



## SPRING 2026 COURSE SYLLABUS

Course Number: 681-002

Course Title: Comparative Digital Platform Regulation Seminar

Credit Hours: 2

Grading Mode: Letter graded

Meeting Time(s):

This course offers an online info session on 1/22 at 11:50am EST via Zoom. The course will meet on the following days:

Online

3/6 - 9:00am-12:00pm

On site

3/21 – 9:00am-12:00pm; 1:00pm-4:00pm

3/22 – 9:00am-11:00am; 12:00pm-2:00pm

On site

3/28 – 9:00am-12:00pm; 1:00pm-4:00pm

3/29 – 9:00am-11:00am; 12:00pm-2:00pm

Online

4/16 - 9:00am-12:00pm

Meeting Mode: Hybrid

Exam Time(s): N/A

Exam Mode: Final paper

Prerequisite(s): Antitrust I

Corequisite(s): N/A

Instructor(s):

Nicolas Petit

Contact Information and Office Hours:

[npetit@gmu.edu](mailto:npetit@gmu.edu)

### Reading(s) & Supplement(s):

- Nicolas Petit and David Teece, "Innovating big tech firms and competition policy: favoring dynamic over static competition." *Industrial and Corporate Change* 30.5 (2021): 1168-1198.
- Manne, Geoffrey A., Lazar Radic, and Dirk Auer. "Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations." *Berkeley Bus. LJ* 22 (2025): 201.
- Rogerson, William P., and Howard Shelanski. "Antitrust enforcement, regulation, and digital platforms." *U. Penn. L. Rev.* 168 (2019): 1911.

### Course Overview:

Across the world, jurisdictions are racing to adopt legal frameworks regulating digital platforms. In 2022 the European Union adopted the Digital Markets Act, which lays down onerous *per se* prohibitions on the conduct of digital “gatekeepers”. In 2024, the United Kingdom adopted the Digital Markets, Competition and Consumers Act, which allows procompetitive government interventions against digital firms with “strategic market status”. Meanwhile, the US Government is seeking to break up some platforms through high profile antitrust cases and Congress is debating legislative proposals to update antitrust law with targeted business conduct rules. Australia has taken yet another approach, trying to enable news businesses to negotiate payments from designated digital platforms for the use of their news content. All this legal activity is taking place against a backdrop of structural technological change, in particular the emergence of Generative AI.

This course compares digital platform regulation not only across jurisdictions but also across other dimensions. We consider the differences between digital platform regulation and other forms of legal control of the economy, including antitrust enforcement and taxation; study the economic differences and similarities between the digital economy and other industries subject to sector-specific regulation. Finally, we think about how to benchmark the relative cost and benefits of common law versus civil law approaches to the regulation of digital technologies.

### Course Learning Outcomes:

The course seeks to help students develop a thorough understanding of the relative costs and benefits of judicial adjudication and legislative intervention, the role of economic theory and empirical evidence in shaping digital regulation, the limitations (if any) of traditional antitrust tools, and the challenge of regulation in a context of technological change.

By the end of the course, students will be able to comprehend the main dimensions over which digital platform regulation converge and diverge. This will allow students who

want to embrace private practice or public service to gain efficiency, depth and precision in that ever-expanding area of the law.

### Grading Policies:

Assessment will consist of a writing a comparative policy brief (70 %) in the vicinity of 5,000 to 10,000 words. I shall also assign 30 percent of the grade based on classroom participation. No prior knowledge beyond a basic understanding of antitrust law is required.

### Classroom Policies:

**Attendance:** Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

**Absences:** Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

### Participation & Preparation:

I will welcome voluntary participation in class, but may cold call students gently if no one chimes in.

### Use of Technology & AI:

*Open Use Policy:* Students are encouraged to explore generative AI tools in this course, and are authorized to use AI for any purpose during this course except during any quiz or exam. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

## Course Schedule & Assignments

### Key Topics:

- **Sector Specificity of the Digital Economy:** Examining the conventional wisdom about the economic properties of digital markets, with a focus on increasing returns, multi-sidedness, tipping dynamics, the role of data, and killer acquisitions, and how these features of the digital economy differ or are similar from traditional industries network industries.
- **Models of Digital Platform Regulation:** Comparing the regulatory frameworks adopted by different jurisdictions, asking how and to what extent they are similar and different. To that end, the course will identify a series of functionally equivalent questions about each regulatory framework: What are the economic (and political) goals that each framework wants to achieve? How does each system select digital platforms for regulation? Are administrative and/or judicial processes used, and how are they coordinated? What kind of evidence standards and proof requirements condition the application or regulatory duties and remedies? Are the legal systems biased or neutral towards specific business models (eg, targeted advertisement v subscription) or technological choices (eg, proprietary v open source)? The course will also highlight the puzzling fact that across all jurisdictions, there is a reluctance to confront questions of optimization that traditionally form the core of regulation, like the optimal compensation of news suppliers, the optimal limits to targeted advertisement, or the optimal level of application store fees, amongst others.
- **Interface with Antitrust Law:** Evaluating the strengths and weaknesses of traditional antitrust law in addressing digital platforms. To that end, the course will address the question whether antitrust law and digital platform regulation are substitutes or complements. It will describe historically how antitrust law was applied to support adoption of digital platform regulation, by showcasing its procedural inefficiency and at the same time build the evidence base against digital platforms. It will then ask statically whether legal systems equipped with digital platform regulation creates new liability claims under antitrust law or, on the contrary, limits existing liability claims under antitrust law. Finally, it will review dynamically whether digital platform regulation can be expected to affect established substantive and procedural standards for the application of antitrust law, including in traditional industries.
- **Empirical Impacts:** Discussing the challenging and evolving empirics of digital markets, including static (price, output, ...) and dynamic dimensions (innovation). The course will review contemporary empirical evidence questioning whether it supports sweeping reform of antitrust law or points out to more nuanced implications. We will focus on the mixed picture of (i) economic concentration,

business size and scale, and market share indicators on the one hand; and (ii) intense R&D intensity levels, diversification, and new firm entry and creation on the other hand. The course will reflect on if and how some specific models of antitrust law and digital platform regulation are better suited to co evolve with the economic and technological state of affairs. We will also reflect on insights brought by disciplines like business and management science, the capabilities approach, and the resource base perspective.

- **Political Economy Relevance:** Understanding the political forces behind the adoption of digital platform regulation across the world. This will include a discussion of the “*bargains*” that have shaped specific regulatory choices, like for instance the emergence of a populist left and right-wing coalition against big tech in the US, the imposition of a bargaining code in Australia in a very specific press ownership context, or the strict limitations to targeted advertising in Europe following the widespread diffusion of a strict prohibitive regime for privacy protection, with entrenched interests.

## Background:

### EU

Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

### Australia

News Media and Digital Platforms Mandatory Bargaining Code, Bill 2021 No, 2021 and [Revised explanatory memorandum](#).

### Germany

Section 19a, [GWB Abusive Conduct of Undertakings of Paramount Significance for Competition Across Markets](#).

## UK

[Digital Markets, Competition and Consumers Act 2024](#)

## US

H. Rept. 117-655 - [AMERICAN INNOVATION AND CHOICE ONLINE ACT](#) 117th Congress (2021-2022)

[The Open App Markets Act](#)

## Japan

Japan's Smartphone Software Competition Promotion Act (SSCP)

### **3/6: Policy rationales of digital platform regulation.**

Readings:

Manne, Geoffrey A., Lazar Radic, and Dirk Auer. "Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations." *Berkeley Bus. LJ* 22 (2025): 201.

Lemley, Mark A. "The contradictions of platform regulation." *J. Free Speech L.* 1 (2021): 303.

Khan, Lina M. "Sources of tech platform power." *Geo. L. Tech. Rev.* 2 (2017): 325.

Khan, Lina M. "Amazon's antitrust paradox." *Yale LJ* 126 (2016): 710.

### **3/21: Basic economics of digital platforms**

Calvano, Emilio, and Michele Polo. "Market power, competition and innovation in digital markets: A survey." *Information Economics and Policy* 54 (2021): 100853. Auer, Dirk, and Nicolas Petit. "Two-sided markets and the challenge of turning economic theory into antitrust policy." *The Antitrust Bulletin* 60.4 (2015): 426-461;

Lau, Yan. "A brief primer on the economics of targeted advertising." *Economic Issues* (2020).

Varian, Hal. "Use and abuse of network effects." *Toward a just society: Joseph Stiglitz and twenty-first century economics* (2018): 227-239.

### **3/22: Antitrust regulation of digital platforms**

Petit, Nicolas. *Big tech and the digital economy: The moligopoly scenario*. Oxford University Press, 2020, Chapter V

CASE AT.39740 Google Search (Shopping) ANTITRUST PROCEDURE Council Regulation (EC) 1/2003

[US v Microsoft](#), Finding of Facts

United States v. Google LLC, No. 1:20-cv-3010 (D.D.C. 2025).

FEDERAL TRADE COMMISSION v. META PLATFORMS, INC., No. 1:2020cv03590 - Document 693 (D.D.C. 2025)

### **3/28 – 9:00am-12:00pm; 1:00pm-4:00pm: Varieties of Sector Specific Platform Regulation**

Legislative and regulatory sources above

### **3/29 – 9:00am-11:00am; 12:00pm-2:00pm: Alternative Models of Digital Platform Regulation: Cost and Benefits**

Hovenkamp, Herbert. "Monopolizing Digital Commerce." *Wm. & Mary L. Rev.* 64 (2022): 1677.

Hovenkamp, Herbert. "Antitrust and platform monopoly." *Yale LJ* 130 (2020): 1952.

### **4/16 - 9:00am-12:00pm: Beyond Digital Platform Regulation: Politics v Economics**

Mark Meador, [Antitrust Policy for the Conservative](#), May 1, 2025.

Bietti, Elettra. "A genealogy of digital platform regulation." *Geo. I. Tech. Rev.* 7 (2023): 1.

Radic, Lazar, The Imaginary Antitrust Consensus (January 31, 2025). Available at SSRN: [SSRN](#) or [doi Foundation](#)

## Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)