

# LAWS90066 Unilateral Conduct

<b>Credit Points:</b>	12.5								
<b>Level:</b>	9 (Graduate/Postgraduate)								
<b>Dates &amp; Locations:</b>	This subject is not offered in 2016. This subject is delivered completely online and there are no printed subject materials.								
<b>Time Commitment:</b>	Contact Hours: 80 hours Total Time Commitment: 150 hours Students are expected to log into the LMS and familiarise themselves with the subject, layout, navigation, activities, readings and assessments the week before formal teaching begins. Students will not be expected to complete any set tasks but will be encouraged to make a start on readings for the module if they so choose.								
<b>Prerequisites:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS90065 Foundations: Competition Law &amp; Economics</td> <td>October, Term 4</td> <td>12.5</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS90065 Foundations: Competition Law & Economics	October, Term 4	12.5
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<b>Corequisites:</b>	None								
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level.								
<b>Non Allowed Subjects:</b>	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70029 Market Power and Competition Law</td> <td>Not offered 2016</td> <td>12.5</td> </tr> </tbody> </table>			Subject	Study Period Commencement:	Credit Points:	LAWS70029 Market Power and Competition Law	Not offered 2016	12.5
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<b>Core Participation Requirements:</b>	<p>The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to use a computer, including read material on screen, to a competent standard; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.</p>								
<b>Contact:</b>	<b>Dr Rhonda Smith (Coordinator)</b> ( <a href="http://law.unimelb.edu.au/about/staff/rhonda-smith">http://law.unimelb.edu.au/about/staff/rhonda-smith</a> ), former Commissioner, Australian Competition and Consumer Commission								
<b>Subject Overview:</b>	<p>One of the means by which firms may behave anti-competitively is by engaging in unilateral conduct that damages the competitive process and consumer welfare. Such conduct may be described in various ways in different jurisdictions, including as monopolisation, abuse of dominance or misuse of market power. However, the rules that apply to it share a common aim, namely to target conduct by firms with market power that is likely to harm competition and reduce consumer welfare.</p> <p>Anti-competitive unilateral conduct generally involves conduct by a firm that has substantial or monopoly/monopsony power in a market and uses that power to implement a strategy that is likely to harm competition. Debates and divergence between jurisdictions in relation to unilateral conduct relate to the level of power that should trigger legal prohibitions, the types of strategies that are likely to have anti-competitive effects and how such effects should be established and assessed. In recent years, such debates have focussed on conduct by large firms in the information technology sector.</p> <p>This subject explores the approaches used by competition authorities to address anti-competitive unilateral conduct. Differences in approach between jurisdictions are critically analysed. Building on learning in previous subjects, the subject examines what is meant by unilateral market power and the conditions that enable unilateral power to be used to implement</p>								

	<p>an anti-competitive strategy. Unilateral conduct that gives rise to a competition concern may take various forms, the most common categories of which are analysed in detail in this subject. Such categories include conduct involving refusals to supply and predatory pricing. However, a difficulty in addressing anti-competitive behaviour of this type is that it is not readily distinguishable from highly aggressive competition. Given this, various tests that have been used and the evidence relevant to making this distinction are examined. Seminal decisions by competition authorities and courts as well as industry case studies are used to provide insights into the competition analysis of unilateral conduct.</p> <p>Highlights of the subject include:</p> <ul style="list-style-type: none"> <li># Critical examination of the approaches taken to the design and application of unilateral conduct laws, drawing on examples from different jurisdictions around the world;</li> <li># In-depth case studies of unilateral conduct in a range of industry sectors with a view to ensuring students can properly analyse the rationales for such conduct and assess their likely effects on competition; and</li> <li># Insights and perspectives from leading stakeholders such as competition authority officials and practitioners to assist students in grappling with the challenges posed by the design and enforcement of unilateral conduct rules.</li> </ul>
<b>Learning Outcomes:</b>	<p>On completion of this subject, students will have developed:</p> <ul style="list-style-type: none"> <li># Advanced knowledge of the economic principles, legal rules and enforcement approaches that apply to unilateral conduct;</li> <li># Sophisticated cognitive and technical skills that equip them to critically analyse and assess the competitive effects of unilateral conduct;</li> <li># A capacity to use the knowledge and skills students have gained in the subject in a way that demonstrates effective autonomy, judgment, adaptability and responsibility as an expert learner and practitioner in the field of global competition and consumer law.</li> </ul>
<b>Assessment:</b>	<p>Participation in and contributions to discussion board and tutorials, Throughout term: weeks 1-8 (20%) Mid-term assessment task (practical exercise) (max 4000 words), Week 5 (30%) Final assessment task (reflective essay) (max 6000 words), Week 9 (50%)</p>
<b>Prescribed Texts:</b>	None
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.unimelb.edu.au/online/global-competition-consumer-law/">http://www.unimelb.edu.au/online/global-competition-consumer-law/</a>
<b>Related Course(s):</b>	<p>Graduate Diploma in Global Competition and Consumer Law  Master of Global Competition and Consumer Law  Master of Laws (Global Competition and Consumer Law)</p>