

# DYNAMIC COMPETITION IN DYNAMIC MARKETS: *A PATH FORWARD*

**2022 Conference**

**August 2<sup>nd</sup>, 2022**

Woodward Conference Center  
Melbourne Law School



**PROGRAM + SPEAKERS' BIO**

## DYNAMIC COMPETITION IN DYNAMIC MARKETS: A PATH FORWARD 2022 Conference Melbourne Law School

8:30 - 9:00 am

### REGISTRATION & BREAKFAST

9:00 - 9:10 am

### OPENING REMARKS

**Julie CLARKE**, Professor in Competition Law, Melbourne Law School

9:10 - 9:30 am

### CPI TALKS TO...

**Frédéric JENNY**, Chairman, OECD Competition Committee; Professor, ESSEC Paris Business School

9:30 - 10:30 am

### INNOVATION, ENTREPRENEURSHIP & COMPETITION: HOW DO WE PRESERVE VALUE?

**Giuseppe COLANGELO**, Jean Monnet Chair in European Innovation Policy and Associate Professor of Law and Economics, University of Basilicata

**Beth WEBSTER**, Pro Vice-Chancellor (Research Impact and Translation), Swinburne University of Technology

**Jason TABARIAS**, Director, Accenture

**Aaron LANE**, Senior Lecturer in RMIT's Graduate School of Business and Law; Senior Research Fellow in the RMIT Blockchain Innovation Hub

**Moderator: Rhonda SMITH**, Senior Lecturer, Melbourne Law School; Faculty of Business and Economics

10:30 - 10:45 am

### COFFEE BREAK

10:45 am - 11:45 am

### PRIVACY & COMPETITION: IS THERE TENSION?

**Christopher YOO**, John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

**Stephen KING**, John H. Chestnut Professor of Law, Communication, and Computer & Information Science, University of Pennsylvania

**Douglas RATHBUN**, Public Policy, Meta

**Wayne LEACH**, Partner, King & Wood Mallesons

**Moderator: Kirsten WEBB**, Partner, Clayton Utz

12:00 - 1:00 pm

### LUNCHEON DISCUSSION WITH...

**Tom LEUNER**, Executive General Manager, Mergers, Exemptions and Digital Division, ACCC

1:00 - 2:00 pm

### BIG DATA: UNDERSTANDING AND ANALYZING ITS COMPETITIVE EFFECT

**John M. YUN**, Associate Professor of Law & Deputy Executive Director at the Global Antitrust Institute

**Adam TRIGGS**, Director, Accenture

**Niloufer SELVADURAI**, Professor of Technology Law, Macquarie University

**Chris HART**, Principal, RBB Economics

**Moderator: Lisa HUETT**, Partner, King & Wood Mallesons

2:00 - 2:15 pm

### COFFEE BREAK

2:15 - 3:15 pm

### THE ROLE OF M&A IN INNOVATION ECOSYSTEMS

**Simon WILKIE**, Head of Monash Business School, Monash University

**Daniel SOKOL**, Professor of Law, USC Marshall School of Business

**Louise KLAMKA**, Partner, Gilbert + Tobin

**Rajat SOOD**, Competition Economist, ACCC

**Moderator: Julie CLARKE**, Professor in Competition Law, Melbourne Law School

3:15 - 3:30 pm

### WRAP-UP

3:30 - 4:00 pm

### COCKTAIL RECEPTION



## Julie CLARKE



Julie Clarke is a Professor in Competition Law in the Melbourne Law School, Associate Dean (Melbourne Law Masters), Associate Dean (Digital Technologies) and Director of the Global Competition and Consumer.

Prior to joining the Melbourne Law School in 2017, Julie was an Associate Professor at Deakin University, where she had served as the (inaugural) Director of the online Deakin Juris Doctor program, Director of Teaching, LLB Program Director and Interim Head of the Deakin Law School. Between 2011-2014 she was also a project leader for the Associate Law Deans Network (now the Legal Education Associate Deans network).

Before commencing an academic career, Julie worked as a research assistant at the Victorian Court of Appeal, completed her Articles of Clerkship at Minter Ellison (Melbourne) and was admitted as an Australian lawyer in 2001. She volunteered as a Board Member and Secretary of the Barwon Community Legal Service from 2015-2020 and is a member of the Law Council of Australia's competition and consumer committee.

## Giuseppe COLANGELO



Giuseppe Colangelo is a Jean Monnet Professor of European Innovation Policy at Stanford. He is also an Associate Professor of Law and Economics at University of Basilicata, and an Adjunct Professor of Markets, Regulation and Law, and of Legal Issues in Marketing at LUISS Guido Carli in Rome, Italy.

He graduated in Law from LUISS Guido Carli, earned an LL.M. in Competition Law and Economics at the Erasmus University of Rotterdam, and a Ph.D. in Law and Economics at LUISS Guido Carli.

## Chris HART



Chris is an Associate Principal based in RBB's Melbourne office. He joined the firm in 2015 after completing an LLB and MCom in Economics at Stellenbosch University.

Chris has advised on a variety of competition matters before the South African and Namibian competition authorities including mergers, alleged anti-competitive agreements, abuse of dominance matters and market investigations. His sectoral experience includes automotive

parts, aviation, fast moving consumer goods, construction, mining, online advertising, private healthcare, refractories and telecommunications.

## Lisa HUETT



Lisa Huett is a partner with King & Wood Mallesons where she specialises in competition law, consumer protection and product liability with a particular focus on the application and enforcement of Australia's cartel laws.

Lisa has advised extensively in relation to competition law matters, including preparing responses to ACCC investigations, advising on the competition implications of clients' proposals and conduct, and assessing the application of the Australian Consumer Law to advertising, promotions and contract terms.

## Frédéric JENNY



Frédéric Jenny is Chairman of the OECD Competition Committee since 1994, Professor at ESSEC Paris Business School and Head of the International Committee of the Review Concurrences. He is also 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 for 7 years, Judge on the French Supreme Court from 2004 to August 2012, Vice Chair of the French Competition Authority from 9 years and President of the WTO Working Group on Trade and Competition from 1997 to 2004. He has a Ph.D. in Economics (University Paris II) and a Master's in Economics (Harvard University). His research areas concern the relationship between structure and performance in European countries, particularly France, antitrust legislation in Europe. He was Global Professor of Antitrust in the New York University School of Law's Hauser Global Law School (2014), visiting professor at University College London Law School (2005-2012), Haifa University School of Law in Israel (2012), University of Capetown Business School in South Africa (1991), Keio University Department of economics in Japan (1984), Northwestern University Department of Economics in the United States (1978)..

# Speakers' Bios

## Stephen KING



Dr Stephen P. King joined the Productivity Commission as a Commissioner from 1 July 2016 and was reappointed for a five year term on 1 January 2022. He was recently a Professor of Economics at Monash University in Melbourne where he also held the position of Dean of the Faculty of Business and Economics from 2009-2011.

Prior to joining Monash, Stephen was a Member of the Australian Competition and Consumer Commission (ACCC), where he chaired the Mergers Review Committee. Previous roles include, Professor of Economics at the University of Melbourne and a Professor of Management (Economics) at the Melbourne Business School.

Stephen is an adjunct professor at Monash University, a member of the Academy of Social Sciences in Australia and a Lay Member of the High Court of New Zealand. He has a PhD in economics from Harvard University. He is also a member of the Review panel considering pharmacy remuneration and regulation.

## Louise KLAMKA



Louise is a partner in Gilbert + Tobin's Competition + Regulation group. She has extensive experience advising on the Competition and Consumer Act implications of mergers, strategic alliances, and joint ventures, complex supply arrangements, and the use of the ACCC's merger clearance and authorisation processes to achieve the commercial objectives of her clients.

Louise has extensive experience and expertise in relation to competition and regulatory issues in aviation and travel markets, including in regular dealings with the ACCC. Over 13 years of commercial practice, Louise has advised a broad range of clients in the travel, transport, infrastructure, financial services, energy, consumer goods, media, software and digital services industries.

## Aaron LANE



Dr. Aaron Lane is a Senior Lecturer in RMIT's Graduate School of Business and Law and a Senior Research Fellow in the RMIT Blockchain Innovation Hub.

Dr. Lane is a regulatory lawyer and an expert in the relationship between regulation and innovation. His current research focuses on the legal and economic implications on blockchain technology.

He was admitted to practice in the Supreme Court of Victoria and began his legal career in private practice acting and appearing for clients in administrative, commercial and criminal matters. As a regulatory analyst, he has worked with leading Australian think tanks on economic and financial regulation. He has appeared to give expert evidence before State and Federal parliamentary inquiries and has contributed to an Amicus Brief filed in the Supreme Court of the United States. More recently, Aaron has advised Australian and foreign governments on the regulation of blockchain and cryptocurrency.

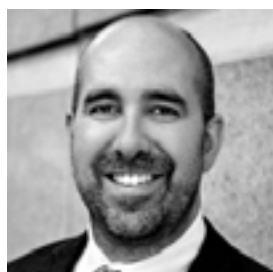
## Wayne LEACH



Wayne Leach is Head of King & Wood Malletsons' national competition law group.

Wayne regularly advises large corporations on strategically important competition law issues associated with mergers, joint ventures, industry collaborations, access to essential infrastructure, and regulatory investigations and studies across Australia and the Asia-Pacific region. He represents clients in a range of industries, including the technology, financial services, resources, export infrastructure, agricultural, fast-moving consumable goods and entertainment sectors.

## Tom LEUNER



Tom is the Executive General Manager of Mergers, Exemptions and Digital at the Australian Competition and Consumer Commission (ACCC), where he has been since 2020. Prior to that, he spent eight years as the General Manager of the ACCC's Merger Investigation Branch.

## Douglas RATHBUN



Douglas is an experienced expert in market dynamics with broad experience in enforcement, policy, and legislation. He has extensive experience with sophisticated policy analysis and creative approaches to complex problems, drawing on a diverse background and unique set of skills.





## Niloufer SELVADURAI



Professor Niloufer Selvadurai is a technology law scholar at Macquarie University. Niloufer researches and teaches on the effective governance of emerging and evolving technologies. She explores how technological change undermines the efficacy of laws, especially in the fields of digital finance, contracts, cyber security, data privacy and IP, and how legal

frameworks can be reimagined to strengthen accountability and trust. A feature of her work is interdisciplinary collaborations with computing, engineering and finance. She is presently Program Director, Legal and ethics of cyber, Macquarie Cyber Security Hub, and Deputy Director of the Centre for Energy and Natural Resources Innovation and Transformation (CENRIT). She was formerly Deputy Dean, Operations and Planning, of the Macquarie Law School. In 2021, she was the recipient of the Executive Dean's Prize for Research Engagement, Faculty of Arts, Macquarie University. Qualifications include a BA LLB (First Class Hons) from the University of Sydney, a PhD from Macquarie University and admission as a solicitor in the Supreme Court of New South Wales.

## Rhonda SMITH



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

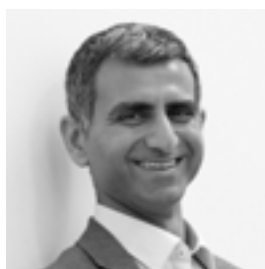
of the Copyright Tribunal and a lay member of the High Court of New Zealand. Rhonda has acted as an expert witness in a number of Trade Practices cases, has advised firms in relation to trade practices issues and provides training in relation to the economics of trade practices, including to the ACCC.

## D. Daniel SOKOL



D. Daniel Sokol is a Professor of Law at the USC Gould School of Law and an Affiliate Professor of Business at the Marshall School of Business. He serves as faculty director of the Center for Transnational Law and Business and the co-director of the USC Marshall Initiative on Digital Competition. Additionally, in a part time capacity, he serves as Senior Advisor at White & Case LLP.

## Rajat SOOD



Rajat Sood has been the Principal Economist at the ACCC since 2019. Prior to that, he worked as a consultant with Frontier Economics.

## Jason TABARIAS



By way of background, Jason is a specialist in innovation and its public benefits. Jason previously worked at the Department of the Premier and Cabinet, Victoria where he led the state's engagement in intergovernmental reforms to competition and regulation policy and at the Department of the Prime Minister and Cabinet New Zealand where he led

on public policy innovation. Jason led a review of the University of Melbourne's entrepreneurship and research translation programmes and supported the establishment of the Melbourne Entrepreneurial Centre. Jason is currently a Director at Accenture Economic Insights, where he consults to governments on industry growth potential and support for investment attraction, industry growth and development and ways to best share the benefits of economic growth. Jason holds a Master of Economics from Victoria University, Wellington and was formerly an Honorary Fellow at the University of Melbourne at the Faculty of Business and Economics.

## Adam TRIGGS



Dr Adam Triggs is a director within Accenture who leads data-led strategy projects. He is a non-resident fellow at the Brookings Institution and ANU Crawford School where he is widely published on competition policy issues, most recently on the impacts of common ownership on competition in Australia and the impacts of market concentration on inequality, wages and investment. He formerly worked as an economic advisor at the Department of Prime Minister and Cabinet and worked as an investigator at the ACCC for three years.

## Kirsten WEBB



Kirsten Webb is a partner with Clayton Utz where she practices in all aspects of competition law including complex antitrust litigation, merger clearance, investigations and enforcement action by the ACCC and other regulators.

She also advises on marketing and other consumer protection issues for retail clients and has devised and implemented trade practices compliance programs. Kirsten has a particular interest in regulated industries and third party access in water and wastewater, telecommunications, energy, and rail.

## Beth WEBSTER



Beth is a professor and the Pro Vice-Chancellor (Research Impact and Translation) at Swinburne University of Technology, where she is responsible for providing advice and leadership on policies relating to the economic and social impact of research; public industry and innovation policies. Professor Webster is also

responsible for measuring university research engagement and impact.

Beth's expertise is in the study of the economics of how knowledge is created and diffused through the economy. On these topics alone she has authored over 100 articles in outlets such as RAND Journal of Economics, Review of Economics and Statistics, Oxford Economic Papers, Journal of Law and Economics, and Cambridge Journal of Economics.

## Simon WILKIE



Professor Simon Wilkie's career spans a remarkable array of roles that extend beyond the higher education sphere and include appointments as Chief Economic Policy Strategist at Microsoft Corporation and Chief Economist with the US Federal Communications Commission.

In 2019, Professor Wilkie joined Monash Business School from the University of Southern California (USC), where he was Professor of Economics in the Department of Economics and Professor of Economics, Communication and Law in the USC Gould School of Law. He was previously head of USC's Department of Economics and the USC Center for Communication Law and Policy.

## Christopher YOO



Christopher S. Yoo is the John H. Chestnut Professor of Law, Communication, and Computer & Information Science and the Founding Director of the Center for Technology, Innovation and Competition at the University of Pennsylvania. He is the author of over one hundred scholarly works and has taught at over a dozen universities

around the world. His major research projects include comparing due process in antitrust enforcement practices in China, Europe, and the U.S.; analyzing these jurisdictions' responses to big data; assessing antitrust liability for high-tech platforms; and analyzing the technical determinants of optimal interoperability. He has also created innovative joint degree programs designed to produce a new generation of professionals with advanced training in both law and engineering. Professor Yoo received his A.B. from Harvard University, his M.B.A. from UCLA, and his J.D. from Northwestern University. Before entering the academy, Professor Yoo clerked for Justice Anthony M. Kennedy of the Supreme Court of the United States and practiced law with the predecessor firm to Hogan Lovells under the supervision of now-Chief Justice John G. Roberts, Jr. He is frequently called to testify before the U.S. Congress, U.S. Federal Trade Commission, U.S. Justice Department Antitrust Division, U.S. Federal Communications Commission, foreign governments, and international organizations. He is currently serving as a member of the Federal Communication Commission's Broadband Deployment Advisory Committee, the Board of Advisers for the American Law Institute's Project on Principles of Law for Data Privacy, and the joint European Law Institute-American Law Institute project on Principles for a Data Economy.

## John M. YUN



John M. Yun is an Associate Professor of Law at the Antonin Scalia Law School, George Mason University, and the Deputy Executive Director at the Global Antitrust Institute (GAI).

Prior to joining Scalia Law, he was an Acting Deputy Assistant Director in the Bureau of Economics, Antitrust Division, at the U.S. Federal Trade Commission (FTC). Also at the FTC, he has served as the Economic Advisor to Commissioner Joshua D. Wright, as well as a staff economist. His experience includes the analysis of horizontal mergers, vertical restraints, and exclusionary conduct.

Over an eighteen year career at the FTC, he has presided over numerous high-profile matters and investigations into various industries including consumer products, retail, intermediate goods, and digital markets. His research interests include law and economics, antitrust, regulatory policy, and industrial organization, and he has published in academic journals including the International Journal of Industrial Organization, Economic Inquiry, International Review of Law and Economics, and the Review of Industrial Organization. He has also taught economics at Georgetown University, Emory University, and Georgia Tech. He received his BA in economics at UCLA and his PhD in economics at Emory University.

