

## NICOLAS L. PETIT

Rue des trois arbres 36  
1180, Uccle, Belgium  
+32.495.57.87.53  
[Nicolas.petit@uliege.be](mailto:Nicolas.petit@uliege.be)  
Twitter: @CompetitionProf

### EDUCATION

Liege School of Law, Ph.D. in Law, May 2007

Ph.D. on Oligopolies and Tacit Collusion in European Law

Awarded Jacques Lassier Prize for best doctoral dissertation by the International League of Competition Law, Vienna 2008

Awarded second Prize for best doctoral dissertation by Institute of Competition Law, Paris 2008

College of Europe, Bruges, LL.M. in European Law, June 2003 (ranked 2<sup>nd</sup>)

University of Paris II Panthéon-Assas, Advanced Master Degree in European Business Law, June 2002

University of Paris V René Descartes, Master Degree in Public Law, June 2001 (ranked 1<sup>st</sup>)

### EMPLOYMENT

#### *Academic Positions*

Liege School of Law (2009-present), Liege, Belgium

Full Professor of law (tenured)

*Courses:* Competition law  
Law of Robots and Artificial Intelligences  
Constitutional law of the European Union (EU)  
Economics of Antitrust Policy  
International and Comparative Antitrust Law

*Service:* Director of the LL.M. program in Intellectual Property and Antitrust Law  
Director of the Liege Competition and Innovation Institute (LCII)

Research Professor, University of South Australia (2016-present), Adelaide, Australia

EDHEC School of Business Administration and Management (2008-2016), Lille, France

Professor of law

*Courses:* Advanced EU Competition Law and Strategies

College of Europe, Global Competition Law Centre (2010-2014), Bruges, Belgium

Director

*Service:* Research supervision incl. organization of seminars and publication

### ***Research Fellowships***

Visiting Scholar at the Hoover Institution, Stanford University (2018)  
Harvard Law School, Visiting Researcher (2006)

### ***Other Relevant Professional Experience***

Howrey LLP (2007-2009)  
Associate in the antitrust law department

## **PUBLICATIONS**

### ***Books***

TECH GIANTS, COMPETITION AND INNOVATION, Oxford University Press, forthcoming, 2018

EU COMPETITION LAW AND ECONOMICS, Oxford University Press, forthcoming, 2018, (with D. Geradin and A. Layne-Farrar)

DROIT EUROPÉEN DE LA CONCURRENCE, Domat Montchrestien, 2nd ed., forthcoming, 2018

DROIT EUROPÉEN DE LA CONCURRENCE, Domat Montchrestien, 1st ed., 2013

OLIGOPOLES, COLLUSION TACITE ET DROIT COMMUNAUTAIRE DE LA CONCURRENCE, Bruylant-LGDJ, 2007

### ***Representative Articles***

“Optimal Enforcement of Competition Policy: The Commitments Procedure Under Uncertainty”, (with A. Gautier), forthcoming, *European Journal of Law and Economics*, 2018

“The Judgment of the EU Court of Justice in Intel and the Rule of Reason in Abuse of Dominance Cases”, forthcoming, *European Law Review*, October 2018

“Patent Trespass and the Royalty Gap: Exploring the Nature and Impact of Patent Holdout”, *Santa Clara High Technology Law Journal*, December 2017, Vol. 34, Issue 2

“Antitrust and Artificial Intelligence: A Research Agenda”, *Journal of European Competition Law & Practice*, Volume 8, Issue 6, 1 June 2017, Pages 361–362

“Deterring the State versus the Firm: Soft and Hard Deterrence Regimes in EU Law”, (with S. Bogojević), *Columbia Journal of European Law*, Vol. 23, No. 1, 2016

“The IEEE-SA Revised Patent Policy and Its Definition of 'Reasonable' Rates: A Transatlantic Antitrust Divide?”, *Fordham Intellectual Property, Media & Entertainment Law Journal*, Vol. XXVII.

“As-Efficient Competitor Test and Loyalty Rebates after *Intel* and *Post Danmark II*”, *Competition Law & Policy Debate*, Vol. 2, Issue 1, 2016

“Re-pricing through Disruption in Tacitly Collusive Oligopolies: A Framework for Shared Monopolization Legislation” (*World Competition – Law and Economics Review*, Volume 39 March 2016 Number 1, 119)

“State-Created Barriers to Exit? The Example of the Acquisition of Alstom by General Electric”, \_\_\_\_\_ (*Competition Policy International*, Volume 11, Number 1, Spring/Autumn 2015)

“Two-Sided Markets and the Challenge of Turning Economic Theory into Competition Policy”, \_\_\_\_\_ (*The Antitrust Bulletin* December 2015 vol. 60 no. 4 426-461) (with D. Auer)

“Theories of Self-Preferencing Under Article 102 TFEU: A Reply to Bo Vesterdorf”, \_\_\_\_\_ (*Competition Law & Policy Debate*, Vol 1, Issue 3, August 2015)

“Intel, Leveraging Rebates and the Goals of Article 102 TFEU”, *European Competition Journal*, \_\_\_\_\_ (*European Competition Journal*, 2015; Vol 11, 1)

“Price Squeezes with Positive Margins in EU Competition Law: Economic and Legal Anatomy of a Zombie”, 2 *Revue du droit des industries de réseaux* 123 (2014)

“Injunctions for FRAND-Pledged Standard Essential Patents: The Quest for an Appropriate Test of Abuse under Article 102 TFEU”, 9 *European Competition Journal* 677 (2013)

“Abuse in Technology-enabled Markets: Established Standards Revisited?”, 1 *European Competition Journal* (2013) (with M. Rato)

“Credit Rating Agencies, the Sovereign Debt Crisis and Competition Law”, 7 *European Competition Journal* 587 (2011)

“Back to Microsoft I and II: Tying and the Art of Secret Magic”, 2 *Journal of European Competition Law & Practice* 117 (2011) (with N. Neyrinck)

“Remedies for Coordinated Effects under the EU Merger Regulation”, 6 *Competition Law International*, International Bar Association (2010),

“How much Discretion do, and should, Competition Authorities enjoy in the course of their Enforcement Activities? A Multi-Jurisdictional Assessment”, 1 *Concurrences* 44 (2010)

“From Formalism to Effects – The Commission’s Guidance Communication on Article 82 EC”, 32 *World Competition – Journal of Law and Economics* 485 (2009)

“Price Discrimination under EC Competition Law – Another Doctrine in Search of Limiting Principles?” 2(3) *Journal of Competition Law and Economics* 479 (2006) (with D. Geradin)

“Judicial Remedies under EC Competition Law: Complex Issues arising from the Modernisation Process”, *Fordham International Law Journal*, 2005 (with D. Geradin)

“Circumscribing the Scope of EC Competition Law in Network Industries? A Comparative Approach to the US Supreme Court Ruling in the Trinko case”, 5 *Journal of Network Industries* 347 (2004)

“The Commission's Contribution to the Emergence of 3G Mobile Telephony: An Analysis of some Decisions in the Field of Competition Law”, 7 *European Competition Law Review* 429 (2004)

Competition Policy in Southern Mediterranean Countries, 3 *Review of Network Economics*, 64 (2004) (with D. Geradin)

Competition Policy and the Euro-Mediterranean Partnership, 8 *European Foreign Affairs Review* 153 (2003) (with D. Geradin)

### **Chapters in Books**

“Algorithmic Pricing Agents and Tacit Collusion: A Technological Perspective”, with A. Ittoo, in *L'intelligence artificielle et le droit*, Larcier 2017, 482 pages

“The Antitrust and Intellectual Property Intersection in European Union Law” in *Handbook of Antitrust, Intellectual Property and High Tech*, Roger D. Blair & D. Daniel Sokol editors, Cambridge University, 2017

“EU Competition Law Analysis of FRAND Disputes” in *The Cambridge Handbook of Technical Standardization Law*, Jorge L. Contreras, ed., Cambridge University Press, 2017

“Stealth Licensing – or Antitrust Law and Trade Regulation Squeezing Patent Rights” in *Fostering Growth in Europe: Reinforcing the Internal Market* (J. Beneyto and J. Maillo, eds. CEU Ediciones, Madrid, 2014)

“The Oligopoly Problem in EU Competition Law” in *Research Handbook in European Competition Law* (I. Liannos and D. Geradin, eds. Edward Elgar, 2013)

“The Future of the Court of Justice in EU Competition Law – New Role and Responsibilities” in *The Court of Justice and the Construction of Europe: Analyses and Perspectives on Sixty Years of Case-law* (Court of Justice of the EU ed. Nomos Verlagsgesellschaft 2013)

“EU Competition Law and Industrial Policy: In Need of a Rethink?” in *GCLC Annual Conference Series* (M. Merola and J. Derenne eds. Bruylant/LGDJ 2013) (with N. Neyrinck)

“Vertical Restraints under EU Competition Law: Conceptual Foundations and Practical Framework” in *Vertical Restraints and Distribution Agreements under EU Competition Law* (co-edited with C. Gheur, Bruylant LGDJ 2012) (with D. Henry)

“Judicial Review in European Union Competition Law: A Quantitative and Qualitative Assessment” in *The Role of the Court of Justice of the EU in Competition Law Cases* (M. Merola and J. Derenne eds. Bruylant 2012) (with D. Geradin)

“The Economics of Parallel Trade – Econ-oclast Views on a Dogma of EU Competition Law”, in *Trade and Competition Law in The EU and Beyond*, Edward Elgar Publishing (I. Govaere, R. Quick and M. Bronckers, eds., 2011)

“Why the EUMR should not enjoy a Monopoly over Tacit Collusion”, *OCCP Anniversary Publication*, 2010 (with D. Henry)

“From Hard to Soft Enforcement of EC Competition Law – A Bestiary of Sunshine Enforcement Instruments” in *Alternative Enforcement Techniques in EC Competition Law* (N. Petit and C. Gheur, eds. Bruylant/LGDJ, 2008) (with M. Rato)

“The Proliferation of National Regulatory Authorities besides Competition Authorities: A Risk of Jurisdictional Confusion?” in *Regulation through Agencies: A New Paradigm of European Governance* (D. Geradin et al., eds. Edward Elgar, 2005)

### ***Works-in-Progress***

“Artificial Intelligence and Law Creation: The Law of the Horse Sheep?”, (previous version posted at <https://ssrn.com/abstract=2931339> or <http://dx.doi.org/10.2139/ssrn.2931339>)

“FRAND: Rules v Standards”

### **AWARDS, DISTINCTIONS AND HONORS**

- 2017, Winner of the Global Competition Review (GCR) Academic Excellence Award, Washington DC
- 2017, Winner of the Antitrust Writing Award, Academic Category, International Section
- 2013, awarded prize of best law book of the year, Paris France, <http://www.leclubdesjuristes.com/prix-du-livre-juridique-2013/>
- 2012, Winner of the Antitrust Writing Award, Academic Category, Unilateral Conducts Section
- 2008, awarded Jacques Lassier Prize for best doctoral dissertation by the International League of Competition Law, Vienna 2008; second Prize for best doctoral dissertation by Institute of Competition Law, Paris 2008
- 2002-2003, beneficiary of an Eglise scholarship from the French Ministry of Foreign Affairs
- 2001, awarded best student prize, Master Programme, University Paris V, René Descartes

### **REFEREE AND EDITORIAL ACTIVITY**

Journal of Competition Law and Economics (Oxford University Press)  
Revue du droit des industries de réseaux (Larcier)  
Revue du droit des affaires européennes

### **SELECTED PRESENTATIONS**

*Antitrust and the Challenge of Policing “Moligopolists”*

- Seoul International Competition Forum, 8 September 2016
- Leiden University, ASCOLA Conference, 29-30 June 2016
- Oxford University, Pembroke College, Journal of Antitrust Enforcement Symposium, 25 June 2016
- Keynote speaker at CLEEN 2015, Tilburg University, 29 May 2015

### *Oligopoly Markets*

- Presentation and Paper selected for the OECD Competition Committee, Paris June 2015: <http://www.oecd.org/daf/competition/oligopoly-markets.htm>

### *GE/Alstom and the Competitive Neutrality Problem*

- Presentation and Paper selected for the OECD Competition Committee, Paris June 2015
- Seoul International Competition Forum, 3 September 2014, Seoul

### *Problem practices in EU Competition Law*

- Centre for Competition Policy, University of East Anglia, 10th Annual CCP Conference, Norwich, 12-13 June 2014
- Consumer and Market Authority, London, 10 February 2015

### *IP and Competition Law: Hold-up, FRAND Commitments and SEPs Licensing*

- GCR Live IP and Antitrust, Seoul, 19 May 2015
- Licensing Executives Conference (LES), Leipzig, 14 November 2014
- LeadersIP Conference, San Diego, 20-21 March 2014
- Seminar, Wurtzburg University, 21 January 2014
- Global Competition Review, Live IP and Antitrust, 14 June 2013

### *The Oligopoly Problem in EU Competition Law*

- IMEDIPA Annual conference, Athens, 17 July 2013
- Seminar, Tilburg Centre for Law and Economics (TILEC) University of Tilburg, 20 January 2012
- Seminar, Amsterdam Centre for Law and Economics (ACLE) 14 March 2011

### *Abuse in Technology Markets: Established Standards Reconsidered,*

- Intertic, Italian Competition Authority, Rome, 16 May 2013
- Competition Committee of the American Chamber of Commerce to the EU, 13 July 2012
- Association of European Competition Law Judges, 14-16 June 2011

### *Intel and Leveraging Rebates*

- Association Française d'Etude de la Concurrence, 3 February 2015

### *New Challenges for Competition Agencies*

- Hong Kong, 26 October 2012

## **LANGUAGES**

French: mother tongue

English: fluent

Spanish: conversational level

## **OTHER**

Senior Scholar, International Center for Law & Economics (ICLE), <http://www.laweconcenter.org/>

Statement of Accomplishment, Principles of Economics (with distinction), Stanford University, September 2017

Advisory member of the Belgian Antitrust Authority (since 2014)

Founder and Director of the Brussels School of Competition:  
<http://www.brusselsschoolofcompetition.be/>

SSRN webpage: [http://papers.ssrn.com/sol3/cf\\_dev/AbsByAuth.cfm?per\\_id=358753](http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=358753)

12 February 2017