



Dr. Jesse Bishop, Antitrust Economist, U.S. Federal Trade Commission

The Centre for Post Graduate Legal Studies at TERI University, New Delhi, hosted Dr. Jesse Bishop, Antitrust Economist, U.S. Federal Trade Commission (FTC), for a guest lecture on 16th September on working of the FTC.

The lecture was the third in the series of guest lectures delivered at the Centre. Dr. Bishop talked about the competition policy in the U.S. and the enforcement framework at the FTC.

He stated that the focus of the competition policy in the U.S. is focused on consumer welfare. The FTC does not seek to protect individual competitors but the competitive process on the whole, thereby protecting the consumer.

Dr. Bishop described the format of the FTC and the layout of the organization. He spoke majorly about two departments at the Commission: the Bureau of Competition (BC) that consists of lawyers and Bureau of Economics (BE) that is staffed by Ph.D economists. Both the Bureaus submit to the Chairman/Commissioners who are politically appointed. He stated that both the BC and BE make their own reports recommending whether to initiate an investigation or not. Therefore, neither legal nor economic arguments can exclude each other. Dr. Bishop then explained how the investigations are initiated and the various stages they go through before a final decision is taken in the matter.



He declared that deactivating cartels and abuse of dominance are major issues in the U.S. but made it clear that the FTC is not a punitive agency. Cartelization is criminal in nature and cases falling under that category are looked into by the Department of Justice. In India, the mandate of the Competition Commission of India (CCI) allows it to enforce prohibition of cartels as well.

It was noted that conducting anti-trust investigations in highly dynamic sectors like the internet was one of the major challenges being faced not just by the FTC but competition authorities across the world. Defining border for e-commerce and physical markets was becoming increasingly problematic. Another challenge was the lack of human resources in developing countries as the area of competition policy requires trained personnel in both law and economics. Dr. Bishop noted that the field of competition law will grow exponentially in the future and concluded the lecture by saying that “The biggest cases have not even come up yet.”