Discussion on IPR and Standard Essential Patents

ZENG Chuan
Investigation on Abusive Behaviors Division,
Anti-Monopoly Bureau
21 March 2019
Contents

1 Rules on Prohibition of the Behaviors of Abusing Market Dominance
2 General Indicators for Determining Market Dominance of Undertakings
3 Considerations on Determining Market Dominance in the Area of IPR (SEP)
1. Rules on Prohibition of the Behaviors of Abusing Market Dominance (Draft for Public Comments)

Context and contents
## 1. Context and contents

<table>
<thead>
<tr>
<th>In 2018</th>
<th>Launched officially</th>
</tr>
</thead>
<tbody>
<tr>
<td>30th January</td>
<td>Draft for Comments</td>
</tr>
<tr>
<td></td>
<td>Call for comments from member agencies of the Anti-Monopoly Commission at the State Council, relevant agencies and bureaus at SAMR</td>
</tr>
<tr>
<td>30th January – 1st March</td>
<td>Call for public comments</td>
</tr>
</tbody>
</table>
The “Rules” consists of 5 parts and 32 Articles.

The second part includes the provisions on determining market dominance, where Article 6 to Article 9 stipulate the definition and indicators of market dominance.
2. General Indicators for Determining Market Dominance of Undertakings

Building on the previous regulatory document, the Rules factors in Internet, IPR and other areas when determining market dominance of undertakings.
In addition to Paragraph 1 of this Article, the following factors also need to be considered when determining market dominance in the area of IPR:

1. Alternative relevant technologies (standards)
2. Upgrades of the technology (standards)
3. Standard setting and R&D
4. Application of the technology (standards)
Thank you!