

**Global Antitrust Institute at Scalia Law School, George Mason University
and Centre for Market Design at The University of Melbourne
Economics Institute for
Competition Judges and Enforcement Officials**

June 18-23, 2017
Melbourne, Australia

Agenda

Sunday, June 18

Arrival and Welcome Dinner

6:00-8:00 **Welcome Reception and Opening Dinner**

Monday, June 19

Introduction to Economics: Firms, Markets, and Competition

6:30-8:10 **Breakfast**

8:10-8:30 **Bus to Melbourne University**

8:30-9:00 **Introduction to Economics**
Judge Douglas H. Ginsburg, U.S. Court of Appeals for the District of Columbia
Circuit and Professor of Law, Antonin Scalia Law School, George Mason University

9:00-9:30 **Session 1 - Economic Thinking**
Joshua D. Wright, Executive Director, Global Antitrust Institute and University
Professor, Antonin Scalia Law School, George Mason University

Reading Assignment:

Michael R. Baye & Joshua D. Wright, *Is Antitrust Too Complicated for Generalist Judges? The Impact of Economic Complexity and Judicial Training on Appeals*, 54 JOURNAL OF LAW & ECONOMICS 1 (2011), pages 1-24.

Monday, June 19, continued

9:45-11:00

Session 2 - Individual Choice, Demand, and Welfare

Bruce H. Kobayashi, Professor of Law and Associate Dean for Research and Faculty Development, Antonin Scalia Law School, George Mason University

Reading Assignments:

Peter Cohen et al., *Using Big Data to Estimate Consumer Surplus: The Case of Uber* (Nat'l Bureau Econ. Research, Working Paper 22627, 2016).

ANDREW I. GAVIL ET AL., ANTITRUST LAW IN PERSPECTIVE: CASES, CONCEPTS AND PROBLEMS IN COMPETITION POLICY (3d ed. 2016), pages 17-22; 27-31.

11:15-12:30

Session 3 - Cost, Production, and Supply | Kobayashi

Reading Assignments:

GAVIL ET AL, ANTITRUST LAW IN PERSPECTIVE: CASES, CONCEPTS AND PROBLEMS IN COMPETITION POLICY (3d ed. 2016), pages 22-27; 91-97.

Armen A. Alchian, Cost (1968), *reprinted in* ECONOMIC FORCES AT WORK: SELECTED WORKS 301 (1977).

12:30-1:30

Lunch

1:30-2:45

Session 4 - Equilibrium, Markets, and Prices & Goals of Antitrust | Wright &

Koren W. Wong-Ervin, Director, Global Antitrust Institute and Adjunct Professor of Law, Antonin Scalia Law School, George Mason University

Reading Assignments:

Joshua D. Wright & Douglas H. Ginsburg, *The Goals of Antitrust: Welfare Trumps Choice*, 81 FORDHAM LAW REVIEW 2405 (2013).

GAVIL ET AL, ANTITRUST LAW IN PERSPECTIVE: CASES, CONCEPTS AND PROBLEMS IN COMPETITION POLICY (3d ed. 2016), pages 31-40, 76-87.

3:00-4:15

Session 5 – Economics of Innovation and Dynamic Competition | Wright

Reading Assignments:

Richard A. Posner, *Intellectual Property: The Law and Economics Approach*, 19 JOURNAL OF ECONOMIC PERSPECTIVES 57 (2005).

Douglas H. Ginsburg & Joshua D. Wright, *Dynamic Analysis and the Limits of Antitrust Institutions*, 78 ANTITRUST LAW JOURNAL 1 (2012).

WILLIAM J. BAUMOL ET AL., GOOD CAPITALISM, BAD CAPITALISM, AND THE ECONOMICS OF GROWTH AND PROSPERITY (2007), pages 15-59.

Tuesday, June 20

Firms, Differential Pricing, Cartels, and Due Process

6:30-8:10

Breakfast

8:10-8:30

Bus to Melbourne University

Tuesday, June 20, continued

- 8:30-9:45** **Session 6 - The Theory of the Firm, Vertical Integration, and Contracts | Kobayashi**
- Reading Assignments:
Francine Lafontaine & Margaret Slade, *Vertical Integration and Firm Boundaries: The Evidence*, 45 JOURNAL OF ECONOMIC LITERATURE 629 (2007).
- Benjamin Klein, *The Economics of Franchise Contracts*, 2 JOURNAL OF CORPORATE FINANCE 9 (1995).
- Suggested Additional Reading:
Ricard Gil & Wesley R. Hartmann, *Airing Your Dirty Laundry: Vertical Integration, Reputational Capital, and Social Networks*, 27 JOURNAL OF LAW ECONOMICS & ORGANIZATION 219 (2011).
- 10:00-11:15** **Session 7 – Differential Pricing and Welfare | Kobayashi**
- Reading Assignment:
Hal Varian, *Differential Pricing and Efficiency*, 1 FIRST MONDAY (1996).
- Suggested Additional Reading:
James C. Cooper et al., *Does Price Discrimination Intensify Competition? Implications for Antitrust*, 72 ANTITRUST LAW JOURNAL 327 (2005).
- 11:15-11:30** **Q&A**
- 11:30-12:30** **Lunch**
- 12:30-1:45** **Session 8 - A Theory of Oligopoly, Cartels, and Sanctions | Kobayashi & Ginsburg**
- Reading Assignments:
Dennis W. Carlton & Sam Peltzman, *Introduction to Stigler's Theory of Oligopoly*, 6 COMPETITION POLICY INTERNATIONAL 237 (2010).
- Douglas H. Ginsburg & Joshua D. Wright, *Antitrust Sanctions*, 6 COMPETITION POLICY INTERNATIONAL 3 (2010).
- Michelle M. Burtis & Bruce H. Kobayashi, *Regarding the Optimality of Cartel Fines*, CARTEL AND CRIMINAL CONDUCT NEWSLETTER, ABA Antitrust Section (Mar. 2017).
- 2:00-3:15** **Session 9 - International Due Process | Ginsburg & Wong-Ervin**
- Reading Assignments:
Douglas H. Ginsburg & Taylor M. Owings, *Due Process in Competition Proceedings*, 11 COMPETITION POLICY INTERNATIONAL 39 (2015).
- Douglas H. Ginsburg & Joshua D. Wright, *Antitrust Settlements: The Culture of Consent*, in 1 WILLIAM E. KOVACIC: AN ANTITRUST TRIBUTE—LIBER AMERICORUM 177 (Nicolas Charbit et al. eds., 2012).
- 3:15-5:30** **Study Break**
- 6:00-8:00** **Group Activity and Dinner**

Wednesday, June 21

Horizontal Mergers, Market Definition, and Competitive Effects

6:30-8:10 **Breakfast**

8:10-8:30 Bus to Melbourne University

8:30-9:45 **Session 10 - Horizontal Mergers I: Market Definition and Fundamentals | Wright**

Reading Assignments:

HAROLD DEMSETZ, *THE MARKET CONCENTRATION DOCTRINE: AN EXAMINATION OF EVIDENCE AND A DISCUSSION OF POLICY* (1973).

Jonathan Baker, *Market Definition: An Analytical Overview*, 74 ANTITRUST LAW JOURNAL 129 (2007).

10:00-11:15 **Session 11 - Horizontal Mergers II: Competitive Effects | Wright**

Reading Assignments:

Gregory J. Werden, *Unilateral Competitive Effects of Horizontal Mergers I: Basic Concepts and Models*, in 2 ISSUES IN COMPETITION LAW AND POLICY 1319 (2008).

Janusz Ordover, *Coordinated Effects*, in 2 ISSUES IN COMPETITION LAW AND POLICY 1359 (2008).

11:15-11:30 **Q&A**

11:30-12:30 **Lunch**

12:30-1:45 **Session 12 - Horizontal Mergers III: Efficiencies and Entry | Wright**

Reading Assignments:

Dennis W. Carlton, *Barriers to Entry*, in 1 ISSUES IN COMPETITION LAW AND POLICY 601 (2008).

Paul Yde & Michael Vita, *Merger Efficiencies: Reconsidering the 'Passing-On' Requirement*, 64 ANTITRUST LAW JOURNAL 735 (1996).

2:00-3:15 **Session 13 - Horizontal Mergers IV: Empirical Approaches to Market Definition and Statistical Evidence | Kobayashi**

Reading Assignments:

FTC v. Staples, Inc., 970 F. Supp. 1066 (D.D.C. 1997).

Orley Ashenfelter et al., *Empirical Methods in Merger Analysis: Econometric Analysis of Pricing in FTC v. Staples*, 13 INTERNATIONAL JOURNAL OF THE ECONOMICS OF BUSINESS 265 (2006).

Thursday, June 22

Vertical Restraints and Single-Firm Conduct

6:30-8:10 **Breakfast**

8:10-8:30 **Bus to Melbourne University**

8:30-9:45 **Session 14 - Vertical Restraints I: Fundamentals | Ginsburg**

Reading Assignments:

Benjamin Klein, *Competitive Resale Price Maintenance in the Absence of Free Riding*, 76 ANTITRUST LAW JOURNAL 431 (2009).

Francine Lafontaine & Margaret Slade, *Exclusive Contracts and Vertical Restraints: Empirical Evidence and Public Policy*, in HANDBOOK OF ANTITRUST ECONOMICS 391 (Buccirossi ed., 2008).

10:00-11:15 **Session 15 - Vertical Restraints II: Exclusive Dealing and Loyalty Discounts | Wright**

Reading Assignments:

Francine Lafontaine & Margaret Slade, *Exclusive Contracts and Vertical Restraints: Empirical Evidence and Public Policy*, in HANDBOOK OF ANTITRUST ECONOMICS 391 (Buccirossi ed., 2008).

Derek W. Moore & Joshua D. Wright, *Conditional Discounts and the Law of Exclusive Dealing*, 22 GEORGE MASON LAW REVIEW 1205 (2015), pages 1210-1219.

11:15-11:30 **Q&A**

11:30-12:30 **Lunch**

12:30-1:45 **Session 16 – Vertical Restraints III: Intellectual Property Licensing | Kobayashi**

Reading Assignments:

Gerard Llobet & Jorge Padilla, *The Optimal Scope of the Royalty Base in Patent Licensing*, 59 JOURNAL OF LAW & ECONOMICS 45 (2016).

Richard A. Posner, *Transaction Costs and Antitrust Concerns in the Licensing of Intellectual Property*, 4 JOHN MARSHALL REVIEW OF INTELLECTUAL PROPERTY LAW 325 (2004).

Suggested Additional Readings:

Bruce H. Kobayashi, *Does Economics Provide a Reliable Guide to Regulating Commodity Bundling by Firms? A Survey of the Economic Literature*, 1 JOURNAL OF COMPETITION LAW & ECONOMICS 707 (2005).

Josh Lerner & Jean Tirole, *Efficient Patent Pools*, 94 AMERICAN ECONOMIC REVIEW 691 (2004).

Roy W. Kenney & Benjamin Klein, *The Economics of Block Booking*, 26 JOURNAL OF LAW & ECONOMICS 497 (1983).

Thursday, June 22, continued

2:00-3:15 **Session 17 - Economics of Multi-Sided Platforms | Wright**

Reading Assignments:

Andrei Hagiu, *Strategic Decisions for Multisided Platforms*, MIT SLOAN MANAGEMENT REVIEW (Winter 2014).

David S. Evans & Richard Schmalensee, *The Antitrust Analysis of Multi-Sided Platform Businesses* (Univ. of Chi., Inst. for Law & Econ., Working Paper No. 623, 2012).

3:15-6:00 **Study Break**

6:00-8:00 **Closing Reception and Dinner**

Friday, June 23

Intellectual Property and Antitrust

6:30-8:10 **Breakfast**

8:10-8:30 **Bus to Melbourne University**

8:30-9:45 **Session 18 - Intellectual Property I: Fundamentals | Wright**

Reading Assignments:

Benjamin Klein & John Shepard Wiley, Jr., *Competitive Price Discrimination as an Antitrust Justification for Intellectual Property Refusals to Deal*, 70 ANTITRUST LAW JOURNAL 599 (2003).

Joshua D. Wright & Douglas H. Ginsburg, *Whither Symmetry? Antitrust Analysis of Intellectual Property Rights at the FTC and DOJ*, 9 COMPETITION POLICY INTERNATIONAL 41 (2013).

10:00-11:15 **Session 19 - Intellectual Property II: Standard Setting, FRAND, Holdup, and Extra-Jurisdictional Remedies | Wright & Wong-Ervin**

Reading Assignments:

Anne Layne-Farrar & Koren W. Wong-Ervin, *Standard-Essential Patents and Market Power*, WORLD COMPETITION DAY (2016).

Douglas H. Ginsburg et al., *The Troubling Use of Antitrust to Regulate FRAND Licensing*, CPI ANTITRUST CHRONICLE (Oct. 2015).

Bruce H. Kobayashi & Joshua D. Wright, *The Limits of Antitrust and Patent Holdup: A Reply to Cary et al.*, 78 ANTITRUST LAW JOURNAL 505 (2012), pages 715-722.

Suggested Additional Readings:

Koren W. Wong-Ervin & Anne Layne-Farrar, *An Analysis of the Federal Circuit's Decision in Ericsson v. D-Link*, CPI ANTITRUST CHRONICLE (Mar. 2015).

Joanna Tsai & Joshua D. Wright, *Standard Setting, Intellectual Property Rights, and the Role of Antitrust in Regulating Incomplete Contracts*, 80 ANTITRUST LAW JOURNAL 157 (2015).

11:30-12:45 **Session 20 - Hypotheticals | Wong-Ervin**