



University of
Zurich^{UZH}

Program of 15th Annual ASCOLA (Virtual) Conference June 25– 27 June 2020

Important: times indicated are **Central European Summer Time** (CEST, utc+2, Brussels time). Check your time at time.it
Elaborate program follows immediately after condensed version.

Conference website: <http://law.haifa.ac.il/index.php/en/ascola>

THURSDAY June 25, 2020

- | | |
|-------------|--|
| 9:00-11:00 | Annex session 1 |
| 12:00-12:10 | Welcome by Michal Gal (ASCOLA President) |
| 12:10-13:55 | Main event Panel I |
| 14:05-15:50 | Main event Panel II |
| 16:00-16:45 | Economic expert Panel: Current Economic Challenges at the basis of Competition Law
Steven Salop (Georgetown), Dennis Carlton (Chicago), Moderator: Dan Rubinfeld (Berkeley, NYU) |
| 16:45-16:55 | Virtual toast with all members |
| 18:00-20:00 | Annex session 2 (partly in Portuguese) |

FRIDAY June 26, 2020

- | | |
|-------------|--|
| 9:00-11:00 | Annex session 3 |
| 11:30-12:20 | Keynote by European Commission Executive Vice President and Competition Commissioner Margrethe Vestager: |

Competition in a Digital Age: Changing Enforcement for Changing Times

Moderators: Rupprecht Podszun and Peter Picht

12:30-14:10

Main event Panel III

14:20-16:00

Main event Panel IV

16:10-17:00

Panel on tips for young academics

18:00-20:30

Annex session 4

Saturday June 27, 2020

9:00-11:20

Annex session 5

12:00-14:00

Main event Panel V

14:15-16:00

Main event Panel VI

16:00-16:15

Virtual toast with all members

Prize for best paper by a young academic

18:00-19:30

Annex session 6

Hashtag: #ASCOLA2020

Thursday, 25 June

12:00 –
12:10

Welcome by ASCOLA President

Zoom: Zurich 1 - <https://us02web.zoom.us/j/8950578324>

12:10 –
13:55

Goals

Session Chair: Giorgio Monti

- Konstantinos Stylianou, Marios Iacovides, “Goals and Purposes of EU Competition Law: Results of a Comprehensive Empirical Investigation”
- Juha Vesala, “Competition law approaches for verifying sustainability benefits claimed as justifications”
- Dina I. Waked, “Big Business, Innovation and Growth: Competition or Concentration”
- Theodosia Stavroulaki, “Equality of Opportunity and Antitrust: The Case of the US News and World report rankings”
- Ramsi Woodcock, “The Contrasting Approaches to Power of the Modern State and the Antitrust Laws: Lessons for the Regulation of Digital Platforms”

Zoom: Zurich 1 -
<https://us02web.zoom.us/j/8950578324>

Data Markets and Competition Law

Session Chair: Valeria Falce

- Laura Zoboli, Antonio Davola, “Data Sharing and Voluntary Licensing Models - from FRAND Towards FRAND-S”
- Giulia Schneider, “Designing Data Pools: Which Data Protection Safeguards for Emerging Sharing Remedies?”
- Martina Anzini, Anne-Carine Pierrat, “Data Pools as Information Exchanges between Competitors: An Antitrust Perspective”
- Shuya Hayashi, Koki Arai, “AI, Big Data and Competition”
- Can Atik, Bertin Martens, “Governing Agricultural Data and Competition in Data-driven Agricultural Services: A Farmer's Perspective”

Zoom: Zurich 2 -
<https://us02web.zoom.us/j/9585074245>

Abuse

Session chair: Sofia Oliveira Pais

- Soojin Nam, “Abuse of Superior Bargaining Position” in Practice: Experience from Korea”
- Christian Bergqvist, “Discrimination and Self-favoring in the Digital Economy”
- Anne C. Witt, “Exploitative Abuses in the Age of Dominant Digital Platforms - The German Facebook Case”
- Sofia Oliveira Pais, “Big Data, digital platforms and the revival of the concepts of exploitative abuse and abuse of economic dependence
- Marios Iacovides, Christos Vrettos, “Environmental degradation as abuse of dominance - The moral and constitutional imperative and an analytical framework under Article 102 TFEU”

Zoom: Haifa –
<https://zoom.us/j/2202210245>

<p>14:05 – 15:50</p>	<p align="center">The Institutional Framework</p> <p align="center">Session Chair: Wolfgang Kerber</p> <ul style="list-style-type: none"> • Or Brook, Kati J. Cseres, “The Priority Setting Project: Rethinking EU and National Competition Law Enforcement” • Ben Van Rompuy, “The European Commission's handling of non-priority antitrust complaints: An empirical assessment” • Rupperecht Podszun, “The Institutional Triangle: How to Reform Competition Law. Lessons from the German Experience” • Eugenio Olmedo-Peralta, “Are we bargaining good deals? Comparative Considerations on the European Commission's Settlement Procedure and Regulatory Perspectives” • Marcin Kaminski, “Rejection of complaints - is it a mere formality?” <p align="center">Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324</p>	<p align="center">Remedies</p> <p align="center">Session Chair: Paul Nihoul</p> <ul style="list-style-type: none"> • Sebastien Peyer, “Private remedies and digital markets” • Tomas Balciunas, Jasper P. Slujs, “Conceptualizing Harmonization of Fault in Private Enforcement of EU Competition Law” • Antonio Robles Martín-Laborda, “The Passing-On Defense. Some Lessons from the Truck's Cartel Case” • Ignacio Garcia-Perrote Martínez, “Passing-on in competition law damages actions: a Spanish perspective” • Franziska Weber, “Tackling pass-on in cartel cases: a comparative analysis of the interplay between damages” <p align="center">Zoom: Zurich 2 - https://us02web.zoom.us/j/9585074245</p>	
<p>16:00 – 16:45</p>	<p align="center">Debate on current competition-related economic issues: Steve Salop and Dennis Carlton</p> <p align="center">Moderator: Dan Rubinfeld</p> <p align="center">Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324</p>		
<p>16:45</p>	<p align="center">Virtual toast with all members</p> <p align="center">Zoom: Zurich1 - https://us02web.zoom.us/j/8950578324</p>		

Friday, 26 June			
11:30 – 12:20	Keynote by European Commission Exec. Vice President and Competition Commissioner Vestager Moderators: Rupprecht Podszun and Peter Picht		
Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324			
12:30 – 14:10	Platform Markets	Data Markets, Data Protection and Competition	Developing Economies
	<p style="text-align: center;">Session Chair: Wolfgang Kerber</p> <ul style="list-style-type: none"> • Frédéric Marty, Thierry Warin, “Keystone Players and the Question of Innovation in Digital Ecosystems: Challenges for Competition Policy” • Konstantina Bania, “Online Platform Responsibility: Competition Enforcement and Regulation at a Crossroads” • Claudio Lombardi, “Superior Bargaining Power in Digital Networks: What Role for Competition Law?” • Fabiana Di Porto, “Algorithmic Disclosure Co-Regulation for Digital Platforms” • Toshiaki Takigawa, “Competition Law Enforcement on Exploitative Abuse by Digital Platforms: Japanese Approach in a Global Context” <p style="text-align: center;">Zoom: Düsseldorf - https://zoom.us/j/7166619827</p>	<p style="text-align: center;">Session Chair: Ioannis Lianos</p> <ul style="list-style-type: none"> • Simonetta Vezzoso, “Competition policy in transition: exploring data portability's roles” • Ioannis Lianos, “Restrictions on Privacy and Exploitation in the Digital Economy: A Competition Law Perspective” • Michal S. Gal, “The Competitive Effects of the GDPR” • Thomas Tombal, “GDPR as shield to a data sharing remedy” • Viktoria Robertson, “Data, Democracy and Competition Law” <p style="text-align: center;">Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324</p>	<p style="text-align: center;">Session Chair: Thomas Cheng</p> <ul style="list-style-type: none"> • Omar Vasqu�ez Duque, “Between Expertise and Ideology, An Assessment of the Chilean Institutional Antitrust System” • Vicente Bagnoli, “Designing Competition Policy in Digital Market for Developing Economies” • Juan David Gutierrez, Manuel Abarca, “Challenges to competition and innovation in digital platform markets: Insights from Latin American cases” • El Bazzim Rachid, “Competition laws and digital markets in developing countries” • Nora Ziba Memeti, “Mapping the Gulf States within the Global Competition Law Framework” <p style="text-align: center;">Zoom: Haifa – https://zoom.us/j/2202210245</p>
14:20 – 16:00	Digital Competition	Competition in specific industries	Algorithms and Competition Law
	<p style="text-align: center;">Session Chair: Maurice Stucke</p> <ul style="list-style-type: none"> • Giuseppe Colangelo, “Competing through keyword advertising” • Gregory Day, Abbey Stemler, “Are Dark Patterns Anticompetitive?” • Victoriia Noskova, “Digital Personal Assistants as Gatekeepers for Consumption?” 	<p style="text-align: center;">Session Chair: Danny Sokol</p> <ul style="list-style-type: none"> • Cristina Poncib�, Laura Zoboli, “Regulation, Competition law and Experimentalism: The Case of FinTech Sandboxes” • Vellah Kedogo Kigwiru, “Rethinking the Legal Profession's Regulatory Regime: Is Lawyer's Monopoly Justified in the Era of Legal Technological Innovations?” 	<p style="text-align: center;">Session Chair: Harry First</p> <ul style="list-style-type: none"> • Vikash Sinha, Petri Kuoppamaki, “Unfolding digital ignorance. How to ensure accountability of pricing algorithms” • Salil Mehra, “Algorithm Collusion Plus Algorithmic Price Discrimination: Special Cartel Price for You, My Friend!”

	<p>- How Information Intermediaries Shape Competition”</p> <ul style="list-style-type: none"> • Roberto Augusto Castellanos Pfeiffer, “Internet of things and competition law: main challenges” <p style="text-align: center;">Zoom: Düsseldorf - https://zoom.us/j/7166619827</p>	<ul style="list-style-type: none"> • Thibault Schrepel, “The Theory of Granularity: A Path for Antitrust in Blockchain Ecosystems” • Júlia Massola, Amanda Athayde, “Blockchain, Antitrust and International Trade - Where do we go” <p style="text-align: center;">Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324</p>	<ul style="list-style-type: none"> • Luca Calzolari, “Big data analytics and competition: should antitrust enforcers – at least – commit toward algorithmic collusion?” • Eduardo Molan Gaban, “A.I. and Collusion: a mutation in the Competition Policy DNA is required” <p style="text-align: center;">Zoom: Haifa – https://zoom.us/j/2202210245</p>
<p>16:10 – 17:00</p>	<p style="text-align: center;">Panel: Tips for young academics</p> <p style="text-align: center;">Danny Sokol, Giorgio Monti, and Michal Gal, moderator: Rupprecht Podszun</p> <p style="text-align: center;">Zoom: Düsseldorf - https://zoom.us/j/7166619827</p>		

Saturday, 27. June

	Saturday, 27. June		
12:00 – 14:00	Platform Markets	Competition, Innovation, and IP	Mergers
	<p style="text-align: center;">Session Chair: Peter Picht</p> <ul style="list-style-type: none"> • Marshall Van Alstyne, Geoff Parker, Georgios Petropoulos, “Digital Platforms and Antitrust” • Inge Graef, “Differentiated treatment in platform-to-business relations: EU competition law and economic dependence” • Friso Bostoen, Daniel Mandrescu, “Assessing abuse of dominance in the platform economy: a case study of app stores.” • Daniel Mandrescu, “Tying and bundling by online platforms: Distinguishing between lawful expansion strategies and anti-competitive practices” • Dirk Auer, Geoffrey Manne, “Platform MFN clauses: Why should online firms want fair trade?” • Peter Alexiadis, Alexandre de Stree, “Designing an EU Intervention Standard for Digital Gatekeepers” <p style="text-align: center;">Zoom: Düsseldorf - https://zoom.us/j/7166619827</p>	<p style="text-align: center;">Session Chair: Björn Lundquist</p> <ul style="list-style-type: none"> • Björn Lundquist, “The Solution for Competition in the Digital Economy is located in the Intersection of Competition Law and Intellectual Property Law” • Marco Botta, “The 'ND' Prong, Non-Discrimination in Standard Essential Patents; An Assessment under EU Competition Law” • Begoña G. Otero, Jorg Hoffman, “Untangling the role of semantic and APIs in data access: IP and Competition law perspectives” • Emanuela Arezzo, “5G, standard essential patents and FRAND royalties” • Maryam Pourrahim, “Capacity of competition law to promote patent pools” • Erika M. Douglas, “Understanding the Predatory Innovation Paradox” <p style="text-align: center;">Zoom: Haifa – https://zoom.us/j/2202210245</p>	<p style="text-align: center;">Session Chair: Josef Drexl</p> <ul style="list-style-type: none"> • Mathew Cole, “Mergers and Competition in Digital Markets: Learning from our Mistakes” • Hedvig Schmidt, “Merger Regulation in the Digital Economy and the Forgotten Goal of Innovation” • Alexandr Svetlicinii, “The Interactions of Competition Law and Investment Law: The Case of Chinese State-Owned Enterprises and EU Merger Control Regime” • Shilpi Bhattacharya, “Merger Motives, Firm Rationality and the Law of Potential Competition • Andrew McLean, “Futurity and the Future of Competition: The Case of Killer Acquisitions” • Annika Stohr, “Price Effects of Horizontal Mergers: A Retrospective on Retrospectives” <p style="text-align: center;">Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324</p>
14:15 – 16:00	Enforcement	General Perspectives	EU competition law
	<p style="text-align: center;">Session Chair: Fabiana Di Porto</p> <ul style="list-style-type: none"> • Sandra Marco Colino, “A History of Competition: The Impact of Antitrust on Hong Kong's Telecommunications Markets • Wei Han, Yajie Gao, “Enforcement of the AML in China's Digital Economy - From Perspective of the Overall Regulatory Environment” • Miguel Sousa Ferro, “Antitrust private enforcement and the binding effect of public enforcement decisions” • Penelope-Alexia Giosa, “Preventing Collusive Tendering in Framework Agreements” 	<p style="text-align: center;">Session Chair: Michal Gal</p> <ul style="list-style-type: none"> • Ružica Šimić Banović, Jasminka Pecotić Kaufman, “The Role of (In)Formal Governance and Culture in a National Competition System: A Case of a Post-Socialist Economy” • Mary Catherine Lucey, “Feminist Perspectives on Competition Law Enforcement and Consumers” • Jan Broulík, “Social Capture of US and EU Competition Policy: A Lesson from the Global Financial Crisis” 	<p style="text-align: center;">Session Chair: Peter Picht</p> <ul style="list-style-type: none"> • Dimitris Tzouganatos, “Horizontal Shareholding and EU Competition Law” • Csongor István Nagy, “The rise and rise of the Allianz monster: anticompetitive object in EU competition law” • Malgorzata Kozak, “Mutual trust in EU Antitrust Law” • Gabriele Carovano, “Updating the ECN to face the challenges of the Online World”

	<ul style="list-style-type: none"> Eva Fische, "The reach of corporate entity liability and its economic foundations" <p style="text-align: center;">Zoom: Düsseldorf – https://zoom.us/j/7166619827</p>	<ul style="list-style-type: none"> Oles Andriychuk, "Between Microeconomics and Geopolitics: On the 'Smart' Ways of Applying EU Competition Rules in the Global Digital Race" Marek Martyniszyn, "Competitive Harm Crossing Borders: Regulatory Gaps and a Way Forward" <p style="text-align: center;">Zoom: Haifa – https://zoom.us/j/2202210245</p>	<ul style="list-style-type: none"> Xingyu Yan and Hans Vedder, "Economies of Scale: Towards a More Coherent Understanding of Special Responsibility and Competition on the Merits under Article 102 TFEU" <p style="text-align: center;">Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324</p>
16:00 – 16:20	<p>Virtual toast with all members</p> <p>Prize for best paper by young academic (presented by Fabiana Di Porto and Rupprecht Podszun)</p> <p>Zoom: Zurich 1 - https://us02web.zoom.us/j/8950578324</p>		

Annexed Sessions:

Annex Session 1: Digital Markets and Competition Law, 9:00-11:00 CEST, 25th June

9:00-10:20 Session

Session chair: Wolfgang Kerber

Wolfgang Kerber, "Market Power" and "Market Dominance": Need for Rethinking (the Role of) these Concepts in the Digital Era?"

Bhawna Gulati, "Impact of Price Discrimination in Platform Markets: Special emphasis on Cab Aggregators' Market"

Arlen Duke, Rhonda Smith, "Platform businesses and market definition"

Daniel Gill, Wolfgang Kerber, "The GDPR's Right to Data Portability - A Solution for Data Access Problems in the Connected Car?"

10:20-11:00 Panel on competition law in times of pandemic, panellists: Giorgio Monti, Nicolas Petit, Okeoghene Odudu, Maarten Pietr Schinkel,

moderator: Fabiana di Porto

Zoom: Haifa – <https://zoom.us/j/2202210245>

Annex Session 2: Digital Markets and Competition Law, CEST 18:00-20:00 June 25th

18:00-19:20 Session

Session chair: Or Brook

Oscar Borgogno, Giuseppe Colangelo, "Consumer inertia and competition-sensitive data governance: the case of Open Banking"

Hanna Stakheyeva, "Keeping Competition and Data Protection Laws Apart: Mission (Im)possible?"

Andres Francisco Calderon Lopez, "A Competition Law Fact-Checking in the Alleged Antitrust Case Against Social Media for the Proliferation of Fake News"

Or Brook, Magali Eben, "Regulating Digital Markets in the EU's Multi-Governance System: Between EU and National Competition Laws and Laws Pursuing a 'Predominantly Different Objective'"

Anna Binotto Massaro, Gustavo Henrique Kastrup, "New Tools to Old Issues? What can be learned from the Recent Decisions on the Google Shopping Cases"

19:20-20:00 Panel on Stucke and Ezrachi's new book, "Competition Overdose", with Maurice Stucke and Ariel Ezrachi, moderator: Or Brook

Zoom: Zurich 1 - <https://us02web.zoom.us/j/8950578324>

Annex Session 3: Institutions and Remedies, 9:00-11:00 9-11 CEST, 26th June**9:00-10:20 Session****Session Chair: Magali Eben**

Rolf H. Weber, "Digitization of Antitrust Proceedings and Dispute Resolution"

Maciej Bernatt, "Impact of Populist Governments on Institutions in Competition Law"

Isabel Fernández Torres, "Rules on debarment from public tenders for infringements giving rise to competition distortions"

Vicente Zafrilla Díaz-Marta, Carlos Muñoz Ferrandis, "Hybridization of Open Standardisation models: typologies and competition law concerns"

Catarina de Fraipont, "Like father, like son: The problem of inverted liability: imputation of unlawful conduct to the subsidiary for the parent company's wrongdoing"

10:20-11:00 Panel on Nicolas Petit's new book, "Big Tech and the Digital Economy - The Moligopoly Scenario", Panelists: Nicolas Petit, Giuseppe Colangelo, Andriani Kalintiri, moderator: Magali Eben

Zoom: Glasgow - <https://uofglasgow.zoom.us/j/93754446388?pwd=OGJVZnlObXBQd3l2U3lGYTdacW9kdz09>

Annex Session 4: Developing jurisdictions, CEST 18:00-21:00 June 26th**18:00-19:30 Session****Session Chair: Juan David Gutiérrez**

Patrick Krauskopf, Fabio Babey, "Competition and Consumer Protection Policies for Inclusive Development in the Digital Era"

Juliana Oliveira Domingues, Pedro Aurélio de Queiroz P. da Silva, "The 'Economic Freedom Act' (EFA) and the Main Effects on Competition Law: New Trends in Brazil"

Bhusan Jatania, "Antitrust and Zero-price Digital Platforms: An Indian Regulatory Approach"

Luciana Tudisco Oliveira Morte, "Competition Law and Data Protection: The Case of Facial Data Collection by São Paulo Subway Line 4"

Vikas Kathuria, "Vertical Restraints under Indian Competition Law: Whither Law and Economics"

19:30-20:30 panel on “abusive pricing (gouging), arbitrary increase of the profit margin and price control” (in Portuguese), Panellists: António Gomes, Luciano Timm , Nicolo Zingales, Juliana Domingues and Vicente Bagnoli
Zoom: Haifa – <https://zoom.us/j/2202210245>

Annex Session 5: Mergers and More, 9:00-11:20 CEST, 27th June

9:00-10:20 Session

Session chair: Masako Wakui

Kazuhiko Fuchikawa, “Regulations of Digital Platform Markets and the Unfair Trade Practices as per the Japanese Antimonopoly Act”

Marc Bourreau, Alexandre de Streel, “Big Tech Acquisitions: Competition and Innovation Effects and EU Merger Control”

Masako Wakui, “Collective Agreement is Not Inherently Anticompetitive in Japan: Trade Unions, Self-Employed Workers and Antimonopoly Act”

Deborah Healey, “Digital Merger Assessments Involving Potential Competitors: Is Inaction an Option?”

Stavros Makris, Elias Deutscher, “What is the role of EU merger control in ensuring sustainability? Innovation output, innovation diversity and the Commission's innovation theory of harm in agrochemical mergers”

10:20-11:20 Panel on Thomas Cheng’s new book, “Competition Law in Developing Countries,” Panellists: Thomas K Cheng, Mor Bakhoun, Dina Waked, Ningrum Sirait, moderator: Masako Wakui

Zoom: Haifa – <https://zoom.us/j/2202210245>

Annex Session 6: Digital Markets and Competition Law, CEST 18:00-20:00 June 27th

18:00-19:20 Session

Session Chair: David Bosco

Anna Maria Siwierska, “Competition and Innovation in Digital Market: Interference of the Intellectual Property Law and the Competition law in Tech Giants activities”

Mária T. Patakyová, “Employment of Algorithms in Cartels - Drifting Away from Objective Liability in Competition Law?”

Oliver Budzinski, “The Economics of International Competition Policy: New Challenges in the Light of Digitization?”

Stephen Dnes, “Supply side substitutability in technological markets - What became of the "Metal Stamper" problem?”

Viktorija Morozovaite, “Commercial hypernudging in the digital market economy: should we worry about consumer choice?”

19:20-20:00 Panel on Viktoria Robertson’s new book, “Competition Law's Innovation Factor: The Relevant Market in Dynamic Contexts in the EU and the US”, organized by David Bosco

Zoom: Düsseldorf - <https://zoom.us/j/7166619827>