INTRODUCTORY NOTES REGARDING THE SECTION DEVOTED TO THE INTERPLAY BETWEEN INTELLECTUAL PROPERTY RIGHTS AND COMPETITION LAW

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Abstract

This opening note is aimed at providing a general introduction to the most relevant cases of this section, devoted to the intersection between competition law and intellectual property rights. This year we have selected one Italian case, regarding abuse of dominance, and two EU cases on agreements in restraint of trade and mergers. Unfortunately, it has not been possible to comment on the interesting decision of the European Commission on reverse payment patent settlements (the *Lundbeck* case), as the text of the decision was not available as per December 31, 2013.

Keywords:

- intellectual property rights; competition; abuse of dominance; agreement; concerted practices; reciprocal representation agreement; collecting societies; merger.

JEL Classification:


The intersection between IPRs and competition law is a fascinating theme. Although not many cases happen to be discussed on a yearly basis, they often give rise to lively debates that tend to last for quite a long time. In fact, as more economic sectors are characterized by a form of competition mainly based on innovation, the role of IPRs has become increasingly important and, as a consequence, its use has become more prone to the risk of strategic and opportunistic behaviours by rights holders.

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