

Single Firm Practices I - Week 10

Terence (predatory pricing)

- rational firm practice in some scenarios (.e.g high barriers to entry so that predatory firm only has to do it once of a few times)

Laura Clouthier (predatory pricing)

- Uber example (disruptive entrant)
- What would recoupment look like in this context?

Emma Fillman (planned obsolescence/right to repair)

- could planned obsolescence be targeted under the abuse of dominance provisions?
- role of sustainability in competition law?

Michael Kennedy (predatory pricing)

- Air Canada example (lowering fares to drive out Westjet etc)
- relies on reputation theory of PP to argue that it's plausible (but would about exit costs?)

Priya (predatory pricing)

- makes point that it's hard for consumers to identify PP in practice
- good examples of struggle to distinguish between “normal competition” and PP
- Also discusses UBER example

Harper (price discrimination)

- example of student discount at the grocery store – nice description of conditions that need to be met
- role of loyalty programs and collecting consumer data

Michael Murphy (predatory pricing)

- only rational if firm is well capitalized (e.g. Amazon Prime)
- point that recoupment is required under s. 79(1)(c) of the Act. Should this be reformed? (note that PP provisions used to be stand-alone until 2009)
- maybe Amazon doesn't reoup, but cross-subsidizes from other parts of its business. is this bad?

Sashin (predatory pricing in software)

- seller can engage in predatory pricing when price is above cost (e.g. computer software)
- distinction between sunk costs and fixed costs (measure of costs for PP analysis should include sunk costs) = a broader scope for capturing predatory behaviour

Emily Sheehan (predatory pricing)

- airline industry, sushi