



**13<sup>th</sup> 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)
1. Spencer Weber Waller (Loyola University Chicago), "Antitrust and democracy: Democracy in antitrust"
  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) and Daniel Rubinfeld (NYU and UC Berkeley)
- 7:00-8:00pm** Welcome reception [*Vanderbilt Hall, room 110*]  
**Best Junior Paper Award:** Presented by Josef Drexl (Max Planck Institute for Innovation and Competition)

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"
  2. Salil Mehra (Temple University), "Antitrust's counter-revolution: Too soon?"
  3. John Newman (University of Memphis), "Are Digital Markets Different?"
  4. Simonetta Vezzoso (University of Trento), "FinTech, TechFin, and Competitive Markets: What Could Possibly Go Wrong?"
- 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"
  2. Jan Blockx (University of Antwerpen), "Policing price bots: Algorithms and collusion"
  3. Ulrich Schwalbe (University of Hohenheim), "Algorithms, machine learning, and collusion"
  4. Niccolo Colombo (University of Bologna), "Virtual competition: Human liability vis-à-vis artificial intelligence's anticompetitive behaviors"
- 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, 2<sup>nd</sup> Floor, Vanderbilt Hall]
- 4:15-6:00pm** **Panel IV: Datafication and Competition Law**  
Panel chair: Daniel Sokol (University of Florida)
1. Mariateresa Maggolino (Bocconi University) and Giuseppe Colangelo (Luiss University), "Data Accumulation and the Privacy-Antitrust Interface: Insights from the Facebook Case"
  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 3<sup>rd</sup> Street](#)*]  
**Keynote:** Greg Ip (Chief Economics Commentator, The Wall Street Journal):  
“Techopoly: Is Big Tech Too Big?”

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, 2<sup>nd</sup> Floor, Vanderbilt Hall*]

**11:15-12:45pm**        **Panel V: Datafication and Competition Law**  
Panel chair: Harry First (NYU)

1. Ramsi Woodcock (Georgia State University), “The Efficient Queue: The 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 Plack Institute for Competition and Innovation), “EU Competition Law Remedies vis-à-vis Exploitative Conducts in the Data Economy: Exploring the Terra Incognita Remedies”
4. Claudia Seitz (University of Basel), “Digitization in the life sciences in the light of competition law”

**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. Maria Ioannidou (Queen Mary University), “Increasing consumers’ trust in digital markets”
3. Argyri Panezi (European University Institute), “Digitization rush: Claiming new territories in the digital space: A story on Google, French nationalism, and the new frontiers for competition over digitized resources”
4. Anca Chirita (Durham University), “Data-Driven mergers under EU competition law”

### **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”
3. Xiaomin Fang (Nanjing University), “The Chinese Antitrust Law under the Influence of Globalization: Global Insight into Merger Control”
4. Luis Morais (University of Lisbon) and Lúcio Féteira (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: Daniel Rubinfeld (NYU and Berkeley)

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”
4. Juliana Domingues (University of São Paulo), “Big data and the Brazilian antitrust law: Management and Competence”

**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 Contrast with the US and the 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 Bakhom, 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 Lillà 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"
3. Konstantina Bania (European Broadcasting Union), "The effects of the digitization of broadcasting on EU competition law: A tale of EU copyright policies"
4. 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: Caron Beaton-Wells (University of Melbourne)

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"

### **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"