

Digital Platforms

This module contains several submodules on antitrust issues with digital platforms.

Intro: American Express

Concern around digital platforms is driving calls for greater antitrust enforcement. But digital platforms present numerous tricky problems for antitrust law, and the law is still developing its response to these business models. A particularly challenging question in digital platforms is how to analyze two-sided markets, both in terms of market definition and conduct. The Supreme Court's decision in *Amex* provides U.S. antitrust law's current approach to this question, but this decision has been widely criticized by the antitrust community

Required Reading

Ohio v. American Express Co., 138 S. Ct. 2274 (2018)

American Antitrust Institute, *We've Seen Enough: It Is Time to Abandon AmEx and Start Over on Two-Sided Markets* (2020).

Recommended Reading

A. Douglas Melamed & Nicolas Petit, *The Misguided Assault on Consumer Welfare Standard in the Age of Platform Markets*, 54 REV. IND. ORG. 741 (2019) (25–33)

Background Reading

[Stigler Center Committee for the Study of Digital Platforms, Market Structure and Antitrust Subcommittee Report](#) (57–79 and 87–92 on platforms) (2019)

J. BAKER, THE ANTITRUST PARADIGM: RESTORING A COMPETITIVE ECONOMY 125–38 (2019).