

EU COMPETITION LAW AND INTELLECTUAL PROPERTY RIGHTS

PAT TREACY



ELGAR COMPETITION LAW AND PRACTICE

Intellectual Property And Eu Competition Law

Angelika S. Murer



Intellectual Property And Eu Competition Law:

Intellectual Property and EU Competition Law Jonathan D. C. Turner, 2010 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 **EU Competition Law and Intellectual Property Rights** Steven D. Anderman, Hedvig Schmidt, 2021-07 *Technology Transfer and the New EU Competition Rules* Steven D. Anderman, John Kallaugher, 2006 The new Technology Transfer Block Exemption Regulation in force from May 1 2004 signals a profound change in the nature of the regulatory framework for technology licensing under EU competition law This book examines the new Regulation in detail placing it in the wider context of i the modernisation reforms of EC competition law and ii the treatment of IP rights over technology more generally The book also considers the approach to assessment of IP issues set out in the Guidelines that accompany the Regulation the authors discuss their legal basis and where appropriate criticise the approach taken by the Guidelines where the legal basis is unsure 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 markets 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 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**

Competition Law Peter Chrocziel, Moritz Lorenz, 2016-05-15 Inevitably every marketed product or service can always be located at the intersection of intellectual property law and competition law a nexus rife with potential problems throughout the life of an intellectual property IP right This important book is the first to focus in depth on this intersection in the European context masterfully elucidating the consequences for IP rights owners from the right s inception to its transfer sale or demise The authors describes and analyses the following topics and more in detail characteristics purpose and theoretical justifications of IP rights obtaining maintaining and exploiting an IP right effects of provisions of European competition law regarding cartels block exemptions abuse of dominant position free movement of goods and merger control competition between originator companies and generic companies licensing especially the problem of refusal to grant a license and enforcement of an IP right The book analyses all major cases affecting aspects of the intersection supported by an examination of the historical background and political influence concerning the two areas of European law There are also special chapters on the prominent and influential national legal systems of Germany the United States China The Netherlands and the United Kingdom An annex provides texts of the major antitrust regulations dealing with European IP rights As a biography of IP rights focusing on areas of entanglement with European competition law this book is without peer Its clear sighted view of the status quo and emerging trends in the two fields will be of immeasurable value to practitioners policymakers and academics dealing with issues at the intersection of intellectual property law and competition law in Europe and elsewhere

Intellectual Property and the Limits of Antitrust Katarzyna Czapracka, 2010-01-01 An excellent account of practice on both sides of the Atlantic regarding the intersection of antitrust and intellectual property rights The author provides a detailed account of the legal discussion in an economics informed manner A must read as far as I am concerned for practitioners and academicians alike Petros C Mavroidis Columbia Law School New York US University of Neuch tel Switzerland and CEPR UK This book examines the growing divergences between the EU and the US in their approach to antitrust law enforcement particularly where it relates to intellectual property IP rights The scope of US antitrust law as defined in the Supreme Court s decisions in Trinko and Credit Suisse Securities is much narrower than the scope of EU competition law US antitrust enforcers have become increasingly reluctant to apply antitrust rules to regulated markets whereas the European Commission has consistently used EU competition rules to correct the externalities resulting from government action The contrasting approaches adopted by US and EU antitrust enforcers to these issues as with the differences in addressing market dominance have had a profound impact on the scope of antitrust intervention in the IP field This book provides an in depth analysis of the relevant recent developments on both sides of the Atlantic and identifies the pitfalls of regulating IP through competition rules With a unique comparative perspective this book will be an invaluable resource for postgraduate students academics and practitioners in IP and competition law

Standardization under EU Competition Rules and US Antitrust Laws Björn Lundqvist, 2014-05-30 Offering in depth analysis of the case law currently

being written in courtrooms all over the world under the so called patent war the book puts forward a new method for applying competition law to standards and standard setting _ in both its collus **EU Competition Law** Robbert Snelders,2020-07-15 This book explores the interplay between EU competition rules and intellectual property rights It will include introductory chapters into the basic principles of intellectual property law the main categories of intellectual property rights and EU competition and free movement rules In a second part the book will examine the application of EU competition law to specific issues raised by the exercise of intellectual property rights including R D collaboration standardization licensing patent pools online dissemination of copyrighted content duties to license limits on injunctions vexatious litigation privateering arrangements and merger control In doing so the book will consider practical issues commonly encountered in IP heavy industries including the pharmaceutical media and ITC sectors **European Competition Law Annual 2005** Claus-Dieter Ehlermann,Isabela Atanasiu,2007-03-12 This is the tenth in a series of volumes based on the annual workshops on EU Competition Law and Policy held at the Robert Schuman Centre of the European University Institute in Florence The volume reproduces the materials of the roundtable debate which examined the interaction between competition law and intellectual property law The workshop participants a group of senior representatives of the Commission and the national competition authorities of some EC Member States reknowned international academics and legal practitioners discussed the economic and legal issues that arise in this particular area of application of the EC competition rules under the following headings 1 whether the characteristics of intellectual property products markets justify special treatment under the competition rules 2 a critical assessment of the Block Exemption Regulation and corresponding Guidelines recently adopted in this area of EC competition law enforcement 3 the specific enforcement issues that arise in relation to patent pools and collecting societies and 4 specific problems related to IP in the domains of merger control and application of Article 82 EC *Research Handbook on Intellectual Property and Competition Law* Josef Drexler,2010-01-01 The volume offers an outstanding collection of studies on the interaction of IP and competition policy and is highly recommended for academics graduate students and practitioners with an interest in more theoretical studies Ioannis Lianos World Competition Each chapter in the Research Handbook on Intellectual Property and Competition Law is written so lucidly that it will be of great interest to law professors and post graduate students of intellectual property and competition law as well as those interested in innovation and competition theory and legal practices in intellectual property and competition law Madhu Sahni Journal of Intellectual Property Rights This is a book that delivers on its promise With a strong cast of contributors from a variety of countries economies and disciplines it makes the reader wonder how any commercially attractive IP ever gets exploited at all IPKAT Here it comes the book that I have been waiting for This will surely be an inspiring source of knowledge in my Masters Programme in European Intellectual Property Law at Stockholm University While promoting intellectual property protection as an important means for innovations and cultural developments

a critical analysis and a flexible approach to the needs for free creative space and effective competition is crucial As this book so well illustrates this delicate balance is no either or Marianne Levin Stockholm University Sweden This comprehensive Handbook brings together contributions from American Canadian European and Japanese writers to better explore the interface between competition and intellectual property law Issues range from the fundamental to the specific each considered from the angle of cartels dominant positions and mergers Topics covered include among others technology licensing the doctrine of exhaustion network industries innovation patents and copyright Appropriate space is devoted to the latest developments in European and American antitrust law such as the more economic approach and the question of anti competitive abuses of intellectual property rights Each original chapter reflects extensive comments by all other contributors an approach which ensures a diversity of perspectives within a systematic framework These cutting edge articles will be of great interest to law professors and postgraduate students of intellectual property and competition law as well as those interested in innovation and competition theory and legal practices in intellectual property and competition law

Intellectual Property and Competition Law Gustavo Ghidini, 2006-01-01 The book ends with a comprehensive selection of the relevant bibliography This part is all the more valuable to the reader as Ghidini does not simply list the relevant literature but puts it in its general context and comments on it Ghidini's book is a fascinating trip through the system of IP laws Beatriz Conde Gallego Intellectual Property and Competition Law Intellectual Property and Competition Law by Gustavo Ghidini provides a persuasively presented descriptive analysis of a distinctively European perspective on intellectual property law and its relationship to competition law Professor Ghidini expertly presents the evolution of intellectual property laws and its contemporary manifestations with respect to the expansion copyright law in technological fields and the inevitability conflict with patent law the attempt at creating monopolies such as in biotechnology and so much more A seminal work of impressive and articulate scholarship Intellectual Property and Competition Law should be considered mandatory reading for students and researchers in the field of intellectual property rights and a very strongly recommended addition to academic library International Economics and Judicial Studies reference collections The Economics Shelf Midwest Book Review the provocative nature of this book is one of its great strengths as are its cohesiveness and erudition Mel Marquis European Competition Law Review We in the United States have much to learn not only from Gustavo Ghidini's careful analysis of modern trends in the European IP regime but also from his thoughtful development of the thesis that free competition should be understood as the overarching principle guiding both IP protection and what we call antitrust law Rudolph J R Peritz New York Law School author of Competition Policy in America and American Antitrust Institute US This rich and challenging book offers a critical appraisal of the relationship between intellectual property law and competition law from a particularly European perspective Gustavo Ghidini highlights the deficiencies in studying each of these areas of law independently and argues for a more holistic approach insisting that it is more useful and indeed essential to consider them

as interdependent He does this first by examining how competition and intellectual property IP converge diverge and inform one another Secondly he assesses how IP law can be interpreted through the guiding principles of competition law antitrust and unfair competition and within the overarching principle of free competition The book traces the evolution of modern IP law which it claims is marked heavily both by over protectionist trends such as the extension of copyright law to technological fields where it trespasses on the territory of patent law and by attempts to monopolize the achievements of basic research such as in the example of biotechnology Through an examination of such emerging issues as access to standards of information and patenting of genetic materials the author makes a clear case for a reading of IP law that promotes dynamic processes of innovation by competition and competition by innovation with related benefits to consumer welfare such as wider choices greater access to culture and information and lower prices Advanced students and researchers in all areas of intellectual property will find this book a stimulating alternative to traditional interpretations of the subject

European Intellectual Property Law Annette Kur,Max Planck,Thomas Dreier,2013-01-01 This clearly written and comprehensive text by two leading scholars of European intellectual property law is extremely adaptable It is a perfect platform for classroom teaching and is also a fine resource for those researching in what is becoming an increasingly complex field Graeme B Dinwoodie University of Oxford UK This hybrid volume part commentary part primary sources with questions to stimulate further thinking serves both as a teaching tool and as a manual for lawyers who seek a comprehensive overview of EU intellectual property law The book aims at a generalist legal audience with very a helpful pr cis of international law including the major multilateral treaties as well as a summary of the EU legal framework that non Europeans will find highly useful The authors explore the full range of traditional and emerging IP rights They also provide in depth analysis of remedies and of the international private law issues that increasingly arise in contemporary complex IP litigation Jane Ginsburg Columbia Law School US The first of its kind this textbook has been carefully designed to give students and non specialist practitioners a clear understanding of the fundamentals of European intellectual property law Providing a comprehensive overview of both community IP rights and areas of IP law that have been harmonised and supported by judicious use of extracts from the most significant source material the book assists the reader in navigating through the increasingly complex European IP system European Intellectual Property Law deals with European patent trade mark and copyright law copyright as well as with adjacent areas such as protection of plant varieties geographical indications industrial design competition law enforcement and private international law with a focus on the most relevant case law to be found in those areas Key Features Written by two of the leading authorities in European IP law Concise and readable style Extracts from key source material Questions designed to stimulate thinking around legal problems Coverage of related areas adjacent to IP Offers an overview on international IP protection and the interrelation between European law and IP law in general This detailed book is designed for all courses on European intellectual property whether basic or

advanced as well as for practitioners looking for a comprehensive and concise overview on the structure and content of European IP law *EU Competition Law, Data Protection and Online Platforms: Data as Essential Facility* Inge Graef, 2016-10-17 All are agreed that the digital economy contributes to a dynamic evolution of markets and competition. Nonetheless concerns are increasingly raised about the market dominance of a few key players. Because these companies hold the power to drive rivals out of business regulators have begun to seek scope for competition enforcement in cases where companies claim that withholding data is needed to satisfy customers and cut costs. This book is the first focus on how competition law enforcement tools can be applied to refusals of dominant firms to give access data on online platforms such as search engines, social networks and e-commerce platforms commonly referred to as the gatekeepers of the Internet. The question arises whether the denial of a dominant firm to grant competitors access to its data could constitute a refusal to deal and lead to competition law liability under the so-called essential facilities doctrine according to which firms need access to shared knowledge in order to be able to compete. A possible duty to share data with rivals also brings to the forefront the interaction of competition law with data protection legislation considering that the required information may include personal data of individuals. Building on the refusal to deal concept and using a multidisciplinary approach the analysis covers such issues and topics as the following: data portability; interoperability; data as a competitive advantage or entry barrier in digital markets; market definition and dominance with respect to data; disruptive versus sustaining innovation; role of intellectual property regimes; economic trade-off in essential facilities cases; relationship of competition enforcement with data protection law and data-related competition concerns in merger cases. The author draws on a wealth of relevant material including EU and US decision-making, practice, case law and policy documents as well as economic and empirical literature on the link between competition and innovation. The book concludes with a proposed framework for the application of the essential facilities doctrine to potential forms of abuse of dominance relating to data. In addition it makes suggestions as to how data protection interests can be integrated into competition policy. An invaluable contribution to ongoing academic and policy discussions about how data-related competition concerns should be addressed under competition law, the analysis clearly demonstrates how existing competition tools for market definition and assessment of dominance can be applied to online platforms. It will be of immeasurable value to the many jurists, business persons and academics concerned with this very timely subject.

Blocking Patents in European Competition Law Angelika S. Murer, 2021-12-03 In practice and jurisprudence in European competition law it is especially difficult to define the boundaries of patent abuse as an offence. In this thoroughly researched book the author answers the question of when and how an application for a blocking patent can amount to an abuse of a dominant position under Article 102 TFEU. Drawing on legal literature and European Union (EU) case law the presentation analyses a constellation of blocking patenting strategies and proposes potential remedies where abuse is involved. With detailed descriptions of the characteristics of potentially abusive and non-abusive behaviour regarding

applications for blocking patents the book provides the following and more a comprehensive analysis of the case law of the EU courts on the abuse of a dominant position in cases which involve intellectual property rights insights on how patenting strategies affect competition with a particular focus on the application of blocking patents an overview of the developments in doctrine and practice which led to the current understanding of the seemingly conflictual goals of competition and intellectual property law and insights on the difficulties of defining relevant markets and establishing whether an undertaking holds a dominant position The book illustrates the mechanisms of blocking patenting strategies with examples from the pharmaceutical industry because blocking strategies have particular relevance in applying for patents in that context A test scheme for analysing the application of a blocking patent under Article 102 TFEU is included Additionally the book provides an outlook on the topic of patents and shortages of supply in light of the COVID pandemic Practitioners and policymakers requiring an understanding of the conceptual framework of the abuse concept within EU competition law and how it relates to patent strategies will welcome this invaluable book They will not only be able to set the conduct of applying for blocking patents into the Article 102 TFEU context but also have decisive tools to approach questions on the intersection of patent law and competition law in the EU

Intellectual Property Rights and Competition in Standard Setting Valerio Torti, 2015-10-05 Competition and intellectual property rights IPRs are both necessary for a market to work efficiently and to promote consumer welfare Properly applied intellectual property rules define a legal framework which allows undertakings to profit from their inventions This in turn encourages competition among firms and enhances dynamic efficiency to the benefit of consumer welfare Standard setting represents one of the fields where the interaction between competition law and IPRs clearly comes to light The collaborative goal of standard setting organizations SSOs is to adopt and promote standards that either do not conflict with anyone's right or if they do are developed under condition that patents are licensed under defined terms This book examines the tension between IPRs and competition in the standard setting field which can arise when innovators over exploit the rights they have been granted and hold up an entire industry The book compares EU and U S jurisdictions with a particular focus on the IT and telecommunication sectors It scrutinizes those practices which could harm standard setting and its goals looking at misleading conducts by SSOs members which may lead to breach the EU and U S antitrust provisions on abuse of market power Recent developments in EU and U S standard setting are analysed highlighting the differences in enforcement approaches The book considers how the optimal balance between IPRs and industry standards can be struck suggesting a policy model which takes into account both innovators interests and SSOs goals

EU Competition Law Alison Jones, Brenda Sufrin, 2016 The essential guide to EU competition law for students in one volume extracts from key cases academic works and legislation are paired with incisive critique and commentary from two leading experts in the field In this fast paced subject area Alison Jones and Brenda Sufrin carefully highlight the most important cases legislation and developments to allow students to navigate the breadth of legislation and case law With their

clear explanations and commentary the authors provide invaluable support to students as they approach this complex and highly technical area of law Extracts provide opportunities for students to understand the law in practice and to see its relevance to business Indispensable for undergraduate and postgraduate students alike this is the standalone guide to the competition law of the EU The text is accompanied by an Online Resource Centre containing An additional chapter on State Aid An interactive map and timeline of the EU Web links Updates in the law

Competition Law Richard Whish, David Bailey, 2015 Definitive and clear authoritative and comprehensive the stand alone resource on competition law for students and practitioners written by the leading academics in the field This eighth edition addresses key developments including the Enterprise and Regulatory Reform Act 2013 with an increased emphasis on intellectual property

EU Competition Law Ariel Ezrachi, 2020 This book is designed as a working tool for the study and practice of European competition law This fifth edition focuses on Article 101 TFEU Article 102 TFEU and the European merger regulation In addition it explores the public and private enforcement of competition law the intersection between intellectual property rights and competition law the application of competition law to state action and state aid control Each chapter begins with an introduction which outlines the relevant laws regulations and guidelines for each of the topics setting the analytical foundations for the case entries Within this framework cases are reviewed in summary form accompanied by analysis and commentary

Intellectual Property, Antitrust and Cumulative Innovation in the EU and the US Thorsten K seberg, 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

Uncover the mysteries within Explore with is enigmatic creation, Discover the Intrigue in **Intellectual Property And Eu Competition Law** . This downloadable ebook, shrouded in suspense, is available in a PDF format (Download in PDF: *). Dive into a world of uncertainty and anticipation. Download now to unravel the secrets hidden within the pages.

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