#### Intergovernmental Group of Experts on Competition Law and Policy, Fifteenth Session

Geneva, 19-21 October 2016

#### **Round Table on:**

"Examining the interface between the objectives of competition policy and intellectual property"

Contribution

by

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#### UNCTAD

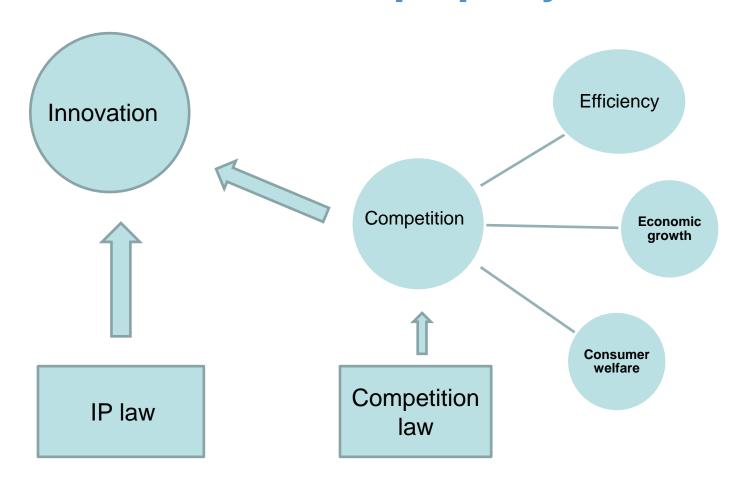
# Intergovernmental Group of Experts on Competition Law and Policy

## Examining the interface between the objectives of competition policy and intellectual property

Ebru Gökçe

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19 October 2016

## Objectives of competition and intellectual property laws



## IPR practices raising competition concerns

- Intra-technology restrictions
- Refusal to license
- Patents and standard setting
- Standardization and patent pools
- Pay-for-delay settlements
- Non-cash patent settlements
- Mergers and acquisitions with an intellectual property rights dimension

## Addressing anti-competitive practices related to IPRs

- Adopt policies with a balanced approach to IP and competition:
  - Allow businesses to recoup their R&D investments while keeping markets contestable.
- Incorporate in competition legislation provisions governing IPR related issues.
- Develop secondary legislation or guidelines on how to tackle competition cases involving IP
- Competition law enforcement: anti-competitive agreements, abuse of dominance, mergers

## Addressing anti-competitive practices related to IPRs

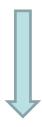
- Regulate know-how by granting intellectual property protection and include in the scope of comeptition law
- Inter-agency coordination and cooperation between competition authorities and government regulators responsible for intellectual property regulation (patent offices, national standard setting agencies, food and drug approving agencies)

IP and competition:
Striking the right balance



#### **Conclusions**

 To achieve the goals of innovation, competitive markets and economic growth



 Balanced approach to intellectual property protection and competition



#### Thank you

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