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FEB 24

ANTITRUST and 21st Century BIGNESS



Antitrust and 21st Century Bigness

Dealing with Tech Platforms in a Globalized World

Friday, February 24, 2023 | 8:00am-5:45pm

New York University School of Law

Greenberg Lounge, Vanderbilt Hall, 40 Washington Square South

New York, NY

Big Tech and Bigness. These issues continue to dominate the antitrust agenda in the United States and throughout the world. Three years ago, we examined these issues at a conference held at NYU Law School, at a time when US enforcement agencies had yet to act. We now return for a second edition of that conference, at a time when antitrust agencies around the world—including in the US—are taking on the challenge. We will ask, what progress has been made? what obstacles have been encountered? what are the prospects for the future? The panelists—scholars, practitioners, and enforcers, from the US and Europe—will discuss antitrust as it is being applied in the courts and as it is playing out legislatively in the US and abroad.

Agenda

8:00 am – 8:30am

Registration & Breakfast

8:30am – 8:45am

Welcome

Harry FIRST | *Professor, NYU School of Law*

8:45am – 9:30am

Opening Keynote

Doha MEKKI | *Principal Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division*
In conversation with **Eleanor FOX** | *Professor Emerita, NYU School of Law*

9:30am – 11:00am

Panel 1 - MONOPOLIZATION AND ABUSE OF DOMINANCE: *Is Big Tech Bad?*

What is the case against the Big Tech platforms? Do the concerns about Big Tech focus on specific abuses, and, if so, which abuses, or is there a more general social or political case to be made against these companies? If there is a monopoly/abuse of dominance problem, is competition law and economics as we know it up to the task? Or are there distinctive characteristics of platforms and digital markets, and the business models of these companies, that require special antitrust treatment?

Andrew GAVIL | *Professor*, Howard University School of Law

Thomas HÖPPNER | *Partner*, Hausfeld Rechtsanwälte LLP

Thomas KRAMLER | *Head of Unit - Antitrust: E-commerce and Data Economy*, DG Competition, European Commission

Nancy ROSE | *Professor*, MIT Department of Economics

Moderator: Harry FIRST | *Professor*, NYU School of Law

11:00am – 11:30am

Coffee Break

11:30am – 1:00pm

Panel 2 - MERGERS: *Are Big Tech Acquisitions Different?*

How should Big Tech acquisitions be evaluated, including the acquisition of nascent upstarts?

Cristina CAFFARRA | *Co-Head*, Keystone Strategy Europe

John NEWMAN | *Assistant Director Bureau of Competition*, Federal Trade Commission

Pierre RÉGIBEAU | *Chief Economist*, DG Competition, European Commission

Vaughn WALKER | *United States District Judge (ret.)*, Northern District of California

Moderator: Scott HEMPHILL | *Professor*, NYU School of Law

1:00pm – 2:00pm

Luncheon Discussion

Professors Wu and Calkins will discuss developments in antitrust enforcement in the Biden administration, including Professor Wu's experience in the White House in developing antitrust policy with regard to Big Tech platforms and other key administration initiatives.

Tim WU | *Professor*, Columbia University Law School

In conversation with **Stephen CALKINS** | *Professor*, Wayne State University Law School

2:00pm – 3:30pm

Panel 3 – EXISTING LAW: *Solutions?*

Can current competition laws reach—and remedy—anticompetitive conduct by Big Tech firms?

Alexandre de STREEL | *Academic Director, CERRE; Professor of European Law*, University of Namur

Daniel FRANCIS | *Professor*, NYU School of Law

Ian SIMMONS | *Partner*, O'Melveny & Myers LLP

Diane WOOD | *Senior Circuit Judge, Court of Appeals, Seventh Circuit; Senior Lecturer, University of Chicago Law School*

Moderator: Michael HAUSFELD | *Chair Emeritus, Hausfeld LLP*

3:30pm – 3:50pm

Coffee Break

3:50pm – 5:15pm

Panel 4 - THE FUTURE — PROPOSED CHANGE: LEGISLATIVE AND REGULATORY, DOMESTIC AND THE WORLD

If competition laws need to be updated to address anticompetitive conduct by Big Tech firms, what legislative and/or regulatory changes are desirable? Should institutional arrangements expand the boundaries of antitrust, possibly including unfair competition, consumer protection and data/privacy protection? What are the implications of the varying national solutions for world competition?

Matthew BRAOVAC | *Director - Digital Markets Unit, UK Competition and Markets Authority*

Evan CHESLER | *Partner, Cravath, Swaine & Moore*

Andrew HEIMERT | *Counsel for Asian Competition Affairs, Federal Trade Commission*

Diana MOSS | *President, American Antitrust Institute*

Moderator: Eleanor FOX | *Professor Emerita, NYU School of Law*

5:15pm – 5:45pm

Closing Keynote

Joseph STIGLITZ | *University Professor, Columbia University*

5:45pm

Cocktail Reception