

The Interdisciplinary Centre for Competition
Law and Policy (ICC) and Crowell & Moring LLP
Annual Conference 2014

Trends and Developments in Global Competition Law

crowell  moring

 Queen Mary
University of London



This conference offers a unique forum for exchanging ideas and discussing recent developments in competition law across the globe. It brings together leading figures in the field from around the world including judges, competition officials, academics, in-house counsel and private practitioners. The conference combines the policy perspective of the London-based Interdisciplinary Centre for Competition Law and Policy (ICC) with the real world experience of the international law firm Crowell & Moring LLP.

This will be a one-day event, with four major areas of focus: **international merger control**; **international cartel enforcement**; **standards-essential patents and competition law**; and **abuse of dominance**. Our aim on this occasion is to bring to our audience a comprehensive update of recent developments related to these topics which will be presented in an analytical and thought-provoking way by a high-level panel of speakers from around the globe. All of the topics will be illustrated by practical examples drawn from recent cases taken from the EU, US, Austria, Germany, France, UK and other competition law regimes.

The issues to be addressed are:

International merger control

- Unilateral effects below dominance – how is this dealt with under the SIEC-Test?
- The failing firm defence – experiences from the US, EU, UK and Germany
- The approach towards airline mergers – is a special treatment required?

International cartel enforcement

- Settlements: practice, future, and consequences for damage cases
- Recent UK developments – could they serve as a model for the rest of the EU?
- The envisaged EU law on damages actions – what impact will it have, if any?

Standards-essential patents and competition law: Have the lines cleared-up?

- Are we any closer to an injunction standard for SEPs, and how does it differ across jurisdictions (US courts, US ITC, Germany, EU)?
- How have recent events shaped the definition of FRAND? Are we closing in on a firmer definition? Do we want one?
- What is “essential” and does it differ across jurisdictions (i.e., can a patent become “de facto essential” in certain jurisdictions)?

Abuse of dominance

- The approach to rebates
- Excessive pricing – is the EU Commission setting its priorities right?
- Pursuing abuse cases in regulated industries



Programme

Friday, 16 May 2014

Hotel Le Méridien, Brussels

8.45-9.15: Registration and coffee

9.15-9.30: **Introduction and welcome by conference chairmen**
Maher Dabbah (ICC) and Werner Berg (Crowell & Moring)

9.30: **International merger control**

Chair: Randy Smith, Partner, Crowell & Moring

Speakers: Daniel Boeshertz, Head of Unit, DG Competition, European Commission; Susan Jones, Head Corporate Legal Antitrust, Novartis International AG; Damien Neven, Professor of Economics, CRA; former Chief Economist of the European Commission

11.00-11.15: Coffee break

11.15: **International cartel enforcement**

Chair: Eugene Buttigieg, Judge, European Union General Court

Speakers: Gerald Miersch, Deputy Head of Unit, DG Competition, European Commission; Stephen Blake, incoming Senior Director, Cartels and Criminal Group, UK Competition and Markets Authority; Guenter Bauer, Partner, Wolf Theiss;

12.45-14.00: Business lunch

14.00: **Standards-essential patents and competition law: Have the lines cleared-up?**

Chair: Marcus Smith QC, Chairman, UK Competition Appeal Tribunal

Speakers: Renata Hesse, Deputy Assistant Attorney General for Criminal and Civil Operations, DoJ Antitrust Division; Jörn Eickhoff, Senior Counsel, Competition, Siemens; John Gibson, Partner, Crowell and Moring

15.30-15.45: Coffee break

15.45: **Abuse of dominance**

Chair: Maher Dabbah, Professor, Queen Mary University of London

Speakers: Felix Engelsing, Head of the 8th Decision Division, German Cartel Office; Manuel Kellerbauer, Legal Service, European Commission; Sean-Paul Brankin, Partner, Crowell and Moring

17.15-17.30: **Conclusions and reflections**

17.30: Reception



The ICC and Crowell & Moring LLP

The Interdisciplinary Centre for Competition Law and Policy (ICC)

The Interdisciplinary Centre for Competition Law and Policy (ICC) is a centre of excellence led by Maher M. Dabbah that delivers world-class work in the field of competition law and policy. The ICC conducts research and offers training to judges, lawyers, business people and enforcement officials in the field of competition law.

The ICC's mission is to:

- Build a strong, broad-based and well-informed competition law community
- Engage in competition advocacy and internationally recognised scholarship
- Deliver innovative training and consultancy to meet the needs and expectations of lawyers, economists, policy-makers, competition enforcement bodies, judges and business people

The ICC offers internationally-recognised PhD and (taught and distance learning) LLM programmes in competition law and policy (in addition to a strong undergraduate option in EC and UK competition law) as well as an impressive programme of shorter courses including training courses and a highly successful annual summer school in competition law. Since its inauguration in 2006, the ICC has welcomed hundreds of participants to these courses in London; hundreds more (mainly judges, lawyers, economists and policy-makers from over 35 countries) have benefited from training given in different parts of the world.

Among the current major projects undertaken within the ICC is its Middle East Initiative, which was launched on 1 January 2009 and comes to develop competition law and policy in this important region of the world.

The ICC also publishes a high quality, refereed student journal, the ICC Global Antitrust Review (GAR).

For further information on the ICC and its activities, visit: www.icc.qmul.ac.uk.

The School of Law

The School of Law has established itself over the past 48 years as one of the country's leading Law Schools. The School has expertise in all aspects of law.

Queen Mary University of London

Queen Mary is a leading college of the University of London, with strengths in teaching and research across humanities and social sciences; science and engineering; and medicine and dentistry. Internationally focused, ranked in the top 100 universities in the world, with 3,000 staff and over 16,500 students, Queen Mary provides a uniquely stimulating and innovative environment for interdisciplinary initiatives such as the ICC.



Crowell & Moring LLP

Crowell & Moring LLP is an internationally recognised, full-service law firm with offices in Brussels, London, Washington DC, New York, San Francisco, Los Angeles, Orange County and Anchorage. The firm has leading practices in Antitrust, Corporate, Government Contracts, Intellectual Property, International Trade and Litigation. Crowell & Moring's 500 attorneys assist clients on a broad spectrum of regulatory and administrative matters, mergers and acquisitions, international trade, civil and criminal investigations, high-stakes litigation, business counseling activities and more. Clients include Fortune 100 companies and multinational corporations competing in a wide range of domestic and international industries, as well as foreign governments, and scientific, charitable, educational and other non-profit organisations. Visit Crowell & Moring online at www.crowell.com for more information.

Accreditation

The conference has been recognised as constituting vocational training by the Orde van Vlaamse Balies and the Ordre des Barreaux Francophones et Germanophones de Belgique. Participants will be credited six points of vocational training for their participation.

Participants with the relevant qualification will be credited six CPD points by the Law Society and the Bar Standards Board of the Bar Council (England and Wales).



Notes

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