

COURSE DESCRIPTION 2020 – Aix-en-Provence

Legal Framework for the Digital Economy

Part 1: Paul Belleflamme

The course aims at providing a thorough and rigorous analysis of the legal issues that follow from the deep effects that the Internet and digital technologies have (i) on the structure of existing markets, (ii) on the creation of new markets, and (iii) on the strategies that economic agents (firms, consumers and regulators) deploy on these various markets.

The tools of the theory of industrial organization are used to understand a wide array of online market phenomena, including multi-sided platforms, impacts of ‘big data’ (targeted advertising and pricing, recommendation systems, privacy), net neutrality and online business models. The course makes use of case studies to make parallels between theory and reality.

At the end of the course, students should be able to (i) master an array of specific concepts from the theory of industrial organization, so as (ii) to understand how the Internet affects the working of markets, (iii) as well as the strategies implemented by firms, consumers and regulators on these markets, and (iv) to apply these theoretical concepts to inform public policy.

Part 2: Pierre Bentata (Data and privacy)

Outline:

1. Data, a raw material to be mined
2. The economics of free
3. The “Privacy Paradox”
4. GDPR is not sufficient
5. “Patrimonializing” data?

Competition Law Applied to New Business Models

Pierre Garelo/Frédéric Marty

The course will first establish, via real life examples, that the production of goods and services is more than ever best characterized as a discovery process driven by an entrepreneurial spirit that constantly shifts the lines of the pre-existing markets and, as a matter of fact, invents new ways of developing profitable businesses (Google, Facebook, Smart phones, Block chains, etc).

Starting from this analysis, the course will explore the relevance of the traditional concept of competition law (e.g. monopoly’s dead weight losses, SSNIP test or essential facility doctrine for a platform business) and their recent evolution. The course will also re-examine the articulation between, on one hand, ex ante regulation and, on the other hand, ex post correction via competition law in this new market environment.

Frédéric Marty will then take students through an analysis of recent antitrust cases involving platforms and further explain the specificity of those new eco-systems.