



WORKSHOP ON THE INTERFACE BETWEEN INTELLECTUAL PROPERTY RIGHTS AND COMPETITION LAW

Thursday, 18 February 2016

Venue: The Angkor Wat Room
Ministry of Commerce, Phnom-Penh, Cambodia

[DRAFT, 11 FEBRUARY 2016]

09:00 Registration

09:30 Welcome and Introduction

High Level Official, Ministry of Commerce

- Mr. Kiyoshi Adachi, Legal Officer, Intellectual Property Unit, UNCTAD
- Mr. Pierre Horna, Legal Affairs Officer, Competition and Consumer Policies Branch, UNCTAD

09:45 Intellectual Property and Competition Law – International Instruments

This presentation will enable the audience to understand the basic relationship between intellectual property law and competition law.

Reference will be made to the importance of the UN Set of Principles and Rules on Competition in shaping national competition legislation in developing countries, and the specific references to competition in the WTO Agreement on Trade-related Aspects of Intellectual Property Rights, including the relevance of provisions related to licensing of technology/technology transfer and the issue of compulsory licenses as a remedy for anti-competitive behavior.

The lecture will contain examples from other developing countries who have utilized competition law in the manner envisaged under the UN Set and the TRIPS Agreement.

- Lecturer: Kiyoshi Adachi and Pierre Horna

10:45 Coffee Break

11:15 Historical Development and Current Status of Cambodia's Competition Legislation

This lecture provides an overview of where Cambodia's competition legislation currently stands and the means envisaged to implement the law when passed.

The presentation will examine how the topic of the abuse of intellectual property rights is dealt with under the draft legislation, as well as how the bill is designed to fit into ASEAN harmonization efforts in competition.

- Lecturer: Ms. Saroeung Kem, Ministry of Commerce

12:15 Lunch Break

13:30 An Introduction to Competition Law Analysis in IP Cases

This presentation will examine study one or two specific cases where competition law was applied to address the abuse of IP rights. The lecture will cover how complainants established dominance in these cases and the concept of 'essential facilities'.

- Lecturer: Pierre Horna

14:30 Evolution of Fair Trade Commission Review of Technology Licensing Agreements in Japan

This lecture will trace how review of technology licensing agreements have changed in Japan as it went from being a net importer of technology to an innovator country and net exporter of technology. Cambodia may draw lessons from the Japanese example.

- Lecturer: Mr. Sadaaki Suwazono, Japanese Fair Trade Commission

15:30 Coffee Break

15:45 Group Exercise

The participants will break up into groups to analyze specific cases and present an analysis of whether competition law can be invoked in the given situation, and if so, on what theory.

Each group will be asked to present their findings.

- Facilitators: Kiyoshi Adachi and Pierre Horna

16:45 Closing Ceremony

High Level Official, Ministry of Commerce

- Mr. Kiyoshi Adachi, Legal Officer, Intellectual Property Unit, UNCTAD

17:00 End