



ANNUAL REPORT, 2017

Global Antitrust Institute
Antonin Scalia Law School
George Mason University

Dear Friends and Supporters,

It is with great pleasure that I share this report on the continued success of the Global Antitrust Institute (GAI) over the past year. The entire GAI faculty join me in thanking our supporters and you, our advisors, who enable the GAI to continue its international leadership and success.

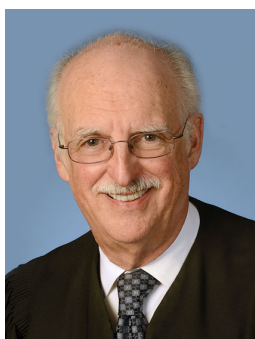
It was an exciting year for the GAI and for the George Mason — now Antonin Scalia — Law School at George Mason University. There were several large gifts to the law school that strengthen its faculty, provide scholarships for students, and support the work of its centers, including the GAI. This vote of confidence is a signal to the outside world of the value of the work we are doing here and the continued trust our donors place in us.

In 2017, the GAI held several economic and legal education programs for approximately 150 foreign judges and competition enforcers from around the world, including Australia, Brazil, China, Chinese Taipei, Hong Kong, India, Korea, New Zealand, the Philippines, Spain, and Vietnam. Of particular note is the GAI's inaugural Economic Seminar on Platforms and Multi-Sided Markets, held at the Administrative Council for Economic Defense (CADE) in Brazil.

The GAI also submitted seven comments to five different foreign and domestic competition agencies on draft laws and guidelines. The comments covered big data and innovation in Canada, Japan's guidelines on licensing negotiations involving standard essential patents (SEPs) and guidelines concerning the Antimonopoly Act, proposed amendments to the competition law of Vietnam, SEPs for a European digitalized economy, and revisions to China's Anti-Monopoly Guidelines and Anti-Unfair Competition Law.

Without your support, none of this would be possible. The loyalty and generosity of our supporters inspire me with confidence, and I am excited to build upon that momentum by expanding the influential programs offered by the GAI.

On behalf of the hundreds of judges, agency officials, legal professionals, economists, and scholars who benefit from our programs, thank you.



Respectfully,

A handwritten signature in blue ink that reads "Douglas H. Ginsburg".

Douglas H. Ginsburg
Chairman, GAI International Board of Advisors
Senior Judge, U.S. Court of Appeals for the District of Columbia Circuit

MISSION & STRATEGIC GOALS

The GAI promotes the application of sound economic analysis to competition enforcement around the world. The GAI was formed in 2014 in the belief that if policymakers, officials, and judges in charge of developing and applying competition law better understand the underlying economics, they will be more likely to make decisions that enhance consumer welfare and promote innovation.

The GAI also aims to promote excellence and academic leadership on issues integral to modern antitrust law and its relationship to the public and private sectors around the world. To those ends, the GAI offers economic education programs; engages in competition advocacy; participates in policy briefings, lectures, and academic workshops; and does research and scholarship at the intersection of antitrust law and economics and intellectual property policy. Finally, the GAI provides opportunities for faculty and students to engage in public debate, further raising the profile of the Scalia Law School and George Mason University.

PROGRAMS OVERVIEW

International Economics Institutes:

The GAI offers economic education programs for judges and competition enforcers worldwide, designed to teach the economic foundations of competition law analysis. To date, the GAI has conducted trainings for judges and competition enforcers from Argentina, Australia, Brazil, Canada, Chile, China, Chinese Taipei, Costa Rica, the Dominican Republic, Honduras, Hong Kong, India, Japan, Korea, Malaysia, Mexico, Mongolia, New Zealand, Pakistan, Peru, the Philippines, Singapore, Spain, Thailand, and Vietnam.

International Competition Advocacy Program:

The GAI provides recommendations to domestic and foreign competition authorities on draft laws and guidelines, which are designed to encourage the adoption of economically sound competition policies. To date, the GAI has submitted comments to the competition authorities of Canada, China, the European Commission, India, Japan, Korea, the United States, and Vietnam on matters such as the comprehensive revisions to China's Anti-Monopoly Law, the economics of multisided platforms, conduct involving standard-essential patents, "product hopping," deregulation, antitrust exemptions and immunities, case settlement policy, and sanctions and leniency policy.

Domestic Programs:

The GAI hosts several domestic programs, including symposia and policy briefings featuring international judges and competition enforcers to provide insight for U.S. stakeholders, and the annual GAI Invitational Antitrust Moot Court Competition that gives students from the U.S. and abroad an opportunity to compete in Washington, D.C. in front of present and former antitrust officials and distinguished antitrust lawyers.

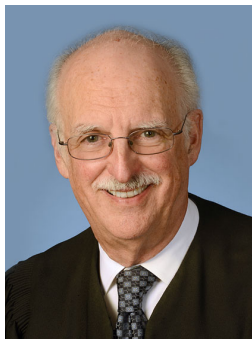
LEADERSHIP



Joshua D. Wright, Executive Director, is a University Professor of Law at Scalia Law and holds a courtesy appointment in George Mason University's Department of Economics. On January 1, 2013, the U.S. Senate unanimously confirmed Professor Wright as a member of the Federal Trade Commission (FTC), following his nomination by President Obama to that position. He rejoined the law school as a full-time member of the faculty in Fall 2015.

Professor Wright is a leading scholar in antitrust law, economics, intellectual property, and consumer protection, and has published more than 70 articles and book chapters, co-authored a leading antitrust casebook, and edited book volumes focusing on these issues.

Professor Wright received his J.D. from UCLA in 2002, his Ph.D. in economics from UCLA in 2003, and graduated with honors from the University of California, San Diego in 1998. He is a member of the California Bar.



Douglas H. Ginsburg, who conceived and created the GAI, serves as Chairman of its International Board of Advisors and is a Senior Judge on the U.S. Court of Appeals for the District of Columbia Circuit. He was appointed to the court in 1986 and served as Chief Judge from 2001 to 2008. After receiving his B.S. from Cornell University in 1970, and his J.D. from the University of Chicago Law School in 1973, he clerked on the D.C. Circuit and for Justice Thurgood Marshall on the United States Supreme Court.

Thereafter, Judge Ginsburg was a professor at the Harvard Law School, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice, and the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget. Concurrent with his service on the federal bench, Judge Ginsburg has taught at the law schools of the University of Chicago, Columbia University, and New York University. Judge Ginsburg is currently a Professor of Law at the Scalia Law School and a visiting professor at University College London, Faculty of Laws. He is the author of scores of articles and book chapters on antitrust law and policy.



Bruce H. Kobayashi, Senior Scholar and Founding Director, is the Associate Dean for Research & Faculty Development and a Professor of Law at Scalia Law. Professor Kobayashi's background in economics makes him a vital part of the law and economics focus at the law school.

Since coming to Scalia Law in 1992, he has been a frequent contributor to economics and law and economics journals. He previously served as a senior economist with the Federal Trade Commission, a senior research associate with the U.S. Sentencing Commission, and an economist with the U.S. Department of Justice.

Professor Kobayashi was educated at the University of California, Los Angeles, earning his B.S. in Economics and System Science (1981), and his M.A. (1982), and Ph.D. (1986) in Economics.



Tad Lipsky, Director of the Competition Advocacy Program, is an Adjunct Professor of Law at Scalia Law. From 1981–1983, Professor Lipsky served as Deputy Assistant Attorney General under William F. Baxter, President Reagan's first chief antitrust enforcement official, who sparked profound changes in antitrust law and policy. In that position, Professor Lipsky supervised Supreme Court litigation in a series of groundbreaking antitrust cases. He also supervised preparation of the 1982 Department of Justice Merger Guidelines, which provided the first clear and thorough economic foundation for the antitrust analysis of mergers, acquisitions and other structural

transactions.

More recently he served as co-chair of the Transition Team for the Federal Trade Commission following the election of President Donald Trump. Following his retirement in 2017 after fifteen years of partnership at Latham & Watkins, LLP, he served as the Acting Director of the FTC's Bureau of Competition. Professor Lipsky served as chief antitrust lawyer for The Coca-Cola Company from 1992–2002 and has incomparable experience with antitrust law regimes throughout the world, including established regimes (U.S., Brazil, Canada, Europe, India, Japan, South Africa) as well as in new and emerging antitrust law systems in scores of jurisdictions that adopted free-market institutions following the 1991 collapse of the Soviet Union.

Professor Lipsky received a J.D. from Stanford Law School and an M.A. in Economics from Stanford University.



John M. Yun, Director of Economic Education, is an Associate Professor of Law at Scalia Law. Prior to joining the GAI, he was the Acting Deputy Assistant Director in the Bureau of Economics at the U.S. Federal Trade Commission. Also at the FTC, he served as the Economic Advisor to Commissioner Joshua D. Wright, and as a staff economist. His experience includes the analysis of horizontal mergers, vertical restraints, and exclusionary conduct. Over an eighteen-year career at the FTC, he presided over a number of high-profile matters and investigations in various industries, including consumer products, retail, intermediate goods, and technology.

His research interests include law and economics, antitrust, regulatory policy, and industrial organization. He has published in academic journals including the *International Journal of Industrial Organization*, *Economic Inquiry*, *International Review of Law and Economics*, and *Review of Industrial Organization*. He has also taught economics at Georgetown University, Emory University, and Georgia Tech.

Professor Yun received his B.A. in economics at UCLA and his Ph.D. in economics at Emory University.

INTERNATIONAL BOARD OF ADVISORS

The GAI's International Board of Advisors is made up of highly respected antitrust scholars, judges, and practitioners from around the world:

- **The Honorable Douglas H. Ginsburg, Chair**, Professor of Law, Antonin Scalia Law School; Senior Circuit Judge, U.S. Court of Appeals, District of Columbia Circuit; Visiting Professor, University of London Faculty of Laws
- **Mariana Tavares de Araujo**, Partner, Levy & Salomão Advogados
- **Melanie L. Aitken**, Managing Principal, Bennett Jones LLP
- **Jonathan B. Baker**, Professor of Law, Washington College of Law, American University
- **Thomas O. Barnett**, Partner, Covington & Burlington LLP
- **Antonio Bavasso**, Co-Head of Global Antitrust Practice, Allen & Overy LLP
- **Sir Christopher Bellamy QC**, Chairman, Global Competition Practice, Linklaters LLP
- **Einer R. Elhauge**, Petrie Professor of Law, Harvard Law School
- **Adrian Emch**, Partner, Hogan Lovells International LLP
- **David S. Evans**, Lecturer in Law, University of Chicago Law School; Founder, Market Platform Dynamics
- **Anne Layne-Farrar**, Vice President, Charles River Associates
- **Allan Fels AO**, Professorial Fellow, University of Melbourne
- **John Fingleton**, CEO, Fingleton Associates
- **Sir Nicholas J. Forwood QC**, Counsel, White & Case LLP
- **Paul H. Friedman**, Partner, Dechert LLP
- **Samir R. Ghandi**, Head of Competition Practice, AZB & Partners
- **Jonathan Gleklen**, Chair of Antitrust/Competition Practice and Partner, Arnold & Porter Kaye Scholer LLP
- **Michael D. Hausfeld**, Chairman, Hausfeld LLP
- **C. Scott Hemphill**, Professor of Law, Columbia Law School
- **Herbert J. Hovenkamp**, James G. Dinan University Professor, Penn Law and Wharton Business, University of Pennsylvania
- **Keith N. Hylton**, William Fairfield Warren Distinguished Professor and Professor of Law, Boston University School of Law
- He Jing, Senior Consultant, Anjie Law Firm
- **William E. Kovacic**, Global Competition Professor of Law and Policy and Director of Competition Law Center, George Washington University Law School

- **Kai-Uwe Kühn**, Professor of Economics, University of East Anglia
- **Ioannis Lianos**, Director of Centre for Law, Economics & Society and Chair of Global Competition Law and Public Policy, University College London Faculty of Laws
- **Paul K. Mancini**, Senior Vice President and Assistant General Counsel, AT&T Inc. (retired)
- **Philip Marsden**, Professor of Law and Economics, College of Europe and Inquiry Chair, Competition and Markets Authority
- **Robert Ian McEwin**, Director, Global Economics Group
- **Eduardo Pérez Motta**, Partner, Agon Economía y Derecho
- **Damien Neven**, Professor of International Economics, The Graduate Institute Geneva
- **Jorge Padilla**, Senior Managing Director and Head of Compass Lexecon Europe
- **Patrick Rey**, IDEI Researcher and Professor of Economics, University of Toulouse I Capitole, Institut d'Economie Industrielle
- **James F. Rill**, Senior Counsel, Baker Botts LLP
- **The Honorable Jacqueline Riffault-Silk**, Judge, Commercial Chamber, Supreme Court, Paris
- **Barbara R. Rosenberg**, Partner, Barbosa, Müssnich & Aragão
- **The Honorable Peter Roth**, President, Competition Appeal Tribunal, United Kingdom
- **Daniel L. Rubinfeld**, Professor of Law, New York University School of Law
- **Charles F. Rule**, Head of Antitrust Group, Paul, Weiss, Rifkind, Wharton & Garrison LLP
- **J. Gregory Sidak**, Chairman and Founder, Criterion Economics LLC
- **Andreas Stephan**, Professor of Competition Law, University of East Anglia Law School
- **Robert D. Willig**, Professor of Economics and Public Affairs, Woodrow Wilson School of Public and International Affairs, Princeton University
- **Lawrence Wu**, President, NERA Economic Consulting

ECONOMICS INSTITUTES

Each Economics Institute is a week-long seminar designed to build an understanding of the economic foundations of antitrust and competition law, and to illustrate how economic analysis is applied to current and emerging competition issues. The program is designed for competition officials and judges from around the world who regularly handle antitrust and competition issues. The Economics Institutes presume no prior economics training.

In 2017, the GAI hosted the following Economics Institutes, with approximately 50 judges and competition enforcers from twelve different countries attending the programs:

Economics Institute for Competition Judges and Enforcement Officials (co-sponsored with Melbourne University)
Melbourne, Australia
June 18–23, 2017

Economics Institute for Competition Enforcement Officials
Dubai, UAE
March 12–17, 2017

The GAI also conducted economic education programs at national competition authorities, including the Fair Trade Commission in Chinese Taipei in March 2017 and the Administrative Council for Economic Defense (CADE) in Brazil in September 2017. The GAI is currently undertaking to provide training and capacity building for the competition agencies of Brazil and the Philippines.

COMPETITION ADVOCACY PROGRAM

The GAI provides recommendations to foreign competition enforcers on draft laws and guidelines, which are designed to facilitate the adoption of economically sound competition policy. To date, the GAI has submitted comments to the competition authorities of Canada, China, the European Commission, India, Japan, Korea, the United States, and Vietnam on issues such as the comprehensive revisions to China's Anti-Monopoly Law, the economics of multisided platforms, conduct involving standard-essential patents, "product hopping," deregulation, antitrust exemptions and immunities, case settlement policy, and sanctions and leniency policy.

In 2017, the GAI submitted the following seven comments to five jurisdictions on the following topics:

- The Canadian Competition Bureau's White Paper, "Big Data and Innovation: Implications for Competition Policy in Canada"
November 17, 2017
- The Japan Patent Office's Tentative Guidelines on Licensing Negotiations Involving SEPs
November 10, 2017
- The Proposed Amendments to the Competition Law of the Socialist Republic of Vietnam
May 7, 2017
- The Japan Fair Trade Commission's Draft Guidelines Concerning Distribution Systems and Business Practices Under the Antimonopoly Act
May 4, 2017
- The Communication from the European Commission on Standard Essential Patents for a European Digitalised Economy
April 28, 2017
- The Anti-Monopoly Commission of the China State Council's Anti-Monopoly Guidelines on the Abuse of Intellectual Property Rights
April 13, 2017
- The Proposed Revisions to the People's Republic of China Anti-Unfair Competition Law
March 19, 2017

PUBLIC POLICY CONFERENCES & SYMPOSIA

The GAI hosts and organizes academic conferences and events throughout the world, featuring international judges and competition enforcers to provide insight for stakeholders. The GAI faculty are also active participants in events hosted by other organizations.

ADDITIONAL PROGRAMS

The GAI and Scalia Law have a tradition of offering programs that address state and national antitrust concerns. Three prime examples of annual program offerings are:

- Annual Antitrust Symposium, co-sponsored with the George Mason Law Review

This symposium focuses on a different aspect of antitrust law each year. The 20th Annual Antitrust Symposium, held on February 23, 2017, addressed “Twenty Years in Antitrust and Lessons for a New Administration.” Panels discussed Chinese merger law, twenty years of merger enforcement in the United States, legal issues regarding pension reform, and the globalization of cartel enforcement. Expert panelists and speakers presented viewpoints of both domestic and international antitrust regimes.

- Annual GAI Invitational Moot Court Competition

The GAI co-sponsors an annual Invitational Moot Court Competition with the Scalia Law Moot Court Board. The GAI Invitational is the only moot court competition in the United States devoted exclusively to antitrust law and offers a unique opportunity for teams from invited law schools. Judge Ginsburg functioned as faculty advisor for this event, which involved twelve law student teams from prominent domestic and international law schools, including two teams from India and one from Belgium. The 3rd Annual GAI Invitational Moot Court Competition was held on February 24th and 25th, 2017.

- Annual Scalia Law Antitrust Job Fair

On August 10, 2017, the GAI co-sponsored Scalia Law’s 2nd Annual Antitrust Job Fair with the law school’s Career Services Office. This year’s career fair was attended by nineteen law firms and government agencies. Employers interviewed second- and third-year law students and a number of employment offers were made and accepted.

INTERNATIONAL FELLOWS PROGRAM

The GAI continues its International Fellows Program, in which foreign competition agencies and governments sponsor their enforcement officials to study under our supervision for several months. In 2017, the GAI hosted three International Fellows, including two from the Korea Fair Trade Commission and one from China’s National Development and Reform Commission. The GAI also hosted its first Visiting Scholars, from the Brazilian Administrative Council for Economic Defense.

AWARDS & RECOGNITION

The GAI received a number of awards for its work in 2017, including winning the Global Competition Review's 2017 Readers' Vote for Procedure for a paper entitled *The Costs and Benefits of Antitrust Consents*, authored by Joshua D. Wright and Douglas H. Ginsburg. The Concurrences 2018 Antitrust Writing Awards recognized three articles published in 2017. *A Comparative and Economic Analysis of the U.S. FTC's Complaint and the Korea FTC's Decision Against Qualcomm*, by Douglas H. Ginsburg et al., was nominated for best article on unilateral conduct. *Antitrust Provides a More Reasonable Regulatory Framework than Net Neutrality*, by Joshua D. Wright, was nominated for best article in the general antitrust category. And *Comity's Enduring Vitality in a Globalized World*, by Douglas H. Ginsburg and John M. Taladay, won the award for best article addressing cross-border concerns. The GAI was also nominated for the Global Competition Review's Academic Excellence Award for outstanding contributions made to competition policy in 2017.

The GAI has also received recognition by the press in dozens of articles over the last year. These articles include widely-read sources, both international and domestic, such as Competition Policy International, Global Competition Review, MLex, and Policy and Regulatory Report (PaRR).

LOOKING AHEAD IN 2018

The GAI has already hosted a number of exciting programs in 2018 and has several more planned throughout the year, including the following:

- 21st Annual *George Mason Law Review* Antitrust Symposium – “The Consumer Welfare Standard: From the Antitrust Paradox to Hipster Antitrust”
Scalia Law School, Arlington, VA
February 16, 2018
- 4th Annual Invitational Moot Court Competition
Washington, D.C.
February 17–18, 2018
- Economics Institute for Competition Enforcement Officials
Oahu, Hawaii
March 11–16, 2018
- “Future Perspectives on Media Markets: Competition, Pluralism, and Regulatory Oversight,” a public colloquium, in association with the Jevons Institute, University College London; co-sponsored by the competition authorities of Italy, France, Germany, and the United Kingdom
Rome, Italy
May 22, 2018

- Economics Institute for Competition Enforcement Officials
Santa Monica, CA
June 24–29, 2018
- “An Antitrust Professor on the Bench,” a conference celebrating the publication of
“Judge Douglas Ginsburg: Liber Amicorum,” vols. I and II, co-sponsored by Concurrences
Scalia Law School, Arlington, VA
November 5, 2018

THANK YOU

The staff of the GAI is grateful for the generous support of those who enable the GAI to pursue its mission and achieve its success. There is no tuition for GAI programs—they are provided as a public service.

On behalf of the numerous policymakers, practitioners, and scholars who benefit from the GAI, thank you for your continued advice and support.