

15th Annual Antitrust Symposium: Antitrust in High-Tech Industries

On January 26th, the *George Mason Law Review* will host its 15th Annual Symposium on Antitrust Law. The program will focus on the proper role of antitrust in high technology industries, including the extent to which current competition policy is adequate to address dynamic competition concerns that are prevalent in rapidly evolving sectors. Specifically, panels will explore the application of antitrust laws to social media, mergers, online search, and online advertising. The Symposium Issue (19:4) will be released in the Summer of 2012.

William Kovacic, former Federal Trade Commission Chairman, will deliver the Symposium Keynote Address.

Panel One: Perspectives on High-Tech Antitrust

The first panel will provide a macro analysis of the role of antitrust in high technology markets. It will address the extent to which antitrust laws are well-suited to ferret out conduct that has the potential to harm innovation. This panel will focus particularly on the application of Section 2 of the Sherman Act and Section 5 of the FTC Act to rapidly changing markets, and whether the potential for errors outweighs the benefits of antitrust application.

Panel Two: Social Media

The second panel will examine the extent to which social networking raises antitrust concerns. It will focus on concerns such as measuring monopoly or market power of social networks under Section 2 of the Sherman Act, and what type of conduct might rise to the level of an antitrust violation. This panel will also discuss the role that Section 5 of the FTC Act may play in this nascent area and whether privacy has any place in competition analysis.

Panel Three: Mergers

The third panel will focus more specifically on how the antitrust laws treat mergers in high-tech industries. Traditional merger analysis focuses on the degree to which a combination of producers is likely to lessen competition on price, output, and quality. Recent high-profile mergers in rapidly evolving industries have brought the potential conflicts between the goals of promoting short-run competition and innovation into relief. This program will examine topics such as: To what extent do agencies account for dynamic considerations in their merger analysis under Section 7 of the Clayton Act? Do the 2010 Merger Guidelines mark an improvement in incorporating dynamic considerations? What should the agencies count as efficiencies in their legal analysis?

Panel Four: Search and Online Advertising

The final panel will examine the proper antitrust analysis of online search. It will focus on the extent to which Section 5 of the FTC Act or Section 2 of the Sherman Act may reach firms that conduct online search. This panel also will discuss the proper antitrust analysis of double-sided markets, like online search, where a platform sells a product to consumers and to advertisers.