

## FACT SHEET

August 26, 2015

**Global Antitrust (Competition)**

The laws that set the ground rules prohibiting firms from engaging in anti-competitive practices are usually called “antitrust laws” in the United States, and “competition laws” in Europe and other regions. Today, most nations, like the United States, have their own competition laws. These laws differ among nations, and each country enforces its laws independently. This lack of coordination leads to inefficiencies and confusion. In response to this, some observers argue that uniform global competition law should be adopted by international agreement. Enforcement would be handled by international organizations or coordinated among different nations.

**Overview****These issues arise in discussions of global antitrust:**

- Problems for multinational firms caused by differences between competition law in different countries, such as business practices that are illegal in one region and not elsewhere, or the potential for prosecution by many nations for one set of actions.
- The possibility that individual nations use competition law to give advantages to domestic firms or consumers, at the expense of foreign firms or consumers.
- The approaches used by national and international organizations, such as the United States government and the World Trade Organization, to handle competition problems across borders.
- The design and implementation of new global competition rules and the institutions that would enforce these international laws.
- Concerns that international enforcement organizations would be ineffective or susceptible to political manipulation.

**TAP Academics researching global antitrust issues include:**

[Anu Bradford](#) of the Columbia University School of Law studies global competition policy and the design of international organizations.

“We are entering a new era in terms of having an increasing number of major players [in antitrust enforcement]... Just as we started to see more convergence [between the law in the U.S. and the E.U.] we had a new major player, China... and more than 100 countries that have antitrust laws of some kind.” From *“Interview with Anu Bradford on International Competition and Antitrust Laws,”* by TAP Staff, March 30, 2010

[Daniel Sokol](#) of the University of Florida Levin College of Law writes about global and international competition law issues and serves on the editorial board of the Competition Policy Institute’s *Antitrust Chronicle* (formerly *Global Competition Policy Magazine*).

[Jay Pil Choi](#) of Michigan State has written on international enforcement coordination.

**Relevant Academics**[Anu Bradford](#)

Columbia University School of Law  
[abradf@law.columbia.edu](mailto:abradf@law.columbia.edu)

[Daniel Sokol](#)

University of Florida Levin College of Law  
[sokold@law.ufl.edu](mailto:sokold@law.ufl.edu)

[Jay Pil Choi](#)

Michigan State  
[choijay@msu.edu](mailto:choijay@msu.edu)

[Michael Whinston](#)

Massachusetts Institute of Technology  
[whinston@mit.edu](mailto:whinston@mit.edu)

[Ilya Segal](#)

Stanford University  
[isegal@stanford.edu](mailto:isegal@stanford.edu)

**Media Contact**

For media inquiries on a range of TAP topics, or for assistance facilitating interviews between reporters and academics, contact [TAP@techpolicy.com](mailto:TAP@techpolicy.com).



[Michael Whinston](#) of the Massachusetts Institute of Technology and [Ilya Segal](#) of Stanford have written a comparison between U.S. and E.U. private antitrust lawsuits in “[Public vs. Private Enforcement of Antitrust Law: A Survey.](#)”

These sources are a good place to start in understanding global antitrust issues. [Anu Bradford’s](#) paper “[Assessing Theories of Global Governance: A Case Study of International Antitrust Regulation](#)” looks at how nations could cooperate in making competition policy. Her paper “[International Antitrust Negotiations and the False Hope of the WTO](#)” examines efforts by the World Trade Organization to get nations to agree on international antitrust policy. Abbott B. Lipsky writes about how firms manage global competition issues in “[Managing Antitrust Compliance through the Continuing Surge in Global Enforcement.](#)” [Daniel Sokol’s](#) paper “[Monopolists Without Borders: The Institutional Challenge of International Antitrust in a Global Gilded Age](#)” surveys international competition law enforcement. Ronald Cass’s op-ed, “[The EU's 'Nationalization by Regulation'.](#)” critiques the European approach to antitrust.

Please note that all links on this fact sheet are accessible from the online version at [www.techpolicy.com/globalantitrust.aspx](http://www.techpolicy.com/globalantitrust.aspx).

*The TAP website ([www.techpolicy.com/](http://www.techpolicy.com/)) is facilitated by Microsoft. Microsoft respects academic freedom, and is working to enable the dialogue on the most critical technology policy issues being debated.*