



COURSE UNIT DESCRIPTION

Course unit title	Course unit code
DATA AND COMPETITION IN THE DIGITAL ECONOMY: LEGAL ISSUES	

Lecturer(s)	Department(s)
Coordinator: lect. dr. Gintarė Surblytė-Namavičienė Other(s): -	Department of Public Law, Faculty of Law, Vilnius University, Saulėtekio av. 9, Building 1, LT-10222, Vilnius, Room 405, tel. (85)2366175; e-mail: vtkatedra@tf.vu.lt

Cycle of studies	Type of course unit
Second	Optional

Mode of delivery	Course unit delivery period	Language (s) of instruction
Face-to-face	9 (autumn) semester	English

Requirements	
Pre-requisites: European Union Law	Co-requisites (if they are): -

Number of ECTS credits allocated	Student's workload	Contact work hours	Individual work hours
5	133	32	101

Purpose of the course unit: programme competences to be developed		
The course will provide advanced knowledge in the legal issues of the intersection of competition law and data protection in the digital economy. It will include a systemic analysis of the EU legal framework for personal data protection as well as the question of whether other legal instruments, such as, for example, trade secrets and database protection, may be relevant for the protection of data (including non-personal data) and the combinations of data (data sets). Furthermore, it will elaborate on the competition law issues in the digital economy. Overall, the course will include a critical assessment of different legal issues and will encourage the discussion thereby developing the communication skills of the students.		
Learning outcomes of the course unit	Teaching and learning methods	Assessment methods
- Students will be able to thoroughly explain the EU legal framework for (personal) data protection: they will be able to identify and apply relevant legal norms, to extensively analyse them and to explicate their meaning.	An interactive method of teaching during lectures, comparative assessment and systemic analysis of legal norms, case studies, brainstorming, group discussions during seminars, individual studies	Participation in discussions, examination in written (open-ended questions)
- Students will be able to systemically analyse and interpret practical issues with regard to the protection of data on the basis of EU case-law.	An interactive method of teaching during lectures, comparative assessment and systemic analysis of legal norms, case studies, brainstorming, group discussions during seminars, individual studies	Participation in discussions, examination in written (open-ended questions)
- Students will be able to critically assess a scholarly debate on the legal issues that (may) arise in the digital economy; they will be able to present their own arguments.	An interactive method of teaching during lectures, comparative assessment and systemic analysis of legal norms, case studies, brainstorming, group discussions during seminars, individual studies	Participation in discussions, examination in written (open-ended questions)
- Students will be able to elaborate on complex issues related to the intersection of competition law and data protection in the digital economy.	An interactive method of teaching during lectures, comparative assessment and systemic analysis of legal norms, case studies, brainstorming, group discussions during seminars, individual studies	Participation in discussions, examination in written (open-ended questions)
- Students will be able to argue their position in written or orally based on the theoretical knowledge of various legal instruments, which are available for	Brainstorming, group discussions, case studies during seminars	Participation in discussions, examination in

the protection of different kinds of data and data sets, support their arguments by relevant case-law, highlight (potential) legal issues as regards competition and convey their ideas in a critical and reasonable manner.		written (open-ended questions)
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Course content: breakdown of the topics	Contact work							Individual work: hours and assignments	
	Lectures	Consultations	Seminars	Laboratory work	Laboratory work	Internship	Contact work hours	Individual work hours	Assignments
1. Platform Competition and the Role of Data in the Digital Economy	2						2	10	Reading of scholarly literature
2. The Protection of Personal Data: EU Legal Framework and Case-Law Analysis	6		2				8	30	Analysis of EU legal norms and EU caselaw, reading of scholarly literature
3. The Intersection of Data (Data Sets) and Other Areas of Law: Database and Trade Secret Protection	4						4	15	Analysis of EU legal norms, case-law analysis, reading of scholarly literature
4. An Overview of the Competition Law Issues in the Digital Economy; the Concept of Artificial Intelligence (AI)	4						4	10	Analysis of scholarly literature
5. Competition Law Issues: Anti-Competitive Agreements	2		2				4	12	Analysis of EU legal norms, EU case-law analysis, reading of scholarly literature
6. Competition Law Issues: Abuse of a Dominant Position	4		2				6	12	Analysis of EU legal norms, EU case-law analysis, reading of scholarly literature
9. Competition Law Issues: Mergers in the Data-Driven Economy	2		2				4	12	Analysis of EU legal norms, EU case-law analysis, reading of scholarly literature
Total	24		8				32	101	

Assessment strategy	Weight percentage	Period or date of assessment	Assessment criteria
Participation in the class discussions	20	During semester	Active participation in the discussions. Maximum evaluation: 2 points . The evaluation will be based on the following: the fact that the intervention of the student is to the point, the relevance of the arguments raised, and the fact that the arguments presented are logic, coherent and persuasive.
Examination	80	January	Written essay-type answers to 2 questions. The questions will involve both theoretical and practical aspects discussed during the course. Maximum exam evaluation – 8 points (each question will be evaluated separately with maximum 4 points each). The evaluation system is the following: 4 points: excellent knowledge and abilities. The answers to the questions raise interesting and, possibly, original points, the student develops own thoughts on the relevant issues, the arguments are presented in a complete, clear, coherent and logic manner. The answers are well-structured and the arguments are easy to follow. 3 points: from very good to good knowledge and abilities. The exam questions are fully answered and the arguments provided are clear and persuasive.

			<p>2 points: from good to average knowledge and abilities. The arguments provided in the answers show a good level of knowledge of the student, but the arguments are incomplete, not clearly structured, there are some mistakes or some points are missing or are imprecise.</p> <p>1 point: knowledge and abilities are below average, but they still meet minimum requirements. The answers to the questions consist of basic ideas, the arguments are mentioned, but not developed, major mistakes as regards the legal assessment are present.</p> <p>0 points: failure to meet minimum requirements. The answers to the questions miss the point or are completely underdeveloped.</p>
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Author	Year of Publication	Title	Issue No or volume	Publication place and publishing house or Internet site
Required reading				
Jones/Sufrin/Dunne	2019	EU Competition Law: Text, Cases, and Materials	7 th edition	Oxford: Oxford University Press
Carey, P.	2018	Data Protection: A Practical Guide to UK and EU Law	5 th edition	Oxford: Oxford University Press
Surblytė, G. (Ed.)	2015	Competition on the Internet	MPI Studies on Intellectual Property and Competition Law, Vol. 23	Berlin/Heidelberg: Springer
Whish/Bailey	2018	Competition Law	9 th edition	Oxford: Oxford University Press
Recommended reading				
Bakhom/ Conde Gallego/ Mackenrodt/ Surblytė-Namavičienė (Eds)	2018	Personal Data in Competition, Consumer Protection and Intellectual Property Law: Towards a Holistic Approach?	MPI Studies on Intellectual Property and Competition Law, Vol. 28	Berlin/Heidelberg: Springer
Surblytė, G.	2017	Data-Driven Economy and Artificial Intelligence: Emerging Competition Law Issues?	Vol. 67, Issue 3	Wirtschaft und Wettbewerb (WuW)
Ezrachi/Stucke	2016	Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy		Cambridge, Massachusetts: Harvard University Press
Heinemann/Gebicka	2016	Can Computers Form Cartels? About the Need for European Institutions to Revise the Concertation Doctrine in the Information Age	Vol. 7, No. 7	Journal of European Competition Law & Practice
Kerber, W.	2016	A New (Intellectual) Property Right for Non-Personal Data? An Economic Analysis	Vol. 65, Issue 11	Gewerblicher Rechtsschutz und Urheberrecht (GRUR Int.)
Surblytė, G. (in: Ullrich/Hilty/Lamping/Drexel (Eds.), "TRIPS plus 20: From Trade Rules to Market Principles")	2016	Enhancing TRIPS: Trade Secrets and Reverse Engineering		Berlin/Heidelberg: Springer (MPI Studies on Intellectual Property and Competition Law, Vol. 25)
Surblytė, G.	2016	Data Mobility at the Intersection of Data, Trade Secret Protection and the Mobility of Employees in the Digital Economy	Vol. 65, Issue 12	Gewerblicher Rechtsschutz und Urheberrecht (GRUR Int.) (also available as: Max Planck Institute for Innovation & Competition Research Paper No. 16-03 (May 13, 2016) at:

				https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2752989)
Lynskey, O.	2015	The Foundations of EU Data Protection Law		Oxford: Oxford University Press
OECD	2015	Data-Driven Innovation: Big Data for Growth and Well-Being		OECD Publishing, Paris
Surblytè, G.	2015	Competition Law at the Crossroads in the Digital Economy: is it all about Google?	Vol. 4, Issue 5	Journal for European Consumer and Market Law (EuCML) (also available as: Max Planck Institute for Innovation & Competition Research Paper No. 15-13 (December 7, 2015) at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2701847)
Frankish/Ramsey	2014	The Cambridge Handbook of Artificial Intelligence		Cambridge: Cambridge University Press
Surblytè, G.	2011	The Refusal to Disclose Trade Secrets as an Abuse of Market Dominance – <i>Microsoft</i> and Beyond	Munich Series on European and International Competition Law, Vol. 28	Berne: Stämpfli
Rochet/Tirole	2003	Platform Competition in Two-Sided Markets	Vol. 1, Issue 4	Journal of the European Economic Association