

## PROVISIONAL SYLLABUS

### THE LAW OF MARKETING AND ANTITRUST

(LGST 205, LGST 805, MKTG 260, MKTG 760)

THE WHARTON SCHOOL, UNIVERSITY OF PENNSYLVANIA

SPRING SEMESTER 2019

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This course is concerned with the relationship between market structure, competitive strategy, innovation and antitrust law. Special attention will be paid to the problem of dominant firms (“monopolists”) and their obligations, cartels and joint ventures, mergers, vertical restrictions, intellectual property and its interaction with competition policy, and federalism. Course coverage will range over all portions of the business economy in which competition and innovation are important but emphasizing markets that have a significant technological component. The principal focus will be U.S. federal law, but some brief attention will also be given to international issues, particularly relating to the European Union, and also to the United States patent system.

No prior study of or acquaintance with antitrust law is necessary. We will study judicial antitrust decisions as well as historical and economic sources. Readings will consist of a one volume text and other sources that will be posted periodically to Canvas.

Your obligations for the course will consist of 1) regular attendance and class participation (10%); 2) a midterm examination (25%); 3) a 20-page (double spaced) paper, styled as either a scholarly paper or a brief (25%); 4) a final examination (40%).

You must come to class each day prepared to discuss the assigned readings and your instructor may call on you.

READINGS:

**HERBERT HOVENKAMP, PRINCIPLES OF ANTITRUST** (West Acad. Pub. 2017), ISBN: 978-1-68328-834-3

Topical readings to be downloaded from the Canvas site for this class

### MONOPOLIZATION, OR COMPETITION POLICY AND DOMINANT FIRMS

Hovenkamp, Principles Chs. 1-3, 6-8.

TOPIC #1: ANTITRUST POLICY AND THE “TRUST” -- AMERICAN CAN

TOPIC #2: MARKET STRUCTURE AND CONDUCT: ALUMINUM CO. OF AMERICA (ALCOA)

TOPIC #3 ANTITRUST INJURY – UBER TECHNOLOGIES

TOPIC #4 TECHNOLOGICAL DESIGN – BERKEY PHOTO

TOPIC #5 THE MONOPOLIST'S DUTY TO DEAL

[other topics to follow)