10th ASCOLA CONFERENCE TOKYO 2015
Abuse Regulation in Competition Law
- Past, Present and Future

Program

21 May 2015 (Thursday Night)

16.00-17.30 BOARD MEETING
Meiji Univ. Liberty Tower Building 23rd Floor, Yashiro-hall

17.00-19.00 REGISTRATION
Meiji Univ. Global Front Building 1st floor

17.40-18.00 OPENING REMARKS
Meiji Univ. Global Front Building 1st floor Global Hall

Welcome addresses
Welcome address Kazuyuki Sugimoto, the Chairman of the Japan Fair Trade Commission
Welcome address Professor Kenichi Fukumiya, President of Meiji University
Welcome address Professor Paul Nihoul, Chair of Ascola

Explanation of the Structure of the Conference
by Professor Iwakazu Takahashi

18.00-19.00 OPENING SESSION
Chair: Iwakazu Takahashi
Meiji Univ. Global Front Building 1st floor Global Hall

Keynote Speech and Dialogue
Prof. Emeritus Mitsuo Matsushita, Tokyo University
Prof. Eleanor Fox, New York University:
Mitsuo Matsushita, Monopolization and Abuse of Superior Bargaining Position in the Context of Different Antitrust Philosophies

19.00–20.45 WELCOME RECEPTION
Meiji Univ. Liberty Tower Building 23rd Floor, Kishimoto-hall

22 May 2015 (Friday Morning)

8.30-12.00 REGISTRATION
Meiji Univ. Global Front Building 1st floor

9.00-11.00 GENERAL SESSION 1– Perspectives to address the topic
Chair: Eleanor Fox

Adi Ayal, Abuse of Power: Market, Economic, and Bargaining

Peter Behrens, Ordoliberalism and abuse regulation

Pablo Ibáñez-Colomo, Uncovering the rationale of Article 102 TFEU: The real nature of abuse of dominance provisions

Thomas Cheng and Michal Gal, Superior Bargaining power: Dealing with Aggregate Concentration Concerns

Paul Nihoul, Dominance and market power – do we need an abuse?

11.00–11.15 Coffee Break

11.15 – 13.15 PARALLEL SESSIONS – Current Issues

**General Issues, State Intervention**
Chair: Daniel Zimmer
Meiji Univ. Global Front Building 1st floor, Global Hall

Ruprecht Podszun, The pitfalls of market definition – Towards an open concept of markets

Lorenz Marx, Enforcement of Art. 102 TFEU – a Statistical Analysis

Francisco Marcos, When the State grants market power?
Xiaomin Fang, The Application of Chinese Anti-Monopoly Law upon State-Owned Enterprises

**Abuse Conducts**

Chair  Sandra Marco Colino  
Meiji Univ. Global Front Building 1st floor  Multi- Purpose Hall

Antonio Robles: EXPLOITATIVE PRICES IN EUROPEAN COMPETITION LAW

Andreas Fuchs, “Margin Squeeze as a Stand-alone Form of Abuse? –A Comparative Analysis under Art. 102 TFEU and Sec. 2 Sherman Act”

Krzysztof Rokita, ABUSE OF DOMINANCE BY GRANTING REBATES IN EU COMPETITION LAW

Petri Kuoppamaki, TYING AND TWO-SIDED DIGITAL PLATFORMS

**Abuse Conducts in Sectors**

Chair  Michal Gal  
Meiji Univ. Global Front Building 3rd floor

Luis Morais, Abuse regulation and the financial sector Financials

Maria Ioannidou, Abuse Regulation in the EU energy sector: mapping substantive and procedural enforcement

Björn Lundqvist, Abuse of Dominance in the Pharma & Biotech Sectors


Jonathan Galloway, Current Regulation of Abuse of Market Power: online platforms, tying, and the kaleidoscope of interests

**13.15–14.15 Lunch**
14.15-16.00 PARALLEL SESSIONS + WORKSHOP

**Intellectual Property Rights**
Chair: Francisco Marcos
Meiji Univ. Global Front Building 1st floor, Global Hall

Wolfgang Kerber and Severin Frank, Patent Settlements in the Pharmaceutical Industry: What Can We Learn From Economic Analysis?

Sofia Oliveira Pais, Standard Essential Patents – Licence to kill?

Shuya Hayashi, Exclusionary Effects of Blanket Copyright License Agreement Offered by a Dominant Firm — A Case Study on Abuse of Dominance in Japan and Its Justifications

Sven Gallash, Unilateral product hopping through pay for delay settlements under Art 102 TFEU – A viable theory of harm with significant anticompetitive potential for the European pharmaceutical sector

**Procedure Issues**
Chair: Björn Lundqvist
Meiji Univ. Global Front Building 1st floor Multi-Purpose Hall

Pieter Van Cleynenbreugel, Legal presumptions in abuse regulation: (where) do EU and U.S. antitrust approaches meet?

Ewelina D. Sage and Tadeusz Skoczny, Commitments decisions as the winning instrument of negotiated enforcement of the abuse prohibition in Europe, or are they?


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**14.15 - 16.00 WORKSHOP (22 May 2015 Friday Afternoon)**

The workshop will take place parallel to the sessions on Friday afternoon. The difference between workshop sessions and other
sessions is that the contributions presented during the former do not necessarily relate to the theme of the conference. There is no hierarchy between the presentations, whether they are presented in the workshop or during the normal sessions.

**Workshop 1 – Issues of Dominance and Abuse**  
Chair: David Bosco  
Meiji Univ. Global Front Building 2nd floor

Barry Rodger, Abuse of dominance before UK courts

Gintare Surblyte, Dominance in the Digital Economy

Knut Fournier, Amazon as a two-sided market and its antitrust implications

Sujitha Subramanian, Car spare parts decision taken by the Indian Competition Authority

**Workshop 2 – Other Issues**  
Chair: Valeria Falce  
Meiji Univ. Global Front Building 3rd floor

Michal S. Gal and Daniel L. Rubinfeld, THE HIDDEN COSTS OF FREE GOODS: IMPLICATIONS FOR ANTITRUST ENFORCEMENT

Peter Whelan, Section 47 of the Enterprise and Regulatory Reform Act 2013: A Flawed Reform of the UK Cartel Offence

Marco Botta, Alexandr Svetlicinii, Maciej Bernatt, The Assessment of the Effect on Trade by the National Competition Authorities of the “New” Member States: Another Legal Partition of the Internal Market?

Florence Thépot, Corporate Compliance with Competition Law

**Workshop 3 – Other Issues**  
Chair: Rupprecht Podszun  
Meiji Univ. Global Front Building 3rd floor

Amedeo Arena, Recent Developments in Italian law on abuse of economic dependence and the relationship with EU law.
Sandra Marcos Colino, The Boundaries of Abuse Regulation: Why Harm Should Matter

Kelvin H. Kwok, Abuse of Substantial Market Power under Hong Kong Competition Law: A Comparative Perspective

16.00 – 16.15  **Coffee Break**

16.15-18.15: GENERAL SESSION 2– The relationship with dominance

  Chair. Barry Rodger

  Meiji Univ. Global Front Building 1st floor, Global Hall

  Florian Wagner---von Papp, Unilateral conduct by non---dominant firms: A comparative reappraisal

  Stefan Thomas, The Protection of the Supply Side Ex-ante and Ex-post Control of Buyer Power

  Mor Bakhoum, Abuse without Dominance in Competition Law: Abuse of Economic Dependence and its Interface with Abuse of Dominance

  Mariateresa Maggiolino and Maria Lillà Montagnani, Wandering in the Land of the EU Abuse of Rights Coordinates from the Antitrust Experience?

**General Assembly,**

  Meiji Univ. Global Front Building 1st floor, Global Hall

**Official Dinner “Tokyo Shiba Ukai”**

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23 May 2015 (Saturday Morning)

9.00-11.00  GENERAL SESSION 3– national practices relating to abuse of dominant position and superior bargaining position – countries

  Chair : Josef Drexl

  Meiji Univ. Global Front Building 1st floor, Global Hall

  Toshiaki Takigawa, Regulating Abuse of Bargaining Position through the Competition Law: Japanese Regulation in Comparison with the EU’s Exploitative Abuse Regulation
Josef Bejček, On abuse of (plain) market power and of so-called significant market power

Valeria Falce, The Italian Regulation against the abuse of economic dependence.

Emmanuela Truli, “Relative dominance and the protection of the weaker party: Enforcing the Economic Dependence provisions and the example of Greece”

11.00–11.15 Coffee Break

11.15–13.15 GENERAL SESSION 4 - Unconscionable Conduct, Subcontact Act
Chair: Alan Fels
Meiji Univ. Global Front Building 1st floor, Global Hall

David BOSCO, UNCONSCIONABLE CONDUCTS IN FRANCE

Kazuhiro Fuchikawa, Legal Analysis of the Japanese Subcontract Act: Focus on the Grocery Industry

Abayomi Al-Ameen, Application of Abuse of Dominance in New Competition Regimes: Unconscionability as a Stabilising Tool at Time of Indecision

Allan Fels AO and Matthew Lees, Unconscionable conduct in the context of competition law with special reference to retailer / supplier relationships within Australia

GENERAL CONCLUSIONS
Chair of Ascola: Paul Nihoul
Meiji Univ. Global Front Building 1st floor, Global Hall

Note - This program does not create any financial right on Ascola or the organizer. Sessions may be organized parallel to one another depending on necessities.