



CRA Insights: China Highlights

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Charles River Associates publishes *CRA Insights: China Highlights*, a newsletter from the Competition Practice focusing on competition topics in China.

We wish you and your family a joyful, healthy, prosperous, and happy year of the Monkey!

Recent news

Sharon Pang and Elizabeth Xiao-Ru Wang nominated for Antitrust Writing Awards

Sharon Pang and **Elizabeth Wang** have been nominated for Antitrust Writing Awards in the Asian Antitrust category. Sharon Pang, with David Stallibrass, wrote “**Clash of the Titans: How China Disciplines Internet Markets**.” The paper discusses the decision in *Tencent v. Qihoo* and how it sets a practical precedent that could be sensibly emulated by courts throughout China and, if desired, other jurisdictions. “**Essential Facilities Doctrine and its application in Intellectual Property Space under China’s Anti-Monopoly Law**,” by Elizabeth Wang, with Yong Huang and Roger Xin Zhang, explores the development of the essential facilities doctrine and its potential applicability to IPR matters under China’s Anti-Monopoly Law. For more information on the awards and to vote, click [here](#).

Recent publication

China adopts many BEPS proposals and introduces more stringent transfer pricing requirements

Since the Chinese State Administration of Taxation (SAT) released its first comprehensive TP regulation in early 2009, the SAT has aimed to protect China’s revenue base by enforcing the arm’s length principle for intercompany transactions. Following the September 17, 2015 release of the Organisation for Economic Co-operation and Development’s base erosion and profit shifting (BEPS) Action Plan, the SAT issued a draft circular titled “The Discussion Draft on The Implementation Measures of Special Tax Adjustments.” The SAT’s proposals indicate that China will adopt certain guidelines from the BEPS 2015 Final Reports,

with the intent to ensure companies are more transparent in information disclosure and analysis requirements. To read more of this article by [Amy Ping Wu](#) of our Transfer Pricing Practice, click [here](#).

Upcoming events

Resolving Business Disputes in Asia Pacific: Litigation? Mediation? Arbitration? "Friendly Communication"?

As international business transactions and commerce continue to grow, so do the number of related disputes. CRA Vice President [Geoffrey Senogles](#) will be a panelist at this ABA Section of International Law program on February 23, 2016 at JAMS, Boston Resolution Center. The panel will explore the approaches to resolving those disputes and what alternatives exist to traditional litigation, particularly as they relate to Asian business practices and legal structures. For more information about this program, organized by Elizabeth Wang, click [here](#).

China Outlook 2016

On March 1, 2016 at Nixon Peabody, Elizabeth Wang will be on a panel discussing various hot topics, such as trending investments by China into the Boston area and recent developments in Chinese regulatory regimes. For more information, click [here](#).

Understanding Most Favored Nation Cases across the Atlantic

On March 17, 2016, Elizabeth Wang will be a panellist during this ABA discussion at the Charles River Associates office in Washington, DC. The panel brings together antitrust practitioners and enforcers to discuss leading cases, to compare and contrast developments in the US and Europe, and to provide insights on current economic and legal thinking on the issues related to the Most Favored Nation Clause.

Recent events

Competition Law: The Economic Aspects of the Competition Ordinance

On January 7, 2016, Sharon Pang spoke at the Hong Kong Bar Association. During her talk she discussed basic economic concepts in the Hong Kong Competition Ordinance, including market power and its abuse, and the efficiency rationale and potential anti-competitive harm of various vertical and horizontal restraints.

Recent Antitrust-IP Developments in China

Elizabeth Wang was a speaker during this ABA event on December 11, 2015, discussing a number of key developments in China regarding MOFCOM's recent decision on the Nokia-Alcatel merger, NDRC's draft IPR guidelines, and other activities.

Asian Competition Forum 11th Annual Conference

Sharon Pang was a speaker at this conference hosted by the Asian Competition Forum in Hong Kong on November 30–December 1, 2015. Her topic was entitled “The Role of Economists in Antitrust Investigations: A Case Study.”

2015 Asia Forum—Beijing

On November 16–17, 2015, Elizabeth Wang was a panel chair on “Hot Topics about Standards and FRAND Commitments” and also spoke on “Let the Buyer Beware? Challenges in Merger Review in Asia” at this conference in Beijing. She was also a member of the conference steering committee.

CRA and our China expertise

CRA combines deep knowledge of local laws and regulations with extensive experience in merger reviews in all major jurisdictions, including Asia, Europe, and North America. Many CRA economists have held leading positions in European, American, or Canadian government regulatory agencies. We offer firms with multinational interests a specialized point of contact in each region to coordinate the work of tightly integrated transnational teams. Read more about our China expertise [here](#).

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