

SALIL K. MEHRA

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ACADEMIC EMPLOYMENT

TEMPLE UNIVERSITY, JAMES E. BEASLEY SCHOOL OF LAW, Philadelphia, PA

Charles B. Klein Professor in Law and Government, 2018-present (5-year rotating chair)

Professor of Law, 2014-2018

Inaugural Co-Director, Temple University Institute for Law, Innovation and Technology (iLIT), 2020-present

Director, LL.M. Program in Asian Law, 2017-present

James E. Beasley Professor of Law, 2009-2014 (5-year rotating chair)

Professor of Law, 2007-2009

Associate Professor of Law, 2003-2007

Assistant Professor of Law, 2000-2003

Teaching courses in Antitrust (competition law), Contracts, Internet Law, and Law and Economics; have previously taught Business Associations, Comparative Competition Law, Corporations, and International Business Transactions.

Member, Temple University Strategic Planning Committee, 2020-present (helping shape long-term goals for the university).

KEIO UNIVERSITY SCHOOL OF LAW, Tokyo, Japan

Visiting Professor, Summer 2010, Fall 2010 and Summer 2011. Hosted by Keio University while on an Abe Fellowship awarded by the Japan Foundation and the Social Science Research Council.

Visiting Researcher, Summer 2006

TEMPLE UNIVERSITY JAPAN, Tokyo, Japan

Visiting Professor of Law, Spring 2011

Visiting Associate Professor of Law, Spring and Summer 2003

PUBLICATIONS

Foreword, "Privacy and Antitrust" (special issue), CONCURRENCES (invited submission, forthcoming September 2022).

The Post-Scarcity World and the Post-Pandemic Office, in SCARCITY, ABUNDANCE AND REGULATION, Mark Lemley and Deven Desai, eds. (forthcoming, Frontiers in Science 2022).

Law Without Markets? in THE LAW AND ECONOMICS OF THE DIGITAL TRANSFORMATION, Avishalom Tor and Klaus Mathis, eds. (forthcoming Springer 2022)

Smart Contracts and Cartel Law in HANDBOOK ON CARTELS, Peter Whelan, ed. (forthcoming Elgar 2022).

Price-Discrimination Driven Algorithmic Collusion: A Recipe for Durable Cartels, 25 STANFORD J. OF L. AND BUS. 171 (2021).

Free as Air? COMPETITION POLICY INTERNATIONAL, Sept. 5, 2021.

The Meeting of the New Minds: Contract Law, Intent and Artificial Intelligence, in LEADING LEGAL DISRUPTION: ARTIFICIAL INTELLIGENCE AND A TOOLKIT FOR LAWYERS AND THE LAW, Gaon Aviv, Giuseppina D'Agostino and Carole Piovesan, eds. (Thomson Reuters, 2021) (book chapter).

Algorithmic Competition, Trade and Investment: The CFIUS as Privacy Regulator, 16 PENN. ASIAN L. REV. 8 (2020) (symposium contribution).

Platforms, Competition and Regulation in Comparative Perspective, 53 CORNELL INT'L L. J. 133 (2020) (forthcoming).

Algorithms and Competition Law, in THE CAMBRIDGE HANDBOOK OF LAW AND ALGORITHMS, Woodward Barfield, ed. (Cambridge U. Press, 2020) (book chapter)

Robo-Seller Prosecutions and Antitrust's Error-Cost Framework, May 2017, COMPETITION POLICY INTERNATIONAL CHRONICLE, available at <https://www.competitionpolicyinternational.com/wp-content/uploads/2017/05/CPI-Mehra.pdf>.

Competition Law for a Post-Scarcity World, 4 TEX. A&M L. REV. 1 (2016).

U.S. v. Topkins: can price fixing be based on algorithms? J. OF EUR. COMP. L. & PRACT. (July 2016)
DOI: 10.1093/jeclap/lpw053

Antitrust and the Robo-Seller: Competition in the Time of Algorithms, 100 MINN. L. REV. 1323 (2016).

Essential Facilities with Chinese Characteristics: A Comparative View, 3 J. OF ANTITRUST ENFORCEMENT 194 (2015) (with Yanbei Meng) (invited submission).

Secondary Liability, ISP Immunity, and Incumbent Entrenchment, 62 AM. J. COMP. L. 685 (2014) (with Marketa Trimble) (invited submission).

De-Humanizing Antitrust: The Rise of the Machines and the Regulation of Competition, Temple Univ. Legal Studs. Research Paper No. 2014-43 (Sept. 3, 2014), available at https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID2520232_code497260.pdf?abstractid=2490651&mirid=1.

Blaming: Harm Attribution in the United States and Japan, 75 PITT. L. REV. 39 (2014).

Japan's Copyright Law Revisions, Disruptive Innovation and User-Generated Content, in INTELLECTUAL PROPERTY IN CIVIL LAW COUNTRIES, Toshiko Takenaka, ed. (Elgar, 2013) (book chapter).

Platforms, Teamwork and Creativity: Mediating Hierarchs in the New Economy, 9 J. OF LAW, ECON. & POL'Y 15 (2012; invited George Mason University symposium-related article).

Paradise is a Walled Garden? Trust, Antitrust and Consumer Dynamism, 19 GEO. MASON L. REV. 889 (2011).

Keep America Exceptional! Against Adopting Japanese and European Style Criminalization of Contributory Copyright Infringement, 14 VAND. J. ENTER. & TECH. L. 811 (2011) (invited submission), translated and reprinted in the HOKKAIDO U. INTEL. PROP. L. & POL'Y J. (Chiteki zaisanhou seisakugaku kenkyuu) (2012).

Law and Cybercrime in the United States Today, 58 AMER. J. COMP. L. 659 (2010) (invited submission).

Wikitruth Through Wikiorder, 59 EMORY L. J. 151 (2009) (with David Hoffman).

The iPod Tax: Why the Digital Copyright System of American Law Professors' Dreams Failed in Japan, 79 COLO. L. REV. 421 (2008), selected as one of the top copyright articles of the year and reprinted in *COPYRIGHT LAW ANTHOLOGY 2009-10*, Rodney Smolla, ed. (West 2010).

Post a Message and Go to Jail: Criminalizing Internet Libel in Japan and the United States, 78 COLO. L. REV. 767 (2007).

Software as Crime: Japan, the United States and Contributory Copyright Infringement, 79 TULANE L. REV. 265 (2004).

Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content, 56 RUTGERS L. REV. 181 (2004).

Copyright and Comics in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are Japanese Imports? 55 RUTGERS L. REV. 155 (2002) (discussed in opening chapter of LAWRENCE LESSIG, *FREE CULTURE: THE NATURE AND FUTURE OF CREATIVITY* (Penguin 2005), p. 27).

Information in an Antitrust Age, 2000 U. CHICAGO L. FORUM 219 (2000) (symposium issue, invited submission).

Parts and Service Included: An Information-Centered Approach to Kodak and the Problem of Aftermarket Monopolies, 62 U. CHICAGO L. REV. 1521 (1995) (student comment).

SELECTED ACADEMIC PRESENTATIONS AND INVITED CONFERENCES

Presenter, *The Post-Scarcity World and the Post-Pandemic Office* at the conference “Scarcity, Regulation and the Abundance Society,” at Stanford Law School, Apr. 22, 2022.

Presenter, “Law Without Markets: The Challenge of Digital Platforms” at the conference “Law and Economics of the Digital Transformation,” hosted by the University of Notre Dame Law School and the Faculty of Law of the University of Lucerne, at Lucerne, Switzerland, April 9, 2022.

Presenter, “What is an Antitrust Problem, Anyway?” UC-Irvine Antitrust Roundtable, October 8, 2021 (held via Zoom).

Presenter, “‘Chickenization’ and Data-Monopsony: A Preventive Role for Antitrust,” Yale Law School “Big Ag and Antitrust” Conference, Jan. 11, 2021 (held via Zoom).

Presenter, Faculty of Law, University of Copenhagen seminar, “When Does an Agreement Restrict Competition – The Hard Line Between Infringements by Object vs. by Effect,” October 26, 2020 (held via Zoom).

Presenter, “Collusion with Price Discrimination: An Algorithm for Durable Cartels,” Academic Society for Competition Law,” (originally in person, held via Zoom) June 26, 2020.

Panelist, "Digital Platforms and Priorities in Antitrust Enforcement," webinar held via Zoom by CUTS Institute for Regulation and Competition (an antitrust NGO) and the Institute of Law, Nirma University, India, June 25, 2020.

Panelist, "How Digital Algorithms Are Manipulating Consumers: Current World Trends," conference (via Zoom) of the Federal Antimonopoly Service of Russia (FAS) and Pravo.ru (Russia's leading legal news media source), June 19, 2020.

Panelist, "Do We Need to Rethink Antitrust for Big Tech?" at Regulating Big Tech, Penn Federalist Society's Annual Symposium, UPenn Law, Mar. 4, 2020.

Presenter, "Algorithmic Competition, Trade and Investment: The CFIUS as Privacy Regulator," Penn Asian Law Review Symposium, UPenn Law, Feb. 28, 2020.

Presenter, "Algorithmic Competition, Trade and Investment: The CFIUS as Privacy Regulator," Penn Journal of Business Law Symposium, UPenn Law, Feb. 8, 2020.

Panelist, "Diversifying the Doctrine: South Asians in Legal Academia," Penn Law South Asian Law Students Association Conference, UPenn Law, Feb. 7, 2020.

"Algorithmic Collusion and Competition Law," at the Asian Competition Forum, University of Valencia, Spain, Jan. 21, 2020.

"Algorithmic Collusion, Competition Law's Error-Cost Framework, and Individualized Pricing," at Conference: Multidisciplinary Perspectives on Algorithms – Regulation, Governance, Markets, Kyushu University, Fukuoka, Japan, November 21-23, 2019.

"Antitrust Without Markets," at the 14th ASCOLA Conference: Challenges to Assumptions at the Basis of Competition Law, Aix-Marseille University Faculty of Law, Aix-en-Provence, France, June 28, 2019.

"Regulation After Markets – The Challenge of Algorithmic Connectivity," at "Constitutional Challenges in the Algorithmic Society" conference, the European University Institute, Florence, Italy, May 10, 2019.

"Platforms, Competition and Regulation in Comparative Perspective," Cornell International Law Journal annual symposium, Cornell Law School, Ithaca, New York, March 15, 2019.

"Artificial Intelligence and the Future of Antitrust," American Bar Association Webinar, Feb. 22, 2019.

"United States Federal Trade Commission (FTC) Hearing, Competition and Consumer Protection in the 21st Century," Hearing #7: Algorithms, Artificial Intelligence, and Predictive Analytics, panel speaker, Washington, DC, Nov. 14, 2018.

"Algorithmic Monopolization," Workshop on Competition Law and Policy for Algorithmic-Driven Markets, Max Planck Institute for Innovation and Competition, Munich, Germany, June 15-16, 2018.

"Artificial Intelligence, Algorithms and Collusion" (Canadian Bar Association 90-minute Brown Bag teleconference, with Joshua Gans and Denes Rothschild), February 28, 2018.

"Algorithms, Big Data and Antitrust's Error-Cost Framework," Competition Law and the Digital Economy Conference, University of Zurich, February 19, 2018.

- "Algorithms, Big Data and Antitrust's Error-Cost Framework," Russian Federal Antimonopoly Service Annual Conference, Moscow, December 5, 2017 (digital economy panel).
- "Robo-Selling, Big Data and Antitrust's Error Cost Framework," Competition Law in a Global Context Conference, Leeds University, September 15, 2017.
- "Innovation and Antitrust" panel, speaker, Canadian Bar Association's 2016 Competition Law Spring Forum, Toronto, Canada, May 19, 2016.
- "Competition Law for a Post-Scarcity World," at "The Many Faces of Innovation" Conference, Bar-Ilan University, Tel Aviv, Israel, January 5, 2016.
- "Antitrust and the Robo-Seller: Competition in the Time of Algorithms," at "Man and the Machine: When Systems Take Decisions Autonomously" Conference, University of St. Gallen, St. Gallen, Switzerland, June 27, 2015.
- "Fair Use, Shared Cultural Spaces, and East Asia," Symposium on Intellectual Property Law in East Asia, University of Pennsylvania Law School, East Asia Law Review (February 6, 2015) (introductory talk to symposium)
- "Antitrust, IP and Essential Facilities: A Different View," Intellectual Property Scholars' Conference, Berkeley Law (August 7, 2014)
- "Blaming: Harm Attribution in the United States and Japan," Invited Lecture, University of Pennsylvania Law School (February 4, 2014)
- "Autonomous Cartel Robots," Gikii Conference on law, technology and popular culture, Bournemouth University (Aug. 20, 2013)
- "Competition and Conflict: Merger Review Policies in East Asia," panelist at Symposium on Antitrust in East Asia, University of Pennsylvania Law School, East Asia Law Review (February 22, 2013)
- "Blaming: Harm Attribution in the United States and Japan," Invited Lecture, University of Michigan, Center for Japanese Legal Studies (February 13, 2013)
- "Platforms, Teamwork and Creativity," Conference on the Digital Inventor, Information Economy Project, George Mason University School of Law (February 24, 2012)
- "Blame in the United States and Japan," University of Washington School of Law, Faculty Colloquium (January 27, 2012)
- "Paradise is a Walled Garden: Trust, Antitrust and User-Dynamism," Cloudlaw Conference: Law and Policy in the Cloud, University of Toronto Faculty of Law (October 14, 2011)
- "Keep America Exceptional! Against Japanese and EU-style Criminalization of Contributory Copyright Infringement," Hokkaido University Intellectual Property Workshop (June 4, 2011) (in Japanese)
- "Wikitruth through Wikiorder," NYU School of Law Platforms and Power Roundtable (May 5, 2011)
- "Standardization, Antitrust and the US FTC," Competition Policy Research Council, Japan Fair Trade Commission, Tokyo, Japan (December 3, 2010) (in Japanese).

- "Keep America Exceptional! Against Japanese and EU-style Criminalization of Contributory Copyright Infringement," Vanderbilt Journal of Entertainment and Technology Law Symposium (Sept. 29, 2010)
- "Blame in the United States and Japan," Harvard East Asian Legal Studies Workshop (June 6, 2010)
- "Paradise is a Walled Garden?" NYU Antitrust Scholars Workshop, NYU Law School, (January 29, 2010)
- "WikiOrder without WikiLaw?" Virtual Worlds, Social Networking and User-Generated Content Conference, Vanderbilt Law School (November 14, 2008)
- "WikiOrder without WikiLaw?" GikIII: Law, Technology and Popular Culture Conference, Oxford Internet Institute, Oxford University (September 24, 2008)
- "The iPod Tax," Symposium of the Clarke Program in East Asian Law and Culture, Cornell Law School, (November 19, 2007)
- "Online Libel in Japan," Japanese Law Seminar, Harvard Law School (April 16, 2007)
- "Online Libel in Japan," Workshop in Japanese Law, Columbia Law School (March 29, 2007)
- "Post a Message and Go to Jail: Criminalizing Internet Libel in Japan and the United States," University of North Carolina at Chapel Hill Faculty Workshop (September 29, 2006)
- "Post a Message and Go to Jail: Criminalizing Internet Libel in Japan and the United States," University of Michigan Law School/ American Society of Comparative Law Workshop (April 21, 2006)
- "Criminalizing Cyberdefamation: Lessons and Warnings from Japan," Japan Law Research Workshop, University of Washington Law School (October 22, 2005)
- "(Mis)Handling Contributory Copyright Infringement in Japan and the United States," Reischauer Institute of Japanese Studies, Harvard University (October 1, 2004)
- "Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content," Japanese Legal Studies Conference, Cornell Law School (May 15, 2004)
- "Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content," Japanese Law: Current Issues and Controversies Symposium, University of Illinois Law School at Champaign (April 30, 2004)
- "Comics and Copyright in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are Japanese Imports?" University of Chicago Law School, Japanese Law Society (October 20, 2003)
- "Copyright, Control and Comics: Japanese Battles Over Downstream Limits on Content," Harvard Law School, East Asian Legal Studies Program (October 3, 2003)
- "Comics and Copyright in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are Japanese Imports?" Asian Law Conference, Harvard Law School (May 18, 2003)

“Comics and Copyright in Japan: Does Law Explain Why All the Cartoons My Kid Watches Are Japanese Imports?” Research Seminar in Japanese Law, Harvard Law School (September 19, 2002)

“*Kodak, California Dental and Information in an Antitrust Age*,” University of Chicago Legal Forum Symposium (October 30, 1999)

PROFESSIONAL EXPERIENCE

WACHTELL, LIPTON ROSEN & KATZ, New York, NY
Litigation associate, 1997-2000. Represented clients in antitrust, First Amendment and takeover matters.

UNITED STATES DEPARTMENT OF JUSTICE, ANTITRUST DIVISION, Washington, DC
Trial Attorney, Justice Honors Program, 1996-1997

THE HONORABLE JUAN R. TORRUELLA, UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT
Judicial Clerk, 1995-1996

EDUCATION

UNIVERSITY OF CHICAGO LAW SCHOOL, J.D. with honors, 1995
The University of Chicago Law Review; Order of the Coif; Olin Student Fellowship

UNIVERSITY OF CALIFORNIA AT BERKELEY, M.A., 1992
Concentration on Asian Studies, Northeast Asia – Japan

HARVARD UNIVERSITY, A.B., *magna cum laude*, 1991
Dual major of Economics and East Asian Languages and Civilizations

AWARDS, FELLOWSHIPS AND GRANTS

TEMPLE UNIVERSITY LINDBACK FOUNDATION AWARD FOR DISTINGUISHED TEACHING, university-wide award to “recognize and honor faculty members who epitomize the highest levels of sustained teaching excellence,” 2016

ABE FELLOWSHIP, Social Science Research Council/Japan Center for Global Partnership
Funding for research in Japan and U.S., 2009-2011

SHORT-TERM RESEARCH GRANT, Japan Foundation
Funding for research in Japan, 2006

GRANT, Association for Asian Studies, Northeast Asia Council, Japanese Studies
Funding for travel to Japan, 2003

PROFESSIONAL ACTIVITIES

Executive Committee, Section on Antitrust and Economic Regulation, Association of American Law Schools, 2002 to 2009 (Chair, 2008 to 2009)

Academic Liaison, American Bar Association, Antitrust Section Leadership, 2008 to 2009

Non-Governmental Advisor, International Competition Network, 2008 to present

Member, Advisory Board, Loyola-Chicago Consumer Law Review, 2009 to present

Occasional referee, *Journal of Antitrust Enforcement* (Oxford) and *The Yale Law Journal*