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26 March 2026

LIDC Questions Workshop: Thursday 7 May 2026 – 6:00 to 8:00pm

Each year, the LIDC examines two topical questions concerning competition law and IP/unfair competition law. The two questions are then the focus of discussions at the annual LIDC Congress with a view to adopting resolutions in the areas concerned.

This year, the **competition law question** asks to what extent and in what way the negotiated procedures (leniency, commitments, settlements and, where applicable, consent decrees) have improved the effectiveness of Antitrust Law without unduly conflicting with fundamental principles such as the rights of defence and confidentiality.

The **IP question** asks to what extent intellectual property law recognises the evolving concept of ‘art,’ including in the context of AI-assisted creation, and how this shapes the limits between the different types of Intellectual Property Rights and their role in enabling innovation, investment and the monetization of creative outputs.

The full wording of, and the context for, the two questions that are to be discussed at the forthcoming LIDC Congress, which is taking place in **Bucharest, 15-18 October**, are set out below.

We are delighted to announce that: **Jessica Staples** (Senior Counsel, Slaughter & May) will be preparing the UK’s national report on the competition question; and **Professor Emily Hudson** (Queen’s College, University of Oxford) will be preparing the UK’s national report on the IP question.

We shall be holding an evening workshop on **Thursday 7 May 2026** at **Slaughter & May**, 1 Bunhill Row, London EC1Y 8YY to seek Members’ contributions and comments on the draft UK reports prepared by our National Rapporteurs. The working session will begin at **6.00pm** and conclude by **8.00pm**. The workshop will be informal, and refreshments will be provided.

COMMITTEE MEMBERS:

CHAIR:	Euan Burrows	White & Case LLP
VICE-CHAIR (IP):	Christopher Stothers	Freshfields LLP
VICE-CHAIR (COMPETITION)	Sophie Lawrance	Bristows LLP
TREASURER:	Jeremy Robinson	Harcus Parker Limited
SECRETARY:	Sharon Horwitz	Competition & Markets Authority
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There is no additional charge for attendance at the workshop for members. However, there is a charge for non-members: £50, or £35 (full time academic/public sector employees), or £10 (students, trainees, pupil barristers). Registrations can be completed and paid for on-line.

We would be delighted if you could come along to this meeting, which should be an excellent opportunity to discuss the issues raised by the questions with other practitioners in an informal setting. If you cannot come yourself, you might like to consider sending a colleague along in your place.

Members and Non-Members should please visit the '**UPCOMING EVENTS**' section of our website to register their attendance.

Please note that online registration will close midday on Wednesday 6 May 2026.

With kind regards

Nicholas Gibson
National Reporter General



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LIDC CONGRESS 2026 – BUCHAREST QUESTIONS FOR CONSIDERATION

COMPETITION QUESTION

To what extent and in what way have the negotiated procedures (leniency, commitments, settlements and, where applicable, consent decrees) improved the effectiveness of Antitrust Law without unduly conflicting with fundamental principles such as the rights of defence and confidentiality?”

Background & Context:

Procedures for the public enforcement of antitrust rules are long and very resource intensive. This is because their very ambitious public policy objectives are only matched by the seriousness of their consequences. Moreover, the procedures regularly involve collecting and carefully scrutinizing a huge amount of evidence which needs to then be analysed through a variety of economic and legal lenses, in order to check whether it supports one of the many theories of harm antitrust law is now concerned with.

In this context, negotiated procedures, which result in a quicker restoration of the competitive landscape but under terms which are acceptable to both the competition authorities and the undertakings under investigation, which benefit consumers and allow for the limited public resources to last for even more antitrust enforcement procedures, appear as very important policy tools. This was, in general, also proven in practice by their wide adoption, once enacted.

A variety of negotiated procedures was gradually made available for the goal of balancing different incentives and objectives: assistance in the detection of antitrust infringements and the gathering of evidence (e.g. leniency), the faster restoration of the competitive landscape (e.g. commitments), the faster resolution of the case and avoiding prolonged annulment litigation (e.g. settlements), or some part of each of these (consent decrees).

However, negotiated procedures, being concluded between the competition authority and the undertakings under investigation, do not generally include a full and exhaustive analysis of the facts and legal arguments pertaining to the infringement and, in some cases, are not subject to review by the courts. Therefore, questions arise regarding whether the effectiveness of this type of procedure is up to the standard of effectiveness of antitrust law and how is the public interest served by such procedure being concluded instead of a full investigation being conducted.

Moreover, not only the rights and interests of the general public need to be addressed, but also the rights and interests of the investigated undertakings and of the other persons impacted by the investigation (e.g. author of the complaint, possible claimants of private damages etc.). The need to protect the fundamental rights and principles of all these various parties must be weaved into how these procedures are designed, how they differ from each other and into how they can be used.



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IP QUESTION

To what extent does intellectual property law recognize the evolving concept of ‘art,’ including in the context of AI assisted creation, and how does this shape the boundaries between different types of Intellectual Property Rights and their role in enabling innovation, investment, and the monetization of creative outputs?

Background & Context:

Next year marks one hundred years since Constantin Brâncuși cast one of his Bird in Space statues, a work that travelled to the United States and prompted the courts to ask: “What is art in the eyes of the law?”

In the century since, both art and our understanding of it have transformed dramatically. Artistic expression has taken countless forms, propelled by technological developments, and is now consumed—and monetized—in ways far removed from those imaginable when the Bird in Space case was argued.

As intellectual property law remains the primary framework for protecting and monetizing artistic expression, it is imperative that it evolves in step with contemporary conceptions of art. IP law must ensure that its incentive producing mechanisms are properly aligned with new dimensions of artistic creation and the technological means of making, disseminating, and consuming art.

At its most ambitious reading, the question seeks to explore how “art” is understood within the protected domain of intellectual property law—whether under creative, utilitarian, or distinctive regimes of protection—the boundaries of that understanding (for example, whether the law should operate with closed or open lists of protected subject matter and where those boundaries should be drawn), and how the relationship between art and the technological means of its production should be defined, particularly in the context of AI assisted creation. Ultimately, it asks how these evolving dynamics will affect artists, businesses, and society at large in terms of fostering innovation, attracting investment, and generating value.