



Governance of Data-driven Business Strategies under Competition Law or Sector-specific Regulation

A Law and Economics seminar series



המרכז למשפט וטכנולוגיה
The Haifa Center for Law & Technology



Institutet för Europeisk rätt

Welcome to a virtual seminar organized under Ascola Nordics, with partnership with The Haifa Center for Law and Technology, Legal Tech Lab from the University of Helsinki and Institute for European Law, University of Stockholm.

Date: 24 February 2022, starting at CET 15.00 (EST 9.00 AM)

Registration by the [e-form](#).

Participation online via Zoom (link will be sent after registration)

The latest challenges

When discussing applicability of competition law to the digital economy, it seems clear that the global ecosystem of competition authorities now is gaining momentum. Investigations are being started, pursued and concluded by national and regional competition authorities. Decisions are granted, appealed and litigated in court. Guiding principles, tests and case law based doctrine are being developed. New violations are being established under umbrella notions, such as 'leveraging', 'self-preferencing' and 'discrimination'. So far they lack clear underpinning and structure regarding what needs to be proven; however, the courts will hopefully be up for the task to provide much needed guidance. It seems that several of the potentially problematic situations that arise in relation to the digital economy could be handled with the legal tools already available for the competition authorities. It will be a challenge addressing the complexity of the data-driven business strategies, still new cases regarding the digital economy can and will be pursued. The issue raised for the virtual seminar is thus do we need wide sector-specific regulations for the digital economy or should we instead focus on such business strategies and conduct that are not being addressed under competition law? Is there something especially difficult in certain areas in reference to identify inter alia antitrust harm, abuse, market power, efficiencies and causality that cannot be addressed efficiently under competition law? Are mergers that should have been rejected not being scrutinized? Are there industries and markets not being scrutinized due to lack of understanding business strategies and models? These and other issues will be addressed, discussed and analysed.

Programme

1. Panel on data and data-driven business strategies – chaired by Björn Lundqvist (Stockholm University)
CET 15.00 – 16.40 (EST 9.00 - 10.40 AM)

- Dan Rubinfeld (NYU, University of California) - What we know about Access Barriers to Data?
- Jens Prüfer (Tilburg University) - Is the search engine market data-driven?
- Konstantina Bania (University of Sheffield/Geradin Partners) - From Google/DoubleClick to the DMA
- Ioannis Lianos (University College London) - Reorienting Competition Law

2. Panel on Data Governance – chaired by Beata Mäihäniemi (University of Helsinki)
CET 16.50 – 18.30 (EST 10.50 AM – 12.30 PM)

- Inge Graef (University of Tilburg) - Governance of Horizontal v. Sector-Specific Data Sharing
- Wolfgang Kerber (Philipps University of Marburg) - Bundles of Rights to Data
- Michal Gal (University of Haifa) - Limiting Interoperability as an Antitrust Offense
- Björn Lundqvist (Stockholm University) - An Access and Portability Right

Welcome!