

Insights



Benjamin Sirota Contrasts U.S. and European Antitrust Regime for Crain's New York Business

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A proposed New York state antitrust law could go beyond U.S. federal standards and resemble something closer to European law. Kobre & Kim's Benjamin Sirota, a former U.S. Department of Justice antitrust prosecutor, examines the difference in *Crain's New York Business*.

As part of the fight against Big Tech companies such as Google, Amazon and Facebook, a New York state senator has proposed a bill to update New York's antitrust laws to include scrutiny of unilateral monopolistic behavior. However, it goes a step beyond federal law by also making it illegal for a company to abuse its "dominant position" in the market.

This puts the proposal closer to the much stricter European antitrust regime. In Europe, the law treats dominance in a market as a "wrong in and of itself," Sirota states. By contrast, in the U.S., "it is not enough to just be big, you have to show you got big or continue to be big by doing something that is deliberately anti-competitive."

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