

Competition Law
in its
Economic and Political
CONTEXT

Philip Marsden

Remarks for Chillin Competition conference

20 November, 2018 (50 cent, in da house, yes it's my birthday)

I'm so so sorry

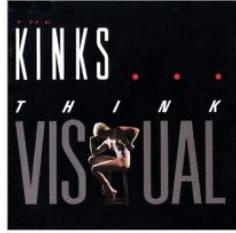
I totally mis-read the title of this panel...

I thought you wanted us to speak about

Competition Law
in the
EUROVISION
SONG CONTEST

I've been in a panic up here, but hopefully I can find us some economic and political insights...

Go back over 30 years ... the Kinks entry with their song 'Think Visual'



actual lyrics

Recently lead singer Ray Davies said that he doesn't even remember this song, but its lyrics are strangely prescient,

Productivity is getting higher and higher oh, oh, yeh

The competition is getting tighter and tighter

We gotta advertise, we gotta merchandise, ooh, oh, yeh

Flash those teeth

Competition's on the rise

Open those eyes better get computerised

Think visual, think visual, think visual

We gotta budget to face and the marketplace

is full of competition, competition

Think digital, synthesise, computerise, think visual

**In digital markets, with users providing content
and eyeballs driving profit...**

**and what we are shown online being oh so important,
the Kinks had it all covered...**

and, that song was from 1986

**...the same era when the British super band Queen had its hit Radio Gaga –
Written by the drummer Roger Taylor**



actual lyrics Queen Musical

Again prescient lyrics even then,

but as technology adapted, new lyrics evolved

for the touring Queen musical, positing a tech giant, called 'GlobalSoft'

We sit alone and watch your light
Our only friend, through teen-age nights
And every-thing we want to get
We download from... the internet

(Globalsoft)

No need to think, no need to feel
When only cy-berspace is real
It makes us laugh
It makes us cry
It makes us feel like we can fly

(Globalsoft)

Hope to record our life online
Touch any key, the world is mine
We're lost in space
But we don't care
Without your light

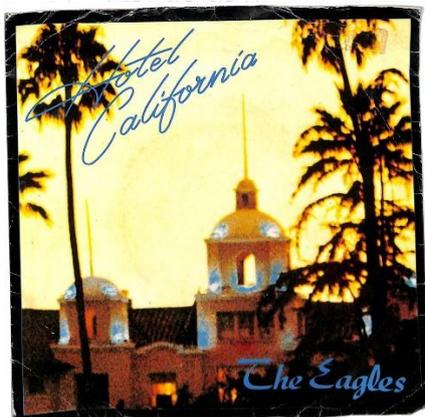
our world's not there

Complete control, you are the power
Our lives are pro-grammed by the hour

All we hear is radio Ga Ga
Video Goo Goo
Internet Ka Ka
All we hear is cyberspace Ga Ga
Marketing Blah Blah

Globalsoft (Globalsoft)

**Even back then there was a sense of power growing on one side,
and consumer dependency on another,
and lack of choice ...
Concerns came to a head with "Hotel California"
the title track from the Eagles' album of the same name**



Mirrors on the ceiling,
Pink champagne on ice
And she said, **'we are all just prisoners here, of our own device'**



actual lyrics

Last thing I remember, I was
Running for the door
I had to find the passage back to the place I was before
'Relax' said the night man,
'We are programmed to receive.'
You can check out any time you like,



actual lyrics

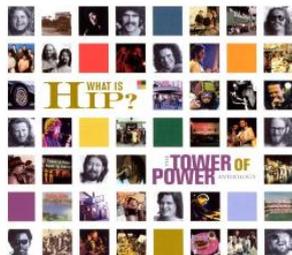
But you can never leave!



actual lyrics

This year in particular there have been louder and louder demands that “something must be done”. This movement has been unkindly labelled hipster antitrust but it isn't really new

Back in 1973, we had chart leader Tower of Power, a rhythm and blues band with a horn section, who asked...and answered ...What Is Hip?



actual lyrics

If you was really hip
The passing years would show
You into a hip trip
Maybe hipper than hip
But what is hip?
So you became part of the new breed
Been smokin' only the best weed
Maybe hipper than hip
But what is hip?
Hipness, what it is!
Hipness, what it is!
Hipness, what it is!

**Tower of Power was revealing antitrust hipsters' certain penchant for circular reasoning... just look at a problem and see in it a solution:
see high prices, get them down see bigness, make it small
And act now, don't think or analyse**

So, politically, one approach has become quite popular, I call it the NIKE approach, just do it, just do something, just do it, ...particularly something bold.

This has certainly picked up by famous West Coast Hipsters...the Black Eyed Peas in their song from 2009 I gotta feeling



actual lyrics (possibly misheard)

I feel stressed out, I wanna let it go
Let's go way out spaced out and losing all control
Tonight's the night, Jump off that sofa,
let's live it up
Go out and smash it like oh my God

Let's paint the town, (get prices down)
Let's burn the roof, and then we'll do it again
Let's do it, let's do it, let's do it, let's do it
(What's big is bad) (so break up big)
Just do it so do it do it do it do it.

**So act when You gotta feeling
And don't wait for proof....have faith that what you're doing is right
And we hear that also from the late great George Michael**



actual lyrics

you gotta have faith faith faith,
you gotta have faith faith faith

but MY view of antitrust hipsters, echoes roughly the message of a 1980's band, with a fabulous name - Faith No More – and their song, actually called 'Evidence'

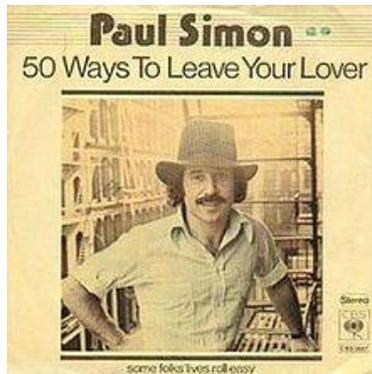


actual lyrics

If you want to open the hole
Just put your head down and go
Step beside the piece of circumstance
Got to wash away the taste of evidence
Wash it away
(Evidence...wash away that taste of evidence)

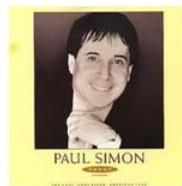
And even the man

who offered mathematic guidance on how to end a faith based romance



even he sobered up and

recommended evidence in his song 'Proof'



actual lyrics

Some people gonna call you up

Tell you something that you already know

Sane people go crazy on you

Faith

Faith is an island in the setting sun

But proof, yes

Proof is the bottom line for everyone

Of course, no discussion of competition law in the Eurovision song contest would be complete without Swedish sweethearts and superstars and their hit single from the Super Trouper album released on 21 July 1980



but what do the lyrics mean?

Are they about a complainant vertical provider...

upset about its drop in search rankings on GlobalSoft...

or are Agnetha and Anni-Frid

just stating a fundamental principle of competition itself...

true competitions have losers...

(actual lyrics, creative addition possible)

I apologise
If it makes you feel bad
Seeing me so tense
No self-confidence (*Without evidence...*)

But you see

the winner takes it all
And the loser has to fall
Beside the victory
That's her destiny (*My friend was my frenemy...*)

Building me a home

Thinking I'd be strong there
But I was a fool
Playing by the (*ahem...competition*) rules

The (*algorithm*) gods may throw a dice
Their minds as cold as ice
And someone way down here
Loses someone dear
The winner takes it all
The loser has to fall
It's simple and it's plain
Why should I complain

and what can I say
Rules must be obeyed



The judges will decide
The likes of me abide
Spectators of the show
Always staying low

**And ideally judges decide on the basis of proof and evidence, not just rhetoric
... even at the European Courts ..
and when I get criticised by hipsters
who think evidence is overrated
I just follow the words of infamous switcher Taylor Swift**



actual lyrics
why tamper with perfection?

the haters gonna hate, hate, hate, hate, hate
Heart breakers gonna break break break break break

Baby, I'm just gonna shake, shake, shake, shake, shake
I shake it off, I shake it off

Nevertheless we do need to be alert to new developments, and possible threats...

What is the next big thing after search?

Artificial intelligence fed by permanent surveillance through the Internet of Things?

Live microphones and cameras you actually pay to bring into your home

As Lou Bega recounted in his famous academic paper, Ladies and Gentlemen, Mambo #5 (and I summarise)



inspired by actual lyrics

One Two ThreeFourFive Everyone in the hall, come on and look alive

A little bit of Alexa on all the time

A little bit of Echo in my life

A little bit of Sonos in the sun

A bit of Home Pod all night long



And as we continue, you know their data's getting sweeter

So what can I do? really I beg you, my Lord

'Cause you can't run and you can't hide

They'll grow and grow until they touch the sky

That's why Margrethe's on my mind



(Theresa's time in the sun

Is comin to an end,

Brexit let's dump it, set in the trumpet

please get it undone!)





And focus on digital, here I am

And new theories of harm, well thank you ma'am



But a little bit of Evidence

Makes me your man!

Thank you, and forgive me

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