

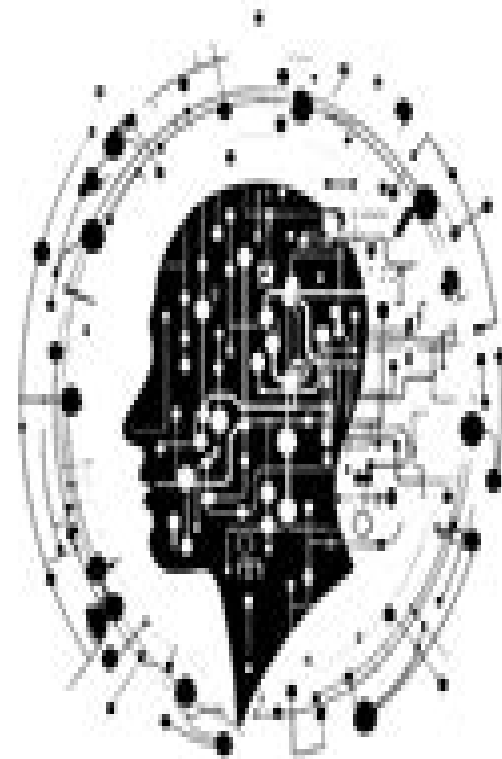
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Antitrust Regulation And Competition

Josef Drexl, Fabiana Di Porto



Antitrust Regulation And Competition:

Antitrust, Regulation and Competition Mario Baldassarri, L. Lambertini, 2003-06-12 Antitrust Regulation and Competition brings together a group of well known European and American academics to examine antitrust policies and competitive behaviour on a wide variety of topical cases and critical markets Taking both a theoretical and applied perspective the contributors examine issues such as entry and market concentration auctions technological innovation privatization and the role of public firms market transparency the supply of product quality and multinational firms

Standardization under EU Competition Rules and US Antitrust Laws Björn Lundqvist, 2014-05-30 Offering in depth analysis of the case law currently being written in courtrooms all over the world under the so called patent war the book puts forward a new method for applying competition law to standards and standard setting _ in both its collus

The Design of Competition Law Institutions Eleanor M Fox, Michael J Trebilcock, 2012-12-20 Competition or antitrust law is national law More than 120 jurisdictions have adopted their own competition law Is there a need for convergence of the competition law systems of the world Much effort has been devoted to nudging substantive law convergence in the absence of an international law of competition But it is widely acknowledged that institutions play as great a role as substantive principles in the harmonious or dissonant application of the law This book provides the first in depth study of the institutions of antitrust It does so through a particular inquiry Do the competition systems of the world embrace substantially the same process norms Are global norms embedded in the institutional arrangements however disparate Delving deeply into their jurisdictions the contributors illuminate the inner workings of the systems and expose the process norms embedded within Case studies feature Australia New Zealand Canada Chile China Japan South Africa the USA and the European Union as well as the four leading international institutions involved in competition the World Trade Organization the Organization for Economic Cooperation and Development the United Nations Conference on Trade and Development and the International Competition Network and the introductory and synthesizing chapter by the directors of the project draws also from the new institutional arrangements of Brazil and India The book reveals that there are indeed common process norms across the very different systems thus this study is a counterpart to studies on convergence of substantive rules The synthesizing chapter observes an emerging sympathy of systems in which global process norms along with substantive norms play a critical role The book provides benchmarks for the field and suggests possibilities for future development when the norms are embraced in aspiration but not yet in practice It offers insights for all interested in competition law and global governance

Competition Law and Economics Abel Moreira Mateus, Teresa Coelho Moreira, 2007 Everyone recognizes that competition is the process by which companies are induced to offer consumers the lowest prices and introduce innovations to earn higher profits Antitrust enforcement should focus on real competition problems on behaviour that has actual or likely restrictive effects on the market and which harms consumers it should be aimed at protecting competition and not

competitors A real revolution in the application of European competition law took place with the modernization package implemented in the last few years involving the now decentralized application of Articles 81 and 82 EC new merger regulations and the ongoing review of guidelines for the prosecution of abuses of a dominant position This book presents the proceedings of the First Lisbon Competition Law and Economics Conference under the auspices of the Portuguese Competition Authority It was a ground breaking event in which leading European judges and competition enforcers as well as some of the leading world economists and law professors on competition issues took a critical look at the instruments of competition policy conceived to implement EC Regulation 1 2003 with a broader focus on modernization in the EU and in the USA In wide ranging discussions they evaluated theories of harm to competition for the most frequently occurring types of abusive behaviour and developed guidelines for a competition policy that offers both an economically sound framework and a workable and operational tool for making rules that can be enforced effectively and with a reasonable degree of predictability Among the many issues arising in the proceedings recorded in this book are the following special powers of investigation leniency programs and individual sanctions the problem of forum shopping in the present merger regulation system the impact of regulations and competition on economic growth competition and regulatory costs judicial review of the European Commission merger decisions consumer welfare effects of mergers who should apply competition law to utilities and the link between competition and innovation and the development of a country The book will be of immeasurable value to judges academics and economic and law practitioners active in competition policy and enforcement as well as to officials of European national competition authorities Equally interested will be students of law and economics concerned with competition issues and non governmental organizations dealing with consumer protection and private enforcement of competition law By giving ample evidence of the impact of competition and efficient regulation on economic growth this far reaching book will help elucidate the main current topics in need of further reform and underline the importance of competition policy in modern market economies

Competition Law as Regulation Josef Drexler, Fabiana Di

Porto, 2015-10-30 To what extent should competition agencies act as market regulators Competition Law as Regulation provides numerous insights from competition scholars on new trends at the interface of competition law and sector specific regulation By relying on the experiences of a considerable number of different jurisdictions and applying a comparative approach to the topic this book constitutes an important addition to international research on the interface of competition and regulation It addresses the fundamental issues of the subject and contributes to legal theory and practice Topics discussed include foundations of the complex relationship of competition law and regulation new forms of advocacy powers of competition agencies competition law enforcement in regulated industries in general information and telecommunications markets and competition law as regulation in IP related markets Scholars in the two fields of law and economics will find the research aspects of the book to be of interest Officials in competition and regulatory agencies will benefit from the practical

relevance of the book Competition Law Eugène Buttigieg, 2009-01-01 Although it is commonly assumed that consumers benefit from the application of competition law this is not necessarily always the case Economic efficiency is paramount thus competition law in Europe and antitrust law in the United States are designed primarily to protect business competitors and in Europe to promote market integration and it is only incidentally that such law may also serve to protect consumers That is the essential starting point of this penetrating critique The author explores the extent to which US antitrust law and EC competition law adequately safeguard consumer interests Specifically he shows how the two jurisdictions have gone about evaluating collusive practices abusive conduct by dominant firms and merger activity and how the policies thus formed have impacted upon the promotion of consumer interests He argues that unless consumer interests are directly and specifically addressed in the assessment process maximization of consumer welfare is not sufficiently achieved Using rigorous analysis he develops legal arguments that can accomplish such goals as the following replace the economic theory of consumer welfare with a principle of consumer well being build consumer benefits into specific areas of competition policy assess competition cases so that income distribution effects are more beneficial to consumers and control mergers in such a way that efficiencies are passed directly to consumers The author argues that in the last analysis the promotion of consumer well being should be the sole or at least the primary goal of any antitrust regime Lawyers and scholars interested in the application and development and reform of competition law and policy will welcome this book They will find not only a fresh approach to interpretation and practice in their field comparing and contrasting two major systems of competition law but also an extremely lucid analysis of the various economic arguments used to highlight the consumer welfare enhancing or welfare reducing effects of business practices *Competition and Antitrust Law* Ariel Ezrachi, 2021-07-22 Very Short Introductions Brilliant Sharp Inspiring Competition is responsible for much of the prosperity around us Competitive markets deliver lower prices better quality abundance of choice and increased innovation But while competition benefits the consumers it can prove challenging to producers and sellers who need to constantly improve to stay in business As a result sellers may sometimes look for ways to dampen the competitive process Our antitrust and competition laws are designed to address these risks and safeguard consumer welfare The competition enforcers have the task of unravelling price fixing cartels challenging powerful companies that abuse their power and monitoring proposed merger transactions that could undermine effective competition In doing so competition enforcers have to carefully consider the level of intervention and ensure they do not distort the natural dynamics of competition Drawing on case studies from the US and the European Union this Very Short Introduction explores the promise and limitations of competitive market dynamics In examining the laws and the way they are enforced Ariel Ezrachi considers the delicate relationship between a free market economy and government intervention and the fascinating forces of competition that shape modern society ABOUT THE SERIES The Very Short Introductions series from Oxford University Press contains hundreds of titles in almost every subject area These pocket sized

books are the perfect way to get ahead in a new subject quickly Our expert authors combine facts analysis perspective new ideas and enthusiasm to make interesting and challenging topics highly readable *Competition Law and Antitrust* David J. Gerber,2020-08-28 Competition or Antitrust law is now a global phenomenon It operates in more than 100 countries and the relationships among competition law systems are often complex and opaque Competition law is also new to many countries which creates uncertainty about how decisions will be made in these jurisdictions This makes it critically important to understand both the similarities and differences among the systems and the relationships between them A succinct introduction this title breaks down the complicated and foreboding topic of competition law Divided into four parts this book covers the elements of competition laws its decisions targets and globalization and the future of competition law It also provides global context by looking at competition law in the US Europe and growing markets like Asia and Latin America This title covers the most pressing issues of competition law in an informative and concise way Drawing on his lifetime of global experience and research David J Gerber s *Competition Law and Antitrust* is an essential tool for anyone interested in competition or antitrust law

The Roles of Innovation in Competition Law Analysis Paul Nihoul,Pieter Van Cleynenbreugel, Rapid technological innovations have challenged the conventional application of antitrust and competition law across the globe Acknowledging these challenges this original work analyses the roles of innovation in competition law analysis and reflects on how competition and antitrust law can be refined and tailored to innovation

The Normative Foundations of European Competition Law Oles Andriychuk,2017-08-25 Does competitive process constitute an autonomous societal value or is it a means for achieving more meritorious goals welfare growth integration and innovation The hypothesis of *The Normative Foundations of European Competition Law* is that the former is the case This insightful book analyses the phenomenon of competition from philosophical legal and economic perspectives demonstrating exactly why competitive process should not be viewed only as an instrument It consolidates various normative theories of freedom market and competition and explains how exactly they can be operationalized effectively in the matrix of the EU competition policy

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Competition Law, Innovation and Antitrust Hedvig Schmidt,2009-01-01 a must read for anyone wanting to study tying in more detail the book offers a very thorough analysis of tying together with some recommended improvements to the way in which tying is currently assessed under the EU and the US antitrust rules Common Market Law Review Schmidt s *Competition Law Innovation and Antitrust* is a superb introduction to the subject of tying arrangements and other bundled sales in high technology markets principally as they are treated under US antitrust law and EU competition law Schmidt thoroughly assesses the economics of such arrangements the benefits they confer and the potential harms they impose and then gives a positive introduction to the law This is a comprehensive treatment of its subject and an indispensable aid to the

competition law scholar or practitioner Herbert Hovenkamp University of Iowa College of Law US This innovative book assesses the hotly debated topic of tying from three different perspectives competition law economics and intellectual property rights It highlights the faults and benefits of the current approaches to tying under EC competition law and US antitrust law In the light of modern economic thinking the recent review of Article 82 EC and Sherman Act Section 2 the author identifies a more economic approach to tying that moves away from the per se illegality label that has so far impinged on tying case law Hedvig Schmidt recognizes the significance that tying can play on innovation and product development and thus suggests a new approach which carves out a safe haven for technological integrated products to ensure continuous stimulation of innovation With comparative assessments and investigations this book is a must read for academics specializing in competition law and theory as well as practitioners and policy makers of competition law and intellectual property

Joint Research and Development under US Antitrust and EU Competition Law Björn Lundqvist, 2015-04-30 This fascinating new book dissects from a Competition law perspective how Research and Development collaborations operate under both US and EU antitrust law Analyzing the evolution of this innovation landscape from the 1970s to the present day Blom

The Global Limits of Competition Law D. Daniel Sokol, Ioannis Lianos, 2012-06-13 Over the last three decades the field of antitrust law has grown increasingly prominent and more than one hundred countries have enacted competition law statutes As competition law expands to jurisdictions with very different economic social cultural and institutional backgrounds the debates over its usefulness have similarly evolved This book the first in a new series on global competition law critically assesses the importance of competition law its development and modern practice and the global limits that have emerged This volume will be a key resource to both scholars and practitioners interested in antitrust competition law economics business strategy and administrative sciences

Model Law on Competition United Nations Conference on Trade and Development, 2004 This document presents a revised version of the Model Law on Competition ISBN 9211125952 published by UNCTAD in February 2003 It includes changes to commentaries on possible elements of a competition law and changes in national legislations Topics include restrictive agreements or arrangements acts or behaviour constituting an abuse of a dominant position of market power notification investigation and prohibition of mergers affecting concentrated markets and consumer protection

The Modernisation of EC Antitrust Law Rein Wesseling, 2000-10-19 In recent years European Community EC competition law has come under fire Continued criticism of all aspects of the means by which EC competition law is enforced has brought to light ineffectiveness of the present system Consequently the European Commission has responded by issuing the White Paper on Modernisation which sets out its vision on the future of EC competition law This new book takes a step back and tries to understand the current challenges to EC competition policy by examining the origins of the Community's competition law system In the first part of the book the author sketches the development of Community competition law enforcement between the European Economic Community established in 1958

and the European Union of today Taking this dynamic perspective on EC competition law the second part of the book addresses topical problems of EC competition policy the pertinent objectives the institutional framework the division of jurisdiction between the Community and Member States and decentralised enforcement of Community law Notably the author's conclusions diverge considerably from the analysis found in the Commission White Paper on Modernisation The author proposes various alternative solutions to the existing problems which arguably fit better within the overall constitutional development of the Community than the solutions offered by the Commission The book will be of interest to competition lawyers as well as to all those interested in the constitutional development of the European Community

Private Enforcement of EC Competition Law Jürgen Basedow, 2007-03-15 The European Commission's recent Green Paper on damages actions for breach of EC antitrust rules stirred a debate across Europe on the need for legal reform that would encourage private plaintiffs to claim compensation for losses suffered as a result of anticompetitive conduct Prominent in the wake of that initiative was the international conference convened by the Max Planck Institute for Comparative and International Private Law in Hamburg in April 2006 the papers and proceedings of which are presented in this important book Among the topics and issues raised and discussed here are the following the 2001 Courage judgment of the European Court of Justice in which the court decided that everyone who suffers losses from a violation of arts 81 or 82 EC is entitled to compensation relevance of the case law that contributes to general principles of European tort law comparative analysis from the more comprehensive experience of national laws in the United States Germany France and Italy calculation of damages passing on of losses sustained in an upstream market to customers in a downstream market procedural devices which may help to overcome the lack of implementation duties of disclosure and the burden of proof collective actions that may help to overcome the rational abstention of individuals pitfalls of leniency programmes implemented by national competition authorities and issues of jurisdiction and choice of law The lively debates that followed the presentations at the conference are also recorded here Although more discussion will be needed before a viable legal framework in this area begins to emerge these ground breaking contributions by lawyers of various disciplines jurists economists academics and European policymakers take a giant step forward For lawyers academics and officials engaged with this important area of international law this book clearly improves our understanding of the economic need and legal particularities which could generate an effective European system of private antitrust litigation

Monopoly, Competition and the Law Tim Frazer, 1988

Comparative Competition Law John Duns, Arlen Duke, Brendan Sweeney, 2015-11-27 Comparative Competition Law examines the key global issues facing competition law and policy This volume's specially commissioned chapters by leading writers from the United States Europe Asia South America and Australia provide a synthesis of how these current issues are addressed by drawing on the approaches taken in different jurisdictions around the world Expert contributors examine the regulation of core competitive conduct by comparing substantive law approaches in the US and the EU The book then

explores issues of enforcement such as the regulator's powers whether to criminalize anti competitive conduct the degree to which private enforcement ought to be encouraged and the extraterritorial scope of domestic laws Finally the book discusses how competition law is being implemented in a variety of countries including Japan China Brazil Chile and Colombia This scholarly analysis of the key substantive procedural and remedial challenges facing global competition law policymakers offers a comparative framework to facilitate a better understanding of relevant policies This collection of global perspectives will be of great interest to scholars and students of competition law microeconomics and regulatory studies Competition law regulators policy makers and law practitioners will also find this book an invaluable resource

Competition, Effects and Predictability Bruce Wardhaugh, 2020-04-16 In the US and EU legal analysis in competition cases is conducted on a case by case approach This approach assesses each particular practice for both its legality and its welfare effects While this analytic method has the merits of getting the result right by inter alia reducing error costs in antitrust adjudication it comes at a cost of certainty predictability and clarity in the legal principles which govern antitrust law This is a rule of law concern This is the first book to explore this tension between Europe's More Economic Approach the US's Rule of Reason and the Rule of Law The tension manifests itself in the assumptions in and choice of analytic method the institutional agents driving this effects based approach and their competency to use and assess the results of the methodology they demand and the nature and stability of the legal principles used in modern effects based competition analysis The book forcefully argues that this approach to competition law represents a threat to the rule of law Competition Effects and Predictability will be of interest to European and American competition law scholars and practitioners legal historians policy makers and members of the judiciary

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