

2016 ICR Law Center Seminar

Unfair Transactions Seminar Series:
「Current Status and Issues of Unfair Transactions in North East Asia
- with a focus on Abuse of Superior Bargaining Position」

- **Date:** Friday, June 10th, 2016 14:00-18:00
- **Venue:** Yein Hall, Sejong Art Hall

The legal scheme of Unfair Transactions was established in Korea to deal with unique issues such as protection of economically-inferior parties in vertical relationships. And since the enactment of the Monopoly Regulation and Fair Trade Act, with concentrated enforcement efforts, this legal scheme has brought about significant achievements against a backdrop of weak market functions and a developing legal system, and will continue to play a valid role in promoting fair trade and SME (small-to-medium enterprise) protection in an age of economic polarization. But, recently, various issues related to Unfair Transactions have surfaced, including the dilution of the KFTC's limited capacities, overlap with traditional areas of competition law, increase of the possibility of enforcement errors, and inability to meet heightened standards demanded by the courts and respondents. These are serious concerns considering the importance of the KFTC and enforcement of competition law in Korea, and we should deal with them in a prompt manner.

Hence, the ICR Law Center will be hosting a series of seminars to probe into these issues. In April, we held a seminar titled "*The Current Status and Issues of Abuse of Superior Bargaining Position in Korea and Japan*". Along the same line, in June, we will hold the second installment of this series focusing on the 3 Northeast Asian countries which have incorporated and actively enforced Unfair Transactions in their legal systems: Korea, Japan and Taiwan. We will also explore the experiences and case of China, currently in global spotlight due to announcement of legislation introducing the concept of abuse of superior bargaining position into the field of intellectual property rights. With such comparative overview of the legal schemes in these 4 Northeast Asian countries, we hope to delineate the fairness doctrine in competition law (which has gained worldwide attention) and seek an approach to improve the Unfair Transactions legal scheme in Korea. We are especially proud that world renowned experts in this field will be speaking and taking part in sophisticated discussions. We hope you will take time to attend this valuable opportunity. Thank you.

KIM Yeon Tae
Director, ICR Law Center

*** Notice: Unfair Transactions Seminar Series III**

- **Topic:** *Approaches to Improve the Legal System of Unfair Transactions (tentative)*

- **Date & Venue:** September 2016 (TBA)

● Program

13:30~14:00	Registration	
14:00~14:05	Greetings: LEE Hwang <i>(Deputy Director, ICR Law Center; Professor, Korea Univ. School of Law)</i>	
14:05~14:20	Keynote Address: CHAE Gyu Ha <i>(Director General, Anti-Monopoly Bureau, Korea Fair Trade Commission)</i>	
14:20~15:50	Session 1: Regulation System of Unfair Trade Practices and Abuse of Superior Bargaining Position in Northeast Asia	
Moderator: LEE Hwang	Topic 1	<i>“Regulation System of Unfair Trade Practices and Abuse of Superior Bargaining Position in Korea”</i> LEE Bong Eui <i>(Professor, Seoul National Univ. School of Law)</i>
	Topic 2	<i>“Regulating Unfair Methods of Trade in Japan-focusing on Abuses of Superior Bargaining Position”</i> TSUCHIDA, Kazuhiro <i>(Professor, Waseda Univ. Law School in Japan)</i>
	Topic 3	<i>“Relational Market Power: New Development in China and Beyond”</i> HOU Liyang <i>(Professor, Shanghai Jiaotong Univ. KoGuan Law School in China)</i>
15:50~16:10	Coffee Break	
16:10~16:40	Session 1 (continued)	
Moderator: LEE Hwang	Topic 4	<i>“Regulating Unfair Competition Practices under the Theory of Superior Bargaining Position in Taiwan: Enforcement Experience and Analysis”</i> Andy Chen <i>(Professor, Chung Yuan Christian University Dept. of Financial & Economic Law, in Taiwan)</i>
16:40~17:40	Roundtable: All Speakers CHIN Yee Wah <i>(Invited Professor, Korea Univ. School of Law)</i> CHOI Jae Won <i>(Attorney, Visiting Scholar at Waseda Univ.)</i> SOKOL Daniel <i>(Professor, University of Florida Levin College of Law)</i> Moderated by Hwang Lee	
17:40~18:00	Q & A	