



WELCOME

It is a tremendous pleasure to welcome you to the inaugural BCCP Conference on *Regulatory Challenges in Digital Markets: Privacy*.

Digital markets are transforming the world we live in. In this veritable revolution, big data – its collection and exploitation – brings great benefits and challenges. The instant availability of information impacts how individuals communicate and consume; how businesses thrive and fail; how society makes scientific discoveries; as well as how governments design and implement informed policies.

At a pace and scale unimaginable 20 years ago, information technology is enabling consumers globally, but issues with the functioning and impact of rapidly changing markets persist. Academics and regulators are racing to keep pace: privacy concerns and the ways to regulate businesses handling sensitive information are now at the forefront of international policy debates.

This conference highlights not just the challenges of the big data revolution and consumer privacy concerns but also two important policy areas where the tremendous growth of information and analytic capabilities have had a major impact: competition policy and consumer protection.

What do we know about the privacy concerns of consumers? How do firms' incentives impact effective privacy regulation? How do competitive firms balance the provision of value to consumers using big data vs. privacy concerns? How do privacy issues influence government authorities' work?

I hope you enjoy this conference, meeting our diverse group of BCCP Fellows, and the discussions sparked by the distinguished panelists speaking today.

Tomaso Duso
Speaker

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THE BERLIN CENTRE FOR CONSUMER POLICIES ABOUT US

The Berlin Centre for Consumer Policies (BCCP) is a Leibniz ScienceCampus, established September 2015, and co-funded by the German Leibniz Association and its member institutions.

Leibniz ScienceCampuses promote cooperation between Leibniz institutions and universities via regional, thematic research and policy partnerships.

The Centre builds on the cooperation between two Leibniz institutes – the German Institute for Economic Research (DIW Berlin) and the Berlin Social Science Center (WZB) – and faculties of the Humboldt-University Berlin, Free University Berlin, Technical University Berlin, the European School of Management and Technology (ESMT), and the Hertie School of Governance.



A strong focus on Behavioral Economics, Industrial Organization, as well as Consumer and Competition Law – all combined with established policy expertise – makes Berlin an ideal location for a ScienceCampus focusing on consumer policies.

BCCP reinforces and institutionalizes this exceptional environment to create an enduring international platform in the broad area of competition and consumer policies. This platform strengthens the academic environment, encourages interdisciplinary research, and increases the visibility of Berlin as a center of excellent academic research and evidence-informed policy advice.

SPEAKERS



Alessandro Acquisti

Professor of Information Technology and Public Policy

Alessandro is a Professor of Information Technology and Public Policy at the Heinz College, Carnegie Mellon University (CMU) and an Andrew Carnegie Fellow (inaugural class). He is the director of the Peex (Privacy Economics Experiments) lab at CMU and the co-director of CMU CBDR (Center for Behavioral and Decision Research). Alessandro investigates the economics of privacy.

His studies have spearheaded the investigation of privacy and disclosure behavior in online social networks, and the application of behavioral economics to the study of privacy and information security decision making. Alessandro's studies have been published in journals across disciplines,

including Science, Proceedings of the National Academy of Science, Management Science, Marketing Science, Journal of Economic Literature, and Journal of Experimental Psychology. Alessandro has been the recipient of the PET Award for Outstanding Research in Privacy Enhancing Technologies, the IBM Best Academic Privacy Faculty Award, the Heinz College School of Information's Teaching Excellence Award, and numerous Best Paper awards. His findings have been featured in national and international media outlets, including the Economist, New York Times, Wall Street Journal, Washington Post, Financial Times, Wired.com, NPR, CNN, 60 Minutes, and TED talks.

Susan Athey

The Economics of Technology Professor, GSB, Stanford University



Susan Athey is the Economics of Technology Professor at Stanford Graduate School of Business. She received her bachelor's degree from Duke University and her PhD from Stanford, and she holds an honorary doctorate from Duke University. She previously taught at the economics departments at MIT, Stanford, and Harvard.

Professor Athey's research spans the areas of economic theory, industrial organization, and econometrics. She has

analyzed the design of auction-based marketplaces including online advertising. She has analyzed the impact of digitization on the news media, including the effect of aggregators and intermediaries on the news people read as well as on advertising markets. Her most recent research brings together econometrics and machine learning to analyze causal inference in big data settings, including methods for analyzing large-scale randomized experiments.



Oren Bar-Gill

Professor of Law, Harvard University

Bar-Gill joined Harvard Law School in July 2014 from New York University School of Law, where he was the Evelyn and Harold Meltzer Professor of Law and Economics. Bar-Gill holds a B.A. (economics), LL.B., M.A. (law & economics) and Ph.D. (economics) from Tel-Aviv University, as well as an LL.M. and S.J.D. from Harvard Law School.

Florencia Marotta-Wurgler) as Reporter for the Restatement of the Law, Consumer Contracts.

His Area of interest includes Law and Economics, Behavioral Law and Economics, Contracts and Consumer Contracts.

Bar-Gill is the recipient of the American Law Institute's Young Scholars Medal (in 2011). He currently serves (together with Omri Ben-Shahar and



Gerd Billen

State Secretary, German Federal Ministry of Justice and Consumer Protection

Gerd Billen is State Secretary at the German Federal Ministry of Justice and Consumer Protection. Formerly he was Executive Director of the Federation of German Consumer Organisations (Verbraucherzentrale Bundesverband) (2007-2013).

nonprofit organisations in the field of consumer protection and environmental protection. Gerd Billen is a graduate of the University of Bonn. He has a degree in Social and Domestic Sciences.

From 2005 to 2007 he headed the Environmental and Social Policies Division at the Otto Group, having previously held positions at various



Julie Brill

Partner & co-Chair of Privacy and Cybersecurity Practice, Hogan Lovells

Julie Brill is Partner and Co-Chair at Hogan Lovells. From 2010 to 2016 she was a Commissioner of the Federal Trade Commission. While on the Commission, Ms. Brill had been working actively on issues of critical importance to today's consumers, including protecting consumers' privacy, encouraging appropriate advertising substantiation, guarding consumers from financial fraud, and maintaining competition in industries involving health care and high-tech.

Prior Ms. Brill was the Senior Deputy Attorney General and Chief of Consumer Protection and Antitrust for the

North Carolina Department of Justice. Julie has also been a Lecturer-in-Law at Columbia University's School of Law. Before serving as Chief of Consumer Protection and Antitrust in North Carolina, she served as an Assistant Attorney General for Consumer Protection and Antitrust for the State of Vermont for over 20 years. She clerked for Vermont Federal District Court Judge Franklin S. Billings, Jr. Commissioner Brill graduated, magna cum laude, from Princeton University, and from New York University School of Law, where she had a Root-Tilden Scholarship for her commitment to public service.



Tomaso Duso

Head of the Firms and Markets Department, DIW Berlin

Tomaso Duso is the Head of the Firms and Markets Department at the Deutsches Institut für Wirtschaftsforschung (DIW Berlin), a professor of empirical industrial economics at the Düsseldorf Institute for Competition Economic (DICE) of the Heinrich-Heine University, and the speaker of the newly founded Berlin Centre for Consumer Policies (BCCP). He received his undergraduate degree from the Ca' Foscari University in Venice and his PhD from the Humboldt University Berlin. He previously worked at the Wissenschaftszentrum Berlin für

Sozialforschung (WZB), the Humboldt University Berlin, and the University of Vienna.

Tomaso's research interests are in applied econometrics in the fields of industrial organization, competition policy, regulation, and management. Tomaso has advised several public bodies, such as various DGs of the European Commission, the UK Competition Commission, the Dutch Authority for Consumers and Markets, and the OECD on competition policy issues.



Dirk Engelmann

Professor of Public Finance, Humboldt-University Berlin

Dirk Engelmann is Professor of Public Finance at Humboldt-University Berlin. Before coming to Berlin, he was Assistant Professor of Economics at Charles University Prague (CERGE), and Professor of Economics at Royal Holloway, University of London and the University of Mannheim. He received his undergraduate degree in mathematics from the University of Göttingen and his PhD in economics from Humboldt-University Berlin.

In London and Mannheim, Dirk directed the Experimental Economics Laboratories. He continues to hold research

affiliations at CERGE-EI, CESifo, and the University of Copenhagen. Dirk is on the editorial board of the American Economic Review, serves as a co-editor of the Journal of Economic Behavior and Organization, and as an associate editor at the Economic Journal and the Journal of Behavioral and Experimental Economics.

Dirk's research interests are primarily in experimental economics, behavioral economics, auctions, and (biased) expectations. His recent research has addressed ethics and social concerns in consumers' decision making.



Amelia Fletcher

Professor of Competition Policy, University of East Anglia

Since 2013, Amelia Fletcher has been Professor of Competition Policy at the Centre for Competition Policy, University of East Anglia. She is also a Non-Executive Director at the UK Financial Conduct Authority and Payment Systems Regulator and a member of the Enforcement Decision Panel at Ofgem. She was previously Chief Economist at the Office of Fair Trading (2001-2013), where she led the economics work on cases across the OFT's portfolio and developed a world-leading programme of evaluation and economic research. She was a member of the OFT's Executive Committee.

Amelia has written and presented widely on competition and consumer policy, and has a particular interest in behavioural economics. Before joining the OFT, she was an economic consultant at Frontier Economics (1999-2001) and London Economics (1993-1999). She has a DPhil and MPhil in economics from Nuffield College, Oxford. She has been on the Councils of the Royal Economic Society and the Association of Competition Economics. She was awarded an OBE in the 2014 New Years Honours.



Paul Heidhues

Professor of Economics, ESMT

Paul Heidhues joined European School of Management and Technology (ESMT) in September 2010 as the holder of the Lufthansa Chair in Competition and Regulation. Paul worked on numerous topics in Industrial Organization and Competition Policy such as input-market bargaining power, merger control, and collusion.

More recently, much of his work focuses on the functioning of markets when consumers are partly driven by

psychological factors – such as social preferences, loss aversion, time-inconsistency, or naiveté – that the classic consumer model abstracts from. Among other things, he has written on how firms optimally price products and design credit contracts in response to consumers' psychological tendencies, and he has investigated the implications thereof for consumer-protection regulation.



Dorothea Kübler

Director of Research Unit Market Behavior, WZB

Dorothea Kübler is the director of the research unit 'Market Behavior' at the WZB Berlin Social Science Center since 2009 and a professor for economics at the Technische Universität Berlin since 2004. Her research focuses on behavioral and experimental economics and market design. In particular, she works on matching markets (school choice, university admissions, labor markets) and the role of bounded rationality and biased decision making for the design of these markets, as well as the economics of privacy.

She conducts research through CRC 649, CRC 1026 as well as RTG 1659, funded by the DFG. She currently serves on the review board for economics (Fachkollegium) of the German Research Foundation (DFG), on the board of the Einstein Foundation Berlin, is vice-chair of the scientific advisory board of the Potsdam Institute for Climate Impact Research (PIK), and member of the executive committee of the Economic Science Association (ESA).



Florencia Marotta-Wurgler

Professor of Law, Faculty Director, NYU Law in Buenos Aires

Florencia Marotta-Wurgler is a professor of law at New York University School of Law and the director of NYU Law Abroad in Buenos Aires. Her teaching and research interests are contracts, consumer privacy, electronic commerce, and law and economics. Her published research has addressed various problems associated with standard form contracts online, such as the effectiveness of disclosure regimes, delayed presentation of terms, and whether people read the fine print. She is currently working on a large empirical project on consumer privacy policies online and on the effectiveness of the Federal Trade Commission's privacy enforcement actions.

In 2009, she testified before the US Senate Committee on Commerce, Science, and Transportation at a hearing titled, "Aggressive Sales Tactics on the Internet and Their Impact on American Consumers." She is a co-reporter of the American Law Institute's Restatement of the Law of Consumer Contracts, a board member of the American Law and Economics Association, and a fellow at the Engelberg Center on Innovation Law and Policy at NYU School of Law. She received a BA magna cum laude from the University of Pennsylvania and a JD cum laude from NYU School of Law.



Deirdre K. Mulligan

Associate Professor of Law, School of Information, University of California, Berkeley
Faculty Co-Director, Berkeley Center for Law & Technology, School of Law,
University of California, Berkeley

*Deirdre K. Mulligan is an Associate Professor in the School of Information at UC Berkeley, a faculty co-Director of the Berkeley Center for Law & Technology, and a PI on the new Hewlett funded Berkeley Center for Long-Term Cybersecurity. Mulligan's research explores legal and technical means of protecting values such as privacy, freedom of expression, and fairness in emerging technical systems. Her book, *Privacy on the Ground: Driving Corporate Behavior in the United States and Europe*, a study of privacy practices in large corporations in five*

countries, conducted with UC Berkeley Law Prof. Kenneth Bamberger was recently published by MIT Press. She is Chair of the Board of Directors of the Center for Democracy and Technology, a founding member of the standing committee for the AI 100 project, and a founding member of the Global Network Initiative. Prior to joining the School of Information, she was a Clinical Professor of Law, founding Director of the Samuelson Law, Technology & Public Policy Clinic, and Director of Clinical Programs at the UC Berkeley School of Law.



Paul Nemitz

Director for Fundamental Rights and Union Citizenship, European Commission

Paul F. Nemitz is the Director for Fundamental rights and Union citizenship in the Directorate-General for Justice and Consumers of the European Commission. The free movement of people in Europe, data protection, fight against hate speech and racism and rights of the child are key responsibilities of his Directorate.

Before joining the Directorate-General for Justice, Nemitz held posts in the Legal Service of the European Commission, the Cabinet of the Commissioner for Development Cooperation

and in the Directorates General for Trade, Transport and Maritime Affairs. Nemitz has extensive experience as litigator of the European Commission before the European Court of Justice and has published widely on EU law. He is visiting Professor at the College of Europe in Bruges.

Nemitz studied Law at Hamburg University. He obtained a Master of Comparative Law from George Washington University Law School in Washington, D.C..



Hannes Ullrich

Coordinator of the Berlin Centre for Consumer Policies
Research Associate in the Firms and Markets Department, DIW Berlin

Hannes Ullrich is Research Associate at the Firms and Market Department at the Deutsches Institut für Wirtschaftsforschung (DIW Berlin) and at the Department of Business Administration of the University of Zurich, and the coordinator of the Berlin Centre for Consumer Policies (BCCP).

He earned his undergraduate degree in Economics at the University of Mannheim and his PhD in Management and Economics at the University of Zurich in 2010. He was a visiting scholar at Aarhus University, the University of Rochester, and the University of

California, Berkeley, and previously employed at the Centre for European Economic Research (ZEW), Mannheim.

Hannes' research interests are in Applied Microeconomics, in particular Industrial Organization, Health Economics, and Personnel Economics. His current research focus is on the regulation of payment card fees, a platform market, and pharmaceutical prescribing under uncertainty using large-scale administrative data.



Hal Varian
Chief Economist, Google

Hal R. Varian is the chief economist at Google. Since 2002 he has been involved in many aspects of the company, including auction design, econometric analysis, finance, corporate strategy and public policy.

Hal also holds academic appointments at the University of California, Berkeley in three departments: business, economics, and information management.

Hal is a fellow of the Guggenheim Foundation, the Econometric Society, and the American Academy of Arts and Sciences. He was co-editor of the

American Economic Review from 1987-1990 and holds honorary doctorates from the University of Oulu, Finland and the University of Karlsruhe, Germany.

He has published numerous papers in economic theory, industrial organization, financial economics, econometrics and information economics.

He received his S.B. degree from MIT and his M.A. in mathematics and Ph.D. in economics from UC Berkeley. Hal has also taught at MIT, Stanford, Oxford, Michigan and other universities around the world.

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<http://www.heinz.cmu.edu/~acquisti/bio.htm>

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YOUR NOTES:

AGENDA

08.30 – 09.15am *Registration*

09.15 – 09.30am **Welcome**
Tomaso Duso DIW Berlin and DICE Düsseldorf

09.30 – 11.00am **Privacy Preferences in Digital Markets**
 Individuals value privacy, socializing, and disclosing. These conflicting actions raise important issues for individuals and regulators. This session surveys the economic foundations of privacy relying on insights from economic theory and empirical evidence. How much do consumers value privacy? Do (or should) consumers unambiguously strive for stronger privacy protection? How have businesses reacted to consumer preferences for privacy?

Speakers

Alessandro Acquisti Carnegie Mellon University

Dorothea Kübler WZB Berlin Social Science Center and Technical University Berlin

Moderator

Dirk Engelmann Humboldt-University Berlin

11.00 – 11.30am *Coffee Break*

11.30am – 1.00pm **Privacy Compliance: Regulation vs. Market Forces**
 Privacy concerns are receiving increased attention by both lawmakers and firms. What are firms doing to protect the privacy of their customers? Are firms responding to market forces? To regulatory pressure? To other forces? This panel will explore the interaction between regulation, markets and other forces, and its implications for optimal legal policy.

Speakers

Florencia Marotta-Wurgler New York University

Deirdre K. Mulligan University of California, Berkeley

Moderator

Oren Bar-Gill Harvard University

1.00 – 2.30pm *Lunch Break*

2.30 – 4.00pm **Data-driven Innovation**
 Unprecedented interconnectedness, data collection, and analytical capabilities are revolutionizing our interactions in society. Online platforms play a key role in this process as they shape the way consumers and firms use and commercialize the Internet. In data-driven platforms, product quality, for example search results and the targeting of advertisements, increases in the amount of data available. Search algorithms rely on consumer search behavior to learn and improve

results in real-time. But can this process be considered a (demand-side) network effect or rather learning by doing as many other factors of production with diminishing returns to scale? Situations in which consumer data are pivotal have been proliferating at a rapid pace, online and offline. Far-reaching data collection is crucial for this process, yet it has evoked growing worries regarding privacy issues and potentially abusive practices by incumbent firms and government. This session examines the extent data-driven product development – for example via personalization and targeting – will benefit consumers. What are the current limits for data-driven innovation? Do data-driven platforms warrant new approaches to consumer and competition policy?

Speakers

Susan Athey Stanford University

Hal Varian Google

Moderator

Paul Heidhues ESMT European School of Management and Technology

4.00 – 4.30pm

Coffee Break

4.30 – 6.00pm

Policy Round Table

Privacy in Competition and Consumer Policy

Privacy regulation in digital markets has been at the forefront of the policy debate on both sides of the Atlantic in the past years. This panel will discuss such issues as the EU-US Privacy Shield following the Safe Harbor ruling of the ECJ, the conditions for voluntary consumer consent to the processing of personal data, efforts to ensure individuals' control over personal data collected by data brokers, and the role of privacy considerations in competition cases (for example, the German Cartel Office proceedings against Facebook).

Speakers

Gerd Billen German Federal Ministry of Justice and Consumer Protection

Julie Brill Hogan Lovells

Paul Nemitz European Commission

Moderator

Amelia Fletcher University of East Anglia

6.00pm

Closing Remarks

Hannes Ullrich

DIW Berlin and University of Zurich

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 | VU Universität Amsterdam
 | Humboldt-Universität zu Berlin
 | Selbstregulierung Informationswirtschaft e.V.
 | Humboldt-Universität zu Berlin
 | Universität Hannover
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 | Bundesverband der Deutschen Industrie
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