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## Symposium

### "Anticompetitive Barriers to E-Commerce: A Symposium"

May 24, 2006

#### Topic:

Business-to-consumer e-commerce is one of the fastest growing business sectors in the American economy. As a result, industry-specific economic regulations, occupational licensing, franchising laws, and a variety of other practices are now under challenge from a new direction. High-profile lawsuits and policy battles involving e-commerce have occurred in industries as diverse as automobiles, wine, caskets, real estate, and contact lenses. In some cases, the bricks-and-mortar incumbents have responded by lobbying for laws or regulations that would protect them from Internet-based competition. Innovation in e-commerce is also calling into question many established policies that generally protect incumbents from new entrants - often in-state interests from out-of-state interests.

In light of these developments, court cases and Federal Trade Commission hearings have revealed that there is a paucity of economic and legal analysis focused on legal and regulatory barriers to e-commerce.

To explore these new issues, and to stimulate research in this area, the Mercatus Center at George Mason University, in collaboration with the George Mason University School of Law, is holding a day-long symposium to allow prominent legal and economic scholars to present papers on topics such as: the current status of legal and regulatory barriers, their impact on consumers, their implications for competitive federalism, and more...

This event is featured on *The Law and Economics Podcast*:



### Symposium Program

**8:30 a.m. Welcome and Introductions**  
Susan E. Dudley, Mercatus Center  
Daniel D. Polsby, Dean, George Mason University School of Law

**8:45 a.m. Keynote Address**  
"The Commerce Clause and E-Commerce"  
Kenneth W. Starr, Dean, Pepperdine University School of Law

[Click here to watch the video of Dean Starr's keynote address.](#)

**9:30 a.m. Panel 1: Autos**

#### QUICK LINK



Lecture Series  
**Recap:** "Will Federal Banking Regulations Force Online Casinos to Fold?" *New!* - Streaming Video of the Panel Discussion! [\[more...\]](#)

#### QUICK LINK

**Upcoming Event!! E-Commerce**  
JLEP will be hosting four distinguished e-commerce attorneys as they debate the economics of e-business regulation. This event is all about practical thinking and the future of Internet commerce laws. September 27, 2007 at 5:30pm [\[more...\]](#)

Moderator: Todd J. Zywicki, George Mason University School of Law

"Automobile Distribution Restrictions: An Economic Perspective"

[Click here to watch the video of discussion.](#)

Debra J. Holt, Federal Trade Commission

"A Competitive Analysis of Regulatory Barriers to Internet Auto Sales"

John T. Delacourt, Kelley Drye Collier Shannon

Commenters:

Joseph M. Johnson

Economist

United States Small Business Administration, Office of Advocacy

Martin Johnson

Senior Economist

International Trade Administration

Department of Commerce

**11:00 a.m. Panel 2: Caskets**

Moderator: David E. Harrington, Kenyon College

"Protectionism as a Rational Basis?

The Impact on E-Commerce in the Funeral Industry"

[Click here to watch the video of discussion.](#)

Asheesh Agarwal, US Department of Justice

"Casket Sales Restrictions and the Funeral Market"

Daniel Sutter, University of Oklahoma

Commenters:

Donald J. Boudreaux

Chairman

Department of Economics

George Mason University

Brian Higginbotham

Economist

Joint Economic Committee

**12:15 p.m. Luncheon Address**

"The Dormant Commerce Clause As An Ex Ante Rule"

Michael S. Greve, American Enterprise Institute

[Click here to watch the video of luncheon address.](#)

**2:00 p.m. Panel 3: Wine**

Moderator: Donald J. Boudreaux, George Mason University

"The Economics of Direct Wine Shipping"

[Click here to watch the video of discussion.](#)

Jerry Ellig, Mercatus Center at George Mason University

Alan E. Wiseman, Ohio State University

"What Next in the Wine War?"

James Alexander Tanford, Indiana University School of Law

Commenters:

Maureen K. Ohlhausen

Director of the Office of Policy Planning

Federal Trade Commission

Todd J. Zywicki

Professor of Law

George Mason University School of Law

Senior Fellow

James Buchanan Center

**3:30 p.m. Panel 4: Empirical Analysis of E-Commerce**

Moderator: Jerry Ellig, Mercatus Center

"Public versus Private Restraints on the Online Distribution of Contact Lenses: A Distinction with a Difference"  
James C. Cooper, Federal Trade Commission

"Real Estate Brokerage and E-Commerce:  
A Framework for Empirical Analysis"  
R. Richard Geddes, Cornell University

Commenters:  
Robert D. Atkinson, Ph.D.  
President  
Information Technology and Innovation Foundation

Ken Heyer  
Economics Director & Acting Deputy Assistant Attorney General for  
Economic Analysis.  
Antitrust Division  
United States Department of Justice

**4:45 p.m. Concluding Remarks**

Jerry Ellig, Mercatus Center

The Journal of Law, Economics & Policy will publish papers presented at the May 24 symposium in a future edition.

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