



University of
Zurich^{UZH}

Program of 16th Annual ASCOLA (Virtual) Conference 1-3 July 2021

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 July 1, 2021

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	Keynote Prof. Carl Shapiro (Berkeley) "Antitrust: What went Wrong and How to Fix it"
16:45-16:55	Virtual toast with all members
16:55-17:30	Happy hour for spontaneous virtual meetings (if you have the time!)
18:00-20:00	Annex session 2

FRIDAY July 2, 2021

9:00-11:00	Annex session 3
12:10-13:55	Main event Panel III
14:05-15:50	Main event Panel IV
16:00-16:45	Economic expert Panel: Innovation Economics Richard Gilbert (Berkeley), Monika Schnitzer (Ludwig Maximilians University) Moderator: Tommaso Valletti (Imperial College, London)
18:00-20:00	Annex session 4 (in Spanish and Portuguese)

Saturday July 3, 2021

9:00-11:20	Annex session 5
12:00-14:00	Main event Panel V
14:15-16:00	Main event Panel VI
16:00-17:00	Panel on Career challenges: How to make and maintain an academic career (not just as a woman) Moderators: Rupprecht Podszun & Kati Cseres Panelists: Anna Gerbrandy, Juan David Gutiérrez, Jasminka Pecotić Kaufman, Wendy Ng
17:00-17:15	Virtual toast with all members Prize for best paper by a young academic
18:00-19:30	Annex session 6

Hashtag: #ASCOLA2021

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	Main Program (Annexed Sessions follow separately)		
	Thursday, 1st July		
12:00 – 12:10	Welcome by ASCOLA President, Michal Gal		
	Zoom: Zurich1		
12:10 – 13:55	Algorithms and Antitrust Session Chair: Giorgio Monti <ul style="list-style-type: none"> Nicolo Zingales, "Algorithmic nudging as an exclusionary concern" Lena Hornkohl, "Article 102 TFEU as a tool to enforce algorithmic discrimination towards end consumers" Maria T. Patakyova, "How to Enforce a Pricing Algorithm under EU Competition Law? Solutions-Oriented Approach" Eduardo Molan Gaban, Vinícius Klein, "A new language for A.I. and the legal discourse" Fabiana Di Porto, Tatjana Grote, Gabriele Volpi, Riccardo Invernizzi "'I see something you don't see': A Computational Analysis of the Digital Services Act and the Digital Markets Act" Zoom: Zurich1	Platforms Session Chair: Valeria Falce <ul style="list-style-type: none"> Rupprecht Podszun, "A Principled Approach to Platform Regulation" Anush Ganesh, "Application of competition law to zero-price online platforms: Convergence of three areas of the law" Konstantina Bania, "Taming the 'Big Tech' Beast: Regulating online platforms to protect competition in digital markets" Ki Jong Lee, "Cross-market impact of Platforms' activities: a proposal to introduce the concept of secondary relevant market" Geoffrey Parker, Georgios Petropoulos, Marshall Van Alstyne, "Platform mergers and antitrust" Zoom: Zurich2	Collaboration and Cartels Session Chair: Josef Drexl <ul style="list-style-type: none"> Giulia Schneider, "Data Pools for Collaborative Research under Art. 101 TFUE: Lessons from The Proposed Regulations for Data Markets" Alison Jones, Caio Mário da Silva Pereira Neto, "Combatting Corruption and Collusion in Public Procurement: Lessons from Operation Car Wash" Mariateresa Maggolino, Laura Zoboli, "Blockchain Governance: The Missing Piece in the Competition Puzzle" Luz M. García Martínez, "Transparency through blockchain consortia in digital finance: potential antitrust risks?" Anna Tzanaki, "Varieties and Mechanisms of Common Ownership: A Calibration Exercise for Competition Policy" Zoom: Zurich3

14:05 – 15:50	<p>General Perspectives</p> <p>Session Chair: Dan Rubinfeld</p> <ul style="list-style-type: none"> • John M. Newman, "The Output-Welfare Fallacy" • Giorgio Monti, "Balancing in Competition Law" • Ramsi Woodcock, "How Antitrust Really Works: A Theory of Input Control and Discriminatory Supply" • Harry First, Spencer Weber Waller, "Bespoke Antitrust" • Michelle Meagher, "A Systems Approach to Antitrust Reform" <p>Zoom: Zurich1</p>	<p>Market Power</p> <p>Session Chair: Paul Nihoul</p> <ul style="list-style-type: none"> • Salil K. Mehra, ""Chickenization," Data-Monopsony and Competition Law" • Alexandre de Streel, "Digital Attention Intermediaries: A Competition Law Perspective" • Noga Blickstein Shchory, Michal Gal, "Market Power Parasites: Abusing the power of digital intermediaries to harm competition" • Petar Petrov, "Dominance, Super-Dominance, and Gatekeeper Status: Variable Shades of Market Power in Digital Markets" • Anna Gerbrandy, Lisanne Hummel, Laura F. Lalikova, Viktorija Morozovaite, Pauline Phoa, "Power in the digital society: A taxonomy of the composite power of Big Tech companies and a theory of Modern Bigness" <p>Zoom: Zurich2</p>	<p>Developing Economies</p> <p>Session Chair: Eleanor Fox</p> <ul style="list-style-type: none"> • Dina I. Waked, "Antitrust Statistics: empirical evidence from developing countries 1990-2020" • Taimoon Stewart, "Competition Regimes in the Caribbean Community and Sub-Saharan Africa: A Comparison" • Andrés Felipe Suárez, Juan David Gutiérrez, "Competition policy, regulation and development in Latin America: Does competition advocacy join the dots?" • Nora Memeti, "Digital Acquisitions and their enforcement in the Arab region" • Vellah Kedogo Kigwiru, "Jurisdictional Conflicts and COMESA Competition Commission's Supranationalism" <p>Zoom: Zurich3</p>
16:00 – 16:45	<p>Keynote Prof. Carl Shapiro (Berkeley) "Antitrust: What went Wrong and How to Fix it"</p> <p>Zoom: Zurich1</p>		
16:45- 16:55	<p>Virtual toast with all members</p> <p>Zoom: Zurich1</p>		
16:55- 17:30	<p>Happy hour for spontaneous virtual meetings (if you have the time!)</p> <p>Zoom: Zurich1</p>		

	Friday, 2 nd July		
12:10 – 13:55	Competition in Specific Industries	Regulation of Agreements	Abuse
	<p>Session Chair: Wolfgang Kerber</p> <ul style="list-style-type: none"> Arlen Duke, Rhonda Smith, "Pharmaceuticals and market definition: a cautionary tale" Ariel Katz, Eden Sarid, "Who Killed the Radio Star? How Music Blanket Licensing Distorts the Production of Creative Content in Radio" Todd Davies, Zlatina Georgieva, "Zero Price, Zero Competition: How Marketization Fixes Anticompetitive Tying in Monetized Markets" Xingyu Yan, "Towards a More Competitive Mobile Payment Industry: Standardization and Beyond" Maria Casoria, "The Relationship Between Open Banking and Competition Law: A Novel European Saga" <p>Zoom: Dusseldorf1</p>	<p>Session Chair: Ioannis Lianos</p> <ul style="list-style-type: none"> Carmen Rodilla, Alexandre Ruiz Feases, "Anticompetitive agreements in labour markets and Article 101 TFEU" Mariateresa Maggiolino, "In the EU Gig Workers Cannot Conclude Collective Agreements. Whose fault is it?" Victoria Daskalova, "Reconciling competition law and the right to collective bargaining for self-employed: a quest for solutions" Alison Jones, Caio Mário da Silva Pereira Neto, "Combating corruption and collusion in UK public procurement: Proposals for post-brexite reform" Marcos Araujo Boyd, "Recent developments on the intra-group exemption under Article 101 TFEU: Ecoservice and AgriMer" <p>Zoom: Dusseldorf2</p>	<p>Session Chair: Björn Lundqvist</p> <ul style="list-style-type: none"> Vicente Giovannini, "What Happens with the Abuse of Dominant Position? Advocacy for a New Approach to 'Abuse' in Digital Markets" Marios C. Iacovides, Christos Vrettos, "Radical For Whom? Unsustainable Business Practices As Abuses Of Dominance" Daniel Mandrescu, "Abusive pricing practices by online platforms under art.102 TFEU: a framework review for future cases" Vikas Kathuria, Mark-Oliver Mackenrodt, "The Case against 'Narrow' Price Parity Clauses" Germán Johannsen, Andrés Gonzalez, "Digital Platforms & Economic Dependence in Chile. Any Room for Competition Theories of Harm without Dominance?" <p>Zoom: Haifa1</p>

14:05– 15:50	Digital Competition	Enforcement Challenges	Competition, Innovation, and IP
	<p>Session Chair: Maurice Stucke</p> <ul style="list-style-type: none"> Philip Marsden, Rupprecht Podszun, "Enforcement matters! Restoring balance to digital competition with sensible rules and effective enforcement" William Kovacic, David A. Hyman, "Regulating Big Tech: Lessons from the FTC's Do-Not-Call Rule" Maria José Schmidt-Kessen, "Taming Tech Giants German-Style? Experimentalist Governance and the Regulation of Competition on Digital Markets in the EU" Xingyu Yan, "To Refresh, not Replace Competition: Fine-Tuning the Ex-Ante Approach to Regulating Data Combination Practices" Nora von Ingersleben-Seip, Zlatina Georgieva, "Old Tools for the New Economy? A Plea for an Enhanced Role of Counterfactual Causation in Competition Analysis of Digital Markets in Light of Impending Regulation" <p>Zoom: Dusseldorf1</p>	<p>Session Chair: Heike Schweitzer</p> <ul style="list-style-type: none"> Jan Broulik, "Roles of Positive Economics in Antitrust Proceedings: Competitive Effects as Adjudicative and Legislative Facts" Florence Thépot, "Interlocking directorates in Europe – an enforcement gap?" Alexey Ivanov, Anna Pozdnyakova, "Cross border cartels: challenges and threats for competition agencies" Jasminka Pecotić Kaufman, "Quest for Purpose of Competition Rules in European Post-Socialist Countries: The Role of Legal Culture" Manuel Abarca, "Competition Law in times of Socialism: The Chilean bank nationalization case (1971-1975)" <p>Zoom: Dusseldorf2</p>	<p>Session Chair: Harry First</p> <ul style="list-style-type: none"> Thomas J. Horton, "Innovation and antitrust: an evolutionary and historical perspective" Stephen Dnes, "Browser Tying and Data Privacy Innovation" Marco Botta, "The challenge of sanctioning unfair royalty rate by the SEP holder: 'when', 'how' and 'what'" Oscar Borgogno, Giuseppe Colangelo, "SEPs licensing across the supply chain: an antitrust perspective" Soojin Nam, "What do SEPs and Digital Platforms have in common?: Fairness and Meritocratic Values in US Antitrust Laws" <p>Zoom: Haifa1</p>
16:00 – 16:45	<p align="center">Economic Expert Panel: Innovation Economics</p> <p align="center">Richard Gilbert (Berkeley), Monika Schnitzer (Ludwig Maximilians University)</p> <p align="center">Moderator: Tommaso Valletti (Imperial College, London)</p> <p align="center">Zoom: Dusseldorf1</p>		

Saturday, 3 rd July			
12:00 – 14:00	EU law	Antitrust in Asia	Remedies
	<p>Session Chair: Peter Picht</p> <ul style="list-style-type: none"> Barry J Rodger, "Beyond ECN+ Directive – Empirical Study Mapping Judicial review of national competition law decisions" Liesbet Van Acker, "The Vacillation of Dual Distribution – An analysis in light of the Vertical Block Exemption Regulation review" Alexandre Ruiz Feases, "Sharpening the European Commission's tools: interim measures" Pietro Manzini, "Disentangling the Digital market Act" Bernadette Zelger, "The Principle of ne bis in idem in EU Competition Law" Małgorzata Kozak, "Running with the hare and hunting with the hounds. Critical analysis of EU harmonisation of the right for compensation for harm caused by competition law infringements." <p>Zoom: Haifa2</p>	<p>Session Chair: Thomas Cheng</p> <ul style="list-style-type: none"> Wendy Ng, "Data governance in China: Can competition law play a meaningful role?" Shilpi Bhattacharya, Pankhudi Khandelwal, "Judging a Book by its Cover?: Analysing the Indian Approach to Defining Platform Markets" Steven Van Uytsel, "Algorithmic Hub-and-Spoke Cartels: A Japanese Perspective" Masako Wakui, "Zaibatsu Break-Ups: The Legacy of Post-war Economic Reform in Japan and Digital Economies" Koki Arai, "Structuralist and Deconstructive understanding of Japanese Competition Policy toward Digitalization and Innovation" <p>Zoom: Dusseldorf1</p>	<p>Session Chair: Michal Gal</p> <ul style="list-style-type: none"> Francisco Marcos, "The uneven and unsure playing field for competition damages' claims in the EU: shortcomings and failures of Directive 2014/104/EU and its implementation" Michal Gal, Nicolas Petit, "Radical Restorative Remedies for Digital Markets" Filippo Lancieri, Caio Mario Pereira Neto, "Designing remedies for digital markets: the interplay between antitrust and regulation" Grigoris Bacharis, "Is 'more' better? Broadening the right to sue in competition damages claims in both sides of the Atlantic" Cristina Poncibò, Andrea Piletta Massaro, "The rise of third-party litigation funding in private damage actions for the breach of competition law in Europe" Omar Vasquez Duque, "Forced Choice vs. Inertia? An Exploratory Analysis of Choice Screens Applied in the European Microsoft Antitrust Case" <p>Zoom: Haifa1</p>

14:15 – 16:00	Mergers	Competition and Other Policies	Antitrust Challenges
	<p>Session Chair: Pieter van Cleyenbreugel</p> <ul style="list-style-type: none"> • Elias Deutscher, "CK Telecoms and the new frame of reference for the analysis of unilateral effects in EU merger control - a critical appraisal" • Jasper van den Boom, Peerawat Samranchit, "Assessing the long run competitive effects of digital ecosystem mergers" • Björn Lundqvist, "Killer Acquisitions and other forms of anticompetitive collaborations" • Alexandr Svetlicinii, "State-Controlled Entities in the EU Merger Control: the Case of PKN Orlen and Lotos Group" • Frédéric Marty, Thierry Warin, "Visa Acquiring Plaid: A Tartan over a Killer Acquisition? Reflections on the risks of harming competition through the acquisition of startups within digital ecosystems" • Theodosia Stavroulaki, "Mergers that harm our health" <p>Zoom: Haifa2</p>	<p>Session Chair: Fabiana Di Porto</p> <ul style="list-style-type: none"> • Klaudia Majcher, Viktoria Robertson, "The Twin Transition to a Digital and Green Economy: Doctrinal Challenges for EU Competition Law" • Mary Catherine Lucey, "Gender and the Antitrust Curriculum" • Claudio Lombardi, "Competition in Online News, Algorithmic Curation, and Advertising: Between Markets and Democracy" • Kalpana Tyagi, "Competition Policy, with a touch of Green: From 'Competition on the merits' to 'Sustainable' Competition on the Merits" <p>Zoom: Dusseldorf1</p>	<p>Session Chair: Sofia Pais</p> <ul style="list-style-type: none"> • Inge Graef, "Consumer sovereignty and competition law: from personalization to diversity" • Viktorija Morozovaite, "Two sides of the digital advertising coin: putting hypernudging into perspective" • Jasper Sluijs, "Recalibrating Compass, or the end of the undertanking as we know it?" • Juliane K. Mendelsohn, "The Challenge of Inequality in the Competition Paradigm" • Shuya Hayashi, Koki Arai, "Digital Platforms and Consumer Rights: From the Perspective of Competition Law and Trust" • M. Borgers, Kati Cseres, Or Brook, "Consumers' participation in competition law proceedings: an empirical inquiry into the enforcement of competition law in the EU Member States" <p>Zoom: Haifa1</p>
16:00– 17:00	<p>Panel on Career Challenges: How to make and maintain an academic career (not just as a woman)</p> <p>Moderators: Rupprecht Podszun & Kati Cseres</p> <p>Panelists: Anna Gerbrandy, Juan David Gutiérrez, Jasminka Pecotić Kaufman, Wendy Ng</p> <p>Zoom: Dusseldorf1</p>		
17:00 – 17:15	<p>Virtual toast with all members</p> <p>Prize for best paper by young academic</p> <p>Zoom: Dusseldorf1</p>		

Annexed Sessions:

Annex Session 1: 9:00-10:20 CEST, 1st July

9:00-10:20 Competition and Data Protection

Session chair: Emanuela Arezzo

- Wolfgang Kerber, Karsten K. Zolna, "The German Facebook Case: The Law and Economics of the Relationship between Competition and Data Protection Law"
- Simonetta Vezzoso, "Gatekeepers' Interoperability Mandates: A Contextual Analysis of the Italian Android Auto Decision"
- Valeria Falce, Nicola M.F. Faraone, "Digital markets as attention-engagement markets"
- Klaus Wiedemann, "Consumer Autonomy, Competition Law and Data Protection Law in the Digital Economy: On the Relationship between the German Federal Supreme Court's Facebook-Decision, the Revised German Competition Act and the Proposal for a Digital Markets Act"
- Shubhangi Heda, Sakhi Shah, "Exploring the Intersection of Data Protection and Competition Law"

Zoom: Zurich4

Annex Session 2: 18:00-20:00 CEST, 1st July

18:00-19:20 Challenging the Basics

Session chair: Jasminka Pecotić Kaufman

- Magali Eben, "The Antitrust Market does not Exist: Pursuit of Objectivity in a Purposive Process"
- Oles Andriychuk, "The Concept of Reasonableness in Competition Law: Addressing the Means/Ends Dichotomy"
- Ignacio García-Perrote Martínez, "Apple Inc. v Pepper et al.: Passing-on at a crossroads?"
- Antonio Robles Martín-Laborda, "The passing-on defense: Some lessons from the truck's cartel case"

19:20-20:00 Panel on "How a paper is born"

Moderator: Magali Eben; Panelists: José Azar, Marios Iacovides, Sara Bensley

Zoom: Zurich5

Annex Session 3: 9:00-11:00 CEST, 2nd July

9:00-10:20 Intersection with other policies

Session Chair: Maciej Bernatt

- Jurgita Malinauskaite, Fatih Buğra Erdem, "Competition Law and Sustainability in the EU: National Competition Authorities' perspectives"
- Claudio Lombardi, Tomaso Ferrando, "An Environmentally and Socially Broken Global Food System: What Role For Competition Law?"
- Kati Cseres, Agustin Reyna, "EU State aid law and consumer protection: an unsettled relationship in times of crisis"
- Carlos Muñoz Ferrandis, "The Price of Openness: IP and Competition Law considerations for 'open' dynamics in AI-related markets."
- Iga Małobęcka-Szwast, "Enforcing competition, consumer and data protection law in the digital economy – how to find a way forward?"

10:20-11:00 Panel on Tips on how to win grants

Moderator: Valeria Falce; Participants: Michal Gal, Alexandre de Streel, Marco Botta, Vicente Bagnoli

Zoom: Dusseldorf2

Annex Session 4: 18:00-20:00 CEST, 2nd July

18:00-19:20 Antitrust around the world

Session Chair: Juliana Domingues

- Marek Martyniszyn, "Minding its own Markets in a Transnational World? Extraterritoriality in EU Competition Law"
- Gustavo Ghidini, Maria Bianca Armiento, "“What’s past is prologue”? The European Antitrust in times of emergencies, from Covid-19 back to the aftermath of WWII, and forth to the web titans’ superdominance."
- Qianlan Wu, Xiaoye Wang, "US-EU-China Bilateral Competition Enforcement Cooperation and Trade Openness"
- José de Moura Faleiros Júnior, Pietra Daneluzzi Quinelato, "Personalized prices in digital markets in light of Brazilian competition laws"
- Juliana Oliveira Domingues, Fernanda Lopes Martins, Pietra Daneluzzi Quinelato, "Streaming Disney+ and competition in the fantasy world: the acquisition 21st Century Fox by Walt Disney in Brazil"

19:20-20:00 panel on Competition and Data Protection in Latin America (in Spanish and Portuguese)

Moderators: Vicente Bagnoli and Juan David Gutiérrez; **Panelists:** Felipe Irarrázabal, Juan Pablo Herrera, Juliana Domingues.

Zoom: Brazil

Annex Session 5: 9:00-11:20 CEST, 3rd July

9:00-10:20 Digital Markets

Session chair: Thomas K Cheng

- Friso Bostoen, "Self-preferencing by online platforms. The unfruitful search for ‘the theory of everything’"
- Marcin Kamiński, "Self-preferencing: in pursuit of legal clarity and relevant legal tests"
- Vicente Bagnoli, "Are digital platforms public utilities?"
- Oles Andriychuk, "The Digital Services Act and the Digital Markets Act: Towards a New Competition Paradigm"

10:20-11:20 Panel on the book “The Digital Economy and Competition Law in Asia”

Moderator: Steven Van Uytsel; Panelists: Peerapat Chokesuwattanakul, Ningrum Sirait and Nikita Koradia

Zoom: Haifa1

Annex Session 6: 18:00-20:00 CEST, 3rd July

18:00-19:20 Competition Law in Specific Industries

Session Chair: David Bosco

- Bernadette Zelger, "Object Restrictions and Sporting Rules - A Critical Analysis of the Decision in International Skating Union v Commission"

- Eleni Katopodi, "Blockchain antitrust; regulatory concerns and the 'Diem' example"
- Marco Botta, Niccolò Galli, "It's Unfair! Non-Price Exploitation in ICT Patents Licenses"
- Niccolò Galli, "Back to Basics: Defining Markets for ICT Patents and Calculating Market Shares Thereupon"
- Margherita Colangelo, "Fighting high drug prices: excessive pricing and price gouging in EU, UK and US pharmaceutical markets"

19:20-20:00 Panel on Recent Books on Global and Comparative Antitrust

Moderator: David Bosco; Panelists: David Gerber and Barry Hawk

Zoom: Aix