

## **DAVID GILO, CURRICULUM VITAE**

Affiliation: Full Professor, Buchmann Faculty of Law, Tel Aviv University (received tenure-2004)  
Ramat-Aviv, Haim Levanon St., Tel Aviv, 68878, Israel

E-mail                      gilod@post.tau.ac.il

**Areas of research:** Antitrust, regulation, industrial organization, contracts, torts, law and economics.

**Served as Director General of the Israel Antitrust Authority (April 2011-September 2015)**

**Doctoral degree:** Harvard Law School (1996)

**B.A Economics, LL.B.: Tel Aviv University (1992)**

**PHD candidate Economics, Tel Aviv University (2017)**

**Director of the area of antitrust and regulation of markets in the Tel Aviv University Faculty of Law**

**Teaching interests:** antitrust; antitrust law and economics; comparative antitrust; antitrust and supplier-buyer relationships; antitrust seminars; corporations; contracts

**Teaching experience:** antitrust, regulation, antitrust and regulation seminar, corporations, contracts, law and economics workshop

### **A. EDUCATION**

<b>Period of study</b>	<b>Name of university</b>	<b>Subject</b>	<b>Degree</b>	<b>Date of Award</b>
1989-93	Tel Aviv University	Economics	B.A.	1993
1989-93	Tel Aviv University	Law	LL.B.	1993
1993-96	Harvard Law School	Law	SJD	1996

Title of Master's thesis: Antitrust Policy in Small Economies (1994)

Name of Supervisor: Professor Louis Kaplow

Title of Doctoral dissertation: Anticompetitive Commitments: The Anticompetitive Effect of Passive Investment and Vertical Integration or Restraints to Restore the Supplier's Market Power

Name of supervisor: Professor Louis Kaplow

### **B. ACADEMIC AND PROFESSIONAL EXPERIENCE**

<b>Period</b>	<b>Name of institution</b>	<b>Department</b>	<b>Rank/Function</b>
---------------	----------------------------	-------------------	----------------------

1990-91	Tel Aviv University	Law	Member of editorial board of Tel Aviv University Law Review
1991-92	Tel Aviv University	Law	Teaching assistant in Contracts for Prof. Daniel Friedmann and Prof. Nili Cohen
1992-93	Supreme Court of Israel		Legal clerk to Justice Yaakov Maltz
1992-93	S. Horowitz Law Firm		Legal internship
1996-2000	College of Management Academic Studies	Law School	Assistant professor
1996-2000	Tel Aviv University	Law School	Teaching assignment
1998-2000	Tel Aviv University	Management	Teaching assignment
1998-1999	Hebrew University of Jerusalem	Law	Teaching assignment
1999-2000	Tel Aviv University	Economics	Teaching assignment
2000-2003	Tel Aviv University	Law and Management	Assistant Professor
2003-2004	Tel Aviv University	Law	Assistant Professor
2004-present	Tel Aviv University	Law	With tenure
2004-2006	Tel Aviv University	Law	Leading Editor of the Tel Aviv Law Review
2006-2010	The Israeli Antitrust Court	The Israeli Court System	Member of the Israeli Antitrust Court
2002-	American Economic Review,	Law, Economics	Referee

present	Journal of Legal Studies, Journal of Law, Economics and Organization; Journal of Industrial Economics, Managerial and Decision Economics; Journal of Competition Law and Economics; Telecommunications Policy; Journal of Industry Competition and Trade; Journal of Institutional and Theoretical Economics, Trends in Applied Sciences, Tel Aviv University Law Review; Hebrew University Law Review; Haifa University Law Review; Mishpat Umimshal; IDC Law Review, Hamishpat.		
---------	---	--	--

### C. ACTIVE PARTICIPATION IN SCIENTIFIC MEETINGS

The American Law and Economics Association Annual Meetings

The Israeli Law and Economics Association Annual Meetings

### D. ACADEMIC AND PROFESSIONAL AWARDS

1996	The John M. Olin Prize in Law and Economics for the articles “Partial Ownership as a Strategic Variable to Facilitate Tacit Collusion” and “The Anticompetitive Effect of Passive Investment” (formerly: The Anticompetitive Effect of Partial Stock Acquisitions)
2003	NET Institute grant, \$15,000
10/05-9/06	Israel Science Foundation grant, "Partial Ownership among Firms" Amount of grant: 92,000 ILS
2009	The Sapir Forum for Economic Policy Prize (paper pending), 45,000 ILS

**E. MEMBERSHIP IN PROFESSIONAL SOCIETIES**

Year	Society
1996-present	American Law and Economics Association
2002-present	Israeli Law and Economics Association

**F. MASTER STUDENTS SUPERVISED BY DAVID GILO**

<u>Year</u>	<u>Name of Student</u>	<u>Title of Thesis</u>	<u>Acad Institution</u>
2003	Dotan Cohen	Monopsony and Buyer Cooperation	Tel Aviv University
2007	Hagit Bulmash	Price Discrimination among Distributors	Tel Aviv University
2013	Shani El Gad	Competition and Corporate Governance	Tel Aviv University
2014	Bar Attarkey	Trading of Emission Quotas and Product Market Competition	Tel Aviv University

**G. DOCTORAL STUDENTS SUPERVISED BY DAVID GILO**

<u>Year</u>	<u>Name of Student</u>	<u>Title of Thesis</u>	<u>Acad Institution</u>
2005	Iris Soroker	Intellectual Property and Antitrust, in the Monopoly Point	Hebrew University
2012	Hagit Bulmash	Motivations for Price Discrimination, Evidence from Litigation	Tel Aviv University
In Process	Ori Baram	Antitrust Policy in the Credit Card Industry	Tel Aviv University

**ACADEMIC PUBLICATIONS****Articles****1. David Gilo Yossi Moshe and Yossi Spiegel**

“Partial Cross Ownership and Tacit Collusion,” 37 RAND Journal of Economics 81-99 (2006).

**2. David Gilo Ehud Guttel and Erez Yuval**

“Negligence, Strict Liability and Collective Action”, 42 *Journal of Legal Studies* (2013)

**3. Nadav Levi, Yossi Spiegel and David Gilo**

“Partial Vertical Integration, Ownership Structure and Foreclosure”, forthcoming, *American Economic Journal: Microeconomics* (2017).

**4. David Gilo**

"The Anticompetitive Effect of Passive Investment," *Michigan Law Review*, vol. 99, p. 1-47 (2000).

**5. David Gilo and Ariel Porat**, “The Hidden Roles of Boilerplate and Standard-Form Contracts: Strategic Imposition of Transaction Costs, Segmentation of Consumers, and Anticompetitive Effects,” *Michigan Law Review*, vol. 104, 983-1032 (2006).

**6. David Gilo and Ehud Guttel**

“Negligence and Insufficient Activity: The Missing Paradigm in Torts,” *Michigan Law Review* (2009).

**7. Ariel Ezrachi and David Gilo**

“EU Competition Law and the Regulation of Passive Investments Among Competitors” *Oxford Journal of Legal Studies*, vol. 26, p. 327–349 (2006)

**8. David Gilo**

“A Market-Based Approach to Telecom Interconnection,” *Southern California Law Review*, vol. 77 (2003), 1-75.

**9. David Gilo and Ariel Porat**

“Viewing Unconscionability through a Market Lens”, *William and Mary Law Review* (2010)

**10. David Gilo**

"Retail Competition Percolating through to Suppliers, and Using Vertical Integration, Vertical Restraints and Tying to Stop It," *Yale Journal on Regulation*, vol. 20, p. 25, 57-81 (2003).

#### **11. Ariel Ezrachi and David Gilo**

"Excessive Pricing, Entry, Assessment, and Investment: Lessons From The Mittal Litigation" *Antitrust Law Journal*, Vol 76, p. 873 (2010).

#### **12. David Gilo and Felice Simonneli**

The Price-Increasing Effects of Domestic Code-Sharing Agreements for Non-Stop Airline Routes, forthcoming, *Journal of Competition Law and Economics*.

#### **13. Assaf Eilat, David Gilo and Guy Sagi:**

Loyalty Discounts, Exclusive Dealing and Bundling: Rule of Reason, Quasi Per Se, Price-Cost Test or Something in between?, forthcoming, *Journal of Antitrust Enforcement* (2015).

#### **14. David Gilo and Yossi Spiegel,**

"Network Interconnection with Competitive Transit," *Information Economics and Policy*, vol. 16 (2004) 439-458.

#### **15. David Gilo**

"The Problem of Bank Rescues: A Comment on Miwa and Ramseyer", *Theoretical Inquiries in Law*, vol. 6, p. 65-70 (2004)

**16. David Gilo and Yossi Spiegel** "The Credit Card Industry in Israel," *Review of Network Economics*, Vol.4, Issue 4 – December 2005 (with Yossi Spiegel).

#### **17. David Gilo and Ariel Ezrachi**

"Are Excessive Prices Really Self-Correcting?", *Journal of Competition Law and Economics* (2008)

#### **18. David Gilo and Yossi Spiegel**

“Partial Vertical Integration in Telecommunications Markets in Israel, forthcoming, *Quarterly of Economics*, 2010 (in Hebrew)

**19. David Gilo**

“The (Lack of) Economic Analysis by Courts in Israeli Antitrust Cases Concerning Restraints of Trade,” *Israel Law Review*, vol. 39(3) p. 98-122 (2006).

**20. David Gilo**

“Tnuva vs. the Head of the Antitrust Authority: Dynamic Analysis in Mergers”, *Hamishpat Law Review* vol. 8 (1998). (in Hebrew)

**21. David Gilo**

"Toward a New Legal Policy Toward Covenants not to Compete," *Tel Aviv University Law Review*, vol. 23, p. 63 (2000). (in Hebrew)

**22. David Gilo**

“Is it Sensible to Break Down the Dam of Illegal Restraints and Block the Flood with Ad Hoc Fences?” *Tel Aviv University Law Review*, vol. 27 (2003). (in Hebrew)

**23. David Gilo**

“When Contracts Harm Competition in The Promisee’s Market,” *Tel Aviv University Law Review*, vol. 28 (2004). (in Hebrew)

**24. David Gilo**

“Trade Secrets, Competitiveness and Asymmetric Information,” *Din Udvaram Law Review*, vol. 2, 675 (2006). (in Hebrew)

**25. David Gilo**

“Passive Investments among Competitors in Israel”, *Mishpatim Law Review* (2006). (in Hebrew).

**26. David Gilo**

“The Importance of the Proposed Amendment Number 9 of the Antitrust Act, its Declarative Nature, And A Proposal to Remove The Burden of Economic Analysis from Civil Courts,” *Tel Aviv University Law Review*, vol. 29 (2006). (in Hebrew)

**27. David Gilo**

“The Complexity of the Anticompetitive Effects of Exclusivity in Shopping Malls,” *Mechkarei Mishpat Law Review*, vol. 23(1) (2006). (in Hebrew).

**28. David Gilo**

“Changes in The Treatment of Vertical Restraints,” *Hamishpat* (2007) (in Hebrew)

**29. David Gilo**

“Mergers According to The Antitrust Law-A Critical Assessment,” *Law and Business* (2008) (in Hebrew)

**30. David Gilo**

“Are Price Recommendations An Antitrust Violation, and Why?,” *Iunei Mishpat*, (2010) (in Hebrew)

**31. Ariel Ezrachi and David Gilo**

“The Power of the Private Label-an Antitrust Perspective”, *Taagidim* (2010).

**32. David Gilo**



Excessive Pricing as Abuse of Monopoly Power, *Mishpatim Law Review*, Vol. 45 (2015)

### **33. David Gilo**

The Food Law ([In Hebrew](#)), *Mechkarei Mishpat* (2015)

### **b. Chapters in Books:**

### **34. David Gilo and Ariel Porat**

“The Unconventional Uses of Transaction Costs,” forthcoming, *Boilerplate: Foundations of Market Contracts*, (Omri Ben Shahar-ed.) Cambridge University Press (2007).

### **35. David Gilo**

“Passive Investment”: Issues in Competition Law and Policy (American Bar Association, Wayne Dale Collins Ed. 2006).

### **36. David Gilo**

“The Deterrent Factor of Damages that Affect Pricing,” in *Comparative Remedies for Breach of Contract*, (Nili Cohen and Ewan McKendrick, ed., Hart, Oxford, 2005), 235-247.

### **37. David Gilo**

"Private labels, dual distribution and vertical restraints – An analysis of the competitive effects," forthcoming: *Private Labels, Brands and Competition Policy, The Changing Landscape of Retail Competition* (Ariel Ezrachi & Ulf Bernitz eds, 2008)

### **38. Ariel Ezrachi and David Gilo**

“The Darker Side of the Moon—The Assessment of Excessive Pricing and Proposal for a Post-entry Price-cut Benchmark” forthcoming in Studies of the Oxford Institute of European and Comparative Law (Hart publishing). (2010)

### **39. David Gilo**

“Contracts Restraining Competition and Contracts of a Monopolist,” in Contracts, vol. III (D. Friedmann and N. Cohen eds) (2003) (in Hebrew)

### **40. David Gilo and Yossi Spiegel**

“Vertical Restraints” in Economics and Legal Analysis of Antitrust Law (M. Gal and M. Perlman eds) (2008) (in Hebrew)

### **41. David Gilo**

“Intervention against Oppressive Terms in Standard Form Contracts in a Competitive Market, and the Virtue of a Monetary Sanction against Oppression” in The Friedmann Book (N. Cohen and O. Grosskopf eds) (2007) (in Hebrew)

### **42. David Gilo**

“Economic Analysis of Antitrust” in “Economic Analysis of Law” (U. Procaccia) (2013) (in Hebrew).

## **Book**

### **Ariel Ezrachi and David Gilo**

“EC Competition Policy from an Israeli Antitrust Law Perspective” (forthcoming, Nevo)

## **WORKING PAPERS:**

### **1. David Gilo**

“Antitrust Policy in Small Economies” (Working Paper, Harvard Law School, 1994).

## **2. David Gilo**

“Partial Ownership as a Strategic Variable to Facilitate Tacit Collusion” (Working Paper, John M. Olin Program, Harvard Law School, 1995).

## **3. David Gilo and Yossi Spiegel**

“Partial Cross Ownership and Tacit Collusion,” CSIO Working Paper no. 0038, 2003.

## **4. Ariel Ezrachi and David Gilo**

“The Subtle Virtues of Prohibiting Excessive Pricing by Dominant Firms,” Working Paper, Tel Aviv University, 2007.

## **5. David Gilo Ehud Guttel and Erez Yuval**

“Negligence, Strict Liability and Collective Action,” Working Paper, Tel Aviv University, 2012.

## **6. David Gilo Nadav Levi and Yossi Spiegel**

“Partial Vertical Integration, Ownership Structure and Foreclosure,” Working Paper, Tel Aviv University, 2012.

## **7. David Gilo and Yaron Yehezkel**

*“Vertical Collusion”*, Working Paper, Tel Aviv University, 2017

## **8. David Gilo and Yossi Spiegel**

“Excessive Price Regulation, Working Paper, Tel Aviv University, 2017

## **ACADEMIC PRESENTATIONS (presentations in English are in bold font)**

**July 2017, CRESSE annual conference, Crete, “Excessive Price Regulation”**

**July 2017, STILE Law and Economics Workshop, Sicily, “Vertical Collusion”**

**June 2017, Law and Economics Workshop, Tel Aviv University, “Vertical Collusion”**

**October 2016, University of Amsterdam, “Excessive pricing by dominant firms as an antitrust violation”**

**October 2016, Toulouse School of Economics, Antitrust Policy Workshop, “Issues in Israeli Antitrust Enforcement”**

**September 2016, European Association of Law and Economics, Annual conference, “Dynamic vertical collusion”**

**July 2016, Cresse conference, Rhodes, “Dynamic vertical collusion”**

**May 2016, Bar Ilan University Economics Department, “Dynamic vertical collusion”**

**March 2016, Maacii conference, Mannheim, Germany, “Dynamic vertical collusion”**

**May 2015, Tel Aviv University Industrial Organization Workshop, “Dynamic downstream collusion with secret vertical contracts”**

**June 2014, Oxford, The Antitrust Enforcement Symposium 2014, “Costless (or almost Costless) Predation through Predatory Bundling and Loyalty Rebates”**

**July 2013, Florence, Tel Aviv Toronto Siena Workshop in Law and Economics, “The Price-Increasing Effects of Domestic Code-Sharing Agreements for Non-Stop Airline Routes”**

**June 2012, Pescara, Tel Aviv Toronto Siena Workshop in Law and Economics, “Partial Vertical Integration, Ownership Structure and Foreclosure.”**

**October 2011, Paris, OECD meeting, “Are Excessive Prices Really Self-Correcting”**

**May 2011, Columbia University, American Law and Economics Association Annual Meeting, “Negligence, Strict Liability and Collective Action”**

**June 2010, Palermo, Siena-Toronto-Tel Aviv Workshop in Law and Economics, “Negligence, Strict Liability and Collective Action”**

**June 2010, Haifa, Israeli Law and Economics Association, Annual Meeting, “Negligence, Strict Liability and Collective Action”**

**May 2010, Princeton, American Law and Economics Association, Annual Meeting, “Viewing Unconscionability through a Market Lens”**

November 2009, Tel Aviv, Law and Economics Workshop “Viewing Unconscionability through a Market Lens”

**July 2009, Rome**, Italian Competition Authority “Are Excessive Prices Really Self-Correcting”?

**June 2009, Rome**, Siena Toronto Tel Aviv Workshop in Law and Economics “A Market-Based Approach to Consumer Contracts”

**June 2009, Norwich, University of East Anglia**, CCP Conference on Collusion and Cartels, “Partial Cross Ownership and Tacit Collusion with Cost Asymmetries”

**June 2009, Tel Aviv**, Comment on Aaron Edlin, the Externality from Accidents.

**November 2008, University of Tilburg**, “Partial Cross Ownership and Tacit Collusion with Cost Asymmetries”

**October 2008, University of Chicago Law and Economics Workshop**, “Liability for Insufficient Risks”

**October 2008, University of Michigan Law and Economics Workshop**, “Liability for Insufficient Risks”

**September 2008, European Association of Law and Economics**, “Liability for Insufficient Risks”

**June 2008, Tel Aviv Toronto Siena Workshop in Law and Economics**, “Liability for Insufficient Risks”

June 2008, Israeli Economics Association Annual Meeting, “Liability for Insufficient Risks”

**May 2008, American Law and Economics Association Annual Meeting**, “Liability for Insufficient Risks”

April 2008, Law and Economics/IO Workshop, Tel Aviv University, “Liability for Insufficient Risks”

December 2007, Law and Economics Workshop, Tel Aviv University, “Are Excessive Prices Really Self Correcting?”

**June 2007, Siena-Toronto-Tel Aviv Workshop in Law and Economics**, “The Subtle Virtues of Prohibiting Excessive Pricing by Dominant Firms.”

**May 2007, American Law and Economics Association annual meeting**, “The Subtle Virtues of Prohibiting Excessive Pricing by Dominant Firms.”

April 2007, IO workshop, Economics Department, Tel Aviv University, “The Subtle Virtues of Prohibiting Excessive Pricing by Dominant Firms.”

November-December 2006, Law and Economics Workshop, Hebrew University, Law and Economics Workshop, Tel Aviv University and Faculty seminar, Tel Aviv University: "The Hidden Roles of Boilerplate and Standard-Form Contracts: Strategic Imposition of Transaction Costs, Segmentation of Consumers, and Anticompetitive Effects, (with Ariel Porat).

**May 2006, American Law and Economics Association annual meeting:** "The Hidden Roles of Boilerplate and Standard-Form Contracts: Strategic Imposition of Transaction Costs, Segmentation of Consumers, and Anticompetitive Effects, (with Ariel Porat).

November 2005, Law and economics workshop, Tel Aviv University: "Partial Cross Ownership and Tacit Collusion", (with Yossi Moshe and Yossi Spiegel).

**October 2005, University of Michigan School of Law, Conference on boilerplate:** "The Hidden Roles of Boilerplate and Standard-Form Contracts: Strategic Imposition of Transaction Costs, Segmentation of Consumers, and Anticompetitive Effects, (with Ariel Porat).

December 2005, Industrial Organization Workshop, Economics Department, Tel Aviv University: "Partial Cross Ownership and Tacit Collusion", (with Yossi Moshe and Yossi Spiegel).

April 2005, "Trade Secrets, Competitiveness and Asymmetric Information":  
Law and Economics Workshop, Tel Aviv University

**June 2004, Summer meeting of the econometric society, Providence,** "Partial Cross Ownership and Tacit Collusion"

June 2004, Israeli Law and Economics Association, Annual Meeting, "Partial Cross Ownership and Tacit Collusion"

**February 2004, Oxford University,** "Partial Cross Ownership and Tacit Collusion."

November 2003, Law and Economics Workshop, Tel Aviv University, "Network Interconnection with Competitive Transit."

**July 2003, SAET, Annual Meeting, Rodos,** "Network Interconnection with Competitive Transit."

March 2003, Law and Economics Workshop, Tel Aviv University, "Partial Cross Ownership and tacit Collusion."

January 2003, Workshop on Firms, Markets and the Law, Tel Aviv University, "A Market-Based Approach to Telecom Interconnection."

**October, 2002, University of Michigan School of Law, Law and Economics Workshop:** "A Market-Based Approach to Telecom Interconnection."

June, 2002, Israeli Law and Economics Association, Annual Meeting, IDC, "A Market-Based Approach to Telecom Interconnection."

**May, 2002, American Law and Economics Association, Annual Meeting, Harvard University,** "A

Market-Based Approach to Telecom Interconnection.”

**April, 2002, Law and Economics Workshop, U.C. Berkeley,** “A Market-Based Approach to Telecom Interconnection.”

**April, 2002, Stanford University, Law School,** “A Market-Based Approach to Telecom Interconnection.”

March, 2002, Law and Economics Workshop, Tel Aviv University, “A Market-Based Approach to Telecom Interconnection.”

March, 2002, Industrial Organization Workshop, Department of Economics, Tel Aviv University, “A Market-Based Approach to Telecom Interconnection.”

January, 2002, Law and Economics Workshop, Hebrew University, “A Market-Based Approach to Telecom Interconnection.”

November, 2001, Law and Economics Workshop, Tel Aviv University, “Retail Competition Percolating through to Suppliers, and using vertical integration, vertical restraints and tying to stop it.”

April 2000, Faculty Seminar, Tel Aviv University Law School, “Retail Competition Percolating through to Suppliers, and using vertical integration, vertical restraints and tying to stop it.”

**May, 2000, American Law and Economics Association, Annual Meeting, NYU,** “Retail Competition Percolating through to Suppliers, and using vertical integration, vertical restraints and tying to stop it.”

October, 1999, Law and Economics Workshop, Tel Aviv University, “Retail Competition Percolating through to Suppliers, and using vertical integration, vertical restraints and tying to stop it.”

January 1999, Faculty Seminar, Hebrew University Law School, “The Anticompetitive Effect of Passive Investment.”

December, 1998, Law and Economics Workshop, Tel Aviv University, “The Anticompetitive Effect of Passive Investment.”

December 1998, Finance Seminar, Faculty of Management, Tel Aviv University, “Partial Ownership as a Strategic Variable to Facilitate Tacit Collusion.”

**May, 1997, American Law and Economics Association, Annual Meeting, Toronto,** “Partial Ownership as a Strategic Variable to Facilitate Tacit Collusion.”

November, 1996, Law and Economics Workshop, Tel Aviv University, “Partial Ownership as a Strategic Variable to Facilitate Tacit Collusion.”

October, 1996, Industrial Organization/Applied Microeconomics Workshop, Department of Economics, Tel Aviv University, “Partial Ownership as a Strategic Variable to Facilitate Tacit Collusion.”

**October, 1996, Law and Economics Workshop, Harvard University,** “Does a Supplier Have the Market Power We Thought it Had? The Use of Vertical Integration and Vertical Restraints to Restore the Supplier’s Market Power.”

**November 1995, Industrial Organization Workshop, Department of Economics, Harvard University,**  
“Partial Ownership as a Strategic Variable to Facilitate Tacit Collusion.”

**December 1995, Research Seminar in Law and Economics, Harvard Law School,** “Partial Ownership as  
a Strategic Variable to Facilitate Tacit Collusion.”