

ABA SECTION OF ANTITRUST LAW

INTERNATIONAL  
ANTITRUST  
FORUM

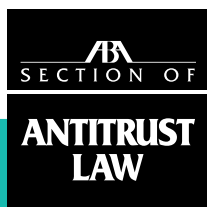
RITZ-CARLTON  
SOUTH BEACH

JANUARY 24-25, 2005

MIAMI, FLORIDA

CO-CHAIRS:

ELIZABETH F. KRAUS  
ABBOTT B. LIPSKY JR.



# WELCOME

## Dear Colleagues:

We are pleased to invite you to attend the 2005 International Antitrust Forum, to be held at the Ritz Carlton South Beach in Miami, Florida on January 24-25.

International antitrust law and practice are transforming rapidly. Leadership change at antitrust agencies of several key jurisdictions and recent court cases including two major US Supreme Court decisions — *Hoffman-La Roche v. Empagran* (concerning the availability of treble damages in US courts for injuries caused to foreign parties worldwide) and *AMD v. Intel* (regarding the authority of US courts to order production of US-based evidence for EC competition proceedings) – are only a part of this story. Legislative change, in particular the European Community's dramatic modernization program, merger reforms and expansion, which will have a continuing effect on its competition rules and their enforcement, is yet another.

This program will feature agency heads from a number of key jurisdictions, including Brazil, Mexico and the US, as well as senior agency officials from the EC, Ireland and Japan, and experienced US and international practitioners and policy experts, providing practical explanation and insight as well as thought-provoking debate on these and other recent developments. In addition, speakers will address how these developments affect key antitrust practice areas, with panels focused on multi-jurisdictional merger review, cartel enforcement, trade-based competition remedies and monopolization and abuse of dominance. Valuable updates will be provided on other hot topics, including leading cases, international convergence and harmonization efforts and other international enforcement trends, with special opportunities for networking with international antitrust colleagues in the unique and vibrant environment of Miami Beach, Florida. This program qualifies for CLE credit, including ethics credit.

Elizabeth F. Kraus  
Abbott B. Lipsky Jr.  
Co-Chairs

Richard J. Wallis  
Chair, Section of Antitrust Law

# CONFERENCE AGENDA

MONDAY, JANUARY 24, 2005

**9:00-9:20am**

## WELCOME REMARKS

**Richard J. Wallis**, Chair, Section of Antitrust Law, Microsoft Corporation, Redmond, WA

## PROGRAM INTRODUCTION

**Abbott B. Lipsky, Jr.**, Latham & Watkins LLP, Washington, DC

## SHOCK OF THE NEW: NEW LEADERSHIP, NEW LAWS, NEW STRATEGIES

**9:20-9:40am**

## INTRODUCTION

**Elizabeth F. Kraus**, Counsel for Multilateral Affairs, Federal Trade Commission, Washington, DC

## OPENING KEYNOTE

**Eduardo Perez Motta**, Chairman, Federal Competition Commission, Mexico City, Mexico

**9:40-11:00am**

## PANEL DISCUSSION – SHOCK OF THE NEW

- Enforcers' perspective: new initiatives
- Practitioners' perspective: what needs fixing?
- New perspectives on frontier issues:
  - European expansion and modernization program – what's in store?
  - Multiple agencies and networks of competition authorities – do more agencies mean better enforcement?
  - US private actions and national enforcement
  - How "real" are private remedies outside the US?

### *Moderator:*

**William Blumenthal**, King & Spalding LLP, Washington, DC

### *Panel:*

**Christian Lippert**, Franck, Galicia y Robles, Mexico City, Mexico

**Philip Lowe**, Director General for Competition, European Commission, Brussels, Belgium (invited)

**Eduardo Perez Motta**, Chairman, Federal Competition Commission, Mexico City, Mexico

**11:00-11:15 am**

## BREAK

**11:15-11:30 am**

## GOING GLOBAL: MULTI-JURISDICTIONAL MERGER REVIEW

### INTRODUCTION

*What Agencies Need and What They are Doing to Alleviate Burdens on Merging Parties—  
The Brazilian Example*

### *Presenter:*

**Daniel Krepel Goldberg**, Brazilian Secretary of Economic Law, Ministry of Justice, Brasilia, Brazil

# CONFERENCE AGENDA

MONDAY, JANUARY 24, 2005

**11:30 am -12:40 pm**

## PANEL DISCUSSION

- Getting started: confronting the multijurisdictional matrix of notification and approval schemes
- Challenges of clearing a transaction through different systems . . . different standards
- Navigating the competitive-effects theory minefield: is convergence possible?
- Economics, efficiencies and econometrics; speaking with the right accent
- Interagency coordination: risks and opportunities, tactics for success

### *Moderator:*

**Debra A. Valentine**, Vice President, Secretary and Associate General Counsel, United Technologies, Hartford, CT

### *Panel:*

**Daniel Krepel Goldberg**, Secretary of Economic Law, Ministry of Justice, Brasilia, Brazil

**Philip Lowe**, Director General for Competition, European Commission, Brussels, Belgium (invited)

**Eduardo Perez Motta**, Chairman, Federal Competition Commission, Mexico City, Mexico

**Amadeu Ribeiro**, Levy & Salomão Advogados, Sao Paulo, Brazil

**12:45-2:00 pm**

## LUNCHEON KEYNOTE

**William E. Kovacic**, E.K. Grubin Professor, George Washington University Law School

**2:00-3:20 pm**

## REPRESENTING THE INTERNATIONAL CLIENT

- Spotting risks of individual, corporate and/or joint representation in merger and cartel cases
- Confidentiality and privilege waivers: measuring risks and benefits
- Discovery after *Intel v. AMD*—what rules are the district courts likely to develop with respect to compelling production to foreign authorities?
  - How are these discovery rules likely to be used by counsel?
  - Will US discovery shift the balance of offense and defense in international antitrust disputes?

### *Moderator:*

**Ilene Knable Gotts**, Wachtell Lipton Rosen & Katz, New York, NY

### *Panel:*

**Alec J. Burnside**, Linklaters, Brussels, Belgium

**Steven J. Cernak**, General Motors Corporation, Detroit, MI

**Caní Fernández Vicien**, Cuatrecasas, Brussels, Belgium

**Donald C. Klawiter**, Morgan Lewis & Bockius LLP, Washington, DC

**3:20-3:35 pm**

## BREAK

# CONFERENCE AGENDA

MONDAY, JANUARY 24, 2005

**3:35-5:30 pm**

## CARTEL ENFORCEMENT NOW

- New regimes and new initiatives
- Increasing reliance on criminal penalties
- Increased fines, new and strengthened amnesty programs

### *Moderator:*

**A. Paul Victor**, Weil Gotshal & Manges LLP, New York, NY

### *Panel:*

**Terry Calvani**, Member and Director of Cartels Division, Irish Competition Authority, Dublin, Ireland

**Daniel Krepel Goldberg**, Secretary of Economic Law, Ministry of Justice, Brasilia, Brazil

**Veronica Roberts**, Herbert Smith, Brussels, Belgium

**Akinori Uesugi**, Secretary General, Japan Fair Trade Commission, Tokyo, Japan

TUESDAY, JANUARY 25, 2005

**9:00-10:15 am**

## TRADE-BASED COMPETITION REMEDIES

- Multilateralism—down and out in Doha?
- Competition provisions in trade agreements—where are they aimed and when should they fire?
- WTO and FTA resolution of competition issues: can trade remedies succeed where competition enforcement fails?

### *Moderator:*

**Elizabeth F. Kraus**, Counsel for Multilateral Affairs, Federal Trade Commission, Washington, DC

### *Panel:*

**Gary Horlick**, Wilmer Cutler Pickering Hale & Dorr, Washington, DC

**Eduardo Perez Motta**, Chairman, Federal Competition Commission, Mexico City, Mexico

**D. Daniel Sokol**, Steel Hector & Davis LLP, Miami, FL

**Michael Tiebilcock**, Chair in Law and Economics, University of Toronto, Canada (invited)

**10:15-10:30 am**

## BREAK

**10:30-12:10 pm**

## GLOBAL RUMBLE: MONOPOLIZATION VS. DOMINANCE

- Global firm, local antitrust—conflicts and convergence when market power is involved
- Addressing diverging standards and dueling concepts
- Essential facilities, access and the special problems of technology

### *Moderator:*

**Abbott B. Lipsky, Jr.**, Latham & Watkins LLP, Washington, DC

### *Panel:*

**Makan Delrahim**, Deputy Assistant Attorney General, US Department of Justice, Washington, DC

**Joseph Kattan**, Gibson Dunn & Clutcher LLP, Washington, DC

**Philip Lowe**, Director General for Competition, European Commission, Brussels, Belgium (invited)

**John Parker**, Senior Vice President, Coca-Cola Enterprises Inc, Dallas, TX

**Akinori Uesugi**, Secretary General, Japan Fair Trade Commission, Tokyo, Japan

**12:10-12:30 pm**

## FINAL KEYNOTE

**Hon. Deborah Platt Majoras**, Chairman, Federal Trade Commission, Washington, DC

# REGISTRATION INFORMATION

## EARLYBIRD REGISTRATIONS

Your registration fee includes, CLE materials, all sessions, breaks and the Monday luncheon.

Registration forms submitted via mail must be post-marked on or before **December 31, 2004** to qualify for the early bird registration fee. Registrations submitted via fax or the internet must be date/time stamped by 11:50pm (CT) on **December 31, 2004**.

## ADVANCE REGISTRATIONS

Your registration fee includes CLE, materials, all sessions, breaks and the Monday luncheon.

Please complete the attached registration form and return to the ABA with payment no later than **Wednesday, January 5, 2005**. Registrations must include payment to be processed. You are encouraged to register early, as attendance is limited. Registration fees will automatically be adjusted if the incorrect amount is submitted. Advance registrations received with payment by **Wednesday, January 5, 2005** will appear in the participant roster located on [www.abanet.org/antitrust](http://www.abanet.org/antitrust). Please bring your confirmation to the registration desk and pick up your badge and course materials.

## GROUP DISCOUNTS

Multiple attendees from a single firm or corporation will receive a 33% discount beginning with the second attendee. To receive the discounted fee, registrations must be received as a group, with a single payment for all registrations no later than **Wednesday, January 5, 2005**. Group discounts only apply if they are sent in by **Wednesday, January 5, 2005**. The discount for multiple attendees does not apply to government or academic registrants.

## CONFIRMATIONS

ABA members registering online will receive an electronic confirmation within one hour.

Non-ABA members or those registering via mail, will receive a detailed confirmation within 10 days after their registration is received and processed (provided complete information and appropriate payment was submitted) Please be advised that incomplete or incorrect information will delay the processing of registration forms.

If you have not received your confirmation after 10 days of submitting the form, please contact the Registrar at 312.988.5792. Please allow the estimated time given for confirmations prior to calling the Section to see if your registration has been received.

## ON-SITE REGISTRATION

On-site registration is available pending space availability. Materials cannot be guaranteed for those registering after the cut-off date. If necessary, a copy of the materials will be mailed after the conference to those who registered after the cut-off.

# REGISTRATION INFORMATION

## CANCELLATION

Cancellations and refund requests must be submitted **IN WRITING** to the American Bar Association, Section of Antitrust Law on or before **January 5, 2005**. Refund requests will **ONLY BE ACCEPTED IN WRITING**. In the event of cancellation, a refund of the registration fee, less a \$50.00 administrative fee, will be granted only for written requests received by **January 5, 2005**. There will be no refunds granted after **January 5, 2005**. Cancellations should be faxed to the attention of the Registrar at 312.988.5792. Please allow 8 to 10 weeks after the conference for the processing of any refunds. The ABA reserves the right to cancel any conference or portion thereof and assumes no responsibility for personal expenses.

## SUBSTITUTIONS

Written requests for substitutions will be permitted prior to the conference and on-site at no additional cost. Please submit a request on firm letterhead to transfer the registration. Once the registration is substituted, it will not revert back to the original registrant. The substitute will **only** be eligible for CLE credit. The substitute and original registrant must work out the payment amongst themselves.

## JOIN THE ABA SECTION OF ANTITRUST LAW

The International Antitrust Forum is one of the many educational conferences and networking opportunities that the Section of Antitrust Law offers our members throughout the year. As a Section of Antitrust Law member, you will have access to many benefits such as:

- First rate CLE conferences and publications.
- Free subscription to the Antitrust Magazine
- Networking opportunities via listservs, committees and conferences.

**Save \$\$** If you are a member of the ABA and would like to join the Section of Antitrust Law, you may register for this and other Section conferences at the Section member rate. Details for joining are on the registration form.

# GENERAL INFORMATION

## AMERICAN WITH DISABILITIES ACT & SPECIAL DIETARY NEEDS

Participants with special needs for facilities, visual or audio aids, or dietary requirements are asked to contact Angelica Spyles at [spyresa@staff.abanet.org](mailto:spyresa@staff.abanet.org), so that appropriate arrangements can be made.

## CONFERENCE CHANGES

We work very hard to assemble a top-notch, cohesive, educational conference. Unfortunately, and despite our best efforts, the faculty and conference scheduling can result in unanticipated or last minute changes. For an up-to-date listing of CLE conferences, Brown Bags and Teleseminars, log on to the Section of Antitrust Law website at [www.abanet.org/antitrust](http://www.abanet.org/antitrust).

## HOTEL

A block of rooms has been reserved for conference attendees and speakers at the Ritz-Carlton, South Miami Beach in Miami, Florida. Please contact the hotel directly to book your hotel reservation (reference the ABA, Section of Antitrust Law room block) and for specific information regarding additional charges.

After **December 23, 2004** or when the room block is sold out, guest rooms at the ABA rate are not guaranteed and may not be available.

Single/double: \$315.00/nt

\* All hotel rates are subject to an applicable 7% room tax and 6% occupancy tax.

The Ritz-Carlton South Beach

1 Lincoln Road

Miami Beach, FL 33139

Ph: 786.276.4000

Fax: 786.276.4100

[http://www.ritzcarlton.com/resorts/south\\_beach/](http://www.ritzcarlton.com/resorts/south_beach/)

## MCLE CREDIT

Required sponsor documentation has been forwarded to and credit requested from MCLE states with general requirements for all lawyers. Lawyers seeking credit in Pennsylvania must pay a fee of \$1.50 per credit hour directly to PA CLE Board. The ABA pays applicable fees in other states where the sponsor is required to do so. In states where a late fee may become applicable, the ABA pays this fee as well. Please be aware that each state has its own rules and regulations, including its definition of 'CLE' as well as 'Ethics'. Therefore, certain conferences may not receive credit in some states. Please go to <http://www.abanet.org.antitrust/programs/mtginternational.html> 1 week before the conference for information on the number of credit hours for this program.

# GENERAL INFORMATION

## MESSAGES

Messages for conference attendees should be phoned directly to the registration desk at 786.276.6252 and will be posted on a bulletin board as they are received. Messages will not be delivered into the meeting rooms. Please remember to check the bulletin board located near the registration desk. It is the individual's responsibility to check the board for messages.

## TAPE RECORDING

No audio recording or videotaping of any part of the conference will be permitted.

## TAXI CABS

Super Shuttle vans and taxicabs are available on the ground level of the airport terminal, outside the baggage claim area. The number for SuperShuttle information and reservation is 305.871.2000.

## TRAVEL INFORMATION

### AIR

This luxury property is located on Miami Beach, in the heart of the Art Deco district approximately 12 miles from Miami International Airport. All airlines offer a full range of domestic and international flights.

Please make your airline reservations on the newly launched ABA Online Travel site where you automatically receive ABA airfare discounts from a variety of carriers and can view and purchase other low fare options including web fares. ABA Online Travel can be accessed from the navigation bar on the left of the ABA website home page. It takes only a few moments to establish a username and password allowing you to immediately book your reservations. With ABA Online Travel you have the option of charging your airline tickets directly to your personal credit card. ABA Online Travel provides you with a quick and easy way for obtaining the most cost effective airline reservations. Visit <http://wcp.getthere.net/abaonlinetravel> or [www.abanet.org](http://www.abanet.org).

Reservations can also be made with the ABA travel agent, Carla Sutton, who can provide ABA airfare discounts. Carla can be contacted via email at [Carla.Sutton@towertravel.com](mailto:Carla.Sutton@towertravel.com) or by phone at 312.988.5863.

ABA Discounted Meeting Airfares are available through your travel agent or directly from the airline. Following are the ABA discount codes under which your reservations need to be purchased in order to receive either the ABA percentage discount or zone fare.

American Airlines	ABA Code: 17715	800.433.1790
Delta Air Lines	ABA Code: 207843A	800.241.6760
US Airways	ABA Code: 65163236	877.874.7687

ABA members are entitled to special discounts by calling our premier provider, Hertz-Rent-A-Car, at 800.654.3131. Identify yourself as an ABA member to receive the discounted rate.

# MARK YOUR CALENDAR

To learn more about Section CLE conferences, Brown Bags and Teleseminars visit [www.abanet.org/antitrust](http://www.abanet.org/antitrust)

March 30-April 1, 2005

## The Spring Meeting

JW Marriott  
Washington, DC

May 12-13, 2005

## Healthcare Conference

Hotel Monaco  
Washington, DC

June 9-10, 2005

## Antitrust and Intellectual Property

Claremont Resort and Spa  
Berkeley, CA

## PLACE YOUR ORDER FOR CD-ROMS AND COURSE MATERIALS

	Price:	Qty:	Amt:
International Antitrust Forum CD-ROM PC#5030447	\$75	_____	\$ _____
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Tax (IL residents 8.75%, DC 6% and IN 5%)			\$ _____
	<b>TOTAL:</b>		<b>\$ _____</b>

### Publication Orders:

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**AMERICAN BAR ASSOCIATION • SECTION OF ANTI TRUST LAW  
321 NORTH CLARK STREET • CHICAGO, ILLINOIS 60610**

## **ONLINE REGISTRATION**

[www.abanet.org/antitrust](http://www.abanet.org/antitrust)

Online registration is available for your convenience. ABA members will receive an electronic confirmation within one hour. Non-ABA members will receive confirmation within 10-days of receipt.

### **IMPORTANT DEADLINES**

<b>Housing:</b>	<b>Early Bird Registration:</b>	<b>Advance Registration Group Discount:</b>
<b>December 23, 2004</b>	<b>December 31, 2004</b>	<b>January 5, 2005</b>

### **IMPORTANT PHONE/FAX NUMBERS ANTI TRUST LAW**

Ritz-Carlton South Beach  
1 Lincoln Road  
Miami Beach, FL 33139  
Phone: 786.276.4000 Fax: 786.276.4100  
<http://www.ritzcarlton.com/resorts/south-beach/>

Registrants are encouraged to make their hotel reservations with the Ritz-Carlton. Please go to:  
<http://www.abanet.org/antitrust/programs/mtginternational.html>  
to download the hotel registration form.

### **MESSAGES**

The Section of Antitrust Law message center telephone number will be 786.276.6252. Messages for registrants will be posted as they are received on a bulletin board near the registration desk.

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