

Course title	Comparative Competition Law				
Responsible person to enter grades	Thomas CHENG、KAWASHIMA Fujio			開講区分	単位数
				2nd semester	2.0
Numbering Code		Day・Period, etc.	Other(対面)	Timetable Slot Code	3J371

Lesson topic

This course introduces students to comparative competition law with a focus on US antitrust law and the AML of the People's Republic of China. Despite the relatively short history of the AML—it was adopted in August 2007 and came into effect in August 2008—China has quickly established itself as one of the major competition law jurisdictions in the world. It is regarded as one of the three leading merger review jurisdictions, alongside the U.S. and the European Union. While it has taken the U.S. and the EU decades to impose substantial fines, it has taken China less than a decade to fine the U.S. technology giant almost USD1 billion for abusive licensing practices. China has also been very active in cartel enforcement and enforcement against resale price maintenance, imposing multi-million dollar fines on companies for violations. There is little doubt that China is one of the most important competition law jurisdictions in the world. Despite all this, competition law decisional practices and case law are relatively sparse in China. To better understand and illustrate competition law principles in China, it may be helpful to draw on the jurisprudence of other jurisdictions. In this course, we will mainly focus on U.S. antitrust law as a comparator for China.

Notice: This course presumes no prior background in competition law, although some basic understanding of competition law principles would be helpful.

Lesson target

1. To introduce students to the basics of competition law in China from a comparative perspective.
2. To illustrate the interplay between law, economics, and politics in the context of competition law enforcement in an economy that differs significantly from that of the U.S. and the EU both in terms of the stage of economic development and state involvement.

Syllabus and plan

Fifteen lectures on different areas of competition law, including restrictive agreements, abuse of dominance/monopolization, merger review, the IP-competition interface, and abuse of administrative dominance, which is an area of competition law that is unique to China.

Day 1:

January 18 (Mon)

Class 1: 10:40 to 12:10 General Introduction

Class 2: 13:20 to 14:50 Restrictive Agreements

Day 2:

January 19 (Tue)

Class 1: 13:20 to 14:50 Restrictive Agreements

Class 2: 15:10 to 16:40 Restrictive Agreements

Day 3:

January 20 (Wed)

Class 1: 15:10 to 16:40 Abuse of Dominance

Day 4:

January 21 (Thu)

Class 1: 10:40 to 12:10 Abuse of Dominance

Class 2: 13:20 to 14:50 Abuse of Dominance

Day 5:

January 26 (Tue)

Class 1: 13:20 to 14:50 Merger Review

Class 2: 15:10 to 16:40 Merger Review

Day 6:

January 27 (Wed)

Class 1: 15:10 to 16:40 IP-Competition Interface

Day 7:

January 28 (Thu)

Class 1: 13:20 to 14:50 IP-Competition Interface

Class 2: 15:10 to 16:40 IP-Competition Interface

Day 8:

January 29 (Fri)

Class 1: 13:20 to 14:50 Abuse of Administrative Monopoly

Class 2: 15:10 to 16:40 Abuse of Administrative Monopoly

Class 3: 17:00 to 18:30 Examination

Evaluation method

One-hour final exam (100%)

Evaluation baseline

Students will be evaluated based on their understanding of U.S. antitrust law and PRC Anti-Monopoly Law and on their ability to comment on the differences between the two regimes in an intelligent and informed manner.

Notice (include info. on related class)

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Review and preparation

The details will be announced at the first session.

Office hour · Contact information

Contact details will be announced during lectures.

Message for student

Students are advised to prepare for class in advance and participate actively in class discussions.

Improvements in Teaching

Text

ANTITRUST ANALYSIS: PROBLEMS, TEXT, AND CASES (7th edn./8th edn.) / Philip Areeda, Louis Kaplow, Aaron Edlin & Scott Hemphill : Aspen Publishers , , ISBN:

Reference Material

Recommended reading materials will be shared on BEEF+.

Classroom Language

English

Keywords

Competition Law, Comparative, China, U.S.