
**FORDHAM AT FIFTY:
AN ANTITRUST
CONFERENCE FOR
THE WORLD**

Editor

James Keyte

JURIS

Questions About This Publication

For assistance with shipments, billing or other customer service matters, please email us at: subscriptions@jurispub.com

For editorial assistance, please email us at:
editorial@jurispub.com

To obtain a copy of this book, please visit:
<http://www.jurispub.com/Bookstore/>

To learn more about Juris Publishing Inc, please visit:
www.jurispub.com

COPYRIGHT 2025
by Juris Publishing, Inc.

All rights reserved. No part of this publication may be reproduced in any form or by any electronic or mechanical means including information storage and retrieval systems without permission in writing from the publisher.

Printed in the United States of America

ISBN 978-1-57823-565-0

Juris Publishing, Inc.
www.jurispub.com

TABLE OF CONTENTS

VOLUME I

Part I

Introductory Contributions

CHAPTER 1

Introductory Remarks and Acknowledgements 3

James Keyte and Barry Hawk

CHAPTER 2

Fifty Years of Fostering Global Norms through Informative Disclosure 7

William E. Kovacic

CHAPTER 3

What We Learn About Antitrust Law and Policy from 50 Years of
Enforcers at Fordham... and John Temple Lang 17

James Keyte

Excerpts

European Competition Policy in a Changing Economic Environment,
Alexander Schaub, 1996 31

European Community Antitrust Law: Innovation Markets and
High Technology Industries, *John Temple Lang, 1996*

Competition Enforcement in the Knowledge Economy, *Joaquin Almunia, 2012*

Keynote Remarks: Do We Need to Change Competition Law and
Enforcement and the Way We Apply It?, *Isabelle de Silva, 2019*

Keynote Address, *Andrea Coscelli, 2020*

Keynote Address, *Margrethe Vestager, 2022*

Introductions, Keynote Remarks and Discussion, *Jonathan Kanter, 2023*

Abuse of a Dominant Position in Community Law, *Bastiaan van der Esch, 1974*

Defining Legitimate Competition: Companies' Duties to Supply Competitors
and Access to Essential Facilities, *John Temple Lang, 1994*

The Common Law Approach and Improving Standards for Analyzing
Single Firm Conduct, *R. Hewitt Pate, 2003*

DG Competition's Review of the Policy on Abuse of Dominance, <i>Philip Lowe, 2003</i>	
Anticompetitive Non-pricing Abuses Under European and National Antitrust Law, <i>John Temple Lang, 2003</i>	
Vertical Restraints and Vertical Aspects of Mergers – A U.S. Perspective, <i>Robert Pitofshy, 1997</i>	
Non-horizontal Mergers – A European Perspective, <i>Carles Esteve Mosso, 2007</i>	
The Challenge of Non-horizontal Merger Enforcement, <i>J. Thomas Rosch, 2007</i>	
Keynote Address, <i>Lina Khan, 2022</i>	
The Fight Against Secret Horizontal Agreement in the EC Competition Policy, <i>Olivier Guersent, 2003</i>	
Vertical Restraints Under EU Competition Law: New Directions, <i>David Deacon, 1995</i>	

Part II

Values and Objectives

Economic Underpinnings

CHAPTER 4

The Rise (and Fall) of the Economic Approach to Antitrust and Competition Law Enforcement.....	
---	--

Frédéric Jenny

CHAPTER 5

The Evolution of Economics and Antitrust Since the 1970s.....	
---	--

James Langenfeld and Chris Ring

Excerpts

Recent Enforcement Activities of the Japanese Fair Trade Commission, <i>Yoshio Ohara, 1974</i>	
---	--

Efficiency and Equity in Vertical Competition Law: Balancing the Tensions in the EEC and the United States, <i>Wayne D. Collins, 1983</i>	
--	--

Market Definition in Transnational Joint Ventures, Mergers and Monopolization, <i>Donald I. Baker, 1984</i>	
--	--

The Influence of EEC Law on the French Legislation and the Practice of French Courts, <i>Dominique Voillemot, 1987</i>	
---	--

Obtaining Data on Elasticities and Foreign Competitors under Hart-Scott- Rodino, <i>Edward F. Glynn, Jr. and Benjamin H. Tahyar, 1988</i>	
--	--

EC Rules on Undistorted Competition and U.S. Antitrust Laws: The Limits of Comparability, *Bastiaan van der Esch*, 1988

UK Merger Law and Policy in the Wake of the EEC Regulation – A British Review, *D.G. Goyder*, 1988.....

A Brief Overview of the Federal Trade Commission’s Investigative and Law Enforcement Authority, *James C. Egan, Jr.*, 1993.....

U.S. and Japan – Antitrust Policy Panel Discussion, *A. Paul Victor, Harry Chandler, William F. Baxter, Anne K. Bingaman, Claus-Dieter Ehlermann, James F. Rill, Akinori Uesugi*, 1994.....

The Challenge of Non-horizontal Merger Enforcement, *J. Thomas Rosch*, 2007

Conglomerate Mergers and Vertical Mergers – A U.S. Perspective, *Ilene Knable Gotts, Carles Estevea Mosso, David L. Meyer, J. Thomas Rosch, Gerwin Van Gerven*, 2007

Oligopoly: Facilitating Practices and Plus Factors, *Thomas E. Kauper*, 2007

Pricing of Differentiated Products in the 2010 Horizontal Merger Guidelines; Some Unanswered Questions, *Michael N. Sohn*, 2010

Industrial Policy and European Merger Control – A Reassessment, *Damien Geradin and Ianis Girgenson*, 2011

Market Definition in the Merger Context: Hard Work Pays Off in the Long-Run, *Ilene Knable Gotts*, 2012

The Use of Economic Theory and Evidence in Recent Phase II EU Mergers: A Practitioner’s Viewpoint, *Jorge Padilla*, 2013.....

Keynote Luncheon Panel - Is the Consumer Welfare Standard the Right Fit for Antitrust Policy and Enforcement?, *Scott Hemphill, Gabriella Muscolo, Sharis Pozen, Tim Wu*, 2019

The Emerging Debate

CHAPTER 6

What Is Competition? The Meanings and Usefulness of “Competition” as the Measurer of Legality

Eleanor M. Fox

Excerpts

Anticipating the Millennium: International Antitrust Enforcement at the End of the Twentieth Century, *Joel I. Klein*, 1997.....

International Cooperation in the Field of Competition: A View from the EC, *Karel van Miert*, 1997.....

Reflections on Competition Policy/Law in the Framework of the WTO, *Mitsuo Matsushita*, 1997.....

International Antitrust: Cosmopolitan Principles for an Open World, <i>Eleanor M. Fox, 1998</i>	
--	--

CHAPTER 7

Homecoming: Antitrust as the Domain of Law.....	
<i>Zephyr Teachout</i>	

CHAPTER 8

The Value of Fairness in EU Competition Law and Policy	
<i>Ariel Ezrachi</i>	

Excerpts

Enforcement of EC Competition Rules: Need For A Reform?, <i>Alberto Pera & Mario Todino, 1996</i>	
Tackling Exclusionary Practices to Avoid Exploitation of Market Power: Some Preliminary Thoughts on the Policy Review of Article 82, <i>Neelie Kroes, 2005</i>	
European State Aid Policy in Search of a Standard: What Is the Role of Economic Analysis?, <i>Alberto Heimler, 2009</i>	
Reform of EC Competition Law: Substance, Procedure, and Institutions, <i>Patrick Massey, 1996</i>	
Antitrust Analysis Under Article 85(1) and (3), <i>Helmuth R.B. Schroter, 1987</i>	
Panel 1: Antitrust and Populism, <i>Eleanor M. Fox, Herbert Hovenkamp, Frédéric Jenny, Mario Monti, Joseph Stiglitz, 2018</i>	

Part III

Merits

Agreements

CHAPTER 9

Cartels: A Retrospective Look.....	
<i>Laurence T. Sorkin and Pablo Trevisán</i>	

Excerpts

The War Against International Cartels, <i>Joel Klein, 1999</i>	
Panel Discussion: International Cartel Enforcement and EC Competition Policy, <i>Eleanor Fox, 1999</i>	
The Road to Conviction - The Criminalisation of Cartel Law, <i>Nicholas Green, 2003</i>	

The Fight Against Secret Horizontal Agreement in the EC Competition Policy, <i>Olivier Guersent</i> , 2003.....	
An Overview of Recent Developments in the Antitrust Division’s Criminal Enforcement Program, <i>James Griffin</i> , 2003.....	
The Fight Against Cartels: Is a “Mixed” Approach to Enforcement the Answer?, <i>John Fingleton et al</i> , 2006.....	
After 40 Years: European Competition Law: Views from Fordham, <i>D.G. Goyder</i> , 2014	
The Last Forty Years and Beyond: Globalization and Antitrust, <i>Steve Axinn</i> , 2014.....	
Keynote Remarks, <i>Andrew Finch</i> , 2017.....	

CHAPTER 10

Walking the Knife’s Edge: Competitor Collaboration.....	
<i>Douglas H. Ginsburg and Alexander Kraszewski</i>	

Excerpts

When does an Agreement Restrict Competition? The economics of Object Infringement Cases, <i>Helen Jenkins</i> , 2015	
The Political Economy of Antitrust in Brazil: From Price Control to Competition Policy, <i>Claudio Monteiro Considera & Paulo Corrêa</i> , 2001	
Trade Associations and the Exchange of Price and Nonprice Information, <i>David S. Evans</i> , 1989.....	
Panel Discussion: Trade Associations and the Exchange of Price and Nonprice Information, 1989.....	
Thoughts on Extraterritorial Application of the U.S. Antitrust Laws, <i>John. H. Shenefield</i> , 1983	
The Department of Justice and the Anti-Trust Exemption of Shipping Conferences, <i>James P. Denvoir</i> , 1977	
Export Agreements and Export Cartels, <i>Sigmund Timberg</i> , 1974	
The Limited Scope and Precedential Value of the FTC’S <i>GM-Toyota</i> Decision, <i>Joseph F. Brodley</i> , 1984	
Several Strokes of Black and a Palette of Grays: Competitor Agreements Through the Eyes of an Enforcement Agency, <i>Bruno Lasserre</i> , 2013.....	
Concerted Action by Team Owners After Brown and Chicago Professional Sports, <i>Shepard Goldfein</i> , 1999	
Keynote Address: Fordham Competition Law Institute Annual Conference on International Antitrust Law and Policy, <i>Margrethe Vestager</i> , 2022	

CHAPTER 11

Competitor Collaboration – A Global Perspective.....

*Reiko Aoki***CHAPTER 12**

Vertical Restraints: The U.S. Perspective.....

*Richard M. Steuer***Excerpts**International Application of United States Antitrust Laws: Distribution Agreements, *James A. Rahl*, 1974.....Vertical Restraints and Vertical Aspects of Mergers – A U.S. Perspective, *Robert Pitofsky*, 1997.....Assessing the Reasonableness of the Rule of Reason: The World After *Leegin*, *Christine Wilson, Bimal Patel, and Katrina Robson*, 2009.....**CHAPTER 13**

Vertical Restraints: The “Block Exemptions” – A Comparative View of the EU and UK Approaches.....

*Anne Riley**Intellectual Property***CHAPTER 14**

Antitrust and Intellectual Property Over the Last Fifty Years.....

*Koren W. Wong-Ervin***Excerpts**Innovation Markets and High-Tech Industries, *Ky P. Ewing, Jr., Anthony L. Clapes, John Temple Lang, Richard Rapp*, 1996.....Intellectual Property and Antitrust Roundtable, *Ian S. Forrester, et. al.*, 2004.....Signposts of Anticompetitive Exclusion: Restraints on Innovation and Economies of Scale, *Herbert Hovenkamp*, 2006.....Chilling Effects of Antitrust Law, *Paul Lugard, et. al.*, 2008.....Antitrust and Informational Restraints, *Herbert Hovenkamp, et. al.*, 2012.....Antitrust Policy in the Information Age: Protecting Innovation and Competition, *Joseph F. Wayland*, 2012.....Innovation and Competition, *Alexander Italianer*, 2012.....International Antitrust Policy, *A. Paul Victor, et. al.*, 2012.....

Unilateral Conduct: Recent Developments in the United States, <i>Susan A. Creighton and Ben Labow</i> , 2013	
Keynote Remarks, <i>Renata B. Hesse and Bruno Lasserre</i> , 2015.....	
Antitrust & Intellectual Property In Asia: Convergence?, <i>H. Stephen Harris Jr., et. al.</i> , 2016.....	
IP and Antitrust: An In-House Counsel’s Perspective, <i>Mathew Heim, et. al.</i> , 2017	

CHAPTER 15

Antitrust and Intellectual Property from the EU Perspective.....	
<i>Gabriella Muscolo</i>	

Excerpts

The Applicable Rules of EEC Law: Antitrust and Free Movement of Goods, <i>Willy Alexander</i> , 1974	
EEC Commission Policy on Licensing Agreements, <i>Norbert Koch</i> , 1974.....	
Critical Appraisal of the EEC Law and Trends Concerning Technology Transfers, <i>J.J. A. Ellis</i> , 1974.....	
International Transfers of Technology Under U.S. and EEC Laws – Panel Discussion, <i>G. Winthrop Haight, Willy Alexander, Joel Davidow, J.J.A. Ellis, Norbert Koch, Roger M. Milgrim</i> , 1974	
Recent Developments in Technology Transfer in Europe, <i>Hartmut Johannes</i> , 1978	
Technology Transfers Under EEC Law a Private View, <i>Mario Siragusa</i> , 1982.....	
International Technology Transfers in the EEC: Panel Discussion, <i>Michael D. Blechman, Hartmut Johannes, James A. Rahl, Mario Siragusa</i> , 1982	
International Technology Transfers Under U.S. Antitrust Law: Panel Discussion, <i>Paul Victor, James R. Atwood, William F. Baxter, Ky P. Ewing, Jr., Hartmut Johannes, Roger M. Milgrim, John H. Shenefield</i> , 1982	
Technology Transfer Under EEC Law – Europe Between the Divergent Opinions of the Past and the New Administration: A Comparative Law Approach, <i>Harmut Johannes</i> , 1982.....	
European Community Antitrust Law and Joint Ventures Involving Transfer of Technology, <i>John Temple Lang</i> , 1982.....	
Industrial Property Rights Under EEC Law, <i>Bastiaan Van Der Esch</i> , 1983.....	
Industrial Property - Panel Discussion, <i>Walter G. Gans, Ian S. Forrester, James A. Rahl, Bastiaan Van Der Esch, Vernon E. Vig</i> , 1983	
In the Wake of Windsurfing: Patent Licensing in the Common Market, <i>James S. Venit</i> , 1986	

Great Expectations for Intellectual Property Licensing Under the Future DOJ Antitrust Guidelines for International Operation, <i>Louis A. Shapiro</i> , 1987	
Defining Legitimate Competition: Companies' Duties to Supply Competitors, and Access to Essential Facilities, <i>John Temple Lang</i> , 1994.....	
Essential Facilities: A Comparative Law Approach, <i>James S. Venit, John J. Kallaugher</i> , 1994.....	
Intellectual Property and Intra-Community Trade, <i>Andreas Reindl</i> , 1996.....	
Essential Facility Doctrine and Intellectual Property Law: Where Does Europe Stand in the Aftermath of the IMS Health Case?, <i>Ingo Brinker, Gleiss Lutz</i> , 2004	
United States Antitrust Policy in An Age of IP Expansion, <i>Herbert Hovenkamp</i> , 2004	
Sport, Intellectual Property Rights and Competition Law, <i>Guy Leigh</i> , 2004.....	
Singing in Tune with Competition and Innovation: The New EU Competition Policy Towards Licensing, <i>Philip Lowe, Luc Peeperkorn</i> , 2004.....	
Intellectual Property and Antitrust Roundtable, <i>Ian S. Forrester, Ingo Brinker, William J. Cotreau, Calvin S. Goldman, Herbert Hovenkamp, William E. Kovacic, Guy Leigh, Philip Lowe</i> , 2004	
The Application of European Competition Law to the Pharmaceutical Sector Some Personal Thoughts, <i>Dominik Schnichels</i> , 2009.....	
The Intersection Between EU Competition Law, the Free Movement of Goods and the Pharmaceutical Industry: Some Observations on the Role of Intent, <i>Anne Nielsen</i> , 2009.....	
Patent Settlements and Authorized Generics – Legal and Practical Issues, <i>Caroline B. Manogue</i> , 2009	
Pharmaceutical Industry and Competition Law - Panel Discussion, <i>Luc Gyselen, William E. Kovacic, Margaret K. Kyle, Tracy R. Lewis, Caroline B. Manogue, Anne N. Nielsen, Dominik Schnichels</i> , 2009.....	
Innovation and Competition, <i>Alexander Italianer</i> , 2012.....	
Article 102 and Innovation: The Journey Since <i>Microsoft</i> , <i>Michael Reynolds, Christopher Best</i> , 2012.....	
Innovation and Competition, <i>Ronan P. Harty, Alexander Italianer, Michael Reynolds, Philippe Rinczaux</i> , 2012.....	
Keynote Remarks: "Video Killed the Radio Star": Promoting a Culture of Innovation, <i>Makan Delrahim</i> , 2020	
The IP/ Antitrust Intersect: An Economic Perspective, <i>Reiko Aoki, Vanessa Yanhua Zhang, Josephine Duh, Gabriella Muscolo, Dina Kallay</i> , 2022.....	

*Unilateral Conduct***CHAPTER 16**

Monopolization at Fordham

*Daniel Francis***Excerpts**Abuse of a Dominant Position under the Treaty of Rome – A Comparison with U.S. Law, *Eleanor Fox*, 1983.....The Common Law Approach and Improving Standards for Analyzing Single Firm Conduct, *Hew Pate*, 2003.....Future of Unilateral Conduct Enforcement and Policy – E.U. and U.S. Perspectives, *William Kovacic, Joaquín Almunia, Susan Creighton, Luc Gyselen, and Edith Ramirez*, 2013.....Keynote Remarks and Discussion, *James Keyte, Jonathan Kanter, Eleanor Fox, and William Kovacic*, 2022**CHAPTER 17**

Fifty Years of Debate on Abuse of Dominance under EU Competition Law

*Luc Gyselen***Excerpts**Abuse of a Dominant Position in Community Law, *Bastiaan van der Esch*, 1974.....Common Market – Article 86, Mergers, Joint Ventures and Concentration Studies – Panel Discussion, *Donald L. Holley*, 1974Abuse of Dominant Positions in European Community Law, Present and Future: Some Aspects, *John Temple Lang*, 1978.....Abuse of a Dominant Position Under the Treaty of Rome – A Comparison with U.S. Law, *Eleanor M. Fox*, 1983Abuse of Monopoly Power Within the Meaning of Article 86 of the EEC Treaty: Recent Developments, *Luc Gyselen*, 1989.....Anticompetitive Non-Pricing Abuses Under European and National Antitrust Law, *John Temple Lang*, 2003.....The Burden of Proof in Article 82 Cases, *Emil Paulis*, 2006.....After Forty Years: The Development of European Competition Law – Views from Fordham, *John Temple Lang*, 2014Worst Decision of the EU Court of Justice: The *Alrosa* Judgment in Context and the Future of Commitment Decisions, *Frédéric Jenny*, 2014.....*Alrosa* and Commitment Decisions in Perspective, *Giorgio Monti*, 2014

Antitrust in the Courts, <i>Frédéric Jenny, Gerald Barling, et. al.</i> , 2013	
The Enforcement of Competition Policy in the European Community: A Mature System, <i>Jonathon Faull</i> , 1991	
Defining Legitimate Competition: Companies' Duties to Supply Competitors, and Access to Essential Facilities, <i>John Temple Lang</i> , 1994.....	
Essential Facilities: A Comparative Law Approach, <i>James S. Venit and John J. Kallaugher</i> , 1994.....	
Remarks: Enforcement of Competition Rules in the European Union: The Globalized Economy in the Digital Age, <i>Johannes Laitenberger</i> , 2018.....	
Keynote Remarks, <i>Kris Dekeyser</i> , 2019	

Mergers

CHAPTER 18

The End of Antitrust History? The Absence of Modern Supreme Court Merger Law and the 2023 Merger Guidelines	
<i>Maureen K. Ohlhausen</i>	

CHAPTER 19

Horizontal Merger Control Non-U.S.	
<i>George Charlson and Andrea Coscelli</i>	

Excerpts

Merger Control in the Common Market: Between Competition Policy and Industrial Policy, <i>Ernst-Joachim Mestmäcker</i> , 1989	
European Community Merger Policy: Why? Why Not?, <i>F.M. Scherer</i> , 1989.....	
The Evaluation of Concentrations Under the Merger Control Regulation: The Nature of the Beast, <i>James S. Venit</i> , 1990	
Merger Control in the EEC: Towards a European Merger Jurisprudence, <i>Eleanor M. Fox</i> , 1992.....	
Merger Policy and Market Definition Under the EC Merger Regulation, <i>Dennis W. Carlton and William D. Bishop</i> , 1993	
European Merger Control: Do the Checks and Balances Need to Be Reset, <i>John Rachel Brandenburger and Thomas Janssens</i> , 2001	
Merger Remedies in a New Era of EC Merger Control, <i>Michael J. Reynolds and Richard Burnley</i> , 2004	
Policy Objectives in Antitrust Merger Control, <i>Mark Patterson, Joaquín Almunia, Jean-François Bellis, and Damien Geradin</i> , 2011	
Unilateral effects in European Merger Analysis, <i>Thorsten Maeger</i> , 2011	

The Use of Economic Theory and Evidence in Recent Phase II EU Mergers: A Practitioners Viewpoint, <i>Jorge Padilla</i> , 2013.....	
EU Merger Control Since the Introduction of the 2004 Reforms, <i>Tony Reeves and Frances Dethmers</i> , 2013.....	
Perspectives on Mergers in the U.S. and EU, <i>Carles Esteva Mosso, Yvonne Quinn, Edith Ramirez and Gerwin van Gerven</i> , 2014.....	
Panel 1: Merger Enforcement Around the Globe, <i>John Davies, et. al.</i> , 2018.....	
Panel 2: Industrial Policy and Antitrust, <i>Howard Shelanski et. al.</i> , 2019.....	

CHAPTER 20

The Evolution of the Analysis of Non-Horizontal Mergers in the United States.....	
<i>Sharis Pozen, Peter Mucchetti, and Timothy Lyons</i>	

Excerpts

Foreign Investment in the United States – Antitrust Aspects, Conglomerate Acquisitions, <i>William T. Liflandt</i> , 1978.....	
Mergers and Joint Ventures: The Vertical Dimension, <i>Michael J. Reynolds</i> , 1997.....	
Vertical Mergers, Joint Ventures and Strategic Alliances Panel Discussion, <i>William T. Lifland, Juan Briones, Robert Pitofsky, Michael Reynolds, Neal R. Stoll, Joseph Winterscheid</i> , 1997.....	
Unbundling GE/HONEYWELL: The Assessment of Conglomerate Mergers Under EC Competition Law, <i>Gotz Drauz</i> , 2001.....	
Reconciling Divergent Enforcement Policies: Where Do We Go From Here?, <i>Charles A. James</i> , 2001.....	
The Challenge of Non-Horizontal Merger Enforcement, <i>J. Thomas Rosch</i> , 2007.....	
Potential Stormy Weather Ahead? Diverging Antitrust Nonhorizontal Merger Enforcement Policies Could Result In Another Transatlantic Shipwreck, <i>Ilene Knable Gotts, Brian A. Facey and Didier Théophile</i> , 2007.....	
Some Thoughts On Non-Horizontal Merger Enforcement, <i>David L. Meyer</i> , 2007.....	
Conglomerate Mergers And Vertical Mergers – A U.S. Perspective Panel Discussion, <i>Ilene Knable Gotts Wachtell, Carles Esteva Mosso, David L. Meyer, J. Thomas Rosch, Gerwin Van Gerven</i> , 2007.....	
Panel 1: Merger Enforcement Around the Globe, <i>Deborah Feinstein, John Davies, D. Bruce Hoffman, Carles Esteva Mosso, Howard Shelanski</i> , 2018.....	
Panel 1: Non-Horizontal Mergers: Issues and Challenges, <i>James Aitken, Karen Kazmerzack, William Rinner, T. Scott Thompson</i> , 2019.....	
Remarks of Chair <i>Lina M. Khan</i> , 2022.....	

CHAPTER 21

Non-Horizontal Merger Control.....

Jean-François Bellis

Excerpts

Mergers and Joint Ventures: The Vertical Dimension, *Michael J. Reynolds, 1997*

Vertical Aspects of Mergers, Joint Ventures and Strategic Alliances,
Juan B. Alonso, 1997.....

Vertical Restraints and Vertical Aspects of Mergers – A U.S. Perspective,
Robert Pitofsky, 1997

Potential Stormy Weather Ahead? Diverging Antitrust Non-Horizontal
Merger Enforcement Policies Could Result in Another Transatlantic
Shipwreck, *Ilene K. Gotts et. al., 2007*

The Challenge of Non-Horizontal Merger Enforcement, *J. Thomas Rosch, 2007*

Some Thoughts on Non-Horizontal Merger Enforcement, *David L. Meyer, 2007*.....

Panel 1: Non-Horizontal Mergers: Issues and Challenges, *William Rinner,
et. al., 2019*.....

Panel 2: Merger Issues – A Global Perspective, *Josh Soven, et. al., 2020*.....

Platforms

CHAPTER 22

Platform and Ecosystem Antitrust – From a Non-U.S. Perspective.....

Gina Cass-Gottlieb and Rebecca Larsen

Excerpts

Media, Multimedia and European Community Antitrust Law,
John Temple Lang, 1997.....

European Competition for the 21st Century, *Mario Monti, 2000*.....

Unbundling *GE/Honeywell*: The Assessment of Conglomerate Mergers
under EC Competition Law, *Götz Drauz, 2001*

Antitrust & The Internet in China: Different Players, Same Issues,
Michael Yeh and John Yong Ren, 2011.....

Panel: Antitrust and Informational Restraints, *Herbert Hovenkamp, et. al., 2012*.....

E-Commerce and Competition Challenges in Latin America,
Pablo Trevisan, 2017.....

Competition Law and Policy in Germany, the European Union and Beyond,
Andreas Mundt, 2017

VOLUME II

Part IV

Contours of Competition

Jurisdiction and Immunities

CHAPTER 23

Extraterritorial Application of U.S. Antitrust Laws

Jonathan Jacobson

Excerpts

Principles Governing the Extraterritorial Reach of the Antitrust Laws,
Harold G. Maier, 1980

Extraterritoriality – Export Cartels and the 1982 Legislation Panel Discussion,
*James T. Halverson, John E. Ferry, Karl M. Meessen, John H. Shenefield,
John Temple Lang, 1983*

Globalization and Antitrust: The Last Forty Years and Beyond,
Stephen M. Axinn, Christina Shin, 2014

Private Litigation in the EU Panel Discussion, *Rein Wesseling,
Sir Christopher Bellamy, Michael Hausfeld, Prof. Dr. Frank P. Maier-Rigaud,
Stephen Neuwirth, 2015*

Antitrust And Intellectual Property In Asia: Convergence?,
*H. Stephen Harris Jr., Mark Cohen, Dina Kallay, Elizabeth Xiao-Ru Wang,
Koren Wong-Ervin, 2016*

CHAPTER 24

EU Competition Law and Its Extraterritorial Application

Mario Siragusa and Giuseppe Andrea Polizzi

Excerpts

Common Market Antitrust – Extraterritorial Application,
Aurelio Pappalardo, 1974

Common Market – Administration, Article 85 and Extraterritorial
Application – Panel Discussion, *Aurelio Pappalardo, et. al., 1974*

Foreign Application of European Antitrust Laws, *Kurt Stockmann, 1985*

Some Aspects of Extra-Territorial Infringement of EEC Competition Rules,
Bastian van der Esch, 1985

Court of Justice Review of Competition Cases, *Francis G. Jacobs, 1987*

The Territorial Scope of Article 85 of the EEC Treaty, *José Pérez Santos, 1989*

EC and U.S. Extraterritoriality: Activism and Cooperation, <i>Joseph P. Griffin</i> , 1993	
Globalization and Antitrust: The Last Forty Years and Beyond, <i>Stephen M. Axinn and Christina Shin</i> , 2014	
After Forty Years: The Development of European Competition Law – Views from Fordham: A Brief Comment on Extraterritoriality and Merger Control, <i>Jean-François Bellis</i> , 2014.....	

CHAPTER 25

Immunities and Exemptions from a U.S. Viewpoint	
---	--

*Harry First***Excerpts**

U.S. International Antitrust Enforcement: Goals and Guidelines, <i>Joel Davidow</i> , 1988	
Updating the Antitrust Guide on International Operations – A Greener Light, <i>Eleanor M. Fox</i> , 1985.....	
General Enforcement Policy in International Trade, Antitrust Enforcement Policy of the Department of Justice in International Trade, <i>Douglas E. Rosenthal</i> , 1978	
Panel 2: Industrial Policy and Antitrust, <i>Howard Shelanski, Cal Goldman, Frédéric Jenny, William Kovacic, Gail Levine, Isabella de Silva</i> , 2019	

*Regulation***CHAPTER 26**

Sector Regulation and Antitrust	
---------------------------------------	--

*D. Daniel Sokol***CHAPTER 27**

Over 50 Years of EU Antitrust Regulation and Rulemaking from the Perspective of Former European Commission Officials	
---	--

*Ingrid Vandenborre and Caroline Janssens***Excerpts**

EEC Enforcement Policy: Recent Developments and Future Prospects, <i>Peter D. Sutherland</i> , 1986	
European Competition Policy: A Retrospective and Prospects for the Future, <i>Karel van Miert</i> , 1999.....	
European Competition for the 21st Century, <i>Mario Monti</i> , 2000.....	
EU Competition Policy, <i>Mario Monti</i> , 2002	

EU Competition Policy After May 2004, <i>Mario Monti</i> , 2003	
EC Competition Enforcement Law and Policy, <i>Trevor Soames, Neelie Kroes, Damien Gérardin, Christer A. Holm</i> , 2005	
Exclusionary Abuses of Dominance: The European Commission's Enforcement Priorities, <i>Neelie Kroes</i> , 2008	
Competition Enforcement in the Knowledge Economy, <i>Joaquín Almunia</i> , 2012	
Antitrust Policy in Today's World: EU and U.S. Perspectives, <i>Marcos Araujo Garrigues, Joaquin Almunia, William J. Baer, Ian S. Forrester, Christine A. Varney</i> , 2014	
Keynote Remarks Day Two, <i>Margrethe Vestager, Edith Ramirez</i> , 2015	
Keynote Remarks Day One, <i>Edith Ramirez and Johannes Laitenberger</i> , 2016.....	
Keynote Remarks Day Two, <i>Johannes Laitenberger and Maureen K. Ohlhausen</i> , 2017	

Trade and Industrial Policy

CHAPTER 28

The Relationship Between Industrial Policy and Competition Policy.....	
<i>Calvin S. Goldman, K.C., Larry Schwartz and Richard Taylor</i>	

CHAPTER 29

Antitrust and International Trade	
<i>Terry Calvani</i>	

Excerpts

Overview of Underlying Tensions Between U.S. Antitrust and Trade Laws, <i>A. Paul Victor</i> , 1978	
Antidumping, Countervailing Duty Laws and Section 337 – A Private View, <i>Donald E. deKieffer</i> , 1978	
The Antitrust Role of the U.S. Department of Commerce, <i>Douglas A. Riggs and John T Masterson, Jr.</i> , 1985.....	
Federal Trade Commission Antitrust Policy in International Trade, <i>Daniel Oliver</i> , 1986.....	
Invocation of United States Import Relief Laws as an Antitrust Violation, <i>Terry Calvani, Randolph W. Tritell</i> , 1985	
Antitrust and Trade Policy, <i>Jonathan Faull</i> , 1998	
Competition and the WTO: Beyond Cancun, <i>Abbott B. Lipsky, Jr.</i> , 2003	
WTO Core Principles and Trade/Competition Policies, <i>Frédéric Jenny</i> , 2003	

Industrial Policy and Competition – Developing Countries as Victims
and Users, *Eleanor Fox and Dennis Davis, 2006*

CHAPTER 30

Competition Law and Developing Countries: Insights from a
Retrospective Evaluation

Michal Gal and Tamar Indig

Excerpts

The Evolution of International Competition Policy: A Federal Trade
Commission Perspective, *Mary L. Azcuenaga, 1992*

The Political Economy of Antitrust In Brazil: From Price Control to
Competition Policy, *Claudio Monteiro Considera and Paulo Correa, 2001*

Abuse of Dominance, Competition Law and Economic Development:
A View from the Southern Tip of Africa, *D.M. Davis, 2010*

Competition Policy, Abusive Dominance and Economic Development:
Some Reflections, *Maher M. Dabbah, 2010*

Harmonisation and its Limits, *David Lewis, 2004*

Recent Competition Law Issues and Developments in India,
S. N. Dhingra, 2012

Convergence, Conflict, and Comity: The Search for Coherence in
International Competition Policy, *Deborah Platt Majoras, 2007*

Setting Up an Efficient Autonomous Competition Agency in Mexico,
Alejandra Palacios Prieto, 2015

Brazilian Antitrust Enforcement: General Overview and Recent Trends,
Barbara Rosenberg et al, 2010

Globalization and Antitrust: The Last Forty Years and Beyond,
Stephen M. Axinn, Christina Shin, 2014

The Independence of Competition Agencies Case of Egypt,
Mona Yassine, Farida Tawdi, Haytham el Gammal and Ibrahim Ahmed, 2008

CHAPTER 31

Antitrust in Times of Crisis: A United States Perspective

Alden F. Abbott

Excerpts

Antimonopoly Act of Japan – Enforcement and Recent Attempts to
Strengthen the Act, *Michigo Ariga, 1974*

Mexican Antitrust Enforcement, *Antje Zaldivar, 1995*

Government Aid, Antitrust Enforcement and Competition in a Distressed Economy, <i>James F. Rill</i> , 2009.....	
Antitrust and State Aid Control – The Lessons Learned, <i>Neelie Kroes</i> , 2009.....	
European State Aid Law in the Financial and Economic Crisis – Has the Commission Risen to the Challenge?, <i>Ulrich Soltesz and Christian von Kockritz</i> , 2009	
Covid and EU Antitrust/State Aids, <i>Margrethe Vestager</i> , 2020	
Keynote Address, <i>Margrethe Vestager</i> , 2022	
Covid Disruption of Supply Chains and Antitrust Enforcement (Brazil and Australia): Introductions, Keynote Remarks, and Discussion, <i>Gina Cass-Gottlieb, Andrew Foster, James Keyte, Daniel Francis, Alexandre Cordeiro Macedo</i> , 2022	
Luncheon Panel Remarks, <i>Frédéric Jenny</i> , 2023.....	

CHAPTER 32

Antitrust in Times of Crisis: Active Public Intervention for Fostering Sustainability	
<i>Gönenç Gürkaynak, Ali Kağan Uçar, Uzay Görkem Yıldız and Ayşe Sıla Koç</i>	

Excerpts

State Aids and EU Competition Law and Policy Panel Discussion, <i>Frédéric Jenny, Seth Bloom, Susan Bright, Alberto Heimler, Philip Lowe, James F. Rill Howrey, Ulrich Soltesz, Bernard Spitz</i> , 2009.....	
Government Aid, Antitrust Enforcement and Competition in a Distressed Economy, <i>James F. Rill</i> , 2009.....	
Antitrust and State Aid Control – The Lessons Learned, <i>Neelie Kroes</i> , 2009.....	
EU and UK Competition Laws and the Financial Crisis: The Price of Avoiding Systemic Failure, <i>Simon Polito</i> , 2009	
State Intervention/State Action – A U.S. Perspective, <i>Timothy J. Muris</i> , 2003	
European State Aid Law in the Financial And Economic Crisis – Has the Commission Risen to the Challenge?, <i>Ulrich Soltész and Christian von Köckritz</i> , 2009	

Part V

Enforcement Systems and Process

Similarities and Differences

CHAPTER 33

The Arc of International Competition Cooperation and Convergence	
<i>Randolph Tritell</i>	

Excerpts

Enforcement and Discovery Conflicts in Foreign Trade, <i>Robert Bertrand, Joel Davidow, Donald Flexner, Jeremy Lever, James Rahl, and Kurt Stockmann, moderated by G. Winthrop Haight, 1973</i>	
Issues in International Antitrust Discovery: View from the Federal Trade Commission, <i>Terry Calvani and Randolph Tritell, 1984</i>	
Selected Recommendations for Substantive and Procedural Convergence in the Multi-Jurisdictional Merger Context, <i>James Rill and Christine Wilson, 1998</i>	
The Kaleidoscope of Antitrust and its Significance in the World Economy: Respecting Differences, <i>Eleanor Fox, 2000</i>	
Convergence, Conflict, and Comity: The Search for Coherence in International Competition Policy, <i>Deborah Platt Majoras, 2007</i>	
Convergence, Conflict, and Comity: The Search for Coherence in International Competition Policy, <i>John Fingleton, Deborah Platt Majoras and Joe Sims, moderated by A. Paul Victor, 2007</i>	
Globalization and Antitrust: The Last Forty Years and Beyond, <i>Stephen Axinn and Christina Shin, 2013</i>	
International Competition Convergence Pathways, Challenges, and Prospects for Success, <i>Terry Calvani, Eleanor Fox, Andreas Mundt, and John Temple Lang, moderated by Randolph Tritell, 2016</i>	
Keynote Remarks, <i>Andrew Finch and Andreas Mundt, 2017</i>	
Is the Consumer Welfare Standard the Right Fit for Antitrust Policy and Enforcement?, <i>G. Muscolo, S. Pozen, T. Wu, moderated by S. Hemphill, 2019</i>	
Keynote Remarks and Discussion with Eleanor Fox and William Kovacic, <i>Jonathan Kanter, 2021</i>	

CHAPTER 34

International Trade and Competition Interaction in the Context of a New Global Reality	
<i>Eduardo Perez Motta</i>	

CHAPTER 35

A Lost Expedition: The Quest for Due Process Norms in Competition Enforcement.....	
<i>Abbott B. Lipsky, Jr.</i>	

Excerpts

Panel Discussion: Common Market – Administration, Article 85 and Extraterritorial Application, <i>David M. Jacobs, et. al., 1974</i>	
Commission Procedures in Competition Proceedings – Recent Reforms in Practice and Law, <i>Helmut W. Kreis, 1983</i>	

Insufficient Judicial Control of EC Competition Law Enforcement, <i>Ivo Van Bael, 1992</i>	
Reform of EC Competition Law: Substance, Procedure and Institutions, <i>Patrick Massey, 1996</i>	
Checks and Balances in the EU Antitrust Enforcement System, <i>Emil Paulis, 2002</i>	
The Forthcoming Reform of the General Court of the European Union – Potential Specialization Within the General Court, <i>Frank Montag and Foad Hoseinian, 2012</i>	
After Forty Years: The Development of European Competition Law – Views from Fordham, <i>John Temple Lang, 2014</i>	

CHAPTER 36

Investigational Process from the EU Perspective	
---	--

Olivier Guersent

Excerpts

EEC Competition Practice: A Thirty-Year Retrospective, <i>Donald L. Holley, 1992</i>	
Reform of EC Competition Law: Substance, Procedure and Institutions, <i>Patrick Massey, 2000</i>	
The Case for a Reform of Regulation 17/62: Problems and Possible Solutions from a Practitioner’s Point of View, <i>Frank Montag, 2010</i>	
Modernisation of EC Competition Law: Reform of Regulation No. 17, <i>Alexander Schaub, 2000</i>	
The Modernisation of The Enforcement of Articles 81 and 82 EC: A Legal and Economic Analysis of the Commission’s Proposal for a New Council Regulation Replacing Regulation No. 17, <i>Wouter P.J. Wils, 2000</i>	
Continued Focus on Reform: Recent Developments in EC Competition Policy, <i>Alexander Schaub, 2000</i>	
Checks and Balances in the EU Antitrust Enforcement System, <i>Emil Paulis, 2002</i>	
EU Competition Policy After May 2004, <i>Mario Monti, 2003</i>	
The Fight Against Secret Horizontal Agreement in the EC Competition Policy, <i>Olivier Guersent, 2003</i>	
Enforcement Authorities Roundtable, <i>A. Paul Victor Weil, Thomas O. Barnett, Ulf Böge, Elizabeth Maria Mercier, Querido Farina, Bruno Lasserre, Philip Lowe, Deborah Platt Majoras, 2005</i>	
Cartels in the EU: Procedural Fairness for Defendants and Claimants, <i>David Anderson and Rachel Cuff, 2010</i>	

Competition Enforcement in the Knowledge Economy, <i>Joaquín Almunia</i> , 2012	
Future of Unilateral Conduct Enforcement and Policy – EU And U.S. Perspectives, <i>William Kovacic, Joaquin Almunia, Susan Creighton, Luc Gyselen, Edith Ramirez</i> , 2013	
Future of Unilateral Conduct Enforcement and Policy – A Polish Perspective, <i>Małgorzata Krasnodębska-Tomkiel</i> , 2013	
After Forty Years: The Development of European Competition Law – Views from Fordham, <i>John Temple Lang</i> , 2014	
European Experience on Convergence of Antitrust Laws, <i>John Temple Lang</i> , 2016.....	
International Competition Convergence Pathways, Challenges, and Prospects for Success, <i>Randy Tritell, Terry Calvoani, Eleanor M. Fox, Andreas Mundt, John Temple Lang</i> , 2016.....	
Competition Law and Policy in Germany, The European Union and Beyond, <i>Andreas Mundt</i> , 2017	
Priorities and Prospects: Antitrust in a Changing World, <i>William E. Kovacic, Clifford Aronson, Isabelle de Silva, Johannes Laitenberger, Han Li Toh</i> , 2017	
Keynote Remarks, <i>Isabelle de Silva</i> , 2017	
The Respect of Fundamental Rights within the European Network of Competition Authorities, <i>Marcos Araujo</i> , 2004.....	
Preventing and Sanctioning Anticompetitive Conduct: Effective Use of Administrative and Criminal Sanctions, Leniency Programmes and Private Action in the EU, <i>Phillip Lowe</i> , 2006	
CHAPTER 37	
The UK Competition Commission: A Model for Others to Follow or a Unique Experiment?	
<i>Peter Freeman</i>	
CHAPTER 38	
Private Litigation	
<i>Michael D. Hausfeld</i>	
Excerpt	
The Courts and Private Antitrust Actions, <i>Diane P. Wood</i> , 2002	
CHAPTER 39	
Private Litigation, Class Actions and Related Issues in the EU and UK – Views from Fordham Over Fifty Years	
<i>Mark Sansom and Jonathon Oldfield</i>	

Excerpts

Role of Courts: Judicial Review of Competition Authorities and Private Actions Roundtable Three, <i>Jacques H.J. Bourgeois, Christopher Bellamy, Martin Heidenhain, Frédéric Jenny, Giuliano Marengo, Kurt Stockmann, 1993</i>	
Settlements of Government Civil Proceedings and Private Actions Roundtable, <i>John Davies, James R. Atwood, Daniel P. Ducore, Søren Norberg, John Temple Lang, Didier Théophile, 2005</i>	
Specialized Antitrust Courts, <i>Frédéric Jenny, Douglas H. Ginsburg, Frank Montag, Sir Peter Roth, Daniel S. Saurin, 2012</i>	
Private Litigation in the EU, <i>Rein Wesseling, Sir Christopher Bellamy, Michael Hausfeld, Frank P. Maier-Rigaud, Stephen Neuwirth, 2015</i>	
Panel 3: Private Litigation Around the World, <i>James Mutchnik, Pinar Bagci, Michael Hausfeld, Enrico Adriano Raffaelli, Paul Stuart, Ingrid Vandenborre, 2019</i>	
Transatlantic Antitrust Class Actions Panel, <i>Martin Toto, Liam Colley, Vivek Mani, Celeste Saravia, 2022</i>	

*Merger Remedies***CHAPTER 40**

Beyond Unilateralism in Antitrust Remedy Approaches	
<i>Alexandre Cordeiro Macedo</i>	

CHAPTER 41

Merger Remedies: Is the More Restrictive Approach of the Agencies Justified?.....	
<i>John Davies</i>	

*Judicial Review***CHAPTER 42**

Judicial Review – A U.S. Perspective	
<i>A. Douglas Melamed</i>	

Excerpts

Specialized Antitrust Courts, <i>Sir Peter Roth, 2012</i>	
Antitrust Courts: Specialists Versus Generalists, <i>Douglas H. Ginsburg and Joshua D. Wright, 2012</i>	
Standards of Proof and Standards of Judicial Review in EU Competition Law, <i>Hubert Legal, 2005</i>	
Antitrust in the Courts, <i>Frédéric Jenny, Gerald Barling, Ricardo Villas, Dennis Davis, Nils Wahl, Vaughn Walker, 2013</i>	

Standards of Proof and Standards of Judicial Review in EC Merger Law,
Tony Reeves and Ninette Dodoo, 2005

CHAPTER 43

Fifty Years of Judicial Review

Ian Forrester

