
Index

- Abbott Laboratories v Teva* 157
A.B. Dick v Henry 143
absolute cost advantages 133
abuse of dominance 148, 158–159, 165, 240–242, 387
ACHAP case 493–494
advertising industry 51
advertising restrictions, in codes of ethics 104–105
airline industry 41–42
Albrecht v Herald Co 254
ALCOA 127–128
Alese, Femi 107
Allied Tube & Conduit Corp. v Indian Head, Inc. 162
allocative efficiencies 110, 111, 113
allocative inefficiencies 90, 111–112
AMD *see* Intel/AMD antitrust war
American Airlines 407
American Banana Co. v United Fruit Co. 351
American Needle v National Football League 89
American Society of Mechanical Engineers v Hydrolevel Corp. 162–163
American Society of Sanitary Engineering, In re 163
amnesty programs 62
Andean Community of Nations (CAN) 472
anti-competitive agreements 4, 56–78
 introduction 56–59
 agreement distinguished from oligopolistic interdependence 69–73
 antitrust treatment of ‘hard-core’ cartels 59–61
 circumstantial evidence and 63–66
 facilitating practices 73–77
 oligopoly and analysis/proof 66–69
 proof of cartel agreement 61–62
 summary conclusion 77–78
anti-competitive agreements, content of 79–108
 introduction 79–82
 agreements as competitively neutral 91–92
 agreements as pro-competitive 91–92
 Article 101 (TFEU) 83–84, 87
 assessment of anti-competitiveness in EU 101–103
 assessment of anti-competitiveness in US 99–101
 Australia law on anti-competitive agreements 85
 characterization of 106–107
 continuum of modified rules 103–107
 definitions 85–89
 EU categories of agreements 92, 96–98, 103
 EU economic entity doctrine 86–88
 market power and 90–91
 other categorisation approaches 98–99
 other flexible approaches 89
 per se anti-competitive categorisation 92–93
 prohibited per se categorisation 93–94
 summary conclusion 107–108
 UK Enterprise Act 84–85
 US categories of agreements 92–93, 94–96, 99
 US Sherman Act, Section 1 82–83, 85
 US single enterprise doctrine 88–89
Antitrust Guidelines for the Licensing of Intellectual Property (US) 145
The Antitrust Paradox: A Policy at War with Itself (Bork) 124
APEC (Asia-Pacific Economic Cooperation) 15, 214, 348
Apple 165–167
Areeda, Philip 104
Argentina
 criminalization of cartel conduct 328

- private antitrust enforcement 387
- Arizona v Maricopa County Medical Society* 80
- Arrow, Kenneth 160, 394
- artificial entry barriers 124
- ASEAN (Association of Southeast Asian Nations)
 - Regional Guidelines on Competition Policy (2010) 17
- Asfaltos* case 493
- assessment of agreements 80–81, 99–103
- AstraZeneca 157–159
- AstraZeneca v Commission* 158–159
- AU Optronics 56
- Australia
 - approval of Seagate/Samsung merger 205
 - categories of agreements 92, 103–104
 - Competition and Consumer Act/Commission 85, 89, 98–99, 110–111, 113–114, 137, 223, 243, 275–276, 282, 288, 292, 380, 382
 - competition law, overview 16, 17
 - criminalization of cartel conduct 57, 312, 326–327
 - enforcement agency model 272, 275, 286–287
 - exiting firms 186
 - extraterritorial reach of 380–382
 - geographic dimension of markets 41–42
 - monopoly DWL in 111
 - predatory pricing case law 139–140
 - price signalling 296
 - raising rivals' costs case law 140
 - refusals to deal case law 137–139
 - search and seizure powers 290
- Australian Competition and Consumer Commission v Australian Safeway Stores Pty Limited* 140
- Australian Competition and Consumer Commission v Baxter Healthcare Pty Ltd* 119, 139
- Ayres, Ian 294
- Bainian market power *see* strategic market power
- Baker, Donald I. 294
- Baker, Jonathan B. 30–31, 123
- Barnett, Thomas O. 286
- BASF Aktiengesellschaft 321, 381
- Beaton-Wells, Caron 286–287
- Belgium
 - criminalization of cartel conduct 312
- Berkey Photo, Inc. v Eastman Kodak Co.* 145
- BHP Billiton 371, 439
- bid rigging 97, 306, 313, 323, 324, 419, 435, 436–437
- bilateral agreements 20–22, 209–211, 299
- Blair, R.D. 258
- block booking 144
- block exemption regulation (BER) (EU) 238–240
- Blomkest Fertilizer, Inc. v Potash Corp of Saskatchewan* 71–73
- BMI Music, Inc. v Columbia Broadcasting, Inc.* 145
- Board of Trade of City of Chicago v US* 99–100
- Boeing/McDonnell Douglas merger 210
- Boral Besser Masonry v Australian Competition and Consumer Commission* 139–140
- Bork, Robert H. 111, 119–120, 124
- Bosch 167
- bottleneck method, of direct foreclosure 127
- boycotts 96, 104
- Braithwaite, John 294
- Brandeis, Louis 99–100
- Bray v F. Hoffman-La Roche Ltd* 381–382
- Brazil
 - abuse of dominance 494–499
 - administrative adjudication 485–486
 - Administrative Council for Economic Defense (CADE) 193, 200–201, 203, 378, 481, 484, 485–486, 487, 488, 491, 494, 495, 497

- administrative enforcement model 272
- Brazilian Competition Policy System (BCPS) 313–314
- collusive agreements 489–494
- Competition Act (Law No. 8, 884/1994) 478
- Competition Act (Law No. 12, 529/2011) 478, 481, 484, 488–489, 496
- competition agency 482–485
- criminalization of cartel conduct 305, 306–307, 312, 313–314, 327–328
- current institutional setting 479
- Economic Crimes Law 485
- extraterritorial reach of 378
- Federal Constitution (1988) 479
- goals and legal mandates 480–482
- history of competition law 476–479
- Law No. 4,137/1962 476–477
- leniency programs 490–491
- multiagency enforcement 281, 290
- National Anti-cartel Strategy (ENACC) 327–328
- PMN (pre-merger notification) regime 192, 199
- private antitrust enforcement 387–388
- Public Procurement Law 485
- regional overview 472–476
- sanctions 486–489
- summary conclusion 499
- Bresnahan, Timothy F. 123
- Breyer, Stephen 68, 257, 357, 361
- Broadcast Music, Inc v Columbia Broadcasting System, Inc.* 60–61, 106
- Brunt, Maureen 120, 134–135
- Brussels Regulation 370–371
- bundling 139, 222, 233–234
- Bush, Darren 296–297
- Buxbaum, Hannah L. 349, 371

- Cadbury Adams Canada Inc. 380
- Cal. Computer Prods., Inc. v IBM Corp.* 145

- Californian Dentists Association* case 104–105
- Camesasca, Peter D. 90
- Canada
 - Budget Implementation Act (2009) 312
 - Competition Act (1985) 89, 189
 - Competition Act (2010) 98, 378–379
 - Competition Bureau (CCB) 275, 279, 282, 290, 379
 - criminalization of cartel conduct 306–307, 312, 325–326
 - extraterritorial reach of 378–380
 - prosecutorial enforcement model 274–275, 289
 - re-importing of pharmaceuticals 40–41
- Canpotex 363
- capital requirements, and strategic market power 133
- Cardizem CD Antitrust Litigation, In re* 152
- Caribbean Community (CARICOM) 472
- Carlton, Dennis W. 54, 118
- cartels
 - antitrust treatment of ‘hard-core’ 59–61
 - confessions by participants of 58, 61–62
 - historical background 10–11, 13, 15–16
 - orderly marketing of 90
 - proof of cartel agreement 61–62
 - stereotype of 56
 - see also* criminalization of cartel conduct
- Caspary, T. 266
- categorisation of agreements 80–81, 92–99
- Cathode Ray Tubes* case 440
- cathode-ray tube cartel 57
- Cement Manufacturers Association 17
- Chicago School
 - IP rights and 144
 - on NPVRs as procompetitive 224–225, 227, 251

- private actions in Georgetown study and 405–406
- on tying 228–229
- see also* classical market power
- Chile
 - abuse of dominance 494–499
 - administrative adjudication 485–486
 - Cartels Division 492
 - collusive agreements 489–494
 - Competition Act (Law No. 211/1973) 477, 481, 489–490
 - competition agency 482–485
 - criminalization of cartel conduct 328
 - current institutional setting 479
 - FNE (*Fiscalía Nacional Económica*) 483–484, 492
 - goals and legal mandates 480–482
 - history of competition law 476–479
 - Law No. 13 305, 476
 - leniency programs 491–492
 - prosecutorial enforcement model 274–275
 - regional overview 472–476
 - sanctions 486–489
 - summary conclusion 499
- China 8, 443–471
 - abuse of dominance 455–457, 467–468
 - administrative monopolies 459–461
 - Antimonopoly Enforcement Authority 449–450, 461
 - Anti-Monopoly Law (AML) (2008) 17, 314, 375, 446–462, 464, 466, 468, 470–471
 - Anti-Unfair Competition Law (AUCL) (1993) 444
 - approval of Seagate/Samsung merger 205
 - approval of Western Digital/Hitachi merger 205–206
 - civil court actions 470–471
 - competition law, overview 443–447
 - criminalization of cartel conduct 305
 - enforcement of AML 462–471
 - extraterritorial reach of 375–377
 - General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) 459
 - Guidelines on Antimonopoly Law Enforcement in the Field of Intellectual Property Rights 469
 - immunity from prosecution 285
 - legal liabilities 461–462
 - merger remedies 205
 - merger review 445, 457–459
 - Ministry of Commerce (MOFCOM) 193, 205–206, 284, 376–377, 445, 450, 462, 463–465
 - Ministry of Information and Industry 468
 - monopolistic agreements 450–454
 - multiagency enforcement 283–284, 295–296
 - National Development and Reform Commission (NDRC) 284, 375, 445, 462, 465–468
 - PMN (pre-merger notification) regime 192
 - Price Law (1998) 375, 444, 445, 466
 - Procurement and Bidding Law (1999) 444
 - prosecutorial enforcement model 274–275
 - Provisional Rules on Mergers and Acquisitions of Domestic Enterprises by Foreign Investors (2003) 445
 - resale price maintenance 451–452
 - Rules on Mergers and Acquisitions of Domestic Enterprises by Foreign Investors (M&A Rules) (2006) 445
 - Rules on Prohibiting Regional Blockades in Market Economic Activities 445
 - search and seizure powers 290
 - State Administration for Industry and Commerce (SAIC) 284, 445, 450, 462, 468–469
 - State Administration of Radio, Film and Television 468
 - state-owned enterprises (SOEs) 443–444, 446–447, 449, 464–465, 468
 - summary conclusion 471
 - China Construction Bank 456

- China Mobile 456
 China National Petroleum Corporation (CNPC) 466
 China Netcom 456–457
 China Telecom 468
 China Unicom 468
CIBA Vision Vertriebs GmbH, Grobostheim 266
Ciprofloxacin Hydrochloride Antitrust Litigation, In re 152
 class actions 402
 classical market power 115–124
 comparison to strategic approach 135–137
 exercise of 118–120
 identification of 120–121
 measurement of 121–124
 power over price 115–117
 underlying assumptions 117–118
 cluster market concept 33–34
 Coate, Malcolm B. 47–48
 Coca-Cola/Huiyuan Juice merger 463–464
 codes of ethics, restrictions on advertising 104–105
Collico case 494
 collusion 126–131
 Colombia
 abuse of dominance 494–499
 administrative adjudication 485–486
 Anti-Corruption Statute (Law No. 1,474/2011) 489
 collusive agreements 489–494
 Competition Act (Law No. 155/1959) 476, 477, 478–479, 481–482, 490
 competition agency 482–485
 Constitution (1991) 478, 479
 current institutional setting 479
 goals and legal mandates 480–482
 history of competition law 476–479
 Ministry of Commerce, Industry and Tourism 482–483
 regional overview 472–476
 sanctions 486–489
 SIC (*Superintendencia de Industria y Comercio*) 482–483, 484, 487–488, 492, 493, 495, 497, 498
 Special Decree No. 2, 153/1992 478–479, 496–497
 summary conclusion 499
 comity 349, 350–351, 355–359
 commerciality and markets 49–50
 Competition Law and Policy Committee (CLPC) (OECD) 14
 concentration ratio 123
 Connor, John M. 305, 315, 316–317, 319–320
 consumer surplus 118
 consumer welfare standard 176
Container Corp. case see United States v Container Corp.
Continental TV, Inc v GTE Sylvania 144, 231, 232, 251, 252–253
Conwood Co. v US Tobacco Co. 396–397
Copperweld Corp. v Independence Tube Corp. 88
Courage Ltd v Crehan 368, 371
 Cournot model 68
 court decisions
 commerciality and substitutionability case 50
 on fines for cartels 56
 on geographic boundaries of markets 41–42
 Gillette case 54–55
 on price fixing 60–61
 Staples case 47–48
 see also individual courts and cases
 CPTM 166–167
 Crane, Daniel A. 275, 279, 280, 283, 284, 296
 credit card interchange fees 50–51
 Crest Theater 65–66
 criminalization of cartel conduct 6, 18, 301–344
 introduction 301–305
 changes in the law 305–315
 country comparison 341–344
 development in other countries 312–315, 325–329
 dual criminality 335–337

- enforcement and policy
 - developments 315–329
- EU/EU member state change in the law 305, 309–311
- EU/EU member state enforcement developments 317–318, 322–325
- extradition and Ian Norris case 335–337
- impacts of Vitamins Cases 320–322
- impediments to implementation 338–340
- international cooperation 329–335
- leniency programs 337–338
- summary conclusion 340
- US change in the law 307–308
- US enforcement developments 318–320
- critical loss analysis and SSNIP 48–49
- customer restraints 223, 231
- Data General Corp. v Grumman Systems Support Corp.* 146
- deadweight loss (DWL) 109, 110, 111
- Dell, In re* 163
- demand-side substitutionability 44
- Denmark
 - prosecutorial enforcement model 274–275
- deregulation 133
- deterrence claims *see* private antitrust enforcement
- developing countries and competition law 18
- direct foreclosure method 126–127, 128
- Dirax* case 425
- discriminatory pricing 118, 127
- domestic jurisdiction *see* international governance of competition and extraterritorial jurisdiction
- double marginalisation 259–260
- Dr Miles Medical Co v John D Park & Sons Co* 249–250, 252, 254, 451
- Dreyer's Grand Ice Cream, Inc. 53
- Dyestuffs* case *see Imperial Chemical Indus. v Commission*
- dynamic bundling 222
- dynamic efficiency 80, 91–92, 110, 394
- dynamic injuries 393–395
- Dynamic Random Access Memory (DRAM) chips 323, 379–380
- E. Bement & Sons v National Harrow Co.* 143
- Eastman Kodak 146–147
- e-commerce 40
- economic entity doctrine (EU) 87–88
- economies of scale 132–133
- Edion* case 424
- effects doctrine, in US 351–355
 - see also* private antitrust enforcement
- Egypt
 - criminalization of cartel conduct 329
 - Department to Protect Competition and Prohibit Monopoly 329
- Elzinga, Kenneth G. 48–49, 406
- Emmerich, V. 263–264
- Empagran* case *see F. Hoffman-La Roche Ltd. v Empagran S.A.*
- enforcement *see* public enforcement
- enforcement pyramid approach *see* public enforcement
- Estonia
 - criminalization of cartel conduct 324
 - multiagency enforcement 281
- Etablissements Consten SARL and Grundig-Verkaufs-BmbH v Commission* 235–236
- Ethyl Corp. v Federal Trade Commission* 76–77
- EU Guidelines
 - on competitor collaboration 86
 - on degree of control 87–88
 - infringement by object/effect 96–98, 101–103
- European Commission (EC) 156, 158–159, 165–166, 169
- Director-General for Competition (DG Competition) 273–274, 276–277, 289–290, 310–311
- enforcement by 236–237, 238, 318, 364–365, 432
- EU Article 82/102 Guidelines 242
- on failing firms 186
- fine against Intel 410
- Green Paper (2005) 384, 386

- Recommendation on Collective Redress 369
- on RPM 247–248, 261–262
- vertical, use of term 220
- Vertical Guidelines 237, 240
- White Paper (2008) 384, 386, 400–403
- European Competition Network (ECN) 310–311
- European Convention on Human Rights (ECtHR) 336
- European Court of Human Rights (ECHR) 336
- European Court of Justice (ECJ)
 - on cartel horizontal agreements 65
 - on infringement by object/effect 96
 - private antitrust cases 386
 - on single economic entity doctrine 367
 - on undertakings 87
 - see also individual cases*
- European Court of Justice (EJC)
 - on ‘pure’ oligopoly pricing 68–69
- European Economic Community (EEC) 11, 365
 - see also European Union (EU)*
- European Telecommunications Standards Institute (ETSI) 165
- European Union (EU)
 - administrative enforcement model 272–274
 - approval of Google/Motorola merger 206
 - approval of Seagate/Samsung merger 205
 - Article 101 (TFEU) 59, 74–75, 77, 83–84, 87, 96–98, 101–103, 156, 166, 169, 258, 260, 263, 364–368, 384
 - Article 101(1) (TFEU) 96–98, 101, 166, 235–237, 265
 - Article 101(3) (TFEU) 97, 103, 235, 237–240, 259–260, 262–264, 265
 - Article 102 (TFEU) 165–166, 240–242, 364–368, 384, 425
 - block exemption regulation (BER) 238–240
 - categories of agreements 92, 103
 - categories of anti-competitive agreements 96–98
 - competition law in member states 281
 - competition law, overview 16
 - cooperation agreements with US 21–22
 - criminalization of cartel conduct 309–311, 317–318, 322–325
 - economic entity doctrine 86–88
 - EU Guidelines 86, 87–88, 96–98, 101–103
 - extraterritorial reach of 364–371
 - finances on cartels 57
 - FRAND (fair, reasonable, and nondiscriminatory) agreements 162, 164–167
 - Guidelines on Vertical Restraints 225–227
 - immunity from prosecution 285–286
 - implementation test 364–366
 - imposition of structural undertakings
 - on Western Digital/Hitachi merger 206
 - inter-enterprise agreements 86–87
 - Merger Guidelines 366
 - non-price vertical restraints (NPVRs) 234–242
 - on price fixing 60
 - private actions and jurisdiction 368–371
 - private antitrust enforcement 386, 393, 403, 437
 - resale price maintenance (RPM) 258–266
 - restrictions on acquisition 221–222
 - restrictions on resupply 223
 - search and seizure powers 290
 - single economic entity doctrine 367–368
- Evans, David S. 52
- Eversley, DeCoursey 271
- exclusionary conduct 119–120
 - see also strategic market power*
- exclusionary conduct, Salop’s four-step analysis 132
- exclusive dealing *see* non-price vertical restraints (NPVRs)

- exclusive distribution 221–222
- extradition and criminalization of cartel conduct 335–337
- extraterritorial jurisdiction *see*
international governance of
competition and extraterritorial
jurisdiction
- F. Hoffman-La Roche Ltd. v Empagran S.A.* 356–357, 361–362, 379, 411–412
- F. Hoffmann-LaRoche Ltd 321
- facilitating practices 73–77
- failing firm defence 185–187
- Festival Records 50
- First, Harry 340
- first principles approach to prevailing price (Salop) 133–134
- Fischer, Jeffrey H. 47–48
- fixed RPM *see* resale price maintenance (RPM)
- flat panel display companies 466
- Focus Media 464
- Fox, Eleanor M. 298
- France
criminalization of cartel conduct 306–307
multiagency enforcement 281
- FRAND (fair, reasonable, and nondiscriminatory) agreements 162, 164–167
- FTC v Actavis* 153–154
- FTC v Brown Shoe Co* 231–232
- FTC v Superior Court Trial Lawyers Association* 93
- FTC v Watson Pharmaceuticals, Inc.* 152–153
- Fukui Prefectural Federation of Agricultural Cooperatives* case 421–422
- full-line forcing 222
- Gans, Joshua S. 111
- Gas Insulated Switchgear global cartel 366
- GE/Honeywell merger 210
- Gellhorn, E. 252
- Gencor Ltd v Commission* 366
- generic drugs, delayed entry *see*
pharmaceutical industry
- geographic dimension of markets 39–42
- Georgetown Private Antitrust Litigation Project 404–406
- Geradin, Damien 300
- Germany
criminalization of cartel conduct 306–307, 312, 324
Law against Restraints on Competition (GWB) 371
minimum RPM 266
- Geroski, Paul 36
- Gilbert, Richard J. 38
- Gillette Company 54–55
- Giovannetti, E. 261–262, 267–268
- Glencore/Xstata merger 375–376
- Global Financial Crisis 296–297
- global LCD (liquid crystal display) cartel 374–375
- globalisation and e-commerce 40
- globalization of competition law 9–24
introduction 9–10
enhanced international competition 22–23
global competition law framework 15, 16–20
global nature of competition 14–16
historical background 10–14
multilateral vs. bilateral agreements 20–22
summary conclusion 23–24
- Goldfarb v Va State Bar* 60
- Google 166–168
- Google/Motorola merger 206
- governance *see* international
governance of competition and
extraterritorial jurisdiction;
*individual organizations and
countries*
- graphite electrode cartel 327
- Griffith, Rachel 36
- Guidelines for the Licensing of Intellectual Property (US) 37–38
- Gyselen, L. 259
- Hammond, Scott 303, 320–321, 333, 337–338

- hard core cartels, use of term 302
hard disk drive (HDD) market 205
Harding, Christopher 306–307, 315
Harris, Barry C. 48
Hartford Fire Insurance v California
352–353, 357–359, 360, 363–364,
379
Hausman, Jerry 122
Hay, George A. 120, 122
Haynes, J.S. 258
HBOS 297–298
Henry, David 300
Herfindahl-Hirschman index (HHI) 123
Hershey Canada Inc. 380
Hicks, Robert 138–139
High Fructose Corn Syrup case 70
Hitachi 205
Hoffmann-La Roche 381
Hoffmann-La Roche v Commission 241
Hogarty, T.F. 48–49
Holmes, Oliver Wendell 351
Horizontal Merger Guidelines (US)
52–53
Hydrotherm Gerätebau GmbH v
Compact del Dott. Ing. Mario
Andreoli & C. Sas. 367
Hyman, David A. 271–272
- Iacobucci, Edward M. 276, 279
IBM Corporation 145
Iceland
criminalization of cartel conduct 312
Image Technical Services, Inc. v
Eastman Kodak Co. (Kodak II)
146–147
Imperial Chemical Industries Ltd v
Commission 65, 367
IMS Health GmbH & Co. OHG v NDC
Health GmbH & Co. KG 148
InBev/Anheuser-Busch merger 463
Independent Service Organizations
Antitrust Litigation (Xerox), In re
147
India
Competition Act (2002) 377–378
Competition Act (2007) 17, 314–315
Competition Commission of India
(CCI) 17, 203–204, 284
competition law enforcement 296
criminalization of cartel conduct 305,
314–315
extraterritorial reach of 377–378
PMN (pre-merger notification)
regime 192
private antitrust enforcement 389
Indonesia
competition law, overview 17
criminalization of cartel conduct 312
industry structure
actions against self-interest and
72–73
plus factor and 70–71
‘The Informant’ (film) 320
innovation markets 37–38, 100–101,
160–161
see also research and development
(R&D)
Intel Corp. v Advanced Micro Devices,
Inc. 410–411
Intel/AMD antitrust war 410–411
intellectual property rights, antitrust
treatment of 141–170
introduction 141
history of 142–146
innovation markets 160–161
patent pools 168–169
pharmaceutical industry 149–151
pharmaceutical product hopping in
EU 158–160
pharmaceutical product hopping in
US 156–158
pharmaceutical settlements in EU
154–156
pharmaceutical settlements in US
151–154
refusals to license in EU 148
refusals to license in US 146–147
smartphone standard-setting
164–168
standard-setting, generally 161–164
summary conclusion 170
Intel/McAfee merger 210
Intergovernmental Group of Experts on
Competition Law and Policy
(UNCTAD) 13

- International Chamber of Commerce (ICC) 211
- International Competition Network (ICN) 173, 174, 211, 212, 216, 298, 301, 304, 307, 315–316, 348
- Cartel Working Group 332–333, 339
- cooperation among enforcement agencies via 299–300
- criminalization of cartel conduct 329–330, 332–335
- ‘Defining Hard Core Cartel Conduct, Effective Institutions, Effective Penalties’ 333
- on leniency programs 336
- Manual on Anti-Cartel Enforcement Techniques 333
- on merger efficiencies 189–190
- on merger remedies 205, 207
- on notification thresholds 197
- Recommended Practices for Merger Analysis 182–184
- scope of 14, 332–335
- Statement of Achievements (2001–2013) 22
- on timing of notification 199–200
- on transparency in merger review 208
- unjust enrichment principles 401–402
- international governance of competition and extraterritorial jurisdiction 6–7, 345–383
- introduction 345–346
- concurrent jurisdiction 345–346
- extraterritorial reach of Australia 380–382
- extraterritorial reach of Brazil 378
- extraterritorial reach of Canada 378–380
- extraterritorial reach of China 375–377
- extraterritorial reach of EU competition law 364–371
- extraterritorial reach of India 377–378
- extraterritorial reach of Japan 372–373
- extraterritorial reach of South Korea 373–374
- extraterritorial reach of US antitrust law 351–364
- role of domestic jurisdiction in 347–351
- summary conclusion 382–383
- International League of Competition Law (LIDC) 211
- International Salt Co. v United States* 143–144
- International Trade Organization (ITO) Draft Havana Charter 10–11
- Interstate Circuit, Inc. v United States* 63–65, 69–72
- IP rights *see* intellectual property rights, antitrust treatment of
- Ireland
 - criminalization of cartel conduct 307, 323–324
- Israel
 - criminalization of cartel conduct 312, 328–329
 - prosecutorial enforcement model 274–275
- Japan 8, 415–442
 - abuse of superior bargaining position 423–426, 432
 - administrative enforcement model 272, 275, 278, 428–436
 - Antimonopoly Act (AMA) (1947) 371–373, 388–389
 - Anti-Monopoly Law (2009) 416–428, 431
 - Anti-Monopoly Law (2015) 434, 436–437, 440–441
 - appeal process 434–435
 - approval of Seagate/Samsung merger 205
 - cease-and-desist orders 431
 - competition law in cross-border cases 439–440
 - criminal enforcement 438
 - criminalization of cartel conduct 307, 312–313, 327
 - enforcement record of JFTC 435–436
 - ex ante* merger control 439
 - extraterritorial reach of 372–373
 - finis/surcharges 431–433

- goals of competition law 416–417
- history of competition law 415–416
- horizontal restraints 417–420
- investigatory powers 429–430
- Japan Fair Trade Commission (JFTC)
 - 282–283, 285–286, 290, 295,
 - 371–372, 416, 418, 419,
 - 420–422, 424–436, 438–442
- leniency system for cartels 433–434
- Liberal Democratic Party 440–441
- merger control 427–428
- Merger Guidelines 427
- Ministry of International Trade and Industry 441
- pre-order right to be heard 430
- private antitrust enforcement
 - 436–437
- private monopolization 420–422
- Subcontract Act 424–425, 426, 436
- summary conclusion 440–442
- unfair trade practice prohibition
 - 422–426
- JASRAC* case 421
- JCB Service v Commission* 258–259
- Jebsen, Per 122
- Jefferson Parish Hospital District No 2 v Hyde* 232–233
- Johnson & Johnson Medical (China) Ltd 452
- Joint Group on Trade and Competition (JGTC) (OECD) 14
- joint ventures 199
 - definitions 85–86
 - EU economic entity doctrine and 87–88
 - hard-core cartels and 60–61
 - noncompete agreements 97
 - US single enterprise doctrine and 88–89
- Jorde, Thomas M. 37
- juries, in criminal cases 62
- jurisdiction, use of term 346
- Kansas
 - Kansas Restraint of Trade Act (2013) 256–257
- Kaplow, Lewis 69
- Kauper, Tom 406
- K-Dur Antitrust Litigation, In re* 153
- keiretsu* (network) 426
- Kiefer-Stewart Co v Joseph E Seagram & Sons* 254
- Klein, B. 267–268
- Kloth v Microsoft* 395
- Koh, Harold 340
- Kovacic, William E. 164, 271–272
- Kraft Export Association (KEA) 365, 366
- Krattenmaker, Thomas G. 113, 125, 126, 127–129, 131–132, 135
- Kroes, Neelie 368
- Lande, Robert H. 111, 112
- LCD cartel 56
- Leegin Creative Leather Products, Inc. v PSKS Inc.* 254–257, 264, 267–268, 451
- Lemley, Mark A. 92
- LePage's Inc. v 3M* 396
- Lerner Index 121
- Les Laboratoires Servier* case 155, 156
- Leslie, Christopher R. 92
- LG 466
- Ling, Dong 299
- Lloyds 297–298
- Lombardo, J. Neil 126, 129–130
- Lunbeck 156
- lysine cartel 61, 320–322
- Majoras, Deborah 164
- Malaysia
 - Competition Act (2010) 85, 89, 98
 - competition law, overview 17
 - non-price vertical restraints (NPVRs) 243
- Manfredi v Lloyd Adriatico Assicurazioni SpA* 368
- marginal consumers 45
- marginal cost 121–122
- marine hose cartel 328, 334, 336–337, 374
- Marine Hose* case 324, 326, 431–432, 439–440
- market dominance test (dominance test) 181–182
- market identification, sources of 45–46

- market power, classical vs. structural approaches 5, 109–140
- market power, regulation and establishment of 109–140
 - bundling 139
 - classical approach to 115–124
 - comparison of approaches 135–137
 - definitions 114–115
 - efficiencies 109, 111
 - predatory pricing 139–140
 - prioritization of concerns 113–114
 - problematic aspects 109–114
 - raising rivals' costs 140
 - refusals to deal 137–139
 - rent-seeking behaviour 112–113
 - strategic approach to 125–135
 - transfers 109–112, 114
- market sharing 97
- markets and market power 4, 27–55
 - commerciality and 49–50
 - critical loss analysis and SSNIP 48–49
 - diminishing role for market definition 52–55
 - evidentiary basis for market definition and SSNIP 44–46
 - geographic dimension of 39–42
 - natural experiments and SSNIP 47–48
 - nature of markets 28–32
 - price correlations and 48
 - product markets 32–39
 - purpose of market definition 27–28
 - SSNIP test/hypothetical monopolist test 34–39
 - supply chain and 42–44
 - supply-side substitutionability 30–32
 - two-sided platforms/markets 50–52
- Mars Canada, Inc. 380
- Maryland
 - Maryland Antitrust Act (2009) 255–256
- Matra Hachette v Commission* 261
- maverick firms 187
- maximum RPM *see* resale price maintenance (RPM)
- Melway Publishing Pty Limited v Robert Hicks Pty Limited* 138–139
- Mercosur 472
- merger control rules 19
- merger law 171–218
 - introduction 171–173
 - administrative structure and agency powers 192–193
 - administrative treatment 191–192
 - analytical approach 182–191
 - common filing form concept 215
 - cooperation, convergence, conflict 208–214
 - failing firm defence 185–187
 - international code for review 215
 - law and procedure differences 214–217
 - market definition and 187–188
 - maverick firms 187
 - national goals for international markets 179–181
 - rationale for regulation of 173–179
 - remedies 204–207
 - role of efficiencies in analysis 189–191
 - substantive law and analysis 181–182
 - summary conclusion 217–218
 - theories of harm 184–185
 - timeline for merger review 202–204, 217
 - transparency 207–208, 216
 - see also* notification obligations (PMN), in merger law
- Merger Streamlining Group 211
- mergers
 - Baker on 125
 - diminishing role for market definition and 52–55
 - FTC challenges of 161
 - SSNIP test/hypothetical monopolist test and 36
 - US Guidelines on 85–86
 - see also individual companies/corporations*
- Mexico
 - administrative enforcement model 272
 - criminalization of cartel conduct 313, 328
- Microsoft 167, 394–395

- Microsoft Corp. v Commission of the European Communities* 148, 242
 minimum quantities condition 222
 minimum RPM *see* resale price maintenance (RPM)
Minn-Chem, Inc. v Agrium Inc. 363
 Model Law on Competition (UNCTAD) 13, 213–214
 monopoly thresholds 122
Monsanto v Spray Rite Serv Corp 252, 254
 Monti, Mario 368
 Morgan Crucible 336
 Morganite 336
 most-favored-nations clause (MFN) 76
Motion Picture Patents Co. v Universal Film Manufacturing Co. 143
 Motorola Mobility (MMI) 165–168
 movie theater industry 63–66
 multilateral agreements 20–22, 211, 299
 multilateral competition agreement proposals 347
 music recording industry 50
 Mutual Legal Assistance Treaties (MLATs) 334
 ‘naked’ exclusionary right 127–128
National Collegiate Athletic Association v Board of Regents of the University of Oklahoma 104–105
 national courts, jurisdiction over Article 101 (TFEU) 103
National Society of Professional Engineers v US 94–95, 99–100, 103, 105
 natural experiments and SSNIP 47–48
 NCAA (National Collegiate Athletic Association) 60–61
 Negotiated Data Solutions (N-Data) 163–164
 Nestlé Canada Inc. 380
 Nestle Holdings, Inc. 53
 ‘new sovereignty’ concept 349
 New Zealand
 commerciality and substitutionability case 50
 Competition Act 41–42
 criminalization of cartel conduct 312
Nine West Group, Inc., In the Matter of 255
 Nippon Steel and Sumitomo Metal Industries merger 427
 Noel, Michael 52
 noncompete agreements 97
 non-essential patents (non-SEPs) 164–165
 non-price vertical restraints (NPVRs) 219–244
 introduction 219–220
 definitions and taxonomy 220–224
 economics of 224–229
 EU approach 234–242
 foreclosure barrier to entry 228
 leveraging barrier to entry 228–229
 other jurisdictions 243
 restrictions by acquirers 223–224
 restrictions on acquisition 221–222
 restrictions on resupply 223
 summary conclusion 243–244
 US approach 229–234
 Norris, Ian 335–337
 North American Free Trade Agreement (NAFTA) 301
Northern Pacific Railway v US 93
 Norway
 criminalization of cartel conduct 307, 312
 notification obligations (PMN), in merger law 193–202, 216
 fees 202
 information requests 200–201, 216–217
 thresholds for notification 197–199
 timing of notification 199–200
 voluntary vs. mandatory regimes 194–197
 Novell 166–167
NT Power case see Queensland Wire Industries Pty Ltd v Broken Hill Proprietary Co Ltd
NTT East case 421
O’Brien v Leegin Creative Leather Products Inc. 256–257

- oligopoly and analysis/proof 66–69
- orderly marketing of cartels 90
- Organisation for Economic
 - Co-operation and Development (OECD) 11, 173, 211, 216, 298, 301, 304, 315–316, 348
 - Competition Committee 300
 - Competition Law and Policy Committee (CLPC) 14, 330
 - Council Recommendation Concerning Effective Action against Hard Core Cartels 330
- criminalization of cartel conduct 312, 329–331
- Global Forum on Competition 331
- International Enforcement
 - Cooperation (2013) 22–23
- Joint Group on Trade and Competition (JGTC) 14
- Model Law on Competition 13
- recommendations on cartels 13
- scope of 212–213, 334–335
- output restriction method 126–127, 128–129

- Padilla, Atilano Jorge 31
- Pareto optimality 111
- Parker Pen Holdings 54–55
- patent pools 168–169
- patent-antitrust intersection *see*
 - intellectual property rights, antitrust treatment of
- Peeperkorn, L. 262, 267
- People's Republic of China (PRC) *see* China
- per se/rule of reason categorisation 4, 60–61, 92, 103–108
 - in EU 96–98
 - in other jurisdictions 98–99
 - in US 94–96, 99–101
 - see also* intellectual property rights, antitrust treatment of; non-price vertical restraints (NPVRs)
- perfect competition model 118
- Perloff, Jeffrey M. 118
- Peru
 - private antitrust enforcement 387
- pharmaceutical industry
 - challenged merger attempts 161
 - in China 467
 - citizen petitions and 151
 - follow-on products 159–160
 - geographic dimension of markets 40–41
 - innovation markets and 161
 - IP rights 149–151
 - product hopping in EU 158–160
 - product hopping in US 156–158
 - reverse payments 151, 408
 - settlements in EU 154–156
 - settlements in US 151–154
 - vitamins cartel 326, 327, 374, 381–382, 391
 - Vitamins Cases 320–322
- Polygram Holding Inc v FTC* 105–106
- Portugal
 - multiagency enforcement 281
- Posner, Richard 69, 70, 252–254
- power over price
 - see also* classical market power
- predatory pricing 118–119, 139–140, 407
- price correlations 48
- price fixing 59–60, 97, 102, 106, 144, 335–337, 338–339, 379–380
 - see also individual cases*
- private antitrust enforcement 7, 384–412
 - introduction 384–385
 - compensation 389–395
 - cross-border antitrust litigation 410–412
 - deterrence 389–390, 395–400
 - dynamic injuries 393–395
 - in EU 386, 393, 403
 - expansion of antitrust constituency 409
 - judicial backlash to 404–407
 - jurisdiction and extraterritoriality 411–412
 - prioritization of compensation/deterrence 400–404
 - in South Africa, Asia, and South America 387–389
 - spillovers to public enforcement 407–409

- summary conclusion 412
- in US 385–386, 390–393, 403–404, 410
- product hopping *see* pharmaceutical industry
- product vs. economic markets 32–39
- product-differentiation advantages 133
- productive inefficiency 110
- Professional Engineers* case *see* *National Society of Professional Engineers v US*
- public education, on cartel offences 339
- public enforcement 271–300
 - introduction 271
 - administrative model 272–274, 276–278
 - in China 283–284
 - compulsory acquisition of information/documents 289–290
 - detection and leniency policies 284–288
 - enforcement agency models 271–284
 - enforcement pyramid approach 291–294
 - during financial crises 296–297
 - in India 284
 - international cooperation 298–300
 - investigatory powers 289–290
 - in Japan 278, 282–283, 285–286, 295
 - multi-agency models 280–282
 - political influences and 295–298
 - promotion of compliance 291–295
 - prosecutorial model 274–276, 279
 - search and seizure powers 290
- publishing industry 249, 470
- ‘pure’ oligopoly pricing 68–69
- pure vs. mixed bundling 222
- Queensland Wire Industries Pty Ltd v Broken Hill Proprietary Co Ltd* 137–138
- Ralse* case 424–425
- Rambus, In re* 163
- RAND (reasonable and nondiscriminatory) agreements 162, 164
- Rapp, Richard T. 38, 123–124, 133
- real foreclosure method, of direct foreclosure 127–128
- Reckitt Benckiser 159
- recommended RPM *see* resale price maintenance (RPM)
- reduced intra-brand price competition 246–247
- refusals to deal 137–139
- refusals to license
 - in EU 148
 - in US 145, 146–147
- regional protectionism *see* China
- re-importation 40–41
- remedies, in merger law 204–207
- rent-seeking behaviour 112–113
- resale price maintenance (RPM) 245–268
 - introduction 245–246
 - anti- and pro-competitive effects 246–249
 - in EU 258–266
 - summary conclusion 266–268
 - in US 249–258
- resale prices 16–17
- research and development (R&D)
 - cooperative collaboration on 91–92, 101
 - innovation markets and 37–38, 159–160
- responsive regulation theory 291
- reverse payments *see* pharmaceutical industry
- Reysen, Marc 300
- Rhone Poulenc 381
- Rill, James F. 54
- Rio Tinto 371, 439
- Rockstar group 167
- Rome Treaty, Article 85 365
- Roosevelt, Franklin 11
- RTE & ITP v Commission (Magill)* 148
- rule-of-reason *see* per se/rule of reason categorisation
- Russia
 - competition law enforcement 296
 - criminalization of cartel conduct 305, 312, 314

- PMN (pre-merger notification) regime 192, 198
- safe harbors, for competitor collaboration (EU) 101–102
- safety zones, for competitor collaboration (US) 100–101
- Safeway 140
- Salop, Steven C. 125, 126, 127–129, 131–132, 133–134
- Sammelrevers* case 263–264
- Samsung 165, 205, 466
- Samsung Electronics Co. 379–380
- Sanyō Marunaka* case 424
- Schering-Plough Corp. v FTC* 152
- Schumpeter, Joseph A. 160, 394
- Schwinn, US v General Motors Corp* 231
- Seagate 205
- search and seizure powers *see* public enforcement
- Set of Multilaterally Agreed Principles and Rules for the Control of Restrictive Business Practices (UNCTAD) 11–12
- sham litigation 147, 151
- Shang Ming 193, 205
- shareholders 396–399
- Shell Oil Co. 88–89
- Sherwin, R.A. 48
- Simons, Joseph J. 48
- Sina.com 464
- Singapore
 - competition law, overview 17
 - non-price vertical restraints (NPVRs) 243
- single economic entity doctrine (EU) 367–368
- single enterprise doctrine (US) 86–87, 88–89
- single monopoly profit 119
- Sino-Agri 466–467
- Sino-Chem 466–467
- Sinopec 466
- Slaughter, Anne-Marie 349
- smartphone IP standard-setting 164–168
- Snyder, Edward 406
- software platforms 51
- Sotomayor, Sonia 73
- South Africa
 - Competition Act 387
 - criminalization of cartel conduct 305, 315
 - enforcement agency model 272, 274–275
 - private antitrust enforcement 387–389
- South African Airways 387
- South America, competition law overview 472–476
 - see also individual countries*
- South Korea
 - criminalization of cartel conduct 312, 313, 318, 327
 - extraterritorial reach of 373–374
 - Korea Fair Trade Commission (KFTC) 373–374
 - Monopoly Regulation and Fair Trade Act (MRFTA) 374, 388
 - private antitrust enforcement 388
- Spahr v Leegin Creative Leather Products* 256
- Spain
 - multiagency enforcement 281
- Spratling, Gary 336
- SSNIP (small, sustained, not insignificant increase in price from the competitive level) 187
 - critical loss analysis and 48–49
 - defined 34
 - evidentiary basis for market definition and 44–46
 - natural experiments and 47–48
 - test/hypothetical monopolist test 34–39
 - two-sided platforms/markets and 50–52
- Stallibrass, D. 261–262, 267–268
- standard essential patents (SEPs) 164–167
- Standard Oil Co of California v US* 231, 232
- Standard Sanitary Manufacturing Co. v United States* 143
- standard-setting in IP 161–164

- standard-setting organizations (SSOs)
162–163
- Staples 54
- Staples* case 47–48
- State Oil v Khan* 254
- Stevens, Robert 122
- Stigler, G.J. 48
- Stigler school
see also classical market power
- Stigler-Sherwin test 48
- Stiroh, Lauren Johnston 123–124, 133
- strategic market power 113, 125–135
comparison to classical approach
135–137
exercise of 126–131
identification of 131–135
incentives and effects 125–126
- Structural Impediments Initiative (SII)
416
- substantial lessening of competition test
(SLC test) 181–182
- Sunshine, Steven C. 38
- supply chain
product markets and 42–44
supply/demand elasticity 120
supply-side substitutionability debate
commerciality and 50
defined 30–32
- supra-competitive prices 72–77
- Swaine, Edward T. 299
- Switzerland
criminalization of cartel conduct 313
- Sylvania* case *see* *Continental TV, Inc v GTE Sylvania*
- T Mobile Netherlands BV v Raad van Bestuur van de Nederlandse Mededingingsautoriteit* 107
- Tamoxifen Citrate Antitrust Litigation, In re* 152
- Tampa Electric Co v Nashville Coal Co*
231–232
- Tatham, T. 252
- TDLC (*Tribunal de Defensa de la Libre Competencia*) 481, 483–484, 486, 488, 493–495, 497
- Teece, David J. 37
- Telser, L.G. 250, 252–253
- Tennessee
Tennessee Trade Practice Act 256
- Terminal Rail Road* case *see* *United States v Terminal Rail Road Association*
- territorial restraints 223, 231, 236
- Texaco, Inc. 88–89
- Texaco, Inc. v Dagher* 88–89
- Thailand
competition law, overview 17
criminalization of cartel conduct 312
- Theatre Enterprises v Paramount Film Distributing Corp.* 65–66, 70–71
- theories of harm, in merger law
184–185
- third-line forcing 222
- Timberlane Lumber Co. v Bank of America* 356–357, 359
- Tirole, Jean 132–133
- Todd v Exxon Corp.* 73
- Tokyo/Osaka stock exchange merger
427
- Townshend v Rockwell International Corporation* 147
- Toyota 452
- Toys 'R' Us* case 424
- transaction cost economics 91–92
- transfers of market power 109–112, 114
- transport services 41–42
- Treaty on the Functioning of the European Union (TFEU) 27
see also European Union (EU)
- Trebilcock, Michael J. 271, 276, 279
- TriCor 157
- Tsuchiya kigō v Japan Fair Trade Commission* 419–420
- two-sided platforms/markets 50–52
- tying arrangements 119, 143–144, 145, 146, 147, 222, 228–229, 232–233, 242
- UK Supreme Court 336
- undertakings 87, 206
- Union Oil Company of California, In re*
163
- United Kingdom (UK)

- Competition and Markets Authority 281
- Competition Commission/Office of Fair Trading 29–30, 53
- criminalization of cartel conduct 307, 312, 324–325
- Enterprise Act (2002) 324
- National Health Service 159
- Office of Fair Trading (OFT) 159, 291, 297–298
- private enforcement 369–371
- prosecutorial enforcement model 274–275, 292
- removal of RPM on books 268
- search and seizure powers 290
- UK Competition Act (1998) 84
- UK Enterprise Act (2002) 84
- United Nations Conference on Trade and Development (UNCTAD) 213–214, 301, 335, 348
- Intergovernmental Group of Experts on Competition Law and Policy 13
- Model Law on Competition 13
- Set of Principles 11–13, 20
- United Nations Economic and Social Council (ECOSOC) 11
- United States of America (US)
 - administrative enforcement model 272
 - Antitrust Criminal Penalty Enhancement and Reform Act (2004) 307–308
 - Antitrust Enforcement Guidelines for International Operations 355–357
 - Antitrust Guidelines for the Licensing of Intellectual Property* (US) 145–146
 - Antitrust Modernization Commission 47
 - approval of Google/Motorola merger 206
 - approval of Seagate/Samsung merger 205
 - Bankruptcy Act (1898) 186
 - categories of agreements 92–93, 99
 - categories of anti-competitive agreements 94–96
 - Clayton Act (1914) 229–234, 280, 422
 - Consumer Goods Pricing Act (1975) 250
 - cooperation agreements with EU 21–22
 - criminalization of cartel conduct 307–308, 318–320
 - Discount Pricing Consumer Protection Act, proposed 257
 - effects doctrine 351–355
 - exclusive dealing 231–232
 - extraterritorial reach of 351–364
 - Federal Courts Improvement Act (1982) 145
 - Federal Trade Commission Act (1914) 164, 231, 422–423
 - Federal Trade Commission (FTC) 76–77, 104–106, 149–150, 163–165, 167, 169, 255, 273, 274, 277, 280–282, 398–399, 407, 408–409, 422–423
 - Foreign Trade Antitrust Improvements Act (FTAIA) 353, 360–364
 - Guidelines for the Licensing of Intellectual Property 37–38
 - Hatch-Waxman Act 150
 - Horizontal Merger Guidelines 186, 188
 - imposition of structural undertakings on Western Digital/Hitachi merger 206
 - McGuire Act 267
 - Miller-Tydings Fair Trade Act 267
 - MLATs of 334
 - as model for laws in other jurisdictions 110–111
 - monopoly thresholds 122
 - multiagency enforcement 280–281
 - non-price vertical restraints (NPVRs) 229–234
 - Patent Misuse Reform Act (1988) 145
 - private actions and jurisdiction 359–363

- private antitrust enforcement
 - 385–386, 390–393, 403–404, 407, 410
- prohibited per se categorization
 - 93–96
- RAND (reasonable and nondiscriminatory) agreements
 - 162, 164
- re-importing of pharmaceuticals
 - 40–41
- resale price maintenance 16–17
- resale price maintenance (RPM)
 - 249–258
- restrictions on acquisition 221
- role of comity in jurisdictional test
 - 355–359
- search and seizure powers 290
- Sentencing Guidelines 308
- Sherman Act (1890) 16, 27, 40,
 - 59–60, 68, 69, 82–83, 85, 88, 94, 112–113, 142, 143, 229–230, 231–234, 251, 307, 352, 358, 384, 420, 422–423
- single enterprise doctrine 86–87,
 - 88–89
- tying and bundling 232–234
- US Guidelines 85–86, 90, 100–101,
 - 107
- Webb-Pomerene Act (1918) 365
 - see also* US Justice Department (DOJ); US Supreme Court and individual cases
- United States v Aluminum Co of America* 127–128
- United States v Arnold, Schwinn & Co* 250–252
- United States v Container Corp.* 94
- United States v Line Material Co.* 144
- United States v Loew's* 144
- United States v Terminal Rail Road Association* 127
- unjust enrichment principles 401–402
- Uranium Antitrust Litigation*; *Westinghouse Electric Corporation v Rio Algom Ltd* 354
- US Guidelines
 - on characterization of agreements 107
 - on competitor collaboration 85–86, 90, 100–101
- US Justice Department (DOJ) 144,
 - 166–167
- antitrust actions and share price
 - 398–399
- Antitrust Division 308, 319–320
- consent judgments 293
- criminalization of cartel conduct 308,
 - 319–320
- enforcement agency model 275,
 - 280–281, 289, 293
- extradition of Ian Norris 335–337
- fining on LCD cartel 56
- Guidelines for the Licensing of Intellectual Property 37–38
- Horizontal Merger Guidelines 52–53,
 - 55
- predatory pricing suits 407
- US National Football League 89
- US Supreme Court
 - on cartel horizontal agreements 63–66
 - on price fixing 60–61
 - on private enforcement 385, 389, 410–411
 - see also individual cases*
 - US v Aluminium Co. of America* 352
 - US v Colgate & Co* 254
 - US v Microsoft* 233–234
 - US v Nippon Paper Industries Co Ltd* 358
 - US v The Gillette Company* 54–55
- van den Bergh, Roger 90
- VBVB and VBBB v Commission* 262–263
- Verizon Communications v Trinko* 147
- vertical conduct *see* non-price vertical restraints (NPVRs); resale price maintenance (RPM)
- vertical integration and supply chain 43
- vertical price fixing *see* resale price maintenance (RPM)
- videotaping of cartel meetings 61–62
- Vietnam
 - competition law, overview 17

520 *Comparative competition law*

- vitamins cartel 326, 327, 374, 381–382, 391
- Vitamins Cases 320–322
- Walgreen Co. v AstraZeneca Pharmaceuticals LP* 157–158
- Werden, Gregory 28
- Western Digital 205–206
- Whish, R. 21–22
- Whitaker, Mark 320
- Whole Foods 54
- Wild Oats 54
- Willig, Robert 47
- Wood, William 406
- Wood Pulp* case 364–366, 368
- World Bank 295, 348
- World Trade Organization (WTO) 295
 - lack of competition law forum in 213
 - multilateral competition agreement proposals 12–13
 - scope of 14, 15, 20
- Xerox* case *see Independent Service Organizations Antitrust Litigation (Xerox), In re zaibatsu* (large family-owned conglomerates) 417, 428
- Zambia
 - criminalization of cartel conduct 312