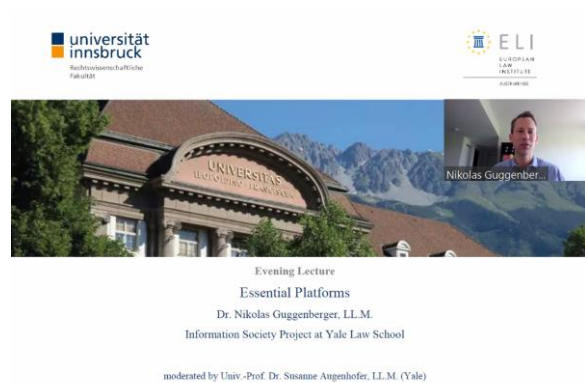


## Evening Lecture “Essential Platforms” (19.5.2021)

On Wednesday, 19 May 2021, Dr. Nikolas Guggenberger, LL.M. (Stanford) from the Information Society Project at Yale Law School gave the third evening lecture of spring term 2021. The lecture was organized and moderated by Professor Dr. Susanne Augenhofer, LL.M. (Yale).

Dr. Guggenberger presented the main findings of his recent research paper on “Essential Platforms”. According to Dr. Guggenberger, ‘digital platforms are the railroads of the modern era’ because they serve as essential facilities for the digital economy. While bridges and tunnels used to restrict freight train traffic in the United States, today Google, Amazon, Facebook, and Apple (GAFA) control the bottlenecks of the internet. Through these bottlenecks, they supply consumers with services and goods – in direct competition with other companies. GAFA and other platforms leverage their exclusive control to exclude competitors from markets, thereby harming consumers and suppressing innovation. As a remedy, Dr. Guggenberger suggests granting competitors fair and equal access to these platforms. Therefore, he calls for a renewal and expansion of the essential facilities doctrine and its adaption to digital markets. Drawing on insights from intellectual property rights, Dr. Guggenberger concludes that creating and protecting monopolies can incentivize innovation. However, in order to ensure effective competition, monopolies must be restricted in scope and duration. Based on these findings, Dr. Guggenberger proposes a two-tiered remedy: First, regulators and courts must stop platforms from discrimination and self-preferencing. Second, after an appropriate amortization period, antitrust enforcers must dissolve monopolies entirely by forcing interoperability between platforms. The lecture was followed by a lively discussion in which students, academics, and practitioners elaborated further on the topic.



*(Hans Strasser)*