



Competition Act (CA) 2010 and the Implications

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Monday & Tuesday
29 & 30 October 2012
Concorde Hotel
Kuala Lumpur

Introduction

In April 2010, Malaysia became the latest country to introduce competition laws domestically. The Competition Act 2010 has come into force on January 1, 2012. Therefore, it is clear that businesses operating in Malaysia must not be alert to how they structure their business dealings, how they use information that is acquired from competitors, how upstream and downstream partners are treated.

Competition laws bring many positive economic effects. It will also lead to positive welfare effects such as: costs savings, larger market shares to more cost-efficient firms. These consequences are likely to cause economic growth and development. Many benefits will be accrued by domestic players; however, it will also benefit and encourage foreign investment in to the country. It is now vital for every in-house lawyer, and every external lawyer who advises business clients, to have a working knowledge of Competition Law, and to at least be able to spot potential Competition Law risks and opportunities wherever they arise, while at the same time taking a realistic, practical and proportionate approach.

This two day seminar will assist you in instituting practices and procedures to ensure compliance with the provisions of the Act when structuring your business venture be it for your organization or your client.

Who Should Attend

- Foreign & local companies in various business sectors
- CEO/COO
- In-house Legal Counsels
- Corporate Legal Advisors
- Company Secretaries
- Lawyers
- Corporate Counsels

Key Benefits

- Understand the reasons of the implementation of the Competition Law
- Review the key Provisions of the Competition Act 2010 & Competition Commission Act 2010
- Explore market elements in relation to Competition Law
- Examine dominant conduct regulations
- Analyze cartels with reference to Competition Law
- Case studies

Program Outline

Day One – Monday 29 October 2012

8.30am: Registration and Morning Coffee

9.00am: Chairperson's Address

9.15am: Keynote Address - Malaysian Competition Act 2010: the Aims, Focus and Direction
Presented by Ragunath Kesavan, Messrs Kesavan and Member of the Malaysian Competition Commission (MyCC)

10.15am: Tea Break & Networking

10.30am: Competition in Malaysia

- Key Provisions of the Competition Act 2010 & Competition Commission Act 2010
- The Procedure
- **Market Element**
- Market Definition
- The Importance of Market Definition
- Market Power
- Network Externalities
- Barriers to Entry
- Case Study

12.30pm: Networking Lunch

2.00pm: Dominant Conduct Regulation

- Exploitative Abuses
- Excessive Pricing
- Pricing Exclusionary Abuses
- Predatory Pricing
- Margin Squeeze
- Discriminatory Pricing
- Rebates

3.15pm: Tea Break & Networking

3.30pm: Dominant Conduct Regulation (Cont.)

- Non-Pricing Exclusionary Abuses
- Bundling & Tying
- Exclusive Dealings
- Refusal to Deal

Case Study

4.45pm: Chairperson's Closing Remarks
& End of Day 1

Day Two – Tuesday 30 October 2012

8.30am: Registration & Morning Coffee

9.00am: Cartels & Collusion

- Horizontal Arrangements
- Vertical Arrangements & Vertical Restraints
- Full-line Forcing & Third Line Forcing
- Case Study

10.45am: Tea Break & Networking

11.15am: Essential Facilities

- Refusal to Deal & Supply
- Case Study

12.15pm: Networking Lunch

**1.45pm: Competition Regulation and Intellectual
Properties Laws: A Conflict?**

- Nature of IP Exclusive Rights
- Competition law as complement to IPR
- Abuse of Dominant power
- Horizontal and vertical agreement
- Refusal to licence

3.15pm: Tea Break & Networking

3.45pm: Defences and Case Studies

- Microsoft case
- Intel case
- Boeing case
- Others

5.00pm: Chairperson's Closing Remarks &
End of Day Two

About The Speakers

Raghnath Kesavan is an Advocate and Solicitor of the Malaysian Bar from 1.1.1991. He was the President of the Malaysian Bar from 2009-2011. He is currently a member of the Malaysian Competition Commission. He graduated from the University of Wales, Aberystwyth with a LLB degree in 1989 and he is a Barrister-at-law of Gray's Inn and was called to the Bar of England and Wales in 1990. In 1996, he completed his LLM at the University of Malaya. He also has a BSc Degree in Genetics from the University of Malaya (1985).

Mohd Johan Lee Kien How
Managing Partner, J. Lee & Associates

Johan Lee is the managing partner of J. Lee & Associates, a medium-size legal firm in Malaysia. He graduated with LLB (Hons) degree from International Islamic University Malaysia ranking among the tops of his year. He also holds a Master of Comparative Laws degree from IIU and an MA in Economics for Competition Law from King's College London. He is currently a qualified member of the Chartered Institute of Arbitrators. He is an advocate and solicitor of the High Court of Malaya and the Shariah (Islamic law) court. His current practice includes corporate and commercial law, competition law compliance and Islamic corporate finance related matters where he advises a wide range of clients from local small medium entrepreneurs to multinational corporate entities over their local and transnational business needs. He has spoken extensively in seminars, workshops and conferences on various issues and topics concerning Islamic corporate finance and competition law both locally and internationally. He is currently a member of the Board of Studies of International Islamic University Malaysia for the 2010-2012 tenure. He is currently completing his Phd study on International competition law with Monash University, Clayton, Australia.

Dr. Ida Madiha Abdul Ghani Azmi
Private Law Department
International Islamic University Malaysia

Dr. Ida is a professor at the Ahmad Ibrahim Kulliyah of Laws and also a panelist at the Malaysian Domain Name Dispute Resolution at the KL Regional Centre of Arbitration. She graduated with an LL.B from International Islamic University with a first class honours in 1989 and in 1991 obtained her LL.M from the University of Cambridge. She completed her Ph.D in 1995 at University Of London.

Dr. Ida is also the recipient of the Cambridge-ODA Scholarship Award in 1990 and the Fulbright Master Scholar Program in 1999.

Some of the books that Dr. Ida has co authored are Biotechnology Law and Policy : Searching for a Balance (co author with Majdah Zawawi, Abdul Haseeb Ansari, Lim Heng Gee, Nik Ahmad Kamal Nik Mahmud & Noriah Ibrahim) (2010) Serials Publication, India. Complexity of FTAs, A Key Issue In Malaysian Trade Policy (co author with Wan Khatina Nawawi, Aidonna Jan Ayub, Tham Siew Yean, Intan Nadia Jalil, Saovane Chan Somchit, Nungsari Ahmad Radhi) (2010) Khazanah Nasional, Malaysia. Intellectual Property and Industrial Development in Malaysia (co-author with Lim Heng Gee & Rokiah Alavi), Research Management Centre (2009) IIUM Press: Kuala Lumpur. International Encyclopedia of Laws – Intellectual Property – Malaysia, Kluwer International (2006). Patent Law in Malaysia: Cases and Commentary, (2003) Sweet & Maxwell Asia. Trade Marks Law in Malaysia: Cases and Commentary (2004), Sweet & Maxwell Asia. Copyright Law in Malaysia: Cases and Commentary (2004) Sweet and Maxwell Asia.

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Delegate 3

Mr / Ms / Mrs: _____

Position: _____

Department: _____

Tel: _____ Fax: _____

Email: _____

Approving Managers Details

Mr / Ms / Mrs: _____

Position: _____

Department: _____

Tel: _____ Fax: _____

Email: _____

Company Stamp:

VENUE DETAILS:

Concorde Hotel Kuala Lumpur

2 Jalan Sultan Ismail

50250 Kuala Lumpur

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29 & 30 October 2012, Concorde Hotel KL

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Ways To Register

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