

## Competition Laws of the United States

In the United States, as in most other countries, there are various laws that regulate competition and which are intended to promote the welfare of the ultimate consumer. Over eight sessions, this course will examine each of the principal laws in the United States that regulate competition so that the student gains a comparative understanding as to how a country like the United States with a sophisticated and long developed body of competition law operates.

Course outline for classes to be taught at the University of Latvia Faculty of Law. All classes will take place in the Conference Hall of the Faculty (Raina Blvd. 19, 1<sup>st</sup> floor).

### **May 7, 14:30-16:00**

In the first session, the student will be introduced to the three principal competition laws in the United States: (a) Section 1 of the Sherman Act which regulates contracts, combinations or conspiracies in restraint of trade, (b) Section 2 of the Sherman Act which regulates monopolies and attempts to monopolize, and (c) Section 7 of the Clayton Act which prohibits mergers and acquisitions that may tend to lessen competition substantially.

### **May 8, 14:30-16:00**

In the second session, the class will examine in detail Section 1 of the Sherman Act emphasizing that Section 1 is directed at concerted or joint action of two or more and not unilateral or single firm conduct. The session will also examine the requirement that for the joint action to be unlawful under Section 1 it must be shown to be an unreasonable restraint of trade and what makes joint conduct unreasonable or anticompetitive.

### **May 9, 14:30-16:00**

In the third session, the student will learn various conduct that is prohibited by Section 1 of the Sherman Act, such as agreements to fix price or rig bids, divide markets, or allocate customers between competitors.

### **May 10, 14:30-16:00**

In the fourth session, we will examine Section 2 of the Sherman Act which regulates unilateral action that results in monopolization or attempted monopolization of a market. In order to understand monopolization, the student will first learn how to define properly a product and geographic market for purposes of competition law. This session will also examine what constitutes evidence of monopoly power, including both market share as an indicator of market power and other indirect or circumstantial evidence of monopoly power, such as barriers to entry and market structure.

### **May 14, 14:30-16:00**

In the fifth session, we will distinguish between a lawfully acquired monopoly and an unlawful monopoly that has been acquired, enhanced or maintained through anticompetitive or exclusionary conduct, including predatory or below cost pricing intended to eliminate competitors from the market or otherwise harming the ability of competitors to compete.

**May 15, 14:30-16:00**

In the sixth session, we will examine how mergers and acquisitions are regulated under Section 7 of the Clayton Act which prohibits such mergers and acquisitions if they may tend to lessen competition substantially. We will review the various elements of a Section 7 claim, including defining the relevant market, determining the existing and potential competitors in the market, the market share and concentration levels in the market post-merger and the probability that the merger or acquisition will result in an increase in price to consumers or a reduction in product innovation and service.

**May 16, 14:30-16:00**

In the seventh session, the student will examine certain merger challenges that were brought by the United States antitrust enforcement agencies and see the reasons why courts in the United States prohibited certain mergers from occurring under Section 7.

**May 17, 14:30-16:00**

In the eighth session, the student will be introduced to how competition laws are enforced in the United States both by the federal antitrust enforcement agencies in civil and criminal actions as well as by private parties such as consumers in civil litigation.