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Foreword

Like it or not, antitrust has gone global. A merger requiring antitrust clearance from multiple jurisdictions, a multinational company being fined on different continents for participation in a global price-fixing cartel, a technology firm negotiating licensing deals with companies located in different countries ... such headlines often fill the business news. With antitrust going global, so is the regulatory risk. A merger between two companies based in two countries may have to abandon the deal if they cannot obtain antitrust approval from a third country. The discovery of a cartel in one country may lead to follow-on investigations and fines in other jurisdictions. A licensing practice that might seem quite benign in one jurisdiction could face hefty antitrust fines in another. The globalization of antitrust has seen both convergence in legal principles and divergence in enforcement practice across an increasing number of antitrust jurisdictions, adding more complexity to the practice that not long ago was still almost entirely local.

Against this backdrop is China's Anti-Monopoly Law, which has only been in force for the last seven years. Yet there is no doubt China has emerged as an important player in the global antitrust arena in virtually all major areas of enforcement: mergers and acquisitions, joint ventures, cartels, abuse of dominance, transfer and licensing of intellectual property rights, and administrative monopoly. MOFCOM, NDRC, SAIC, these acronyms have become the buzz words in the antitrust world, joining the ranks of DOJ, FTC, and EC. Management and legal counsel of foreign companies operating in China as well as those outside China with Chinese business desperately need to keep up with the fast-paced antitrust developments in the most dynamic market in the world.

The author of this book, Becky Koblitz, is a seasoned antitrust lawyer for a major U.S. law firm in Beijing. She has decades of legal experience as a prosecutor at the Antitrust Division of the U.S. Department of Justice, as well as in-house counsel for a German subsidiary of a major American real estate development company and as a lawyer at law firms globally. Her rich experience in the U.S., Europe and China, now often regarded as the three centers of global antitrust, makes her the perfect candidate to write a book on China's antitrust development. Her book is a quick read that tells what there is to know about China's antitrust enforcement and includes practical