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Round Table on:

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

Contribution

by

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Intergovernmental Group of Experts on Competition Law and Policy

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

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Objectives of competition and intellectual property laws

- Innovation
- Efficiency
- Economic growth
- Consumer welfare
- IP law
- Competition law
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 competition 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

Creation of innovation and innovative processes that open new markets

Competition in markets
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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