

The Interdisciplinary Centre for Competition
Law and Policy (ICC) and Crowell & Moring LLP
Annual Conference 2009

Trends and Developments in Global Competition Law

crowell  moring

 Queen Mary
University of London



Overview

This conference offers a unique forum for exchanging ideas and discussing recent developments in the field of competition law globally. It brings together leading figures in the field from around the world including members of the judiciary, competition enforcement bodies, academia, in-house counsel and private practice. The conference combines the policy perspective of the London-based Interdisciplinary Centre for Competition Law and Policy (ICC) with the real world experience of the international law firm of Crowell & Moring LLP.



Format and Content

This will be a one-day event, with four major areas of focus: **anticompetitive unilateral conduct; the interface between competition law and intellectual property rights; international cartel procedures;** and **international merger control**. Our aim on this occasion is to bring to our audience a comprehensive update of recent developments related to these topics which will be presented in an analytical and thought-provoking way by a panel of expert speakers from around the globe. All of the topics will be illustrated by practical examples drawn from recent cases taken from the EU, US and other competition law regimes.

The issues to be addressed are:

Anticompetitive unilateral conduct

- Analysis of the new Article 82 guidance paper
- Recent developments in the US: The DOJ paper on monopolisation; what next?
- Parallel trade and abuse of dominance

The interface between competition law and intellectual property rights

- Patent litigation and competition law
- Patent clusters, patent thickets and evergreening
- Limits to patent settlements under competition law

International cartel procedures

- Private recoveries of cartel damages
 - the viability of actions by individuals or small groups
 - the viability of broader collective redress
- Settlements with the Commission and/or national authorities in cartel proceedings
- Judicial scrutiny of cartel decisions
 - procedural fairness
 - self-incrimination and the right to silence
 - ne bis in idem/double jeopardy

International merger control

- The future of collective dominance
- Merger control in times of economic crisis
- Non-contractual liability of enforcement bodies



Programme

15 May 2009, Hotel Le Méridien, Brussels

8.30-9.00: Registration and coffee

9.00-9.15: **Opening remarks and welcome by conference chairs**
Maher Dabbah (ICC) and Werner Berg (Crowell & Moring)

9.15: **Anticompetitive Unilateral Conduct**

Chair: Frederic Jenny, Judge, Cour de Cassation, Paris

Speakers: Per Hellstroem, Head of Unit, IT, Internet and Consumer Electronics, DG COMP, European Commission; Melanie Sabo, Assistant Director, Anticompetitive Practices, Office of the Director, Bureau of Competition, US Federal Trade Commission; Thomas De Meese, Partner, Crowell & Moring

10.45-11.00: Coffee break

11.00: **The Interface between Competition Law and Intellectual Property Rights**

Chair: Lars-Hendrik Roeller, President of European School of Management and Technology, Berlin; former Chief Economist, DG Comp, European Commission

Speakers: Cecilio Madero Villarejo, Director, Information, Communication and Media, DG COMP, European Commission; Jörg Walther, Global Head Legal M&A and Antitrust, Novartis; Sean-Paul Brankin, Counsel, Crowell & Moring

12.30: Business lunch

13.45: **International Cartel Procedures**

Chair: Nicholas Forwood, Judge, European Court of First Instance

Speakers: Markus Lange, Head of International Competition Matters Unit, Bundeskartellamt; Walter Theiss, General Counsel for Europe, Middle East and Africa, AT&T; Fernando Castillo de la Torre, Member of the Legal Service, European Commission

15.15-15.30: Coffee break

15.30: **International Merger Control**

Chair: Randy Smith, Head of Competition Group, Crowell & Moring

Speakers: Johannes Luebking, Head of Unit D4, Mergers, DG COMP, European Commission; Alastair Mordaunt, Director of Mergers, UK Office of Fair Trading; Andreas Weitbrecht, Partner, Latham & Watkins

17.00-17.15: **Conclusions and reflections**

17.15: Reception



The ICC and Crowell & Moring LLP

The Interdisciplinary Centre for Competition Law and Policy (ICC)

The Interdisciplinary Centre for Competition Law and Policy (ICC) is a centre of excellence led by Maher M. Dabbah that delivers world-class work in the field of competition law and policy. The ICC conducts research and offers training to judges, lawyers, business people and enforcement officials in the field of competition law.

The ICC's mission is to:

- Build a strong, broad-based and well-informed competition law community;
- Engage in competition advocacy and internationally recognised scholarship;
- Deliver innovative training and consultancy to meet the needs and expectations of lawyers, economists, policy-makers, competition enforcement bodies, judges and business people.

The ICC offers internationally-recognised PhD and (taught and distance learning) LLM programmes in competition law and policy (in addition to a strong undergraduate option in EC and UK competition law) as well as an impressive programme of shorter courses including training courses and a highly successful annual summer school in competition law. Since its inauguration in 2006, the ICC has welcomed hundreds of participants to these courses in London; hundreds more (mainly judges, lawyers, economists and policy-makers from over 35 countries) have benefited from training given in different parts of the world.

Among the current major projects undertaken within the ICC is its Middle East Initiative, which was launched on 1 January 2009 and comes to promote competition law and policy in this important region of the world.

The ICC also publishes a high quality, refereed student journal, the ICC Global Antitrust Review (GAR).

For further information on the ICC and its activities, visit: www.icc.qmul.ac.uk

The School of Law

The School of Law has established itself over the past 44 years as one of the country's leading Law Schools. The School has expertise in all aspects of law.

Queen Mary, University of London

Queen Mary is a leading college of the University of London, with strengths in teaching and research across humanities and social sciences; science and engineering; and medicine and dentistry. Internationally focused, ranked in the top 100 universities in world, with 2,700 staff and over 12,000 students, Queen Mary provides a uniquely stimulating and innovative environment for interdisciplinary initiatives such as the ICC.



Crowell & Moring LLP

Crowell & Moring LLP is an internationally recognised, full-service law firm with offices in Brussels, California, London, New York and Washington DC. The firm has leading practices in Antitrust, Corporate, Government Contracts, Intellectual Property, International Trade and Litigation. Crowell & Moring's 450+ attorneys assist clients on a broad spectrum of regulatory and administrative matters, mergers and acquisitions, international trade, civil and criminal investigations, high-stakes litigation, business counseling activities and more. Clients include Fortune 100 companies and multinational corporations competing in a wide range of domestic and international industries, as well as foreign governments, and scientific, charitable, educational and other non-profit organisations. Visit Crowell & Moring online at www.crowell.com for more information.

Accreditation

The conference has been recognised as constituting vocational training by the Orde van Vlaamse Balies and the Ordre des Barreaux Francophones et Germanophones de Belgique. Participants will be credited six or seven points of vocational training for their participation, respectively.

Participants with the relevant qualification will be credited six CPD points by the Law Society and the Bar Standards Board of the Bar Council (England and Wales).



Notes

**This guide has been produced by
the Publications and Web Office
for the School of Law – Pub4097**

**For further details on the work of the ICC,
please contact
Maher Dabbah
Director ICC,
School of Law
Queen Mary, University of London
67-69 Lincoln's Inn Fields
London
WC2A 3JB
Tel: +44 (0)20 7882 8122
Fax: +44 (0)20 7882 8223
email: icc@qmul.ac.uk
www.icc.qmul.ac.uk**