Brands, Competition, and the Law
October 19, 2012 @ LUC

Brands matter. In modern times, brands and brand management have become a central feature of the modern economy. Coca-Cola, Nike, Google, Disney, Apple, Microsoft, BMW, Marlboro, IBM, Kellogg’s, and Virgin are just some of the brands that are powerful tools for business.

Unfortunately neither antitrust law nor IP law adequately understands the core meaning of branding in the business world or the market place. Commentators tend to either over or under-value brands for such issues as market definition, market power, and barriers to entry.

The Institute has partnered with University College London to present a pair of conferences exploring the business, economic, antitrust, and IP treatment of brands. The UK half of the program took place in December 2011 with over 200 attendees.

The Loyola program will take place on October 19, 2012 at the Corboy Law Center. Speakers include leading economists, business professors, brand consultants, as well as antitrust and intellectual property professors and practitioners. All seek to reach a common understanding about the power of brands and the most appropriate antitrust and IP legal regime for our branded economy. We are particularly delighted to welcome Deborah Majorus, general counsel of Proctor & Gamble and ex-FTC chair to be part of the discussion.

Details and registration are available on the website at luc.edu/antitrust.
The LLM in International Law allows students more flexibility to design their own curriculum. Students can select from a wide variety of subject areas which have strong international and comparative components including competition law. The LLM can be structured to include a thesis or focus solely on course work. LLM students concentrating on competition law would also be part of the full activities and events of the Institute.

Loyola University Chicago School of Law is pleased to announce the addition of two new International LLM Programs to its curricular offerings. Applications for fall 2012 are being accepted now. The LLM in U.S. Law for Foreign Lawyers is designed for graduates from non-U.S. law schools seeking to meet the bar exam requirements of select U.S. jurisdictions.

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The school provides model curricula for all of its areas of expertise, but welcomes students to develop their own focus. Full information about the program is available at www.luc.edu/law/academics/graduate/international/index.html, by email at intl-llm-admissions@luc.edu, or 312-915-7091.

FTC Commissioner Julie Brill Keynotes 12th Annual Loyola Antitrust Colloquium


The colloquium is the highlight of the Institute’s year and features a wide variety of voices and values committed to the effective enforcement of the competition and consumer laws. This year’s colloquium included over one hundred attendees from throughout the United States and abroad including law, business, and economic professors, practitioners, federal, state, and international enforcers, as well as members of the judiciary.

The 2012 presenters included:
- John Kwoka, Department of Economics, Northeastern University
- Does Merger Control Work? A Retrospective on U.S. Enforcement Actions and Merger Outcomes
- Marina Lao, Seton Hall University Law School
- The Perfect is the Enemy of the Good: The Antitrust Objections to the Google Book Settlement
- Jonathan Baker, Washington College of Law, American University
- Exclusion as a Core Principle of Antitrust
- Robert Lande, University of Baltimore School of Law & John Connor, Department of Economics, Purdue University
- Cartels as Rational Business Strategy: New Data Demonstrates that Crime Pays

See the colloquium papers at http://www.luc.edu/law/academics/special/center/antitrust/colloquium_schedule.html and the full video of Commissioner’s Brill keynote address at http://www.luc.edu/antitrust.

Loyola Creates New International LLM Program

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The Institute has received a new cy pres award arising out of a case in the North District of Illinois brought under the Telephone Consumer Protection Act (TCPA). The TCPA makes it unlawful to send unsolicited faxes and other types of phone communications. It creates a robust enforcement mechanism with private rights of action for the greater of actual damages or $500 per violation.

The cy pres award is designated to fund the first comprehensive study of this consumer protection statute. Former Institute Student Fellow Daniel Heidtke (J.D. 2012) will return as a full-time Research Fellow to conduct the study and prepare the report which will examine legislative history, reported decisions, previous scholarship, and conduct interviews with practitioners and policy makers analyzing the TCPA. The full report is expected in the fall of 2013.

Institute Receives New Cy Pres Award to Study TCPA
Hidden Traps, Fair Contracts, and Consumer Choice Considered at LUC January Program

On January 27, 2012, the Institute and Consumer Works hosted a program on the newly renovated 14th floor of the Corboy Law Center on standard form language in consumer contracts.

LUC Professor Lea Kriviskas Shep-ard moderated and took the lead in organizing the program with Citizen Works Executive Director Therea Amato.

Other speakers included:

Bob Sullivan, Veteran Reporter and Author of MSNBC’s “Red Tape Chronicle.

James D. Kole, Chief, Chicago Of-fice, Consumer Fraud Bureau, Illi-nios Attorney General’s Office.

Hunter Wiggins, Deputy Assistant Director for Enforcement Strategy, Consumer Financial Protection Bu-reau.

Omri Ben-Shahar, Frank and Ber-nice Greenberg Professor of Law and Kearney Director, University of Chicago Institute for Law and Eco-nomics.

It was a lively and timely discussion of the best approaches to ensure meaningful consumer choice in an age of standard form contracts and non-negotiable arbitration. This important issue is now part of the current legislative agenda in Illinois as the state legislature considers four separate bills to implement plainer language and pre-signing access to standard form consumer contracts.

Recent Institute Publications

The Working Papers and News and Views section of the Institute website have the latest Institute publications which include:

Theodore Banks, Antitrust Compli-ance—It’s All About the Culture, CPI ANTITRUST CHRONICLE (2012).


Daniel Heidtke, Passing the Buck: A Look Into the Durbin Amendment to the Dodd-Frank Act.

David Haddock, Tonja Jacobi & Matthew Sag, League Structure and Rent Seeking—The Role of An-titrust Revisited, forthcoming.


Lea Shepard, Creditor’s Contempt, 2011 BYU L. REV. 1509.


Spencer Weber Waller, The Next Generation of Global Competition Law, forthcoming CONCURRENCES.

New Senior Research Fellow for 2012-13 Academic Year

The Institute is pleased to welcome Marek Martyniszyn as the 2012-13 Senior Research Fellow. Professor Martyniszyn has completed his PhD at the University College Dublin with a thesis on export cartels. In addition, he is the author of two articles on different international and comparative antitrust topics.

At LUC, Dr. Martyniszyn will be teaching European Union Law and a seminar on international and com-parative antitrust law while pursuing a long-term research project on the impact of foreign government amicus briefs in international antitrust liti-gation. He will be in residence begin-ning in August 2012.
The Institute for Consumer Antitrust Studies is a non-partisan, independent academic center designed to explore the impact of antitrust enforcement on the individual consumer and the public, and to shape policy issues.

The Institute promotes a comprehensive, inclusive view of the benefits of competition law and policy that includes, yet goes beyond, narrow notions of economic efficiency. The Institute fulfills its mission by sponsoring symposia, academic colloquia, research, publication, and a unique student fellowship.

For more information about the Institute, its activities, programs, and publications, visit us on the web at http://www.luc.edu/antitrust, on Facebook, or contact us at antitrust@luc.edu.