



COMPETITION LAW & ECONOMICS ROUNDTABLES

Barcelona, October 16, 2023



INTRODUCTION

CPI is proud to host a set of competition law and economics roundtables in Barcelona, on Monday, October 16, 2023.

CPI Roundtables provide a forum for global thought leaders in competition law and economics to discuss cutting-edge and high-impact issues that will shape policy and enforcement in the coming years. We are inviting a select group of antitrust leaders and experts to discuss various issues around the Digital Economy, Innovation, and Competition Law. Discussions will be carried out under the Chatham House Rule.*

In this document, you will find the agenda, discussion topics, and reading materials (both from CPI and other sources) for the event.

ROUNDTABLE LOGISTICS

Venue: Grand Hotel Central, Layetana Room, Via Laietana, 30, 08003 Barcelona, Spain.

Phone: +34 932 95 79 00.

Date: October 16, 2023, 9:30-17:00

CONTACT INFORMATION

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* "When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed."

AGENDA & TOPICS

9:30 - 10:00	<i>Registration/ Breakfast</i>
M&A: Striking a Balance Between Innovation and Competition (10:00 AM - 1:00 PM) <i>Moderator: Christopher Yoo, Professor of Law, Communication, and Computer & Information Science; Founding Director of the Center for Technology, Innovation & Competition, University of Pennsylvania</i>	
10:00 - 11:00	Session 1: Innovation in Merger Control <i>Kick-off speakers:</i> <ul style="list-style-type: none"> Gina Cass - Gottlieb, Chairperson, ACCC Alexandre de Streel, Professor, University of Namur; Academic; digital research programme, CERRE; Chairman of the Expert Group of the EU Observatory on the Platform Economy
11:00 - 12:00	Session 2: Do We Need to Change Merger Control Rules to Deal with "Killer Acquisitions"? <i>Kick-off speakers:</i> <ul style="list-style-type: none"> Anna Tzanaki, Lecturer in Law, University of Leeds Geoffrey Manne, President & Founder, International Center for Law and Economics (ICLE) Cesar Tello, President, Adigital
12:00 - 13:00	Session 3: Nascent Competitors - Are Current Enforcement Levels Striking the Right Balance? <i>Kick-off speakers:</i> <ul style="list-style-type: none"> Juan Delgado, Managing Director, Games Economics Allan Fels, University of Melbourne
13:00 - 14:00	<i>Lunch</i>
Navigating the Future: AI and Competition Law Interplay (2:00 PM - 5:00 PM) <i>Moderator: David Evans, Global Leader, Digital Economy & Platform Markets, Berkeley Research Group (BRG)</i>	
14:00 - 15:00	Session 1: Regulating AI...The State of Play <i>Kick-off speakers:</i> <ul style="list-style-type: none"> Stephen Crosswell, Partner, Baker McKenzie Hee-Eun Kim, Director for Competition, APAC, META
15:00 - 16:00	Session 2: AI's Next Battle? Open or Closed <i>Kick-off speaker:</i> <ul style="list-style-type: none"> Christopher Yoo, Professor of Law, Communication, and Computer & Information Science; Founding Director, Center for Technology, Innovation & Competition
16:00 - 17:00	Session 3: AI's Copyright and IP Dilemma(s) (or Problems or Roadblocks) <i>Kick-off speaker:</i> <ul style="list-style-type: none"> Reiko Aoki, Commissioner, JFTC
17:00 - 17:30	<i>Cocktail reception</i>

DISCUSSION FORMAT

The discussion will be structured into sessions. Each session will be introduced briefly by speakers initially designated by the moderator. Discussion will follow on from that introduction. To indicate their intention to speak, participants are asked to stand their name placards on end. The moderator will call on them in turn.

SELECTED READING LIST

I. M&A: STRIKING A BALANCE BETWEEN INNOVATION AND COMPETITION

SESSION 1

Innovation in Merger Control

10:00 - 11:00

1. Larouche, de Stree, “Disruptive Innovation and Antitrust,” forthcoming Antitrust Law Journal, available [here](#).
2. CPI Antitrust Chronicle – Competition & Innovation (September 2023), available [here](#).
3. Ivaldi, Petit & Unekbass, “Killer Acquisitions: Evidence from EC Merger Cases in Digital Industries,” available [here](#).
4. Cristina Caffara, “‘How Tech Rolls’: Potential Competition and ‘Reverse’ Killer Acquisitions,” available [here](#).
5. Alan Riley, “Killer Acquisitions and Article 22: A Step Too Far?” Kluwer Competition Law Blog, available [here](#).
6. OECD, Theories Of Harm For Digital Mergers, available [here](#).

SESSION 2

Do We Need to Change Merger Control Rules to Deal with “Killer Acquisitions”?

11:00 - 12:00

1. Anna Tzanaki, “Dynamic Challenges to Market Definition and Market Power Evaluation in Antitrust Cases: The Long Road Ahead,” in *Network Law Review - DCI Symposium, Summer 2023*, available [here](#).
2. Amil Jagarguliyev, “Capturing Killer Acquisitions in Digital Markets under the European Union Merger Control Rules,” available [here](#).
3. Nicholas Levy, Henry Mostyn & Bianca Buzatu, “Reforming EU Merger Control to Capture ‘Killer Acquisitions’ – The Case for Caution,” in *Competition Law Journal* Volume 19 Issue 2 (2020), available [here](#).
4. Jonathan Barnett, “‘Killer Acquisitions’ Reexamined: Economic Hyperbole in the Age of Populist Antitrust,” available [here](#).

SESSION 3

Nascent Competitors - Are Current Enforcement Levels Striking the Right Balance?

12:00 - 13:00

1. Woodward, Delgado, Blosser, “International Outcomes of Venture-Funded Companies: The Role of Acquisitions,” working paper 2023, available [here](#).
2. Wu & Hemphill, “Nascent Competitors” in *University of Pennsylvania Law Review* Volume 168: 1879 (2020), available [here](#).

3. CPI Antitrust Chronicle – Economics of Potential Competition (February 2022), available [here](#).

II. NAVIGATING THE FUTURE: THE INTERPLAY BETWEEN AI AND COMPETITION LAW

SESSION 1

Regulating AI...The State of Play

14:00 - 15:00

1. Laurin Weissinger, “AI, Complexity, and Regulation”, available [here](#).
2. PYMNTS, interview with Johann Laux, Oxford Internet Institute, “EU’s AI Act Raises Questions Around Who Will Watch the Watchers,” available [here](#).
3. PYMNTS, interview with Professor Cary Coglianese, “Why Regulating AI Is Like Regulating Air or Water, Says UPenn Professor,” available [here](#).

SESSION 2

AI's Next Battle? Open or Closed

15:00 - 16:00

1. Shin-Shin Hua & Haydn Belfield, “AI & Antitrust: Reconciling Tensions Between Competition Law and Cooperative AI Development,” *Yale Journal of Law & Technology*, available [here](#).
2. Travis LeBlanc, Jonas Koponen, Anna Caro & Mari Dugas, “Prescription or Principle: Regulatory Design Choices for Artificial Intelligence,” available [here](#).
3. Stefan Geirhofer & Scott McKinney, “Foundational Models: Building Blocks For Generative AI Applications,” Available [here](#).

SESSION 3

AI's Copyright and IP Dilemmas

16:00 - 17:00

1. Höppner, Thomas & Streatfeild, Luke, “ChatGPT, Bard & Co.: An Introduction to AI for Competition and Regulatory Lawyers” (February 23, 2023), available [here](#).
2. PYMNTS, interview with Christian Mammen “An IP Expert Deconstructs Artificial Intelligence’s Right to Create,” available [here](#).
3. Sun, Haochen, “Redesigning Copyright Protection in the Era of Artificial Intelligence” (March 19, 2022), available [here](#).

