

COMPETITION LAWS UNDER REVIEW:

United States

➤ **Joint FTC/DOJ Report, "*Antitrust Enforcement and Intellectual Property Rights: Promoting Innovation and Competition*" (April 17, 2007)**

- Antitrust liability for mere unilateral, unconditional refusals to license patents will not play a meaningful part of antitrust enforcement
- Rule of reason analysis applied to:
 - conditional refusals to license
 - joint negotiation of licensing terms by standard-setting organization
 - intellectual property licensing agreements
 - cross-licensing and patent pools
 - practices that have the potential to extend the market power conferred by a patent beyond its expiration
- Antitrust-IP Guidelines will continue to guide the agencies' analysis of intellectual property tying and bundling

Antitrust Enforcement And Intellectual Property Rights Promoting Innovation And Competition

François Lévêque, Howard A. Shelanski

Antitrust Enforcement And Intellectual Property Rights Promoting Innovation And Competition:

Antitrust Enforcement & Intellectual Property Rights: Promoting Innovation & Competition United States. Department of Justice,2007 *Antitrust Enforcement and Intellectual Property Rights* United States. Dept. of Justice,2007 **Antitrust Enforcement and Intellectual Property Rights** ,2007 **Antitrust Law and Intellectual Property Rights** Christopher R. Leslie,2011 In *Antitrust Law and Intellectual Property Rights Cases and Materials* Christopher R Leslie describes how patents copyrights and trademarks confer exclusionary rights on their owners and how firms sometimes exercise this exclusionary power in ways that exceed the legitimate bounds of their intellectual property rights Leslie explains that while substantive intellectual property law defines the scope of the exclusionary rights antitrust law often provides the most important consequences when owners of intellectual property misuse their rights in a way that harms consumers or illegitimately excludes competitors Antitrust law defines the limits of what intellectual property owners can do with their IP rights In this book Leslie explores what conduct firms can and cannot engage in while acquiring and exploiting their intellectual property rights and surveys those aspects of antitrust law that are necessary for both antitrust practitioners and intellectual property attorneys to understand This book is ideal for an advanced antitrust course in a JD program In addition to building on basic antitrust concepts it fills in a gap that is often missing in basic antitrust courses yet critical for an intellectual property lawyer the intersection of intellectual property and antitrust law The relationship between intellectual property and antitrust is particularly valuable as an increasing number of law schools offer specializations and LLMs in intellectual property This book also provides meaningful material for both undergraduate and graduate business schools programs because it explains how antitrust law limits the marshalling of intellectual property rights *Antitrust, Patents, and Copyright* François Lévêque,Howard A. Shelanski,2005-01-01 In modern markets innovation is at least as great a concern as price competition The book discusses how antitrust policy and patent and copyright laws interact to create market dynamics that affect both competition and innovation Antitrust and intellectual property policies for the most part are complementary sharing common goals of promoting innovation and economic welfare In some cases however their distinct approaches one based on competition and the other on exclusion come into conflict As antitrust authorities focus increasingly on ensuring that firms do not interfere with innovation by rivals or impede the pace of technological progress in an industry they necessarily must confront difficult questions about the strength and scope of intellectual property rights When should private property rights give way to public competition objectives When is it appropriate to remedy anticompetitive outcomes through access to protected intellectual property How does antitrust enforcement or competition itself affect incentives to innovate Leading economists and lawyers address these questions from both US and EU perspectives in discussing salient antitrust cases involving intellectual property rights such as Microsoft Magill Kodak IMS and Intel *EU Competition Law and Intellectual Property Rights* Pat Treacy,2024-07-05 This authoritative book from one of the top experts in the field sets

out a detailed and practical analysis of the complex and often fraught relationship between EU competition rules and intellectual property rights. It is an essential resource for competition lawyers litigating Tech and Pharma cases and advising companies in those sectors for in house counsel within those industries and for IP lawyers needing to understand the competition aspects of licensing agreements. It is also an indispensable reference for courts, enforcement agencies and national competition authorities as well as for scholars researching in the field.

The Interplay Between Competition Law and Intellectual Property Gabriella Muscolo, Marina Tavassi, 2019-01-17 Although competition law and intellectual property are often interwoven until this book there has been little guidance on how they work together in practice. As the intersection between the two fields continues to grow worldwide both in case law and in regulation, the book's market-based approach focusing on sectors such as pharmaceuticals, IT, telecoms, energy and agriculture in eleven of the world's most active jurisdictions provides a much needed in-depth understanding of how this interplay reveals itself among the different legal systems. Written by a range of authors including judges, regulators, academics, economists and practitioners in both fields, the book provides an international comparative perspective as well as detailed analysis of specific cases, policies and proposals for change. Among the issues and topics covered are the following: free movement of goods and the protection of intellectual property rights; standard essential patents; intellectual property rights between technological development and consumer protection; geo-blocking; online platforms and antitrust; excessive prices. In this context, special attention is paid throughout to the increasing dialogue among Competition Authorities and between Judges and Competition Authorities around the world. As a matchless remedy for the lack of uniformity heretofore, the book's investigation of the nexus between competition law and intellectual property in different sectors and in various countries takes a giant step towards a more balanced approach and more levelled regulation and practices. It will be warmly appreciated by policy makers, decision makers, regulators, practitioners and academics in both competition law and intellectual property fields.

Intellectual Property and Antitrust Mariateresa Maggolino, 2011-01-01 This book brings to bear Professor Maggolino's considerable skills as a comparative competition law scholar on what is perhaps the single most important competition policy issue facing us today: namely, how to use IP policy and competition policy in tandem to further both economic competition and competition in innovation. Professor Maggolino's book covers a large range of IP practices by dominant firms where competition law can be invoked, including sham litigation and product design, improper infringement actions, predation and refusals to license. This book is well researched, well written and completely up to date. Every serious competition law, antitrust and intellectual property scholar and practitioner should regard it as must reading.

Antitrust Enforcement Agencies United States Congress, House, Committee on the Judiciary, Subcommittee on Regulatory Reform, Commercial and Antitrust Law, 2014

Intellectual Property, Antitrust and Cumulative Innovation in the EU and the US Thorsten Käseberg, 2012-06-08 For decades the debate about the tension between IP and antitrust law has revolved around the question to what extent

antitrust should accept that IP laws may bar competition in order to stimulate innovation. The rise of IP rights in recent years has highlighted the problem that IP may also impede innovation if research for new technologies or the marketing of new products requires access to protected prior innovation. How this cumulative innovation is actually accounted for under IP and antitrust laws in the EU and the US and how it could alternatively be dealt with are the central questions addressed in this unique study by lawyer and economist Thorsten K. Seberg. Taking an integrated view of both IP and antitrust rules in particular on refusals to deal based on IP, the book assesses policy levers under European and US patent, copyright and trade secrecy laws such as the bar for and scope of protection as well as research exemptions, compulsory licensing regimes and misuse doctrines. It analyses what the allocation of tasks is and should be between these IP levers and antitrust rules in particular the law on abuse of dominance (Article 102 TFEU) and monopolisation (Section 2 Sherman Act) while particular attention is paid to the essential facilities doctrine including pricing methodologies for access to IP. Many recent decisions and judgments are put into a coherent analytical framework such as *IMS Health AstraZeneca*, *GlaxoSmithKline* in the EU, *Apple France*, *Orange Book Standard Germany*, *Trinko*, *Rambus*, *NYMEX*, *eBay* US, *Microsoft* and *IBM T3* both EU and US. Further topics covered include IP protection for software interoperability, information and databases, industry specific tailoring of IP, antitrust innovation market analysis and the WTO law on the IP antitrust interface.

Antitrust Enforcement And Intellectual Property Rights Promoting Innovation And Competition Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has been apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**Antitrust Enforcement And Intellectual Property Rights Promoting Innovation And Competition**," written by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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