# Dr. Aurelien Portuese

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Research Professor and Founding Director of the <u>GW Competition & Innovation Lab</u> at The George Washington University;

Highly skilled antitrust law & economics expert with extensive experience in U.S. antitrust and European competition policies, bringing a unique international perspective to antitrust practice.

## **KEY COMPETENCIES**

U.S. Antitrust Analysis	Business Development	Leading Writer
EU Competition Analysis	Thought-Leadership	Public Speaker
Merger Analysis	Relationship Builder with Attorneys	Policy Advocate

#### **CURRENT POSITIONS**

## The George Washington University, Washington DC

2023-Present

Research Professor and Founding Director of the GW Competition & Innovation Lab, <a href="https://competitionlab.gwu.edu/">https://competitionlab.gwu.edu/</a>

## Compass Lexecon, Washington DC

2024-Present

Senior Consultant

## The World Bank, Washington DC

2024-Present

Law & Economics Consultant

## Antitrust Law Journal, American Bar Association, Washington DC

2023-Present

Special Editor of a Symposium, https://competitionlab.gwu.edu/beyond-dynamic-competition

## **PREVIOUS POSITIONS**

## Freshfields Bruckhaus Deringer, Washington DC

2023-2024

International Associate

#### Information Technology and Innovation Foundation

2020-2023

Founding Director of The Schumpeter Project on Competition Policy

## George Mason University

2018-2023

Professor of Antitrust Law & Economics

St Mary's University London Senior Lecturer, LLM Program Director	2018-2020		
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University of Oxford  Visiting Scholar at the Center for Competition Law & Policy	2016-2017		
Leicester De Montfort University Senior Lecturer, Program Director on Antitrust Populism	2016-2018		
King's College London Visiting Lecturer	2016-2018		
Sciences Po Paris Lecturer in Law & Economics	2014-2016		
University of Westminster Lecturer in Law & Business	2012-2014		
EDUCATION			
Massachusetts Institute of Technology Certificate on Applied Data Science	2023		
University of Paris II Pantheon-Assas (Sorbonne)  Ph.D. in Law & Economics, 'The Principle of Economic Efficiency in the Case-Law' Supervisors: Bruno Deffains and Louis Vogel. Mention: Summa Cum Laude	2012		
London School of Economics MSc in Political Economy	2011		
Sciences Po Paris MA in European Affairs	2010		
Universities of Hamburg, Gent and Bologna LL.M. European Master in Law & Economics	2009		
University of Aix-en-Provence Juris Doctor ('Maitrise') in Law	2008		
BARS			
Paris Bar, Attorney  DC Bar, Foreign Attorney (Special Legal Consultant status processing)	2014 2024		

#### **PUBLICATIONS**

#### **Books:**

The Battle for the Future of Antitrust. Brandeis, Bork, and Schumpeter (Palgrave MacMillan, 2025)

Algorithmic Antitrust (Springer Books, 2022)

The Principle of Economic Efficiency in the European Case-Law. Comparative Analysis (EPU, 2014)

#### **Academic Articles:**

Dynamic Competition as a Double-Edged Sword: A Primer on Antitrust, 84(2) Antitrust Law Journal (2024)

Newtoning the Skips of Regulation and Innervation: The Case of Civil Dropes 3(2) Journal of Law Market (2)

Navigating the Skies of Regulation and Innovation: The Case of Civil Drones, 3(2) *Journal of Law, Market & Innovation* 120 (2024)

Three Stress Tests for the Future European Antitrust Policy, 1 Competition Law International, International Bar Association 65 (2024)

Antitrust and Intellectual Property Rights: Toward a New Schumpeterian Approach, 104 Journal of the Patent and Trademark Society 209 (2023)

Making Sense of EU Merger Control: The Need for Limiting Principles, Competition Policy International (2023)

Toward International Antitrust: Challenges and Opportunities, Competition Policy International (2022)

The Digital Markets Act: The Path to Overregulation, Competition Policy International (2022)

Biden Antitrust: The Paradox of The New Antitrust Populism, George Mason Law Review (2022)

Precautionary Antitrust: The Changing Nature of Competition in The Digital Era, *Journal of Law, Economics* & Policy (2022)

The DMA And the EU's French Presidency: The Road to Precaution and Tensions, *Competition Law Forum*, No 0029 (2021)

Antitrust And the Internet of Things: Addressing the Market Tipping Fallacy, Concurrences No 3-2021 (2021)

The Digital Coase Theorem and The News, Competition Policy International (2021)

Antitrust Populism: Towards A Taxonomy, 13(1) Stanford Journal of Law, Business & Finance, 131-181, with Joshua Wright (2020)

Algorithmic Governance and Article 102 TFEU, Concurrences (2020)

Beyond Antitrust Populism: Robust Antitrust, 40(2) Journal of Economic Affairs, 237-258 (2020)

The Rise of Precautionary Antitrust: An Illustration with The Eu Google Android Decision, *Competition Policy International* (2020)

Google Adsense For Search: Fines Always Come in Threes, Competition Policy International (2019)

When Demotion Is Competition: Algorithmic Antitrust Illustrated, Concurrences (2018)

From Non-Disclosure Agreements to Trade Secrets: Antitrust Implications, 40(11) European Competition Law Review 706-722 (2018)

The Case for An Innovation Principle: A Comparative Law and Economics Analysis, 15(2) Manchester Journal of International Economic Law, 214-237 (2018)

European Algorithmic Antitrust and Resale Price Maintenance, Competition Policy International (2018)

When Law & Economics Violates the Rule of Law: Three Illustrations, 5 Rule of Law and Anti-Corruption Journal 1-10 (2018)

Towards A Meta Cost-Benefit Analysis: The Case of Brexit, 19 Estey Journal of International Law and Trade Policy, 30-54 (2018)

Fine Is Only One Click Away, Symposium on Google Search (Shopping) Decision, 1(3) European Competition and Regulatory Law Review 198-203 (2017)

The Principle of Legal Certainty as A Principle of Economic Efficiency, 44 European Journal of Law and Economics 131, with Gough, O. And Tanega (2014)

Principle Of Proportionality and As Principle of Economic Efficiency, 19(5) European Law Journal 612-635 (2013)

Law And Economics of The European Multilingualism, 34(2) European Journal of Law and Economics 279 (2012)

Principle Of Subsidiarity as Principle of Economic Efficiency, 17 Columbia Journal of European Law 231 (2012)

A Natural Jurisprudential Account of International and European Legal Orders, SSRN Working Paper (2010)

A Darwinian Account of The Current European Multilingualism, 66(4) Revista Portuguesa De Filosofia, Darwinism: Scientific and Religious 819-854 (2011)

#### **Chapters and Reports:**

Why Competition? Innovation, in "Why Competition?" edited by Randolph Tritell, (Concurrences Book, 2025 forthcoming)

Merger Prohibition, in "Competition Law Dictionary" (Concurrences Books, 2024)

The Great Revealing: Taking Competition in American and Europe Seriously, (ITIF Report, May 2023)

Why Merger Guidelines Must Do More to Support Productivity, Innovation and Global Competitiveness (ITIF Report, May 2023)

Schumpeter Is Right, Brandeis Is Wrong: Large Retailers Benefit the Economy, (ITIF Report, April 2023)

Platforms are the New Organizational Paradigm, (ITIF Report, March 2023)

The Future of Competition Policy in Canada: The Need to Right the Ship, (ITIF Comments, March 2023)

Populism and The Economics of Antitrust, In Michael Oswald (Ed.) "The Palgrave Handbook on Populism" (2022)

Antitrust Populism - Theory, In Jurgen Backhaus (Ed.) "Encyclopedia of Law and Economics" (Springer: Heidelberg, 2022)

Antitrust Populism - Practice, In Jurgen Backhaus (Ed.) "Encyclopedia of Law and Economics" (Springer: Heidelberg, 2022)

The Process of Creative Destruction Illustrated: The US Retail Industry, (ITIF Report, October 2022)

The Digital Markets Act: A Triumph of Regulation Over Innovation, (ITIF Report, August 2022)

The Revised (But Uncorrected) Version of the Klobuchar Bill, (ITIF Report, June 2022)

Two Meanings of Competition, in Victoria Hewson (Ed.) "The Meaning of Competition in the Digital Era" (Institute of Economic Affairs: London, 2022)

Digital France: Rise and Fall, (CEPA Report, July 2022)

Competition in the Mobile App Ecosystem (ITIF Comments, May 2022)

Five False Claims Underscore the Case Against the Senate's Antitrust Bills, (ITIF Report, April 2022)

Revising Merger Guidelines While Preserving the Process of Creative Destruction, (ITIF Comments, March 2022)

American Precautionary Antitrust: Unrestrained FTC Rulemaking Authority, (ITIF Report, January 2022)

The DOJ's Draft Policy Statement on Licensing Negotiations and Remedies for Standard-Essential Patents Subject to Voluntary F/RAND Commitments (ITIF Comments, January 2022)

The FTC's Strategic Plan for 2022-2026: Populism, Precaution, and the Fated Neo-Brandeisian Revolution, (ITIF Comments, December 2021)

For a Free and Fair Competition in Cloud Computing, (Institut Choiseul, November 2021)

Please, Help Yourself: Toward a Taxonomy of Self-Preferencing, (ITIF Report, October 2021)

The House's Antitrust Legislative Package: An Innovation Perspective (ITIF Report, August 2021)

Reforming Merger Reviews to Preserve Creative Destruction, (ITIF Report, September 2021)

Reflections on President Biden's Executive Order on Competition (ITIF Report, July 2021)

Comments to the FTC on Whether to Rescind Its 2015 Policy Statement on 'Unfair Methods of Competition', (ITIF Comments, July 2021)

Misfire: How The Digital Markets Act Will Unwittingly Hurt European Small Businesses (Catalyst Research Report, June 2021)

Comments to the FTC on Pharmaceutical Consolidation and Competition (ITIF Comments, June 2021)

The Digital Markets Act: Precaution Over Innovation (Epicenter, June 2021)

Principles of Dynamic Antitrust: Competing Through Innovation (ITIF Report, June 2021)

The Digital Markets Act: European Precautionary Antitrust (ITIF Report, May 2021)

Comments to the European Commission on Its Proposed Digital Levy, With Rob Atkinson (ITIF Comments, February 2021)

Due Enforcement of Competition Law While Improvement Platform Workers' Conditions, Comments for the European Commission as part of the Public Consultation on Collective bargaining agreements for self-employed—scope of application of EU competition rules (ITIF Comments, January 2021)

Comments to the French Ministry of Economic Affairs on Implementation of the EU Directive "ECN+" (ITIF Comments, January 2021)

Precautionary Antitrust: A Precautionary Tale in European Competition Policy, in Klaus Mathis (Ed.) "Law & Economics of Regulation" (Springer Books, 2021)

European Integration, In Jurgen Backhaus (Ed.) "Encyclopedia of Law and Economics" (Springer, 2021)

European Competition Enforcement and the Digital Economy: The Birthplace of Precautionary Antitrust, In Joshua Wright (Ed.) "Report on the Digital Economy", (Global Antitrust Institute Report: George Mason University, 2020)

Algorithmic Antitrust, Conference proceedings, Concurrences (2020)

EU Competition Law in Times of Globalisation and Digitalisation, Report for the French Parliament, (French Parliament: Paris, 2019)

Why Sound Law & Economics Should Guide Competition Policy in the Digital Economy, with G. Manne, D. Auer, and T. Schrepel, Contribution of ICLE to the European Commission's Inquiry on 'Shaping Competition Policy in the Era of Digitisation' (ICLE Report, 2018)

Trop prudents les Français? Adapter le droit à l'économie de l'innovation, with Julien Pillot (Jour d'Après Report, 2018) European Regulatory Framework for Money Market Funds, with Ian MacNeil, In Joseph Tanega and Viktoria Baklanova (Eds.), "Money Market Funds in the US and in the EU" (Oxford University Press, 2014)

The Case for a Principled Approach to Law and Economics: Efficiency Analysis and General Principles of EU Law, In Klaus Mathis (Ed.) "Law and Economics in Europe: Foundations and Applications", (Springer, 2014)

Pour rétablir la liberté d'expression. Laissons parler les imbéciles, (Génération Libre Report: Paris, 2013)

European Integration, In Jurgen Backhaus (Ed.) "Encyclopedia of Law and Economics" (Springer, 2014)

The Cost of Multilingualism, In J. Roka and M. Laszlo (Eds.) "Concepts and Consequences of Multilingualism in Europe" (Communication and Business College Publishers, 2012)

#### Other Writings:

Early Insights from the DMA: How is the EU's Ex-Ante Law Faring? *Economic Times, October 17 (2024)* Misguided Policies, Not Algorithms, Cause Rental Inflation, *Inside Sources, October 1, (2024)* Changing the Federal Trade Commission's Course, *Competition Policy International Column, August 15 (2024)* 

U.S. Antitrust Kneecaps Companies Trying to Compete Globally, RealClearMarkets, April 10 (2023)

App Store Implementation of the Digital Markets Act Exemplifies the Law's Uncertain Future, *Innovation Files, with Kir Nuthi, March 20 (2023)* 

Let's Unite for U.S. Tech Leadership, Mr. President, Innovation Files, January 14 (2023)

Will Antitrust Undermine the Future of Gaming? Inside Sources, January 2 (2023)

An Antitrust Agenda for a Split Congress, Innovation Files, December 10 (2022)

FTC Announcement on 'Commercial Surveillance' Highlights the Need for Federal Data Privacy Legislation, Innovation Files, August 17 (2022)

A Tribute to FTC Commissioner Noah Phillips, Innovation Files, August 10 (2022)

The Road to Antitrust's Least Glorious Hour, Truth on The Market, July 29 (2022)

Don't Be Afraid of the Metaverse, Innovation Files, July 29 (2022)

How an Antitrust Bill May Harm Consumers: THE AICOA Bill Illustrated, Innovation Files, May 26 (2022)

Reason, Not Resentment, Should Inform Antitrust Legislation, Innovation Files, May 26 (2022)

Antitrust Bills Under Fire from Former Chief Economists, Innovation Files, May 2 (2022)

Why Antitrust Should Be Off the Table for Content Moderation on Social Media Platforms, *Innovation Files, March 26 (2022)* 

How Congress Got It Wrong on Tech Industry Competition, Inside Sources, February 16 (2022)

Open Letter to the Senate Judiciary Committee Regarding the 'Open App Markets Act' (S.2710), Letter to Senators of the Judiciary Committee, January 24, (2022)

Open Letter to Sens. Durbin, Grassley, Klobuchar and Lee Regarding the 'American Innovation and Choice Online Act' (S.2992), Letters to Senators of the Judiciary Committee, January 19, (2022)

Is Congress Committed to Making American Consumers' Lives Costlier? Washington Legal Foundation Legal Pulse, January 12, (2022)

When Beefing Up Competition Bleeds at Consumers' Misfortune, Innovation Files, January 4, (2022)

Biden Administration Rightly Speaks Out on Europe's DMA, Innovation Files, December 13, (2021)

Let's Not Be Goofy About GIPHY: The Antitrust Race to Inefficiency, Innovation Files, December 10 (2021)

Brexit UK Rivals Europe in the Race to Crack Down on Big Tech, Center for European Policy Analysis, December 6 (2021)

French Tech Policy and Its Contradictions, Center for European Policy Analysis, October 29, (2021)

The 'MeWe' Moment of Antitrust, Washington Legal Foundation Legal Pulse, October 7, (2021)

A Call for Antitrust Legislation to Protect the American Worker (a Parody), Innovation Files, October 1 (2021)

Reigning in Digital Gatekeepers - A Bad Idea, Center for European Policy Analysis, September 23 (2021)

Higher Prices on Amazon? Another Example of the "Brussels Effect", Innovation Files, September 3 (2021)

Techno-Authoritarian China Shouldn't Be an Inspiration for U.S. Antitrust Techlash, *Innovation Files, August 30* (2021)

The Newly Assertive FTC Faces Its First Big Test – And It Doesn't Look Promising, *Innovation Files, August 23* (2021)

Senate Inadvertly Shows Why Antitrust Policy Is the Wrong Prescription for What Ails Drug Markets, With Stephen Ezell, Innovation Files, July 21 (2021)

Changes to Antitrust Policy Would Harm U.S. Economy, Times Union, June 29 (2021)

The EU Must Make (Digital) Peace, Not War, With the United States, New Europe, June 10 (2021)

How Antitrust Regulators Threaten Consumer Privacy Innovations, With Daniel Castro, Innovation Files, May 17 (2021)

President Biden's Antitrust Unorthodoxy, Washington Legal Foundation Legal Pulse, May 6, (2021)

The EU Proposal for a Transatlantic Tech Partnership Is Not Credible. Here's Why. *Innovation Files, April 15,* (2021)

Each Time History Repeats Itself, Cost Goes Up: Amazon's Antitrust Déjà Vu, *Innovation Files, April 9, (2021)* Looking Backward to a Future of State-Administered Tech Companies, *Innovation Files, March 25, (2021)* 

FTC Should Have Global Antitrust Regulatory Aspirations, Law360, March 19, (2021)

Two Pitfalls Lawmakers Must Avoid in House Antitrust Subcommittee Hearings on 'Reviving Competition', Innovation Files, February 24, (2021)

Democrats' Antitrust Reform May Revamp Competition in America –But at the Expense of Innovation? Innovation Files, March 8, (2021)

Digital Taxation Is Not the Solution to the Covid-19 Fiscal Crisis, Innovation Files, February 19, (2021)

Regulating Gatekeepers Will Raise Walls, Not Open Doors, Innovation Files, February 9, (2021)

Facebook's Antitrust Lawsuit: The Myth of Clean Breakups, Innovation Files, January 29, (2021)

Is Facebook's Update to WhatsApp Privacy Rules Really a Problem? Innovation Files, January 27, (2021)

The Antitrust Prohibition of Favoritism, or the Imposition of Corporate Selflessness, *Truth on the Market, December 16 (2020)* 

Fear and Loathing of Google on the Campaign Trail Was a Loss for All of Us, With Rob Atkinson, Innovation Files, December 2 (2020)

Antitrust, Innovation and Legal Certainty: What the German Legislative Proposal Tells Us, *Innovation Files, November 30 (2020)* 

Populist Fervor Is Upending Antitrust Policy, Law360, November 22 (2020)

Antitrust in the Political Battlefield–Google Trapped in Partisan Battle, Kluwer Competition Law Blog, October 29 (2020)

A Search for Sanity in Antitrust: Move (Too) Fast, Break (Innovative) Things? *Innovation Files, October 28, (2020)* Populisme et concurrence des géants du numérique: ce que l'histoire nous enseigne, *La Tribune, October 10, (2020)* 

Lessons form the UK's A-level Algorithm Debacle, Institute of Economic Affairs, 22 September (2020)

Ryanair / Aer Lingus, Oxford Competition Law Blog (2020)

Antitrust Law & Economics of the Coronavirus. Oxford Competition Law Blog, (2020)

Competition Law under Populism, Académie Libre des Sciences Sociales (2020)

Deutsche Telekom Case, Oxford Competition Law Blog (2019)

Coty Case, Oxford Competition Law Blog (2019)

The Trans-Atlantic Tech Backlash: Convergence on GAFA Antitrust, Oxford Competition Law Blog (2019)

Alstom-Siemens Merger: Championing the European Antitrust Mindset. Oxford Competition Law Blog (2019)

Réguler les Gafa: le doux parfum du populism [Regulating GAFA or the sweet perfume of populism], L'Opinion, February 13 (2019)

Laissons Parler Les Imbeciles, Liberation, December 19 (2013)