

AGENDA | ABA ANTITRUST IN THE AMERICAS

FOUR SEASONS, MEXICO CITY | JUNE 1-2, 2017

As of 5.26.17

THURSDAY, JUNE 1, 2017

11:45 – 13:00

ANTITRUST AND TELECOMMUNICATIONS

In the information economy, perhaps no sector is as important as telecommunications. Going from a landline-based regulated utility to a rapidly evolving landscape with multiple platforms, the sector's interaction with competition law is changing quickly. Mexico's constitutional reform empowered a new telecom regulator to enforce competition law in the sector, and other nations in the region have seen similar changes.

Moderator:

Hal J. SINGER, Economists Incorporated, Washington, DC

Rafael VALDES ABASCAL, Valdés Abascal Abogados S.C., Mexico City

Speakers:

Alejandro CANTÚ JIMÉNEZ, Co-Secretary & General Counsel, America Movil SAB de CV, Mexico City

Maria Elena ESTAVILLO FLORES, Commissioner, Instituto Federal de Telecomunicaciones (IFT), Mexico City

Pablo MARQUEZ, Márquez Barrera Castañeda Ramirez (MBCR), Bogotá

Guilherme RIBAS, Mundie e Advogados, São Paulo

13:00 - 13:45

LUNCH

13:45 - 14:15

KEYNOTE SPEAKER

Questioner:

Michael G. EGGE, Latham & Watkins LLP, Washington, DC

Speaker:

Deborah P. MAJORAS, Chief Legal Officer & Secretary, Procter & Gamble, Cincinnati, OH

14:15 – 15:30

IT'S JUST A DISTRIBUTION AGREEMENT: WHAT COULD GO WRONG?

Distribution agreements often come with provisions that may have antitrust implications, such as exclusivity, RPM, discounts, rebates, MFNs etc. The implications are not always easy to detect, and sometimes don't get all the attention that they deserve. This panel will focus on how antitrust authorities across the Americas address antitrust issues in distribution agreements, and what practitioners may do to prevent headaches.

Moderator:

Brian R. HENRY, Vice President & Senior Managing Counsel, The Coca-Cola Company, Atlanta, GA

Julián PEÑA, Allende & Brea, Buenos Aires

Speakers:

Monica BICHARA, Legal and Corporate Security Director, The Home Depot, Monterrey

Marcelo CALLIARI, TozziniFreire Advogados, São Paulo

Fernando CARREÑO, Von Wobeser y Sierra SC, Mexico City

Paulo MONTT, Gandarillas Montt Del Río & Krause, Santiago

15:30 - 15:45

BREAK

15:45 - 17:00

LEVELING THE PLAYING FIELD

Mexico's constitutional reform included provisions that allow COFECE to take action involving essential inputs and barriers to competition, even in the absence of proof of violation of the competition law. Are these necessary tools to remedy the effects of decades of state-sponsored monopolies? Do they threaten firms that have invested in infrastructure and intellectual property? Is this an idea that will catch on elsewhere in the hemisphere?

Moderator:

Terry CALVANI, Freshfields Bruckhaus Deringer, Washington, DC

Luis MONTERRUBIO, Noriega y Escobedo Abogados A.C., Mexico City

Speakers:

Miguel FLORES BERNES, Greenberg Traurig SC, Mexico City

Elisa MARISCAL, Director, Global Economics Group LLC, Mexico City

Carlos MENA LABARTHE, Chief Prosecutor, Comisión Federal de Competencia Económica (COFECE), Mexico City

Anita M. MOSNER, Holland & Knight LLP, Washington, DC

18:00

COCKTAIL RECEPTION

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FRIDAY, JUNE 2, 2017

08:00 - 14:00

REGISTRATION

08:30 - 08:45

WELCOMING REMARKS

Paulette BROWN, Immediate Past President, American Bar Association, Morristown, NJ

08:45 – 10:00

THE LAST WORD: JUDGES AND COMPETITION LAW.

There are as many systems for enforcing antitrust law as there are countries in the region. Some agencies prosecute cases before the regular judiciary, some have internal adjudicative systems, and others bring cases before specialized tribunals. But one thing is common to all: the judiciary has the final say. Judges from across the region will discuss the advantages of their various systems and what kinds of arguments are likely to find traction.

Moderator:

Russell DAMTOFT, Associate Director, Office of International Affairs, Federal Trade Commission, Washington, DC

Cristianne SACCAB ZARZUR, Pinheiro Neto Advogados, São Paulo

Speakers:

Alexandre CORDEIRO MACEDO, Commissioner, Conselho Administrativo de Defesa Econômica (CADE), Brasília

Javier TAPIA, Member, Chilean Tribunal for the Defense of Free Competition, Santiago

Jean Claude TRON PETIT, Magistrate, Fourth Administrative Court of the First Circuit, Mexico City

The Honorable Diane P. WOOD, Chief Judge, U.S. Court of Appeals for the Seventh Circuit, Chicago, IL

10:00 – 11:15

MERGER ENFORCEMENT

Merger enforcement is becoming more sophisticated throughout the region, and the role of economic tools and economists has become increasingly important. Enforcers' ideas are increasingly informed by ex post analysis of mergers. Cooperation among the authorities is increasing.

Moderator:

Luis SANTOS COY GARCIA, Creel García-Cuéllar Aiza Y Enríquez SC, Mexico City

Fiona A. SCHAEFER, Milbank Tweed Hadley & McCloy LLP, New York, NY

Speakers:

John BODRUG, Davies Ward Phillips & Vineberg LLP, Toronto

Sergio LÓPEZ RODRÍGUEZ, Technical Secretary, Comisión Federal de Competencia Económica (COFECE), Mexico City

Amadeu RIBEIRO, Mattos Filho Veiga Filho Marrey Jr e Quiroga Advogados, New York, NY

Darrell L. WILLIAMS, Charles River Associates, Los Angeles, CA

11:15 - 11:30

BREAK

11:30 – 13:30

ENFORCER'S PANEL

Political change across the region is changing the shape of antitrust. New leadership has recently arrived or is coming soon in Argentina, Brazil, and the United States. Major reforms are under way in Mexico and Chile. Hear from enforcement leaders from around the hemisphere and gauge for yourself which way the winds are likely to blow.

Moderator:

William C. MACLEOD, Kelley Drye & Warren LLP, Washington, DC

Eduardo PEREZ MOTTA, Agon, Mexico City

Speakers:

Alexandre CORDEIRO MACEDO, Commissioner, Conselho Administrativo de Defesa Econômica (CADE), Brasília

Esteban GRECO, President, National Commission for the Defense of Competition, Buenos Aires

Felipe IRARRAZABAL, National Economic Prosecutor, Fiscalía Nacional Económica, Santiago

Abbott LIPSKY, Acting Director, Bureau of Competition, Federal Trade Commission, Washington, DC

Alejandra PALACIOS PRIETO, Chairwoman, Comisión Federal de Competencia Económica (COFECE), Mexico City

Brent SNYDER, Deputy Assistant Attorney General, U.S. Department of Justice, Antitrust Division, Washington, DC

13:45 – 14:30

LUNCH

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Scholarship:

Financial scholarship applications are available for this conference. To request an application or receive additional information, contact: at-registrar@americanbar.org

For courses costing over \$500, attorneys who qualify will receive at least a 50% reduction in the course fees. This does not include any reduction in meals, lodging, or travel costs associated with the course.

Continuing Legal Education (CLE)

Sign in for MCLE (U.S. CLE)

All Attendees: Sign-in for CLE upon Arrival

DE/IL Attendees: Your states require you to sign into each session

NY Attendees: You are required by your state to sign in and out each session.

States typically decide whether a program qualifies for CLE credit in their jurisdiction 4-8 weeks after the program application is submitted. For many live events, credit approval is not received prior to the program. The ABA directly applies for and ordinarily receives credit for live, in-person programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MO, MT, NC, ND, NH, NM, NY, OH, OK, OR, PA, PR, SC, TN, TX, UT, VA, VI, VT, WA, WI, and WV. The ABA will seek 6.25 hours of CLE credit for this program in 60-minute states, and 7.50 hours of CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. [View accreditation information for your state](#). Special rules apply to lawyers from the following states:

Arizona: The State Bar of Arizona does not certify MCLE courses or providers. You must independently review Arizona MCLE regulations and make your own determination as to whether a program qualifies for credit towards your MCLE requirements.

Florida: You are eligible to receive credit for this program through Florida's reciprocity provision. ABA programs are approved in New York and many other states. To have credit for this program posted to your CLE total, email or fax the Uniform Certificate of Attendance and the program agenda to the Florida Bar. [View contact information for the Florida Bar](#). There is no fee for you to use the reciprocity provision.

Idaho: You may self-submit this program for CLE approval by sending the [Application for CLE credit](#) to the Idaho State Bar with the required attachments. You can download a copy of the program brochure/agenda from an ABA program's website, or print a copy of the program web page if no separate brochure available for submission with your application. There is no fee for this submission.

Maine: You are eligible to receive credit for this program through Maine's reciprocity provision that allows credit hours for courses or activities approved by another MCLE state and certified by that state's CLE regulatory authority to be accepted for identical credit by the [Maine Board of Overseers of the Bar](#) upon the board's receipt of evidence of such certification as issued by that state, or the ABA Uniform Certificate of Attendance. ABA programs are approved in New York and many other states.

Nebraska: You may self-submit this program for CLE approval after attending the program by logging into your personal MCLE account with the [Nebraska MCLE Commission](#). There is no fee for this submission and a response is generally received within 3-5 days.

New Hampshire: The New Hampshire MCLE Board does not certify MCLE courses or providers. You must self-determine whether a program is eligible for credit, and self-report your attendance online at www.nhbar.org/NHMCLE.

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New Jersey: You are eligible for credit for this program under New Jersey reciprocity provision if another state grants credit for it. ABA programs are approved in New York and many other states.

New York: This transitional CLE program is approved for all New York-licensed attorneys in accordance with the requirements of the New York State CLE Board for transitional MCLE credits. Both experienced and newly admitted attorneys may earn New York credit with this program.

Rhode Island: You may [self-submit this program for CLE approval online](#), under Course Accreditation (Appendix D), at the time of attendance reporting. There is no fee for self-submission.

Wyoming: You may self-submit this program for CLE approval within a reasonable time after attending the program by completing [Application for CLE credit](#). This is the same form that is currently required for attendance reporting. There is no fee for self-submission.

All attorneys may click here to view [additional MCLE information for your jurisdiction](#).