Global Competition Law and Policy
Professor Larry Fullerton
LAWG/J-726-09
Spring Semester 2016

COURSE SYLLABUS

Course overview: This seminar will examine the development of competition laws around the world, differences in substantive standards among the major enforcement jurisdictions, possible consequences of those differences, and options for addressing them. We will start with a basic understanding of U.S. and EC competition principles, and then compare and contrast these with the principles applied in developing and transition economies, such as China and South Africa. Particular emphasis will be on current issues and trends, multi-jurisdictional merger control, and regulation of dominant firm conduct. We will also consider the role of competition policy in economic and political development generally.


Coursework requirements: Each student will submit a proposed topic for class discussion no later than the night before each class, based on the assigned reading. In addition, there will be a four-hour open-book take-home final exam for this course. Students must take this exam sometime during the period beginning on Tuesday, May 3, through and including Friday, May 13. Please note that while May 3 is the beginning of the Law Center’s exam period, May 13 is a few days before the end of the exam period.

Attendance requirements: As provided in the Georgetown Law Center Student Handbook, “[r]egular and punctual attendance at all class sessions is required of each student.” Excessive absence may be sanctioned as provided in the Handbook. More specifically, in relation to the grading process, more than two absences from class may impact students’ grades by as much as one step (that is, it could result in a grade of B instead of a grade of B+).

Grading: Final grades for the course will be based on the final exam. Class participation, including weekly discussion topics, will be rewarded, but will not factor negatively into your final grade.

Contact information: Professor Fullerton may be reached by phone at [redacted] or by email at [redacted]
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ASSIGNED READINGS

Class 1 (January 20): Introduction and Recent History

Gerber, pages 1-13, 19-24, and 38-54

Class 2 (January 27): Sovereignty as Solution (Part I)

Gerber, pages 55-78

United States v. Aluminum Co. of America, 148 F.2d 416 (2nd Cir. 1945)


Int’l Guidelines §3.2

Class 3 (February 3): Sovereignty as Solution (Part II)

Foreign Trade Antitrust Improvements Act (1982)

Int’l Guidelines §§ 3.1, 3.11, 3.12, and 3.121, including Illustrative Examples A, B, and C


Motorola Mobility LLC v. AU Optronics Corp., 775 F.3d 816 (7th Cir.), cert. denied, 135 S. Ct. 2837 (2015)

United States v. Hui Hsiung, 778 F.3d 738 (9th Cir.), cert. denied, 135 S. Ct. 2837 (2015)

Class 4 (February 10): Globalization: Conflict and Uncertainty

Gerber, pages 79-101

Int’l Guidelines §3.14, including Illustrative Example H


No Class February 17
Class 5 (February 24): Development of US and EU Competition Laws

Gerber, pages 121-204

Class 6 (March 2): Single-Firm Conduct in US and EU


Intel Corp., FTC Docket No. 9341 (Dec. 16, 2009) (Administrative Complaint)


No Class March 9

Class 7 (March 16): Chinese Anti-Monopoly Law

Gerber, pages 205-08 and 223-36


H. S. Harris, “An Overview of the NDRC Decision in the Qualcomm Investigation,” CPI Antitrust Chronicle (July 2015(2))

Class 8 (March 23): South Africa and Public Interest Merger Standards

Gerber, pages 254-58

South Africa Commercial, Catering and Allied Workers Union v. Wal-Mart Stores, Inc. 111/CAC/Jun11 (Judgment: 9 March 2012)


Class 9 (March 30): The Promise of Convergence

Gerber, pages 101-17

Int’l Guidelines §§ 2.9, 2.91 and 2.92

L. Fullerton & M. Alvarez, “Convergence in International Merger Control,” Antitrust (Spring 2012)

Class 10 (April 6): Convergence as Strategy

Gerber, pages 273-92


Class 11 (April 13): Foreign Sovereign Immunity and Act of State

Int’l Guidelines §§ 3.3, 3.31, and 3.33

In Re Aluminum Warehousing Antitrust Litigation, 2014 WL 4211353 (S.D. NY 2014)


Class 12 (April 20): Sovereign Compulsion and State Ownership

Int’l Guidelines § 3.32, including Illustrative Example K


Class 13 (Last Class) (April 27): Review

No assigned reading