13th ASCOLA Conference
NYU School of Law
June 21–23 June 2018

THE EFFECTS OF DIGITIZATION, GLOBALIZATION AND NATIONALISM ON COMPETITION LAW
+ WORKSHOP ON ADDITIONAL COMPETITION LAW ISSUES

THURSDAY June 21, 2018 [Greenberg Lounge, Vanderbilt Hall, 40 Washington Square South]

1:00-2:00pm  Ascola Board Meeting (members of the board only) [Vanderbilt Hall, room 202]

1:30-2:00pm  Registration and coffee for Pre-conference attendees (all welcome!!)

2:00-3:00pm  Pre-conference: How to Write a High Quality Academic Article?
Moderator: Harry First (NYU)
Panelists: Pinar Akman (University of Leeds); Josef Drexl (Max Planck Institute for Innovation and Competition); Michal Gal, (University of Haifa); Pablo Ibanez-Colomo (London School of Economics); Spencer Weber Waller (Loyola University Chicago)

3:00-3:30pm  Registration and Coffee

3:30-5:45pm  Welcome by Michal Gal (ASCOLA Chair); Harry First (NYU); and Spencer Weber Waller (Loyola University Chicago)

Keynote: Tim Wu (Columbia University), "The Big Case Tradition"

Panel I: Competition Policy in the Age of Protectionism
Panel chair: Eleanor Fox (NYU)
2. Maciej Bernatt (University of Warsaw), “Anti-institutional populism and antitrust: Setting the scene”

5:45-6:45pm  Expert Panel: Merger Analysis: What Is the Right Approach?
Moderator: Scott Hemphill (NYU)
Panelists: Louis Kaplow (Harvard); Daniel Rubinfeld (NYU and UC Berkeley)

7:00-8:00pm  Welcome reception [Vanderbilt Hall, room 110]
FRIDAY June 22, 2018 [Greenberg Lounge, Vanderbilt Hall]

8:00-9:00am  Breakfast

9:00-10:30am  Panel II: Competition Law in the Digitization Era
Panel chair: Tim Wu (Columbia University)
1. Pinar Akman (University of Leeds), “Commercial agency in the digital era: The legal characterisation of online platforms under competition law”

10:30-11:30am  Coffee break

11:30-1:00pm  Panel III: Competition Law in the Digitization Era
Panel chair: Michal Gal (University of Haifa)
1. Nicolo Zingales (University of Sussex), “Antitrust intent in an age of algorithmic nudging”

1:00-2:15pm  Lunch

2:15-3:45pm  Parallel workshop panel sessions (see separate workshop schedule)

3:45-4:15pm  Coffee break and Poster Session I [Golding Lounge, 2nd Floor, Vanderbilt Hall]

4:15-6:00pm  Panel IV: Datafication and Competition Law
Panel chair: Daniel Sokol (University of Florida)
1. Mariateresa Maggiolino (Bocconi University) and Giuseppe Colangelo (Luiss University), “Data accumulation and the privacy-antitrust interface”
2. Wolfgang Kerber (University of Marburg), “Data governance in connected cars, access to in-vehicle data, and competition law”
3. Yane Svetiev (University of Sydney/Bocconi University) and Giacomo Tagiuri (Bocconi University), “The opportunities and dislocations of technological change: Competition law as a coping mechanism”
4. Scott Hemphill (NYU), “Anticompetitive trademark settlements”
5. Claudio Lombardi (KIMEP School of Law), “Digital news for a rave new world: Competition and public interest in the scramble over data”

6:00-6:45pm  General Assembly of all ASCOLA Members
Discussion on Code of Conduct led by Ioannis Lianos (University College London)
7:00-9:00pm  Dinner [Lipton Hall, 108 West 3rd Street]
“Techopoly: Is Big Tech Too Big?”
Best Junior Paper Award: Presented by Josef Drexl (Max Planck Institute for Innovation and Competition)

SATURDAY June 23, 2018 [Greenberg Lounge, Vanderbilt Hall]

8:00-9:00am  Breakfast

9:00-10:45am  Parallel workshop panel sessions (see separate workshop schedule)

10:45-11:15am  Coffee break and Poster Session II [Golding Lounge, 2nd Floor, Vanderbilt Hall]

11:15-12:45pm  Panel V: Datafication and Competition Law
Panel chair: Harry First (NYU)
1. Ramsi Woodcock (Georgia State University), “Price as rationing: The antitrust case against dynamic pricing”
2. Margherita Colangelo (University of Roma Tre), “Antitrust Implications of Most Favoured Nation Clauses in online markets”
3. Marco Botta and Klaus Wiedemann (Max Planck Institute for Competition and Innovation), “Remedies against exploitative conducts in the data economy”

12:45-1:00pm  Conclusions
Michal Gal, Harry First, and Spencer Weber Waller
**Parallel Panel Session I** (panels 1-6)  
Friday, June 22 2:15-3:45pm  
*Some of the papers will also be presented in Poster Session I*

**Panel 1: Competition Law and the Digital Environment** [Vanderbilt Hall, room 201]  
Panel chair: Wolfgang Kerber (Philipps University Marburg)  
1. Robin Feldman and Nick Thieme (UC Hastings College of Law), “Artificial intelligence, innovation & competition”  
2. Guilherme Misale (University of São Paulo) and Yan Vieira (School of Economics of Fundação Getulio Vargas), “A sociology of competition assessment of price setting algorithms under the realm of antitrust law: A battle of bots?”  
3. Maria Ioannidou (Queen Mary University), “Increasing consumers’ trust in digital markets”  

**Panel 2: Mergers** [Vanderbilt Hall, room 202]  
Panel chair: Björn Lundqvist (Stockholm)  
1. Ioannis Lianos (University College London), “‘Food Sovereignty’ and global food value chains: A comparative perspective on the competition review of mega-mergers in the agrochem sector”  
2. Marco Botta (Max Planck Institute for Competition and Innovation) and Federico Ghezzi (Bocconi University), “Protectionism and national champions v. European merger control; the possible spill-over effects of the draft ECN+ Directive”  
4. Luis Morais (University of Lisbon) and Lúcio Fêteira (European University Institute), “Too Interconnected to Merge? Some reflections on competition law enforcement in the globalized world of digital finance”  

**Panel 3: Big Data, Data Rights and Competition Law** [Vanderbilt Hall, room 208]  
Panel chair: Rupprecht Potsdam (Heinrich Heine University)  
1. Fabiana Di Porto (University of Salento) and Gustavo Ghidi (University of Milan), “Exploitation of big data: From market dominance to societal hegemony. Analysis, and containment”  
2. Valeria Falce (European University of Rome), “Sui generis right on data and competition law in the data driven economy: Is the abuse of right doctrine a possible alley?”  
3. Klaudia Majcher (Institute for European Studies), “The concept of coherence theorizing about the intersections between competition and data protection law”

Panel 4: Platforms [Vanderbilt Hall, room 216]
Panel chair: Thomas Cheng (University of Hong Kong)
1. Mark Patterson (Fordham University), “Modularity, interfaces, and competition in technology markets”
2. Daniel Mândrescu (Europa Institute Leiden University), “Applying (EU) competition law to online platforms: Reflections on the definition of the relevant market”
3. Toshiaki Takigawa (Kansai University), “Super platforms, big data, and the competition law: The Japanese approach in comparison with the US and EU”
4. Francesco Ducci (University of Toronto), “Rule of reason in two-sided market”

Panel 5: Digitization [Furman Hall, 245 Sullivan Street, room 118]
Panel chair: David Bosco (Aix en Provence)
1. Jörg Hoffmann, Mor Bakhoum, and Francisco Beneke (Max Planck Institute for Competition and Innovation), “Digitization in developing countries: Big data, big impact -competition policy implications of evolving data torrents in developing countries”
2. Maria Fernanda Caporale Madi (Erasmus University), “Vertical agreements in the digital market and the challenges to antitrust enforcement”
3. Beata Mäihäniemi (University of Helsinki), “Lessons from the recent Commission’s decision on Google to favour oneself or not, that is the question”

Panel 6: Competition Law: General Issues [Furman Hall, 245 Sullivan Street, room 120]
Panel chair: Josef Drexl (Max Planck Institute for Competition and Innovation)
1. Francisco Marcos (IE Law School), “Cosmetic antitrust and procrastination in the enforcement of antitrust rules”
2. Ittai Paldor (Hebrew University), “Cross ownership by institutional investors – is there really anything to fear? A theory of ‘unilateral coordination’”
3. Or Brook (University of Amsterdam), “Priority setting as a double-edged sword: How modernizations strengthen the role of non-competition interests in Article 101 TFEU”
4. Catalin Rusu (Radboud University Nijmegen), “The real challenge of boosting the EU competition law enforcement powers of national competition authorities: In need of a reframed formula?”
Parallel Panel Session II (panels 7-12)  
Saturday, June 23 9:00-10:45am  
Some of the papers will also be presented in Poster Session II

Panel 7: Competition Law and IP [Vanderbilt Hall, room 201]  
Panel chair: Axel Walz (Max Planck Institute for Competition and Innovation)  
1. Laura Zoboli and Maria Lilìa Montagnani (Bocconi University), “The European geo-blocking regulation between competition and copyright law: Servant of two masters?”  
2. Thomas Cheng (University of Hong Kong), “The patent-antitrust interface in developing countries”  
4. Hedvig Schmidt (University of Southampton), “Fantastic Beasts and how to deal with them under the competition rules - Patent Assertion Entities and the interface between competition law and IP rights”  
5. Sofia Pais (Catholica Porto), “Pay for delay agreements: Squaring the circle”

Panel 8: Nationalism and Competition Law [Vanderbilt Hall, room 202]  
Panel chair: Francisco Marcos (IE Law School)  
1. Barry Rodger (University of Strathclyde), “UK Competition law post-Brexit: Divergence from EU law, re-nationalisation and re-politicisation?”  
2. Kanoknai Thawonphanit (Kiel University), “Fear of false positive as nationalism in disguise: The major challenge to Thai competition law”  
3. Jonathan Galloway (University of Newcastle), “Regulatory globalisation in reverse: When international enforcement waves crash against national characteristics”  
4. Masako Wakui (Osaka City University Graduate School of Law), “Liner Shipping Exemption: Global issue demanding international coordination to counter "national interest" claim”

Panel 9: Competition Law and the Digital Environment II [Vanderbilt Hall, room 208]  
Panel chair: Daniel Rubinfeld (NYU and Berkeley)  
1. Björn Lundqvist (Stockholm University), “Standardization for the digital economy: The Issue of interoperability v. industrial policy”  
2. Stefan Holzweber (Institut für Unternehmens-und Wirtschaftsrecht), “Changed beyond recognition? Tying and bundling in the digital era”  
3. Maria Ioannidou (Queen Mary University), “Increasing consumers’ trust in digital markets”  
4. Juha Vesala (University of Helsinki), “Artificial creativity and antitrust”  
5. Anca Chirita (University of Dyrham), “Data-Driven mergers under EU competition law”

Panel 10: Recent European Competition Law Developments [Vanderbilt Hall, room 216]  
Panel chair: Ioannis Lianos (University College London)  
1. Pablo Ibanez-Colomo (London School of Economics), “Regulatory capture in the new EU competition law”  
2. Piotr Semeniuk (University of Warsaw), “Does EU competition law favor particular countries?”
3. Victoria Daskalova (University of Twente), “Counterproductive regulation? The EU’s (mis)adventures in regulating unfair trading practices in the food supply chain”
4. Peter Whelan (University of Leeds), “Parental liability in EU competition law: An examination of its deterrence-based justification”
5. Petra Pipkova (Law Faculty Charles University), “The harm is higher than zero: The “new” presumption that cartels cause harm in the EU”

Panel 11: Globalization of Competition Law [Furman Hall, 245 Sullivan Street, room 118]
Panel chair: Valeria Falce (European University of Rome)
1. Galyna Kostiukevych (European University Institute), “Anticompetitive conduct within global value chains and beyond”
2. Peter Behrens (University of Hamburg), “Globalization and the protection of competition in the EU: The extraterritorial application of EU competition rules”
3. Marek Martyniszyn (Queen’s University Belfast), “Competitive harm crossing borders: Regulatory gaps and a way forward”
4. Magali Eben (University of Leeds), “Priority setting as a double-edged sword: How modernizations strengthen the role of non-competition interests in Article 101 TFEU”

Panel 12: Remedies [Furman Hall, 245 Sullivan Street, room 120]
Panel chair: Fabiana Di Porto (University of Salento)
1. Pinelopi Alexia Giosa (University of East Anglia), “Damages claims for bid rigging in Europe: A storm in a tea cup?”
2. Florian Wagner-von Papp (University College London), “The extraterritorial reach of remedies from a European perspective”
3. Antonio Martin-Laborda (Charles III University of Madrid), “Harmonisation and divergence in European tort law: Causation and fault in antitrust damages”
4. Urska Petrovcic (European University Institute), “The Unsettled Role of EU competition law in addressing injunctions for standard-essential patents”
5. Alexandra Mikroulea (University of Athens), “Non-performing loans, electronic platforms and competition law”