## **Subject Index**

A	rules, application, 281
Abbreviated New Drug Application	scale economies, 279–80
(ANDA)	South Korea rivalrous contests, 277
FDC Act, 628	theories and strategies, 280
Indian Firms up to 2009, 628, 629	enforcement successes, 300
Administrability and business certainty in	evaluation of firm conduct, 298
abuse of dominance	exclusionary abuse
Competition Act, 273–74	general prohibition, 293–95
competition legislation, 274	price discrimination, 296–97
competition rules, 297	Tribunal establishment, 287–92
competitive process, 299	exclusionary theories of harm, 297
degree of dominance, 298–99	international debates and perceived 'best
dominant firm, 299–300	practice', 274
economic approach and developing	motivation and intent, 299
countries	multinational firms, 297
analytical frameworks, 280-81	Provisions Of South African
buyers, 278–79	Competition Act, 274–75
competition tests, 276	risks of over-enforcement, 298
customer base, 280	South African record
dominant firms, 277	effects-based tests, 286
entrenched quasi-monopolies, 277	Harmony Gold v. Mittal Steel, 286
European economy, 276	legalistic procedure, 286
exclusionary strategy, 279	Nationwide Poles v. Sasol, 286
factors affects, likelihood of abuse,	1 September 1999 to 31 August 2011,
277–78	282-85
incumbent, 278	settlement of the Commission, 285
Intel and Cardiff Buses cases, 280	State-ownership and/or support,
issues, current price, 278	286–87
markets, 280	Tribunal case number, 281–82
Microsoft cases, 280	strong emphasis, 274
quasi-monopoly, 278	treatment of 'margin squeeze', 298

'Subject Index'. World Competition 35, no. 4 (2012): 723–736. © 2012 Kluwer Law International BV, The Netherlands

Antitrust Division (AD), 143, 152–53	Korean Fair Trade Commission,
Appreciable adverse effect on competition	255–56
(AAEC), 246	parallel behaviour, 255
Article 102 TFEU	prohibition mergers, 253-54
description, 55-56	United States, 254
objectives, 56-57	enforcement and litigation, 272
sliding scale of market power, 57–59	Federal Antimonopoly Service (FAS), 250 market characteristics, 249–50
С	recommended strategy, 271
Centralized model, 97–98	in Russian Antimonopoly Law, 250–52
Collective dominance and abuse,	Collective Redress in EU Competition
competition law of the Russian	Law
Federation	'abuse of process', 557
antitrust enforcement,	admissibility and class certification in
256–58	antitrust cases
application of the legal regulation	appraisal of the 'predominance',
Aeroflot case, 267	537–38
Art. 5, part 3 of the Law, 263	Blades v. Monsanto, 539–40
cases alleging of abuse, 266	Catfish Antitrust Litigation, 538–39
competitors, 266	'cautious' approach, 539
excessive price, 266–67	certification appraisal, courts, 537
FAS and regional subdivisions, 259–62	District Court for Missouri, 538
Gazprom Neft-Kuzbass, Barrel and	District Court's certification,
'Center' Company, 267	542–43
indicators of, 263	Hydrogen Peroxide, 542, 544
Krasnoyarsknefteproduct case, 267	'meticulous' review, 538
LUKOIL-Severo-Zapadnefteprodukt case,	New Motor Vehicle, 540–41
267	section 4 of the Clayton Act, 536–37
market of oil products, 268-71	Telephone Charges, 539–40
market shares, 263	US federal Courts, 545
product market, 264–65	European Commission, 529–30, 558
restrictions on information, 258	evolution of the EU agenda for group
'stability of market shares', 263-64	actions, 532–34
conscious parallelism and tacit collusion	named plaintiff and class counsel in class
Airtours, 253	certification, 545–48
Art.102, 254	'opt out' actions and collective antitrust
Commission, 254	complaints
Ethyl and DuPont cases, 255	application of Rule 23(b)(3) to
European Union, 253	antitrust cases, 548–49
Federal Trade Commission, 255	collective actions in EU competition
Flat Glass, 253	law, 549–55
Gencor, 253	'out of the particular', 556
jurisdictions, 255	procedural limits and safeguards 557

Rule 23 of the US Rules of Civil	Competition Disqualification Undertakings
Procedure, 530–31	(CDUs), 92–93, 98
'scrupulous' certification inquiry, 557–58	Competition Policy Advisory Group (COMPAG), 165–66
'transplantation' of opt-out class actions, 531–32	Competition Policy Review Committee (CPRC), 166
US federal courts and class certification	Costs and benefits of antitrust enforcement
in antitrust cases, 534–36	comparison, 160–61
Company Directors Disqualification Act	competition, protection
(CDDA), 89, 90	deadweight loss, 135–36
Competition Commission of Singapore's	detrimental effects, 140
(CCs) in Enforcement of	laissez-faire approaches, 135
Singapore's Competition Act 2004	market outcomes, economies, 139
anti-competitive agreements, 302	price-cost margins, 139
coach operators and trade association,	private interest group theory, 137
price-fixing and appeal, 305–07	public interest theory, 137
competition regime, 301–02	selective and episodic swings, 136
deterrence objective in antitrust	strategic (ab)uses, taxonomy, 137–38
enforcement, 321–23	'tendency for collusion', 138
electrical and building works companies,	'tendency for monopolization', 138
bid-rigging, 307–09	description, antitrust policy, 121–22
financial penalties and leniency	deterrence-based approach
programme	deterrent effect of hard core cartel
aggravating/mitigating factors, 319–20	enforcement, 157–59
benefit of total immunity, 320–21	implementation of optimal sanctions,
calculation, 312–13	155–57
duration of the infringement, 317–18	survey-based methods, 159-60
Electrical and Building Works case, 320	identification and measurement
Guidelines on Penalty, 309, 314	administrative costs, 145
relevant factors, 318–19	conceptual framework, 144–45
section 69(1)(d)(iii), 309	cost estimation, 46, 143–44
seriousness of infringement, 314–17	description, 162–63
threshold condition,	direct costs, 142
310–12	FTC and AD, 143
United Kingdom's Office of Fair	indirect costs, 143
Trading, 309–10	investigation object, 141
pest control operators,	PWC survey, 145
bid-rigging/collusive tendering,	intervention-based approach
303–05	aggregate level, 147–150
section 34 prohibits, 302-03	disaggregate level, 150–54
United Kingdom's Competition Act, 302	market power
Competition Disqualification Orders	deadweight loss, 123–25
(CDOs), 90–92, 94, 97	definition, 123
•	

exercise of market power,	market power, 654
inefficiencies, 132–35	potential competition and
productive inefficiencies, 131–32	intra-industry mobility, 655–56
rent-seeking activities, 125–30	relevant issues, 654
	remedies, 656–57
D	'small market problem', 636
Decentralized model, 98-99	theoretical discussion, 657–58
Diagnostics of competition law	Dialectics of competition law
alleged discrimination against small	autonomy, 358
market companies, 639	deontological perception of competition,
competition policy assessment, 638	360
consumer surplus v. total surplus, 639	deontological values, 362
efficiencies, 638–39	doctrinal camps, 356
market's external potential	empirical, 382–83
competition and intra-industry	goals of antitrust, 362–63
mobility, 638	ideological issues, 384
problem, 637–38	inside-the-box-thinking, 360
remedies, 639	internalization of the welfare-centred
conflicting policy implications, 648-51	values, 357
different schools of thought and lines of	meta-goals, 358–59
thinking	methodological claim, 361
Chicago School, 643-44	non-efficiency-based methods, 364
economic theory, 641	non-empirical deontological methods,
Harvard School, 642-43	363–64
neoclassical theory, 641–42	normative, 383
new synthesizing approaches, 646-48	Ordo-Austrianism
process-related views, 644-46	Austrian and Chicago School, 380
eclectic theory, 651–53	collective right, 376–79
economic theory	deontological antitrust schools, 373-74
characteristic, 640	empirical fact, 380-81
discrimination argument, 640-41	individual right, 374–76
policy decision-making, 639-40	normative claims, 380
EU merger control, 635–36	polarities, 374
extensive study of the economic theory,	programmatic statements, 380
657	State in protecting and enhancing the
implications of the economic-theoretic	competitive process, 379-80
discussion	workability, 381
assessment in practice, 654	regulatory limits, 355
discrimination argument, theory and	sectoral policies, 357-58
practice, 654	socio-economic goals, 356
efficiency arguments and surplus	sports, 360–61
standard, 656	subordination, 358
market concentration, 654-55	testable data, 364

two-step balancing analysis, 359–60 utilitarian perceptions of antitrust, 356–57 welfare-centred goals Bork's 'consumer welfare', 365–66 Chicago School, 366 competitive balance, 368–73 consumer and total welfare, 365 neoclassical economic perspective, 367 normative premises and workable competition, 368 yardstick of welfare/efficiency, 363 Drugs Price Control Order (DPCO), 626	EU courts case law Art. 101 of TFEU, 471 competition cases-consequences nature and scope of judicial review, 498–501 single standard of proof and review, 501–07 concept of standard of proof applicable tests, 476–78 civil and common law approaches, 473–76 core procedural safeguards, 508 Council Regulation (EC) No. 1/2003,
21450 11100 00111101 01401 (21 00), 020	472
E	presumption of innocence
Economic Advisory Group on	case of corporate defendants, 495-98
Competition Policy (EAGCP),	EU antitrust system, 493-95
208–09	fundamental right, 478–82
Economic downturn for cartels and	procedural corollaries, 482–84
enforcement	standard of proof, 484–88
antitrust fines, bankruptcy, 518–20	types of evidence and standard of
cartel agreements, 513	proof, 488–92
collusive agreements, 514–15	principle of Member States, 472
compliance programmes and training,	reasoning process, 508–09
518	standard of proof in cartel proceeding,
description, 511–13	473
economic view, 513–14	European Court of Human Rights
effect of recession, 517–18	(EctHR)
empirical research, 528	AGCM, 576–77
historical evidence, 514	Art. 6 ECHR, 576, 577
leniency programme, 515	Court of Justice, 574
normative perceptions, 516–17	Menarini case, 573
private enforcement, 526–27	_
public enforcement	F
applications, 520–21	Federal Trade Commission (FTC), 143,
bankruptcy discounts, 521	152–53
criminal prosecutions, 525–26	н
graphite electrodes and industrial bags,	Hatch–Waxman Act, 628–29
521–22	Hearing Officer role in competition
OFT's decision, bid-rigging, 522–25 Economic theory on market power	proceedings, European Commission
Hypercompetition, 645–46	advice to Competition Commissioner,
neo-Austrian School, 644–45	456

applications, interested thrid persons,	exemptions, 185–86
436–38	HKCTV, 172
decisional powers	IDD fixed fee plans, 173
access to the file, 443–45	institutional framework and enforcement
business secrets and confidential	judicial enforcement model, 177–79
information, 445–47	lack of transparency, 181–82
decision requesting information, 439–40	two-tier commitment mechanism, 179–81
description, 438	non-application, 182-83
procedural status, 441	preamble phrased in the negative, 175
statement of objections, 441–43	provisions rested on unstable pillars,
description, 431–32	187–88
draft decision deals, objections, 455 general mission, 433–35	sector-specific competition policy, 171–172
general reporting powers, 453–55	tying of telecommunications services to
oral hearing, 436	management fees, 173–74
recommendation powers	
legal professional privilege,	I
448–50	Independent Post and Telecommunications
privilege against self-incrimination,	Authority (OPTA), 661-64, 669
450–51	Indirect regulatory costs, 143
reporting powers	Intellectual property rights and compulsory
antitrust and merger proceedings,	licensing
452–53	the Case of India Inc.
commitment and settlement	compulsory license, patent challenge,
procedures, 452	629–30
status, 433	DPCO and NPPA, 626-27
Hong Kong Competition Bill	exports of TRIPS legal generics, 628
ambiguity in objective, 187	Hatch-Waxman Act, patent challenge,
arbitrariness in enforcement, 188	628–29
ATV-TVB joint acquisition of sports	India's generics sector, 627
rights, 174	insurance coverage, global
bundling of pay TV and broadband	developments and growth, 626
Internet access, 172	2010 revenue, Pharmaceutical
commitment, 188–89	Companies, 627
COMPAG, 165–66	corporate and political responsibility,
competition landscape, 169–71	interaction, 631–33
competition laws, 167–69	India's Controller General of Patents,
competition rules, 175–77	Designs and Trademarks, 621-22
concurrent jurisdiction, 186–87	innovation and welfare trade-offs,
CPRC, 166	pharmaceuticals, 622-26
description, 165	TRIPS agreement, 633–34
exclusions, 183–84	US Hatch-Waxman Act, 634

International Competition Network (ICN), 103	'effects doctrine', 330 extreme exercise of extraterritoriality,
International Direct Dialling (IDD) fixed	331
fee plans, 173	individual, 331
Internet, jurisdiction and EU competition	jurisdictional principles, 332
law	'nationality principle',
anticompetitive practices	329–30
complete absence of territorial, 348–50	part of the offence, 329
downloading and jurisdictional,	'passive personality principle', 331
346–47	'universal principle', 330–31
EU Commission, 351	US companies, 332
issue, 346	substantive and procedural aspects, 353
multiple jurisdiction, 352	technical characteristics and method,
'nationality principle', 351	327–29
'objective territoriality principle', 351	territorially-centric approach, 326
partial absence of territory, 350-51	
problematic task, 346	J
technical analysis, 346	Jurisdiction, Indian Patent and Competition
'effects doctrine' and 'implementation	Act
criterion', 337–40	conflict of
electronic transactions affects, 326	Aamir Khan Productions Private Limited
extraterritoriality	and Aamir Hussain Khan v. Union of
Gencor, 334–36	India and the Director General
Wood Pulp, 333-34	competition Commission of India,
global nature, 325–26	697–698
'implementation' criterion, 336–37	anti-competitive agreements, 695
'over-territoriality'	Bombay High Court, 698
considerable gap, 341	Competition Commission, 698-699
existing jurisdictional, 341	competition law and the law, 694
extraterritoriality, 341	Controller of Patents, 696–697
jurisdictional analysis, 341	non-obstante clause, 697
technological and territorial	patented invention, 695, 696
considerations, 342–44	regimes, 694
territorially-centric considerations, 341	Court/Tribunal, 693
traditional jurisdictional analysis,	Legal standards, 702
341–42	patent rights in an anti-competitive way,
v. extraterritoriality, 344–46	694
public international law and	section 60, 699
anticompetitive practices	section 62, 700
	section 21 and 21A, 700–701
affected party's nationality, 332	
country's national security, 330	K
country's sovereignty, 329	KME and Chalkor cases, 578-80
economic effects, 330	,

L	Leniency
Laissez-faire approaches, 121, 135	competition authorities, 675-76
Lawfulness and acceptability of	full immunity
enforcement of European cartel law	conditions required to be fulfilled,
administrative enforcement system,	677–78
593–94	eligibility criteria, 676–77
Art. 6 ECHR and Art. 47 of the Charter,	evidential threshold, 677
597–98	partial leniency/reduction of fines
Art. 101 TFEU, 598	conditions required to be fulfilled, 680
case law of the EU Courts,	eligibility criteria, 678
584–85	evidential threshold, 679
Commission, 585–86	undertakings/individuals, 675
Commission's prosecutorial and	Leniency programme of the Competition
sanctioning powers, 594	Commission of Pakistan (CCP)
competition law under administrative law	cartels, 671
Commission's margin, 581-82	Competition Authorities, 675–76
Court of Justice, 580–81	effectiveness, 671-72, 683-84
European courts, 582	full immunity, 676–78
General Court, 581	genesis, 672–73
KME and Chalkor cases, 578-80	heavy penalties, 689-90
Menarini case, 575–78	investigation procedures, flexible
Tetra Laval case, 582	conditions and additional incentives,
'concerted practices', 584	690–91
Decision, 595	legal basis for the power to grant
Dutch competition authority, 596	leniency, 674–75
economic and enforcement policy,	Leniency Notice 1996, 685–86
582–84	Leniency Notice 2006, 684–85
EctHR and the Court of Justice,	marker system, 690
573–74	partial leniency/reduction of fines,
efficiency of the administrative	678–80
procedure, 595	procedure
fining guidelines, 591–93	application, 680–81
General Court and Court of Justice,	confidentiality, 683
596–97	decision to grant leniency,
Hearing Officer, 594–95	682–83
inculpatory and exculpatory evidence,	revocation, 683
598	Show Cause Notice, 686
internal market, 594	specific objectives, 673–74
KME and Chalkor, 574-75	transparency and predictability, procedure
Menarini case, 573–74	Article 101 TFEU, 688
Polypropylene cases, 584	Leniency Notice 2006, 687–88
reassessment process, 575	OECD report on 'Fighting Hard-core
risk of formalization, 586-91	Cartels', 686

Regulation 4(2)(b), 686–87	Péchiney Électrométallurgie (PEM), 212
Regulation 3(1) of Regulations 2007,	Telefónica case, 216–17
686	TeliaSonera case, 214–16
Regulation 4(3) of Regulations 2007,	Europe's Court of Justice, 207
688–89	United Kingdom
Regulation 4(4) of Regulations 2007,	authorities, 220
687	<i>BSkyB</i> case, 217–18
Regulation 5(5) of Regulations 2007,	BT/UK-SPN case, 218–19
688	Competition Commission (COMCO),
undertakings/individuals, 675	220
Long-run average incremental costs	competition law, 220
(LRAIC), 210, 226–27	France Télécom (FT), price of calls, 219–20
M	Genzyme and Albion Water cases, 217
Margin squeeze in the telecommunications	jurisdictions, 219
sector	OFCOM application, 219
Article 102 TFEU, 231	OFTEL analysis, 218
Deutsche Telekom case, 231	two-tier approach, 218
economics-based approach	United States
aggregation test, 227-28	antitrust authorities, 222
Article 102 TFEU, 208-09	linkLine case, 221–22
cost test, 224–26	precedents outline, 221
EAGCP report, 208–09	Supreme Court, 221
and effects-based approach analyses,	vertically integrated company, 205
207-08	Menarini case, 575–78
European competition law, 207	Monopolies and Restrictive Trade Practices
general factors, 209-10	Act (MRTP Act)
imputation test, 223–24	definition, 239
profitability test, 226–27	language of section 3(3), 244
regulatory environment, 228-30	Mahlanobis Committee, 238
specific factors, 210-11	section 33, 240
European agencies' approach, 230	,
European Commission, 206	N
European Union	National Carbonizing Company (NCC),
British Sugar (BS), 211	211
Court's rejection of the claim, 212	National Coal Board (NCB), 211
Deutsche Telekom case, 213–14	National Pharmaceutical Pricing Authority
direct analogy, 212	(NPPA), 626
incumbents' upstream inputs, 212	Netherlands Authority for Consumers and
Industrie des Poudres Sphériques case,	Markets (ACM)
211–12	administrative body, 669
National Coal Board (NCB), 211	CA, 662

consumer protection, 662–63	settlement procedures, 404
Dutch government, 661–62	thrid persons, 401–02
EU Member States, 660–61	administrative proceedings, 400–01
OPTA and NMa, 661	Article 12(4) of Decision 2011/695, 425
public authorities, 663	commission, 411–12
strengths, 666–67	commission services, 412
structure	competition authorities, 413
Competition Council, 665	complainants, 414–15
explanatory memorandum, 663-64	description, 397–98
inter alia, competences, 665	general observations, 428-30
NMa, OPTA and CA, 664	interested thrid persons, 415-17
pillars including six directorates,	interim report and observations, 425-26
664–65	investigative hearing, 402
violation of competition law rules, 665	languages, 423–24
super-authority, 659-60, 669-70	legal basis, 398–99
weaknesses, 667–69	merger proceedings
O	and antitrust proceedings, differences, 402–03
Objective justification	fines/periodic penalty payments,
and Article 102 TFEU, 60–62	406-07
description, 75–76	role of the Hearing Officer, 418
efficiency, 67–68	status of interested thrid person,
European Law, 59	418–19
requirements	written submissions, 407
effect, 74–75	new documents, 425
intent, 69–71	obligation to provide accurate
necessity test, 73–74	information, 424
proportionality, 71–73	oral hearings are not public, 408
terminology, 61–62	presentations, 420–21
types	primarily written proceedings, 401
description, 62–63	purpose of the oral hearing, 400
legitimate business behaviour, 63–65	questions, 421–23
public interest considerations, 65–67	recording, 424
Office of Communications (OFCOM),	request, written submissions, 405-06
219, 226	state of play meeting, 426-27
Oral hearing in competition proceedings	supplementary statement of objections,
addressees of the statement of objections	405
Article 14(4) and (5) of Regulation	timing, 423
773/2004, 410–11	use of information obtained, 424-25
Article 13 of Decision 2011/695,	-
409–10	P
complainants, 404	Patenting strategies of the EU
limitations, 409	pharmaceutical industry

Article 17 of Regulation 1/2003 EC, 28	R
Article 102 TFEU, AstraZeneca	Recidivism in EU antitrust enforcement
Article 52 of the EPC 2000, 46	concept, 8–10
compulsory licenses, 39–40	contemporaneous infringements, 15–16
description, 47–48	description, 5–8
dominance, 39	expressing increased moral
footprint test, 40	condemnation, 14
litigation, 42–43	higher propensity to commit
market definition, 38	infringements, 13–14
Paclitaxel/Taxol, 42	increasing fines, 18–19
paroxetine, 43–44	and leniency, 19-23
Technology Transfer Guidelines, 37–38	limitation period, 16–18
'tool box', 38	lower probability of detection, 14
validity of formulation patents, 44-45	observed incidence, 23-26
Viagra, 41	profitability of infringements, 15
Windsurfing case, 47	reasons for imposing higher fines, 12-13
Bayer-Adalat decision, 30	role of fines, 10–12
competition between originator	Regulation of cartels in India
manufacturers, 36–37	Competition Act of 2002, 234
description, 27, 53–54	competition policy and law, 233
'evergreening', 31–32	economic policy, 233–34
features, 28	FICCI–Multiplex Association of India v.
innovator product versus generic	United Producers/Distributors Forum
benefits of new drug, 34	case, 246
clusters and thickets, 32–33	Indian Evidence Act differentiation, 243
economic role, 32	language of section 3(3), 244
reformulations, 34	Mahlanobis Committee, 238
regulatory concerns, 33	major jurisdictions, 234–38
'reverse payments', 35	MRTP Act, 239–41
settlement payments, 35–36	M/s Best Xerox Centre v. Xerox Modi India
Lederle-Praxis Biologicals decision, 29-30	Ltd. case, 245
legal issues, 'evergreening'	Parliament, 234
criterion of inventiveness needs, 49–50	Raghavan Committee, 242–43econd"
emotional responses, 51–52	section 19(3), 247
involvement of thrid parties, 50–51	section 46 of the Act, power to the
medicines, 52–53	Commission, 244–45
patent legislation, 48–49	section 27 of the Competition Act, 243
originator products and generics, 29	Shri v. Ramachandra Reddy v. HDFC Bank
Péchiney Électrométallurgie (PEM), 212	case, 246
Philip Morris case, 614–15	State intervention, 238–39
PriceWaterhouseCoopers (PWC) survey,	Rethinking sanctions for breaching EU
145 Dublic interest theory 137	competition law
Public interest theory, 137	criminalization

desirability, 86–88	T
feasibility, 83–86	TEU competition law aspects of minority
Sherman Act 1890, 82	shareholdings
criminal penalties, 100	Art. 101 of TFEU
description, 77-78	BT/MCI case, 616–17
director disqualification,	Olivetti/Digital case, 615–16
UK system	Philip Morris case, 614–15
advantages and drawbacks, 93-96	Art. 102 of TFEU, 617–18
CDDA, 89, 90	Commission, 618
CDOs, 90–92	Commission Green Paper, 618-19
CDUs, 92–93	'competitively significant influence', 619
centralized model, 97–98	coordinated effects, 601, 602
decentralized model,	enforcement gap, 600-01
98–99, 101	under EUMR
description, 89, 101-02	Aker Maritime, 607
relationship to other sanctions, 99	Microsoft and Time Warner of Content
individualized sanctions,	Guard, 608
78–82	post-prohibition, 608–11
_	remedies to competition concerns
S	raised, 612–14
Social costs, 127, 143	in thrid party competitor, 605–07
State aid rules	General Court, 618
approaches, 457–58	merger control regimes and acquisitions
compliance problem	broader concepts of control, 604-05
Article 260 TFEU, 462	decisive influence test, 603–04
irregularities, 460	reasons, 603
misapplication, factors, 461	Merger Regulation, 599–600
non-notified cases, 459–60	minority share acquisition, 601
non-notified measures, 460	OECD, 601
severity of sanctions, 462	OFT investigation, 600
training and transmission of	Ryanair/Aer Lingus merger case, 600
knowledge, 461–62	unilateral effects, 601, 602
control and enforcement system,	The Netherlands Competition Authority
weaknesses, 458–59	(NMa), 661–66
description, 468–69	The Netherlands Consumer Authority
design and application, 463–64	(CA), 662–64
institutional capacity and cooperation,	T-Mobile case, 586, 587, 588
465–68	Transmission Control Protocol (TCP), 328
observations, 458	V
Structure-Conduct-Performance (SCP)	•
paradigm	Violations of antitrust provisions
Chicago School, 643	abuse of dominance, 113–16
Harvard School, 642	cartel infringement, 108–09

description, 118–19
ECA principles for setting fines,
105–08
European Commission Guidelines, 104
implications for percentage range for
cartel fines, 109–12
International Competition Network
(ICN), 103

issues, 103 Kyoto Annual Conference, 104 leniency, 113 role of private enforcement, 116–18

## $\mathbf{w}$

World Wide Web (WWW), 328