



Damien Geradin

Partner

Damien Geradin is a partner in Howrey’s Brussels office. Damien brings to Howrey a distinguished academic career in antitrust and competition law and extensive experience on the interface between competition and intellectual property, as well as the regulation of network industries. Damien advises firms, governments and regulatory agencies in a range of industries, including telecommunications, media, postal services, energy, and transport. He has also developed specific expertise in the area of standardisation and IP licensing.

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EDUCATION

Cambridge University (PhD in Law, 1995)

Kings College, London (LL.M. in Law, 1991)

Damien is currently a Professor of competition law and economics at Tilburg University and a William Cook Global Law Professor at the University of Michigan Law School. Over the years, Damien has held visiting Professorships at leading US law schools including Columbia, Harvard and Yale. He is the co-editor of the Journal of Competition Law and Economics (Oxford University Press).

REPRESENTATIVE MATTERS

- *Microsoft*. Howrey represents Microsoft in the European Commission’s investigation in relation to the alleged tying of Internet Explorer with Microsoft’s Windows Operating System. After successfully defending Microsoft against the Statement of Objections, Microsoft concluded the case with an appropriate settlement in December 2009 bringing the long-standing hostilities that unfortunately marked its relationship with the Commission to an end (2009).
- *EC Complaints Against Qualcomm Inc.* Represented Qualcomm, the world’s leading developer of wireless communication technology, in the European Commission’s investigation regarding complaints lodged by Nokia, Ericsson, NEC, Panasonic, Texas instruments and Broadcom. In November 2009 the European Commission announced that it decided to close the formal antitrust proceedings marking the first time a major US high tech firm, subject of an Article 102 EC investigation, has succeeded in having the case against it terminated and hence avoided not only the issuance of a Statement of Objections but also a finding of infringement (2005 - 2009).
- *Google / DoubleClick*. Representing a third party intervener objecting to the merger (2008).
- *Qualcomm v. Nokia*. The competition law aspects of patent infringement cases brought by Qualcomm against Nokia in France, Italy, Germany and the UK (2006-2007).

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- *KFTC Complaints Against Qualcomm*. Assists Qualcomm in a KFTC antitrust investigation of their business practices (2006-2009).
- *Motion Picture Association (MPA)*. Regular antitrust counsel of the MPA, a trade association representing the major Hollywood studios: Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Twentieth Century Fox Film Corporation, Universal City Studios LLLP, Walt Disney Studios Motion Pictures and Warner Bros. Entertainment Inc. (Since 2007).

COURTS & ADJUDICATIVE BODIES

- European Commission
- Belgian National Courts
- Arbitration Tribunals

PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"Pricing Abuses by Essential Patent Holders in a Standard-Setting Context: A View from Europe." *Antitrust Law Journal* (2009). (forthcoming).

"A Proposed Test for Separating Pro-competitive Conditional Rebates from Anti-competitive Ones." *World Competition: Law & Economics Review* Vol. 32, No. 1 (2009): 41.

"The Perils of Antitrust Proliferation: The Globalization of Antitrust and the Risks of Overregulation of Competitive Behavior." *Chicago Journal of International Law* Vol. 10 (2009): 189.

"Competing Away Market Power? An Economic Assessment of Ex Ante Auctions in Standard Setting." *European Competition Journal* Vol. 4, No. 2 (2008): 443. Co-authored with Anne Layne-Farrar, Jorge Padilla.

"The Complements Problem Within Standard Setting: Assessing the Evidence on Royalty Stacking." *Boston University Journal of Science & Technology Law* Vol. 14, No. 2 (2008): 144. Co-authored with Anne Layne-Farrar, Jorge Padilla.

"Revisiting Injunctive Relief: Interpreting eBay in High-Tech Industries with Non-Practicing Patent Holders." *Journal of Competition Law and Economics* Vol. 4, No. 2 (2008): 571. Co-authored with Anne Layne-Farrar, Jorge Padilla, Vincenzo Denicolo.

"Can Standard-Setting Lead to Exploitative Abuse? A Dissonant View on Patent Hold-Up, Royalty Stacking and the Meaning of FRAND." *TILEC Discussion Paper, European Competition Journal* (2007): 101. Co-authored with Miguel Rato.

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"The Logic and Limits of Ex Ante Competition in a Standard-Setting Environment." *Competition Policy International* Vol. 32, No. 1 (2007). Co-authored with Anne Layne-Farrar.

"Standardization and Technological Innovation: Some Reflections on Ex-Ante Licensing, FRAND, and the Proper Means to Reward Innovators." *World Competition* Vol. 29, No. 4 (2006): 511.

"Price Discrimination under EC Competition Law: Another Antitrust Theory in Search of Limiting Principles." *Journal of Competition Law and Economics* Vol. 2, No. 3 (2006): 479. Co-authored with Nicolas Petit.

"The Concurrent Application of Competition Law and Regulation: The Case of Margin Squeeze Abuses in the Telecommunications Sector." *Journal of Competition Law and Economics* Vol. 10, No. 2 (2005): 355. Co-authored with Robert O'Donoghue.

BOOKS

Global Antitrust Law and Economics. Foundation Press (2007). Co-authored with Einer Elhauge.

European and American Approaches to Antitrust Remedies and the Institutional Design of Regulation in Telecommunications. M. Cave, S. Majumdar and I. Vogelsang, Eds. Handbook of Telecommunications Economics, Oxford University Press (2006). (Book Chapter: Vol. 2). Co-authored with Greg Sidak.

Judicial Remedies Under EC Competition Law: Complex Issues Arising from the Modernization Process. International Antitrust Law & Policy, Fordham Corporate Law (2005). (Book Chapter). Co-authored with Nicolas Petit.

SPEECHES

"The FRAND Licensing Regime in a Standard-Setting Environment: Is Reform Needed?" Howrey and TILEC, Bologna-Tilburg Seminar (November 2007).

"Conference on Two-Sided Markets and Conference on Competition Law." LEAR, Rome (June 2007).

"Navigation Global Antitrust Rules for Korean Firms." KFTC, Seoul (May 2007).

"Pricing Postal Services Under EC Law." WIK, Postal Industry Conference, Brussels (February 2007).

"The FRAND Licensing Regime in a Standard-Setting Environment: 'If it ain't broken don't fix it'" EPLA Conference (November 2006).

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"Standardization and Technological Innovation: Some Reflections of Ex-Ante Licensing, FRAND, and the Proper Means to Reward Innovators." IBC Informa Group, Brussels (June 2006).

LANGUAGES

- English
- French
- Spanish
- Dutch