

COMMITMENTS OR PROHIBITION? THE EU ANTITRUST DILEMMA

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THE ISSUE Excluding cartels, most investigations into suspected infringements of European Union competition law are resolved with ‘commitment decisions’. The European Commission drops the case in exchange for a commitment from the company under investigation to implement measures to stop the presumed anti-competitive behaviour. Commitment decisions are considered speedier than formal sanctions (prohibition decisions) in restoring normal competitive market conditions. They have a cost, however: commitments are voluntary and are unlikely to be subject to judicial review. This reduces the European Commission’s incentive to build a robust case. Because commitment decisions do not establish any legal precedent, they provide for little guidance on the interpretation of the law.

POLICY CHALLENGE

The European Commission relies increasingly on commitment decisions. More transparency on the substance of allegations, and the establishment of a higher number of legal precedents, are however necessary. This applies in particular to cases that tackle antitrust issues in new areas, such as markets for digital goods, in which companies might find it difficult to assess if a certain behaviour constitutes a violation of competition

rules. To ensure greater transparency and mitigate some of the drawbacks of commitment decisions, while retaining their main benefits, the full detail of the objections addressed by the European Commission to defendants should be published.



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The Antitrust Dilemma Papers

David Halberstam



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The Antitrust Dilemma James A. Dalton, Stanford L. Levin, 1974 An overview of the history geography economy government people and culture of Finland **The Antitrust Dilemma** James A. Dalton, 1974 *Index of Conference Proceedings Received* British Library. Lending Division, 1983 The Interface between Competition Law and Data Privacy Law Arletta Gorecka, 2024-10-24 This book assesses the extent to which the current EU competition law framework can incorporate privacy related theories of harm Specifically it evaluates the importance of protecting individual privacy in establishing exploitative abuse of dominance under Article 102 TFEU The book explores scenarios where Big Tech firms exploit their dominant positions through excessive data collection or limiting consumer choice thereby harming competition and directly affecting user well being It posits that zero priced business models of online platforms and the ubiquity of data generation create strong incentives to acquire and process consumer data which can harm digital consumers privacy The book assesses how the existing EU competition law framework can address and regulate exploitative abuses particularly concerning the protection of individuals privacy Importantly this book argues that competition law might recognize privacy related harms as forming exploitative theories of harm under Article 102 TFEU Article 102 TFEU offers flexibility and can be applied to a broader range of unfair practices Article 102 TFEU emphasizes enhanced transparency and predictability aiming to prevent abuses of dominant positions that could undermine healthy competition to the detriment of consumers and other market participants This book provides a comprehensive analysis of how the existing EU competition law framework can address the evolving challenges at the intersection of competition and privacy ultimately seeking to protect consumer welfare and ensure fair competition in the digital economy The Oxford Handbook of Intellectual Property Law Rochelle Cooper Dreyfuss, Justine Pila, 2018 A comprehensive overview of intellectual property law this handbook will be a vital read for all invested in the field of IP law Topics include the foundations of IP law its emergence and development in various jurisdictions its rules and principles and current issues arising from the existence and operation of IP law in a political economy Hearings, Reports and Prints of the Joint Economic Committee United States. Congress. Joint Economic Committee, 1980 **Government Regulation** , 1980 *Special Study on Economic Change: Government regulation : achieving social and economic balance ... December 8, 1980* , 1980 **Liability Rules in Patent Law** Daniel Krauspenhaar, 2014-10-06 The primary purpose of a patent law system should be to enhance economic efficiency in particular by providing incentives for making inventions The conventional wisdom is that patents should therefore be strictly exclusive rights Moreover in practice patent owners are almost never forced to give up their right to exclude others and receive only a certain amount of remuneration with for instance compulsory licensing Other economically interesting patent law objectives however include the transfer and dissemination of knowledge Mechanisms exist by which the patent owner decides if he or she would prefer exclusive or non exclusive rights for instance the opportunity to declare the willingness to license and create patent pools But

it is questionable whether these mechanisms are sufficient and efficient enough in view of the existence of patent trolls and other problems This work challenges the conventional wisdom to a certain extent and makes proposals for improvements

The Evolving International Economy Graciela Chichilnisky, Geoffrey M. Heal, 1986 This book focuses on the main issues of trade and development and on the attainment of the major development goals generally espoused in the international community rapid development in the Third World sustained economic expansion in the industrial countries and the eradication of deep inequalities and of extreme poverty It consists of four parts The first three give an overall analysis of the world economy with commentary and conclusions on major issues of trade and development The fourth part provides the intuitive basis for the main results within the context of the formal models and rigorous proofs are found in the references given to the technical literature The analysis is descriptive focusing on the particulars of market behaviour and tracing the ways in which markets respond to policies in the belief that policies cannot be viewed in a vacuum but must be confronted with the responses of the market The interplay of domestic policies and international markets is a main feature of the authors analysis

Improving International Competition Order C. Conrad, 2005-04-22 This book offers guidelines for the upcoming discussions on reform representing an attempt to work out conceptions for a better international competition order on the basis of the scientific approach law and economics It presents the dominant concepts of competition policy as a basis for an international competition order and formulates a synthesis The result is a new neo ordoliberal approach Anti dumping measures are analysed of the effects on international competition and resource allocation and alternatives and improvements are suggested From national forms of competition policy a synthesis of international competition policies are derived Currently reforms of the international competition order are heavily discussed and here a selection of the most important suggestions are presented compared and evaluated Finally this book offers strategies that might serve as second best solutions and though they may not be optimal for competition policy they are politically feasible and an improvement on the current competition regulations They would be a back up in case the WTO competition regulations aren t realizable

Achieving Proof of Concept in Drug Discovery and Development Helen Yu, 2016-11-25 One of the major shortcomings of the current drug discovery and development process is the inability to bridge the gap between early stage discoveries and pre clinical research in order to advance innovations beyond the discovery phase This book examines a drug discovery and development model where the respective expertise of academia and industry are brought together to take promising discoveries through to proof of concept providing a means to de risk the drug discovery and development process

Competition Law and Policy in Digital Markets Maria Ioannidou, Bingwan Xiong, 2025-03-01 The advent of digital technologies has transformed markets and resulted in unprecedented levels of market concentration with a handful of digital giants controlling the provision of many goods and services Against these changing market dynamics Competition Law and Policy in Digital Markets A Comparative Analysis of the EU and China provides a critical comparative analysis of the

application of competition law in digital markets in the EU and China The book deciphers how these two key competition law jurisdictions apply their respective competition laws against different digital giants and the potential impact of those applications in the evolution of digital markets This book first maps the characteristics of digital markets and the challenges they raise for competition law enforcement and second critically discusses decisional practice and policy developments in the EU and China The discussion identifies potential competition law problems in the digital economy and covers various types of anti competitive conduct at the intersection of consumer data protection and competition law It also identifies contentious cases querying whether competition law can act as a gap filler or whether other regulatory tools are better suited to address such problems Pioneering and timely Competition Law and Policy in Digital Markets examines the challenges posed to competition law enforcement by these new dynamics The similarities and divergent approaches between competition law enforcers in the EU and China are examined in a bid to contribute to a more transparent debate between the two

Newspaper Preservation Act United States. Congress. Senate. Committee on the Judiciary,1987 **Dilemmas of Intellectual Property Discourse in Sri Lanka** Asanka Perera,2024-08-21 This book examines global and national lawmaking in Sri Lanka through three case studies patent examination plant variety laws and technology innovation It evaluates how various lawmakers influence intellectual property law to support innovation and development in Sri Lanka The book explores Sri Lanka s intellectual property laws and the mismatch between its international obligations such as Trade Related Aspects of Intellectual Property Agreement TRIPS and the Patent Cooperation Treaty PCT and their implementation It examines the repercussions of this mismatch and provides insights for the future of Sri Lanka and other small developing countries Based on socio legal research the book reveals the nature of local and global discourses and the lawmaking processes regarding intellectual property in Sri Lanka While international law advocates strong standards for inventiveness in patent examination plant breeders rights and technology transfer to support high tech development Sri Lanka has been reluctant to implement such laws This book is a crucial resource for researchers policymakers and legal professionals interested in intellectual property law innovation ecosystems and the socio legal aspects of lawmaking in developing countries **The Next Digital Decade** Berin Szoka,Adam Marcus,2011-06-10 **The Powers That Be** David Halberstam,2012-12-18 A Pulitzer Prize winner s in depth look at four media business giants CBS TV Time magazine the Washington Post and the Los Angeles Times In this fascinating New York Times bestseller the author of The Best and the Brightest The Fifties and other acclaimed histories turns his investigative eye to the rise of the American media in the twentieth century Focusing on the successes and failures of CBS Television Time magazine the Washington Post and the Los Angeles Times David Halberstam paints a portrait of the era when large powerful mainstream media sources emerged as a force showing how they shifted from simply reporting the news to becoming a part of it By examining landmark events such as Franklin D Roosevelt s masterful use of the radio and the unprecedented coverage of the Watergate break in Halberstam

demonstrates how print and broadcast media as a whole became a player in society and helped shape public policy Drawn from hundreds of exhaustive interviews with insiders at each company and hailed by the Seattle Times as a monumental X ray study of power *The Powers That Be* reveals the tugs of war between political ambition and the quest for truth in a page turning read This ebook features an extended biography of David Halberstam

Research Handbook on the Economics of Intellectual Property Law Ben Depoorter, Peter Menell, David Schwartz, 2019 Both law and economics and intellectual property law have expanded dramatically in tandem over recent decades This field defining two volume Handbook featuring the leading legal empirical and law and economics scholars studying intellectual property rights provides wide ranging and in depth analysis both of the economic theory underpinning intellectual property law and the use of analytical methods to study it

Journal of Economic Issues ,1975

The Economics of Industrial Organization William G. Shepherd, Joanna M. Shepherd, 2003-09-19 The study of industrial organization extends to the core of some of the most important questions of economics Who controls markets and profits from them Does competition or monopoly result in a more beneficial economy How can the economic playing field become fairer or more biased in either direction Throughout the fields history various clashing schools of thought have attempted to sort through these complex issues examining both abstract theory and real life cases The Fifth Edition of this widely used highly regarded text includes coverage of dramatic changes in the field Shepherd and Shepherd provide broad balanced coverage of topics without showing preference to any single point of view encouraging readers to think independently This emphasis on independent judgment is evident throughout the book with discussion of structure placed before performance to assist the reader in thinking about causation Topics are organized for maximum flexibility with distinct chapters covering case studies antitrust and regulation policy and capital markets

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