

ANTITRUST LAW

INTERPRETATION AND
IMPLEMENTATION

FIFTH EDITION

CHARLES J. GOETZ

FRED S. MCCLESNEY

THOMAS A. LAMBERT

FOUNDATION PRESS

Antitrust Law Interpretation And Implementation

Jules Stuyck, Hans Gilliams, Elke Ballon



Antitrust Law Interpretation And Implementation:

Antitrust Law Charles J. Goetz, Fred S. McChesney, 2006 This new edition casebook excels at communicating a sense of how antitrust law affects both business decisions and lawyerly practice It addresses the initial difficulty that most students experience in understanding how the different statutes doctrinal developments and economic issues fit together to form a reasonably coherent picture The authors achieve this by presenting a set of overview materials that provide a clear road map and useful perspectives The Third Edition of Antitrust Law includes more lower court cases and more real world material such as jury instructions Although the text is sparing in its presentation of economic models the authors have also integrated important economics into every part of the text This casebook shows how a few simple models as well as more general implications of social science thinking yield important insights and also wield much influence in antitrust jurisprudence The Third Edition includes an expanded use of clarifying visual aid exhibits to help students better understand complex issues in law as well as economics

Economics and the Interpretation and Application of U.S. and E.U. Antitrust Law

Richard S. Markovits, 2014-05-22 Volume 2 uses the economic and legal concepts theories of Volume 1 to 1 analyze the U S and E U antitrust legality of mergers joint ventures and the pricing technique and contractual sales policy distributor control surrogates for vertical integration and 2 assess related positions of scholars and U S and E U antitrust officials Its analysis of horizontal mergers 1 delineates non market oriented protocols for determining whether they manifest specific anticompetitive intent would lessen competition or are rendered lawful by the efficiencies they would generate 2 criticizes the U S courts traditional market share market concentration protocol the HHI oriented protocols of the 1992 U S DOJ FTC Guidelines and the European Commission EC Guidelines and the various non market oriented protocols the DOJ FTC have increasingly been using 3 argues that although the 2010 U S Guidelines and DOJ FTC officials discuss market definition as if it matters those Guidelines actually reject market oriented approaches and 4 reviews the relevant U S and E U case law Its analysis of conglomerate mergers 1 shows that they can perform the same legitimate and competition increasing functions as horizontal mergers and can yield illegitimate profits and lessen competition by increasing contrived oligopolistic pricing and retaliation barriers to investment 2 analyzes the determinants of all these effects and 3 assesses limit price theory the toe hold merger doctrine and U S and E U case law Its analysis of vertical conduct 1 examines the legitimate functions of each type of such conduct 2 delineates the conditions under which each manifests specific anticompetitive intent and or lessens competition and 3 assesses related U S and E U case law and DOJ FTC and EC positions Its analysis of joint ventures 1 explains that they violate U S law only when they manifest specific anticompetitive intent while they violate E U law either for this reason or because they lessen competition 2 discusses the meaning of an ancillary restraint and demonstrates that whether a joint venture agreement would be illegal if it imposed no restraints and whether any restraints imposed are ancillary can be determined only through case by case analysis 3 explains why scholars and officials overestimate the

economic efficiency of R D joint ventures and 4 discusses related U S and E U case law and DOJ FTC and EC positions The study s Conclusion 1 reviews how its analyses justify its innovative conceptual systems and 2 compares U S and E U antitrust law as written and as applied *Antitrust Law Journal* ,1986 *Modernisation of European Competition Law* Jules Stuyck,Hans Gilliams,Elke Ballon,2002 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 Contributions to this book are made by T C Arthur Sir C Bellamy L Cornelis W Devroe H Gilliams L Gyselen K Lenaerts J Stuyck J Temple Lang M van der Woude and W van Gerven Collective Dominance and Collusion Marilena Filippelli,2013-01-01 By examining the issue of collusion in EU and US competition law this book suggests possible strategies for improving the antitrust enforcement against parallelism by exploiting the most advanced achievements of economic analysis The book contains a suggested approach to collusion in ex ante and ex post perspectives By moving from the analysis of the state of art in terms of law case law and scholarship Marilena Filippelli analyses inconsistencies and failures in the current antitrust enforcement toward collusion and develops a workable parameter for the issue of collective dominance The most innovative part of this work goes beyond the analysis itself of collective dominance and involves the interference of arts 101 and 102 The conclusion is a re definition of the relationship between those rules from dichotomy to redundancy Finally the book highlights the antitrust significance of semi collusion as a strategy made of collusion and competition The author considers economic models equaling as for the effects collusion and semi collusion and the case law supporting the qualification of semi collusion as a species of collusion The analysis involves both US and EU systems under the highly topical economic oriented approach It also contains an original view of European antitrust prohibitions Because of its contents and its approach this book will be attractive to every academic interested in antitrust law Moreover the well documented research on parallelism involving law case law and scholarship makes this book interesting also for competition authorities and antitrust lawyers *Law and*

Economics in Europe Klaus Mathis, 2013-11-11 This anthology illustrates how law and economics is developing in Europe and what opportunities and problems both in general and specific legal fields are associated with this approach within the legal traditions of European countries The first part illuminates the differences in the development and reception of the economic analysis of law in the American Common Law system and in the continental European Civil Law system The second part focuses on the different ways of thinking of lawyers and economists which clash in economic analysis of law The third part is devoted to legal transplants which often accompany the reception of law and economics from the United States Finally the fourth part focuses on the role economic analysis plays in the law of the European Union This anthology with its 14 essays from young European legal scholars is an important milestone in establishing a European law and economics culture and tradition

Antitrust Law Charles J. Goetz, Fred S. McChesney, 2002 This casebook presents a real world orientation of antitrust law reflecting the authors own practical experience in this field The authors emphasize lower court rulings over those of the Supreme Court since in much of modern antitrust practice lower courts supply the relevant precedents on which disputes actually hinge Additionally this casebook presents sample documents such as cartel agreements contracts complaints and jury instructions students with a broad perspective of antitrust law and a roadmap for the course Economic principles are presented in context rather than in a single chapter Graphics are used to help illustrate complex legal and economic concepts

Impact of Federal Antitrust Enforcement Policies on Small Business United States. Congress. House. Committee on Small Business. Subcommittee on Antitrust and Restraint of Trade Activities Affecting Small Business, 1983

Rehumanizing Law Randy Gordon, 2011-04-15 In a popular sense law connotes the rules of a society as well as the institutions that make and enforce those rules Although laws are created and interpreted in legislatures and courtrooms by individuals with very specialized knowledge the practice and making of law is closely tied to other systems of knowledge To emphasize this often downplayed connection Rehumanizing Law examines the law in relation to narrative a fundamental mode of human expression Randy D Gordon illustrates the bridge between narrative and law by considering whether literature can prompt legislation Using Upton Sinclair's *The Jungle* and Rachel Carson's *Silent Spring* Gordon shows that literary works can figure in important regulatory measures Discussing the rule of law in relation to democracy he reads Melville's *Billy Budd* and analyzes the O J Simpson and Rodney King cases This highly original and creative study reconnects the law to its narrative roots by showing how and why stories become laws

The Encyclopedia of Public Choice Charles Rowley, Friedrich Schneider, 2008-01-25 The Encyclopedia provides a detailed and comprehensive account of the subject known as public choice However the title would not convey sufficiently the breadth of the Encyclopedia's contents which can be summarized better as the fruitful interchange of economics political science and moral philosophy on the basis of an image of man as a purposive and responsible actor who pursues his own objectives as efficiently as possible This fruitful interchange between the fields outlined above existed during the late eighteenth century during the brief period of the

Scottish Enlightenment when such great scholars as David Hume Adam Ferguson and Adam Smith contributed to all these fields and more However as intell tual specialization gradually replaced broad based scholarship from the m nineteenth century onwards it became increasingly rare to find a scholar making major contributions to more than one Once Alfred Marshall defined economics in neoclassical terms as a n row positive discipline the link between economics political science and moral philosophy was all but severed and economists redefined their role into that of the humble dentist providing technical economic information as inputs to improve the performance of impartial benevolent and omniscient governments in their attempts to promote the public interest This indeed was the dominant view within an economics profession that had become besotted by the economics of John Maynard Keynes and Paul Samuelson immediately following the end of the Second World War

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