

8TH WINTER SCHOOL ON ECONOMICS OF COMPETITION LAW

REPORT

Winter School on Economics of Competition Law is a flagship annual programme that seeks to assist competition authorities, professionals, and students of law and economics to acquire conceptual foundations, discuss contemporary issues, and bring rigour and sharpness to competition analysis.

As of 2023, eight editions of the Winter School have been successfully organized.

APRIL 3, 2023 – APRIL 14, 2023

**CUTS INSTITUTE FOR
REGULATION & COMPETITION**

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1. ABOUT CUTS INSTITUTE FOR REGULATION & COMPETITION (CIRC)

CUTS Institute for Regulation & Competition (CIRC) is a think-tank and capacity-building organization in the area of law and economics. The institute operates in five thematic areas, namely: Competition Law and Policy, Digital Economy Regulation, Market/ Economic Regulation, Sustainability and Infrastructure Regulation/ PPPs, and Alternate Dispute Resolution/ Online Dispute Resolution.

The institute is driven by its (singular) client-centric approach. CIRC understands the problems clients face and specialize in crafting fit-for-purpose solutions. Our extensive expertise and trusted advisory services have earned us a remarkable client portfolio, including multilateral and bilateral government, regulatory bodies, and PSUs & private agencies. We build trust through our commitment to integrity, ensuring that our research, capacity building, and advisory services deliver optimal solutions.

CIRC operates where law, economics, technology, business, and governance meet. We actively enquire the dynamic interplay between these domains to understand the role of competition plays in market economies. Through our research, we continuously generate knowledge and translate it into innovative learning interventions. Our pioneering learning interventions include onsite, online and hybrid delivery in short and long-duration formats. Stay at the forefront of this transformative era with CIRC's multidisciplinary expertise and comprehensive educational offerings.

2. CONTEXT OF THE 8th WINTER SCHOOL

Over the past few years, as markets have become increasingly global as well as digital, the approaches to regulate them have leaned more heavily on economics. Modern competition law differs from traditional competition law in that it reflects the economic dimensions of analysing market structures and behaviour on account of innovation and market dynamism. Furthermore, the basic character of modern competition laws has shifted from size to conduct. Unlike many other laws, competition law straddles law and economics. The same principle also applies in other commercial laws but in competition law, the relationship is much deeper. Competition law must be applied on a ‘rule of reason’ approach rather than a straightforward ‘rule of law’ approach.

Thus, regulatory and competition authorities have moved to adopt more economics-based approaches in assessing business practices and anti-competitive behaviour. It is critical to understand these nuances to help better understand the bigger picture and thus adjudicate competition cases. Therefore, CIRC organised its 8th Winter School on Economics of Competition Law from 03-14 April 2023.

3. OBJECTIVES OF THE 8th WINTER SCHOOL

The goal of CIRC's Winter School on Economics of Competition Law is to familiarise participants with economic literature in the field of competition law and equip them to use the economic analysis tools and methods used around the world.

Lately, contemporary issues such as algorithmic collusions, privacy, killer acquisitions and regulatory overlaps are arising all over the world. Competition authorities are grappling with the complexities of digital markets.

The literature on these issues is a work in progress and there is no consensus on these yet. CIRC focused the 8th Winter School on these themes by bringing distinguished speakers researching and working on these themes to share their knowledge, experience and ongoing research with the participants.

The training programme was attended 35 learners which included the representatives of competition authorities, competition lawyers, academics, professionals, corporate and legal consultants, and students.

Key Learning Outcomes:

- i. **Understanding the Economic Impact on Competition Law and Regulation:** Participants grasped the significance of economics in shaping modern competition law. They comprehended the shift from traditional competition law towards an economics-based approach in analysing market structures and behaviour.
- ii. **Realization of the Global Shift towards Economics-based Regulatory Approaches:** Learners appreciated how regulatory and competition authorities globally were employing more economics-based methodologies to scrutinize business practices and identify anti-competitive behaviour.
- iii. **Knowledge of Policy Formulation and Consultation:** Participants gained insight into how current policy formulation and consultation processes incorporated market dynamics. They understood the importance of these nuances for grasping the larger picture of competition law.

- iv. **Application of Competition Economics Across Sectors:** With competition law being sector-neutral, learners acquired the ability to apply their understanding of competition economics across various sectors, enabling them to analyse the complex interplay of competition issues within all realms of the economy.
- v. **Appreciation of Global Relevance and Local Application:** The knowledge participants gained held relevance regardless of their geographical location or jurisdiction. They were able to apply universal themes of competition law to local contexts.
- vi. **Exposure to Evolving Jurisprudence:** Through the analysis of case studies, decisions, and approaches from various regions like the US, EU and other developed and developing countries, learners gained exposure to evolving jurisprudence in competition law within a common analytical framework.
- vii. **Enhanced Understanding of Contemporary Issues:** Participants were able to analyze contemporary issues such as the importance of economic evidence in competition law, the role of economic tools and analysis in cases related to cartels, vertical agreements, abuse of dominance, mergers and acquisitions, and the use of consumer surveys in competition case analysis in an informed manner.

4. EXECUTIVE SUMMARY

The 8th edition of the CIRC's Winter School on Economics of Competition Law was a comprehensive training program designed to familiarize attendees with the economic literature and analysis tools used in competition law globally. The event took place from 3-14 April 2023, encompassing a 20-hour training programme spread over two weeks.

The primary focus of the Winter School was to address contemporary issues such as algorithmic collusions, privacy concerns, killer acquisitions, and regulatory overlaps. These themes are increasingly pertinent as competition authorities worldwide are trying to navigate the complexities of digital markets.

The Winter School was attended by a diverse group of 35 participants, including representatives from competition authorities, competition lawyers, academics, professionals, corporate and legal consultants, and students. They were given the opportunity to learn from distinguished speakers actively researching and working in these areas.

The curriculum was designed to enhance discourse on the application of economic tools and analysis in competition law cases, demonstrating the growing importance of economics in understanding markets and assessing competition law violations. The sessions covered a range of topics, including the significance of economic evidence in competition law, economic tools for analysing cartels and vertical agreements, cross-border issues in competition law enforcement, the interface of intellectual property and competition law, and the economics of abuse of dominance and mergers & acquisitions.

The Winter School placed strong emphasis on the practical application of economic theories and techniques, leveraging case studies and real-world examples. This approach provided participants with a well-rounded understanding of the complexities of the field, preparing them for the evolving landscape of global competition law and economics.

5. SESSION-WISE PROCEEDINGS

5.1. SETTING THE CONTENT

Speaker: **Dr Navneet Sharma, Director General, CIRC**

Time: 02:00- 02:30 IST

Date: 03 April 2023

Day: Monday

Broad topic covered in this session:

Evolution of competition law & policy.

Proceedings of the session:

Dr Sharma, delivered the inaugural session at the 8th Winter School. Captivating the audience from the very beginning, Dr Sharma initiated the session by encouraging active participation, inviting participants to introduce themselves and share their expectations from the 8th Winter School. This interactive approach set the tone for an engaging and collaborative learning experience.

With profound expertise, Dr Sharma delved into the evolution of competition law and policy on a global scale. He shed light on the intricate relationship between competition policy and competition law, emphasizing the necessity of both in fostering fair and efficient market dynamics. Exploring the benefits of competition, he posed thought-provoking questions such as, "Can competition kill competition?" These inquiries prompted attendees to critically analyze the multifaceted nature of competition and its impact on market dynamics.

Moreover, Dr Sharma provided insights into the historical journey and evolution of competition law in India. Drawing upon his extensive experience, he discussed the challenges faced by developing countries in implementing robust competition frameworks and highlighted the interaction and overlap of competition law with other regulatory bodies.

5.2.FIRST SESSION: Importance of economic evidence in competition law- Case Studies

Speaker- **Dr Frederic Jenny, Chairman, OECD Competition Committee**

Time- 2:30pm to 4:45pm IST

Date: April 03, 2023

Day: Monday

Broad topic covered in the session-

The usage of economic concepts in competition law and the relevance of circumstantial evidence in antitrust enforcement

Proceedings of the session-

The session commenced with an engaging presentation by Dr Jenny, unravelling the significance, role, and numerous advantages of competition within a market. Dr Jenny skilfully explored the economic aspects intertwined with competition law, shedding light on key concepts like consumer surplus, analytical methodologies, measurement techniques, and price elasticity. This comprehensive overview enabled attendees to grasp the intricate economic underpinnings that shape the dynamics of competition.

Delving further, Dr Jenny introduced the audience to the intriguing realm of exploitative and exclusionary practices, elucidating the impacts of mergers through unilateral and coordinated effects. Participants gained valuable insights into the necessity of delineating relevant markets and differentiating between unfair trade practices and anti-competitive practices.

Drawing from compelling case studies, such as the Indian Medical Equipment case and the US Ice-cream case, Dr Jenny highlighted the court's astute consideration of circumstantial evidence, including intriguing factors like "common typos" and "same spelling mistakes." This exemplified how real-world scenarios influence judgments in cartel-related matters, making the session both informative and captivating.

Closing the session on a powerful note, Dr Jenny emphasized the relevance of plus factors in establishing parallel pricing as anti-competitive conduct. Referencing the

renowned Toshiba Chemical Case, attendees gained deeper insights into the nuanced dynamics of competition law and its practical applications.

The session presented a remarkable opportunity for attendees to broaden their understanding of competition law, enabling them to navigate the intricate landscape with confidence and expertise.

Key learning outcomes-

- Identify the Elements of economics competition law
- Assess the relevance of competition in developing countries
- Get acquainted with various legal constraints on business practices such as Unfair trade practices, Horizontal and Vertical agreements, Merger control
- Illustrate the application of Conduct and Structural evidence, specifically in Cartels.

Given that I am neither from an Economics nor Law background (I am getting on the job training) I learnt many new things and same will help me in my role as Advocacy and Communications Officer at the Competition Commission of Mauritius.

- Learner from Competition Commission of Mauritius

5.3.SECOND SESSION: Cartels - Economic tool and Analysis - Theory and Cases -1

Speaker: **Dr Rhonda Smith, Senior Fellow, Faculty of Business and Economics, University of Melbourne**

Time: 11.00 -1.30 am IST

Date: April 4, 2023

Day: Tuesday

Broad topic covered in the session-

Horizontal agreements and their implications on market dynamics

Proceedings of the session-

In an extraordinary session led by the esteemed Dr Rhonda Smith, participants at the 8th Winter School were immersed in a captivating exploration of the fascinating world of horizontal agreements. Delving into the intricacies of anticompetitive practices, Dr Smith unveiled the economic concepts that underpin the dynamics of competition and market power.

She unravelled the complex realm of oligopoly and strategic behavior, shedding light on critical factors such as price leadership and their impact on market dynamics. The session delved into the clandestine realm of cartels, unravelling their inner workings, and unveiling the incentives that drive collusion. Dr Smith provided in-depth insights into the effects of cartels, drawing on captivating case studies such as the infamous Lysine Cartel and the compelling Queensland Concrete case.

One particularly enlightening aspect of the session was the discussion on leniency policy and criminal sanctions, unveiling the mechanisms designed to deter anticompetitive behavior. Dr Smith's exceptional delivery and comprehensive exploration of the subject left attendees spellbound, unveiling the intricacies of horizontal agreements and their profound implications on market dynamics.

Key learning outcomes-

- Intricacies of Anticompetitive Practices.
- Understanding of Economic Concepts: Efficiency, Oligopoly, Strategic Behavior.

- Insight into Cartels and their Operations.
- Familiarity with Antitrust Markets.
- Knowledge of Leniency Policy and Criminal Sanctions.

Being a non-technical person, I learnt much about cartels.

*- Learner from Competition
Commission of Mauritius*

5.4. THIRD SESSION: Cartels - Economic tool and Analysis - Theory and Cases -2

Speaker: **Dr Rhonda Smith, Senior Fellow, Faculty of Business and Economics, University of Melbourne**

Time: 11.00 -1.30 am IST

Date: April 5, 2023

Day: Wednesday

Broad topic covered in the session-

Tacit Collusion, Hub & Spoke Cartels, and Algorithmic collusion

Proceedings of the session-

In an engaging and enlightening session led by Dr Rhonda Smith, participants were immersed in a captivating exploration of a significant aspect of competition law: tacit collusion. Delving into the intricacies of this complex phenomenon, Dr Smith shed light on the concerns surrounding tacit collusion, particularly within the context of the oligopoly problem.

Throughout the session, attendees gained valuable insights into various manifestations of tacit collusion, including hub and spoke arrangements and the impact of the Most Favored Nation (MFN) clause. A compelling case study centered around Booking.com illuminated the potential pitfalls and challenges posed by tacit collusion in real-world scenarios.

The session also delved into the intriguing realm of algorithmic collusion, exploring the role of algorithms in facilitating anti-competitive behavior. Dr Smith's expert guidance and thought-provoking discussions provided participants with a deeper understanding of this emerging area of concern.

Key discussion points-

- Understanding tacit collusion
- Recognizing the oligopoly problem
- Exploring key collusion mechanisms
- Examining algorithmic collusion

I gained valuable insights during the session, deepening my understanding of key concepts such as tacit collusion, oligopolistic market dynamics, concerted practices, and conscious parallelism. The session equipped me with knowledge that I can readily apply in my professional endeavors.

*- Learner from Competition
Commission of Mauritius*

5.5.FOURTH SESSION: Vertical Agreements - Economic tools and analysis- Theory

Speaker- **Dr Avantika Chowdhury, Partner, Oxera and Dr Anastasia Shchepetova, Senior Consultant, Oxera**

Time- 3:00pm to 5:15pm IST

Date- April 6, 2023

Day- Thursday

Broad topic covered in the session-

Introduction to various vertical restraints alongside their efficiencies and effect on the market

Proceedings of the session-

The session commenced with Dr Chowdhury providing a comprehensive introduction to fundamental concepts that shape market dynamics. Exploring the intricacies of vertical and horizontal relationships, inter and intra brand competition, and more, she laid the groundwork for a captivating discussion.

Delving deeper into the topic, Dr Chowdhury examined the incentives behind imposing vertical restraints, while shedding light on the potential competitive concerns and efficiencies that may arise as a result. Drawing upon legal frameworks in Europe, she highlighted the application of objective justifications in addressing vertical restraints.

The session continued with Dr Shchepetova delivering an insightful analysis of Resale Price Maintenance (RPM) and Most-Favored-Nation (MFN) Clauses. Backed by empirical analysis, she elucidated the anti-competitive effects associated with these practices. Real-time examples, such as the Online Hotel Booking Industry (as seen in the Booking.com case), were employed to illustrate the theories of harm arising from such agreements and the relevance of the concept of freeriding. By providing a deep understanding of these complex subjects and their real-world implications, the session offered a valuable glimpse into the dynamics of competition in various industries. Attendees gained key insights into the intricacies of vertical restraints, the legal considerations involved, and the potential impact on market dynamics.

Key learning outcomes-

- Learn various forms and potential effects of vertical restraints.
- Compare and contrast the efficiencies arising out of vertical restraints with the competitive concerns.
- Examine the legal treatment given to anticompetitive vertical agreements.
- Map the anti-competitive effect of RPM using graphical representations.
- Assess the impact of MFN clauses with the help of case studies.

The session on vertical agreements provided a valuable learning experience, covering essential topics such as vertical restraints and case studies on restraint competition. I gained valuable insights into the efficiencies associated with vertical restraints. The session enabled me to refine my approaches in assessing and analyzing such agreements, enhancing my professional expertise in this area.

- Learner from Barbados Fair Trading Commission

5.6.FIFTH SESSION: Vertical Agreements - Economic tools and analysis- Case Studies

Speaker: **Mr Tamrat Shone, Senior Consultant, Oxera**

Time: 3.00 -5.30 pm IST

Date: April 9, 2023

Day: Friday

Broad topic covered in the session- Economic Tools and Analysis in Assessing Vertical Agreements, the Use and Impact of Wide Most-Favored Nation Clauses (MFNs).

Proceedings of the session-

During the session, Mr Shone delved into the fascinating subject of comparing the use of wide Most-Favored Nation clauses (MFNs) in home insurance by Comparethemarket. The discussion revolved around assessing the impact of these MFNs and whether they are considered good, bad, or neutral. An empirical ex-post assessment was conducted to gain deeper insights into the concerns and efficiencies associated with such agreements.

The session began with a comprehensive overview of MFNs, providing a recap of the concerns and efficiencies they raise. Mr Shone emphasized the importance of understanding two-sided market definition in the context of vertical agreements. He further elaborated on the Competition and Markets Authority's (CMA) commission Single Small but Significant Non-transitory Increase in Price (SSNIP) test, focusing on its application to a single market.

The effects analysis of wide MFNs was thoroughly examined, considering the implications of partial coverage and lack of adherence to these agreements. Drawing upon relevant economic literature, Mr Shone highlighted the largely ambiguous theoretical predictions regarding the effects of wide MFNs. The question of whether MFNs should be assessed on a 'by object' or a 'by effect' basis

was discussed, along with the role of internal documents in conjunction with economic analysis.

Mr Shone's session on vertical agreements provided participants with a deep understanding of economic tools and analysis in the context of case studies. The insightful exploration of wide MFNs in home insurance shed light on the complex considerations and implications surrounding such vertical agreements.

Key discussion points-

- Compare the market's use of wide MFNs in home insurance: Evaluating impact and efficiency.
- Understanding MFNs and their implications in vertical agreements.
- Consideration of two-sided market dynamics in analyzing vertical agreements.
- Application of CMA's SSNIP test to assess effects of wide MFNs.
- Assessing MFNs on a 'by object' or 'by effect' basis and role of internal documents.

Enjoyed the application/use of applying theory to practice by answering polls. This worked extremely well, since you could answer without embarrassing yourself and get to think about application. Also great that questions were simple and easy to understand. Great speaker who made concepts interesting and easy to understand.

- Learner from Competition Commission of South Africa

5.7.SIXTH SESSION: Cross-border issues in competition law enforcement and policy

Speaker- **Prof. Marek Martyniszyn, Competition law and Policy, School of Law Queen's University, Belfast**

Time- 12:00 pm - 02:15 pm IST

Date-April 8, 2023

Day- Saturday

Broad topic covered in the session-

The effects doctrine, two jurisdictional tests, remedies for solving cross cross-boundary disputes

Proceedings of the session-

The session commenced with an eye-opening presentation by Prof. Martyniszyn, shedding light on a global phenomenon that has impacted people unknowingly—international price fixing cartels. He explored the intriguing question of whether the transfer of wealth from affected nations to the hosting states of these violators can be considered a form of cross-border theft.

Delving deeper, Prof. Martyniszyn outlined various potential remedies to address these cross-border challenges. These included addressing issues at their source, adopting multilateral approaches, and leveraging the actions of harmed states. However, he compellingly argued that the most viable option lies in the latter, as host states often prioritize their own taxpayers and may disregard global welfare due to inward transfers of revenue.

Introducing the concept of extraterritoriality in competition law enforcement, Prof. Martyniszyn explored its significance and implications. He also explored the enforcement of the "effects doctrine" by the US Court, providing an intriguing perspective on its application.

To further elucidate the jurisdictional aspects of cross-border suits, Prof. Martyniszyn discussed two tests that can help determine the appropriate jurisdiction for such cases, distinguishing between imports and other scenarios.

The thought-provoking insights shared during this session unveiled a complex landscape of cross-border issues in competition law, highlighting the need for robust and internationally coordinated approaches.

Key learning outcomes-

- Get sensitized about the cross boundary disputes in competition law enforcement.
- Examine the historical development of the remedies for solving cross boundary issues.
- Analyse the application of the effects doctrine.
- Learn about various tests which help adjudge the correct jurisdiction.

The session on cross-border enforcement provided valuable insights into the challenges faced in this area and offered practical solutions. I gained a deeper understanding of the complexities involved and learned effective strategies to overcome these challenges.

- Learner from Lesotho

5.8.SEVENTH SESSION: Abuse of Dominance- Economic tools and analysis- Theory

Speaker- **Ms Anna Barker, Executive Director, Digital Platforms Branch, ACCC**

Time- 11:00 am to 01:15 pm IST

Date- April 10, 2023

Day- Monday

Broad topic covered in the session-

How to determine dominance, Tests for delineating relevant market, discussion about various kinds of abuses, how to investigate a case of abuse of dominance

Proceedings of the session-

During a captivating session, Ms Anna Barker expertly delved into the intriguing concept of dominance and the various factors considered when assessing its presence in a market. Attendees were enlightened by her comprehensive exploration of different methodologies used to analyze market definition, including the SSNIP Test, Critical Loss Analysis, and Price Correlation Test.

With great expertise, Ms Barker elucidated the theories of harm stemming from both exploitative and exclusionary abuses, encompassing both price-related and non-price-related conduct. Participants gained valuable insights into the intricate workings of running an investigation and gathering evidence in cases involving abuse of dominance.

The session reached its pinnacle as Ms Barker elucidated landmark cases that exemplified instances of abuse of dominance. Notably, she delved into the widely-discussed Google Android Case and the Google Shopping Case, offering captivating analyses and shedding light on their implications.

Through Ms Barker's engaging session, attendees were provided a unique opportunity to gain a deeper understanding of dominance, market analysis methodologies, theories of harm, investigation techniques, and real-world cases that exemplify abuse of dominance. The session left participants inspired and equipped with valuable knowledge applicable to the complex realm of competition law.

Key learning outcomes-

- Learn the meaning of dominance and factors undertaken while assessing dominance
- Assess the multiple theories of harm arising from the various kinds of abuses with the help of case studies
- Examine how (a) investigation is conducted and, (b) evidence is collected in a case of abuse of dominance

I found the session to be incredibly informative, as it provided valuable insights into various aspects such as market definition, product market, geographical market, dominance, and market shares. Additionally, I acquired practical techniques on evidence acquisition.

- Learner from Competition Authority of Kenya

5.9.EIGHTH SESSION: Abuse of Dominance- Economic tools and analysis- Case Studies

Speaker- **Dr Claudio Calcagno, Director, GMT Economics**

Time- 3:00 pm to 5:30 pm IST

Date- April 11, 2023

Day- Tuesday

Broad topic covered in the session-

Microsoft case law, Google AdSense case law, and Theories of harm

Proceedings of the session-

During an engaging session led by Dr Claudio Calcagno, captivating case studies were examined to shed light on the prevalence of abuse of power and anti-competitive behaviour among dominant companies. Notable examples such as Microsoft, Google AdSense, and Enel X were analysed, revealing the crucial need for robust regulatory oversight to safeguard competition and protect consumer interests.

One case study delved into Microsoft's practices, where the bundling of its web browser with its operating system sparked allegations of anti-competitive behaviour, ultimately leading to the violation of antitrust laws in both the US and the EU. Another intriguing example involved Google AdSense, which faced allegations of anti-competitive conduct within the online advertising market. Additionally, the case of Enel X brought to light accusations of abuse of dominance in the Italian market for electric vehicle charging stations.

These compelling cases serve as pivotal discussion points, highlighting the significant impact that dominant companies can have on competition. They underscore the importance of regulating market power and fostering a level playing field for all businesses, enabling innovation to thrive and healthy competition to prevail.

By exploring these real-world scenarios, the session offered invaluable insights into the complexities of competition dynamics, providing attendees with a deeper

understanding of the challenges and implications associated with the conduct of dominant market players.

Key Learning Outcomes-

- Recognizing the prevalence of abuse.
- Regulatory oversight is crucial.
- Levelling the playing field fosters innovation.

Through in-depth discussions on theories of harm, efficiencies, and the analysis of evidence, I gained a comprehensive understanding of the subject matter. The case studies on Google AdSense, Internet Explorer-US, and EV charging apps further enriched my learning experience, providing practical insights into real-world applications of competition law.

*- Learner from Competition
Authority of Kenya*

5.10. NINTH SESSION- Mergers & Acquisitions - Economic tools and analysis- Theory

Speaker- **Mr Richard York, Deputy Chief Economist, ACCC**

Time- 11:00 am to 01:15 pm IST

Date- April 12, 2023

Day- Thursday

Broad topic covered in the session- Economics behind mergers, laws related to mergers, how competition plays a role in merger product differentiation, relationship of competition and market power.

Proceedings of the session- During an engaging session led by Mr Richard York, participants delved into the intriguing world of mergers and acquisitions. This captivating session shed light on the economic aspects underlying these business transactions, exploring the potential benefits and drawbacks for the firms involved. A particular focus was placed on the laws governing mergers, with a spotlight on antitrust regulations. The session unveiled the vital role of these laws in regulating mergers, ensuring that they do not lead to monopolies or hinder healthy competition. Participants gained insights into how competition influences product differentiation during a merger, as firms strategically aim to set their products apart to gain market power.

The session continued with a comprehensive analysis of the intricate relationship between competition and market power. Attendees gained a deeper understanding of how mergers can impact both factors, shaping the market landscape. Finally, an insightful analysis using the Herfindahl-Hirschman Index (HHI) was conducted, providing a practical perspective on assessing the competitive impact of mergers. This stimulating session not only provided a wealth of knowledge to the attendees of the Winter School but also offered a glimpse into the fascinating realm of mergers and acquisitions for those who couldn't attend.

Key Learning Outcomes-

- Mergers increase efficiency, reduce costs, and improve profitability.

- Laws and regulations protect consumers and prevent anti-competitive behaviour.
- Product differentiation can impact the competition effect of mergers.
- Competition is important to prevent companies from exercising significant market power.
- Market structure affects competition and market power, and regulators must monitor it to prevent anti-competitive behaviour.
- Theories discussed: Substitution- The Classical Constrain
 1. Providers of Similar Products
 2. Closeness of Competition
 3. The Hypothetical monopolist test
 4. Cross Price Elasticity
 5. Supply Side Substitution
 6. Geographic Boundaries
- How markets should not be determinative, other factors should also be considered

The session provided me with valuable insights into various aspects of competition law, including market dynamics, market power assessment, market definition, substitution analysis, analysis of significant market power, price elasticities, concentration levels, and the Hirschman-Herfindahl Index.

- Learner from Competition Authority of Kenya

5.11. TENTH SESSION- Mergers & Acquisitions - Economic tools and analysis- Case studies

Speaker- **Mr Richard York, Deputy Chief Economist, ACCC**

Time- 11:00 am to 01:15 pm IST

Date- April 13, 2023

Day- Thursday

Broad topic covered in the session-

Tests to determine upward pricing pressure, various barriers to entry, failing firm concept, vertical mergers.

Proceedings of the session-

Mr Richard York commenced the session by unveiling a captivating exploration of the economic tools utilized to analyze mergers. Drawing the attention of the audience, he skilfully elucidated the tests employed to assess upward pricing pressure in the market, accompanied by insightful graphical representations showcasing how unilateral effects resulting from a merger can drive price escalation.

Delving deeper into the subject, Mr York delved into the realm of barriers to entry, skilfully drawing comparisons between entry costs, economies of scale, and other pivotal factors while referencing the compelling Coastal Shipping Case. Moreover, he intricately examined the concept of failing firms, thoughtfully highlighting the contrasting futures of a firm in the absence of a merger versus its future with a merger. This compelling discussion emphasized the crucial importance of analysing counterfactual situations.

To further enrich the session, Mr York shifted focus to vertical mergers, captivating the audience with practical examples such as the PN-Aurizon acquisition and the Acacia Ridge Terminal, to illustrate certain incentives for foreclosing. Through these real-world illustrations, attendees gained valuable insights into the complex dynamics of vertical mergers and their potential ramifications.

Mr Richard York's thought-provoking session offered an exclusive glimpse into the world of merger analysis, captivating both experts and newcomers alike. The

engaging exploration of economic tools and real-life examples left the audience enlightened and inspired to delve further into the intricacies of this fascinating subject matter.

Key Learning Outcomes-

- Examine the upward price pressure tests and their effects on the market.
- Analyse various barriers to entry and differentiate it from costs to entry and economies of scale.
- Learn about the concept of failing firms in mergers and its application across jurisdictions.
- Examine case studies of vertical mergers and certain incentives to foreclose.

Not often that an economist is able to explain things simply and clearly to lawyers but Mr York did a great job of doing this. Enhanced my understanding of merger concepts and the tests applied.

- Learner from Competition Commission of South Africa

5.12. ELEVENTH SESSION- The Interface of Intellectual Property and Competition Law

Speaker- **Dr Shubha Ghosh, Crandall Melvin Professor of Law and Director, Technology Commercialization Law Program, Syracuse University College of Law**

Time- 7:00 pm to 09:15 pm IST

Date-April 14, 2023

Day- Friday

Broad topics covered in the session-

Relationship between innovation and competition, Disruptive Innovation, Antitrust Enforcement in IPR.

Proceedings of the session-

The session commenced with an enlightening presentation by Dr Ghosh, where he explored the intriguing concept of the Inverted U theory of Research and Development. Drawing upon numerous empirical studies, he expertly showcased the fascinating relationship between Patent Concentrations and market competition levels. This captivating discussion shed light on the profound impact of innovation within high-tech industries, emphasizing the need for specialized standards when evaluating competition dynamics in such markets.

Dr Ghosh's insightful presentation further delved into the distinctive characteristics of these markets from a competition law perspective. He eloquently examined aspects such as disruptive innovation and the existence of formidable entry barriers, providing attendees with a comprehensive understanding of the challenges and opportunities within these sectors.

Expanding upon the enforcement parameters, Dr Ghosh explored key considerations such as market delineation and evidentiary burdens. These crucial insights deepened participants' knowledge of the intricacies involved in effectively enforcing competition laws in high-tech industries.

The session reached its culmination with a captivating discussion of the landmark Microsoft Case, offering valuable real-world context and practical applications of the concepts discussed throughout the session.

By exploring the interplay between research and development, patent concentrations, and competition dynamics, Dr Ghosh's presentation provided a fascinating glimpse into the complex world of high-tech industries and the role of competition law.

Key Learning Outcomes-

- Learn about the application of IPR in Competition Law enforcement.
- Examine the relationship between competition in the market and the innovation being undertaken.
- Examine the impact of disruptive innovation on the market concentration.
- Assess whether IPR can act as a barrier to entry.

Not often that an economist is able to explain things simply and clearly to lawyers but Mr York did a great job of doing this. Enhanced my understanding of merger concepts and the tests applied.

- Learner from Competition Commission of South Africa

6. Annexure – I: AGENDA OF THE WINTER SCHOOL

DATE	DAY	TOPIC	SPEAKER
April 3, 2023	Monday	Inaugural	Dr Navneet Sharma , Director General, CUTS Institute for Regulation & Competition
April 3, 2023	Monday	Importance of economic evidence in competition law- Case Studies	Dr Frederic Jenny , Chairman, OECD Competition Committee
April 4, 2023	Tuesday	Cartels- Economic tools and analysis- Theory & Cases - 1	Dr Rhonda Smith , Senior Fellow, Faculty of Business and Economics, University of Melbourne
April 5, 2023	Wednesd ay	Cartels- Economic tools and analysis- Theory & Cases - 2	Dr Rhonda Smith , Senior Fellow, Faculty of Business and Economics, University of Melbourne
April 6, 2023	Thursda y	Vertical Agreements - Economic tools and analysis- Theory	Dr Avantika Chowdhury , Partner, Oxera and Dr Anastasia Shchepetova , Senior Consultant, Oxera
April 7, 2023	Friday	Vertical Agreements - Economic tools and analysis- Case Studies	Mr Tamrat Shone , Senior Consultant, Oxera
April 8, 2023	Saturday	Cross-border issues in competition law enforcement and policy	Prof. Marek Martyniszyn , Competition law and Policy, School of LawQueen's University Belfast

April 10, 2023	Monday	Abuse of Dominance- Economic tools and analysis- Theory	Ms Anna Barker , Executive Director, Digital Platforms Branch, ACCC
April 11, 2023	Tuesday	Abuse of Dominance - Economic tools and analysis- Case studies	Dr Claudio Calcagno , Director, GMT Economics
April 12, 2023	Wednesd ay	Mergers & Acquisitions- Economic tools and analysis- Theory	Mr Richard York , Deputy Chief Economist, ACCC
April 13, 2023	Thursda y	Mergers & Acquisitions - Economic tools and analysis- Case studies	Mr Richard York , Deputy Chief Economist, ACCC
April 14, 2023	Friday	The Interface of Intellectual Property and Competition Law	Dr Shubha Ghosh , Crandall Melvin Professor of Law and Director, Technology Commercialization Law Program, Syracuse University College of Law

7. Annexure – II: MEET THE EXPERTS (ALPHABETICALLY)



Dr Anastasia Shchepetova, Senior Consultant, Oxera

Dr Anastasia has experience advising clients in a wide range of competition and civil litigation cases across a variety of sectors. She joined Oxera's Paris office in 2021 after working for six years as a Manager at MAPP-KPMG in Paris. She has been involved in several merger and antitrust cases before the European Commission and in different European jurisdictions—primarily in France and Belgium. She has expertise in a range of sectors including fast-moving consumer goods, online commerce, energy, transport, telecoms, and medical equipment. Anastasia has also advised clients and conducted competition policy workshops in Eastern Europe, in particular in Russia, Ukraine and Georgia. She has presented at the Annual Global Antitrust Forum in Ukraine (2017), and led a Competition Policy workshop on economic analysis organised by the International School of Economics in Tbilisi for economists and legal advisers at the Georgian Competition Authority and Policy institute (2016).



Ms Anna Barker, Executive Director, Digital Platforms Branch, Australian Competition and Consumer Commission (ACCC)

Ms Barker has over fifteen years' experience working in Australian, UK and international public policy and regulatory organisations. She is an experienced competition economist and has worked on a range of policy issues including regulation, competition, consumer protection and the digital economy. Anna currently works as an Executive Director in the ACCC's Digital Platforms Branch leading work on the development of a new regulatory regime to address competition and consumer issues in digital platform markets. She has also worked as a Principal Economist at the ACCC, assisting on competition matters including mergers, enforcement cases and regulatory matters. Ms Barker has also worked at the OECD in France, where she worked as a Competition Expert and on consumer policy issues. She has also worked on regulation of the energy, telecommunications and water sectors at the ACCC, at the Office of Gas and Electricity Markets in the UK, and the Productivity Commission and Queensland Treasury in

Australia. Ms Barker holds a First Class Honours degree in Economics, and a Masters of Competition and Consumer Law.



Dr Avantika Chowdhury, Partner, Oxera

Dr Chowdhury provides expert economic advice on competition matters and commercial disputes, including antitrust and damages litigation. She has 15 years of experience in advising clients in relation to mergers, horizontal and vertical agreements, abuse of dominance and intellectual property matters, including in the context of private litigation and investigations by competition authorities. She has advised companies such as AstraZeneca, Booking.com, Ericsson, Nokia, Pfizer, Sandoz, Skyscanner and Tesla, as well as government bodies and European Commission. Avantika has acted as expert in antitrust and damages litigation and in wider commercial disputes, including in front of the High Court in England & Wales, the UK Competition Appeal Tribunal, and courts in Ireland, India and the Netherlands. She has broad sectoral experience, with specific expertise in life sciences and technology sectors, and in digital and intellectual property issues. She is listed in The International Who's Who of Competition Lawyers & Economists and is an active contributor to policy discussions through regular publications and speaking engagements.



Dr Claudio Calcagno, Director, GMT Economics

GMT Economics is led by Dr Claudio Calcagno. Claudio is a trained economist who specialises in applying microeconomics to competition cases. He has advised clients on over 90 matters, including market studies and investigations, mergers, abuse of dominance, vertical and horizontal agreements, competition appeals, regulatory investigations, State aid, and private litigation. Since starting to work as a professional economist in 2004, he has held senior roles at leading economic consultancies before founding GMT Economics in 2021. Over the years, he has had the privilege to work with, and learn from, a large number of national and international law firms, as well as corporations ranging from relatively small family businesses, to FTSE 100 companies, to multi-billion dollar businesses, hailing from a vast array of sectors. He has worked on matters before the UK Competition and Markets Authority (and its predecessors),

several UK sector regulators, the UK Competition Appeal Tribunal, the High Court of England and Wales, the European Commission, as well as many national competition authorities and courts across the European Union, the Middle East, Africa, Australasia and the Americas. Claudio has published in international peer-reviewed academic journals, and is a co-author of a leading textbook in competition economics – *Exclusionary Practices: The Economics of Monopolisation and Abuse of Dominance*. He has presented at major academic conferences and frequently speaks at professional competition policy events. He is also a guest lecturer on competition economics and competition policy topics on several academic and executive education programmes. He has been included in Who's Who Legal's list of recommended European competition economists for several years. He holds a PhD Economics from the European University Institute, an MSc Economics from the London School of Economics and Political Science, a BSc Economics from University College London and a PG Dip in EC Competition Law from King's College London.



Dr Frederic Jenny, Chairman, OECD Competition Committee

Dr Frederic Jenny is professor of Economics at ESSEC Business School in Paris. He is Chairman of the OECD Competition Committee (since 1994), and Co-Director of the European Center for Law and Economics of ESSEC (since 2008). He was previously Non-Executive Director of the Office of Fair Trading in the United Kingdom (2007-14), Judge on the French Supreme Court (Cour de cassation, Economic Commercial and Financial Chamber) from 2004 to August 2012, Vice Chair of the French Competition Authority (1993-2004) and President of the WTO Working Group on Trade and Competition (1997-2004). Professor Jenny holds a Ph.D. in Economics from Harvard University (1975), a Doctorate in Economics from the University of Paris (1977) and an MBA degree from ESSEC Business School (1966).



Prof. Marek Martyniszyn, Professor of Competition Law & Policy, Queen's University Belfast

Prof. Marek Martyniszyn is a Professor of Competition Law & Policy at Queen's University Belfast (Northern Ireland). He specialises in international and cross-border aspects of competition

law and policy, including the limits of extraterritorial jurisdiction and state involvement in anticompetitive practices. His research has a strong perspective of new competition systems and new agencies, especially those in developing countries and economies in transition. Prof. Martyniszyn is a Non-Governmental Advisor to the International Competition Network (ICN). He had presented his work also on various other fora, including UNCTAD and COMESA. His online profile is available at: <http://go.qub.ac.uk/Martyniszyn>.



Dr Rhonda Smith, Senior Fellow, Faculty of Business and Economics, University of Melbourne

Dr Rhonda Smith is a Senior Lecturer in the Economics Department at the University of Melbourne. From November 1995 to November 1998 she was a Commissioner with the Australian Competition and Consumer Commission. She was also a member of the Federal Government's Copyright Law Reform Committee (1995 to 1998) and is currently a member of the Copyright Tribunal and a lay member of the High Court of New Zealand. Rhonda has acted as an expert witness in a number of Trade Practices cases, has advised firms in relation to trade practices issues and provides training in relation to the economics of trade practices, including to the ACCC.



Mr Richard York, Executive Director, Digital Platforms Branch, Australian Competition and Consumer Commission (ACCC)

Mr Richard York is a Deputy Chief Economist with the Australian Competition and Consumer Commission. He has over 25 years of experience providing economic advice on competition law/anti-trust and economic regulation matters across roles working with government agencies; the Federal Court of Australia; and private sector firms His particular areas of specialization include the economic analysis of anti-competitive conduct and mergers; as well as the regulation of telecommunications, rail, port and energy. Richard has previously been the Executive Director of the National Competition Council in Australia; and a Senior

Fellow of the Law School at the University of Melbourne. He has taught economics and law units at both Monash University and the University of Melbourne.



Dr Shubha Ghosh, Crandall Melvin Professor of Law and Director, Technology Commercialization Law Program, Syracuse University

Dr Shubha Ghosh is the Crandall Melvin Professor of Law and Director, Technology Commercialization Law Program, Syracuse University College of Law. He earned his J.D. from Stanford University, with distinction, and his Ph.D. in Economics from the University of Michigan. He earned his B.A. cum laude, from Amherst College. Prior to joining Syracuse University College of Law, Ghosh taught at the University of Wisconsin Law School as a chaired, tenured professor and co-director of the Innovation cluster consisting of faculty in the law and business schools.



Mr Tamrat Shone, Senior Consultant, Oxera

Mr Shone is a member of Oxera's Competition and Litigation Support teams. He has particular expertise in competition-related disputes, having advised firms and competition authorities in cases relating to damages, horizontal and vertical agreements, abuse of dominance, and state aid. Tamrat has extensive experience working across a variety of industries including energy, financial services, communications, transport, and retail. An experienced consultant, Tamrat has assisted in the preparation of expert testimonies presented to the High Court, ICC, LCIA, Canadian Competition Tribunal, and Hong Kong Competition Tribunal. Before joining Oxera, Tamrat completed an MSc in Economics at the London School of Economics. He also has experience in banking, having previously worked at Macquarie as an analyst in its Investment Banking Division.

8. Annexure- III: FEEDBACK

	EXCELL ENT (5)	HIGHLY SATISFA CTORY (4)	SATISFA CTORY (3)	AVER AGE (2)	POOR (1)
How would you rate the overall quality of the Winter School?	40.7 %	51.9 %	7.4 %	-	-
How would you rate the quality of the speakers and their presentations?	70.8 %	27.6 %	1.6 %	-	-
How would you rate the relevance and usefulness of the topics covered?	81.4 %	18.6 %	-	-	-
Did the Winter School meet your expectations? Why or why not?	92.59 %	6.51 %	0.9	-	-
How would you rate the organization and logistics of the Winter School?	57.1 %	39.3 %	3.6 %	-	-
Would you recommend the Winter School to others? Answer on the scale of 1-5 (5 being most likely and 1 being not likely to recommend)	74.6%	25.4 %	-	-	-

9. PARTICIPANT TESTIMONIALS: INSIGHTS FROM THE 8TH WINTER SCHOOL ON ECONOMICS OF COMPETITION LAW

I highly appreciated the engaging nature of the speakers during the sessions. The promptness in communication and timely sharing of materials were particularly impressive and contributed to a seamless learning experience.

– Learner from Competition Authority of Kenya

I greatly appreciated the friendly and collegial atmosphere of the Winter School, along with Aman's exceptional helpfulness. I felt warmly welcomed and valued, with a genuine interest shown towards my jurisdiction. The training provided valuable insights into current topics and shed light on how other jurisdictions tackle similar issues.

– Learner from the Competition Commission of South Africa

I greatly appreciated the diverse range of presenters and found that the programme fully met my expectations. It successfully enhanced my understanding of recent developments in the field of competition law, thereby exceeding my learning goals.

– Learner from Barbados Fair Trading Commission

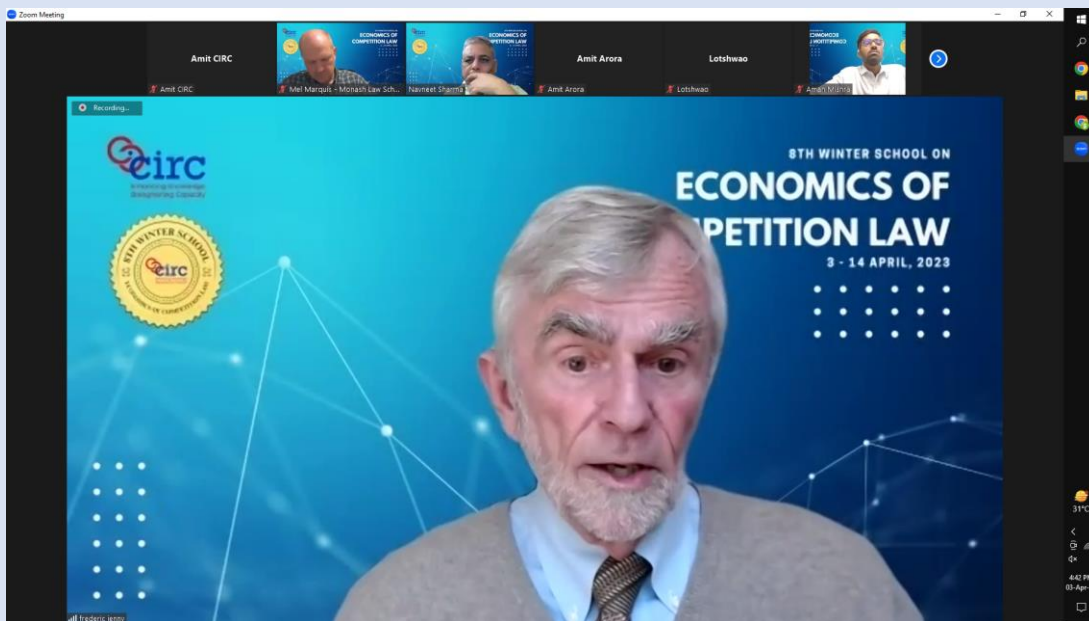
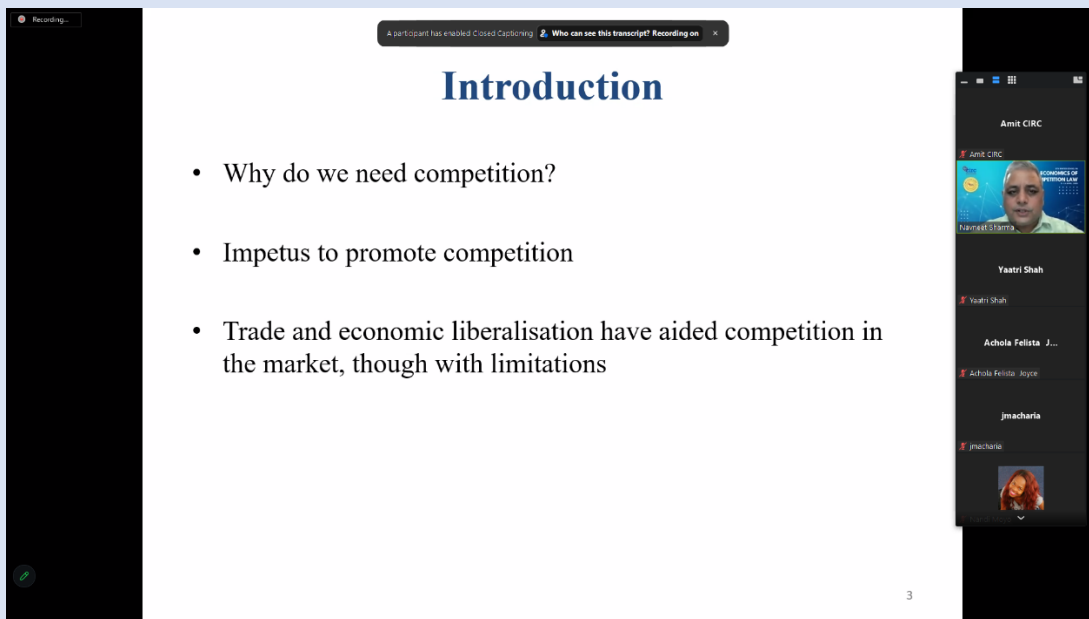
The Winter School proved to be highly effective in covering a diverse range of topics in competition economics. The speakers demonstrated exceptional skill in building a strong foundation by starting with the basics and then seamlessly delving into extensive subject matter. This approach ensured comprehensive coverage of the subject, leaving participants with a thorough understanding of the concepts.

– Learner from Max Planck Institute for Research on Collective Goods, Germany

10. Annexure – IV: LIST OF ORGANIZATIONS THAT PARTICIPATED IN 8TH WINTER SCHOOL

- i. Competition and Consumer Authority (CCA) Botswana
- ii. Competition Authority of Kenya
- iii. Competition Commission of Mauritius
- iv. Competition Commission of South Africa
- v. Fair Trading Commission of Barbados
- vi. Monash University, Australia
- vii. National Academy of Legal Studies and Research (NALSAR) University, Hyderabad, India
- viii. Ingram Micro,
- ix. Institute of Law, Nirma University, Gujarat
- x. New Law College, Bharati Vidyapeeth, Pune

11. ANNEXURE – V: GLIMPSE OF WINTER SCHOOL SESSIONS



The extraterritorial approach: the US

- the US Supreme Court pronounced on the effects doctrine only in 1993 – in *Hartford Fire*: ‘it is well established by now that the Sherman Act applies to foreign conduct that was meant to produce and did in fact produce some substantial effect in the United States [citations omitted]’
- the two co-existing US jurisdictional tests:**
 - (1) in case of imports (per *Hartford Fire*): US antitrust law applies to foreign conduct which intended to and did produce some substantial effect in the US;
 - (2) in other foreign commerce cases (per FTAIA): US antitrust law applies to foreign conduct which has direct, substantial, and reasonably foreseeable effect on US commerce

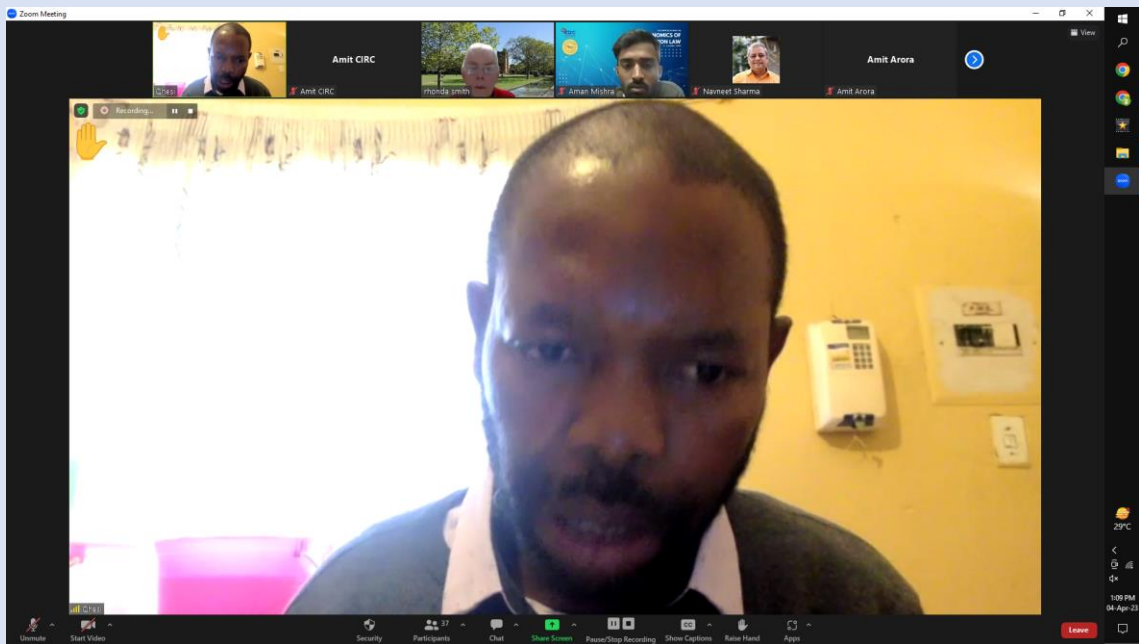
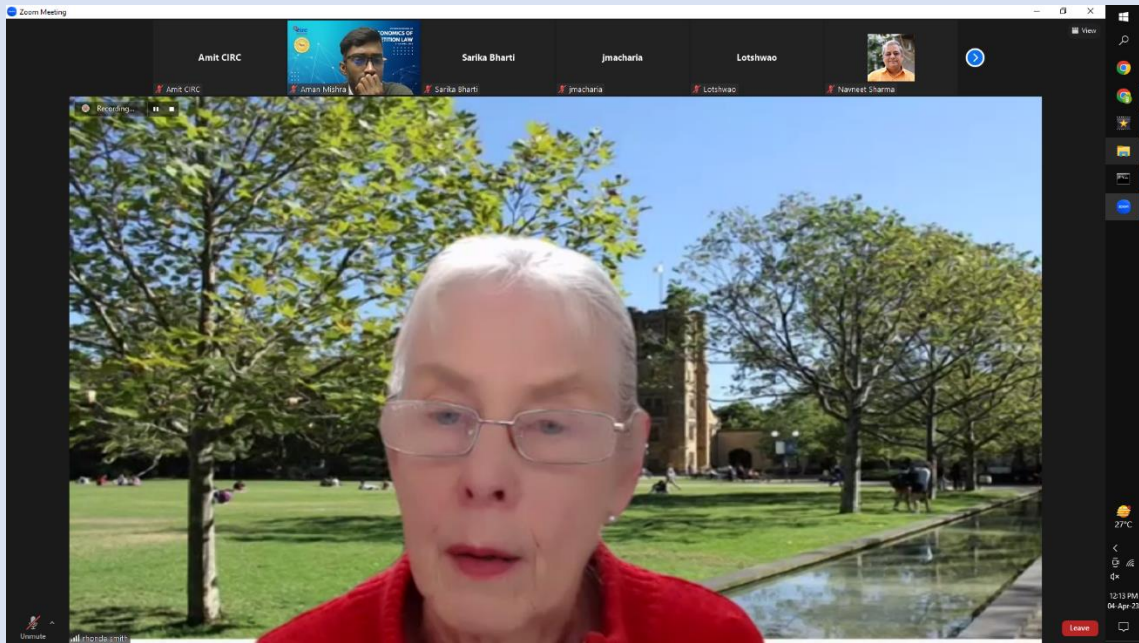
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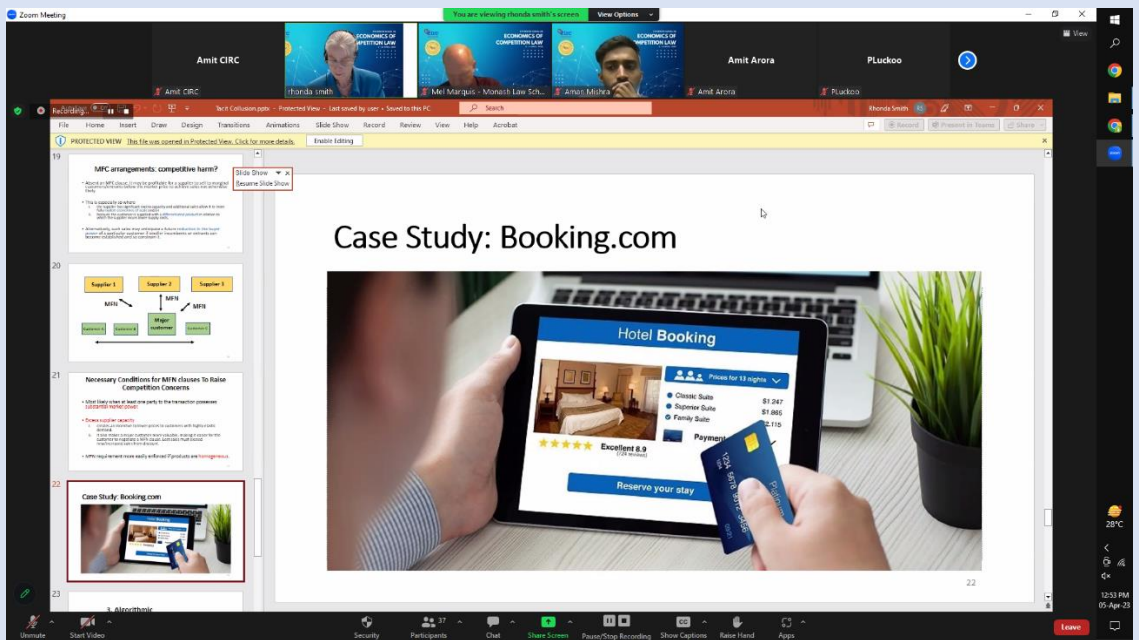
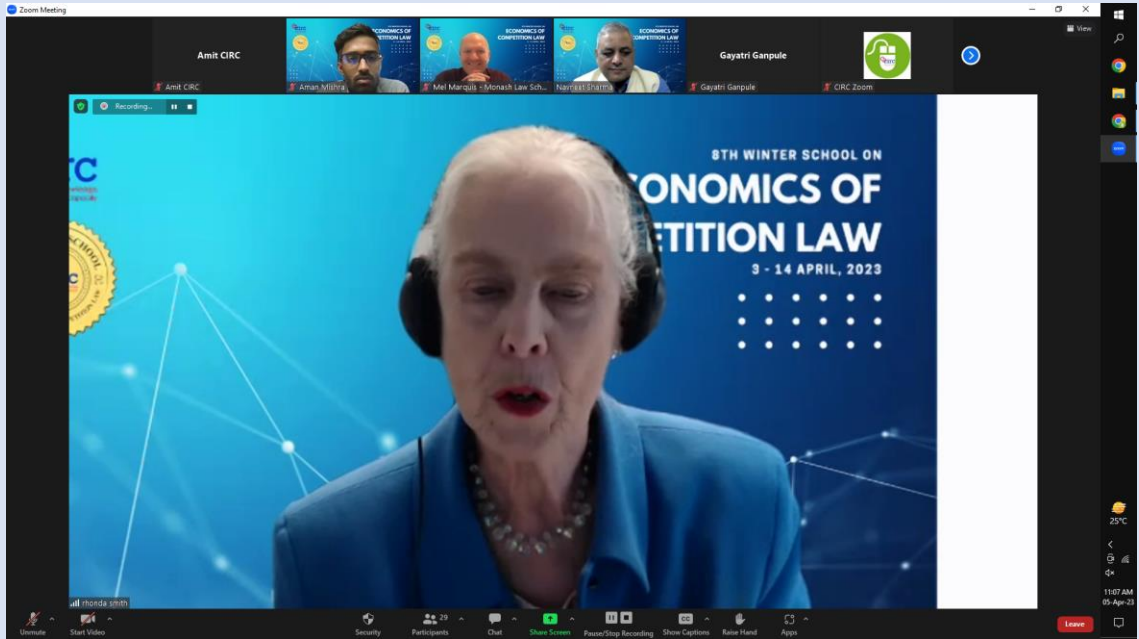
challenges of cross-border enforcement

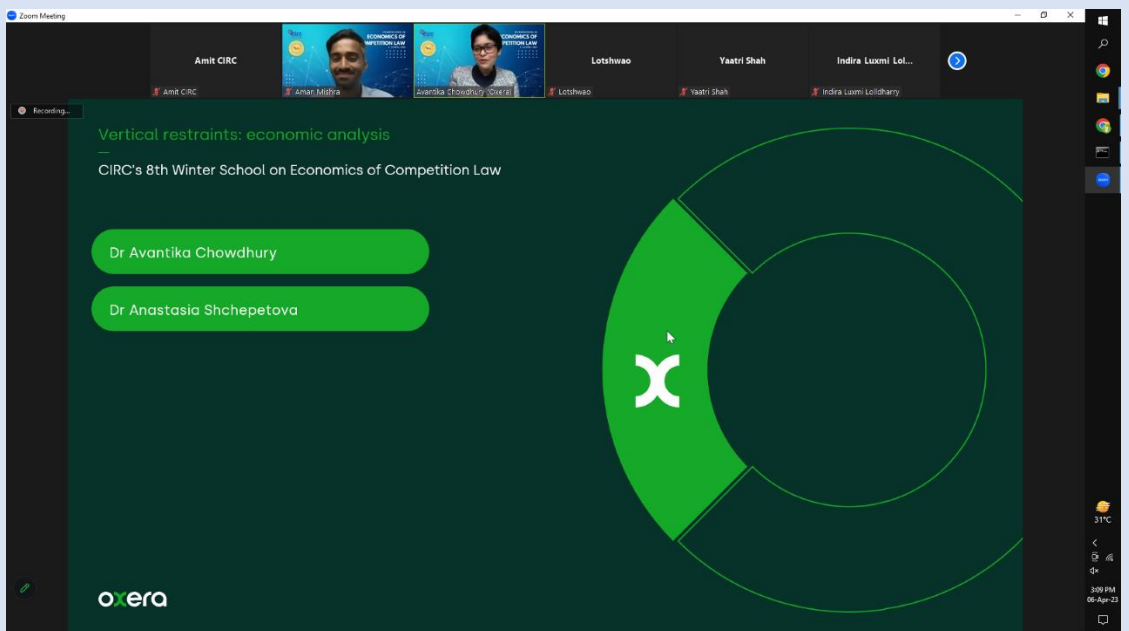
Key issues reported by the agencies

- domestic procedural rules problematic (esp. related to service)
- collection and gathering of evidence
- domestic rules disallowing / hindering seeking and rendering assistance in relation to evidence
- insufficiency of currently existing international instruments regarding cooperation in enforcement
- more demanding substantial domestic rules
- enforcement/execution of rendered decisions/judgements (when no in-forum assets), lack of cooperation in this regard

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Zoom Meeting | You are viewing Avast's SSL certificate (Zoom) screen | View Options

Assessing vertical agreements in Europe

```

    graph TD
      A[Market share exceeds 30%?] -- Yes --> B[VBER does not apply, Article 101.1 applies. Agreement falls within 101.3?]
      A -- No --> C[Hardcore restrictions?]
      C -- Yes --> D[VBER applies]
      C -- No --> D
  
```

oxera 20

Zoom Meeting controls: Mute, Start Video, Security, Participants (21), Chat, Share Screen, Pause/Stop Recording, Show Captions, Raise Hand, Apps, Leave.

Zoom Meeting | You are viewing Avast's SSL certificate (Zoom) screen | View Options

Question 5

HIP Y price differential between CTM and PCW A

Note: N=61,432, average number of risks per month > 1500.

- For each HIP, check price differential between CTM and other PCWs
- If >0 then more expensive on CTM relative to PCW

Empirical evidence suggests...

Zoom Meeting controls: Mute, Start Video, Security, Participants (20), Polls, Chat, Share Screen, Pause/Stop Recording, Show Captions, Raise Hand, Apps, Leave.

Barriers to entry (and expansion)

- Main question: is entry likely?
- Look at anything that stops a new supplier from competing in a market (or reaching critical scale to compete effectively)
 - If barriers to entry and expansion are low, a firm in that market is less likely to have market power
- Barriers to entry and expansion include:
 - Legal or regulatory barriers (e.g., licensing conditions, intellectual property rights, tariffs, environmental regulations)
 - Structural or technological barriers (e.g., fixed sunk costs, brand loyalty, substantial economies of scale, network effects, high consumer switching costs, lock-in effects, access to inputs, assets, technologies, data or distribution channels)
 - Strategic barriers (e.g., barriers created by the incumbent firm(s) such as price wars, pricing below cost, long-term contracts, barriers to switching, loyalty schemes)
- Look at history of entry
- Need to assess whether entry or expansion from competing firms will be:
 - Likely (not merely possible)
 - Timely
 - Sufficient (e.g., to address the market power)
 - See the [US horizontal merger guidelines](#)

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Some theories of harm

GMT Economics

Conduct examples: Predation // Rebates // Tying // Refusal to deal/interoperate // Margin squeeze // Self-preferencing/raising rivals' costs // Exclusive dealing

1. Imperfect financial markets	8. Forced free-riding (see Shelanski)
2. Reputation; signalling	9. Platform envelopment (e.g. via privacy policy tying, see Condorelli and Padilla)
3. Depriving rival/entrant of scale/scope economies	10. Protection of monopoly power in the tying (or upstream/downstream) market, e.g. with scale economies
4. Divide-and-conquer	11. Extension of monopoly power into the tied (or nascent, or upstream/downstream) market, e.g. with scale economies
5. Imperfect rent extraction	
6. Entry deterrence by committing to act aggressively	
7. Raising barriers where entry is through innovation	

Need to consider potential efficiencies/justifications from the outset

Economic analysis in abuse of dominance cases | Private and confidential

April 2023

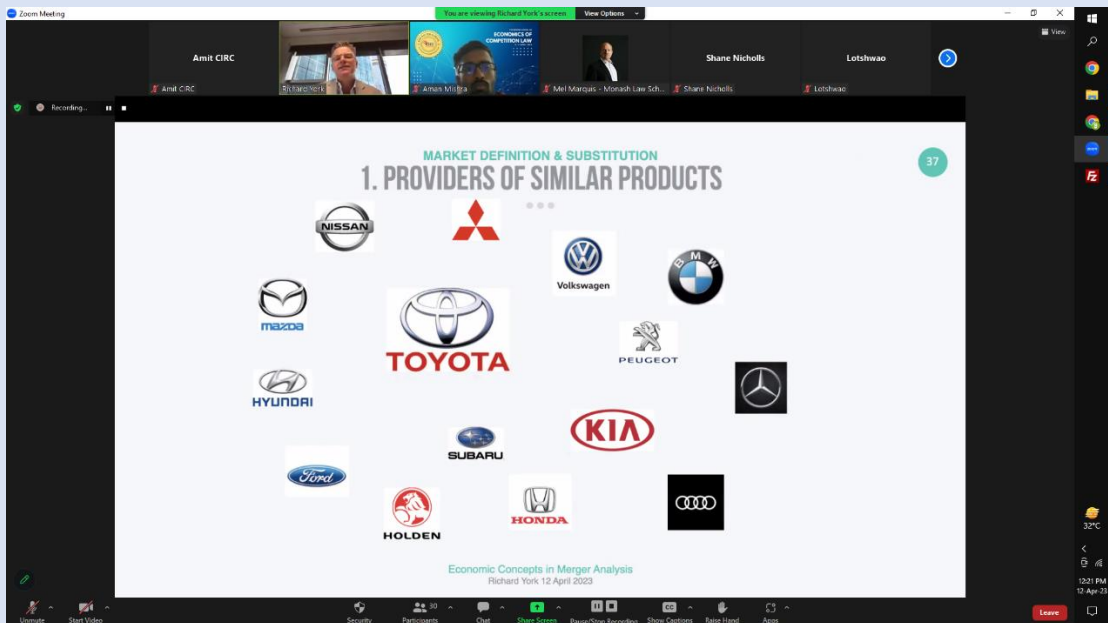
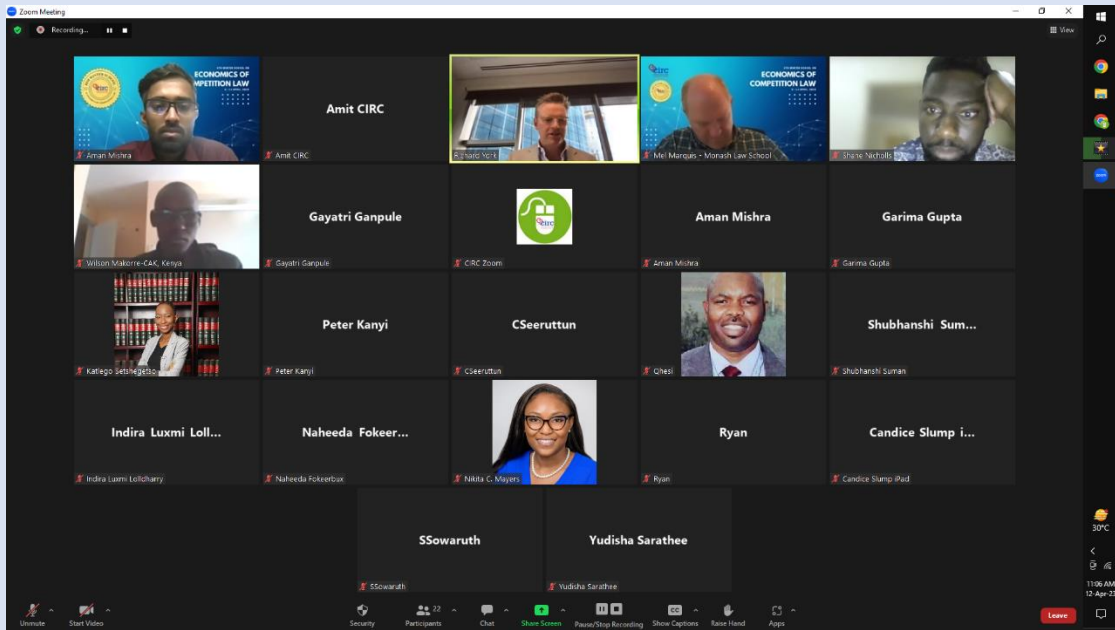
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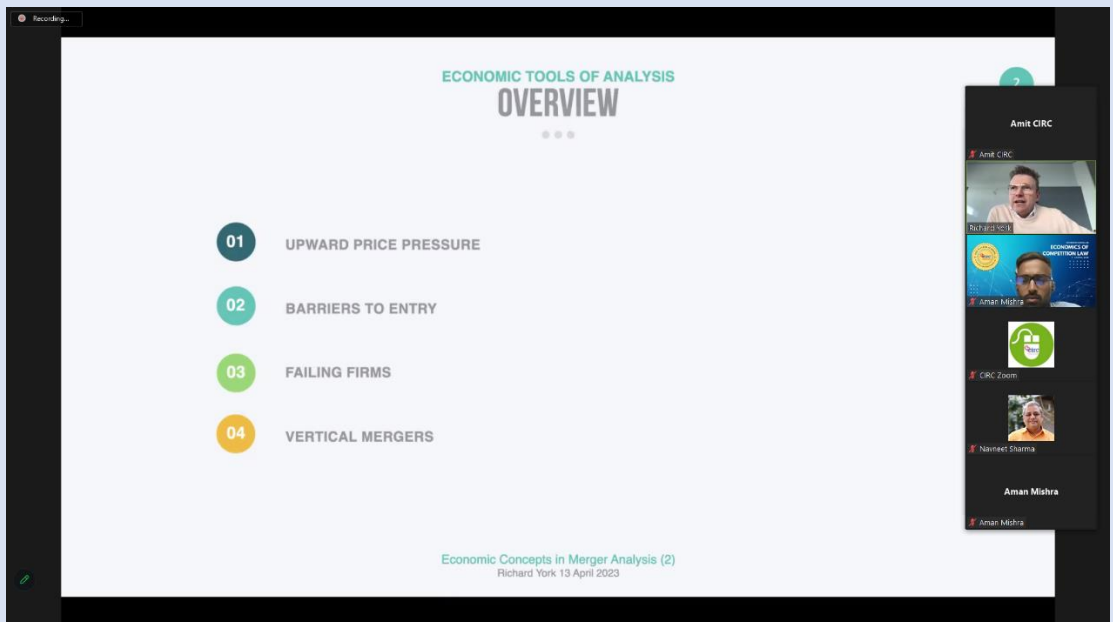
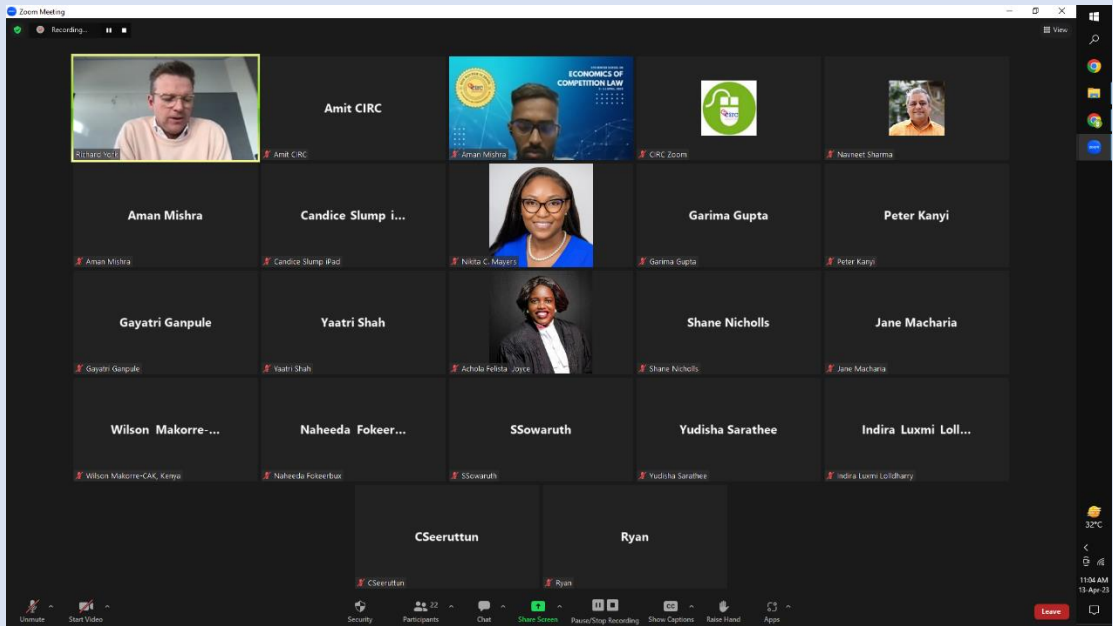
GMT Economics

A sceptical view

- Exclusionary effect?
 - JuicePass downloads up (counterfactual?); Enel unlikely to leave EV space
 - Ability to by-pass Android Auto (while using Google Play)
 - AppStore
- How would Google benefit?
- Driver safety as an objective justification? Liability?
- What boundary to a duty to deal?
 - How many MSPs should Google deal with?
 - New apps? Takeaway collections? Exhibition bookings? Parking? Car servicing?
 - All meet three competitive dimensions identified by AGCM
 - What if some apps are very small? Ability for Google to prioritise?

Zoom Meeting interface showing a video call in progress. The main window displays a man with glasses and a light-colored jacket speaking. The top bar shows the meeting title 'ECONOMICS OF COMPETITION LAW' and several participant thumbnails. The bottom toolbar includes icons for Home, Start Video, Security, Participants, Chat, Show Screen, Pause/Stop Recording, Show Captions, Raise Hand, and Apps. The system tray on the right shows the temperature at 30°C and the time as 11:05 AM on 13-Apr-23.





Zoom Meeting

Amit CIRC Peter Kanyi Shane Nicholls

Recording...

BARRIERS TO ENTRY

ARE ECONOMIES OF SCALE A BTE?

21

Simple Example

- Up-front Fixed Cost = \$1,000
- Additional Per Unit Cost = \$1

Qty	FC	TC	AC
1	\$1,000	\$1,001	\$1,001
2		\$1,002	\$501
10		\$1,010	\$101
50		\$1,050	\$21
100		\$1,100	\$11

Economic Concepts in Merger Analysis (2)
Richard York 13 April 2023

33°C
11:58 AM
13-Apr-23

Zoom Meeting

Amit CIRC Shubho Ghosh Nitesh Meyers Shane Nicholls

Recording...

Overview

- Theory and Policy (First Hour)
- Microsoft Case Study
- Standard Setting, SPE, and FRAND---Qualcomm Case Study
- Pay to Delay Case Study
- Google Case Study
- Intellectual Property Exhaustion and Background Rights

Check-Lectures on Competition Law and Intellectual Property
14/6/2023 2

39°C
7:05 PM
16-Apr-23

The image is a screenshot of a Zoom meeting. At the top, there is a blue banner with the text "8TH WINTER SCHOOL ON ECONOMICS OF COMPETITION LAW". Below this, the Zoom interface is visible. The top bar shows the meeting title "Zoom Meeting" and a notification "You are viewing Shubha Ghosh's screen". The participant bar includes "Amit CIRC", "Shubha Ghosh", "Arjan Mishra", "Nikita C. Mayers", "Shane Nicholls", and "CIRC Zoom". The main content area displays a slide with the following text:

Majority Opinion's Factors

- Size of settlement
- Scale of settlement compared to payor's anticipated litigation costs
- Independence from other services for which payment may be justified.
- Justification for payment and its direction.

At the bottom of the slide, it says "Ghosh-Lectures on Competition Law and Intellectual Property" and "14/4/2023 70". The Zoom control bar at the bottom includes icons for Mute, Start Video, Security, Participants, Chat, Share Screen, Pause/Stop Recording, Show Captions, Raise Hand, and Apps. The system tray on the right shows the time as 8:52 PM on 14-Apr-23.

12. MEET THE ORGANISING TEAM (ALPHABETICALLY)



AMAN MISHRA, COURSE COORDINATOR

Mr Mishra, the course coordinator, demonstrated engagement with speakers and participants throughout the Winter School. He ensured timely delivery of reading materials and uploaded recorded lectures promptly. His prompt response to participant queries and active role as a session moderator enhanced the engagement and effectiveness of the sessions. He can be reached out at akm@circ.in.



AMIT ARORA, MANAGER (MARKETING & OUTREACH)

Mr Arora, demonstrated his commitment to the success of the Winter School by providing valuable support to the organizing team. In the absence of Mr. Mishra, he stepped in to moderate the first two sessions, ensuring the smooth running of the program.



AMIT KUMAR SINGH, IT MANAGER

Mr Singh, the IT Manager, played a vital role in providing extensive IT support throughout the program and beyond. Thanks to his efforts, we enjoyed a seamless experience during lectures, ensuring they started on time and ran smoothly. His technical expertise greatly contributed to the overall success of the programme.



HELEN VICTORIA SALDANHA, ADMINISTRATION

Ms Saldanha, the Administration Manager, assisted in the curation of the Winter School on Economics of Competition Law. Her expertise in identifying the relevant individuals who would benefit from the programme greatly contributed to its success.

Her assistance and support were instrumental in ensuring a targeted and impactful learning experience.



DR NAVNEET SHARMA, DIRECTOR GENERAL, CUTS INSTITUTE FOR REGULATION & COMPETITION

Dr Sharma, the Director General of CUTS Institute for Regulation & Competition, deserves immense praise for his exceptional guidance and leadership provided to the entire organizing team. His invaluable insights and support were instrumental in the successful completion of the 8th Winter School on Economics of Competition Law. His visionary approach and dedication have truly made a lasting impact on the success of the programme. He can be reached at nas@circ.in.



RAHUL KUMAR, ASSISTANT MANAGER, ACCOUNTS

Mr Kumar demonstrated exceptional responsiveness in promptly addressing any queries or concerns related to payment processes. His diligent efforts provided participants with the assurance that their financial transactions were secure, contributing to a seamless and trustworthy experience throughout the Winter School.

We would like to extend our heartfelt gratitude to all the individuals who have contributed to the success of the Winter School on Economics of Competition Law. Your valuable support and efforts have been instrumental in creating a memorable and enriching learning experience for all participants.

13. CUTS INSTITUTE FOR REGULATION & COMPETITION

CIRC, is a not for profit and independent research and capacity building organization which has been active in the areas of competition, regulation and sustainable infrastructure including PPPs. We assist multilateral and bilateral government and private agencies in knowledge creation as well as capacity building for achieving better outcomes in policy formulation and also projects that they undertake. CIRC's capabilities and contribution are now internationally acknowledged and this is amply demonstrated by the mandates it has received from international organizations such as the UNCTAD, UNICEF and the ADB.

It's work in the area of the interplay between economics and law, the role of competition in driving open economies, and the need for regulation and its impact on the development and growth of different sectors has been well received. CIRC has also been involved in pioneering research in areas of sustainable infrastructure, with special focus on People First Public Private Partnerships (PfPPP).

Through a very tightly knit and competent research and capacity building faculty and a large network of subject matter specialists and experts, CIRC has been producing very well researched studies, many of which have been published in reputed journals. In a world becoming increasing complex, CIRC would continue to play a very important role in research based knowledge creation and capacity building not only in India, but also in other parts of the world.

CONTACT US

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