

Erika M. Douglas

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PROFESSIONAL EXPERIENCE

Temple University, Beasley School of Law **Philadelphia, Pennsylvania**

Associate Professor of Law (with tenure), *Assistant Professor of Law* (2018-2021)

- Teaching: Contracts, Antitrust Law, Patent Law and New Technology Regulation
- Service: Intellectual Property Moot Coach (2018-present), Experiential Learning Supervisor (2018-present), Hiring Committee Technology Regulation Institute (2021) and various Curriculum, Administrative, Disciplinary and other Committees (2018-present)

Covington & Burling LLP **Redwood City, California**

Associate, 2016-2018

- Internal investigation into culture, diversity and inclusion at Uber Technologies Inc. on a team led by Eric Holder
- Seconded to Facebook (Meta) Inc. Headquarters in Menlo Park
- Successfully represented the University of California in challenging the rescission of the Deferred Action for Childhood Arrivals (DACA) program; obtained a temporary injunction that enabled 700,000 young immigrants to remain in the United States

Davies Ward Phillips & Vineberg LLP **Toronto, Ontario**

Associate, Competition and Foreign Investment, 2010-2015

- Delivered competition and foreign investment clearance for Fortune 100 clients in high-profile transactions, including Google, Inc., Burger King Worldwide, Inc. in its \$12.5 billion acquisition of Tim Hortons Inc. (awarded Global M&A Deal of the Year by *The American Lawyer*)

EDUCATION

Stanford Law School **Stanford, California**

LL.M., Law, Science and Technology, June 2016

John Hart Ely Prize for Outstanding Performance in Intermediary Liability with Professor Mark Lemley

Western University **London, Ontario**

J.D., May 2010

Western University **London, Ontario**

Richard Ivey School of Business, B.A., Business Administration (Honors) (with distinction), May 2007

B.Sc., Medical Sciences (Honors) (with distinction), May 2007

PROFESSIONAL AFFILIATIONS AND APPOINTMENTS

American Bar Association Leadership, Section of Antitrust Law (2014-present), Privacy and Information Security Committee (Co-Chair), Women.Connected Advisory Board

American Antitrust Institute, Advisory Board (2022-present), an independent, nonprofit organization that advances U.S. competition policy and research

Competition Policy Council Member, C.D. Howe Institute (2020-present), Appointed expert contributing to nonpartisan, evidence-based position statements on Canadian competition law and policy

Fellow, Thurman Arnold Project, Yale School of Management (2020-present), Retained as co-designer of materials for a new, open-access antitrust course

Bar Admissions

- California (2017-present)
- Law Society of Upper Canada (2011-present)

SCHOLARLY PUBLICATIONS AND WORKS-IN-PROGRESS

Antitrust Abandonment, _ YALE J. REG. _ (forthcoming 2024), providing a historical analysis of industry-specific failures of antitrust enforcement to inform the design of digital regulation

What is Privacy—To Antitrust Law (_ U. OF CAL. IRVINE L. REV. _ (forthcoming 2024)

Antitrust Remedies and Privacy in U.S. Law, RESEARCH HANDBOOK ON COMPETITION LAW AND DATA PRIVACY, University College London (Despoina Mantzari, ed.) (forthcoming)

Reconsidering the “Rule” Against Cross-Market Effects, JUDGING BIG TECH: INSIGHTS ON APPLYING U.S. ANTITRUST LAWS TO DIGITAL MARKETS, Washington Center for Equitable Growth (ed. Laura Alexander, 2023)

Constructing the Digital Regulatory Ecosystem: Agency Collaboration, 26 VIR. J. L. & TECH. 1 (2023) (invited)

Data Privacy as a Procompetitive Justification: Antitrust Law and Economic Analysis, 97 NOTRE DAME L. REV. REFLECTION 430 (2022)(invited)

The New Antitrust/Data Privacy Interface, 130 YALE L. J. F. 647 (2021)(invited)

An Industry-Contextual Approach to Predatory Innovation, 62 SANTA CLARA L. REV. (2022)

FUNDAMENTALS OF CANADIAN COMPETITION LAW (4th Edition), Carswell, *Civil Conspiracy and Other Economic Torts* (book chapter with Charles Tingley) (2021)

INTERNATIONAL INVESTIGATIONS AND MERGER REVIEW (1st Edition), American Bar Association, *Protection of Attorney-Client Communications and Data Security* (book chapter with Mark Krotoski and Jeffrey Schomig) (2021)

Monopolization Remedies and Data Privacy, 24 VIR. J. L. & TECH. 1 (2020)

Online Payment Processors: Safe Harbors and the Risk of Secondary Copyright Infringement, 22 J. OF INTERNET L. 1 (2018)

PayPal is New Money: Extending Secondary Copyright Liability Safe Harbors to Online Payment Processors, 24 MICHIGAN TELECOMM. & TECH. L.R. 45 (2017)

FUNDAMENTALS OF CANADIAN COMPETITION LAW (3rd Edition), Carswell, *Abuse of Dominance* (book chapter with Mark Katz) and *Civil Conspiracy and Other Economic Torts* (book chapter with Adam Fanaki) (2015)

POLICY REPORTS AND SELECTED OTHER PUBLICATIONS

Comment, *Response to the Federal Trade Commission's Solicitation for Public Comments on the Business Practices of Cloud Computing Providers* (June 21, 2023)

Book Review, *Industry Unbound: The Inside Story of Privacy, Data, and Corporate Power* by Ari Ezra Waldman, *Law & Society Review* (May, 2022)

Is Data Privacy a Procompetitive Justification?, *The Antitrust Source*, American Bar Association (December 2021)

Global Privacy Assembly, *Digital Crossroads: The Intersection of Competition Law and Data Privacy* (2021) (report on international interactions between antitrust law and data privacy for the Global Privacy Assembly, which is comprised of 130 national privacy law enforcers)

Retaining and Advancing Women in National Law Firms, White Paper, Stanford Law School (with Anna Jaffe et. al.) (2016)

SELECTED SPEAKING ENGAGEMENTS

Speaker, Oxford University, Antitrust Enforcement Symposium 2024, *Reviving Statutory Hope in U.S. Antitrust Law* (June 2024)

Commentator, University of Pennsylvania, Journal of Law and Innovation Symposium, *Privacy and Antitrust* (February 2024)

Speaker, New York University, 2024 Next Generation of Antitrust, Data Privacy and Data Protection Scholars, *Antitrust Abandonment* (January 2024)

Speaker, European Data Protection Supervisor Task Force on Data Protection and Competition, *Privacy and Antitrust* (November 2023)

Speaker, International Computers, Privacy and Data Protection (CPDP) Conference- LatAm, *Antitrust, Data Protection and Privacy: What Has Happened so Far?* (July 19, 2023)

Speaker, University College London (virtual), *Competition Law and Policy in a Data-Driven Economy* (April 27, 2023)

Interview of FTC Commissioner Rebecca Slaughter, American Bar Association, Gender Roundtable, *Quick Hits: Algorithmic Biases and Economic Harms* (January 26, 2023)

Speaker, University of Toronto, Faculty of Law, *The Intersection of Competition Law and Data Privacy* (January 25, 2023)

Speaker, University of California Irvine School of Law, *The Antitrust Law, and Innovation Forum Roundtable* (November 18, 2022)

Speaker, Boston University School of Law, *Law and Technology in a Changing World: Competition, Dignity, Innovation, and Privacy* (October 28, 2022)

Speaker, 44th Annual Global Privacy Assembly, *Interaction Between Consumer Rights, Competition and Privacy* (Istanbul, Turkey, October 25, 2022)

- Speaker, Organization for Economic Cooperation and Development, *Expert Roundtable on Cross-Border Co-operation in the Enforcement of Laws Protecting Privacy*, (October 4, 2022)
- Speaker, University of Toronto, *Canadian Competition Law & Policy in the Digital Era* (September 16, 2022)
- Speaker, The American Antitrust Institute, 23rd Annual Policy Conference, *Antitrust as a Tool in a Bigger Toolkit: The Public Policy Approach to Protecting Competition* (June 15, 2022)
- Speaker, Northeastern University, Privacy Law Scholars Conference, *What is Privacy—To Antitrust Law?* (June 3, 2022)
- Speaker, University of Virginia School of Law, Regulating Digital Platforms Conference, *Privacy and Antitrust Law* (April 1, 2022)
- Speaker, Cornell Information Science, Information Policy: Applied Research and Analysis Course, *The New Antitrust/Data Privacy Interface* (March 23, 2022)
- Speaker, Notre Dame Law Review, Data Privacy Symposium, *Data Privacy as a Procompetitive Justification: Antitrust Law and Economic Analysis* (March 11, 2022)
- Speaker, The George Washington University Law School, *Business Justifications in Modern Antitrust Decisions* (March 16, 2022)
- Speaker, New York University School of Law/American Bar Association Antitrust Law Section 2022 Next Generation of Antitrust, Data Privacy and Data Protection Scholars Conference (January 28, 2022)
- Speaker, American Association of Law Schools Annual Meeting, *Antitrust and Tech Giants* (January 9, 2022)
- Speaker, Yale University School of Management, The Thurman Arnold Project/Information Society Project Law & Technology Speaker Series, *The Golden Mean: Competition and Privacy in the Digital Economy* (November 11, 2021)
- Speaker, U.S. Department of Justice, Antitrust Division, *Competition Law & Policy Speaker Series* (October 25, 2021)
- Moderator, International Association of Privacy Professionals (IAPP) Global Privacy Summit, *Blurring Regulatory Lines: The Intersection of Privacy, Consumer Protection and Competition* (with FTC Commissioner Noah Phillips, May 13, 2021)
- Speaker, University of Cambridge Centre for European Legal Studies/University of Florida Levin College of Law, *The New Antitrust/Data Privacy Interface*, Antitrust Virtual Workshop Series, (February 11, 2021)
- Panelist, *When Regulatory Worlds Collide: The Intersection of Privacy, Competition and Consumer Protection*, International Computers, Privacy and Data Protection (CPDP) Conference (January 28, 2021)
- Speaker, Yale Law School, Big Tech & Antitrust Conference, *Antitrust, Meet Data Privacy* (October 4, 2020)
- Speaker, *The Predatory Innovation Paradox*, Academic Society for Competition Law Annual Conference (June 27, 2020)
- Speaker, *Antitrust and Data Privacy Law*, Conference on the Governance of Emerging Technologies, Arizona State University, Sandra Day O'Connor College of Law (May 23, 2019)

SELECTED CITATIONS AND MEDIA APPEARANCES

Statement of FTC Chair Lina M. Khan Regarding the Report to Congress on Privacy and Security, Federal Trade Commission File No. P065401, October 1, 2021 (cited)

Dissenting Statement of FTC Commissioner Noah Joshua Phillips Regarding the Report to Congress on Privacy and Security, Federal Trade Commission, October 1, 2021 (cited)

Featured Guest, *Dovetail or Discord? The Evolving Relationship Between Antitrust and Data Privacy Law*, Our Curious Amalgam Podcast, ABA Antitrust Law Section, July 2021

Gilad Edelman, *Antitrust and Privacy Are on a Collision Course*, WIRED, April 12, 2021