



Antitrust, Privacy & Big Data

February 3, 2015

Cadwalader, Wickersham & Taft LLP

22-28 Avenue d'Auderghem, 1040 Brussels

C A D W A L A D E R

Concurrences
Competition Laws Journal

Welcome

Our half-day seminar will examine how and whether antitrust tools can be applied to effectively tackle competitiveness issues involving big data and privacy in the high tech sector.

Programme

3 February 2015

Buffet Lunch 12:30 – 13:30

Keynote 13:30 – 13:45
Giovanni Buttarelli

Competition and Privacy 13:45 – 15:15
*Alec Burnside, Maurits Dolmans,
Pamela Jones Harbour and
Cecilio Madero*

Moderator: *Lewis Crofts*

Address 15:15 – 15:30
Sophie in 't Veld, MEP

Antitrust and Big Data 15:30– 16:45
*Susan Athey, Cristina Caffarra
and Paul Hofer*

Moderator: *Jonathan Kanter*

Refreshments 16:45 – 17:05

**Antitrust tools, data and the
phenomenon of “free”** 17:05 – 18:15
*Antonio Bavasso, Christian
D’Cunha, Maurice Stucke*

Moderator: *Anne MacGregor*

End – Refreshments 18:15 – 19:00

This event is held under the Chatham House Rule.

Solicitors (England & Wales) and NY-qualified attorneys can earn CPD points for this event. Please fill in the form at the registration desk.

Speaker Biographies



Susan Athey is the Economics of Technology Professor at Stanford Graduate School of Business, where she is a founding co-director of the Digital Business Initiative.

Susan received her bachelor's degree from Duke University and her Ph.D. from Stanford, and she holds an honorary doctorate from Duke University. She previously taught at the economics departments at MIT, Stanford and Harvard. In 2007, Susan received the John Bates Clark Medal, awarded by the American Economic Association to "that American economist under the age of forty who is adjudged to have made the most significant contribution to economic thought and knowledge." She was elected to the National Academy of Science in 2012 and to the American Academy of Arts and Sciences in 2008. Susan's research focuses on the economics of the internet, the news media, marketplace design, and the intersection of computer science, machine learning and economics, and most recently virtual currencies.

Susan advises governments and businesses on the design of auction-based marketplaces, notably serving since 2007 as a long-term consultant to Microsoft Corporation in a variety of roles, including several years as consulting chief economist. She serves on the Board of Directors of Ripple Labs, a financial services technology startup, as well as the Board of CoinCenter. She is an advisor to early stage venture capital fund X/Seed Capital and financial technology venture capital fund NYCA Partners.



Antonio Bavasso is co-head of the Global Antitrust practice and also co-head of Allen & Overy's telecoms, media and technology practice.

Antonio is one of the leading experts on the application of antitrust and regulation to the sector and advises on all aspects of antitrust law, practising primarily in London and Brussels. He has advised on a number of precedent-setting merger and behavioural investigations as well as regulatory and antitrust litigation. These include: News Corp on the controversial regulatory aspects of its proposed acquisition of BSkyB and in relation to a number of media plurality investigations; BSkyB on the acquisition of a stake in ITV (and following litigation up to the Court of Appeal); 20th Century Fox on the EC investigations on use of MFN clauses and digital deployment agreements, and the CC reference on supply of movies to pay TV; Sky Italia in relation to its complaint on Auditel ratings in Italy; WPP in relation to various antitrust matters including the acquisition of TNS (cleared by the EC subject to conditions), Mubadala as part of the Sony Consortium for the acquisition of EMI Music Publishing and Orange Austria on the merger with Hutchinson which was cleared by the EC following a phase II review. He also advised BSkyB on the litigation relating to the use of foreign decoders in the UK and is advising the 21st Century Fox group on the EC investigation on the supply of movies to satellite pay-TV operators. He has recently advised 21st Century Fox on BSkyB's acquisition of Sky Italia and Sky-D and on the joint venture between Endemol and Shine and a handset manufacturer on SEP licensing issues.

Antonio is dual-qualified in the UK and Italy and has practised in San Francisco. He holds a JD magna cum laude from the University of Florence, and a Ph.D from University College London (UCL). He is visiting Professor at UCL where he delivers the EU competition law course and is a co-founder and director of the Jevons Institute at UCL. He has published widely in this area and is a co-editor of *Competition Policy International* and consultant editor of *Butterworths Competition Law Handbook*. He is a non-governmental adviser to the International Competition Network of competition authorities on unilateral practices and merger control.



Alec J. Burnside is the Managing Partner at Cadwalader, Wickersham & Taft, LLP, Brussels.

Alec concentrates on EU competition law and over the past three decades has practised across a wide range of competition law disciplines, regularly working on high-profile cases with implications for global industries, governments and leading corporations. Given his experience, he has become a widely-recognised and highly sought-after adviser in matters involving merger clearances, cartel defence, state aid, and abuse of dominance. He has lived and worked in Brussels since 1989.

His expertise crosses the consumer products, energy, financial services, IT, military, natural resources, pharmaceutical, telecoms and transport sectors. Among prominent IT matters, he is advising the FairSearch coalition and Microsoft in their third party roles before the European Commission investigation regarding Google's abuse of dominance in search on desktops and mobile devices.

Alec has been widely published and is frequently called on for comment in the media, in Brussels and internationally. He studied at Downing College, Cambridge; College of Law, London; and the Institut d'Etudes Européennes, Brussels. He is a Solicitor of the Senior Courts of England and Wales and a foreign member of the Brussels Bar, and an Associate of the Chartered Institute of Linguists in London.

Chambers Global places Alec "among the best lawyers in Brussels" and said "clients praise his creativity and expertise regarding complex competition mandates". Chambers Europe recognises his "exceptional creativity, leadership style and wider understanding of the political issues."

The Cadwalader Brussels team, led by Alec, won Global Competition Review's 2014 award for Merger Control Matter of the year, Europe, for their representation of Aer Lingus in the defence of Ryanair's repeat hostile bids and associated appeals, as well as the UK investigation by which Ryanair has been required to divest most of its minority shareholding in Aer Lingus.



Giovanni Buttarelli is the European Data Protection Supervisor (EDPS).

On 4 December 2014, Giovanni was appointed as EDPS by a joint decision of the European Parliament and the Council. Previously, he served as Assistant EDPS, from January 2009 until December 2014. He is also a member of the Italian judiciary with the rank of judge of the Court of Cassation.

Before joining the EDPS, Giovanni worked as Secretary General of the Garante per la protezione dei dati personali, the Italian Data Protection Authority, between 1997 and 2009.

In 1984 he obtained ("cum laude") his Degree in Law at the University of Rome "La Sapienza". He previously served from 1976 at the Municipality of Frascati primarily as Head of two registry offices. From 1984 to 1990 he collaborated with the Chair of Criminal Procedure at Rome University.



Dr. Cristina Caffarra heads up the Competition Team of CRA in Europe - a team of 50 economists based between London, Brussels and Paris.

Dr Caffarra holds a Masters and PhD in Economics from Oxford University and is an expert in the application of modern industrial economics to competition law, and the empirical analysis of markets in the context of competition and regulation.

She has advised before the European Commission (DG Comp) on several of the highest-profile merger investigations in recent years. She has also been involved in numerous Art 101 and Art 102 investigations before DG Comp – such as cartels, agreements and information exchange cases – including investigations of market coordination / abuse in matters such as payment systems, LIBOR, CDS, FOREX, manipulation of financial and energy benchmarks among others; and several abuse of dominance cases including in the high-tech sector, margin squeeze cases and investigations of conduct around standard essential patents.

Dr Caffarra is on the Editorial Board of the *European Competition Law Journal*. In addition, she lectures in competition economics, has published articles for competition journals and presented papers on the economics of competition law at numerous international and academic conferences.



Lewis Crofts leads MLex's coverage on competition policy and enforcement in Europe, writing extensively on issues of cartels, regulation and state aid.

Lewis has also written for several years on litigation before courts in Luxembourg, London, Germany and U.S. A graduate of Oxford University, he worked in academia at the Charles University Prague, before becoming a journalist.



Christian D'Cunha is legal officer in the European Data Protection Supervisor (EDPS), leading on a project investigating the links between data protection, consumer protection and competition law in the digital economy.

Christian was previously the European Commission's desk officer for the Data Retention Directive. Between 2006 and 2008 he was an advisor to the Lord Chief Justice on judicial appointments in the UK Ministry of Justice.



Maurits J.F.M. Dolmans is a partner based in the London office of Cleary Gottlieb Steen & Hamilton LLP.

Maurits' practice focuses on EU, UK, and international competition law, as well as EU regulatory and EU intellectual property law. Maurits has extensive experience in the information technology, telecom, media and entertainment, as well as in energy, medical devices, chemicals and manufacturing industries. He has appeared in proceedings before the EU Commission and the EU courts, national courts and national competition authorities of several Member States, and ICC and NAI arbitrations. Many of his competition cases involve licensing or refusals to license, European standardization, access to networks, mergers, joint ventures and other transactions in the IT, telecom and other areas, intellectual property arbitration and litigation, abuses of dominance and cartels. He has published widely in these areas. Recent public cases involve EU clearance for Google's acquisition of Motorola, UK OFT clearance for Google's acquisition of Beatthatquote, successful closure of a range of complaints against IBM for alleged abuse of dominance, and representation of Google in a wide range of matters involving alleged abuse of dominance relating to patents, search services, and advertising. Other matters include representation of various complainants in Commission and European Court proceedings against Microsoft concerning the interface between IP and competition (e.g., disclosure of Microsoft interoperability information), unilateral conduct (tying of media player and browser, pricing practices, etc), leading to the successful 2004 EC decision, the rejection of interim measures requested by Microsoft and the rejection of Microsoft's appeal to the European Court in 2007, as well as the 2009 Microsoft Interoperability Undertaking and the 2009 Microsoft Browser Choice Commitment. Another recent series of highly visible cases concerns the interaction between international standardization and antitrust and IP, including licensing practices and abuse of dominance.

Maurits is distinguished by Chambers "*The World's Leading Lawyers*" and other publications as a leading lawyer in the areas of Competition/Antitrust and Communications.

He joined Cleary in 1985 and became a partner in 1994. He received an LL.M. degree from Columbia University in 1985 and a Master of Laws from the Rijks Universiteit Leiden in The Netherlands in 1984. Maurits is a member of the Bars in New York, Rotterdam and Brussels (E-list).



Pamela Jones Harbour is the Senior Vice President & Legal Officer of Global Member Compliance and Privacy for Herbalife International, a global nutrition company and, as such, leads a compliance team across 91 markets, developing and enhancing policies and infrastructure to ensure the effective education, training and mentoring programs for nearly 4 million independent Herbalife members worldwide. She also coordinates the company's global privacy and cyber security efforts.

Pamela was a litigation partner in three American law firms, with a specialty area in Antitrust, Consumer Protection and Data Security law, where she Chaired and Co-Chaired Privacy Practices at two of the firms. Pamela is well recognized for her knowledge of evolving areas of competition and consumer protection law, including privacy and data security issues. She served as a Commissioner on the United States Federal Trade Commission from 2003 until April 2010 and as a Deputy Attorney General of the New York State Attorney General's Office in the 1990s. As Deputy AG, her duties included oversight of the Attorney General's civil litigation division, which employed over 350 Assistant Attorneys General in seven substantive areas of law (Antitrust, Civil Rights, Charities, Consumer Frauds, Environmental Protection, Investor Protection and Real Estate Finance).

Pamela's career experience has included frequent speaking engagements, Congressional testimony and publications relating to a wide range of industries and subject areas. She has a breadth and depth of knowledge in the energy, health care and privacy fields, as well as her understanding of global antitrust and consumer protection law. During her nearly seven years as a Commissioner, Pamela was instrumental in shaping an ambitious Federal Trade Commission agenda that encompassed a wide variety of competition and consumer protection issues affecting virtually every economic sector. She was frequently a leading or sole dissenter in situations where she advocated to vigorously uphold the letter and spirit of the nation's antitrust and consumer protection laws. Pamela is recognized internationally for her leadership in the field of privacy and data security. She was the 2010 recipient of the Electronic Privacy Information Center's (EPIC's) "Champion of Freedom Award" for her defense of consumer privacy as an FTC Commissioner.



Paul Hofer is the founding partner at AMC Economics in London.

Paul is a competition economist and has worked on over 100 antitrust and merger control reviews before the European Commission and member state authorities. In the high-tech sector, Paul has advised on several key cases, including the on-going Google investigation.

In addition to his consulting work, Paul is a regular speaker at conferences and seminars throughout Europe, and he teaches the economics of merger control at the Brussels School of Competition. He has also published on a range of topics in competition policy.

Global Competition Review's *Who's Who of Competition Economists* has listed him since 2006, and since 2011 he has also featured in *The Best of the Best* by Expert Guides as one of the world's most pre-eminent competition and antitrust economists.

Paul holds an *MA in Economics* from Cambridge, an *MSc in Econometrics and Mathematical Economics* from the London School of Economics, and a *Postgraduate Diploma in EC Competition Law* from King's College, London.

Before founding AMC Economics, he worked at NERA Economic Consulting in London and Brussels, and at LBE in Oxford.



Jonathan S. Kanter is an antitrust partner based in Cadwalader's Washington, DC office. He co-heads the firm's global Technology Industry Team.

Jonathan's practice encompasses the full range of antitrust matters including mergers, joint ventures, and civil non-merger investigations. Clients and industry observers often laud Jonathan for his ability to develop pragmatic solutions to highly complex problems. Jonathan is particularly adept at distilling complex legal and technical issues for a wide range of audiences, including regulators, business people, government officials, and the media.

Law360 recognises Jonathan as one of the nation's "go to" lawyers for antitrust and the internet and technology. As part of his technology practice, Jonathan also represents numerous companies in connection with various issues relating to advertising, ad tech, and media. His practice also involves advising companies on complex issues at the intersection of antitrust and intellectual property, including standard essential patents and matters involving patent assertion entities.

Notable representations in the technology space include Microsoft Corporation in connection with its settlement of the landmark U.S. v. Microsoft and N.Y. v. Microsoft antitrust cases; Microsoft in its acquisitions of Nokia, Skype and Yahoo!'s search engine. Jonathan also represented multiple third parties opposed to Google's acquisition of ITA, Google's failed proposed Book Search settlement proposal, and Google's proposed partnership with Yahoo!, which the Department of Justice blocked.

Prior to joining Cadwalader, Jonathan worked at the U.S. Federal Trade Commission's Bureau of Competition, where he was a member of the teams that reviewed Time Warner's merger with AOL, Time-Warner's proposed acquisition of EMI, Exxon's acquisition of Mobil, BP-Amoco's acquisition of Arco, and Kroger's acquisition of Fred Meyer, among others. Following his service at the Federal Trade Commission, Jonathan was a member of the Antitrust Department of another leading international law firm.



Anne MacGregor is Special Counsel based in Cadwalader's Brussels office.

Anne focuses on EU competition law and for nearly 20 years has advised clients across a wide spectrum of European antitrust and other regulatory and trade matters.

With a particular expertise in handling merger control filings for significant international transactions, she has acted for a broad range of leading multinationals across a variety of industry sectors, including packaging, transport and logistics, chemical distribution, mining, energy, pharmaceuticals and software.

Prior to joining Cadwalader, Anne set up and led the merger control reporting team at Mlex. She also serves on the Editorial Board of the Sweet & Maxwell journal *International Trade Law & Regulation*.

Anne studied at the Australian National University, Canberra and the University of Hamburg. She is admitted to practice in England and Wales, New York, and Australia, and is a registered foreign lawyer with the Brussels Bar.



Cecilio Madero Villarejo is the Deputy Director-General for Antitrust at DG Competition in the European Commission.

He studied law at the Complutense University in Madrid. After five years at Banco Bilbao (BB) in Spain, he joined the European Commission (DG Competition) in 1987.

As a case-handler, Cecilio dealt with the adjustment of state monopolies and the internal energy market. In 1995, he was appointed Head of Unit dealing with State Aid in the textile, papers, chemical, pharmaceutical, electronic industry, mechanical engineering and other manufacturing sectors. Between 1999 and 2006, he was Head of Unit in charge of Information Industries, Internet and Consumer Electronics. In October 2006, he was appointed Director for Services, followed by his appointment as Director for Information, Communication and Media of DG Competition in August 2007. In November 2010, he became Acting Deputy Director General for Mergers and Antitrust. In May 2011, he was appointed Deputy Director General for Antitrust and Cartels of DG Competition.

His experience with the Commission spans 28 years during which his career has been heavily focused on European competition policy.



Maurice Stucke is a co-founder of the Data Competition Institute, a law professor at the University of Tennessee, and Counsel at the Konkurrenz Group.

This semester he is a visiting fellow at the University of Oxford. Professor Stucke publishes and speaks regularly on competition policy in the United States, Europe, and Asia. He serves as one of the United States' non-governmental advisors to the International Competition Network, as a Senior Fellow at the American Antitrust Institute, where he chaired a committee on the media industry that drafted a transition report for the incoming Obama administration, on the board of the Academic Society for Competition Law, and on advisory board of the Institute for Consumer Antitrust Studies.

Professor Stucke received a number of awards including a Fulbright fellowship to teach at the China University of Political Science and Law in Beijing, and the Jerry S. Cohen Memorial Fund Writing Award for his article "*Behavioral Economists at the Gate: Antitrust in the Twenty-First Century*." He has twenty years' experience handling a range of competition policy issues in both private practice and as a prosecutor at the U.S. Department of Justice.



Sophie in 't Veld is a member of Democraten 66 (the social liberal party of the Netherlands) and since July 2014, Vice-Chair of the Alliance of Liberals and Democrats for Europe (ALDE), in the European Parliament.

Sophie graduated in 1991 with a higher degree in History at the State University of Leiden. In 1993 she finished her post-doctoral training in management and public administration. From 1991 to 1993 she worked as a translator. Between 1993 and 1994 she worked as a trainee policy advisor for the Gouda Council (in the Netherlands). In 1994 she started as assistant to a member of the European Parliament before being nominated, in 1996, Secretary-General of the ELDR Group, Committee of the Regions. Sophie also was a member of the executive committee of the Delft section of D66 and Chairwoman of the Belgian section of D66.

In 2004, 2009 and 2014 Sophie was elected member of the European Parliament. She is member of the Committee of Civil Liberties, Justice and Home Affairs and the Delegation to the EU-Turkey Joint Parliamentary Committee. She is also substitute in the Economic and Monetary Affairs Committee, the Committee on Women's Rights and Gender Equality and the Delegation for relations with Bosnia and Herzegovina, and Kosovo.

The Working Group Religion and Politics was founded by Sophie, who has chaired it since its inception. She has also chaired the European Parliament Working Group on Reproductive Health, HIV/AIDS and development since 2009. In addition, she chairs the Privacy Platform and the European Parliament Platform for Secularism in Politics. Lastly, Sophie co-chairs the European Parliament Intergroup for Gay and Lesbian Rights.

THE INSTITUTE OF COMPETITION LAW: A LEADING ANTITRUST THINK TANK

Concurrences is a think-tank, founded in 2004 by Nicolas Charbit, PhD, with offices in Paris and New York. The Institute cultivates scholarship and discussion on antitrust issues through conferences and its publications, Concurrences Journal and the e-Competitions Bulletin. Concurrences attracts government, business and academic attention to a broad range of subjects relating to competition law, regulations and industrial economics. This focus on the antitrust field allows Concurrences to combine legal expertise with political acumen. Concurrences has become one of the few think tanks in Europe to have significant influence on antitrust policies.

EVENTS

Since 2004, Concurrences has held more than 200 events – conferences, lunch meetings, in-house seminars or private dinners – in Brussels, London, Paris, New York and Washington DC. Each event aims to ensure independence, objectivity and academic excellence. Papers of most of these events have been published in Concurrences Journal.

SPEAKERS

Joaquin Almunia, Scott Hemphill, Bill Kovacic, Kai-Uwe Kuhn, Frederic Jenny, Cecilio Madero, John Fingleton, Bruno Lasserre, John Fingleton, etc. ■

SINCE 2004

200

EVENTS 5 cities: Brussels, Paris, London, New York, Washington DC

150

CONFERENCE PAPERS
Conference papers published online

900

SPEAKERS Enforcers, Judges, Lawyers, Economists, Academics

7000

ATTENDEES 1/3 in-house counsels, 1/3 private practice lawyers, 1/3 enforcers & academics
