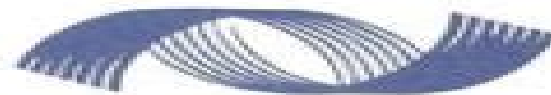


Did Microsoft Harm Consumers?

Two Opposing Views



David S. Evans
Franklin M. Fisher
Daniel L. Rubinfeld
Richard L. Schmalensee

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Did Microsoft Harm Consumers

Bruce Abramson



Did Microsoft Harm Consumers:

Did Microsoft Harm Consumers? David S. Evans, 2000 United States v Microsoft is arguably the most important antitrust case of the past decade. It will have major implications for how governments regulate information technologies and the coming Internet explosion. It will also have important consequences for how businesses behave in the marketplace and in the political arena. In this volume, key economists for the government and for the Microsoft Corporation lay out their views on the key issues and then respond to the views presented by the opposing side. The analysis illuminates many of the complex issues involved in assessing the appropriate scope for antitrust intervention in information technology industries. **How the**

Chicago School Overshot the Mark Robert Pitofsky, 2008-10-14 How the Chicago School Overshot the Mark is about the rise and recent fall of American antitrust. It is a collection of 15 essays, almost all expressing a deep concern that conservative economic analysis is leading judges and enforcement officials toward an approach that will ultimately harm consumer welfare. For the past 40 years or so, U.S. antitrust has been dominated intellectually by an unusually conservative style of economic analysis. Its advocates, often referred to as The Chicago School, argue that the free market, better than any unelected band of regulators, can do a better job of achieving efficiency and encouraging innovation than intrusive regulation. The cutting edge of Chicago School doctrine originated in academia and was popularized in books by brilliant and innovative law professors like Robert Bork and Richard Posner. Oddly, a response to that kind of conservative doctrine may be put together through collections of scores of articles, but until now cannot be found in any one book. This collection of essays is designed in part to remedy that situation. The chapters in this book were written by academics, former law enforcers, private sector defense lawyers, Republicans, and Democrats, representatives of the left, right, and center. Virtually all agree that antitrust enforcement today is better as a result of conservative analysis, but virtually all also agree that there have been examples of extreme interpretations and misinterpretations of conservative economic theory that have led American antitrust in the wrong direction. The problem is not with conservative economic analysis, but with those portions of that analysis that have overshot the mark, producing an enforcement approach that is exceptionally generous to the private sector. If the scores of practices that traditionally have been regarded as anticompetitive are ignored or not subjected to vigorous enforcement, prices will be higher, quality of products lower, and innovation diminished. In the end, consumers will pay. **Restoring Consumer Sovereignty** Adrian Künzler, 2017 Introduction, Abiding issues, Argumentation of the courts, and contemporary legal scholarship. Making behavioralism work, Fashioning consumer cognitive capability, Open approaches to promoting innovation and economic growth, From market access to cumulative innovation, Conclusion. **Federal Register**, 2002-05-03

Antitrust After Microsoft David B. Kopel, 2001 Kopel, a researcher for the Heartland Institute, draws lessons from the Microsoft case and applies them to anti-trust laws on the whole. He describes the impact of emerging technologies, the shifts created by new competitors, the details of the Microsoft case, and its relationship to business practices and politics. His

argument is deeply suspicious of government regulation of business especially the regulation of communication technology c

Book News Inc **Digital Phoenix** Bruce Abramson, 2006-09-08 How the future of the information economy will take place at the intersection of technology law and economics lessons to be learned from the Microsoft antitrust trial open source software and Napster While we were waiting for the Internet to make us rich back when we thought all we had to do was to buy lottery tickets called dotcom shares we missed the real story of the information economy That story says Bruce Abramson in Digital Phoenix took place at the intersection of technology law and economics It unfolded through Microsoft's manipulation of software markets through open source projects like Linux and through the file sharing adventures that Napster enabled Linux and Napster in particular exploited newly enabled business models to make information sharing cheap and easy both systems met strong opposition from entrenched interests intent on preserving their own profits These scenarios set the stage for the future of the information economy a future in which each new technology will threaten powerful incumbents who will in turn fight to retard this dangerous new direction of progress Disentangling the technological legal and economic threads of the story Abramson argues that the key to the entire information economy understanding the past and preparing for the future lies in our approach to intellectual property and idea markets The critical challenge of the information age he says is to motivate the creation and dissemination of ideas After discussing relevant issues in intellectual property and antitrust law the economics of competition and artificial intelligence and software engineering Abramson tells the information economy's formative histories the Microsoft antitrust trial the open source movement and in a chapter called The Computer Ate My Industry the advent of digital music Finally he looks toward the future examining some ways that intellectual property reform could power economic growth and showing how the information economy will reshape the ways we think about business employment society and public policy how the information economy in fact can make us all rich as consumers and producers if not as investors *The Journal of Economic Perspectives* ,2001 This journal attempts to fill a gap between the general interest press and other academic economics journals Its articles relate to active lines of economics research economic analysis of public policy issues state of the art economic thinking and directions for future research It also aims to provide material for classroom use and to address issues relating to the economics profession **United States V. Microsoft Document Collection** ,1997 **The Antitrust Revolution** John E. Kwoka (jr.), Lawrence J. White, 2003 This book examines the critical role of economic analysis in recent antitrust case decisions and policy The case studies were written by prominent economists who participated in the proceedings of that case New overview essays precede the four sections Horizontal Structure Horizontal Practices Vertical and Related Market Issues and Network Issues Issues in Competition Law and Policy: Single firm conduct ,2008 Class Action Litigation Report ,2000 **Boston University Journal of Science & Technology Law** Boston University. School of Law, 2004 **U.S. v. Microsoft : did consumers win?** David S. Evans, Richard Schmalensee, Albert L.

Nichols, 2005 U S v Microsoft and the related state suit filed in 1998 appear finally to have concluded In a unanimous en banc decision issued in late June 2004 the D C Circuit Court of Appeals rejected challenges to the remedies approved by the District Court in November 2002 The wave of follow on private antitrust suits filed against Microsoft also appears to be subsiding In this paper we review the remedies imposed in the United States in terms of both their relationship to the violations found and their impact on consumer welfare We conclude that the remedies addressed the violations ultimately found by the Court of Appeals which were a subset of those found by the original district court and an even smaller subset of the violations alleged both in court and in public discourse and went beyond them in important ways Thus for those who believe that the courts were right in finding that some of Microsoft s actions harmed competition the constraints placed on its behavior and the active ongoing oversight by the Court and the plaintiffs provide useful protection against a recurrence of such harm For those who believe that Microsoft should not have been found liable because of insufficient evidence of harm to consumers the remedies may be unnecessary but they avoided the serious potential damage to consumer welfare that was likely to accompany the main alternative proposals The remedies actually imposed appear to have struck a reasonable balance between protecting consumers against the types of actions found illegal and harming consumers by unnecessarily restricting Microsoft s ability to compete

Trial and Error Paul Beckner, 2000 This book represents an effort to cast light on the implications of U S v Microsoft with a mix of analytic essays OpEds and editorials some widely distributed before some not Page 3 Introduction 1 U S v Microsoft a closer look All the facts that fit square pegs and round holes in U S v Microsoft David S Evans Unplanned obsolescence the cast against the trustbusters Peter Passell and Lester Thurow No harm in trying a misconceived case misunderstood by its judge Ronald A Cass Jerry s take on the Microsoft decision wrong Jerry Pournelle The economics of the Microsoft antitrust case in the United States a post trial primer David S Evans and Richard Schmalensee Breaking up is hard to do Kenneth G Elzinga The disposition of antitrust claims against Microsoft a synopsis David S Evans Judicial misconduct and the Microsoft case Leonard Orland Independent opinion Paul Gigot Robert Scheer Milton Friedman Carl Rowan Stan Leibowitz Robert W Hahn Lester Thurow Thomas Sowell Ronald A Cass Mike Huckabee C Boyden Gray Steven T Khalil David S Evans Lars H Liebeler William Baxter Peter Coffee Robert A Levy Richard Schmalensee Wayne T Brough Kenneth Smith Steve Forbes Neal Iavon James V DeLong Richard A Epstein Alan Weinberger George Priest Richard McKenzie William Shughart II Leonard Orland Post trial Sctoo Jensen Charles Munger John E MacCracken Mike Huckabee Paul Beckner Grover Norquist George Priest Fred Davis Leonard Orland Robert A Levy James V DeLong Robert W Hahn Don Racheter M David Sterling Newspaper editorials The Washington times The Detroit news The Las Vegas review journal The Indianapolis star The plain dealer The Dallas morning news The Atlanta journal constitution The Chattanooga times Free press Investor s business daily The Richmond times dispatch The Arizona republic The Chicago tribune The New York post The Boston herald The Cincinnati enquirer The daily Oklahoman The Denver post The Houston chronicle The

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and the continuing story of Microsoft The text also gives more treatment to merger practice and a practitioner's need to
consider the international implications of a client's conduct Microsoft and the Browser Wars Robert A. Levy, 1998

Computer Law Reporter, 2004 **Litigating Conspiracy** Stephen G.A. Pitel, 2006-03-20 The 17 articles in this
collection focus on the intersection of competition law and class actions They address achieving an optimally competitive
market for goods and services compensation for anticompetitive conduct the appropriate test for class action certification
and acceptable methodologies for calculating damages Canadian and American academics judges and experienced practicing
lawyers contributed **Annual Advanced Antitrust Seminar**, 1995 *Winners, Losers, & Microsoft* Stan J.

Liebowitz, Stephen E. Margolis, 1999 Have the antitrust actions by the Department of Justice against Microsoft and other
firms really intended to protect consumers or are they politically motivated attempts to help competitors achieve what they
could not achieve in the marketplace Can dominant companies in a market such as Microsoft lock in inferior technologies
and thereby stifle innovation and would be competitors Do network effects the fact that some products such as telephones
and fax machines increase in value as more people use them result in monopolies even if dominant companies do not seek to
create monopolies Do the current antitrust laws discourage entrepreneurship and innovation Will the robust high tech
competition and tremendous technological advances of recent years continue if government steps up its antitrust actions
Winners Losers Microsoft addresses such questions and sheds light on the real workings of the high tech markets Through
extensive research and insightful analysis Professors Liebowitz and Margolis shatter many long held beliefs about
competition in the high technology industries Among their surprising findings Software prices fall dramatically in markets
where Microsoft is a major player but prices show no strong tendency to fall over time if Microsoft is not a factor in a given
market Claims that dominant but inferior technologies can lock out better competitive products are not supported by the
data This not only applies to software but also to other technology markets i.e. VHS vs Beta video recorder battles Superior
products tend to dominate in high technology even if inferior products are backed by lots of money For example Intuit's
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Network into its Windows operating system Liebowitz and Margolis demonstrate how a high tech company can go from a dominant market leader as Lotus once was in spreadsheets to an also ran with astonishing speed They show that free markets in high technology do a remarkable job of continually delivering better products at lower prices to consumers Winners Losers Microsoft makes a compelling case that the real danger to American high technology leadership is a too powerful too intrusive government which believes it knows consumer preferences and needs better than they do This book is a cogent tightly argued rebuttal to frequent calls for greater government intervention in the high technology markets

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