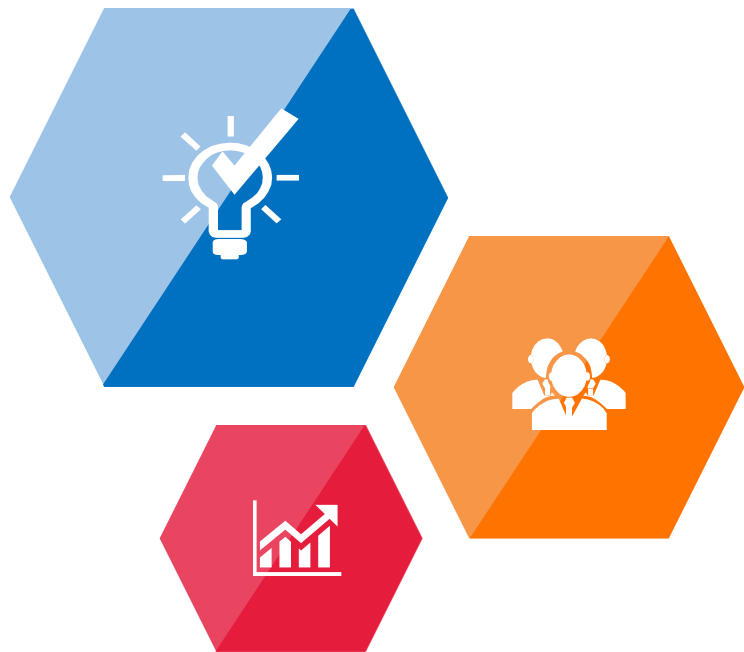




国家市场监督管理总局

State Administration for Market Regulation



Discussion on IPR and Standard Essential Patents

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Anti-Monopoly Bureau
21 March 2019



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1. Rules on Prohibition of the Behaviors of Abusing Market Dominance (Draft for Public Comments)

Context and contents



1. Context and contents

In 2018	Launched officially
30 th January	Draft for Comments
	Call for comments from member agencies of the Anti-Monopoly Commission at the State Council, relevant agencies and bureaus at SAMR
30 th January – 1 st March	Call for public comments



2. General Indicators for Determining Market Dominance of Undertakings

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.



3. Considerations on Determining Market Dominance in the Area of IPR (SEP)

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)



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Thank you!