1. Record Nr. UNINA9910799248303321

Autore Hayashi Shuya

Titolo Digitalization and Competition Policy in Japan

Pubbl/distr/stampa Singapore:,: Springer,, 2024

©2024

ISBN 981-9953-10-3

Edizione [1st ed.]

Descrizione fisica 1 online resource (171 pages)

Altri autori (Persone) AraiKoki

Disciplina 343.520721

Lingua di pubblicazione Inglese

Formato Materiale a stampa

Livello bibliografico Monografia

Nota di contenuto Intro -- Preface -- References -- List of First Publications (Mainly in

Japanese) -- Contents -- Part I Introduction -- 1 Overview of Competition Law -- 1 Concept of Competition Law -- 2 Competition Law Provisions -- 2.1 Japanese Antimonopoly Act -- 2.2 U.S. Antitrust Laws -- 2.3 EU Competition Law -- 2.4 Business Combination Regulations -- 2.5 Enforcement Agencies -- 3 Enforcement of Competition Law in the Digital Sector -- 3.1 Japan -- 3.2 U.S. -- 3.3 EU and UK -- 3.4 Enforcement Points in the Digital Sector -- 4 Competition Law Issues in Digital Markets -- 4.1 Delineation of the Relevant Market -- 4.2 Presumption of Monopoly Power -- 4.3 Actions to Form, Maintain, and Strengthen Market Dominance -- 4.4 Harm to Consumers -- 4.5 Remedies -- 4.6 Communication Among Competitors -- 5 Conclusion -- References -- 2 International Cooperation and Harmonization in Competition Law -- 1 Introduction -- 2 Current Situation and Need for Support of Competition Law Improvement in Asia -- 3 "Fairness" in Asian Competition Laws -- 4 Conclusion: Universalism and Particularism in Asian Competition Laws -- 5 Summary -- Part II Digital Initiatives in Japanese Competition Law -- 3 Big Data and AI -- 1 Introduction -- 2 Competition Stimulated by the Prospect of Al Network -- 2.1 Coordination and Competition in Al Network -- 2.2 Al Platform -- 3 Al and Data Concentration -- 3.1 Anticompetitive Effects Resulting from Network Effects -- 3.2 Competition Issues in the Data-Driven Society -- 4 Big Data, Al

and Competition Law -- 4.1 Market Power in Data-Related Markets:

How to Measure It? -- 4.2 Market Definition -- 4.3 Abuse of Dominance: Could Data Constitute an 'Essential Facility'? -- 4.4 Standard for Merger Review: Does Privacy Constitute a Competition Concern? -- 4.5 Protection of Personal Data and Competition Policy --4.6 Data Ownership and Data Portability. 5 Future Challenges -- 6 Summary -- References -- 4 Competition Law in Digital Age -- 1 IoT, Big Data, AI, and Antitrust Law -- 2 What Are the Current Issues? -- 2.1 Market Dominance: What Dominates the Market? (Key Concepts of Market Dominance Under the Antimonopoly Act) -- 2.2 How Should Market Dominance Be Measured? -- 2.3 Abuse of Market Power (Competition Elimination) and Al Cartel (Competition Avoidance) -- 3 Government Policy Discussion -- 4 Critical Review -- 5 Conclusions -- 6 Summary -- 5 Perspectives on High-Tech Regulation -- 1 Introduction -- 2 Market Power -- 3 Discussion -- 3.1 Necessary Conditions -- 3.2 Sufficient Conditions -- 3.3 Causal Inference -- 4 Concluding Remarks -- 5 Summary -- References -- Part III The Realities of Various Digital Regulations -- 6 Data Regulation -- 1 Introduction -- 2 Movements in the EU -- 2.1 Progress of Digitalization Policy Since 2010 -- 2.2 Online Intermediation Services Regulation -- 2.3 European Data Strategy 2020 -- 3 Discussion on Data Transfer and Distribution in Japan -- 3.1 Review of the Current Situation -- 3.2 Discussion Points -- 3.3 Considerations -- 4 Conclusion -- 5 Summary -- References --7 Digital Platform Regulation -- 1 Purpose of this Chapter -- 2 The So-Called "One Country, Two Systems" Issue Under the TBL -- 2.1 What is the "One Country, Two Systems" Issue? -- 2.2 An Issue of Equal Footing Concerning the Law Enforcement of the TBL -- 3 A Justifiable Case of "One Country, Two Systems"-Cross-Border Data Transfer and Distribution Under the APPI -- 4 Regulations Concerning Data Transfer and Distribution -- 4.1 Review of the Current Situation -- 4.2 Discussion Points -- 4.3 Necessity and Purpose of Data Transfer and Release Rules -- 4.4 Regulatory Framework to Achieve Data Transfer and Distribution -- 5 Summary -- References -- 8 Competition in Multisided Markets -- 1 Introduction. 2 Theoretical Investigation -- 2.1 Market Dominance -- 2.2 Regulation -- 3 Empirical Analysis -- 3.1 Previous Research -- 3.2 Necessity and Sufficiency of Railway Business Research -- 3.3 Data and Models --3.4 Estimation Results -- 3.5 Empirical Analysis Results -- 4 Conclusion -- 5 Summary -- References -- 9 Competition Law and Consumers in Digital Platforms -- 1 Introduction -- 2 Applicability of Competition Law -- 3 Issues Relating to the Consumer Superiority Guidelines -- 3.1 Whether the Exchange of Data Between DPF Operators and Consumers Constitutes a "Transaction"? -- 3.2 Impediment to Fair Competition by Abuse of a Superior Bargaining Position in Transactions with Consumers -- 3.3 Position of Economics on Issues Such as Consideration and Impediment to Fair Competition -- 4 Specific Digital Platform Transparency Act and Its Limitations -- 5 The Importance of the Act Against Unjustifiable Premiums and Misleading Representations -- 6 Conclusion -- 7 Summary --References -- 10 Recent Issues Concerning Licensing of Standard Essential Patents -- 1 Introduction -- 2 Development of European Court Cases -- 2.1 Huawei V. ZTE (C-170/13) Preliminary Judgment of the Court of Justice of the European Union (CJEU): A Starting Point --2.2 Recent Court Decisions in Germany -- 2.3 Recent Court Decisions in the U.K. -- 3 Necessity of Rule Formation Concerning the Negotiation Process of SEP Licenses -- 3.1 Inter-industry Licensing in the Supply Chain -- 3.2 Patent Pools and Their Evaluation -- 3.3 Necessity of Information Provision Rules in License Negotiation Process

-- 4 Summary -- 11 Digital Society and Regulations: A Competition Policy Perspective -- 1 Introduction -- 2 Regulations and Institutions Corresponding to Digitalization -- 3 Joint Regulation -- 4 Discussion Regarding the Public -- 5 Competition Policy -- 6 Summary -- Final Words.