

## PLANO DE ENSINO

<b>DISCIPLINA</b>	ECONOMIC REGULATION OF BIG TECH								
<b>DOCENTE</b>	NICOLO ZINGALES								
<b>CÓDIGO</b>	GRDDIRELE190	<b>SEMESTRE</b>	2022.1	<b>PERÍODO</b>	-	<b>NATUREZA</b>	ELETIVA	<b>CARGA HORÁRIA</b>	30h

<b>EMENTA</b>	Introduction: Reading, format of seminars, themes, structures and actors, goals. Definitions and approaches to regulation. Economics of online markets. History of competition law. Scope of application of competition law. Horizontal agreements I: cartels, concerted practices. Horizontal agreements II: R&D, standardization. Horizontal Agreements III: keyword bidding & other settlements. Vertical agreements I: franchising, resale price maintenance, selective distribution systems. Vertical agreements II: platform bans, platform parity, antisteering rules. Vertical agreements III: Online platforms and agency. Monopolization and Abuse of Dominant Position. Pricing practices: excessive pricing, predatory pricing. Pricing practices II: margin squeeze, loyalty-inducing rebates. Non-pricing practices I: tying and bundling, leveraging, exclusive dealing. Non-pricing practices II: discrimination, differentiated treatment, and self-preferencing. Enforcement procedures. Mergers & acquisitions I: general framework. Mergers and acquisitions II: data-driven acquisitions and new theories of harm. The Intersection of Antitrust & Other Policies. The Interaction of Antitrust & Regulation. 2019 Reports on digital markets and new proposals. Digital market units and digital regulatory cooperation. Gatekeeper regulation I: the EU Platform to Business Regulation & Germany's new Competition Law. Gatekeeper antitrust II: The EU Digital Services Package and the US Klobuchar bills Gatekeeper antitrust III: The Chinese Big Tech Regulations. Regulation of Artificial Intelligence & Dark Patterns. Regulating news: comparative experiences. Regulating the sharing economy. Regulating digital ecosystems.								
<b>OBJETIVOS</b>	Students in this course will be familiarized with the challenges of applying antitrust or competition law in online markets. Online markets are characterized by one fundamentally distinctive feature: they are built around information goods. This requires the appreciation of the important consequences, including decreasing marginal costs, network effects, multi-sidedness, non-monetary value, and loss of agency through intermediation. The competitive advantage conferred by so called "Big data" and its relevance for market power will also be considered, along with remedies that could be imposed to curb abusive behavior. We will examine these phenomena in the context of the ongoing reforms taking place in Europe, United States, Australia, China and other BRICS jurisdictions.								
<b>METODOLOGIA</b>	The course will rely on a series of lectures combined with practical cases, drawing in particular from the long list of cases brought against digital platforms in the last decade. Students will also be divided into groups and work on a mock case, which will be run at the end of the semester.								
<b>HABILIDADES</b>  Exigência MEC  CNE/CES nº 5, 18 de dezembro de 2018	X	Interpretar/aplicar as normas (princípios e regras) do sistema jurídico nacional, observando a experiência estrangeira comparada, quando couber, articulando o conhecimento teórico com a resolução de problemas.							
	X	Demonstrar competência na leitura, compreensão e elaboração de textos, atos e documentos jurídicos, de caráter negocial, processual ou normativo, bem como a devida utilização das normas técnico-jurídicas.							
	X	Demonstrar capacidade para comunicar-se com precisão.							
	X	Dominar instrumentos da metodologia jurídica, sendo capaz de compreender e aplicar conceitos, estruturas e racionalidades fundamentais ao exercício do Direito.							
		Adquirir capacidade para desenvolver técnicas de raciocínio e de argumentação jurídicas com objetivo de propor soluções e decidir questões no âmbito do Direito.							
		Desenvolver a cultura do diálogo e o uso de meios consensuais de solução de conflitos.							
	X	Compreender a hermenêutica e os métodos interpretativos, com a necessária capacidade de pesquisa e de utilização da legislação, da jurisprudência, da doutrina e de outras fontes do Direito.							
		Ter competências para atuar em diferentes instâncias extrajudiciais, administrativas ou judiciais, com a devida utilização de processos, atos e procedimentos.							
	X	Utilizar corretamente a terminologia e as categorias jurídicas.							
	X	Aceitar a diversidade e o pluralismo cultural.							
	X	Compreender o impacto da inteligência artificial e das novas tecnologias na área jurídica.							
		Possuir o domínio de tecnologias e métodos para permanente compreensão e aplicação do Direito.							
X	Desenvolver a capacidade de trabalhar em grupos formados por profissionais do Direito ou de caráter interdisciplinar.								
X	Aprender conceitos deontológico-profissionais e desenvolver perspectivas transversais sobre direitos humanos.								
	Outras:								
<b>CONTEÚDO PROGRAMÁTICO</b>									
<b>AULA</b>	<b>TEMA</b>								
1	Introduction: Reading, format of seminars, themes, structures and actors, goals								
2	Definitions and approaches to regulation								

3	Economics of online markets
4	History of competition law
5	Scope of application of competition law
6	Horizontal Agreements I: cartels, concerted practices
7	Horizontal Agreements II: R&D, standardization
8	Horizontal Agreements III: keyword bidding & other settlements
9	Vertical agreements I: franchising, resale price maintenance, selective distribution systems
10	Vertical Agreements II: platform bans, platform parity, antisteering rules
11	Vertical agreements III: Online platforms and agency
12	Monopolization and abuse of dominant position
13	Pricing practices I: excessive pricing, predatory pricing,
14	Pricing practices II: margin squeeze, loyalty-inducing rebates
15	Non-pricing practices I: tying and bundling, leveraging, exclusive dealing
16	Non-pricing practices II: discrimination, differentiated treatment, self-preferencing
17	Enforcement procedures
18	Mergers and acquisitions I: general framework
19	Mergers and acquisitions II: data-driven acquisitions and new theories of harm
20	The intersection of antitrust & other policies
21	The interaction of antitrust & regulation
22	2019 Reports on digital markets and new proposals
23	Digital markets units and digital regulatory cooperation forum
24	Gatekeeper regulation I: the EU Platform to Business Regulation & Germany's new Competition Law
25	Gatekeeper antitrust II: The EU Digital Services Package and the US Klobuchar bills
26	Gatekeeper antitrust III: the Chinese Big Tech regulations
27	Regulation of Artificial Intelligence & Dark Patterns
28	Regulating news: comparative experiences
29	Regulating the sharing economy
30	Regulating digital ecosystems
<b>TRILHA</b>	Advocacia Empresarial
	Carreiras Públicas
	<input checked="" type="checkbox"/> Regulação
	Justiça e Sociedade
	<input checked="" type="checkbox"/> Tecnologias
<b>CRITÉRIOS DE AVALIAÇÃO</b>	Individual work (50%), group work (40%), participation (10%)

<b>BIBLIOGRAFIA BÁSICA</b>	Mark R. Patterson, Antitrust Law in the Online Economy: Selected Cases and Materials (Amazon, 2 <sup>nd</sup> . Ed. 2021) Nicolas Petit, Big Tech and the Digital Economy: The Mologopoly Scenario (Oxford University Press, 2020) Paul Belleflamme & Martin Peitz, The Economics of Platforms: Concepts and Strategy (Cambridge University Press, 2021)
<b>BIBLIOGRAFIA COMPLEMENTAR</b>	Stigler Committee, Dgital Platforms- Final Report (2019) <a href="https://research.chicagobooth.edu/-/media/research/stigler/pdfs/digital-platforms---committee-report---stigler-center.pdf">https://research.chicagobooth.edu/-/media/research/stigler/pdfs/digital-platforms---committee-report---stigler-center.pdf</a> BRICS Competition Centre, Digital Era Competition Law: A BRICS Perspective (Ioannis Lianos and Alexey Ivanov ed., 2019) at <a href="http://bricscompetition.org/upload/iblock/6a1/brics%20book%20full.pdf">http://bricscompetition.org/upload/iblock/6a1/brics%20book%20full.pdf</a> Angela Zhang, Chinese Antitrust Exceptionalism (Oxford University Press, 2020) Mark R. Patterson, Antitrust Law in the New Economy: Google, Yelp, Libor, and the Control of Information (Harvard University Press, 2017)