



**WANG JING & CO.
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Rm. 2807-12, 28/F.
Bank of China Tower
200 Yincheng Road Central, Pudong
Shanghai 200120, P. R. China

Tel: +86 21 5887 8000
Fax: +86 21 5882 2460
www.wjnc.com

Regulation on Disclosure of Enterprise Information (Draft for Public Opinions)

Date Issued:

2014.04.17

Issuing authority:

The Legislative Affairs Office of the State Council

Source:

<http://www.chinalaw.gov.cn/article/cazjgq/201404/20140400395727.shtml>

Abstract:

The Legislative Affairs Office of the State Council released the *Regulation on Disclosure of Enterprise Information* on April 17th and solicited public opinions.

To enhance the administrative supervision over enterprise credibility, the *Regulation* requires:

1. AIC and relevant authorities shall disclose specific information of enterprise, including; incorporation information, equity pledge, asset mortgage, permit and license, punishment, etc., through the enterprise credit information publication system, ;
2. Besides the annual report, enterprises shall make public any change or updates of information within 20 days as of the date of change;
3. A sound and efficient credit supervision mechanism shall be set up to supervise the enterprises in poor state of operation or in violation of laws.

Notice of Relevant Issues concerning Implementation of the Amended Trademark Law

(SAIC [2014] No 81)

Date Issued:

2014.04.18

Issuing authority:

State Administration of Industry and Commerce

Source:

http://www.saic.gov.cn/zwgk/zyfb/zjwj/xxzx/201404/t20140418_144037.html

Abstract:

As the amended *Trademark Law* will be implemented May 1st, questions arise due to the conflicts in application of laws in terms of trademark registration or trademark infringement occurring before May 1, 2014. The *Notice* provides specific instructions for the application of law under different circumstances.

The term “驰名商标” (well-known trademark) is no longer allowed be using on goods, packages, containers or using for advertisements, exhibitions, and other commercial activities afterward.

Guiding Opinions on Declaration of Simple Cases of Concentration of Undertakings (for Trial Implementation)

Date Issued:

2014.04.18

Issuing authority:

Anti-Monopoly Bureau of the Ministry of Commerce

Source:

<http://fldj.mofcom.gov.cn/article/xgxz/201404/20140400555353.shtml>

Abstract:

The Anti-Monopoly Bureau of the Ministry of Commerce issued the *Guiding Opinions* for Operators to Declare Simple Cases of Concentration of Undertakings. A “simple case” is a case that falls within certain requirements outlined by the Anti-Monopoly Bureau who are allowed to meet less stringent requirements. According to the *Guiding Opinions*:

1. Operators may negotiate with the Anti-Monopoly Bureau on whether the procedures for simple cases shall apply before the formal declaration.
2. Relevant documents and materials required for simple case are narrowed down to some extent.
3. The “simple case” will be made public on the website of Anti-Monopoly Bureau for ten days after case-filing, and any third parties may raise objections.
4. In case that the Anti-monopoly Bureau finds the declared case is not a simple case and revoke the simple case procedures, the operators should re-declare the case according to the procedure for ordinary case.

Qualcomm Faces China Bribery Allegations from U.S. Regulator

Date Issued:

2014.04.24

Issuing authority:

Reuters

Source:

<http://www.reuters.com/article/2014/04/24/us-qualcomm-corruption-idUSBREA3N00M20140424>

Abstract:

Mobile chipmaker Qualcomm said in its fiscal second-quarter report that it has received a notice from the Securities and Exchange Commission's Los Angeles office advising it of a preliminary determination to recommend an enforcement action against the company for violating the Foreign Corrupt Practices Act (FCPA) because of its alleged bribery of officials associated with state-owned companies in China.

The civil action could seek remedies including “disgorgement of profits, the retention of an independent compliance monitor to review the company's FCPA policies and procedures, an injunction, civil monetary penalties and prejudgment interest.”

In Qualcomm's own investigation, it found instances in which "special hiring consideration, gifts or other benefits were provided to several individuals associated with Chinese state-owned companies or agencies." Qualcomm believes the total value of the benefits was less than \$250,000.

Regulations for China (Shanghai) Pilot Free Trade Zone (Draft for Public Opinions)

Date Issued:

2014.04.22

Issuing authority:

Standing Committee of Shanghai
Municipal People's Congress

Source:

http://www.ysoftpa.gov.cn/WebViewPublic/item_page.aspx?newsid=635338427342934372&coltype=7

Abstract:

The Standing Committee of Shanghai Municipal People's Congress deliberated the *Draft*. Now the *Draft* is seeking opinions from the public. The contents of the *Draft* concentrate on the six areas below:

- 1) The Regulatory Commission of China (Shanghai) Pilot Free Trade Zone is authorized to be responsible for regional administration, formulating relevant administrative systems, anti-monopoly investigation, providing information and guidance to enterprises.
- 2) The *Draft* stipulates some new regimes in customs supervision, the supervision of quarantine inspection and shipping management.
- 3) In the financial area, the *Draft* provides a new accounting system and encourages the cross-border use of RMB.
- 4) The tax will be integrally examined and approved.

The related stipulations in anti-monopoly area are also provided.

Fourteen New Systems Will be Established in China (Shanghai) Pilot Free Trade Zone by Shanghai Customs

Date Issued:

2014.04.22

Issuing authority:

Shanghai Customs

Source:

http://www.ysoftpa.gov.cn/WebViewPublic/item_page.aspx?newsid=635338425624923168&coltype=8

Abstract:

Shanghai Customs will establish fourteen new systems in China (Shanghai) Pilot Free Trade Zone in the first six months on the basis of previous pilot projects.

Seven systems will be established before and after the first of May: 1) enterprises are allowed to declare customs after entering the zone; 2) enterprise may use their own vehicles to transport; 3) enterprises can receive decreased tax liability on the basis of work order data through ERP system online; 4) enterprises may launch bonded exhibition at the pointed platforms, provided adequate security exist; 5) firms meeting specific requirement will be allowed to offer high-tech, high value-added and pollution-free repair

services, domestic and foreign; 6) enterprises may offer futures with the goods in bonded supervision condition; 7) customs can collect tariffs and VAT from financial leasing cargos by installment.

Chen Xin
Partner and Head of
Corporate Division
Wang Jing & Co., Shanghai

chenxin@wjnco.com

