A decade ago antitrust was riding the globalization wave. Antitrust had spread from a few industrialized countries to more than 130 jurisdictions around the world. International institutions that focused on antitrust were flourishing. Today, though, the wave may be moving the other way. The consensus on competition law principles—if it ever existed—appears to be shattering, even within jurisdictions. Increasingly, countries are pursuing different national legal approaches that reflect their different political and economic policies, growing nationalism, and an underlying criticism of the conventional wisdom about antitrust.

This seminar will examine the position of antitrust today from an international perspective. Our effort will be to describe antitrust developments in different jurisdictions, as well as to critique and evaluate these developments in light of the potential for de-globalization.

Course materials: The assigned text is Eleanor M. Fox and Daniel A. Crane, Global Issues in Antitrust and Competition Law (2d ed. 2017) (West Publishing). The text will be supplemented with materials posted on NYU Classes under Course Materials/Readings. Please read the posted versions rather than downloading different ones.

Writing requirements: Students are required to write a research paper. Each student must submit a thesis statement of the topic (including a preliminary bibliography), a first draft, and a final paper. Papers fulfilling the substantial writing requirement must be approximately 30-40 pages. Other papers may be approximately 20-25 pages. A list of suggested research topics will be posted, but you are free to pursue a topic of your own choosing that is within the scope of the seminar.

Submission dates: Your topic choice is due September 17. The thesis statement (including preliminary bibliography) is due October 8. The first draft is due November 5; the final paper is due December 17. Please submit everything by email to me and to Nicole Arzt. No extensions will be given.

Grades: The first draft will count for 20 percent of the grade; the final draft will count for 50 percent. The remainder of the grade will be based on participation and performance in the seminar.

Administrator for the course: Ms. Nicole Arzt (nicole.arzt@nyu.edu) will be the administrator for the course.
CLASS SCHEDULE

Class 1: August 27
Introduction — Setting the Stage

Class 2: September 3
Dominance: exclusionary conduct

Class 3: September 10
Abusive conduct; excessive pricing and price gouging

Class 4: September 17
Mergers

Class 5: September 24
Cartels

Class 6: October 1
Extraterritoriality; sovereign compulsion

Class 7: October 8
Country Study: South Africa
Guest speaker: Dennis Davis, former President Judge, Competition Appeal Court of South Africa

Class 8: October 15
Country study: China
Guest Speaker: Angela Zhang, Associate Professor of Law and Director of the Center for Chinese Law, Faculty of Law, the University of Hong Kong

Class 9: October 22
Country study: TBD

Class 10: October 29
Country study: Japan
Guest Speaker: Tadashi Shiraishi, Professor, University of Tokyo, Graduate Schools for Law and Politics

Class 11: November 5
Globalization reconsidered

Class 12: November 12
Student presentations

Class 13: November 19
Student presentations
Class 14: December 3
Student presentations