

The Interdisciplinary Centre for Competition  
Law and Policy (ICC) and Crowell & Moring LLP  
Annual Conference 2013

**Trends and Developments in Global Competition Law**

crowell  moring

 Queen Mary  
University of London



# Overview

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 of Crowell & Moring LLP.

# Format and Content

This will be a one-day event, with four major areas of focus: **international merger control**; **contracts that reference rivals (CRR)**; **international cartel enforcement**; and **standards-essential patents: the emerging landscape**. 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, UK, Canada, Germany and other competition law regimes.

The issues to be addressed are:

## International merger control

- The outer boundaries of EU/US convergence/divergence
- The challenge in achieving consistent EU-wide enforcement
- The use of economic theory and econometric models in merger control; too much or too little?

## Contracts that reference rivals (CRR)

- Different flavours of CRRs: promoting loyalty and eliminating a rival's advantages
- Exclusive dealings and quantity forcing; when do they harm consumers?
- Most-favoured nation provisions (MFNs): when does guaranteeing low prices harm competition?

## International cartel enforcement

- Leniency programmes and corporate compliance in times of enhanced international coordination in cartel investigations
- Enforcement practices within the ECN framework; achievements and challenges
- Recent trends in cartel criminalisation – the experience in Canada and the United Kingdom

## Standards-essential patents: the emerging landscape

- Giving content to a FRAND commitment
- Does a FRAND commitment terminate all rights to enjoin infringement?
- From N-Data to ETSI – when do FRAND commitments travel with the patent?



# Programme

Friday, 31 May 2013

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 Randy Smith (Crowell & Moring)

**9.30:** **International merger control**

Chair: Werner Berg, Partner, Crowell & Moring

Speakers: Marius Schwartz, Professor, Georgetown University (former Chief Economist, US Federal Communications Commission); Stephan Simon, Deputy Head of Unit, DG Competition, European Commission; Erik Pijnacker Hordijk, Partner, De Brauw Blackstone

**11.00-11.15:** Coffee break

**11.15:** **Contracts that reference rivals (CRR)**

Chair: Vivien Rose, Chairman, UK Competition Appeal Tribunal

Speakers: Nelson Jung, Director, Services, Infrastructure and Public Markets, UK Office of Fair Trading; Alvaro Ramos, Legal Director, Cisco Systems; David Laing, Partner, Crowell & Moring

**12.45:** Business lunch

**14.00:** **International cartel enforcement**

Chair: Christopher Vajda, Judge, EU Court of Justice

Speakers: Gerald Miersch, Deputy Head of Unit, DG Competition, European Commission; Robert Schulz, Senior Counsel Competition, Siemens; Anthony Baldanza, Partner, Fasken Martineau

**15.30-15.45:** Coffee break

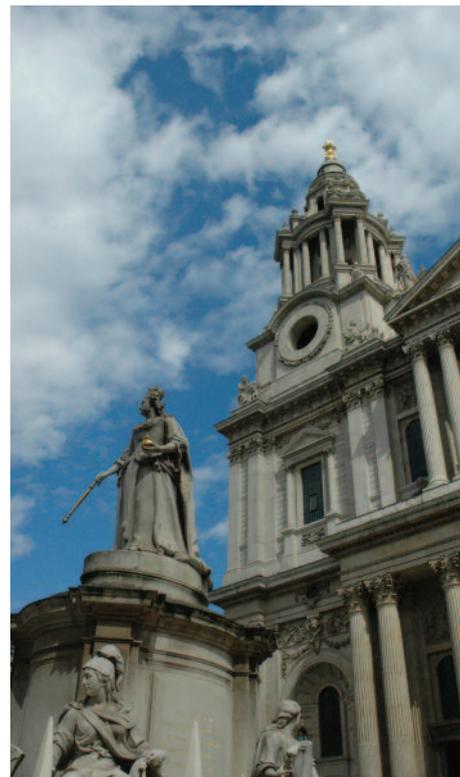
**15.45:** **Standards-essential patents: the emerging landscape**

Chair: Joachim Bornkamm, Judge, German Bundesgerichtshof

Speakers: Nicholas Banasevic, Head of Unit, DG Competition, European Commission; Mathew Heim, Senior Director, Government Affairs & Counsel, Qualcomm Inc; Nicolas Schifano, Director, Standards and Interoperability Policy, EMEA, Microsoft

**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](http://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](http://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).



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# Notes

For further details on the work of the ICC,  
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