Unfair Competition Law European Union And Member States

Rapid technological innovations have challenged the conventional application of antitrust and competition law across the globe. Acknowledging these challenges, this original work analyses the roles of innovation in competition law analysis and reflects on how competition and antitrust law can be refined and tailored to innovation. The European Union (EU) leniency programme is a key weapon in the Commission’s fight against hard-core cartels. Much of the success of EU cartel enforcement depends on the continued effectiveness of the leniency policy and is especially critical in response to the growth of private enforcement. This book offers a comprehensive description of the development of the policy, along with a normative framework that promises to ensure the full legitimacy of the leniency programme: the Commission’s policy should pursue not only effectiveness but also fairness. It is the first work to extensively analyse the effectiveness and fairness in the EU leniency policy. Proceeding systematically from clarifying the concepts of ‘effectiveness’ and ‘fairness’ to addressing the tension between leniency and private actions for damages, the author discusses the nature of, and interrelations among, such aspects as the following: – the theoretical model of the EU fining policy; – the compatibility of the EU enforcement system with fundamental rights protection; – the gathering and evaluation of evidence at the preliminary investigation stage; – the severity and foreseeability of the EU cartel fines; – judicial review by the EU Courts in competition matters; – to what extent the current policy is effective and fair; and – reforms brought about by the 2002 and 2006 Leniency Notices and the leniency-related amendments by the 2014 Antitrust Damages Directive. A key feature is the author’s presentation of a normative framework to test the effectiveness (deterrence) and substantive fairness (retribution) of the EU leniency policy. As a clear demonstration of how to forestall the danger of focusing on effectiveness of leniency at the expense of fairness, both in a substantive and in a procedural sense, this book is a major contribution to the literature of competition law. It will prove to be of great value to competition authorities, antitrust practitioners and interested academics not only in Europe but also throughout the world.

As the European Union continues to sort itself out, it has been making rapid and significant changes in the rules of competition. This edition includes the latest decisions as of 1 May 2004 and is written for those who must immediately apply them to their businesses. Primary topics include the fundamentals of EC competition law and examinations of Companies in Europe and Japan are increasingly the target of private antitrust litigation. These lawsuits are being facilitated by favorable case law, legislative changes, and a growing awareness of antitrust remedies in all layers of society. This book analyzes and compares this burgeoning area of litigation in the European Union and Japan. It examines the legal framework for these actions and takes stock of the hundreds of actions for damages and injunctive relief that have been brought in Japan and the EU. It also looks at the novel contexts in which private litigants are invoking antitrust violations, such as in derivative suits and in actions to challenge arbitral awards. Finally, the book assesses the impact of private litigation on the enforcement of antitrust law and shows how Japan’s experience can be useful for Europe and vice versa in shaping future reforms.

This second edition of Competition Law of the European Union and the Netherlands: an overview, is a complete revision and update of an earlier publication of 1998, published shortly after the introduction of the Dutch Competition Act. Competition law is of vital importance for all major strategic business decisions and for all corporate and MandA transactions. This book is a comprehensive analysis of the EC and Dutch rules and practises in this area of the law. It is only a matter of size of the parties and of the transaction whether the EU or Dutch rules apply. This is the primary reason for discussing both sets of rules in one publication. The other reason is that the EC rules and practices are a major source of inspiration for the Dutch legislator, regulator and the courts.

Article 82 of the EC Treaty prohibits the abuse of a dominant position as incompatible with the common market. Its application in practice has been wide-ranging with goals as diverse as the preservation of an undistorted competitive process, the protection of economic freedom, the maximisation of consumer welfare, total welfare, or economic efficiency all cited as possible or desirable objectives. These conflicting aims have raised complex, conceptual questions such as how a dominant position should be defined, and how abuses can be assessed. This book addresses the conceptual questions underlying the test to be applied under Article 82 in light of the objectives of EU competition law. Adopting a comparative and interdisciplinary approach, the book covers all the main issues relating to Article 82, including the definition of dominance, the taxonomy of abuses, and the criteria for the assessment of individual abusive practices. It provides an in-depth doctrinal and normative commentary of the case law with the aim of establishing an intellectually robust and practically workable analytical framework for abuse of dominance.

European Competition Law: A Case Commentary explains EU competition law by presenting the relevant legal provisions together with carefully selected case extracts pertaining to those provisions. The selection is based on the interpretative value of the extracts and is limited to the essentials in order to clearly demonstrate how competition rules have been interpreted by the European Commission and the Courts. The extracts originate mostly from the decisions of the European Commission and judgments of the Court of Justice of the European Union and the European Court of Human Rights.

During the last decade the European Commission has progressively adopted what is called a ‘more economic approach’ toward competition policy. This approach, which draws on U.S. antitrust policy, puts greater emphasis on possible welfare effects of business practices and is less concerned with competitive market structures. Under this school of thought concentration cannot be said to impede effective competition to the extent that efficiency gains outweigh market distortions. In order to stimulate the debate on this basic reorientation, in January 2009 the Max Planck Institute for Comparative and International Private Law at Hamburg convened economists, legal scholars, and practitioners for an exchange of views on these and ‘new’ methodological foundations of EU competition policy and competition law. Two especially controversial elements were chosen for in-depth discussion: the prohibition of abuses of dominant positions and the review of State aid. This book reproduces fourteen papers from this conference, representing the considered views of prominent European lawyers, economists, academics, policymakers, and enforcement officials in the competition field on matters such as: the objectives of EU competition law; the current enforcement guidelines of the EU Commission regarding Article 102 TFEU and measuring market power; abusive low pricing strategies; the economics of competition law enforcement; recent developments in EU State aid law; economic
Although it is commonly assumed that consumers benefit from the application of competition law, this is not necessarily always the case. Economic efficiency is paramount; thus, competition and this edition will follow the successful format of previous editions covering these developments. Pharmaceutical sector. There has been significant change since the last edition with major cases and other developments in areas such as merger review procedure and cartel enforcement, developments in the case law and relevant legislation that have occurred since the Fifth Edition in 2010. The developments in EU competition law that have occurred have been largely Court of Justice. The new Sixth Edition of a major work by the well-known competition law team at Van Bael & Bellis in Brussels brings the book up to date to take account of the many regulations and directives. The book delineates, with extraordinary clarity and precision, the working of unfair competition law throughout the European Union. Its four comprehensive chapters encompass: basic considerations of definition, subject matter, enforcement, and applicable.

This clear and concise textbook presents EU competition law in political, economic and comparative context. It combines excerpts from key EU rulings with discussions of enforcement policy issues and comparisons with US antitrust cases. Untangling the complex set of factors driving individual outcomes, it is the perfect companion for any student or practitioner in the field. Competition Law of the EU and UK is the essential introduction to competition law. Clear and accessible, without compromising on rigor, it helps students to navigate all of the technicalities of competition law. With strong coverage of the economics underpinning the law, this text leads students through the complexities of competition law and helps them to understand its principles. Designed to bring the law to life, a range of learning features aid comprehension and invite students to think about the many applications of competition law. Key cases boxes provide lively discussion, and user-friendly flow charts and visual aids offer a stimulating approach to competition law, making it an ideal introduction to the subject for undergraduates and postgraduates new to this area of law. An Online Resource Centre accompanies this book and provides: Summary maps and key cases - downloadable for ease of use Multiple choice questions - to help students to self-check progress and understanding Table of OFT decisions - for quick reference Web links - to enable students to take their learning further Competition Law of the European Union' provides a comprehensive and up-to-date analysis of the EU competition rules as developed primarily by the Commission, the General Court and the Court of Justice. The new Sixth Edition of a major work by the well-known competition law team at Van Bael & Bellis in Brussels brings the book up to date to take account of the many developments in the case law and relevant legislation that have occurred since the Fifth Edition in 2010. The developments in EU competition law that have occurred have been largely incremental rather than momentous. The authors have also taken the opportunity to write a much-extended chapter on private enforcement and a dedicated section on competition law in the pharmaceutical sector. There has been significant change since the last edition with major cases and other developments in areas such as merger review procedure and cartel enforcement, and this edition will follow the successful format of previous editions covering these developments. Although it is commonly assumed that consumers benefit from the application of competition law, this is not necessarily always the case. Economic efficiency is paramount; thus, competition law in Europe and antitrust law in the United States are designed primarily to protect business competitors (and in Europe to promote market integration), and it is only incidentally that such
law may also serve to protect consumers. That is the essential starting point of this penetrating critique. The author explores the extent to which US antitrust law and EC competition law adequately safeguard consumer interests. Specifically, he shows how the two jurisdictions have gone about evaluating collusive practices, abusive conduct by dominant firms and merger activity, and how the policies thus formed have impacted upon the promotion of consumer interests. He argues that unless consumer interests are directly and specifically addressed in the assessment process, maximization of consumer welfare is not sufficiently achieved. Using rigorous analysis he develops legal arguments that can accomplish such goals as the following: replace the economic theory of 'consumer welfare' with a principle of consumer well-being; build consumer benefits into specific areas of competition policy; assess competition cases so that income distribution effects are more beneficial to consumers; and control mergers in such a way that efficiencies are passed directly to consumers. The author argues that, in the last analysis, the promotion of consumer well-being should be the sole or at least the primary goal of any antitrust regime. Lawyers and scholars interested in the application and development and reform of competition law and policy will welcome this book. They will find not only a fresh approach to interpretation and practice in their field - comparing and contrasting two major systems of competition law - but also an extremely lucid analysis of the various economic arguments used to highlight the consumer welfare enhancing or welfare reducing effects of business practices. . . . Arianna Andreangeli s book can be strongly recommended. Academics and practitioners active in the field of competition law, EU law and human rights will certainly find much of interest in this book. Volker Soyez, European Competition Law Review This book is well structured and well written. . . The volume represents an important contribution to the existing legal literature on fundamental rights protection in the EU legal order from a competition law perspective. Giacomo Di Federico, Common Market Law Review This book discusses the procedural rights enjoyed by those being investigated under Articles 81 and 82 of the EC Treaty and of the Merger Control Regulation, and their right to challenge the Commission's decision in the Community Courts. It further assesses how their rights to due process in competition proceedings before the European Commission comply with the notion of administrative fairness enshrined in the European Convention on Human Rights, in accordance with the case law of the European Court of Human Rights. In this study, Arianna Andreangeli takes into account key developments such as modernisation and its impact on competition proceedings before the Commission, the debate on the principles of legal professional privilege, the protection against self-incrimination, the rule of ne bis in idem and the possibility of establishing an EU competition court. It offers an examination of the right to be heard, the right to have access to the Commission-held evidence, and to legal professional privilege, and the right to silence and to seek judicial review of Commission decisions and assess them in the light of the Strasbourg court's case law. Academics active in the area of competition law, EU law and human rights, as well as practitioners active in the area of competition law will find much to interest them in this book. Business law and labour law are driving forces and core areas of European private law. New concepts and approaches are thus required that are not limited to civil law and that are different from those traditionally embraced by national private law. These new challenges regarding the current status and perspectives of European private law are discussed in this volume by sixteen highly reputed researchers from across Europe. The contributions concern various areas of European private law, including contract, property, company, competition and labour law. This book will be an invaluable resource for all those working on European law and private law within Europe. The main aim of this book is to discuss the state of unfair competition law in the European Union. In this respect, the various efforts that have been made in the past to come to harmonization of this area of law and the reasons that they were only partially successful are reviewed. In addition, the International and European regulations that refer to unfair competition, like, e.g., the Paris Convention, the TRIPS and the recent 2004 Unfair Commercial Practices Directive are discussed. Also an overview is given of the unfair competition laws in the United Kingdom, Germany and the Netherlands with respect to the 'problem-areas' of slavish imitation, misleading advertising, denigrating one's competitor, trade secrets and finally, misappropriation of valuable trade assets. Unfair competition law is fundamentally a part of intellectual property law. Not only the relation of unfair competition law to intellectual property laws are therefore part of the discussion but also the areas of consumer protection law (since unfair competition law is partly orientated towards consumer protection) and competition (as an economic concept) is the topic of thorough review. This title shows how designs can be protected using the entire intellectual property system. It covers the protection of artistic, industrial and functional designs and examines protection under EC legislation. As of May 2004, national competition authorities in EU Member States are empowered to enforce sanctions on infringement of the competition rules laid down in Articles 81 and 82 EC Treaty. This book offers thorough reports by local practitioners or academics on twelve national competition law systems within the EU and focuses on sanctioning law. It includes detailed information on sanctioning under both criminal and administrative law at the national as well as the EC level, with expert analysis of the criminal law and administrative law principles to be applied. It also features contributions on themes such as fining policy, leniency, investigatory powers, mutual assistance in administrative and criminal matters in relation to the cooperation between national competition authorities, and Swiss competition law. Aerospace Law and Policy Series Volume 14 European Union Competition Law in the Airline Industry provides an overview of competition law in the aviation sector. Since the liberalisation of air transport in the EU in the late 1980s, with the application of competition law to agreements and practices within the EU, and between EU and non-EU airlines, particularly from 2004, competition has intensified. The industry has evolved, with the emergence of low-cost carriers, greater consolidation between full service carriers through mergers and alliances, and most recently, convergence of business models as airlines respond to competitive pressures. The enforcement of competition law has also increased within the EU - at EU and EU Member State level - and internationally. In light of this, the book offers a blend of practical advice and legal input, useful for practitioners and academics, and all others who are involved with this interesting and multifaceted subject. What's in this book: Among the issues and topics covered are the following: commercial agreements between airlines such as code-sharing, mergers and alliances, and other joint ventures; means of distribution such as computer reservation (or global distribution) systems and travel agents; supply and distribution agreements; abusive conduct by dominant companies, including airports, airlines, or other companies; cartels, including the Airfreight cartel case; information exchange between competitors; procedure, enforcement, and private actions for damages; State aid to airlines by governments, through agreements between regional airports and low-cost carriers, and aid to airports; and State subsidies by non-EU
countries to airlines. The author also gives an overview of the liberalisation process, the European Common Aviation Area, agreements with non-EU countries, latest developments (including Brexit), and ongoing trends. How this will help you: This practical and thoroughly researched book, minimising the need for cross-referencing, is currently the only comprehensive study of European competition law from the perspective of the airline industry. As a practical guide to the application of competition law in relation to drafting commercial agreements, planning and structuring mergers and alliances, assessing existing agreements, or handling claims or disputes among airlines or airports, legal practitioners in the transport field will find this book to be of immeasurable value, as will business persons at airlines and airports. Thus, this book is indispensable for regulators, academics, and university libraries.

The idea of the Modernisation of European Competition Law had been launched by the Commission in late 2000 in a White Paper. The Commission proposed to decentralise the application of the EC competition rules: national authorities and judges would receive new competencies in this area. The modernisation process should dramatically change the scene. Current expectations are that there is a fair chance that the Commission’s proposal will be adopted, with some amendments, by the Council before the end of 2002.

Following the publication of the White Paper, the Leuven Centre for a Common Law of Europe decided to devote a conference to the subject of Modernisation of EC Competition Law in June 2001. At the time of the Conference, the modernisation idea had been followed by a draft Regulation implementing Articles 81 and 82 EC. This book contains the papers that were delivered at the conference. These papers examine the salient features of the proposed reform and discuss its consequences for European and national competition law and practice. Special emphasis is placed on private enforcement of EC antitrust rules. The editors added a general introduction, setting out the highlights of the modernisation debate, as it was conducted in Leuven. Therefore this book will help to understand this single most important reform of EC competition law since its conception.


This book gathers international and national reports from across the globe on key questions in the field of antitrust and intellectual property. The first part discusses the application of competition law in the pharmaceutical sector, which continues to be a focus for anti-trust authorities around the world. A detailed international report explores the extent to which the application of the competition rules in the pharmaceutical sector should be affected by the specific characteristics of those products and markets (including consumer protection rules, the need to promote innovation, the need to protect public budgets, and other public interest considerations). It provides an excellent comparative study of this complex subject, which lies at the interface between competition law and intellectual property law. The second part of the book gathers contributions from various jurisdictions on the topic of “What rules should govern claims by suppliers about the national or geographic origin of their goods or services?” This section presents an international report, which offers an unparalleled comparative analysis of this topic, bringing together common themes and contrasting the various national provisions dealing with indications of origin, amongst other things. The book also includes the resolutions passed by the General Assembly of the International League of Competition Law (LIDC) following a debate on each of these topics, which include proposed solutions and recommendations. The LIDC is a long-standing international association that focuses on the interface between competition law and intellectual property law, including unfair competition issues.

The assumption that competition law and consumer protection are mutually reinforcing is rarely challenged. The theory seems uncontroversial. However, because a positive interaction between the two is presumed to be self-evident, the frequent conflicts that do in fact arise are often dealt with on an ad hoc basis, with no overarching legal authority. There is a clear need for a detailed and coherent understanding of exactly where the complements and tensions between the two policy areas exist. Dr Cseres in-depth analysis provides that understanding. Proceeding from the dual perspective of law and economics that is, of justice, fairness, and reasonableness on the one hand, and of efficiency of the other she fully considers such underlying issues as the following: the role of competition law and consumer law in a free market economy; the notion of consumer welfare; the effect of the modernisation of EC competition law for consumers; economics theories of information, bounded rationality, and transaction costs; the special significance of vertical agreements and merger control; and, how consumers are affected by information asymmetries. The ultimate focus of the book is on current and emerging EC law, in which a rapprochement between the two areas seems to be under way. Dr. Cseres provides a knowledgeable guide to the various strands of theory, policy, and jurisprudence that (she shows) ought to be taken into account in the process, including schools of thought and law and policy experience in both Europe and the United States. A special chapter on Hungary, where post-1989 law and practice reveal a fresh and distinctly forward-looking understanding of the matter, is one of the book’s most extraordinary features. Competition Law and Consumer Protection stands alone as a committed contribution to bridging a gap in legal knowledge the significance of which grows daily. It will be of immeasurable value to a wide range of professionals from academics and researchers to officials, policymakers, and practitioners in competition law, consumer protection advocacy, economic theory and planning, business administration, and various pertinent government authorities.

‘Digital competition’, a term and concept that has risen to the forefront of competition law, may be viewed as both promising and cautionary: on the one hand, it brings the promises of increased speed, efficiency and objectivity, and, on the other, it entails potential pitfalls such as hard-to-identify pathways to unfair pricing, dominant positions and their potential abuse, restriction of choice and abuse of personal data. Accordingly, jurisdictions around the world are taking measures to deal with the phenomenon. In this concise but thoroughly researched book – both informative and practical – lawyers from a prominent firm with a specialised digital competition team take stock and examine the state of digital competition in the enforcement practices of six competition authorities in Europe, most of these forerunners in the field of digital competition policy and...
enforcement. The competition authorities surveyed are those of the European Union, the United Kingdom, France, Germany, the Netherlands and Belgium. For each, an overview, spanning the period from 2012 to mid-2019, includes not only landmark cases in which digital technologies have had a significant impact on the competition law outcome but also guidance documents such as speeches, policy statements, industry surveys and research reports. Activities and enforcement practices of the various authorities include the following and more: degree of activity; focus of the activity; enforcement styles; enforcement instruments; visible effectiveness of enforcement; and important insights and outlooks. Each overview contains separate chapters on the cartel prohibition, the prohibition of abuse of a dominant position and merger control. An additional chapter evaluates the similarities and differences in the enforcement practices and the positive and negative effects of digital competition in the jurisdictions investigated, and a concluding chapter offers recommendations. An indispensable guide to quickly and accessibly acquiring in-depth knowledge in competition law in the digital sector, this matchless volume is a must-read for any practitioner or academic who encounters competition law related to digital markets. The dilemmas and challenges of the new competition law reality – which is here already, like it or not – are clearly explained here for the benefit of regulators, academics, policymakers, judges, in-house counsel and lawyers specialising in competition law and intellectual property law.

This book is the fourth edition of a highly practical guide to the leading cases in European Competition Law. It explores the application of Article 101 TFEU, Article 102 TFEU and the European Merger Regulation, as well as the public and private enforcement of Competition Law. In addition, it reviews the intersection between Competition Law and Intellectual Property Rights and the application of Competition Law to State action. Each chapter outlines the relevant laws, regulations and guidelines for each topic. Within this framework, cases are reviewed in summary form, accompanied by analysis and commentary. Endorsements: 'This book should be in the library of every competition law practitioner and academic. The summary of cases is first class. But what makes it really stand out is the quality of the commentary and the selection of the material which includes not only the most important European judgements and decisions but also some of the leading cases from the US and European Member States.' Ali Nikpay, Gibson, Dunn & Crutcher LLP, Former Senior Director, Office of Fair Trading 'The study of EU Competition law requires the analysis and understanding of a number of increasingly complex European Commission and European Court decisions. Through the provision of case summaries, excerpts from the important passages and concise commentary linking these decisions to other key case law and Commission documents, this unique and impressive book, now in its fourth edition, provides the student and practitioner of EU competition law with an extremely clear and useful introduction to these leading decisions' Dr Kathryn McMahon, Associate Professor, School of Law, University of Warwick 'The Guide is an invaluable tool for both students and practitioners. It provides a compact overview on the fundamental cases and highlights the essential problems in a clear and sharp analysis.' Dr Christoph Voelk, Antitrust Practice Group, McDermott, Will & Emery LLP 'This book is especially valuable to competition law specialists in Europe and abroad who are interested in the jurisprudence and policy of the European Union and its member states. Familiarity with the European regime is essential for proficiency in competition law today, and this volume provides an excellent foundation.' William E Kovacic, Global Competition Professor of Law and Policy, George Washington University Law School, Former Chairman, US Federal Trade Commission

This book presents the most thoroughgoing model yet offered to ensure the emergence of a genuinely competitive electronic communications industry in Europe. In the course of its in-depth analysis the discussion focuses on such factors as the following: EU telecommunications policy as revealed in liberalization and harmonization legislative measures; the EU electronic communications framework; case law covering issues of refusal to supply and the essential facilities doctrine; application of Article 82 EC to bottlenecks; specific types of an undertakings unilateral behaviour that may often occupy NRAs and competition authorities in the context of their ex post competition law investigations under Article 82 EC; strategic alliances and mergers in the move toward multimedia; access to premium content and the emergence of new media; the scope of content regulation in the online environment; and broadband (regulation of local loop unbundling and bitstream access). The book also provides practical guidance on issues concerning the complicated market definition and analysis mechanism promulgated by the European Commission's Recommendation and Guidelines.

During the past decade, private enforcement of competition law has slowly taken off in Europe. However, major differences still exist among Member States. By harmonizing a number of procedural rules, the Damages Directive aimed to establish a level playing field among EU Member States. This timely book represents the first assessment of the implementation of the Damages Directive. Offering a comparative perspective, key chapters provide an up-to-date account of the emerging trends in private enforcement of competition law in Europe.

This publication provides an unparalleled comparative analysis of two "hot topics" in the field of antitrust and unfair competition law with regard to a number of key countries. The first part of the book examines the prohibition of abuse of a dominant position and globalization in relation to two broad questions: first, whether there is consistency between the approaches of different jurisdictions to the notion of abuse, and, second, whether there are too many restrictions on legal rights and business opportunities resulting from the prohibition of abuse of dominance. The international report drafted by Professor Pinar Akman reveals that there are as many similarities as differences between the approaches of the twenty-one jurisdictions studied and presented in this book. This is an invitation to read the excellent international report as well as the reports on specific jurisdictions in order to grasp the variety of arguments and approaches of this antitrust area, which may, on the surface, appear alike. The second part gathers contributions on the question of protection and disclosure of trade secrets and know-how from various jurisdictions. The need for adequate protection of trade secrets has increased due to digitalization and the
ease with which large volumes of misappropriated information can be reproduced. The comprehensive international report, prepared by Henrik Bengtsson, brings together these reflections by comparing various national positions. The book also discusses the resolutions passed by the General Assembly of the International League of Competition Law (LIDC) following a debate on each of these topics, and includes proposed solutions and recommendations.

This book contends that, with regard to the likelihood of confusion standard, European trademark law applies the average consumer incoherently and inconsistently. To test this proposal, it presents an analysis of the horizontal and vertical level of harmonization of the average consumer. The horizontal part focuses on similar fictions in areas of law adjacent to European trademark law (and in economics), and the average consumer in unfair competition law. The vertical part focuses on European trademark law, represented mainly by EU trademark law, and the trademark laws of the UK, Sweden, Denmark and Norway. The book provides readers with a better understanding of key aspects of European trademark law (the average consumer applied as part of the likelihood of confusion standard) and combines relevant law and practices with theoretical content and other related areas of law (and economics). Accordingly, it is an asset for policymakers and practitioners, as well as general readers with an interest in intellectual property law and theory.

The European Competition Law Annual 2002 is the seventh in a series of volumes following the annual workshops on EU Competition Law and Policy held at the Robert Schuman Centre of the European University in Florence. The volume reproduces the materials of the roundtable debate that took place at the seventh Workshop. The aim of this book is to explore the economic fundamentals of European competition law.

This book provides an unparalleled comparative analysis of two “hot topics” in the field of antitrust and unfair competition laws with regard to a number of key countries. The first part of the book examines the consistency and compatibility of transactional resolutions of antitrust proceedings (such as settlement procedures, leniency programmes and commitments) with due process and the fundamental rights of the parties. This is a particularly important topic, given the widespread adoption of these procedures by anti-trust authorities worldwide. The individual chapters consider how the leniency, settlement and commitments procedures have developed across a range of jurisdictions, and discuss the extent to which checks and balances have been applied in those national procedures in order to safeguard the fundamental rights of the parties involved. A detailed international report identifies general trends and highlights the differences between and most interesting features of national regulations. The second part of the book gathers contributions from various jurisdictions on the unfair competition-related question of the online exhaustion of IP rights. As commerce is increasingly moving online, the respective chapters consider the extent to which exhaustion and similar concepts have adapted to these rapid changes. The comprehensive and insightful international report brings together these reflections by comparing various national positions. The book also includes the resolutions passed by the General Assembly of the LIDC following a debate on each of these topics, which include proposed solutions and recommendations. The international League of Competition Law (LIDC) is a long-standing international association that focuses on the interface between competition law and intellectual property law, including unfair competition issues.

Whish and Bailey's Competition Law is the definitive textbook on this subject. The authors explain the purpose of competition policy, introduce the reader to key concepts and techniques in competition law and provide insights into the numerous different issues that arise when analysing market behaviour. Describing the law in its economic and market context, they particularly consider the competition law implications of business phenomena, including distribution agreements, licences of intellectual property rights, cartels, joint ventures, and mergers. The book assimilates a wide variety of resources, including judgments, decisions, guidelines, and periodical literature. An authoritative treatment of competition law is paired with an easy-to-follow writing style to make this book a comprehensive guide to the subject, regularly used in universities, law firms, economic consultancies, competition authorities, and courts. Clear, detailed, and analytical, this is an unparalleled guide and stand-alone resource on competition law.


Competition Law of the European Union

Copyright: 5b131110efcc4a59c3f62960716e1323