

No Contest The Case Against Competition

No Contest Covenants Against Competition in Franchise Agreements Cartels and Anti-Competitive Agreements The New Way to Compete Global Competition Enforcement Implementing effective remedies for anti-competitive intermediation bias on vertically integrated platforms Competition Law in India If Life Is a Game, How Come I'm Not Having Fun? Directory of EC Case Law on Competition Reports of Cases Decided in the Court of Appeals of the State of New York American and English Corporation Cases Cases on Constitutional Law New Cases Cases Argued and Determined in the Supreme Judicial Court of Maine Reports of Cases Determined in the Appellate Courts of Illinois Weekly Notes of Cases Argued and Determined in the Supreme Court of Pennsylvania, the County Courts of Philadelphia, and the United States District and Circuit Courts for the Eastern District of Pennsylvania Fraser's Magazine Reports of Cases Before the Court of Justice and the Court of First Instance Cobbett's Parliamentary Debates Legislative Documents Submitted to the ... General Assembly of the State of Iowa Alfie Kohn Peter J. Klarfeld Sandra Marco Colino Harry A. Olson Paulo Burnier da Silveira Richard Feasey Abir Roy Paul Brenner R. Barents New York (State). Court of Appeals Lawrence Lewis (Jr.) James Bradley Thayer Austin Abbott Maine. Supreme Judicial Court Illinois. Appellate Court Iowa. General Assembly No Contest Covenants Against Competition in Franchise Agreements Cartels and Anti-Competitive Agreements The New Way to Compete Global Competition Enforcement Implementing effective remedies for anti-competitive intermediation bias on vertically integrated platforms Competition Law in India If Life Is a Game, How Come I'm Not Having Fun? Directory of EC Case Law on Competition Reports of Cases Decided in the Court of Appeals of the State of New York American and English Corporation Cases Cases on Constitutional Law New Cases Cases Argued and Determined in the Supreme Judicial Court of Maine Reports of Cases Determined in the Appellate Courts of Illinois Weekly Notes of Cases Argued and Determined in the Supreme Court of Pennsylvania, the County Courts of Philadelphia, and the United States District and Circuit Courts for the Eastern District of Pennsylvania Fraser's Magazine Reports of Cases Before the Court of Justice and the Court of First Instance Cobbett's Parliamentary Debates Legislative Documents Submitted to the ... General Assembly of the State of Iowa *Alfie Kohn Peter J. Klarfeld Sandra Marco Colino Harry A. Olson Paulo Burnier da Silveira Richard Feasey Abir Roy Paul Brenner R. Barents New York (State). Court of Appeals Lawrence Lewis (Jr.) James Bradley Thayer Austin Abbott Maine. Supreme Judicial Court Illinois. Appellate Court Iowa. General Assembly*

a critique on the american obsession with competition and it destructive influence on individuals and society

this is a state by state analysis of covenants against competition in the franchise context addressing how franchise covenants have been interpreted and enforced under each state s law it allows comparative research and analysis of the subject

antitrust is fast becoming a trending topic with over 120 countries having already adopted some form of competition legislation this volume brings together carefully selected articles which reflect the evolution and progression of the regulation of joint conduct under competition law on both sides of the atlantic and which discuss principles of fundamental importance for antitrust law the articles focus on various kinds of joint conduct between companies which might bear negative effects on competition in particular on horizontal cartels and collusion between competitors attention is also paid to the debate surrounding the most adequate approach for vertical agreements which take place between firms operating at different levels of production their effects on competition have traditionally been one of the most disputed issues in modern antitrust and tend to divide the principal schools of thought that have influenced the evolution of competition policy around the world the articles look primarily at two of the most established antitrust jurisdictions namely the united states and the european union they discuss the general theoretical framework that has influenced the evolution of the law and policy cover the most relevant practical developments provide contrasting doctrinal views and pay particular attention to the main schools of thought that have influenced antitrust in the us and the eu and are representative of the leading discussions in the course of antitrust history

global competition enforcement new players new challenges edited by paulo burnier da silveira william evan kovacic in a short span of years the landscape of global competition has changed significantly in particular international cooperation in competition law enforcement has greatly strengthened the battle against abuse of dominance cartels anticompetitive mergers and related political corruption this thoroughly researched book explains the current situation regarding joint investigations identifies common problems and considers possible solutions and future developments in addition to covering issues of competition policy its authors look in detail at practice in both merger and conduct investigations in a variety of countries the following aspects of the subject and more are examined in depth the interface between antitrust and anti corruption the digital economy s challenges to competition authorities convergent aims and rules among different competition authorities regional organizations with competition mandates competition neutrality and state owned enterprises and leniency programmes although necessarily there is considerable information on major antitrust regimes like those of the united states and the european union chapters by local experts highlight lessons to be learned from the work of competition authorities in five continents including argentina australia brazil china colombia india japan mauritius mexico peru and south africa the contributors include competition enforcers regulators academics practitioners and leading commentators from a range of jurisdictions adding up to an authoritative analysis from the enforcer s perspective the studies presented in the book clarify the approaches and priorities of competition enforcement authorities including those of major emerging economies and provide expert guidance on dealing with transnational investigations antitrust lawyers corporate counsel and interested academics as well as policymakers will benefit immeasurably from this book s wealth of informative detail

this report considers the challenges that arise in remedying intermediation bias by vertically integrated digital platforms which match the needs of different groups of users so they can transact with each other platforms perform this intermediation function by displaying and ranking those services or products which are most relevant to the users needs and in doing so compete for

consumers attention what is intermediation bias platforms compete for users attention to varying degrees depending on the ease with which users can switch between platforms and their inclination to do so entry barriers for other platforms and many other factors generally platforms have an incentive to offer consumers the most relevant matches because the platforms can then capture part of the value that has been created for both the consumer and the businesses that are being intermediated however sometimes platforms may also have incentives to deviate from offering the most relevant matches first and bias the intermediation towards matches that are more profitable to themselves this concern is especially pronounced in the context of vertically integrated platforms which undertake both the intermediation function and supply services or products in the downstream market and who therefore have the ability to direct users attention towards their affiliated services and products even if rival services or products are more relevant to users needs such biased intermediation may harm consumers both by providing them with poorer matches on the platform and by distorting competition in the relevant downstream market and potentially in the platform market itself competition authorities have prosecuted a number of significant cases involving intermediation bias including the recent google shopping case and it seems likely that further cases will be pursued in the future it can be very difficult to detect bias in the first place or to determine the source of any bias that has been detected digital platforms use very complex algorithms to perform their intermediation functions and make frequent changes to them distinguishing between legitimate changes which improve the quality of matches and those which unfairly bias them can be very difficult since the impact of any individual adjustment can be subtle and the effects can be cumulative this task may be even more difficult ex post as competitive conditions may have changed in the meantime this report does not imply that all vertically integrated platforms engage in biased intermediation nor does it elaborate on how to detect intermediation bias and theories of harm rather it presupposes that a competent authority whether a competition authority or a regulatory authority with the power to impose ex post remedies has identified intermediation bias and it is necessary to remedy it the aim of this report is to discuss the approach to remedies in this context challenges when remedying intermediation bias the challenge of remedying intermediation bias arises in part because a user s attention is rivalrous and the selection and ranking of matches must involve giving prominence to some results and demoting or excluding others non discrimination rules of the kind applied in the regulation of vertically integrated firms in network industries would compromise the core sorting function which the platform performs other remedies used in network industries such as those requiring regulated access to upstream inputs are also inappropriate when rivals in digital markets require equal access to users attention rather than to specific factors of production effective remedies against intermediation bias must either ensure that the platform no longer has an incentive to engage in biased intermediation by separating ownership of the platform from the entity engaged in the downstream activities or must ensure that the platform no longer has the ability to produce matches which would harm users of the platform the need for experimentation we recognise that competition authorities may be reluctant to undertake their own remedy design and may prefer to rely upon proposals submitted by platforms criticisms by rivals or benchmarks or quotas which specify outcomes in the downstream market rather than directly addressing bias in the intermediation process itself this seems unsatisfactory instead we would urge public authorities whether a competition authority or some other body such as a specialist digital agency or another existing regulatory body to demand access to the same experimental data which the platform itself used when proposing any particular remedy this means the authority would have the same access to

internal data and documents of a firm as it is able to obtain when seeking to establish an abuse in addition the authority should be able to direct the platform to run other experiments in order to assess their effect on outcomes they might even involve their own staff in the experiments being undertaken by the platform as some financial service regulators now do before authorising new financial products at the same time a platform might submit experimental data before making changes to its factor based mechanisms and obtain a safe harbour ruling from the authority in return we think the sharing of experimental data in this way could significantly improve the quality and effectiveness of remedies for intermediation bias whilst also providing greater certainty and objectivity for dominant vertically integrated platforms that perform intermediation functions such data is commercially sensitive and confidentiality would need to be assured experiments of this kind are better suited to assessing the impact of incremental changes than fundamental ones and may not be able to determine whether a particular set of changes would restore downstream market conditions to those which prevailed prior to the abuse as opposed to those which now prevail the experiments may impose some additional costs on platforms and should be undertaken only for the specific purpose of remedy appraisal such a new approach may require new institutional arrangements and changes to the existing legal framework in order to implement them and might involve both competition authorities and existing or new regulatory bodies working together in a way that they have not generally done to date the boundaries between ex ante and ex post functions may be less obvious in the future designing effective remedies for intermediation bias may require both ex ante assessments before they are introduced and ex post appraisals after implementation it is likely to be a more iterative and a more collaborative process informed by the scientific results of experiments than anything we have seen undertaken by competition authorities to date

in the last few years the competition commission of india has been extremely assertive in its enforcement outlook especially in the digital markets additionally the relevance of competition law in india continues to grow in importance as investment activity increases this comprehensive practical guide outlines the highly distinctive manner in which competition law is interpreted in this major global market highlighting the key aspects of indian competition law a leading competition law practitioner describes elements of indian competition law encompassing the following the dual regulatory judicial nature of the competition commission investigatory powers of the commission s director general mandated business conduct policies e g active risk management procedures availability of sanctions remedies and private actions cartels and leniency programmes extraterritorial application of the competition commission merger review pricing and non pricing abuse approach in digital markets appeal process fines companies directors and officers fines for non cooperation or furnishing false information and liability of state owned enterprises analysis of numerous leading cases decided by the indian competition authorities enhances the book s practical value this comprehensive guide provides an incomparable overview of practice in a key jurisdiction that is increasingly becoming one of the most important in the international recognition and enforcement of competition law as a guide to the landscape of competition law in india it has no peers the book will be of inestimable value to professionals in this area of legal practice whether in law firms corporations academia government or the judiciary as well as to investors economists and business executives

in this lively and enlightening book paul brenner suggests that treating life s events and everyday

activities as a game would lead to a more socially functional and effective society through compelling suggestions and dynamic anecdotes he conceptualizes all our economic political social and spiritual pursuits in terms of role play and demonstrates the contribution this perspective can make to the happiness of individuals and to the systemic welfare of an increasingly complex social order

extracts and references to judgments of the court of justice of the european communities and the court of first instance

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