

ANTITRUST NEW FRONTIERS: THE DIGITAL ECONOMY AND ECONOMIC CONCENTRATION

 **Tel Aviv University,**
Trubowicz Building



The rise of the digital (“new”) economy has created new challenges for antitrust enforcement. It has considerably improved the ability of businesses to utilize efficiencies, disrupted markets, accelerated globalization, and changed the demand for skills in labor markets. It has also empowered populist ideas that are not always informed or practical. Economies across the world have witnessed dramatic increases in market concentration, displacement of small and large businesses, rising economic disparities, and growing pressures to revisit competition policies. Antitrust New Frontiers convenes some of the world’s leading antitrust thinkers, who have served in senior positions in the public and private sectors, as well as academia, to discuss contemporary antitrust themes, focusing on economic concentration and the transformation of markets.

Organizers: Barak Orbach, Yair Eilat, Michal Gal, David Gilo, Oren Rigbi.

Tuesday, June 11 📍 S.E. Hoofien Hall (105)

8:30-9:00 ☕ **Coffee and Registration**

9:00-9:30 **Opening Remarks**

- Dean Sharon Hannes, Tel Aviv University, Buchmann Faculty of Law
- Michal Halperin, General Director, Israel Competition Authority
- Niva Elkin-Koren, Founding Director, University of Haifa Center for Law & Technology (HCLT).

9:30-11:00 **Session 1: New vs. Old Economy: Economic Characteristics**

Moderator: David Gilo, Tel Aviv University Buchmann Faculty of Law
Panelists: Dennis Carlton, The University of Chicago Booth School of Business
Chaim Fershtman, Tel Aviv University School of Economics
Damien Geradin, Tilburg University; Euclid Law
Aviv Nevo, The University of Pennsylvania, Wharton School

This Session will examine the characteristics of the old and new economies that are pertinent to competition law and policy, as well as the effects of changes in markets on competition law policies.

11:00-11:15 ☕ **Coffee Break**

11:15-12:45 **Session 2. Platforms and Two-Sided Markets**

Moderator: Yaron Yehezkel, Tel Aviv University Coller School of Management
Panelists: Pinar Akman, University of Leeds School of Law
Guy Ben-Ishai, The Brattle Group
Aaron Edlin, The University of California, Berkeley
Howard Shelanski, Georgetown University Law Center

Platforms and two-sided markets are defining characteristics of the new economy, although both phenomena have always existed in some scale. This Session will discuss the emergence of digital platforms in the economy and antitrust issues in two-sided markets.

12:45-13:45 ☕ **Break**

13:45-15:15 **Session 3. Innovation and Intellectual Property Rights**

Moderator: Michal Cohen, Israel Competition Authority
Panelists: Yonatan Even, Cravath, Swaine & Moore LLP
Harry First, NYU School of Law
Neil Gandal, Tel Aviv University School of Economics
Daniel Rubinfeld, NYU School of Law

The relationship between competition law and technological change has remained a thorny topic. The digital revolution and practices of pharmaceutical companies have emphasized old debates and produced new controversies. This Session will examine the role of competition law in dynamic industries.

15:15-15:30 ☕ **Coffee Break**

15:30-16:30 **Session 4. Keynote**

Makan Delrahim, Assistant Attorney General for the Antitrust Division, U.S. Department of Justice

Registration [here](#) (required)

Number of seats is limited

Wednesday, June 12 📍 The Malka Brender Hall of Justice (035)

9:00-10:15 **Session 5. The Goals of Competition Law and Policy**

Moderator: Oren Rigbi, Israel Competition Authority and Ben Gurion University
Panelists: Jonathan Baker, American University Washington College of Law
Ariel Ezrachi, Oxford Law Faculty
Barak Orbach, The University of Arizona James E. Rogers College of Law

Competition law intends to protect and promote market competition. Antitrust analysis, however, does not directly measure competition. Instead, the analysis utilizes indicators that reflect certain aspects of market competition, such as consumer welfare, consumer protection, market power, concentration, economic disparities, efficiencies, business size, and even plurality and the “democratic process.” This Session will discuss the goals that competition law may serve and pressures to revisit such goals.

10:15-10:30 ☕ **Coffee Break**

10:30-12:00 **Session 6. New and Revisited Antitrust Themes**

Moderator: Yair Eilat, Israel Competition Authority
Panelists: Michal Gal, University of Haifa Faculty of Law
William Kovacic, George Washington University Law School
Gail Levine, Federal Trade Commission
Spencer Waller, Loyola University Chicago

Changes in the social and economic orders, as well as concerns related to new technologies, have produced pressures to revisit competition policies and expand the scope of competition law. This Session will examine antitrust themes that, in recent years, have drawn considerable attention, such as labor markets, buying power, common ownership, artificial intelligence, big data, and privacy.

12:00-13:00 ☕ **Break**

13:00-13:45 **Session 7. Keynote**

Michal Halperin, General Director, Israel Competition Authority

13:45-14:00 ☕ **Coffee Break**

14:00-15:15 **Session 8. Economic Concentration and Market Power**

Moderator: Uriel Citroen, Israel Competition Authority
Panelists: David Gilo, Tel Aviv University Buchmann Faculty of Law
David Genesove, Hebrew University
Ittai Paldor, Hebrew University

In 2013, the Israeli Parliament (“Knesset”) enacted the Promotion of Competition and Reduction of Concentration Act. The statute established a regulatory framework intending to address concentration in the economy, emphasizing three areas of concern:

The allocation of state assets, pyramid-structured business groups, joint control of large financial and non-financial firms. The Act requires Israel Competition Authority (“ICA”) to support the analysis and regulation of concentration with advice and expertise about the allocation of state assets, not only with respect to market concentration, but also with respect to “overall concentration”.

The Session will examine methods to measure and evaluate economic concentration and market power.

15:15-15:30 ☕ **Coffee Break**

15:30-16:45 **Session 9. Monopolies, Dominant Firms, and Unilateral Conduct**

Moderator: Asher Goshen, Israel Competition Authority
Panelists: Adi Ayal, Bar-Ilan University
Hal Varian, The University of California, Berkeley; Google
Abraham Wickelgren, Texas Law Faculty

The analysis of dominant firms and unilateral conduct varies considerably across countries. With globalization and the rise of tech giants, there have been growing pressures to reevaluate these themes. This Session will discuss antitrust analysis of monopolies, dominant firms, and unilateral conduct.

16:45-17:00 **Concluding Remarks**

- Yair Eilat, Israel Competition Authority
- Barak Orbach, The University of Arizona James E. Rogers College of Law