

Section of Antitrust Law 2008–09 Comments

Acknowledgments

The past year was a year of exceptional transition in both competition law and policy. The transition to a new Administration, significant changes in process at the Federal Trade Commission, and the establishment and evolution of enforcement agencies throughout the world have triggered numerous requests in recent years for the submission of comments on competition proposals. Relying on the contributions of many Section members, the American Bar Association Section of Antitrust Law has been exceptionally active this year in sharing its perspectives on important competition issues through the submission of written comments to a number of competition agencies and organizations. All of these comments are available on the Section's website: <http://www.abanet.org/antitrust/antitrust-comments/comments.shtml>.

We would like to recognize and thank the follow individuals who contributed their time and substantive expertise to these efforts during the last year. The Section is particularly grateful to H. Stephen Harris, Jr., the Section's International Officer last year, for his tireless efforts to insure that the Section's comments to enforcement agencies around the world met the highest standard.

■ **Joint Comments of the American Bar Association Sections of Antitrust Law and International Law on the Israel Antitrust Authority's Proposed Amendment to the Restrictive Trade Practices Law, 5748-1988 for the Purpose of Regulating Oligopolies** (Sept. 2008)

Stephen W. Armstrong, Thomas J. Collin, H. Stephen Harris, Jr., Dina Kallay, Abbott B. Lipsky, Jr., James B. Musgrove, Sharis Arnold Pozen, Anthony W. Swisher, David Tadmor, and Debra A. Valentine

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law of the European Commission's Consultation on the Functioning of Regulation 1/2003** (Oct. 2008)

Stephen W. Armstrong, Rachel C. Brandenbeger, Terry Calvani, Michael J. Fanelli, Eleanor M. Fox, H. Stephen Harris, Jr., David Hull, Stephen Kinsella, Elizabeth F. Kraus, Evelina Kurgonaite, Abbott B. Lipsky, Jr., Cristoforo Osti, and Randolph Tritell

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the Competition Bureau (Canada) Draft Bulletin on Efficiencies in Merger Review** (Oct. 2008)

A. Neil Campbell, Paul S. Crampton, Richard Elliott, James W. Lowe, Margaret Sanderson, Margaret A. Ward, and Kevin Wright

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the Australian Commonwealth Government Treasury's Discussion Paper on Creeping Acquisitions** (Oct. 2008)

Stephen W. Armstrong, Beau W. Buffier, H. Stephen Harris, Jr., Ronan P. Harty, Bruce Lloyd, James W. Lowe, Phillip A. Proger, Paul Schoff, John Scribner, Scott A. Sher, Zeke Solomon, and Margaret A. Ward

■ **Comments of the ABA Section of Antitrust Law in Response to the Federal Trade Commission's Request for Public Comment Regarding Parts 3 and 4 Rules of Practice Rulemaking—P072104** (Nov. 2008)

David Altschuler, Justin Bernik, Stephen Calkins, Laurita Denny, Lisl J. Dunlop, Daniel Francis, D. Bruce Hoffman, Michael H. Knight, Richard G. Parker, Sharis Arnold Pozen, Willard K. Tom, and Margaret A. Ward

■ **Transition Report on the Current State of Federal Antitrust and Consumer Protection Enforcement**
(Nov. 2008)

William J. Baer, William J. Blechman, Rachel C. Brandenburger, Logan M. Breed, Mary T. Coleman, Patricia A. Conners, Susan A. Creighton, John D. Fred, Margaret E. Guerin-Calvert, Michael D. Hausfeld, Aimee Imundo, William C. MacLeod, Janet L. McDavid, Leslie C. Overton, R. Hewitt Pate, Phillip A. Proger, Benjamin J. Robinson, and Jerome A. Swindell

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law Response to Questionnaire Issued by the European Commission In Connection with its Report on Regulation 139/2004** (Dec. 2008)

Rachel C. Brandenburger, H. Stephen Harris, Jr., Abbott B. Lipsky, Jr. James F. Rill, Margaret A. Ward, and Johannes Zoettl

■ **Comments of the American Bar Association Section of Antitrust Law on the Railroad Antitrust Enforcement Act (H.R. 1650; S.772)** (Dec. 2008)

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on CADE's Resolution N. 49, Dated July 23, 2008** (Dec. 2008)

Leonardo Duarte, Fabio Figueira, Paul B. Hewitt, James W. Lowe, Maria Novis, Amadeu Carvalhaes Ribeiro, Fiona A. Schaeffer, Mariana Villela, and Margaret A. Ward

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law—Response to Questionnaire issued by the European Commission in Connection with Its Review of the Current Regime for the Assessment of Horizontal Cooperation Agreements** (Jan. 2009)

Rachel C. Brandenburger, Thomas J. Collin, Ronan P. Harty, Elizabeth F. Kraus, Abbott B. Lipsky, Jr., Penny G. Newman, James F. Rill, and Johannes Zoettl

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on Paraguay's "In Defense of Competition Bill"** (Jan. 2009)

Terry Calvani, H. Stephen Harris, Jr., Amadeu Carvalhaes Ribeiro, Allan M. Van Fleet, and Margaret A. Ward

■ **Joint Comments on China's Ministry of Commerce (MOFCOM) Draft Guidelines for Definition of Relevant Markets** (Jan. 2009)

Matthew I. Bachrack, Terry Calvani, Yee Wah Chin, Paul S. Crampton, Fei Deng, Adrian Emch, David Ernst, John D. Graubert, Margaret E. Guerin-Calvert, Shan Hu, Paul Jones, Gregory K. Leonard, Abbott B. Lipsky, Jr., James R. Modrall, Su Sun, Christine Wilson, and Yizhe Zhang

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the Meaning of "Understanding" in the Australian Trade Practices Act 1974** (Mar. 2009)

David Beddow, Thomas J. Collin, Ian Connor, Paul S. Crampton, Elaine Gibson-Bolton, Jason Hartley, David A. Higbee, Julian M. Joshua, Dustin Kenall, Bruce Lloyd, Fiona A. Schaeffer, Paul Schoff, A. Paul Victor, and Claire Webb

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the Canadian Competition Bureau's Draft Updated Enforcement Guidelines on the Abuse of Dominance Provisions (Sections 78 and 79 of the Competition Act)** (Apr. 2009)

Imran Ahmad, Dany Assaf, A. Neil Campbell, Jonathan M. Jacobson, Robert E. Kwinter, James B. Musgrove, Mark S. Popofsky, and Anthony W. Swisher

■ **ABA Comments on House Subcommittee Hearing Regarding the *Leegin* Decision** (May 2009)

■ **Comments on Extension of the Damages Limitations and Cooperation Enhancement Provisions in the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (ACPERA)** (May 2009)

Brady Dugan, Ray V. Hartwell III, Jonathan M. Jacobson, Milton A. Marquis, James Martin, James H. Mutchnik, and Theodore Voorhees, Jr.

■ **ABA Antitrust Section Testimony for the House Subcommittee Hearing on The Railroad Enforcement Act** (May 2009)

M. Howard Morse

■ **ABA Testimony of James A. Wilson for the Senate Committee on the Judiciary Subcommittee Hearing Concerning “The Discount Pricing Consumer Protection Act: Do We Need to Restore the Ban on Vertical Price Fixing?”** (May 2009)

■ **Joint Comments of the American Bar Association Section of Antitrust Law, Section of International Law, Section of Business Law, and Criminal Justice Section on the Revised Draft Information Bulletin on Sentencing and Leniency in Cartel Cases Issued by the Competition Bureau of Canada** (May 2009)

A. Neil Campbell, Ray V. Hartwell, III, Mark Katz, Donald C. Klawiter, and A. Paul Victor

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the SAIC Draft Regulations on the Prohibition of Acts of Monopoly Agreements and of Abuse of Dominant Market Position** (May 2009)

Matthew I. Bachrack, Yee Wah Chin, Fei Deng, David Ernst, S. Beth Farmer, Francis Fryscak, John D. Graubert, H. Stephen Harris, Jr., Cunzhen Huang, Paul Jones, Gregory K. Leonard, Abbott B. Lipsky, Jr., James R. Modrall, Su Sun, William R. Vigdor, Mark D. Whitener, Mike Yeh, and Yizhe Zhang

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the Competition Bureau (Canada) Draft Enforcement Guidelines on the Revised Merger Review Process** (June 2009)

David Beddow, A. Neil Campbell, Paul S. Crampton, Alan Kusnitz, James W. Lowe, John M. Taladay, and Margaret A. Ward

■ **American Bar Association Response to Follow-Up Questions from Senator Kohl for Hearing on “The Discount Pricing Consumer Protection Act: Do We Need to Restore the Ban on Vertical Price Fixing?”** (June 2009)

■ **Joint Comments of the American Bar Association’s Section of Antitrust Law and Section of International Law on Competition Commission and Office of Fair Trading Draft Merger Assessment Guidelines** (Aug. 2009)

Rachel C. Brandenburger, Terry Calvani, Elizabeth F. Kraus, James W. Lowe, and Margaret A. Ward

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the Canadian Competition Bureau’s Draft Competitor Collaboration Guidelines** (Aug. 2009)

A. Neil Campbell, Thomas J. Collin, Frank Devlin, Rebecca Farrington, Calvin S. Goldman, Brian K. Grube, Ray V. Hartwell, III, Elisa Kearney, and A. Paul Victor

■ **Joint Comments of the American Bar Association Section of Antitrust Law and Section of International Law on the Japan Fair Trade Commission’s Draft Guidelines on Exclusionary Private Monopolization Under the Antimonopoly Act** (Aug. 2009)

Stephen Calkins, Eleanor M. Fox, Elizabeth F. Kraus, and Randolph W. Tritell