



UCL

Vertical Restraints in EC Competition Law: New Dynamics

Tuesday 13 & Wednesday 14th October 2009

Venue: University College London (UCL)

Gower Street, London WC1

Vertical Restraints in EC Competition Law: New Dynamics

About the Conference

The reform of EC competition law on vertical restraints has marked the beginning of the process of transformation of EC competition law in the late 1990s, in particular because of the adoption of a more compatible to neoclassical economic theory approach. Almost ten years since the adoption of Regulation 2790/99 and the vertical restraints guidelines, the European Commission has initiated a revision process and has published some proposals at this respect. The aim of this conference would be (a) to understand the process of the reform of EC competition law on verticals, (b) to provide some useful comparative insights, by looking to the most recent developments in US antitrust law on verticals as well as the most recent competition law practice in some Member States' and selected jurisdictions and (c) to critically assess the proposals of the European Commission, by confronting them to recent economic theory and to legal practice.

The conference is of particular importance to the UCL community as it will honour Valentine Korah, professor emeritus of competition law at UCL and visiting professor to a number of leading academic institutions around the world. Professor Korah is an authority in EC competition law on vertical restraints and has published the leading monographs and commentaries on this topic.

About Professor Valentine Korah:

Valentine Korah is an eminent EC competition lawyer, author of many critical books and articles on competition law and policy and the beneficiary of effusive forewords by distinguished experts from the UK, Belgium and the United States.

Throughout her long career she has made it easier for lawyers and economists to work together. In the 1960s she started an LL.M. course on UK competition law and policy together with Professor Basil Yamey, a notable economist who produced and supervised theoretical and empirical work on problems concerning competition policy. He attended every week to ask naïve questions which upset the misguided preconceptions of Val and the students. At that time there were no other courses on competition for lawyers in the UK, although there were many in North America and some for economists in the UK. At much the same time, Jeremy Lever started to teach a postgraduate course for lawyers at Oxford.

In 1970, Val worked for 8 months nearly full time as a civil servant helping to draft a Bill to replace the UK Monopolies and Mergers Commission by the Prices and Incomes Board and to modify the legal framework. At that time academics were never or hardly ever recruited to the Civil Service for a limited period and part time. In May 1970 the Commission for Industry and Manpower Bill fell with the government and never came into force, but many of the instructions to Parliamentary Counsel and notes on clauses which she had drafted were used when the Fair Trading Bill was passed. In 1973 she was invited to advise a quango, the Price Commission, and did so for some months, also nearly full time. On both occasions she continued to teach full time at UCL.

Her basic academic home has been UCL since 1946 when she came up as an undergraduate. She taught and wrote there from 1951 until her formal retirement in 1993. She has taught many subjects, but recently competition law and policy on a part time basis as Professor Emeritus of Competition law.

Her reputation is international. She has taught also in many other universities and institutions for short periods of time. She was responsible for the dominant course in English on EC competition law at the College of Europe in Bruges for nearly twenty years. This function was discharged during about 7 visits to the College each academic year. On her retirement she was appointed Honorary Professor at the College at a time when there were only four at the College. For 14 consecutive Spring semesters, she was Visiting Professor at Fordham University School of Law in New York City, teaching competition and IP licensing to LL.M., 2nd and 3rd year JD students. This was the only time when she ceased to teach at UCL for a whole term at a time.

She has made shorter visits to many other universities: in Australia to Monash and Melbourne Universities more than once, coupled with shorter visits to the Victoria University of Wellington, the University of Western Australia, and several other Australian and New Zealand Universities. In Europe, she has taught at the University of Lund (where she received an honorary doctorate), Valencia, Carlos Tercera and Amsterdam. She also visited several famous law schools in the US, to give occasional lectures. Despite her age (80) Val is still in demand around the world. Last academic year she lectured in Hong Kong and Macau as well as at Fordham and in Athens and Rome. She spoke at a policy meeting organized in Brussels by the legal service of the EC Commission on the aims of competition law. This year she spoke at Budapest and at the Como Summit and was a distinguished visitor for a week at Fordham Law School. She has agreed also to lead seminars in Athens, Rome and Singapore.

Her influence through many books, other writing, lectures and the many excellent student she has taught, has been significant. Many influential people now believe that economics has a substantial contribution to make to competition policy and consulting economists are routinely called in to help when a merger or alleged abuse of a dominant position is being screened in Europe. Competition specialists in the leading law firms expect to make economic arguments themselves when transactions are being negotiated or litigated. Many have contributed to the interdisciplinary approach. Young specialist lawyers are now familiar with economic way of thinking, but Val was an innovator. Her criticisms of the old Restrictive Trade Practices law on the grounds that it was formalistic and often restricted competition contributed to its repeal and replacement.

Who should come to this conference

The conference gathers leading competition law academics and practitioners in the field of vertical restraints and, more generally, distribution practices from different jurisdictions. It would be particularly appealing to in house lawyers, private practitioners, academics, competition authorities' officials and post-graduate students.

Accreditation:

This conference is accredited by the Solicitors Regulatory Authority and the Bar Standards Board with 11 CPD hours.

Book online at:

<http://www.vertical-restraints.eventbrite.com>

PROGRAMME:

Tuesday 13 October

8:30 Registration

9:00 **Welcome:**
Ioannis Lianos, UCL

SESSION I: **ARTICLE 81 AND GENERAL ASPECTS OF THE REFORM**

Chair:
Philip Collins (OFT)

Participants:
The Scope of Article 81(1)
Ioannis Lianos (UCL)

The Scope of Article 81(3)
Giorgio Monti (LSE)

**The other verticals: Relation with article 82
jurisprudence**
John Kallaugher (Latham & Watkins / UCL)

The other verticals: motor vehicle regulation
Gregory Pelecanos (Ballas, Pelecanos &
Associates)

10:45 BREAK

11:00 **SESSION II: Roundtable Discussion**
**A RETROSPECTIVE AND PROSPECTIVE
OF THE VERTICAL RESTRAINTS REFORM**

Chair:
Sir Christopher Bellamy (Linklaters)

Participants:
Valentine Korah (UCL)
Lucas Peepkorn (European Commission)
Ian Forrester QC (White & Case)
Bill Kovacic (US Federal Trade Commission)
Richard Whish (King's College London)

12:30 **SESSION III: Roundtable Discussion**
**INTERNET DISTRIBUTION AND VERTICAL
RESTRAINTS**

Chair:
Richard Whish (King's College London)

Participants
Denis Waelbroeck (Ashurst / Free University of
Brussels)
Stephen Kinsella (Sidley Austin)

Discussants
Andrea Appella (News Corp.)
Antonio Bavasso (Allen & Overy / UCL)

13:15 LUNCH

**Announcement of the Valentine Korah Prize in
Competition Law**
Ian Forrester (White & Case)
Ioannis Lianos (UCL)

14:00 **SESSION IV: Roundtable Discussion**
TYING/BUNDLING

Chair:
Judge Nicholas Forwood
(European Court of First Instance)

Speakers:
Einer Elhauge, (Harvard University)
Jorge Padilla (LECG)
Damien Neven (Chief Economist, European
Commission)

Discussants:
Cristina Caffarra (CRA International)
Daniel Crane (University of Michigan School of
Law)

15:45 BREAK

16:00 **SESSION V: Roundtable Discussion**
RESALE PRICE MAINTENANCE

Chair:

Valentine Korah (UCL)

Participants:

Lucas Peepkorn (European Commission, DG Comp.)

Warren Grimes (Southwestern University)

Alison Jones (Kings College London)

Discussants:

Aidan Robertson QC (Brick Court Chambers)

Thibaud Vergé (CREST-LEI (Paris))

17:40 **SESSION VI: Roundtable Discussion**
EXCLUSIVE TERRITORIES AND PARALLEL TRADE

Chair:

Brenda Sufrin (University of Bristol)

Speakers:

Eric Gippini Fournier (European Commission, Legal Service) tbc

Assimakis Komninou (Hellenic Competition Commission / UCL)

Jose Luis Buendia (Garrigues LLP)

Discussants:

Christopher Stothers (Milbank, Tweed, Hadley and McCloy LLP & UCL)

Okeoghene Odudu (University of Cambridge)

19:15 DRINKS RECEPTION

Wednesday 14 October 2009

9:30 **SESSION VII: Roundtable Discussion**
**VERTICAL RESTRAINTS AND THE RISE OF
RETAILER POWER: COMPETITION LAW AND
ALTERNATIVES**

Chair:

Peter Freeman (UK Competition Commission)

Participants:

Michael Waterson (Warwick Business School)

Ariel Ezrachi (Oxford)

Irving Scher (Greenberg Traurig LLP)

Discussant:

Ioannis Lianos (UCL)

11:00 BREAK

11:45 **SESSION VIII: Roundtable Discussion**
**VERTICAL RESTRAINTS IN COMPARATIVE
COMPETITION LAWS AND INTERNATIONAL
CONVERGENCE**

Chair:

Dr Philip Marsden

(Director, Competition Law Forum and Senior Research Fellow, British Institute of International and Comparative Law)

Participants:

UK experience on verticals

Mark Clough QC (Addleshaw Goddard)

Vertical restraints in France

Laurence Idot (University of Paris II Panthéon Assas)

Vertical restraints in Germany

Florian Wagner von Papp (UCL)

Vertical restraints around the world: A comparative perspective

Daniel Sokol (University of Florida Levin College of Law)

International aspects on vertical restraints

Maher Dabbah (Queen Mary, University of London)

13:15 END OF CONFERENCE

THE SPEAKERS

Andrea Appella (News Corp.)

Andrea Appella is currently Director of Legal, Competition & Regulatory Affairs at News Corp, Europe & Asia at News Corporation and is also a Senior Research Fellow at UCL. He was previously the OFT Director of International. Andrea has significant and broad experience of the media industry and knowledge of the competition/regulatory landscape within it. From 2003 - 2008, Andrea was Vice President & Associate General Counsel at Time Warner Europe, where he was responsible for the broad range of international competition matters for Time Warner Corporate and its divisions (Warner Bros., AOL, Turner, Time, IPC and HBO) in Europe and non-US countries and was involved in the issues arising from the digital distribution of content. Between 1998 to 2002 he was Director of Legal & Business Affairs for Europe at Warner Bros., where he had experience of IPRs protection; licensing and distribution deals; and production deals. He was previously Counsel and Business Affairs Manager at MTV Europe where he was responsible for all business activities of MTV ITALY. He is qualified as a solicitor (he practiced at Herbert Smith LLP for a number of years) and an Avvocato. He is a graduate of Libera Università Internazionale degli Studi Sociali Guido Carli (magna cum laude) and has an LLM (with Merit) the London School of Economics & Political Science.

Antonio Bavasso (Allen & Overy, UCL)

Antonio Bavasso is a specialist in EU and international competition law. His main areas of expertise include merger control, anti-competitive agreements and practices, abuse of dominance, State aid and EU internal market. He has a particular expertise in the application of competition rules in the media, broadcasting, communications, and high tech sectors. Professor Bavasso is the author of a number of articles published internationally on EU and competition law. He is a regular speaker at international conferences on antitrust law. He is co-editor of Competition Policy International and is the co-founder and executive director of the Jevons Institute for Competition Law and Economics at UCL. He is a non-governmental advisor to the International Competition Network.

Sir Christopher Bellamy QC (Linklaters LLP)

Sir Christopher set up what is now the Competition Appeal Tribunal (CAT) and held the post of President from 1999 to 2007. The CAT hears appeals from regulatory decisions by the OFT and other regulators under the Competition Act 1998 and Articles 81 and 82 of the EC Treaty, appeals under the Communications Act 2003, reviews in relation to merger and market investigations under the Enterprise Act 2002, and certain damages actions. As President, he was responsible for case management, interlocutory and interim applications, chairing the main hearings and preparing and delivering the judgments.

Prior to joining the CAT, from 1992 to 1999 Sir Christopher was one of 15 judges of the Court of First Instance (CFI). He was President of a 5-judge chamber from 1996 to 1999. Cases where he presided as judge covered a wide range of EU law areas including: anti-dumping; competition; contractual disputes; Euratom; freedom of information; free movement of goods; international law; pharmaceutical licensing; trademarks; and state aid. Before becoming a judge at the CFI, Sir Christopher was one of the leading QCs at the competition and EU law Bar in London.

Jose Luis Buendia (Garrigues LLP)

Universidad de Zaragoza (Degree in Law, 1987; Ph.D. in Law, 1998); College of Europe (Bruges, Belgium): Diploma in Advanced European Legal Studies, 1990; Master's Degree in European Legal Studies, 1991: Harvard University Law School, Cambridge MA (U.S.A.). Dr. José Luis Buendía has worked at the European Commission from 1991-2005 (Legal Service, Directorate-General of Competition, Cabinet of Commissioner Marcelino Oreja and Directorate-General Internal Market) before joining Garrigues where he is the partner leading the Brussels office. He has published extensively in competition law, including a monograph on Exclusive Rights and State Monopolies under EC Law (Oxford University Press, 2000) and the chapter on Article 86 - Exclusive Rights and other anti-competitive State measures in Faull, J. & Nikpay, A. (eds.) The EC Law of competition (Oxford University Press, 2nd ed., 2007).

Cristina Caffarra (CRA International)

Cristina Caffarra, Vice-President and Head of the European Competition Practice at CRAI International, is an expert in the application of modern industrial economics to competition law, and in the empirical analysis of markets in the context of competition investigations. She has provided economic advice on issues of merger control, vertical restraints, dominance, abusive conduct, collusion and the assessment of damages. She has directed empirical and theoretical economic analyses, and provided expert witness testimony on several cases before the European Commission, the competition authorities of several member states and other jurisdictions such as South Africa.

She has advised before the European Commission on several high-profile Phase II merger investigations. She has worked on the appeals before the CFI of GE/Honeywell and Tetra/Sidel, and given evidence before the CFI in the appeal of EDP-ENI/GDP. She has been involved in the European Commission's Art. 82 investigation of Microsoft (on behalf of interveners), including Microsoft's appeal before the Courts.

Dr Caffarra holds a degree in Economics from Italy, and a Master and Ph.D. in Economics from Oxford University. She has worked for research institutions both in Italy and at Oxford. She is on the Editorial Board of the European Competition Law Journal and has written several articles for competition journals – as well as presented paper on the economics of competition law at numerous international and academic conferences.

Philip Collins (OFT)

Philip Collins became Chairman of the Office of Fair Trading in 2005. He is a solicitor who has practised in the UK and EU competition law field for more than 30 years, initially in London and latterly in Brussels. He was formerly a partner in Lovells where, in 1978, he was the first partner appointed to specialise in competition law. With the subsequent development of the practice, he was made head of the firm's competition and EU law practice. Subsequently, and until 30 September 2005, he was Senior Counsel at Wilmer Cutler Pickering Hale & Dorr LLP, based in Brussels. He was one of the founders of the Competition Law Forum established at the British Institute of International and Comparative Law and a member of its Advisory Board from its foundation in 2002 until 2005. He is also a member of the Editorial Board of the 'European Competition Journal'.

Daniel Crane (University of Michigan School of Law)
Prof. Daniel Crane, who will teach contracts, antitrust, and antitrust and intellectual property at the University of Michigan, was previously at the Law School from Yeshiva University's Benjamin N. Cardozo School of Law. Recently, he was a visiting professor at New York University Law School and the University of Chicago Law School, and in the spring of 2009, he taught antitrust law on a Fulbright Scholarship at the Universidade Católica Portuguesa in Lisbon, Portugal. His recent scholarship has focused primarily on antitrust and economic regulation, particularly the institutional structure of antitrust enforcement, predatory pricing, bundling, and the antitrust implications of various patent practices. Prof. Crane's work has appeared in the *University of Chicago Law Review*, the *California Law Review*, the *Michigan Law Review*, and the *Cornell Law Review*, among other journals. He is the co-editor, with Eleanor Fox of the *Antitrust Stories* volume of Foundation Press's *Law Stories* series, and has a book on the institutional structure of antitrust enforcement forthcoming from Oxford University Press.

An editor of the *Antitrust Law Journal* since 2005 and a member of the American Antitrust Institute's Advisory Board, Prof. Crane also serves as counsel in the litigation department of Paul, Weiss, Rifkind, Wharton & Garrison of New York. He received his J.D. with honors from the University of Chicago law School in 1996, after which he clerked for U.S. District Court Judge Kenneth L. Ryskamp.

Maher Dabbah (Queen Mary, University of London)
Maher Dabbah is a Reader in Competition Law at Queen Mary University of London and a barrister at Middle Temple. Maher specialises in the field of antitrust and competition. He has published widely in this field and is the author of several books dealing with national, regional and global competition law and policy. He acts as a consultant to several governments, international organisations and firms and is involved in the training of government officials, judges, lawyers and economists from over thirty countries in the field of competition law. Maher has conducted competition law training and delivered lectures at the highest level including lectures and training to UK Chancery Division judges, the UK Competition Appeal Tribunal (CAT) and key international bodies, such as the International Development Law Organisation (IDLO). He is the Series Editor (with Barry Hawk) for *Antitrust and Competition* at Cambridge University Press and was called to the Bar in England and Wales.

Einer Elhauge, (Harvard University)
Einer Elhauge is the Petrie Professor of Law at Harvard Law School and faculty director of the Petrie-Flom Center for Health Law Policy, Biotechnology and Bioethics. He served as Chairman of the Antitrust Advisory Committee to the Obama Campaign. He teaches a gamut of courses ranging from Antitrust, Contracts, Corporations, Health Care Law, and Statutory Interpretation. Before coming to Harvard, he was a Professor of Law at the University of California at Berkeley, and clerked for Judge Norris on the 9th Circuit and Justice Brennan on the Supreme Court. He received both his A.B. and his J.D. from Harvard, graduating first in his law school class. He is an author of numerous pieces on range of topics even broader than he teaches, including antitrust (monopolization, predatory pricing, tying, bundled discounts, loyalty discounts, disgorgement, petitioning and state action immunity, and the *Harvard v. Chicago* schools of antitrust), public law (statutory

interpretation, legislative term limits, the 2000 Presidential election, the implications of interest group theory for judicial review), corporate law (social responsibility and sale of control doctrine), patent law (patent holdup and royalty stacking), the legal profession (the value of litigation and counseling advice), and health law policy (medical technology assessment, how to make health law a coherent legal field, and how to devise a morally just and cost effective medical system). His most recent books include "Statutory Default Rules" (Harvard University Press 2008), "U.S. Antitrust Law and Economics (Foundation Press 2008)", and "Global Competition Law and Economics" (Hart Publishing 2007). Currently he is working on books about Contract Theory, Health Law Policy, and Re-engineering Human Biology, as well as articles on sundry other topics.

Ariel Ezrachi (Oxford)

Ariel Ezrachi is the Slaughter and May University Lecturer in Competition Law and a Fellow of Pembroke College, Oxford. He serves as the Director of the University of Oxford Centre for Competition Law and Policy. He convenes the Competition Law Group and teaches Competition Law to BCL and Mjur students and at undergraduate level.

His research interests include European competition law, mergers and acquisitions and cross border transactions. His recently published papers focus on passive investments, excessive pricing, private labels and cross border mergers and acquisitions.

He is the author of 'EC Competition Law, An Analytical Guide to the Leading Cases' (Hart), the joint editor of 'Private Labels, Brands and Competition Policy' (OUP) and the editor of 'Article 82 EC – Reflections on its recent evolution' (Hart).

He has developed training programmes in competition law and policy for the private and public sectors including training programmes for European judges endorsed and subsidised by the European Commission. He also acts as a Non-Governmental Advisor to the International Competition Network on the subject of cross border mergers and acquisitions.

Ian Forrester QC (White & Case)

Ian Forrester is a partner in the Brussels Office of White & Case. He advises companies, as well as sovereign states and other governmental authorities, industry associations and private individuals, on European Union law, especially competition law, trade law, customs, internal market rules, intellectual property and constitutional rights in a variety of sectors, including broadcasting, chemicals, information technology, pharmaceuticals, software and sport. Clients on whose behalf he has acted before national courts, national competition authorities, the European Court of First Instance and the European Court of Justice or the European Commission include the BBC, Canon, DuPont, the European Commission, GlaxoSmithKline, the Government of Gibraltar, the Liberal Democrat Party, Microsoft, Pfizer, Scottish Football Association, Toshiba, Toyota, UEFA and Union Carbide, as well as a number of private individuals.

Judge Nicholas Forwood, European Court of First Instance
Nicholas Forwood is a Judge at the Court of First Instance. He was educated at Cambridge University BA 1969, MA 1973 (Mechanical Sciences and Law); called to the English Bar in 1970, thereafter practising in London (1971-99) and also in

Brussels (1979-99); called to the Irish Bar in 1981; appointed Queen's Counsel 1987; Bencher of the Middle Temple 1998; representative of the Bar of England and Wales at the Council of the Bars and Law Societies of the EU (CCBE) and Chairman of the CCBE's Permanent Delegation to the European Court of Justice (1995-99); Governing Board member of the World Trade Law Association and European Maritime Law Organisation (1993-2002); Judge at the Court of First Instance since 15 December 1999. Vice President UKAEL 2007.

Eric Gippini Fournier (European Commission) tbc

Eric has been an official with the European Commission since 1995, and a member of its Legal Service since 1997. In this time, he has litigated well over one hundred cases before the ECJ or the Court of First Instance of the European Communities, most of them in the area of competition law, and has been responsible for a wide array of legal areas such as Regulation 1/2003, general policy on Article 82 cases, merger control, etc. Eric holds degrees from the University of Santiago de Compostela (Spain), the College of Europe in Bruges (Belgium), and the University of California, Berkeley, School of Law. He was a law clerk (*référéndaire*) to the President of the European Court of Justice in the period 2002-2003. He is also a lecturer at the Université de Tours (where he teaches European Competition law), and frequently teaches at other universities and institutions. Eric's research interests and publications concern WTO law, competition law, intellectual property / trademark law, free movement, fundamental rights and other aspects of European law. He is admitted to the bar in Spain.

Peter Freeman (UK Competition Commission)

Peter Freeman was appointed Chairman in 2006, having been a member since May 2003 and a Deputy Chairman since September 2003. Prior to joining the CC, he was head of the EC and Competition Law Group of the international law firm Simmons & Simmons. He was co-founder of and, until 2007, Chairman of the Regulatory Policy Institute, is a Consulting Editor of Butterworths' Competition Law, and is a member of the Advisory Boards of the Competition Law Journal the International Competition Law Forum and the ESRC Research Centre for Competition Policy.

Warren Grimes (Southwestern University)

Warren Grimes is Irwin R. Buchalter Professor at Southwestern University in the USA and honed his expertise in antitrust and other public policy issues during his 16 years in government service. Following a year as a litigator with the firm of O'Melveny & Myers and three years as a fellow at the Max Planck Institute in Germany, he began his government career as an attorney advisor to the U.S. Department of Justice, Office of Legal Counsel. There he drafted legal opinions for the President and other executive branch officials. He was then recruited by the Federal Trade Commission (FTC) and represented the agency in many federal court antitrust proceedings and at antitrust meetings of the Organization for Economic Cooperation and Development headquartered in Paris, France. Professor Grimes then moved to the U.S. House of Representatives where he served as chief counsel of the Judiciary Committee's Subcommittee on Monopolies and Commercial Law. After several years of serving as an adjunct professor at Georgetown University Law Center and Columbus School of Law of Catholic University, Professor Grimes accepted an appointment to Southwestern's full-time faculty in 1988. With his international

reputation continuing to expand, he has served as a visiting professor at Nihon University in Tokyo, Japan, and as a lecturer on international antitrust enforcement at the Comparative Competition Law Conference at the College of Europe in Brussels, among other forums around the world.

Laurence Idot (University Paris I Pantheon-Assas)

Laurence Idot, Docteur en droit (1981), Agrégée des Facultés de Droit (1982) teaches EC and Competition Law for post-graduate students at University Paris I Panthéon-Sorbonne (1993-2007) and University Paris II Panthéon-Assas (since 2007). Her other fields of interest include arbitration law and private international law, and their interaction with competition law. She is also co-director of the monthly review Europe (Lexis-Nexis, since 1991), director of the scientific committee of the review Concurrences (ThomsonReuters Transactive, since 2004), and a member of advisory boards of several reviews, such as the Common Market Law Review. She has an active role in many academic associations and is the Vice-President of the French Association on Competition Law (AFEC) as well as one of the French NGA for the ICN. These last five years, she has devoted quite a few articles as well as a book (Bruylant, 2004) to European competition reform. Mrs. Idot has also experience as a practitioner, a consultant, and an arbitrator.

Frédéric Jenny (Court de Cassation, OFT, UCL)

Frédéric Jenny is a Professor of Economics at ESSEC Business School in Paris. He is currently Conseiller en Service Extraordinaire, Cour de Cassation (Judge of the French Supreme Court) and Chairman of the OECD Competition Committee. He was closely involved in the establishment of what is now the Autorité de la Concurrence (Competition Council) in France. He was General counsel (Rapporteur Général) and then Vice-President of the Conseil de la concurrence. He is currently a non executive director of the Office of Fair Trading. He was chairman of the WTO Working group on Trade and Competition. He has an internationally recognised reputation for his work in the competition field. He is also a Visiting Professor at University College London.

Alison Jones (Kings College London)

Alison Jones is Professor of Law at King's and a solicitor at Freshfields Bruckhaus Deringer LLP. Alison read law at Girton College, Cambridge and completed a BCL at Christ Church, Oxford. She worked at Slaughter & May prior to joining King's in 1992. Since joining King's she has taught Competition Law (EC, UK and US), Trusts, Property, and EC law. Alison is co-author of Jones and Sufirin on EC Competition Law, author of Division IV of Butterworths, Competition Law Service (looseleaf) on Distribution, a Regional Editor for The Restitution Law Review and writes two of the Centre of European Law's modules for the Diploma in EC competition law.

John Kallaugher (Latham & Watkins, UCL)

John Kallaugher is a partner in the law firm Latham & Watkins. He is a member of the New York Bar and a Solicitor of the Supreme Court of England and Wales. He has taught at University College London since 1986 and has been a Visiting Professor since 1992. He currently teaches a course on Comparative EC and US Competition/Antitrust Law as part of the UCL LLM Programme. His professional work involves advice on EU law-related issues to commercial clients in a wide range of industries. His academic interests focus on the abuse of

dominance, the relationship of IP rights to competition law, and application of competition law in regulated sectors, particularly aviation.

Stephen Kinsella OBE (Sidley Austin)

Stephen is a partner in Sidley's Brussels and London offices, where he focuses on EU and UK competition law and EU regulatory law. He has practiced European competition and regulatory law for over 20 years and has extensive experience in the application of EU competition law, including merger control, cartel investigations, litigation, and antitrust counseling on a broad variety of commercial practices. He has been involved in a large number of high-profile cases before the European Commission and national competition authorities, and has represented clients in numerous landmark cases before the European Courts. He has advised clients in a wide spectrum of industries and business sectors, including telecommunications, media and broadcasting, internet and e-commerce, music, pharmaceuticals, and chemicals. He also counsels clients on intellectual property law. Mr. Kinsella features in the highest rankings of competition law professionals in the leading bar publications such as Chambers Global, The Legal 500 Europe, Middle East and Africa, Who's Who Legal, IFLR1000 and PLC Cross-Border Competition Handbook. He was appointed Officer of the British Empire (OBE) by Her Majesty Queen Elizabeth II for "services to British commercial interests in Belgium" in 2002. Mr. Kinsella speaks and publishes widely on a variety of competition law subjects.

Dr Assimakis Komninos (Hellenic Competition Commission, UCL)

Assimakis Komninos is a Commissioner, Member of the Board and President of Chamber at the Hellenic Competition Commission since September 2009. Previously, he was a practitioner in an international law firm in Brussels. He has been involved in landmark cases before the European Court of Justice and the Court of First Instance, including Syfait and Lélös (parallel trade of pharmaceuticals - abuse of dominance), GlaxoSmithKline (parallel trade of pharmaceuticals – Article 81), Microsoft (compulsory licensing of interoperability information - abuse of dominance), EAEPC (parallel trade of pharmaceuticals – rejection of complaint), Halcor (copper plumbing tubes cartel) and Public Power Corporation (application of Article 86 to the energy sector). Dr Komninos is also a visiting lecturer at IREA - Université Paul Cézanne Aix - Marseille III and a visiting fellow of the Centre for Law and Governance in Europe at University College London. He has co-edited *The Euro: Law, Politics, Economics* (British Institute of International and Comparative Law, London, 2003), *EC Competition Law, A Critical Assessment* (Hart Publishing, Oxford/Portland, 2007), and authored *EC Private Antitrust Enforcement, Decentralised Application of EC Competition Law by National Courts* (Hart Publishing, Oxford/Portland, 2008). He has also published several articles, case notes, and book reviews in the area of EC competition law.

Valentine Korah (UCL)

Valentine Korah is an eminent EC competition lawyer, author of many critical books and articles on competition law and policy and the beneficiary of effusive forewords by distinguished experts from the UK, Belgium and the United States. Her basic academic home has been UCL since 1946 when she came up as an undergraduate. She taught and wrote there from 1951 until her formal retirement in 1993. She has taught many subjects,

but recently competition law and policy on a part time basis as Professor Emeritus of Competition law.

Her reputation is international. She has taught in many other universities and institutions for short periods of time. She was responsible for the dominant course in English on EC competition law at the College of Europe in Bruges for nearly twenty years. On her retirement she was appointed Honorary Professor at the College at a time when there were only four at the College. For 14 consecutive Spring semesters, she was Visiting Professor at Fordham University School of Law in New York City, teaching competition and IP licensing to LL.M., 2nd and 3rd year JD students.

William E. Kovacic (Federal Trade Commission)

William E. Kovacic was designated to serve as Chairman of the Federal Trade Commission on March 30, 2008, by President George W. Bush. Kovacic was previously sworn in as a Commissioner in January 2006, following his nomination by the President and confirmation by the U.S. Senate.

Prior to his appointment as FTC Commissioner, Kovacic was the E.K. Gubin Professor of Government Contracts Law at George Washington University Law School, where he began to teach in 1999. He was the FTC's General Counsel from 2001 through the end of 2004. Kovacic earlier worked at the Commission from 1979 to 1983, first with the Bureau of Competition's Planning Office and later as an attorney advisor to former Commissioner George W. Douglas. After leaving the FTC in 1983, Kovacic was an associate with the Washington, DC, office of Bryan Cave, where he practiced in the firm's antitrust and government contracts departments, until joining the George Mason University School of Law in 1986. Earlier in his career, he spent one year on the majority staff of the Subcommittee on Antitrust and Monopoly of the U.S. Senate Committee on the Judiciary, which was chaired by Senator Philip A. Hart.

Since 1992, Kovacic has served as an adviser on antitrust and consumer protection issues to the governments of Armenia, Benin, Egypt, El Salvador, Georgia, Guyana, Indonesia, Kazakhstan, Mongolia, Morocco, Nepal, Panama, Russia, Ukraine, Vietnam, and Zimbabwe.

Ioannis Lianos (UCL)

Ioannis Lianos is a Reader in European Union Law and Competition Law and Economics at the Faculty of Laws, University College London (UCL) (since 2005), the Associate Executive Director of the Jevons Institute of Competition Law and Economics at UCL, the co-Director of the Centre for Law and Governance in Europe (UCL) and the co-director of the Centre for Law and Economics (UCL). He is also the co-founder and executive director of IMEDIPA, a NGO in competition law established in Athens in 2006. Ioannis received his legal education in France (Strasbourg, advocate Paris), Greece (advocate Athens) and in the United States (NYU Law). Since September 2008 he is an Emile Noel Fellow at the Jean Monnet Centre at New York University School of Law where he is working on a funded project exploring issues of economic evidence and expertise in antitrust litigation in Europe and in the United States. His book, published in French in 2007, on the Transformation of competition law by economic analysis of law (Bruylant/Sakkoulas, XIX+1698 pp) received the Emile Girardeau

prize of the French Academy of Social Sciences (Académie des Sciences Morales et Politiques). He is currently co-authoring a book on Competition Law Remedies in Europe (forthcoming Hart Pub, Oxford, 2009), a casebook in EU and UK competition law (forthcoming Hart Pub., 2010) and has published widely in European law and competition law, including two edited volumes, a number of chapters in collected volumes and articles in generalist and specialised in competition legal journals.

Philip Marsden (Director, Competition Law Forum and Senior Research Fellow, British Institute of International and Comparative Law)

Philip is a competition lawyer with interests in monopolisation/abuse of dominance, vertical restraints, models of international enforcement cooperation, consumer protection and technical assistance in drafting and implementing competition laws. His specialist sectoral expertise is in retail, telecoms, information technology and lately cloud computing. He also advises and writes on WTO law relating to competition issues, telecoms and dispute settlement. Philip is a Non-executive Director on the Board of the UK Office of Fair Trading, Editor of the European Competition Journal, advisor to various policy-related committees, and lecturer and commentator on trade and competition issues. He chairs several related working groups, conferences and workshops and has written several articles and books.

Giorgio Monti (LSE)

Giorgio is a Reader in Law at the LSE. Giorgio joined the LSE in 2001, his major research interests are in the field of competition law. He has recently written a critical account of this subject in EC Competition Law (Cambridge University Press, Law in Context Series 2007). He also runs a blog with commentary on recent developments in this field, the Competition Law Board. His principal research interests are in the field of competition law, in particular the development of EC competition law, the use of economics in competition law and the connections between competition law and sector-specific regulation. Awards: 2002 SPTL Small Grant award to carry out research on French competition law.

Damien Neven (Chief Economist, European Commission)

Damien Neven is Chief Competition Economist at the European Commission. Neven obtained a first degree in Geography in 1981 and a Masters in Economics from the University of Louvain in 1982 and then a Doctorate in Economics from Nuffield College (Oxford) in 1985. Neven was appointed a Research Fellow in the Industrial Organisation Programme in 1988 and was Co-Director of the same Programme from 1993-96. He is the author of many CEPR Discussion Papers, most recently No. 3880, "The Political Economy of European Merger Control: Evidence Using Stock Market Data"; and a number of CEPR Reports, including "Trawling for Minnows: European Competition Policy and Agreements Between Firms" and "Merger in Daylight: The Economics and Politics of European Merger Control".

Neven has previously taught at the Graduate Institute for International Studies in Geneva, INSEAD, the European College in Brugge and the University of Lausanne. His main research interest has been in the field of industrial organisation and international economic integration. Most of his work in the last few years has focused on Antitrust Law and Economics. His

recent research has dealt with the co-ordination of Antitrust policies across jurisdictions, merger control and the antitrust analysis of sports competitions.

Okeoghene Odudu (Cambridge)

Dr Odudu returned to Cambridge in September 2006 as Herchel Smith Lecturer and Fellow in Law at Emmanuel College. He is also Deputy Director of CELS. From September 2004 to September 2006 he was Lecturer in Competition Law at the Centre of European Law, King's College London, teaching EC Competition Law and US Antitrust, having previously been Fellow in Law at Downing College, Cambridge. He read law as an undergraduate at Sidney Sussex College, Cambridge, and received an MA in Criminology from Keele University (funded by the ESRC), before moving to Keble College, Oxford, to engage in competition law research. The research into aspects of Article 81 EC was funded by the AHRB and supervised by Professor Paul Craig; a doctorate was conferred in 2003. During his time as a doctoral student, Dr Odudu was awarded a Scholarship by the Kennedy Memorial Trust and spent a year at the European Law Research Center, Harvard Law School, conducting research on various aspects of US Antitrust.

Jorge Padilla (LECG)

Dr Jorge Padilla is Chief Executive Officer of the European Office of LECG. He advises clients on a variety of competition policy and intellectual property issues covering a wide range of industries including electricity, entertainment, media, retailing, technology, telecommunications, and transport. He has advised on various cases and given expert testimony before the Cypriot, Dutch, French, German, Irish, Italian, Portuguese, Spanish, and UK competition authorities, as well as in cases before the European Commission. Dr. Padilla has also submitted written testimony to the European Court of First Instance and the UK Competition Appeals Tribunal in state aid, cartel, merger control and abuse of dominance cases. He has also given expert testimony in various civil litigation (damages) and international arbitration cases.

Dr. Padilla earned M Phil and D Phil degrees in economics from the University of Oxford. He is a research fellow of the Centre for Economic Policy Research (CEPR, London) and the Centro de Estudios Monetarios y Financieros (CEMFI), and is or has been member of the editorial boards of Competition Policy International, the Review of Economic Studies, the Spanish Economic Review and Investigaciones Económicas (which he directed for more than three years).

Dr. Padilla has written several papers on competition policy and industrial organisation in the Antitrust Bulletin, the Antitrust Law Journal, the Boston University Journal of Science and Technology Law, the Economic Journal, the European Competition Law Review, the European Economic Review, the Fordham International Law Journal, the International Journal of Industrial Organization, the Journal of Competition Law and Economics, the Journal of Economics and Management Strategy, the Journal of Economic Theory, the RAND Journal of Economics, the Review of Financial Studies, the University of Chicago Law Review, and World Competition. He is also co-author of the Law and Economics of Article 82 EC, Hart Publishing, 2006.

Lucas Peeperkorn (European Commission)

After having studied economics and political science at the University of Amsterdam, Luc worked as an assistant professor at the Erasmus University Rotterdam where he specialised in industrial economics, public finance and welfare economics.

In 1991 he joined the State Aid section of the Directorate General for Competition of the European Commission, where he was responsible for controlling state aid provided to the shipbuilding sector in Germany, the UK, Denmark and Belgium. Since March 1995 he has worked in Directorate A of DG Competition, dealing with general policy issues and co-ordination of cases. He was part of the team responsible for the review of EC competition policy towards vertical agreements and the main author of the rules that entered into force on 1 June 2000. He was also the author of the new De Minimis Notice adopted on 20 December 2001. Subsequently he was member of the team responsible for the review of the Transfer of Technology Block Exemption Regulation and one of the main authors of the new rules that entered into force on 1 May 2004. Recently he was responsible for the policy review of Article 82 and one of the main authors of the Discussion Paper on the Application of Article 82 to Exclusionary Abuses published in December 2005 and the Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings published in December 2008. Currently he is responsible for the recently started review of the Vertical Restraints Block Exemption Regulation and Vertical Restraints Guidelines.

Luc Peeperkorn has published a number of articles and papers on competition policy and related economic topics such as information exchange agreements, merger control, the economics of verticals, EC competition policy towards vertical agreements and competition and innovation.

Gregory Pelecanos (Ballas, Pelecanos & Associates)

Gregory Pelecanos regularly acts for multinationals in the car manufacturing industry before the Greek Competition Commission. Recent highlights include advising Hyundai Hellas and Kia Hellas on proceedings relating to alleged anti-competitive practices and price-fixing in the spare part and service station markets. He also handles the tax practice at Ballas, Pelecanos & Associates, providing advice on transfer-pricing and permanent establishment matters.

Aidan Robertson QC (Brick Court Chambers)

Aidan is a barrister at Brick Court Chambers. Aidan Robertson has extensive experience of all aspects of EU and Competition Law. He has appeared in numerous cases in the Competition Appeal Tribunal, High Court and Court of Appeal in England and in the CFI and ECJ at EU level. He has been involved in several ground-breaking cases, including acting for claimants in the first claims for damages in cartel cases in the CAT and in the first challenge to a merger decision in the CAT. He has considerable experience of representing clients during the administrative stage of proceedings before the European Commission, the Competition Commission and the Office of Fair Trading and is currently instructed by a large number of construction companies in the largest ever OFT cartel investigation. He also has an extensive advisory practice in EU and Competition Law.

Aidan Robertson is acting in the leading EU media rights cases of FA Premier League -v- QC Leisure and Murphy -v- Media Protection Services concerning broadcast rights to Premier League football matches, which is currently before the ECJ on reference from the High Court. He also acts in a wide variety of other EU law matters involving areas as diverse as agriculture and tax.

Prior to taking Silk in 2009, Aidan Robertson had been identified as one of the leading juniors in EU law by both the Legal 500 and Chambers and Partners for the previous 10 years and was awarded 'Competition/EU Junior of the Year' at the 2005 Chambers Bar Awards. He teaches the postgraduate competition law course at Oxford University, where he is a now a visiting lecturer, having formerly been a full-time university lecturer and fellow of Wadham College.

Irving Scher (Greenberg Traurig LLP)

Irving Scher is Senior Counsel in Greenberg Traurig's New York office. He focuses his practice in antitrust litigation, antitrust counseling and unfair and deceptive trade practice litigation and counseling. Mr. Scher has wide-ranging experience in antitrust, marketing, and advertising matters across a broad spectrum of products and services. He counsels and represents clients in all phases of government investigations and litigation, including national coordination of cases, and trial and appellate work. He has served as lead defense counsel in a multitude of major antitrust, distribution and unfair and deceptive trade practice cases.

Mr. Scher previously served as Chair of the American Bar Association as well as New York State Bar Association Antitrust Sections, and was a long-time member of the Advisory Board of the BNA Antitrust and Trade Regulation Report. His academic experience includes continuing service as an Adjunct Professor at NYU Law School and co-chairing annual PLI Antitrust programs for many years. He has regularly lectured on antitrust matters at American Bar Association and NY State Bar Association Antitrust Section meetings and conferences, Law Journal Seminars and the Graduate School of Sales Management & Marketing at Syracuse University.

Mr. Scher is editor and co-author of Antitrust Advisor, a two volume practical desk reference published by Thomson West, and author of Living with the Robinson-Patman Act, a BNA Corporate Practice Series Portfolio, and was a Vice Chair of the editorial board of the ABA's Antitrust Law Developments.

Daniel Sokol (University of Florida Levin College of Law)

D. Daniel Sokol is an Assistant Professor at the University of Florida Levin College of Law. His scholarship focuses on antitrust. Professor Sokol has provided technical assistance and capacity building to antitrust agencies and utilities regulators from around the world. He serves as a nongovernmental advisor to the International Competition Network, and has presented to the Department of Justice, Federal Trade Commission, World Bank, Inter-American Development Bank, and International Competition Network. Previously, he taught at the University of Wisconsin and the University of Missouri. He is co-editor (with Eleanor M. Fox) of the forthcoming book Competition Law and Policy in Latin America (<http://www.hartpub.co.uk/books/details.asp?isbn=9781841138824>). Professor Sokol also edits the popular Antitrust and Competition Policy Blog (http://lawprofessors.typepad.com/antitrustprof_blog/).

Christopher Stothers (Milbank, Tweed, Hadley and McCloy LLP & UCL)

Christopher Stothers is an associate in the intellectual property litigation group in the London office of Milbank, Tweed, Hadley and McCloy LLP. His practice covers intellectual property (especially patent litigation and trade mark, copyright and design litigation), pharmaceutical regulation, European Union law, competition law (antitrust) and commercial litigation. Dr. Stothers is qualified as a solicitor-advocate in England and Wales. He received his B.A. and Ph.D. from Cambridge University (Downing College) and his B.C.L. from Oxford University (Brasenose College). He previously worked for the international law firm Linklaters in London, including a secondment (stage) at the European Commission in Brussels.

He is an arbitral panelist for .eu domain name disputes at the Czech Arbitration Court, a committee member of the Competition Law Association and on the editorial board of the Journal of Intellectual Property Law and Practice. He is a Visiting Lecturer in intellectual property and competition law at University College London, having previously taught at both Cambridge and Oxford Universities.

Brenda Sufrin (Bristol University)

Brenda Sufrin is a graduate of the University of Birmingham and qualified as a solicitor after articles with a firm in the City of London. She began her academic career as a Research Associate in the Institute of Judicial Administration at the University of Birmingham. She was appointed a Senior Lecturer in Bristol in 1993, Reader in 1995, and Professor in 2003. She teaches Competition Law, European Union Law and Trusts. Her main research interests and publications lie in the area of Competition Law and she is also the co-editor of a standard work on Contempt of Court.

Thibaud Vergé (CREST-LEI (Paris))

Thibaud is associated with the Centre de Recherche en Économie et Statistique (CREST) (Research Center for Economics and Statistics) in Paris and the Institut National de la Statistique et des Études Économiques (INSEE) (National Institute of Statistics and Economic Studies) Government of France.

Denis Waelbroeck (Ashurst, Free University of Brussels)

Denis is a partner in the Competition and EU law department in Brussels office of Ashurst LLP and specialises in all aspects of EC competition law. He advises major clients in numerous sectors including healthcare, telecommunications, media, etc. He has handled numerous complex merger procedures before the EC Commission and national antitrust authorities as well as a great number of cartel cases and abuse of dominance cases both before the Commission and the courts. Denis also has a major practice before the EC courts. In addition, he is a professor in European competition law at the College of Europe in Bruges, and at the Free University of Brussels. Denis has published several books and articles on EC law.

Florian Wagner von Papp (UCL)

Florian Wagner-von Papp is Lecturer and Co-Director of the Centre for Law & Economics at the Faculty of Laws of University College London (UCL), where he teaches courses on Competition Law, Law & Economics and Comparative Law. He holds an LL.M. degree from Columbia Law School (2002, James Kent Scholar), a PhD from the University of Tuebingen/Germany

(2004, summa cum laude), and has passed the First and Second German State Examinations (1998/2000).

Michael Waterson (Warwick Business School)

Michael is Professor of Law at the Warwick Business School and specialises in Industrial Economics including The analysis of vertical restraints. The economics of retailing, including locational and vertical restraint issues. Competition in regulated industries and the development of competition. Regulation, access pricing and the comparative analysis of regulatory regimes. Competition policy and consumer behaviour.

Richard Whish (King's College London)

Professor Whish is a graduate of the University of Oxford where he obtained the degrees of BA and BCL. Richard has been Professor of Law at King's College London since January 1991; prior to that he taught at the University of Bristol. He is also a Professor at the College of Europe (Bruges). He is a qualified solicitor and was a partner at Watson, Farley and Williams from 1989 to 1998. He acts as a consultant to a variety of companies and regulatory agencies, and was a non-executive director of the Office of Fair Trading from 2003-2009; he is also a member of the Board of the Singaporean Energy Market Authority.

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