

JURISDICTION OVER ANTITRUST VIOLATIONS
IN INTERNATIONAL LAW

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INTRODUCTION

Discussions of the concept of jurisdiction in international law are often restricted to the field of criminal law. This could be explained by a variety of reasons, one being that the only judgment of the World Court – at the time the Permanent Court of International Justice – on the law of jurisdiction was indeed concerned with assertions of criminal jurisdiction (the well-known case of the *S.S. Lotus*).¹ Another reason is that such assertions are generally considered to be more intrusive, and thus in need of more international rules than assertions of non-criminal jurisdiction. When such criminal jurisdiction is not only exercised over ordinary persons but also over State officials, than red flags will be raised and discussions concerning the lawfulness of the jurisdictional assertion will be rife, as the recent furore about universal jurisdiction over gross human rights violations shows.

The narrow focus on jurisdiction in criminal matters has eclipsed the need for jurisdictional rules in non-criminal matters. It is often overlooked that jurisdictional assertions in administrative, civil and economic matters could also raise important sovereignty concerns. When regulating matters wholly or partly outside their territory, States may interfere with legal and policy choices of the territorial State, and in fact cause as much acrimony as when a State exercises criminal jurisdiction over a foreign offence. One of the fields where this has occurred is the field of antitrust or competition law, ie the law of restrictive business practices. In an era of economic globalization in which major corporations sell their products worldwide, assertions of antitrust jurisdiction over foreign-based conduct are no longer exceptional. On the contrary, such assertions may prove to be indispensable for a viable domestic antitrust policy. Given the entwining of markets, price-fixing conspiracies or mergers entered into in one State nowadays often produce harm in other States, which may understandably wish to bring their laws to bear on these conspiracies or mergers if the former State does not. Doubtless, the effectiveness of antitrust laws would be severely hampered if their scope were restricted to domestic anticompetitive behaviour. On the other hand, the territorial State may have good reasons for not bringing its antitrust laws, if it has any, to bear on conspiracies or mergers originating in its territory. It may be in the interest of that State not to clamp down on the conspiracy or merger. When that interest is substantial and when that State has some

¹ PCIJ, *S.S. Lotus*, PCIJ Reports, Series A, No. 10 (1927).

international clout, it will tend to take issue with another State's regulatory assertions over the conspiracy or merger. In that case, an international conflict arises.

If an international conflict arises, law, and international law in particular, may be called upon to provide a solution. It is the modest ambition of this study to identify rules for such situations: rules that may create a balance between the interests of the State applying its law outside its territory and the interests of the territorial State or, in other words, rules that restrain undue jurisdictional assertions while at the same time leaving sufficient space for legitimate jurisdictional intervention. In short, this study will try to ascertain when a jurisdictional assertion in antitrust matters is *reasonable* and when it is not.

This study will not seek answers to the question of how global antitrust is best regulated. It will not examine whether such international institutions as the World Trade Organization or the Organization for Economic Cooperation and Development, or any regional institutions, ought to be granted the responsibility of overseeing international antitrust efficiency and equity.² It will be assumed that the current decentralized system of unilateral antitrust enforcement by single States will remain, for the time being, the main tool of global antitrust enforcement. This is not to say that, in this study, the optimalization of the decentralized system will not be contemplated: on the contrary. In fact, if this system is not to break down due to jurisdictional overreaching, only genuine comity and a balancing of State interests will prevent normative competency conflicts from poisoning international relations. Put differently, only reasonableness, with States deferring their antitrust enforcement to other States which could assert a stronger regulatory interest, might ensure respect for the public international law principle of non-intervention.

METHODOLOGY

As in other fields of the law, jurisdiction in the field of antitrust law is not governed by treaties. While there may be cooperation between States, and Memoranda of Understanding may even have been signed to that effect, there are as yet no international antitrust instruments that could be characterized as binding treaties in the sense of Article 2 of the Vienna Convention on the Law of Treaties (1969). Therefore, it has to be ascertained whether there are, under *unwritten law*, possibilities for and limits to the exercise of antitrust jurisdiction. The most important source of unwritten law is customary international law. In order to

² See on this eg W. SUGDEN, "Global Antitrust and the Evolution of an International Standard", 35 *Vand. J. Transnat'l L.* 989, 1001–1006 (2002).

ascertain whether a norm of customary law, either prohibitive or permissive, exists, State practice and *opinio juris* ought to be examined.

It is not necessary, for a norm of universal customary international law to come into being, that all States have actively participated in its formation, nor even that they have deliberately acquiesced in it.³ It may suffice that the States that are specially affected by such a norm have done so.⁴ Even if only a limited number of States are specially affected, the State practice requirement for a norm of customary *general* international law to come into being may be met. In the field of antitrust law, in fact, only a limited number of States are specially affected by a norm that would authorize or, as the case may be, prohibit the exercise of jurisdiction over situations that are not wholly territorial, an exercise sometimes denoted as ‘extraterritorial’ jurisdiction. Indeed, only a number of western States and organizations have exercised extraterritorial antitrust jurisdiction, ordinarily over situations originating in other western States. Thus, in typical situations of extraterritorial antitrust, only western States, and in particular the United States, the European Community (EC) and EC/EU Member States⁵, have been affected. Almost all State practice⁶, in terms of both asserting jurisdiction and protesting against or acquiescing in jurisdictional assertions, indeed originates in the transatlantic region. The focus of this study will therefore almost exclusively be on practice in the United States and Europe, although other State practice will, if relevant, not be overlooked.

If a customary international law norm regarding the exercise of antitrust jurisdiction could be identified, and it will be argued that it could, States that are new to international antitrust regulation will be bound by the norm, which is a norm of *general* customary law, even if these States do not agree with the norm.⁷ The rule has crystallized, and only to the extent that States have persistently and openly dissented from the rule, will they not be bound by it.⁸ Legal certainty and stability demand nothing less, since customary international law, especially regarding such a basic category of international law as delimiting spheres of State jurisdiction, sets, more than treaty law, the basic rules of the game.

³ International Law Association, Committee on Formation of Customary (General) International Law, Final Report, Statement of Principles Applicable to the Formation of General Customary International Law, Report of the 69 th Conference, London, 2000, at 734, Rule 14 (ii).

⁴ ICJ, *North Sea Continental Shelf Cases* (Germany v. Denmark; Germany v. Netherlands), *ICJ Rep.* 1969, p. 3 at p. 42 (paragraph 73).

⁵ Competition matters are so-called ‘first pillar matters’, which are governed by the Treaty establishing the European Community, and not the Treaty establishing the European Union.

⁶ It may be noted that the practice of intergovernmental organizations in their own right, such as the EC or the EU, is a form of ‘State practice’. See ILA, Committee on Formation of Customary (General) International Law, at 730, Rule 11.

⁷ ILA, Committee on Formation of Customary (General) International Law, at 735, commentary (b) to Rule 14.

⁸ *Id.*, at 738, Rule 15.

STRUCTURE

In this study, a partly chronological approach will be taken. Such an approach is useful for our subject, as the exercise of 'extraterritorial' jurisdiction is of recent vintage, and has been considerably refined over the years. Before the Second World War, States did not apply their antitrust laws extraterritorially, either because they did not have antitrust laws (Europe) or because wholly foreign conspiracies were rare in a world which was not as interconnected as today's world (chapter 1). It was only in 1945 that a US court held, for the first time, that the Sherman Act, the US antitrust act, applied to foreign conspiracies if their conduct produced effects within the United States (*Alcoa* case, chapter 2). Only from the 1960s onwards did European States also start to assert jurisdiction over foreign-based conspiracies (chapters 4 and 5). After the Second World War, western States increasingly perceived effects-based jurisdiction as inevitable to fend off foreign export-based conspiracies preying on domestic markets. This perception obviously had its impact on the lawfulness of such jurisdiction under international law, although the legality of jurisdiction based on domestic effects of foreign conduct is traditionally recognized under the objective territorial principle (chapter 3).

While effects-based jurisdiction might *prima facie* be legal under international law, jurisdictional restraint is warranted however. Indeed, the State where the conduct originates and which has, on that basis, jurisdiction under the *subjective* territorial principle, may take issue with jurisdictional assertions on the basis of the *objective* territorial principle. In antitrust law, the problem is even further compounded, since the effects of conspiracies or mergers are often not restricted to one State but are, in an interconnected world, spread over different States, which could all potentially be willing to exercise effects-based jurisdiction. Concurrent jurisdiction may give rise to normative competency conflicts, with one State often claiming jurisdictional primacy over the other(s) in a given situation. Legal doctrines of structural reasonableness therefore appear appropriate: they may mitigate the jurisdictional overreaching which the unimpeded application of the effects doctrine could yield.

It will be shown that jurisdictional assertions in the international antitrust field have, since the very beginning, been restricted by the requirement that the effects on which the 'objective territorial State' bases its assertion are to be substantial, direct, and reasonably foreseeable (chapter 6) These doctrines might in themselves, however, not ensure that international jurisdictional conflict will be averted, as effects of conspiracies or mergers will often be substantial, direct, and reasonably foreseeable. It will be argued that a more thorough reasonableness analysis, such as the one proposed in Section 403 of the Restatement (Third) of US Foreign Relations Law (1987), balancing the interests of the different States involved, ought to be undertaken (chapter 7). Reasonableness and comity also

underlie two antitrust agreements (which do not have the status of treaties) concluded between the United States and Europe (chapter 8).

While emphasis will lie on the classical antitrust situation of a foreign conspiracy causing domestic injury, this study will demonstrate that international law questions regarding antitrust extraterritoriality may also arise in other situations. For one, might States, or even should they, exercise jurisdiction over domestic conspiracies causing foreign injury, and might or should they give standing to private plaintiffs alleging foreign injury caused by a foreign conspiracy which also caused domestic injury (chapter 10)? For another, could States use their antitrust conspiracy laws to gain access to foreign markets for their exporters (chapter 11)? It will then be pointed out (chapter 12) that not only foreign conspiracies but also foreign *mergers* or *concentrations* may produce considerable, although often only potential, cross-border effects. It will be seen that States' recent exercise of jurisdiction over foreign mergers, on the basis of the merging companies having substantial domestic sales, has at times prompted fierce foreign reaction, although this reaction may not necessarily subtract from the lawfulness of the jurisdictional assertion.

As is well known, and as will be argued extensively in this study, it is the long arm of US rather than of European antitrust law that has traditionally been more controversial. A diffuse idea of US antitrust exceptionalism – antitrust enforcement being uniquely important in the US, more than in other nations, to create economic order – has at times inoculated US antitrust actors against taking into account foreign governmental interests and protests. However, this record of unilateralism has received an unwelcome boost by the promotion of private plaintiffs to attorneys-general (ie by granting them the right to sue antitrust conspirators in federal courts), which is actually a logical outgrowth of the emphasis put on efficient antitrust enforcement in the US. The international implications of this peculiarity, in combination with a number of structural facilitating features of the US system of tort litigation (discovery, class action suits and treble damages) will be discussed in chapter 13.

It may be submitted that, without a private attorney-general system, the arm of US antitrust laws would have been much shorter. Indeed, US antitrust enforcement agencies have traditionally taken a cautious, reasonable approach to claiming jurisdiction over foreign restrictive business practices. It is this cautious approach that this study advocates as a matter of law. It will both criticize the US Supreme Court's and the European Court of Justice's repudiation of reasonableness as a legal requirement of jurisdictional restraint, and propose a return to the jurisdictional rule of reason, which was introduced in antitrust matters in US doctrine in the 1950s and by US courts in the 1970s. Only a rule of reason that carefully balances the interests of all States involved may provide an equitable outcome.

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ABBREVIATIONS

<i>AFDI</i>	Annuaire français de droit international
<i>A.J.I.L.</i>	American Journal of International Law
<i>Am. U. J. Int'l L. & Pol'y</i>	American University Journal of International Law and Policy
<i>Am. U. L. Rev.</i>	American University Law Review
<i>Antitrust L. J.</i>	Antitrust Law Journal
<i>ASIL Proc.</i>	Proceedings of the Annual Conference of the American Society of International Law
<i>AWD</i>	Aussenwirtschaftsdienst der Betriebsberater
<i>B.C. Int'l & Comp. L. Rev.</i>	Boston College International and Comparative Law Review
<i>Berkeley J. Int'l L.</i>	Berkeley Journal of International Law
<i>Brigham Young U. L. Rev.</i>	Brigham Young University Law Review
<i>Brookl. J. Int'l L. J.</i>	Brooklyn Journal of International Law
<i>B.U. Int'l L. J.</i>	Boston University International Law Journal
<i>B.U. L. Rev.</i>	Boston University Law Review
<i>B.Y.I.L.</i>	British Yearbook of International Law
<i>Cal. L. Rev.</i>	California Law Review
<i>Cal. West. Int'l L.J.</i>	California Western International Law Journal
<i>Can. Bus. L. J.</i>	Canadian Business Law Journal
<i>Can.-US L.J.</i>	Canada – United States Law Journal
<i>Cardozo J. Int'l & Comp. L.</i>	Cardozo Journal of International and Comparative Law
<i>Cardozo L. Rev.</i>	Cardozo Law Review
<i>Case Western Res. J. Int'l L.</i>	Case Western Reserve Journal of International Law
<i>Cath. U. L. Rev.</i>	Catholic University Law Review
<i>Chi. J. Int'l L.</i>	Chicago Journal of International Law
<i>CFI</i>	European Court of First Instance
<i>Colum. Bus. L. Rev.</i>	Columbia Business Law Review
<i>Colum. J. Eur. L.</i>	Columbia Journal of European Law
<i>Colum. J. Transnat'l L.</i>	Columbia Journal of Transnational Law
<i>Colum. L. Rev.</i>	Columbia Law Review

<i>C.M.L.R.</i>	Common Market Law Review
<i>Conn. J. Int. L.</i>	Connecticut Journal of International Law
<i>Cornell J. Int'l L.</i>	Cornell Journal of International Law
<i>Cornell L.Q.</i>	Cornell Law Quarterly
<i>Cornell L. Rev.</i>	Cornell Law Review
<i>Del. J. Corp. L.</i>	Delaware Journal of Corporate Law
<i>Denver J. Int'l L. & Pol'y</i>	Denver Journal of International Law and Policy
<i>DePaul L. Rev.</i>	DePaul Law Review
<i>Dick. J. Int'l L.</i>	Dickinson Journal of International Law
<i>Dick. L. Rev.</i>	Dickinson Law Review
<i>DoJ</i>	Department of Justice
<i>Duke J. Comp. & Int'l L.</i>	Duke Journal of International and Comparative Law
<i>Duke L.J.</i>	Duke Law Journal
EC	European Community/Commission
<i>E.C.R.</i>	European Court Reports
ECJ	European Court of Justice
<i>E.C.L.R.</i>	European Competition Law Review
<i>E.I.P.L.R.</i>	European Intellectual Property Law Review
<i>E.J.I.L.</i>	European Journal of International Law
<i>E.L. Rev.</i>	European Law Review
<i>Emory Int'l L. Rev.</i>	Emory International Law Review
<i>Emory J. Int'l Disp. Res.</i>	Emory Journal of International Dispute Resolution
<i>Emory L.J.</i>	Emory Law Journal
<i>E.P.I.L.</i>	Encyclopedia of Public International Law
<i>EuZW</i>	Europäische Zeitschrift für Wirtschaftsrecht
<i>Fla. J. Int'l L.</i>	Florida Journal of International Law
<i>Fordham Int'l L.J.</i>	Fordham International Law Journal
<i>Fordham J. Corp. & Fin. L.</i>	Fordham Journal of Corporate and Financial Law
<i>Fordham L. Rev.</i>	Fordham Law Review
FTC	Federal Trade Commission
<i>Ga. J. Int'l & Comp. L.</i>	Georgia Journal of International and Comparative Law
<i>Ga. L. Rev.</i>	Georgia Law Review
<i>Geo. L. J.</i>	Georgetown Law Journal
<i>Geo. Mason L. Rev.</i>	George Mason Law Review
<i>Geo. Wash. J. Int'l L. & Econ.</i>	George Washington Journal of International Law and Economics

<i>Golden Gate U. L. Rev.</i>	Golden Gate University Law Review
<i>G.Y.I.L.</i>	German Yearbook of International Law
<i>Hamline L. Rev.</i>	Hamline Law Review
<i>Harv. Int'l L. J.</i>	Harvard International Law Journal
<i>Harv. L. Rev.</i>	Harvard Law Review
<i>Hastings Int'l & Comp L. Rev.</i>	Hastings International and Comparative Law Review
<i>Hofstra L. Rev.</i>	Hofstra Law Review
<i>Houston J. Int'l L.</i>	Houston Journal of International Law
<i>ILSA J. Int'l & Comp. L.</i>	International Law Students Association Journal of International and Comparative Law
<i>Ind. Int'l & Comp. L. Rev.</i>	Indiana International & Comparative Law Review
<i>Ind. J. Global Legal Stud.</i>	Indiana Journal of Global Legal Studies
<i>Indian J. Int'l L.</i>	Indian Journal of International Law
<i>I.C.L.Q.</i>	International and Comparative Law Quarterly
<i>I.F.L.R.</i>	International and Financial Law Review
<i>Int. Bus. Law.</i>	International Business Lawyer
<i>Int. Law.</i>	International Lawyer
<i>Inter-Am. L. Rev.</i>	Inter-American Law Review
<i>Int'l L. Forum</i>	International Law Forum
<i>Int'l Tax & Bus. Law</i>	International Tax and Business Law
<i>Iowa L. Rev.</i>	Iowa Law Review
<i>IPRax</i>	Praxis des Internationalen Privat- und Verfahrensrechts
<i>J. Air L. & Com.</i>	Journal of Air Law and Commerce
<i>J.C. & U.L.</i>	Journal of College and University Law
<i>J. Corp. L.</i>	Journal of Corporate Law
<i>J.D.I.</i>	Journal du droit international (Clunet)
<i>J. Int'l L. & Econ.</i>	Journal of International Law and Economics
<i>J. Mar. L. & Com.</i>	Journal of Maritime Law and Commerce
<i>J. Marshall L. Rev.</i>	John Marshall Law Review
<i>J. Pub. L.</i>	Journal of Public Law
<i>J. Small & Emerging Bus. L.</i>	Journal of Small and Emerging Business Law
<i>J. Transn'l L. & Pol'y</i>	Journal of Transnational Law & Policy
<i>J. World Trade L.</i>	Journal of World Trade Law
<i>J.W.T.</i>	Journal of World Trade
<i>Law & Contemp. Probs.</i>	Law and Contemporary Problems
<i>Law & Pol'y Int'l Bus.</i>	Law and Policy in International Business

<i>LQR</i>	Law Quarterly Review
<i>L.J.I.L.</i>	Leiden Journal of International Law
<i>Lloyd's Mar. & Com. L. Q.</i>	Lloyd's Maritime and Commercial Law Quarterly
<i>Louis. L. Rev.</i>	Louisiana Law Review
<i>Loy. Consumer L. Rev.</i>	Loyola Consumer Law Review
<i>Loy. LA Int'l & Comp. L. J.</i>	Loyola of Los Angeles International and Comparative Law Journal
<i>Loy. U. Chi. L.J.</i>	Loyola University of Chicago Law Review
<i>Manitoba L.J.</i>	Manitoba Law Journal
<i>Md. J. Int'l L. & Trade</i>	Maryland Journal of International Law and Trade
<i>Me. L. Rev.</i>	Maine Law Review
<i>Mich. L. Rev.</i>	Michigan Law Review
<i>Minn. L. Rev.</i>	Minnesota Law Review
<i>Modern L. Rev.</i>	Modern Law Review
<i>N.C. J. Int'l L. & Comm. Reg.</i>	North Carolina Journal of International Law and Commercial Regulation
<i>N.C. L. Rev.</i>	North Carolina Law Review
<i>New Eng. L. Rev.</i>	New England Law Review
<i>N.I.L.R.</i>	Netherlands International Law Review
<i>NJW</i>	Neue juristische Wochenschrift
<i>Notre Dame L. Rev.</i>	Notre Dame Law Review
<i>N.T.E.R.</i>	Nederlands Tijdschrift voor Europees Recht
<i>Nw. J. Int'l L. & Bus.</i>	Northwestern Journal of International Law and Business
<i>Nw. U. L. Rev.</i>	Northwestern University Law Review
<i>N.Y.I.L.</i>	Netherlands Yearbook of International Law
<i>NY Law Sch. J. Int'l & Comp. L.</i>	New York Law School Journal of International and Comparative Law
<i>N.Y.L.J.</i>	New York Law Journal
<i>N.Y.U. J. Int'l L. & Pol.</i>	New York University Journal of International Law and Politics
<i>N.Y.U. L. Rev.</i>	New York University Law Review
<i>Ohio St. L.J.</i>	Ohio State Law Journal
<i>Or. L. Rev.</i>	Oregon Law Review
<i>Pac. Rim L. & Pol'y J.</i>	Pacific Rim Law and Policy Journal
<i>Pal. Yb. Int'l L.</i>	Palestine Yearbook of International Law
<i>Pepp. L. Rev.</i>	Pepperdine Law Review
<i>RabelsZ</i>	Rabels Zeitschrift für ausländisches und internationales Privatrecht

<i>R.C.A.D.I.</i>	Recueil des Cours de l'Académie de droit international
<i>RCDIP</i>	Revue critique de droit international privé
<i>RDAI</i>	Revue de droit des affaires internationales
<i>Regent J. Int'l L</i>	Regent Journal of International Law
<i>Rev. dr. int. sc. dipl. pol.</i>	Revue de droit international, de sciences diplomatiques et politiques
<i>Rev. int. dr. écon.</i>	Revue internationale de droit économique
<i>Rev. suisse dr. int. concurr.</i>	Revue suisse du droit international de la concurrence
<i>RGDIP</i>	Revue générale de droit international public
<i>RIW</i>	Recht der internationalen Wirtschaft
<i>RTDE</i>	Revue trimestrielle de droit européen
<i>San Diego L. Rev.</i>	San Diego Law Review
<i>S. Cal. L. Rev.</i>	Southern California Law Review
<i>Seattle U. L. Rev.</i>	Seattle University Law Review
<i>S.E.W.</i>	Sociaal-Economische Wetgeving. Tijdschrift voor Europees en Economisch Recht
<i>S. Ill. U. L.J.</i>	Southern Illinois University Law Journal
<i>Sing. J. Int'l & Comp. L.</i>	Singapore Journal of International and Comparative Law
<i>SMU L. Rev.</i>	Southern Methodist University Law Review
<i>Stan. J. Int. L.</i>	Stanford Journal of International Law
<i>Stan. L. Rev.</i>	Stanford Law Review
<i>St. John's J. Legal Comment</i>	St. John's Journal of Legal Comment
<i>St. Louis U. L.J.</i>	St. Louis University Law Journal
<i>St. Thomas L. Rev.</i>	St. Thomas Law Review
<i>Suffolk Trans'l L. J.</i>	Suffolk Transnational Law Journal
<i>Sup. Ct. Rev.</i>	Supreme Court Review
<i>Syracuse J. Int'l L. & Comm.</i>	Syracuse Journal of International Law and Commerce
<i>Temple Int'l & Comp. L. J.</i>	Temple International and Comparative Law Journal
<i>Temp. L. Rev.</i>	Temple Law Review
<i>Tex. L. Rev.</i>	Texas Law Review
<i>Tex. Int'l L.J.</i>	Texas International Law Journal
<i>Tilburg For. L. Rev.</i>	Tilburg Foreign Law Review
<i>Transnat'l Law.</i>	The Transnational Lawyer
<i>Transnat'l L. & Contemp. Probs.</i>	Transnational Law and Contemporary Problems

<i>Tul. J. Int'l & Comp. L.</i>	Tulane Journal of International and Comparative Law
<i>Tulsa J. Comp. & Int'l L.</i>	Tulsa Journal of Comparative and International Law
<i>Tulsa L. Rev.</i>	Tulsa Law Review
<i>U. Chi. Legal F.</i>	University of Chicago Legal Forum
<i>U. Chi. L. Rev.</i>	University of Chicago Law Review
<i>U. Chi. L. Sch. Roundtable</i>	University of Chicago Law School Roundtable
<i>U. Cin. L. Rev.</i>	University of Cincinnati Law Review
<i>UCLA J. Int'l L. & For. Aff.</i>	University of California Los Angeles Journal of International Law and Foreign Affairs
<i>U. Miami L. Rev.</i>	University of Miami Law Review
<i>U. Pa. L. Rev.</i>	University of Pennsylvania Law Review
<i>U. Pa. J. Int'l Econ. L.</i>	University of Pennsylvania Journal of International Economic Law
<i>U. Pitt. L. Rev.</i>	University of Pittsburgh Law Review
<i>U. Rich. L. Rev.</i>	University of Richmond Law Review
<i>USF. L. Rev.</i>	University of San Francisco Law Review
<i>Utah L. Rev.</i>	Utah Law Review
<i>Vand. J. Transnat'l L.</i>	Vanderbilt Journal of Transnational Law
<i>Va. J. Int'l L.</i>	Virginia Journal of International Law
<i>Wash. L. Rev.</i>	Washington Law Review
<i>Wash. U. L.Q.</i>	Washington University Law Quarterly
<i>Wash. Univ. Glob. L. Rev.</i>	Washington University Global Studies Law Review
<i>Wayne L. Rev.</i>	Wayne Law Review
<i>W. Comp.</i>	World Competition
<i>Whittier L. Rev.</i>	Whittier Law Review
<i>W. Va. L.Q.</i>	West Virginia Law Quarterly
<i>Wm. & Mary L. Rev.</i>	William and Mary Law Review
<i>Wisc. Int'l L.J.</i>	Wisconsin international law journal
<i>WuW</i>	Wirtschaft und Wettbewerb
<i>Yale J. Int'l L.</i>	Yale Journal of International Law
<i>Yale J. Reg.</i>	Yale Journal on Regulation
<i>Yale L.J.</i>	Yale Law Journal
<i>Z.a.ö.R.V.</i>	Zeitschrift für Ausländisches Öffentliches Recht und Völkerrecht