Press Release

Big Is a Bad Metric for Antitrust Reform

PAULINA ENCK | NOVEMBER 29, 2022

Some in Congress have been pushing for antitrust legislation designed to regulate large technology companies based solely on their size, rather than competitive considerations in the marketplace. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling discusses the harm in focusing on size as the primary metric for antitrust actions against technology platforms.

Key points:

- *Among the bills currently being considered by Congress is the American Innovation and Choice Online Act, which would prohibit technology firms meeting a specific market cap from preferencing their own products and services in downstream markets.*
- *Regulating companies based on size in highly dynamic technology markets ignores the fact that firms succeed and fail rapidly in the marketplace, reduces the efficiencies that come with size, and potentially neglects to regulate anticompetitive behavior from smaller firms.*
- *Instead of focusing on size, Congress should continue its antitrust enforcement against actual anticompetitive conduct from firms with monopoly power.*

Read the analysis