ADVANCED COMPETITION LAW
Competition Law and Innovation
READING LIST 2015
Welcome back,
Having familiarized yourself with the basic concepts of competition law in the first competition law course this advanced course will provide you with a second more detail look at one of the currently most topical intersections: competition law and innovation. The course promises to take you on a journey to discover this constantly and rapidly evolving area. It will be a challenging journey to the outer limits of competition and intellectual property law. The course will (again) require a strong commitment and dedication on your part in uncovering the interplay between two legal frameworks both aiming to foster innovation. With commitment and dedication, the course will provide you with the foundation to help you understand the basic legal and economic concepts at play. It will enable you to reflect critically on the current practice and framework of competition and intellectual property law. The teaching team is demanding, passionate, knowledgeable but always approachable. This means that we expect your engagement and that you have undertaken the relevant reading. We will have a number of excellent experts from different areas as guest speakers to supplement your studies offering you a unique learning opportunity. You will be emerged so deeply into the field of innovation, competition and intellectual property that you will not realize how quickly the end of this course will be there.

Fasten your seat belts and get ready for the ride.
Best of luck!
COURSE DETAILS

OUTLINE

This course is designed as an advanced course for students who already have some background in competition law and intellectual property law.

Innovation constitutes an essential and dynamic component of an open and competitive market economy. One way to foster innovation are Intellectual property laws which play an important role in the world economy. These laws promote innovation by encouraging undertakings to invest in developing new or improved products and processes. Similarly, competition provides innovation by putting pressure on undertakings to innovate. Therefore, both intellectual property rights and competition can be seen as necessary to promote innovation and ensure a competitive exploitation thereof.

However, the growth in intellectual property has created unique and difficult challenges for the application of traditional competition law principles.

Today, one of the most dynamic areas of the law is that which is now emerging at the critical intersection of intellectual property and antitrust. This course investigates and explores this critical intersection further. The discussion is subject to further complexity in that it requires an interdisciplinary understanding, including an appreciation of dynamic markets and the economic theories underpinning them, the theory of intellectual property and the model of competition law. The course will jointly be taught by specialists in IP and competition this includes leading outside speakers of practice and academia.

The students will learn about two distinct perspectives –competition and IP law– on the issues of innovation and will understand the tensions and convergence between both areas of law.
TEACHING METHODS

The course will typically consist of lectures and seminars while lectures often combine a short presentation by the professor with an interactive discussion of the cases and materials. The seminars will focus on discussions and understanding key concepts as well as applying them to different factual scenarios.

READING

This reading list will point you to a variety of textbooks on competition law that you can find in the library, as well as other electronic sources. Should you have difficulties in conducting this research, please consult the Law library staff.


TEXTBOOKS


EU competition law: An analytical guide to the leading cases, Ariel Ezrachi, 4 ed., Hart, 2014 (now also available as an e-book via the catalogue)

The following eBooks books are particularly relevant for this course:


CLASS PREPARATION:

The above suggested text books provide the foundation for the course and are a good starting point for reading.

However, YOU WILL BE ASSIGNED ADDITIONAL READING the week before the relevant class that you are required to read. You will be able to find the relevant reading on the course webpage. These reading assignments typically will consist of a mixture of EU court cases, legislation and academic articles.

PowerPoint presentations will often be used, and these will be provided to the students typically after the lecture.

ASSESSMENT METHODS

Grading will be based on active participation in lectures, seminars and case studies (50% of the grade) and the written assignment (50% of the grade).

The written assignment consists of a case study on a case which will be assigned to them on the 11th December.

Students are free to extract a competition law issue from their case and undertake a critical analysis of that issue relating it to their case. Students will be supplied with a case study template to follow. The purpose of the case study is to allow students to critically assess the application of the competition rules in a case and to develop a greater understanding of some of the complexities and issues within competition law.

The study should be no longer than 3,000 words including footnotes. The word count does not include cover page and bibliographies.

ATTENDANCE

There is a minimum of 80% class attendance to pass this course.
TEACHING TEAM

Julian Nowag
Timo Minssen
Nicolas Petit
Hans-Anders Odh
Carl Wetter
Marcus Glader
Bo Vesterdorf
Björn Lundqvist
Julian Nowag

Julian Nowag is a senior lecturer in EU Law at Lund University specialised in Competition Law and an associate at the Oxford Centre for Competition where he is on the editorial board of The Journal for Antitrust Enforcement as issue editor. Before coming to Lund, Julian earned a Master’s degree (MSt) and a doctorate (DPhil) from the University of Oxford. He also completed an LLM in European Legal Studies at Durham University. Julian taught EU law and competition law at Oxford and gave lectures and seminars on EU law, comparative law and competition law in Hanoi (Vietnam), Malaysia, various European cities and Latin America. Julian is a qualified lawyer in Germany. His professional training was focused on competition law with placements at the German Competition Authority’s international co-operation unit and the European Commission (DG Comp, cartels unit). Julian gained additional professional experience at Allen & Overy’s German Antitrust unit in Hamburg.

Timo Minssen

Timo Minssen is an Associate Professor at the Faculty of Law at Copenhagen University. Timo Minssen’s research concentrates on Intellectual Property-, Competition & Regulatory Law with a special focus on the pharma, life science & biotech sectors. His studies comprise a broad variety of legal issues that emerge during the lifecycle of related products and processes - from the regulation of research and incentives for innovation to technology transfer and commercialization. Timo is a frequent lecturer on a variety of topics with many invited presentations at international IP expert symposia, major law firms, the University of Oxford, Harvard Law School, MIT, and at the European Medicines Agency etc.. He has written two books and published more than 40 papers in leading international journals. He is also a regular contributor on Harvard Law School’s "Bill of Health" blog and co-heads the Copenhagen Biotech & Pharma Forum (CBPF).

Nicolas Petit

Nicolas Petit is Professor at the Law School of the University of Liege (ULg) Belgium, and Visiting Professor at EDHEC Business School, France. He is the co-director of the LCII (the Liege Competition and Innovation Institute,) an interdisciplinary research institute on competition and innovation, as well as the director of the LL.M. programme in EU Competition and Intellectual Property Law. Previously, he served as a Clerk at the Commercial Chamber of the French Supreme Court. Nicolas Petit is the co-author of EU Competition
Law and Economics (Oxford University Press, 2012) and the author of Droit européen de la concurrence (Domat Montchrestien, 2013), which was awarded the prize for the best law book of the year at the Constitutional Court in France.

**Hans-Anders Odh**

Hans-Anders is a partner at Advokatbyrån Gulliksson AB. The Advokatbyrån Gulliksson law firm is a successful specialist in commercial law. It offers advice and services in intellectual property rights, corporate law, M&A’s, and disputes. Ström & Gulliksson’s clients benefit tremendously from this close partnership, which provides easy access to the advice and services of legal experts. During legal proceedings, the patent attorneys and attorneys-at-law work together as a close-knit team. The Advokatbyrån Gulliksson law firm helps its clients in areas such as negotiations, contracts, processes, EU law, licensing agreements, trademarks, and design. Hans-Anders specialises in matters concerning commercial law, intellectual property rights, licensing, market law and environmental law. He has extensive experience from dispute resolution in contractual matters, in technology transfer, in environmental law and in all intellectual property rights areas, i.e. patents, trademarks, design, copyright and trade secrets. He manage Swedish domestic disputes as well as cross boarder litigations. He is also experienced in trademark strategies, legal name creation work, protection and valuation of trademarks and other intellectual property rights. He has handled a numerous application and permission matters subject to the Swedish environmental law for the Swedish power industry.

**Carl Wetter**

Carl Wetter is the Swedish judge at the General Court in Luxembourg since 2013. Before joining the Court he was a partner at head of Vinge’s EU and antitrust practice. He was born 1949; Uppsala University, B.A. in economics 1974, LLM 1977; Administrative Officer at the Ministry of Foreign Affairs (1977); member of the Swedish Bar Association (from 1983); member of the competition law working group of ICC (International Chamber of Commerce) Sweden; Lecturer in competition law at Lund University and Stockholm University; author of numerous publications.

**Marcus Glader**

Marcus Glader specialises in competition law and is a partner in Vinge’s specialist practice group, EU, Competition & Regulatory. Marcus works with
all types of EU and competition law matters and focuses in particular on transactions, abuse of dominance issues and competition law litigation. Marcus has a wealth of international experience and is ranked as one of the top five competition law specialists in Sweden. He holds a Doctor of Laws and is a guest lecturer at Lund University and is also regularly engaged as a guest speaker at conferences and seminars.

**Bo Vesterdorf**

Is the former president of the European Court of First Instance (CFI) in Luxembourg, Bo was also a judge at the CFI from its foundation in 1989, before becoming president in 1998 and retiring in 2007. Bo, Dr.iur.h.c., K1 (Commander 1st class), now working with the law firms Plesner as well as Hebert Smith and primarily renders advice on EU law and competition law, areas on which he has many years of experience and outstanding expertise. In addition Bo Vesterdorf is associated with University College London.

**Björn Lundqvist**

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