
Index

- Advanced Semiconductor Engineering Inc. 94
agriculture 45, 47, 103, 292, 323
airline agreements 158, 164–5, 193–5, 200
AKZO v. Commission 179
alcohol 63, 122–3
Anant Panyarachoon 118, 119
Aquino III, Benigno S. 237, 241, 243, 246
ASEAN (Association of Southeast Asian Nations)
 129, 135, 158, 185–6, 268, 304, 306, 335
 Economic Community (AEC) 20, 26, 33,
 103, 240, 321, 322
 Blueprint 20–21, 33–4, 41, 181, 189,
 238, 243, 323–4
 EU competition law 19–23, 24, 307
 Expert Group on Competition 34
 national approach 20–21
 proliferation of competition law 26, 30, 31,
 33–4, 37, 38, 41
 Regional Guidelines on Competition Policy
 21–2, 34, 106, 307, 308, 319
Asia-Pacific Economic Cooperation (APEC) 31,
 32, 39, 135
Asian Development Bank (ADB) 324, 325, 335
Australia 134, 136, 137, 138, 139, 148, 189, 204,
 321
 Hong Kong 168–9, 170, 172–3
 mergers 275
- background perspectives 2–3
 ASEAN 26
 EU competition law 19–23, 24
 economic theory 23–4
 competition law converging on 7–11
 developing countries 11
 financial burden 9–10
 varieties of capitalism 10–11
 end of US monopoly as idea merchant 3–7
 ICN: idea merchant for divergence 12–16, 24
 needs of receiving country 16–19, 24
 economic 18
 institutions 18–19
 politics 18, 19
 sociocultural elements 18, 19
 proliferation of competition law in Asia *see*
 separate entry
- Bakhoun, M. 17
behavioural economics 11
best practices: International Competition Network
 (ICN) 14–16
- bias
 ICN: best practice and minoritarian 15
- bid rigging
 Cambodia 328
 Hong Kong 178, 179
 Indonesia 106, 107, 112
 Japan 47, 61, 62, 313
 Korea 71
 Laos 289, 290, 291
 Malaysia 192, 204, 207
 Philippines 239, 242, 244, 276
 Singapore 160
 Taiwan 95
 Thailand 131
 Vietnam 139–40, 148, 149
- bilateral free trade agreements 30, 37, 78, 135
 EU–Malaysia negotiations 186
 US–Singapore 39, 152, 153
- Boeing 12
Bork, R.H. 10
Brunei Darussalam 20, 33
Bulgaria 136, 148
bundling 125, 173, 220, 222, 224–5
Bush, George W. 13
- Cambodia 6, 20, 33, 41, 321–36
 abuse of dominant position 325, 329, 330, 335
 anticompetitive agreements 325, 328–9, 330,
 335
 challenges 335
 current draft competition law: Version 5.7
 321, 326–35
 Commission orders and procedures 332–4
 general exemptions 330
 individual liability 330
 investigation procedures 331–2
 other competition-related legislation
 334–5
 penalties 334
 prohibited activities 328–30
 regulatory authorities 327–8
 relevant definitions 326–7
 scope 326
 early history 321–5
 horizontal agreements 328
 mergers 325, 329–30, 335
 telecommunications law 325–6, 335
 unfair trade practices 325
 vertical agreements 329

- Cameron Highlands* case 202, 204–5
- Canada 136, 137, 139, 141, 148, 275
- capitalism 10–11, 209
- capture 293–4, 320
 - institutional 304, 308
 - regulatory 235, 325
- cease and desist orders
 - China 223
 - Indonesia 109, 113
 - Japan 49–50, 57, 58–9, 60
 - Malaysia 205
 - Philippines 250
 - Taiwan 93, 95
- Central and Eastern European countries 138, 149
- Chavalit Yongjaiyuth 119
- Chen Shui-bian 83
- Chiang Kai-shek 82
- China 5, 20, 26, 32, 33, 209–31
 - abuse of dominance 170, 212, 214, 219–21, 222–3, 230
 - civil anti-trust suits 224–5
 - administrative monopoly 211
 - abuse of 169–70, 176, 212–13, 218, 221
 - civil litigation 223–4
 - insufficient mechanisms against 226–7
 - cartels 213, 214, 218–19, 222
 - cease and desist orders 223
 - challenges 226, 230
 - administrative monopoly 226–7
 - AML amendments 229–30
 - independence 227–8
 - resources 228–9
 - commitments 213–14, 218, 229–30
 - content and features of AML 212–14
 - economic reforms
 - as catalyst 209–12
 - reflection of 40
 - enforcement 212–13, 214, 231
 - civil litigation 223–5
 - cooperation with US agencies 214
 - independence 227–8
 - MOFCOM 214, 215–17, 227, 228, 229
 - NDRC 214, 218–21, 226, 227, 228–9, 230
 - SAIC 214, 221–3, 226, 228, 230
 - Hong Kong *see separate entry*
 - industrial policy 213, 217, 227
 - leniency policy 213, 218
 - mergers 169, 211, 212, 214, 215–17, 227, 229, 230
 - monopoly agreements 212, 213, 214, 218–19, 221, 225, 230
 - sanctions 213
 - finances 214, 218–19, 220–221, 223, 229, 230
 - State-owned enterprises 176, 213, 219–20, 222, 227–8, 229, 230, 231
 - Vietnam 134, 136, 137, 139, 145, 146, 148, 149
- Chuan Leekpai 119
- civil law countries 75, 85, 97, 184
- class actions 111
- Coca-Cola/Huiyuan* 217
- common law countries 184
- compensation *see* damages/compensation
- complexity 15, 19, 22, 64, 79, 206, 220, 221
 - Laos 282, 290–291, 300
 - Myanmar 303–20
 - Philippines 235, 243, 268, 271, 280
- confidential information 50, 144
- construction industry: Japan 47
- Consultations on Restrictive Business Practices, Decision on Arrangements for 28–9
- consumer welfare 10, 11
 - ASEAN Regional Guidelines 106
 - EU 190, 262, 264
 - Hong Kong 174
 - Indonesia 106
 - Japan 51–2, 57
 - Korea 66, 68, 69–70, 78
 - Laos 287, 288, 293, 297
 - Malaysia 181, 182, 189, 190
 - Myanmar 303, 310, 319
 - Philippines 238, 242
 - Singapore 155–6, 157, 158–9, 174
- contextualization 11, 18–19, 184–5, 207, 234–5, 278–9
- corruption 19, 106, 300
- criminal sanctions
 - Cambodia 334
 - Indonesia 108, 110–111, 113
 - Japan 59, 60, 61
 - Taiwan 91, 93
 - Thailand 120, 130, 131, 132, 133
 - Vietnam 146, 148
- Croatia 136, 148
- damages/compensation
 - Cambodia 334
 - Indonesia 108, 109, 111, 113
 - Japan 4, 58, 60
 - Laos 298
 - Philippines 254
 - Taiwan
 - treble damage rule 89
 - Thailand 131
 - Vietnam 147
- democratization 75–6, 105
- demilitarization and 27–9
- economic 68, 78, 79, 80, 100, 105

- movements in Taiwan 82–4
- Deng Xiaoping 210
- Deutsche Telekom v. Commission* 180
- development economics 11, 29
- discounts, loyalty 222–3
- discrimination 58, 72, 145, 152, 173, 219, 287, 290, 293
 - fair, reasonable and nondiscriminatory (FRAND) 225
 - price 59, 61, 173, 197, 239, 242, 244, 259, 292, 293, 294
- dispute resolution and legal transplants 185
- Eastern European countries 16, 212
 - Central and 138, 149
- economic growth 29, 48, 67, 76, 79, 240
- economic theory 23–4, 293
 - competition law converging on 7–11
 - developing countries 11
 - financial burden 9–10
 - varieties of capitalism 10–11
- electricity sector 211, 250, 285, 325
- European Free Trade Association (EFTA) 186
- European Union 5, 6, 7–11, 16, 40, 199, 217, 219
 - abuse of dominance (art 102) 7, 71, 76, 159, 171, 172–3, 176, 179–80, 182, 189, 196, 197, 199, 204
 - anti-competitive agreements (art 101) 71, 73, 74, 76, 157–8, 171–2, 173–5, 176–9, 182, 189, 190, 192–3, 195, 199, 200, 204, 262–6, 268, 270, 273, 274, 277
 - ASEAN 19–23, 24, 307
 - Cambodia 322
 - China 213–14, 230
 - Commission 12, 76, 197, 198, 200, 204, 262, 263, 264–5, 266
 - economic theory 8–9
 - Court of Justice of 8–9, 179, 236, 262, 263, 264–5, 266, 277
 - finances 114, 199, 201, 202, 219, 230
 - NCAAs and national courts 200
 - Hong Kong 168–80
 - internal market 187, 189–90, 204
 - Japan 44, 63
 - Korea 70, 71, 73, 74, 76, 77, 78
 - Laos 284, 292
 - leniency regime 202
 - Malaysia 182, 183, 185–6, 187, 189, 190, 191, 192–3, 195, 196, 197, 199, 200, 201, 202, 203–6
 - market definition 191
 - mergers 76, 198
 - SIEC test 275
 - NCAAs 199, 200
 - Philippines 19, 234, 244, 250, 262–80
 - public authority 191
 - Singapore 157, 186
 - social market economy 70
 - solidarity principle 191
 - Taiwan 90, 95
 - Vietnam 134, 137, 140, 141, 142, 143, 148, 186
- exclusive dealing 58, 179, 224–5, 266, 294
- export-oriented policies 29, 36, 84
- extraterritoriality 78, 130, 139, 213, 326
- fair, reasonable and nondiscriminatory (FRAND) 225
- financial crisis (1997) 38, 67, 100, 119, 152, 188
- finances
 - Cambodia 328, 334
 - China 214, 218–19, 220–221, 223, 229, 230
 - EU 114, 199, 201, 202, 219, 230
 - NCAAs and national courts 200
 - Hong Kong 170
 - Indonesia 109, 110–111, 113–14
 - Japan 61
 - Laos 298
 - Malaysia 193, 197–8, 199, 201–2, 205
 - Myanmar 314–15
 - Philippines 242, 249, 251, 253
 - Singapore 164
 - Taiwan 90, 91, 93, 95
 - Thailand 131, 132
 - Vietnam 146, 149
 - see also surcharges
- first mover advantage 285
- foreign direct investment (FDI) 20, 33, 103
- France 136, 148, 184
- free riding 87, 97, 301
- free trade agreements 30, 37, 78, 135
 - EU–Malaysia negotiations 186
 - US–Singapore 39, 152, 153
- Freight forwarders* case 162–3
- GATT (General Agreement on Tariffs and Trade) 28, 29
- General Electric 12
- Gerber, D.J. 9–10, 11
- Germany 5, 27, 29, 34, 71–2
 - China 213, 214
 - Laos 284
 - missbrauchprinzip* (principle of abuse) 70
 - ordoliberalism 69
 - Taiwan 81, 85, 86, 87, 88, 90, 96, 97
 - Thailand 119
 - Vietnam 137, 139, 141
- globalization 13, 67, 78, 79, 80, 84, 185
- Godek, P.E. 16–17
- Goh Chok Tong 39

Google/Motorola Mobility 217*Haier case* 229*Hanmi case* 74

Havana Charter 27–8, 31

Hong Kong 5, 26, 32, 39–40, 168–80

background 168–70

Competition Commission 170, 176–80

fines 170

First Conduct Rule: anticompetitive

agreements 171–2, 173–5

concerted practices 171, 175, 177

Guideline 176–9

single economic unit 176–7

warning notices 178–9

mergers 169

overseas influences in Guidelines 175

First Conduct Rule 176–9

Second Conduct Rule 179–80

overseas influences on legislation

institutional structure 170–171

substantive provisions 171–6

PRC competition law 169–70

Second Conduct Rule: abuse by undertaking

with substantial degree of market

power 170, 171, 172–3, 174, 175, 178

Guideline 179–80

statutory bodies 175–6

exempt 175, 176

nonexempt 175

Huawei v. IDC 214, 224, 225

hypothetical monopolist test (HMT) 191–2

IBM 12

Ice Manufacturers case 193, 205

import substitution 29, 30, 36

India 20, 33

Indonesia 6, 19, 21, 26, 32, 33, 38, 100–117

abuse of dominant position 103, 105, 107, 112

cartels 106–7, 108, 110, 112, 113, 114

cease and desist orders 109, 113

civil damages 109, 111

compensation orders 108, 109, 111, 113

Constitution 100, 105

criminal enforcement 108, 110–111, 113

enforcement structure

administrative procedures 108–9

civil claims 111

criminal sanctions 110–111

KPPU 107–8

fines 109, 110–111, 113–14

key issues in amendment of law 100, 114–17

KPPU (Commission of the Supervision of

Business Practices) 102, 107–11,

112–13, 114

collecting evidence 108, 113

consumer protection 106

mergers 105, 109, 112–13, 114, 198

objectives of competition policy 100

consumer protection 106

SMEs 105

problems 112

collecting evidence 113

fines 113–14

Law No 5/1999 112–13

leniency programme 113, 114

postmerger evaluation 114

prohibited activities 103, 106, 112

prohibited agreements 103, 106, 112

sanctions and remedies 114

administrative 108, 109, 113–14

civil 109, 111, 113

criminal 108, 110–111, 113

state-related anticompetitive conduct 101

protection of domestic market 102–3

subsidies 101–2

time limits 108, 109

inflation 36, 90

informal economy 22, 285, 306

information, confidential 50, 144

injunctions

Japan 58, 60

Philippines 249, 252

institutional economics 11

intellectual property rights (IPRs) 78, 86, 96, 289

Cambodia 321–2

China 218, 220, 221, 225, 230

International Competition Network (ICN) 3, 94, 137

best practice and minoritarian bias 15

formation of 12–13

idea merchant for divergence 12–16, 24

mission statement 14

International Monetary Fund (IMF) 32–3, 38, 40,

118, 136, 188

International Telecommunications Union (ITU) 325

internet 56

iron and steel: Japan 47

Japan 5, 26, 29, 32, 36, 44–64, 70, 313, 318

advice and assistance to other countries 6

appeals

ex post hearing 48–9, 63

substantial evidence rule 50

civil remedies 58, 60, 61

criminal sanctions 59, 60, 61

current AMA 51–62

factors in recent AMA amendments 63–4

four pillars of AMA 52–5

purpose of AMA 51–2

ex ante hearing 49–50, 51

- Fair Trade Commission (JFTC) 4, 6, 45, 46,
47, 48–50, 52, 53, 63–4, 137
business combinations 54–6
classification of conduct 54
distribution systems 56–7
economic analysis 57
guidelines 55–8
investigation policy 58
sanctions 46, 49–50, 57, 58–62, 64
historical review of AMA 45–51
2005 to present 48–51
introduction of AMA 45–6
end of 1970s to SII 46
early 1990s to 2005 AMA Amendment
46–7
influence of United States 2, 4, 25, 29, 34–5,
36, 44, 45, 56
Kodak–Fujifilm dispute 29
mergers 45, 47, 54–6, 59, 63
cease and desist orders 59
relevant markets 56
monopolization and cartel, private 44, 45, 47,
52, 53, 54, 63–4
administrative surcharges 46, 58, 59,
61, 62
civil remedies 60
criminal sanctions 59
depression and rationalization cartels
45, 47
exclusionary or controlling conduct 53,
57–8
illegal in principle (quasi *per se*) rule 47
resale price maintenance 57, 59, 61
restraint of trade 44, 52, 53, 54
civil remedies 60
criminal sanctions 59
retail stores, large scale 46, 56
sanctions and remedies 58–62, 63
administrative surcharges 46, 57, 58, 59,
60–62, 64
cease and desist orders 49–50, 57, 58–9,
60
civil 58, 60, 61
criminal 59, 60, 61
leniency programme 62
Singapore 162–4
superior bargaining position 57, 59, 61, 63
Taiwan 82, 85, 86, 87, 88, 90, 97
trade associations 45, 47, 53, 61, 63
unfair trade practices 4, 44, 45, 47, 52, 53–4,
57, 75, 286
administrative surcharges 59, 61, 63
civil remedies 60
Vietnam 136, 137, 148
Japan Machine Insurance Federation case 59
Koon Wing Yee v. Insider Dealing Tribunal 170
Korea 5, 25–6, 32, 35–6, 65–80
abuse of market dominance 68, 70, 71–2,
73–4, 75–6, 77, 78, 79
advice and assistance to other countries 6
anticompetitive agreements 68, 70, 71
Cambodia 322
cartels 65, 66, 71, 73, 75, 76, 78, 79
chaebols 35–6, 66
evolution of competition regime 75–9
new paradigm 78–9
public support 77–8
Fair Trade Commission (KFTC) 6, 65, 71,
72, 74, 75–6, 77, 78, 79, 137
case notes and analyses 73
guidelines 73
foundations of competition regime 68–75
economic democratization 68, 78, 79, 80
recent case law and critical issues 73–5
social market economy 68–9, 70
substantive provisions 70–73
leniency programme 71
mergers 68, 69, 70, 72, 76, 78, 79
Office for International Cooperation 6
ordoliberalism 69, 78
resale price maintenance (RPM) 72, 74
soft law 72, 74, 78
surcharges 77
Taiwan 85, 86, 87, 88, 89, 96, 97
Thailand 119
trade associations 71
unfair business practices (UBPs) 68, 70–71,
72, 73, 74, 75, 76, 77, 78, 80
Vietnam 136, 137, 139, 148
Laos 5, 6, 19, 20, 33, 41, 281–302
abuse of dominant position or market
monopoly 286, 301
EU and US concepts 292–3
per se violations 293–4
administrative orders 298
adoption of competition law
Competition Decree 2004 281, 282–4, 301
influence of Vietnam 284–5
agreements in restraint of competition 286,
289–91, 301
combinations 285, 286, 295–7, 301
Competition Administration Authority
(CAA) 299, 300
Competition Commission (LCC) 290, 293–4,
297, 300, 301–2
combinations 295, 296–7
Competition Inspectors 298–9, 300
rights and duties 297–8
Secretariat 298, 300

- Competition Inspection Agency (CIA)
 - 300–301
 - criminal referrals 297, 298
 - finances 298
 - market structure 285–6
 - private damages claims 298
 - State-owned enterprises 285, 293
 - unfair competition practices 285, 286–9, 301
 - Vietnam 137, 139, 284–5, 286, 287, 288
- LCD panels* case 218–19
- Leegin* case 56, 57, 74, 179
- liberalization 30, 36, 39, 78, 84, 152
- limitation periods: Taiwan 90–91
- loans
 - competition law: condition for 32–3, 38
- loyalty discounts 222–3
- Ma, Tay-Cheng 184, 185, 207
- Maersk, MSC and CMA CGM (P3 alliance) 217
- Malaysia 5, 19, 26, 32, 33, 37–8, 181–208
 - cease and desist orders 205
 - civil proceedings 203
 - Competition Act 2010 (CA) 181, 187, 188, 207
 - abuse of dominance 182, 196–8, 204, 205
 - anticompetitive agreements 182, 192–6, 204–5
 - legal transplant 203–6
 - no merger provisions 198
 - objectives of 188–90
 - scope of 190–192
 - Competition Appeal Tribunal (CAT) 181, 193–5, 199–200, 204
 - Competition Commission 181, 191, 198–9, 207, 208
 - abuse of dominance 196–8, 204, 205
 - anticompetitive agreements 192, 193–6, 204–5
 - challenges 206
 - functions of 198–9, 200–203
 - finances 193, 197–8, 199, 201–2, 205
 - judicial review 195
 - legal transplant 183, 207
 - Competition Act 2010 203–6
 - factors impacting success of 186–8
 - theories 184–5
 - why do we borrow 185–6
 - leniency regime 202–3
 - mergers 198, 204
 - State-owned enterprises 193, 207
 - undertakings 203
 - Vietnam 137, 139
- maritime transport 166, 196, 217
- mergers 21, 22
 - China 169, 211, 212, 214, 215–17, 227, 229, 230
 - EU 76, 198, 275
 - Hong Kong 169
 - Indonesia 105, 109, 112–13, 114, 198
 - Japan 45, 47, 54–6, 59, 63
 - Korea 68, 69, 70, 72, 76, 78, 79
 - Laos 285, 286, 295–7, 301
 - Malaysia 198, 204
 - Myanmar 305, 308, 310–311, 312, 318
 - Philippines 238, 240, 241, 242, 251, 252–4, 274–5
 - Singapore 157, 198
 - substantial lessening of competition (SLC) test 275
 - Taiwan 84, 91, 93–4, 95
 - Thailand 120, 124–5, 132
 - Vietnam 143–4, 149, 318
- Microsoft 222
- missbrauchprinzip* (principle of abuse) 70
- Mongolia 6, 18, 19, 294
- motorcycles 126
- multilateralism 13, 28–9, 30, 31, 214
- Myanmar 5, 6, 33, 41, 303–20
 - acts leading to monopoly 308, 309–10, 312, 313, 314–15, 316, 318
 - acts restricting competition 308, 309, 313, 314–17
 - combinations 305, 308, 310–311, 312, 318
 - Competition Commission (MCC) 311–13, 320
 - Investigation Committee 311, 312–13
 - Competition Law (MCL) 303–4
 - complexities 313–19, 320
 - drafting process 307–8
 - institutional enforcement structure 311–13
 - substantive provisions 308–11
 - complexities 313–19, 320
 - act restricting competition 314–15
 - dominance 317–18
 - horizontal and vertical agreements 315–16
 - unfair competition 319
 - unilateral conduct 316–17
 - who will MCL apply to 313–14
 - finances 314–15
 - informal economy 306
 - market structure 304–6
 - prohibitions 312
 - State-owned enterprises 307, 313–14, 320
 - structural remedy orders 312
 - unfair competitive acts 308, 310, 313, 316
- MyEG* case 197, 205
- NAFTA (North American Free Trade Agreement) 30
- Najib Razak 182

- neoliberalism 29, 307
 New Zealand 275
 newspapers: Japan 47
- OECD (Organization for Economic Cooperation and Development) 31, 33, 94, 95
 ordoliberalism 69, 78, 264
- Pacific Bell Telephone v. Linkline Communications* 180
- Patten, Chris 39–40
 pharmaceutical drugs 127–8
 Philippines 19, 32, 33, 41, 233–80
 abuse of dominance 236, 238, 239, 242, 244, 275, 278
 anticompetitive agreements 236, 238, 239, 242, 244
 bicameral version 270–273, 277–8, 280
 definition of agreement 266
 fusion to tensions 266–78
 overview 266–8
 procedure 250
 section 14 and section 26 276–8
 substantial preventing, restricting or lessening competition 273–7
 US–EU fusion of standard of analysis 255–66
- Competition Act (PCA) 233–4
 as gamechanger 235–6
 making of 237–45
 motivations 240–241
 prohibited acts 238–40
- Competition Commission (PCC) 238, 242–3, 248–9, 280
 powers and functions 249–50
 procedure 250–254
 section 26 market analysis 276
 substantially prevent, restrict or lessen competition 275, 276–7
- Constitution 245, 247
 Court of Appeals 251, 252
 criminal cases 251, 254–5
 earlier competition law regimes 245–8
 fusion of standard of analysis, US–EU 255–66, 278–80
 EU: art 101 bifurcation 262–6
 fusion to tensions 266–78
 per se rule and rule of reason 256–62, 265, 268, 276
- influence of
 EU 19, 234, 244, 250, 262–80
 US 2, 3–4, 19, 234, 235, 244, 245–8, 251, 256–62, 266–80
- information gap 279
 mergers 238, 240, 241, 242, 274–5
 procedure 251, 252–4
 methodology 236
 premise 234–5
 private enforcement 254
 sanctions and remedies 251
 behavioral remedy 249
 certiorari, prohibition or mandamus 252
 fines 242, 249, 251, 253
 injunctions 249, 252
 structural remedy 249
 temporary restraining orders 252
 Supreme Court 252, 274–5, 280
 time limits 251, 253
- politics 19
 POSCO case 73–4
 price/pricing 76, 210, 212, 218, 228
 below-cost 58, 59, 61, 63, 159, 179, 316, 319, 329
 control 118, 309
 discrimination 59, 61, 173, 197, 239, 242, 244, 259, 292, 293, 294
 excessive 76, 173, 197, 220
 exploitative 142, 159–60, 196
 fixing agreements
 Cambodia 328
 China 218–19
 European Union 265
 Hong Kong 178, 179
 Indonesia 106
 Korea 71
 Laos 289, 291, 292
 Malaysia 193, 204–5
 Myanmar 306, 309
 Philippines 239, 242, 243, 244, 268, 276, 277
 Singapore 158, 160, 164
 Taiwan 10
 Thailand 131
 United States 257, 259, 262, 276
 Vietnam 136, 139–40, 148, 149
- forced 226
 low 54, 97–8, 159, 293, 310
 consumer protection 106
 subsidies 101, 102
- nonpredatory but anticompetitive pricing arrangements 97–8
 predatory 73, 87, 142, 159, 172, 173, 179–80, 197, 239, 292, 293, 294
 protection of domestic market 102
 resale price maintenance (RPM)
 Cambodia 329
 China 218, 219, 224, 225, 229
 Hong Kong 178, 179
 Japan 57, 59, 61
 Korea 72, 74

- Laos 294
- Singapore 157–8
- Taiwan 87–8, 90, 95, 97
- United States 95, 97
- Vietnam 140
- prison 3, 110, 131, 132, 148, 314–15, 317, 334
- product liability law 293
- proliferation of competition law in Asia 27–42
 - Cambodia, Laos, Myanmar and Philippines 41
 - China: economic reform 40
 - Japan and international economic order 34–5
 - Korea: reaction to abuse of power 35–6
 - Malaysia: liberalization negotiations 37–8
 - reasons behind
 - demilitarization and democratization project 27–9
 - economic growth 29
 - economic integration project 26, 33–4, 41
 - free trade agreements 30, 37, 39
 - guidance of international organizations 31–2, 39, 40
 - loan condition 32–3, 38
 - World Trade Organization (WTO) 29–30, 37, 38, 39, 41
 - Singapore and Hong Kong: beyond free trade port status 39–40
 - Taiwan and Vietnam: calls for liberalization 36–7
 - Thailand and Indonesia: financial distress 38–9
- protectionism 29, 102–3
 - local 212, 226, 227
- publication business 128–9
- Qihoo 360 v. Tencent* 214, 224–5
- Qualcomm 220–221, 230
- Rainbow v. Johnson & Johnson* 219, 224, 225
- refusal to supply/trade/deal
 - Cambodia 329
 - Japan 58, 59, 61
 - Korea 72, 74
 - Laos 292, 293
 - Vietnam 142
- resale price maintenance (RPM) *see under* price/pricing
- research and development 102
- retail sector
 - Indonesia 103, 105
 - Japan: large scale stores 46, 56
- Roosevelt, F.D. 27
- Saitama Doyoukai* case 47
- Seagate/Samsung Hard Disk Drive* 216–17
- Sibu Confectionery* case 193, 205
- Siliconware Precision Industries Co. Ltd 94
- Singapore 5, 19, 21, 26, 32, 39, 151–67, 186
 - abuse of dominant position 157, 159–60
 - airline alliance agreements 158, 164–5
 - Anglo-European model
 - adaptations to 157–60
 - anticompetitive agreements 157–9, 164–6
 - appreciable restriction 162
 - departures from legal orthodoxy 160–164
 - single economic entity 160, 162–4
 - substance over form 160
 - cartels 160, 162–4
 - Competition Commission of (CCS) 151, 152, 157, 158, 167
 - consumer welfare 155–6, 157, 158–9
 - departures from legal orthodoxy 160–164
 - economic policy considerations 164–6
 - functions and duties 153–4
 - objective of competition law 154–5
 - Vision Statement 154
 - competitiveness 154–5, 156, 165, 167
 - context 152–6
 - Malaysia 189, 204
 - maritime transport 166
 - mergers 157, 198
 - sanctions
 - fines 164
 - State-owned enterprises 152
 - Vietnam 137, 139
 - welfare standard 11
 - consumer welfare 155–6, 157, 158–9
 - total economic 155–6, 157, 159–60
- SKT/CJHV* case 74
- small but significant increase in price (SSNIP) test 191–2
- small and medium-sized enterprises (SMEs)
 - European Union 266
 - Hong Kong 40, 174–5, 178–9
 - Indonesia 102, 105
 - Korea 71
 - Laos 285, 286, 295–6
 - Malaysia 181, 206
 - Myanmar 305–6, 309, 311, 312
 - Singapore 39
 - Taiwan 87, 91
- Soviet Union, former 212
- standard essential patents (SEPs) 220, 225, 289
- strict liability 60
- subsidies 101–2, 227
- substantial lessening of competition (SLC) test 275, 276–7
- surcharges
 - Japan 46, 57, 58, 59, 60–62, 64
 - Korea 77

- see also* fines
- Taiwan 5, 26, 32, 36, 81–98
 abuse of monopoly power 91, 93, 95
 advice and assistance to other countries 6
 business operational hub in Asia 91
 cartels 86–7, 90, 91, 92, 93, 95
 cease and desist orders 93, 95
 economic theory
 Chicago School 10
 factors triggering TFTA revisions 89–96, 97
 domestic legal changes 92–3
 economic conditions 93–4
 enforcement feedback/experience
 89–90, 94, 95–6
 international organizations 94–5
 policy considerations 91–2
 Fair Trade Commission (TFTC) 88, 89–94,
 96, 97–8
 hierarchical repositioning 93
 OECD Competition Committee 95
 findings and comments, preliminary 96–8
 influences of foreign legislation 85–9, 97
 cartel 86–7
 definition on monopoly 86
 resale price maintenance 87–8
 TFTC 88
 treble damage rule 89
 unfair trade practices 85–6
 leniency program 95
 mergers 84, 91, 93–4, 95
 political and economic factors: TFTA 81–4
 democratization movements 82–4
 globalization 84
 sanctions
 administrative fines 90, 91, 93, 95
 criminal fines 91, 93
 unfair trade practices 75, 85–6, 96
 Vietnam 136, 137, 148
 taxi industry: Japan 63
 technology transfer 296
 telecommunications 39, 74, 125, 130, 141, 285
 Cambodia 323, 325–6, 335
 China 211, 219–21, 226, 227, 229
 Hong Kong 169
 television network membership business 124–5
 terminology
 Asia xiv
 Tetra Pak 222–3, 230
 Thailand 5, 19, 21, 26, 32, 33, 38–9, 118–33
 1999 TCA 120–121, 133, 188, 307, 308, 311
 enforcement history 1999–2014 121–9,
 188
 enforcement statistics 121
 evolution toward 118–20
 motorcycles 126
 new drug formula 127–8
 prohibited five types of conduct 120
 publication business 128–9
 television network membership business
 124–5
 tied-in sales of liquor and beer 122–3
 2017 CA 118, 129–33
 administrative orders 131–2
 enforcement structure 131
 features 130–131
 State enterprises 130
 administrative orders 131–2
 cartels 131, 132
 collusion: monopoly or restriction 120, 121,
 123, 125, 127–8, 129
 IPIT Court 131, 133
 Laos 284
 leniency programme 130
 market dominance, unlawfully exercising
 120, 121, 122, 123, 124–5, 127, 128
 mergers 120, 124–5, 132
 Myanmar 304, 307, 308
 sanctions
 administrative fines 131, 132
 civil 130, 131, 133
 criminal 120, 130, 131, 132, 133
 time limits 132
 Trade Competition Commission (TCC) 120,
 130, 131–2, 133, 188, 301
 enforcement 1999–2014 121–9, 188
 Office of (OTCC) 120–121, 131, 133
 unfair trade practices 120, 121, 123, 126,
 128–9, 132
 unreasonable agreements with offshore
 operators 132
 Vietnam 136, 148
 total economic welfare 69–70
 Singapore 155–6, 157, 159–60
 trade/business secrets 50, 144, 287
 transaction costs 106, 241
 Tsang, Donald 40
 Tung Chee-Hwa 40
 Turkey 136, 148
 tying/tie-in 58, 122–3, 148, 222, 242, 244, 262,
 292, 293, 329
 United Kingdom 28, 95–6, 169, 180, 182, 183,
 184, 189, 193, 204
 mergers 275
 United Nations
 Conference on Trade and Development
 (UNCTAD) 31–2, 39, 136, 294, 322,
 323
 Conference on Trade and Employment 28

- Development Program 136
- Economic and Social Council 28
- United States 25, 27–8, 110, 217, 219
 - China 213, 220
 - cooperation between enforcement agencies 214
 - combinations in restraint of trade 255–6, 280
 - per se* rule and rule of reason 256–62, 265, 268, 276
 - Department of Justice (DOJ) 12, 27, 137, 261
 - economic theory 7–8
 - Chicago School 8, 10, 11, 293
 - Harvard School 8
 - free trade agreements
 - Korea 78
 - NAFTA 30
 - Singapore 39, 152, 153
 - Vietnam 37, 135
 - ICN, formation of 12–13
 - influence of 2, 23, 29, 34–5, 70, 148
 - China 213
 - end of US monopoly as idea merchant 3–7
 - Hong Kong 168, 173, 179–80
 - Japan 2, 4, 25, 29, 34–5, 36, 44, 45, 56
 - Korea 70, 71, 73, 76, 78
 - Laos 292
 - Malaysia 189, 195, 204
 - Philippines 2, 3–4, 19, 234, 235, 244, 245–8, 251, 256–62, 266–80
 - Singapore 39, 152, 153
 - Taiwan 36, 81, 85, 86–7, 88, 89, 95, 96, 97, 98
 - Vietnam 37, 135, 137, 139, 140, 142, 143, 147
 - Kodak–Fujifilm dispute 29
 - mergers 275
 - monopolization 7, 292
 - Supreme Court 8, 95, 180, 236, 256–62, 280
- United Technologies/Goodrich* 216
- Uruguay Round 36
- Vietnam 5, 6, 20, 21, 26, 32, 33, 37, 134–49, 186
 - administrative review 147
 - cartels 139–40, 147, 148, 149
 - enforcement agency 137–8, 288, 311
 - evolution of competition law 135–7
 - judicial review 147
 - Laos 137, 139, 284–5, 286, 287, 288
 - leniency programme 147
 - mergers 143–4, 149, 318
 - Myanmar 304, 307–8, 311, 314, 316, 318, 319
 - sanctions and remedies 149
 - administrative 146–7
 - criminal 146, 148
 - private actions and damages 147
 - State-owned enterprises 136, 139, 144–5
 - substantive rules 286, 287, 307–8, 316, 319
 - abuse of dominance or monopoly 136, 140–142, 149
 - administrative monopoly 144–6
 - competition restriction agreements 139–40, 149
 - economic concentration 143–4, 149, 318
 - market definition 139
 - scope of application 138–9
 - time limits 144
 - trade associations 139, 144
- Watson, A. 183, 185
- welfare standard
 - consumer welfare 10, 11
 - ASEAN Regional Guidelines 106
 - EU 190, 262, 264
 - Hong Kong 174
 - Indonesia 106
 - Japan 51–2, 57
 - Korea 66, 68, 69–70, 78
 - Laos 287, 288, 293, 297
 - Malaysia 181, 182, 189, 190
 - Myanmar 303, 310, 319
 - Philippines 238, 242
 - Singapore 155–6, 157, 158–9, 174
 - Singapore 11, 158–9, 174
 - total economic 155–6, 157, 159–60
 - total economic 69–70
 - Singapore 155–6, 157, 159–60
- Western Digital/Hitachi* 216–17
- whistleblowers 95–6, 113, 114
- World Bank 31, 32–3, 39, 136
- World Trade Organization (WTO) 29–30, 39
 - accession to 30, 37, 38, 41, 134, 135–6, 148, 211–12, 322–3
- Uruguay Round 36