



DR. THEON VAN DIJK

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General overview

Theon van Dijk is the founder of Lexonomics and has more than 20 years experience in competition cases before the EU Commission as well as national competition and regulatory authorities in the Netherlands, Belgium, Germany, France and the United Kingdom. He has advised firms in various sectors in more than 100 procedures relating to mergers and acquisitions, abuse of dominance, cartels, vertical relationships, horizontal cooperation agreements, state aid en licensing of intellectual property. Besides in competition cases, Theon has extensive experience in telecommunications and health-care regulation. In litigation cases, he has prepared economic reports for parties and acted as economic expert before courts.

Theon holds a PhD in Industrial Organisation of Maastricht University and has been a postdoctoral fellow at the Institut d'Économie Industrielle, Université de Toulouse. He has various international academic publications in the area of competition policy and intellectual property in, amongst others, *European Competition Law Review*, *European Economic Review*, *Journal of Industrial Economics*, *Research Policy*, *Journal of Network Industries*, *Economics Letters*, and in Dutch journals such as *Economisch Statistische Berichten*, *Markt & Mededinging*, *Tijdschrift Privatisering* and *Actualiteiten Mededingingsrecht*.

From 2013 to 2015 Theon was Chief Economist of the European Patent Office in Munich.

Experience

Theon's consulting experience at Lexonomics includes work on several phase II merger cases in the Netherlands in a wide range of sectors. He has also been involved in a number of dominance cases in the Netherlands, both before the Dutch competition authority and Dutch courts. Another main area of work is the calculation of cartel damages, where he provides advice to defendants as well as claimants. In addition Theon has significant experience in advising clients on economic issues relating sector-specific regulation in telecommunications and health-care. Finally, he has experience in carrying out economic studies on patents and other intellectual property rights.



Educational qualifications

- Postdoctoral research fellow, Institut d'Économie Industrielle (IDEI), University of Toulouse, 1995
- PhD in Economics, 1994, Maastricht University (Thesis: *The Limits of Patent Protection, Essays on the Economics of Intellectual Property Rights*, supervisors: Prof. Dr. Patrick Van Cayseele (Leuven University) and Prof. Dr. Luc Soete (Maastricht University))
- MA in Economics, 1989, Maastricht University (Industrial Organisation) (*cum laude*)

Fellowships

- PhD Research Grant, Dutch Council for the Promotion of Economic Research (NWO), Maastricht University (four years)
- Meteor Postdoctoral Fellowship, Maastricht University (one year)
- Human Capital and Mobility Postdoctoral Grant, European Union (IDEI, Toulouse) (one year)

Professional positions

- Chief Economist, European Patent Office, Munich, from August 2013 to August 2015
- Founder and Director of economic consultancy Lexonomics, since January 2005 (on leave from August 2013 to August 2015)
- Visiting Researcher, Antwerp University, 2005
- Lexecon Ltd., Senior Principal, 2004
- RBB Economics, Brussels, Partner, 2002 - 2004
- National Economic Research Associates (NERA), Senior Consultant, London and Brussels, 1997 - 2002
- CPB Netherlands Bureau for Economic Policy Analysis, Analyst, The Hague, 1996 - 1997
- Meteor, Maastricht University, Postdoctoral Fellow, 1994

Professional honours

- Member of the board of the Dutch Competition Law Association (Nederlandse Vereniging voor Mededingingsrecht), from 2006 to 2013.
- Member of the Ministerial Committee on Vertical Integration in the Netherlands, which advised the Dutch Minister of Health, Welfare and Sport on competition law aspects of vertical integration of health insurers and hospitals, 2009.



- Lecturer in Competition Economics, Antitrust Law, Grotius Academy (postdoctoral education for lawyers), 2008-2011.
- Recent entries in International "Who is Who" lists of Competition Economists and the Expert Guide to the World's Leading Competition and Antitrust Lawyers/Economists of the Legal Media Group.

Academic publications - international refereed journals

1. "Introduction" (with Mathew Heim and Yann Ménière) in: *Communications & Strategies*, special issue on The Future of Patents in Communication Technologies, co-edited with Mathew Heim and Yann Ménière.
2. "Bertrand Competition with an Asymmetric No-discrimination Constraint" (with Jan Bouckaert and Hans Degryse), *Journal of Industrial Economics*, Volume LXI, March 2013, pp. 62-83.
3. "Access Regulation, Competition, and Broadband Penetration: An International Study" (with Jan Bouckaert and Frank Verboven), *Telecommunications Policy*, December 2010, volume 34, issue 11, pp. 661-671
4. "Implementing the passing-on defence in cartel damages actions" (with Frank Verboven), *Global Competition Litigation Review*, 2010, volume 3, pp. 98-105.
5. "Cartel Damages Claims and the Passing-On Defense" (with Frank Verboven, Katholieke Universiteit Leuven), *Journal of Industrial Economics* Vol 57(3), pp: 457-491, September 2009.
6. "Quantification of Damages" (with Frank Verboven, Katholieke Universiteit Leuven), in: Wayne D. Collins, ed., *Issues in Competition Law and Policy*, American Bar Association, Antitrust Section, 2008.
7. "Unilateral Effects in Retail Chain Mergers: An Application to Supermarkets" (with Andrea Coscelli, now Executive Director, Markets and Mergers of the UK Competition and Markets Authority, and Simon Baker, RBB Economics), *European Competition Law Review* 23 (4): 180-192 (2002).
8. "General or Specific Competition Rules for Network Utilities?", *Journal of Network Industries*, 2: 93-111 (2001).
9. "Licence Contracts, Future Exchange Clauses, and Technological Competition", *European Economic Review*, 44: 1431-1448 (2000).
10. "Passing the European Patent Office: Evidence from the Data-Processing Industry" (with professor Geert Duysters, Technical University of Eindhoven), *Research Policy* 27: 937-946 (1998).



11. "Competition and Innovation" (with professor Jan Boone, Tilburg University), *De Economist* 146 (3): 445-461 (1998).
12. "Patent Height and Competition in Product Improvements", *Journal of Industrial Economics* 44: 151-167 (1996).
13. "Innovation Incentives through Third-Degree Price Discrimination in a Model of Patent Breadth", *Economics Letters*, 47: 431-435 (1995). Reprinted in: *The Economics of Price Discrimination, International Library of Critical Writings in Economics*, George Norman (ed.), Edward Elgar, Cheltenham, 1999.

Publications - book contributions and Dutch journals

1. "New cartel watchdog has to show its teeth" (in Dutch, with Paul de Bijl), *Het Financieele Dagblad*, 9 October 2012.
2. "Only competition is relevant for the new Authority Consumer and Market " (in Dutch, with Paul de Bijl), *Me Judice*, 25 September 2012.
3. "Competition policy and public interests: an economic perspective" (in Dutch, with Paul de Bijl), *Markt & Mededinging*, October 2012, nr. 4, pp. 149- 156.
4. "Annotation: Van Drie/Alpuro" (in Dutch), *Markt & Mededinging*, december 2011, nr. 6, pp. 245-248.
5. "CBb wrongly nullifies OPTA's broadcasting market analysis decisions" (in Dutch, with Jonas Rosenstok), *Actualiteiten Mededingingsrecht* 5, October 2010.
6. "The passing-on defence and the full compensation principle" (with Frank Verboven), *Concurrences*, 3-2010.
7. "The New EC Block Exemption for Vertical Restraints: a Step Forward and a Missed Opportunity" (with Paul Lugard), *CPI Antitrust Journal*, June 2010 (2).
8. "The New Block Exemption Vertical Restraints - A Modest Step Forward" (in Dutch, with Paul Lugard), *Markt & Mededinging* 3: 107-111, June 2010.
9. "The Draft Block Exemption Vertical Restraints - A Step Forward?" (in Dutch, with Paul Lugard), *Markt & Mededinging*, 5: 148-155, November 2009.
10. "Imperfect Enforcement of Predatory Pricing Law" (with Dag Morten Dalen, Norwegian School of Management), Working Paper, 24 April 2009.
11. "Niet-horizontale concentraties en diagonaal economisch denken", *Markt & Mededinging*, december 2005, 8: 8, pp: 239-246.
12. "Assessing Unilateral Effects in Bidding Markets: Mixed Progress" in: L. Hancher and P. Lugard (eds.), *On the Merits, Current Issues in Competition Law and Policy* (Liber Amicorum Peter Plompen), Intersentia, 2005.



13. “An Address Model of Patent Breadth with Two Countries” (with professor Curtis Eaton, University of Calgary and professor Patrick van Cayseele, Catholic University of Leuven) in: *Applied Microeconomics Theory: Selected Essays of B. Curtis Eaton*, Edward Elgar Press, 2003.
14. Executive Summary of “The Economic Consequences of the Choice of a Regime of Exhaustion in the Area of Trademarks” (with John Rhys et al), NERA, London, February 1999. Reprinted in *The Economics of Intellectual Property, International Library of Critical Writings in Economics*, Towse and Holzbauer (eds.), Edward Elgar, Cheltenham, 2002.
15. “De rooiprijzetest in de Deutsche Post AG zaak”, *Tijdschrift Privatisering*, 2002.
16. “Gezamenlijke marktmacht en het besluit inzake Airtours/FirstChoice” (with Simon Baker), *Markt & Mededinging*, 3(3), juni 2000: 89-95
17. “Ervaringen met Public Private Partnerships in het Verenigd Koninkrijk” (with Michael Spackman), *Economisch Statistische Berichten*, 8 October 1998, 83(4170): 10-15.
18. “Prijnsregulering voor netwerkdiensten” (in Dutch), *Economisch Statistische Berichten*, 27 March 1998, 83: 253-256.
19. “Regulatory Reform and Competition Policy” and “Science and Technology Policy” (both with George Gelauff, Centraal Plan Bureau, The Hague), Chapters in: *Challenging Neighbours, Rethinking Institutions in Germany and the Netherlands*, Springer Verlag, 1997.
20. “Economic Implications of Converging Patent Breadth in Europe” (with professor Patrick Van Cayseele, Catholic University of Leuven), in professor John Hagedoorn (ed.), *Technical Change and the World Economy*, Cheltenham: Edward Elgar, 1995
21. *The Limits of Patent Protection, Essays on the Economics of Intellectual Property Rights*, PhD Thesis, Maastricht: Maastricht University Press, 1994.
22. “Naar een economische theorie van imperfecte octrooibescherming”, *Vraagstelling*, 1994, 1(4): 95-102.
23. “Technologiebeleid in een economisch perspectief” (with professor Luc Soete, MERIT, Maastricht University), in R.T. Frambach en E.J. Nijssen (eds.), *Technologie en Strategisch Management*, Utrecht: Lemma, 1992.
24. “The Effect of Novelty Requirements on Subsequent Innovations”, *Tinbergen Institute Research Bulletin*, 1992, 4: 187-195.

Other activities

Speaker at various competition economics seminars and training days, including events organised at the European Commission, OFTEL, OPTA, US Chamber of Commerce to the EU, and academic institutions (Tilburg University, University of Liege, Catholic University of Leuven, LUISS Guido



Carli, Rome). Presented academic papers at several EARIE and EEA conferences. On behalf of the European Patent Office, he gave presentations on economic aspects of patents at conferences in Rio de Janeiro, Tokyo, Singapore, for the OECD, the European Commission and various national patent offices in Europe.