World Competition **28(3)**: 279–280, 2005.

Editor's Note

I am happy to introduce our September 2005 Journal with an insightful article from Cyril Ritter, who is becoming a regular contributor to World Competition (see 27 W.Comp. 4, 'Does the Law of Predatory Pricing and Cross-Subsidisation Need a Radical Rethink?', December 2004). In an outstanding article, Cyril argues that it is unwise to treat 'refusal to licence' cases under different tests than 'refusal to supply' cases involving tangible of physical property. He confronts the view that a duty to license will necessarily have a negative impact in competition. With this article, we dwell on the debate launched on the topic in previous issues (see Esther Derclaye, 'Abuses of Dominant Position and Intellectual Property Rights: A Suggestion to Reconcile the Community Courts Case-law', 26 W.Comp. 4, (2003) and 'The IMS Health Decision: A Triple Victory', 27 W.Comp 3, (2004)).

Our September issue goes on to the other side of the Atlantic with the Joel Davidow's comprehensive update on US Antitrust developments (see Joel Davidow, 'International Implications of US Antitrust in the George W. Bush Era', 25 W.Comp. 4 (2002) and 'Recent Antitrust Developments of International Relevance', 27 W.Comp 3 (2004)). Once again, we thank Joel for this most interesting update on US antitrust developments that may be of international relevance, such as measures adopted to decrease the scope or uncertainty of the private damage action, consequences of confession, and misuses of intellectual property.

Then, we will again travel with Mark Williams to Asia (see Mark Williams, 'Competition Law in Thailand: Seeds of Success or Fated to Fail?', 27 W.Comp 3, (2004)). On this occasion, Mark provides us with a very interesting insight on the failing competition policy in Hong Kong. Whereas fighting cartels is a high priority for many competition authorities, the Hong Kong government seems to refuse to acknowledge the pernicious effects of cartels and denies that they are a significant problem in the territory. Hong Kong's cartel policy is analyzed critically.

Next, Ioannis Kokkoris introduces us to the theory and to the practice of merger simulation models from an economic point of view. These models are founded on the theory of industrial organization and they predict the effects of a merger on post-merger prices in the market. In most recent years, there has been a general trend towards the use of these empirical economic methods to study the anti-competitive effects that a merger may cause. We invite the readers to familiarize themselves with this tool of merger control analysis.

Barry Rodger will discuss the result of a recent project that sought to ascertain the extent to which a culture of corporate compliance has developed within the UK in recent years. The UK project follows extensive research into competition law compliance undertaken in Australia. The assessment of three major companies' compliance programmes reveals that the format of compliance programmes and

attitudes to compliance are linked to past experiences to the individual firm and to the nature of the market. The primary motivation for compliance seems to be the threat of sanctions. We advise the readers to delve into the rich detail of this innovative research.

To close this issue, Alan Riley brings along an original proposal: to develop a second cartel-bursting instrument in Europe to stand alongside the Leniency Notice. The anti-fraud whistle blowing provisions of the US Civil False Claims Act are presented as a legal model that can be adapted into a powerful antitrust litigation practice in Europe. The author argues that adapting the US Civil False Claims to European law is not an overly radical step, and highlights how similar objections were made prior to the adoption of leniency programmes in Europe.

I wish you a pleasant reading,

José Rivas
Editor
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