, to supply substitutability?

10:45-11:45

MERGERS: PROCEDURAL AND REMEDIAL ISSUES (CHINESE LAW)

Mr. Michael Han
Partner, Freshfields

Mr. Howard Morse
Partner, Cooley LLP

Dr. Wolfgang Heckenberger
Chief Competition Counsel, Siemens

- Can notification be required even when the target has no PRC turnover?
- Is there any possibility for short-form notification or simplified review?
- Under what circumstances may the waiting periods be extended in view of Nokia Siemens/Motorola and Google/Motorola Mobile?
- What is the scope for state-of-play meetings and a hearing?
- How does MOFCOM monitor compliance with remedies, particularly behavioral ones?

11: 45-12: 15: Coffee break

12:15-13:00

MERGERS: SUBSTANTIVE ISSUES (CHINESE LAW)

Mr. Michael Gu
Partner, Anjie Law Firm

Mr. Glenn Mitchell
Vice President, Compass Lexicon

Mr. Simon Baxter
Partner, Skadden Arps

- How are joint ventures analysed under the Chinese merger review?
- Is there a "safe harbor" on the basis of low combined market share?
- What is the track record in applying the August 2011 Interim Regulation?
- Are vertical and conglomerate mergers usually considered benign?
- Is Seagate/Samsung the new "normal"?

13: 00-14: 30: Lunch

14:30-15:15

VERTICAL AGREEMENTS (CHINESE LAW)

Ms. Li Qing
Deputy Director General, NDRC

Ms. Ninette Dodoo
Counsel, Clifford Chance

Mr. Willard Tom
Former General Counsel, US Federal Trade Commission

- Do vertical agreements have any enforcement priority?
- Can parties vet their vertical agreements with NDRC or SAIC?
- Which vertical restrictions are given "hard-core" status?
- Are de minimis thresholds applicable?

15: 15-15: 45: Coffee break

15:45-16:45

CARTELS AND OTHER
HORIZONTAL ARRANGEMENTS (CHINESE LAW)

Mr. John Ren
Partner, T&D Associates

Mr. Donald Klawiter
Partner, Sheppard Mullin

Mr. Frank Fine
Senior Counsel, DeHeng Law Offices

- What are the rights of defense of alleged cartelists?
- Is State compulsion a viable defense?
- How can companies deal with absence of lawyer-client privilege under Chinese law?
- Which types of horizontal agreements are deemed potentially benign?
- What can Chinese companies do to reduce antitrust risk?

16:45-17:30

PRIVATE ANTITRUST LITIGATION IN CHINA

Ms. Susan Ning
Partner, King & Wood Mallesons

Mr. Bradley Lui
Partner, Morrison & Foerster

Mr. Simon Bishop
Partner and Co-Founder, RBB Economics

- Which courts are competent to hear antitrust claims?
- What is the relationship between courts and agencies in the AML enforcement?
- Are some courts/venues preferable to others?
- What are the possibilities for follow-on litigation and what status is given to agencies' decisions?
- The rule on burden of proof: are there any differences between cartel damages cases and dominance cases?
- What has been the courts' practice in using economists as expert witnesses?

17: 30: Cocktail

DAY TWO

FRIDAY 22 MARCH 2013

09:00: Keynote address

Commissioner Maureen Ohlhausen
US Federal Trade Commission

09:45-10:30

ABUSE OF DOMINANCE (CHINESE LAW)

Mr. Huanzhong Chen
Partner, Global Law Office

Mr. Justin Coombs
Senior Vice President, Compass Lexicon

Mr. Rene Law Gonzalez
General Counsel China, ExxonMobil

- When is dominance presumed and effectively rebutted?
- Which forms of abuse have been investigated?
- Are SOEs and publicly/privately owned companies equally subject to investigation?
- Does China Mobile/China Unicom presage the application of collective dominance theory?

10:30-11:15

ESSENTIAL FACILITIES AND ANTITRUST (CHINESE LAW)

Prof. William Kovacic
George Washington University Law School

Mr. Frank Li
Partner, DeHeng Law Offices

Mr. Chris Meyers
Associate General Counsel, Microsoft

- When does Chinese antitrust prohibit the refusal to provide access to essential infrastructure and industry standards?
- Have the NDRC and SAIC established a coherent enforcement policy?
- Can compulsory licensing benefit the Chinese economy?
- Does Shanxi Transport/Taiyuan Railway suggest that Chinese courts will take the lead in the application of essential facilities theory?

11: 15 – 11: 45: Coffee break

11:45-12:45

KEY ANTITRUST ISSUES FACING CHINESE COMPANIES IN THE US AND EU

Mr. John Davies
Head of Competition Division, OECD

Mr. Pierre Kirch
Partner, Paul Hastings

Mr. Willard Tom
Former General Counsel, US Federal Trade Commission

Ms. Penny Newman
Global Competition Law Advisor, Bertelsmann | Chinese enterprise delegate (to be decided)

12: 45 – 14: 15: Lunch

14:15-15:15

KEY ANTITRUST ISSUES FACING CHINESE COMPANIES IN BRAZIL AND INDIA

Mr. Eduardo Frade
Deputy Director General, CADE, Brazil

Mr. KK Sharma
Partner, KK Sharma Law Offices

Mr. Bharat Vasani
General Counsel, Tata Group

Mr. Tito Amaral de Andrade
Partner, Machado Meyer

15: 15 – 15: 45: Coffee break

15:45-17:15

Government Roundtable

Mr. Shang Ming
Director General, MOFCOM

Mr. Bernd Langeheine
Deputy Director General, DG Competition

SAIC representative (to be announced)

Dialogue: officers, enterprise delegates and lawyers

17: 15: Close of conference



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Registration Form

Registration Information for the First Annual Symposium of CIIAI

Title (Mr./Ms./Dr, etc)	
First name	
Last name	
Email address	
Mobile phone	
Company name	
Position in company	
Company address	
Postal address (if different from company address)	
Postal Code	
City and/or province/state	
Country	
How you learned about the Symposium	

All attendees must register in advance of the conference.

Symposium fees (including participation to all session, event materials, coffee breaks and lunch; excluding overnight accommodation)

Regular attendee	\$600 or ¥ 3500
Full-time academic/PhD-student	¥ 800
Government officials	free

Payment options:

1. Pay with cash on the first day of the symposium ;
2. Pay with credit card on a POS on the first day of the symposium ;
3. Bank transfer:

Name of bank: Bank of China, Beijing Branch, Changping Sub-branch
Address of Bank: No. 57 Nan Huan Road, Changping, Beijing, China, 102200
BIC/SWIFT Code: BKCHCNBJ110
Beneficiary's name: China University of Political Science and Law
Account Number: 3467 5600 7485
Address: No. 27 Fuxue Road, Changping District, Beijing, China, 102249
Phone Number: (+86-10) 5890 9142

If you need an invoice

Item for the invoice: symposium fees

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Contact for the symposium:

Ms Liu: (+86) 18701072916

Ms Wang: (+86-10) 5890 9367

ciiai@cupl.edu.cn

Venue of Symposium: the Friendship Hotel, Beijing, China

Address: 1 Zhongguancun South St. Beijing 100873, P.R.China

Tel: (+86-10) 6849 8080

E-mail: smd@bjfriendshiphotel.com

<http://www.bjfriendshiphotel.com/english/>