

YOON & YANG
법무법인 화우

ANTITRUST & COMPETITION
PRACTICE GROUP



ANTITRUST & COMPETITION PRACTICE GROUP

Yoon & Yang LLC

Yoon & Yang has many lawyers and other professionals who are experts and specialists in their respective fields. The firm's lawyers are grouped into specialized teams according to practice area centering on the expertise and know-how of lawyers who are recognized as experts in their respective fields. Through effective cooperation among the specialized teams, we provide comprehensive one-stop legal services for our clients.

In line with the trend toward globalization in the cooperation environment, Yoon & Yang is playing a leading role in composing a global network and has established foreign offices abroad. Yoon & Yang is a leading law firm in Korea based on our commitment to the care and mutual trust of our clients.

Introduction of Antitrust & Competition Practice Group

Yoon & Yang's antitrust and competition practice group is widely recognized as being at the forefront of this field in Korea. Yoon & Yang's antitrust and competition practice group, which consists of about 40 lawyers and expert advisors from the Korea Fair Trade Commission ("KFTC"), has successfully advised and represented various multinational and domestic companies in high-profile cases.

Based on the substantial experience and accumulated knowledge of antitrust regulations and cases, our antitrust and competition practice group provides professional and practical counseling and solutions to our clients on all types of antitrust issues, including handling of KFTC investigations, establishing various business plans and strategies for corporations, providing preliminary advice for mergers and acquisitions.

Yoon & Yang's antitrust and competition practice group is the most trusted practice groups in Korea by multinational companies. We have successfully represented various multi-national and domestic companies in numerous leading and landmark antitrust cases in Korea.

The international antitrust publication Global Competition Review named Yoon & Yang's antitrust and competition practice group as an ELITE competition practice group, which is the highest ranking, for 7 consecutive years from 2008 to 2014.

Recent Awards

- Global Competition Review (GCR), the world's leading antitrust and competition law journal and news service, designated Yoon & Yang's antitrust and competition practice group as an **ELITE competition practice group** in Korea and a GCR 100 law firm **for 7 consecutive years** (2008 ~ 2014)
- The Legal 500 Asia-Pacific 2013, ranked Yoon & Yang as **"1st tier," which is the highest rank, in the field of antitrust**
- Legal Times "2013 League Table of Law Firm Practice Areas" ranked Yoon & Yang's **antitrust and competition practice group in the "First Rank Group" for Antitrust**
- Practical Law Company (PLC), the world's leading law journal chose Yoon & Yang's **antitrust and competition practice group as "Highly Recommended,"** which is the highest rank (2010)



Recent Performance

- Large commercial freight vehicle (trucks) manufacturers and sellers in cartel investigation by the KFTC and civil and administrative litigations;
- Instant noodles manufacturers and sellers in cartel investigation by the KFTC and administrative litigation in Korea and class action in the U.S.;
- TFT-LCD manufacturer in the international TFT-LCD cartel investigation by the KFTC;
- Color display tube (CDT) manufacturer in the international CDT cartel investigation by the KFTC;
- Multinational airline in the international air cargo cartel investigation by the KFTC involving alleged collusion on fuel surcharges and administrative litigation;
- Multinational marine hose companies in the international marine hose cartel investigation by the KFTC;
- Semiconductor manufacturer in the international static random access memory (SRAM) cartel investigation by the KFTC;
- Semiconductor manufacturer in the international dynamic random access memory (DRAM) cartel investigation by the KFTC;
- Multinational elevator company's Korean subsidiary in the domestic elevator cartel investigation by the KFTC and civil litigation;
- Leading domestic construction companies in a domestic cartel investigation (so-called "Four Major Rivers Case") by the KFTC involving alleged bid-rigging by 19 construction companies for the four-rivers restoration project and administrative litigation;
- Leading domestic LPG suppliers in the domestic LPG cartel investigation by the KFTC and administrative litigation;
- Domestic detergent and health care company in the domestic household detergent cartel investigation by the KFTC and administrative litigation;
- Multinational pharmaceutical company's Korean subsidiary in the unfair business practice investigation of pharmaceutical companies in Korea by the KFTC and administrative litigation;
- Domestic flour producer in the court of first instance, appellate court and the Korean Supreme Court in a major civil litigation filed against the two largest Korean flour producers claiming for damages incurred from cartel activity;
- One of four leading Korean composite overhead ground wire producers in the court of first instance in a major civil litigation filed against such four producers claiming damages incurred from cartel activities;
- Major banks in litigation for compensation of damages against ATM manufacturers for bid-rigging of ATMs;
- World's leading mobile phone chip manufacturer in the KFTC investigation regarding abuse of market dominant position;
- World's leading PC chip manufacturer in the KFTC investigation regarding abuse of market dominant position and administrative litigation;
- Leading Internet shopping mall in the KFTC investigation regarding abuse of market dominant position and administrative litigation;
- Portal site operators in the KFTC investigation regarding abuse of superior transacting position;
- Telecommunications company in the KFTC investigation regarding coercion to reach sales targets;
- Leading department store in KFTC investigation for violation of Fair Transactions in Franchise Business Act ("Franchise Business Act");
- Leading electronics company in KFTC investigation for collusion and violation of Fair Transactions in Subcontracting Act ("Subcontracting Act");
- Shipbuilders in KFTC investigation for violations of the Subcontracting Act;
- Largest domestic franchise operator in Korea, in the KFTC investigation regarding violations of the Monopoly Regulation and Fair Trade Act ("MRFTA") and the Franchise Business Act;
- World's leading semiconductor chip manufacturer in a business combination to acquire the patents held by a digital entertainment company;
- Multinational German chemical company in a merger review regarding the acquisition of a U.S. chemical company;
- Korean beer company in a merger review regarding the acquisition of a soju (Korean alcoholic beverage) company;
- Korea's leading mobile communications company in a merger review regarding the acquisition of a high speed communications company; and
- Domestic mega discount store in a merger review regarding the acquisition of a foreign discount store.

Practice Areas

Abuse of Dominant Market Position

Yoon & Yang's antitrust and competition practice group has successfully represented clients in abuse of market dominance cases involving very difficult and complex issues. The practice group shares cutting-edge knowledge and expertise with internationally renowned competition law, economic and industry experts to achieve optimal results for clients, and has accumulated vast experience and knowledge while advising clients on a variety of legal issues in this field.

Merger Control

In various corporate M&A cases, including acquisition of shares, interlocking directorships, mergers, acquisitions of businesses and participation in establishment of new companies, the firm's antitrust and competition practice group advised clients on all aspects of the merger control process, from preparing reports on the mergers, obtaining approval from the KFTC, to filing objections and representing clients in administrative litigation proceedings.

Cartels

The firm's antitrust and competition practice group provides clients with various programs for prevention of cartels and preparation for KFTC investigations. The practice group has achieved outstanding results in cartel cases, from the pre-KFTC investigation stages to KFTC investigations and rulings, and in filing objections and representing clients in administrative litigation proceedings. The practice group also possesses diverse and vast experience in establishing and implementing strategic measures through leniency programs. In cross-border cartel cases involving multinational companies, the firm works in close cooperation with prominent international law firms and has demonstrated excellent capabilities in protecting interests of multinational corporations.

Unfair Trade Practices

The firm's antitrust and competition practice group provides clients with guidelines necessary to manage risks of various types of unfair trade practices, including refusal to deal, discriminative dealing, exclusion of competitors, unreasonable inducement of customers, coercive trading, abuse of superior transacting position, trading on binding conditions, interference with business activities and provision of unreasonable support, among other areas. In actual unfair trade cases, specialized attorneys in this practice group ensure that our clients are provided with expert, in-depth legal advice necessary for an effective response and defense.

Regulation of Conglomerates and Holding Companies

The firm's antitrust and competition practice group provides clients with advice on establishment of, conversion into and operation of holding companies, and possesses vast experience in representing clients at the stage of KFTC sanctions and administrative litigation. Our practice group also advises major Korean conglomerates with respect to interpretation and application of provisions regulating conglomerates, and achieved successful outcomes in representing clients in KFTC investigations and related litigation.

Litigation - Damage Claims, Criminal Proceedings and Administrative

The firm's antitrust and competition practice group has represented clients on a wide scope of litigation cases including, among others, administrative litigation filed in objection to decisions of the KFTC for alleged violation of the MRFTA, and civil damage claims or criminal complaints brought against clients for alleged violations of the MRFTA. Our practice group makes every effort to provide expert and effective representation for clients in all types of litigation proceedings, which efforts include, employing professional presentations that utilize precise and accurate economic analysis and various graphs and statistics.

Subcontract

The Subcontracting Act is legislation which has been established with the goal of protecting subcontractors (predominantly small- and medium-size companies) by preventing abuse of superior transacting position by prime contractors (predominantly large companies). As the Subcontracting Act contains several mandatory provisions and imposes strict sanctions, a thorough review must be conducted in the process of signing and performing all types of contracts. Based on decades of accumulated experience, the firm's antitrust and competition practice group endeavors to resolve any questions that clients may have

in connection with the application of the Subcontracting Act and to improve the preventative contract process, and upon occurrence of an alleged violation of the Subcontracting Act, to minimize disadvantages to the client by initiating the most efficient and effective counteractions.

Regulation of Standardized Contracts

The Regulations of Standardized Contracts Act is legislation established with the goal of preventing enterprises from entering into unfair standardized contracts with counterparties by abusing their positions in trade. By engaging in thorough review and analysis of all types of contracts for compliance with such law, the antitrust and competition practice group ensures that clients do not face KFTC sanctions or invalidation of contractual provisions in civil actions or other consequences.

Labeling and Advertising

The Act on Fair Labeling and Advertising is legislation established with the goal of protecting consumers by preventing unreasonable labeling and advertising that are likely to deceive or mislead consumers and by promoting provision of proper and useful information. Based on the extensive experience in advising clients on various types of labeling and advertising practices, the antitrust and competition practice group provides services including, among others, accurate interpretation of laws and regulations, and advice regarding labeling and advertising guidelines and measures to minimize clients' legal risks in response to KFTC investigations.

Franchise Business

The Antitrust and Competition under the Franchise Business Act is legislation established with the goal of establishing fair trade order in the franchise business and promoting mutual and balanced growth of the franchisors and the franchisees on equal footing. The antitrust and competition practice group offers precise and clear interpretation of all statutory provisions applicable to protection of franchisees and provides efficient solutions for all legal matters arising in franchise transactions, including advising on disclosure documents and procedures, drafting and reviewing franchise agreements and advising on various disputes between franchisors and franchisees. Among numerous clients, our firm provides a variety of legal services to the SPC group, which is the leading company that manages franchises in Korea.

Electronic Commerce, Installment Transactions, Door-to-Door Sales and Tele-Sales

In connection with consumer protection laws, including the Act on the Consumer Protection in the Electronic Commerce Transactions, the Door-to-Door Sales Act and the Installment Transactions Act, the antitrust and competition practice group offers accurate interpretation of laws and regulations and provides efficient management of risks of and counter strategies against disputes based on precise and accurate analysis of KFTC rulings and court decisions.

Advisory Services Concerning Regulated Industries

As principles of competition were adopted in traditional regulated industries such as broadcasting, communications, pharmaceutical, energy, insurance and finance, the importance of antitrust issues has increased. Based on the in-depth knowledge of each industry, Yoon & Yang's antitrust and competition practice group provides advisory services over complex antitrust issues. Through the close cooperation between the professionals within specialized teams at Yoon & Yang, the firm has achieved great success in various cases involving antitrust issues in regulated industries.

Advisory Services Concerning Amendments to the MRFTA and other Legislation

Yoon & Yang's antitrust and competition practice group participates in a number of conferences involving competition law in Korea and abroad and also participates or submits opinions on amendments to antitrust related laws. Along with such in-depth experience and close cooperation with the legislation consulting group within the firm, the antitrust and competition practice group provides advisory services regarding antitrust issues which are essential for corporations.

Compliance Programs

Based on the wealth of knowledge and array of experiences of Yoon & Yang's antitrust and competition practice group, we provides programs where various legal risks concerning antitrust laws are systematically managed and monitored in advance as well as various internal training and legal advisory services.

Antitrust & Competition Practice Group Members



Hoil Yoon • Chairman T: 82-2-6003-7501 E: yoon.hoil@yoonyang.com

Hoil Yoon is the Chairman of Yoon & Yang LLC. Prior to establishing Yoon & Partners, a predecessor of Yoon & Yang, Hoil Yoon practiced law in the U.S. as a partner at Baker & McKenzie from 1979 to 1989. As a prominent figure in the field of antitrust, Mr. Yoon was listed in Who's Who in American Law and Who's Who in the World, named as "international antitrust expert" in the Global Competition Review and the International Financial Law Review. Mr. Yoon previously served as a Non-Standing Commissioner at the KFTC and as the Chairman of the Korea Competition Forum and is currently Chairman of the Asia Competition Association. He received his J.D., magna cum laude, from Notre Dame University and his LL.M. and LL.B. from Seoul National University. He is admitted to the bars of Korea as well as of New York, Illinois and Washington, D.C.



Seong Sig Kim • Partner T: 82-2-6003-7540 E: sskim@yoonyang.com

Prior to joining Yoon & Yang, Seong Sig Kim worked as a judge in the Incheon District Court, the Seoul District Court Bukbu Branch and the Daejeon District Court. Based on his experience working as a judge, Mr. Kim has handled a variety of antitrust related litigation, in particular administrative litigation seeking to annul administrative fines, and private litigation (such as claims for compensation of damages based on cartels). Mr. Kim was a member of the Subcontract Dispute Arbitration Committee of the KFTC. He received his LL.M. from Harvard Law School and his LL.B. from Seoul National University. He is admitted to the bar of Korea.



Jae Young Kim • Partner T: 82-2-6003-7509 E: jkim@yoonyang.com

Jae Young Kim has extensive experience handling high-profile antitrust cases involving foreign and domestic companies. Mr. Kim was a member of the Policy Evaluation Committee and the Subcontract Consultant Committee of the KFTC and was awarded commendation from the Chairman of the KFTC. He received his LL.M. from University of Pennsylvania Law School and his LL.B. from Seoul National University. He is admitted to the bars of Korea and New York.



Sang Mo Koo • Partner T: 82-2-6003-7052 E: smkoo@yoonyang.com

Prior to joining Yoon & Yang, Sang Mo Koo served as a hearing advisor and investigator for the KFTC. Based on his experience working at the KFTC, Mr. Koo has successfully represented clients in various matters involving cartels and unfair trade practices. In particular, Mr. Koo is recognized as the foremost expert in the subcontracting field and currently serves as a mediator in the Construction Subcontract Dispute Mediation Committee. He is admitted to the bar of Korea.



Chul Ho Kim • Partner T: 82-2-6003-7522 E: chkim@yoonyang.com

Chul Ho Kim has extensive experience handling high-profile antitrust cases representing multinational corporations in advisory and litigation matters involving cartels, abuse of market dominance and unfair trade practices. In particular, Mr. Kim has extensive expertise in pharmaceutical and broadcasting and communications fields. He was a Visiting Scholar at the University of Washington and received his LL.B. from Seoul National University. He is admitted to the bar of Korea.



Kwang Wook Lee • Partner T: 82-2-6003-7535 E: kwlee@yoonyang.com

Kwang Wook Lee has extensive experience handling a variety of antitrust cases as well as in the fields of intellectual property, personal information protection, environment and broadcast and communication. Mr. Lee previously worked as an international associate at Steptoe & Johnson LLP located in New York. He received his LL.M. from University of Pennsylvania and his LL.B. from Seoul National University. He is admitted to the bar of Korea.



Sinsung (Sean) Yun • Partner T: 82-2-6003-7536 E: ssyun@yoonyang.com

Sinsung Yun has a wide range of experiences representing clients in high-profile antitrust matters, including leniency applications in international cartels and abuse of dominance cases for international IT companies. Sinsung has worked at Howrey LLP's Washington, D.C. office as a foreign lawyer. He received his LL.M. from Georgetown University Law Center and completed the Doctorate Course at the Seoul National University Graduate School of Law. He is admitted to the bars of Korea and New York.



Chang Ho Kum • Partner T: 82-2-6182-8522 E: chkum@yoonyang.com

Chang Ho Kum has a wide range of experiences in KFTC investigations concerning cartels, unfair trade practices, abuse of market dominant position and unfair subcontracting transactions. He received his LL.M. from New York University School of Law and his LL.B. from Seoul National University. He is admitted to the bar of Korea.



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Song Ryu has represented numerous clients by providing advisory and litigation services in KFTC matters and related litigations. Mr. Ryu worked as a law clerk at Ropes & Gray located in New York. He received his LL.M. from Boston University School of Law. He is admitted to the bar of Korea.



Paul S. Rhee • Senior Foreign Attorney T: 82-2-6003-7532 E: psrhee@yoonyang.com

Paul S. Rhee has been practicing in Korea for over 15 years, advising leading multinational corporations on all aspects of their Korean business while focusing on antitrust matters involving the intersection between antitrust law and intellectual property rights, corporate leniency program, merger clearance, criminal prosecution, private damage claims, and administrative appeals. He received his B.A. from University of California at Berkeley and his J.D. from Syracuse University College of Law. He is admitted to bars of Connecticut and Washington, D.C.



Kenneth T. Kim • Senior Foreign Attorney T: 82-2-6003-7053 E: ktkim@yoonyang.com

Kenneth T. Kim has substantial experience handling a variety of leading international antitrust cases as well as general corporate matters. Prior to joining Yoon & Yang, Mr. Kim worked as an attorney at the law firm of Taylor Miller LLC and the First District Appellate Court in Chicago. He received his J.D., cum laude, from University of Illinois College of Law. He is admitted to the bar of Illinois.



In Ok Son • Senior Consultant T: 82-2-6003-7061 E: ioson@yoonyang.com

In Ok Son started his public career in the Economic Planning Board. From 1995 he worked at the KFTC. Prior to joining Yoon & Yang in 2011, he worked at the KFTC as the Vice Chairman, Commissioner, General Counsel, Director General of the Consumer Protection Bureau, Director of the Consumer Policy Division, Director of the Cartel Division and Director of the M&A Division. Mr. Son also has expertise on the application of the foreign competition laws based on his dispatch experiences during his tenure at the KFTC to the German Federal Cartel Office and Reed Smith LLP in the US. He has served as a bureau member of the OECD competition committee.



Do Ik Jung • Expert Advisor T: 82-2-6003-7063 E: dijung@yoonyang.com

Do Ik Jung has substantial experience in a variety of high profile antitrust cases. Prior to joining Yoon & Yang, Mr. Jung served as a Director at the Anti-Monopoly Bureau of the KFTC and also at the Price Control Policy Department of the Economic Planning Board and the Investigation Department, the Competition Department, the Subcontract Transactions Department and the Audit and Inspection Officer's Office at the KFTC, dealing with practical affairs regarding price-control policies and enforcement of antitrust law in general.



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Prior to joining Yoon & Yang, Sang Hyo Moon served as the Deputy Director at the Market Inspection Bureau, the Cartel Investigation Bureau and Administrative Management Division of the KFTC. Based on his expert knowledge and practical experience gained during his tenure at the KFTC, Mr. Moon provides practical advisory services regarding various antitrust issues in numerous antitrust related cases.

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