The EU *Microsoft* case at the crossroads of competition policy and innovation

By Professor Pierre Larouche
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**ABSTRACT**

This paper puts the judgment of the EU General Court in *Microsoft* in perspective and links it with the ongoing discussion on competition policy and innovation. The first section takes a general look at the judgment, and in particular at how the Court issued a judgment from which it would be difficult to appeal. It also addresses the allegedly excessive deference of the Court towards the Commission decision (1). Afterwards, the paper goes into more specific issues concerning the first part on interoperability information (2) and the second part on tying (3). Finally, the judgment is placed in a broader forward-looking perspective (4).

The main claim is that the case can only be properly understood if the assumptions made by the Commission and the Court regarding innovation are unearthed. These assumptions are not made explicit in the reasons for judgment, let alone debated.

The presentation will also cover the subsequent case settled in 2009, and it will open up on an agenda for work now being carried out at TILEC.

**ABOUT THE SPEAKER**

Pierre Larouche (1968) is Professor of Competition Law at Tilburg University and Vice-Director of the Tilburg Law and Economics Center (TILEC), as well as Professor at the College of Europe (Bruges). Before starting his academic career in 1996 at the University of Maastricht, he clerked at the Supreme Court of Canada in 1991-1992 and practised law for three years in the EU law unit of Stibbe in Brussels. His teaching and research interests include competition law and economic regulation, electronic communications law, media law, basic Community law and the common European law of torts. He received a number of research grants from Dutch and European funding organizations as well as from private sources. He has been a guest professor at McGill University (2002), National University of Singapore (2004, 2006, 2008, 2011), University of Connecticut (2009) and a Visiting Searle Fellow at Northwestern University (2009-2010).

**REGISTRATION**

There is no registration fee for this seminar but seats are limited. To register, please [click here](http://law.nus.edu.sg/faculty/Location.htm) and you will receive an automated message upon submission. For enquiries, please contact Ms Poova at Tel: 6516 3644 or email her at clemail@nus.edu.sg

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