



China Alert

China-related business developments and research

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Nixon Peabody hosts Chinese regulatory delegation headed by the Director General of China's Anti-Monopoly Bureau

As part of ongoing dialogues between Nixon Peabody LLP's China Practice Group and Chinese regulatory agencies, the firm was honored to host a high level delegation from the People's Republic of China at a conference at Nixon Peabody's New York City offices on November 11, 2009. The delegation was composed of high-ranking officials and key regulators from important Chinese regulatory bodies including China's Anti-Monopoly Bureau (AMB), Ministry of Commerce (MofCom), National Development & Reform Commission (NDRC), and State Administration of Industry & Commerce (SAIC). The delegation was headed by Shang Ming, head and Director General of China's AMB, which is China's national antitrust agency principally administering the Chinese Anti-monopoly Law (AML) and conducting antitrust reviews. Nixon Peabody had the opportunity to invite the firm's clients together with its lawyers to attend the conference.

The focus of the conference was China's new AML, which became effective in August 2008, and the law's implications to multinational corporations doing business or having business connections with China. The conference began with introductory remarks by Mr. Shang, after which three partners in Nixon Peabody's Antitrust Team, Fred Nelson, John Foote, and Bob Ebe, made a presentation concerning some of the similarities and differences between the AML and U.S. antitrust laws. The formal remarks and presentations were followed by an extended and lively question and answer session, during which Mr. Shang and the delegation provided numerous insights into the AML and how it may be interpreted and enforced.

Some of the interesting questions and answers touched upon during the conference include:

- exemptions to AML prohibitions,
- advance rulings in M&A reviews,
- dominant market position, and
- the interrelations between AML and IP laws in China.

Mr. Shang and the delegation expressed the hope to work with Nixon Peabody and its clients on further exchanges of ideas and thoughts on the AML and its implications.

Please feel free to call or e-mail any member of the China Practice or Antitrust Team members listed below:

- Henry Liu (Chairman) at 212-940-3153 or hliu@nixonpeabody.com
- Fred Nelson at 415-984-8376 or fnelson@nixonpeabody.com

- Yanwen Le at +86 21 6137 5507 or yle@nixonpeabody.com
- John Foote at 415-984-8326 or jfoote@nixonpeabody.com
- Bob Ebe at 415-984-8480 or rebe@nixonpeabody.com