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

di Emanuela Arezzo (*)

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 a wide range of EU cases, regarding abuse of dominance, and two EU cases on agreements in restraint of trade and merger. Interestingly, all of these cases regard the intersection of competition law with patents, reflecting the growing relevance of this IP paradigm not just as mere instrument to foster technological progress, but also as strategic tool to be used to secure (anti)competitive advantages on the market.

Keywords:
intellectual property rights; competition; abuse of dominance; agreement; patent settlement; reverse payment agreement; standard essential patent; FRAND commitments, preliminary injunction; merger.

JEL Classification:

SOMMARIO: 1. Introduction.

1. Introduction.

It is very common today to hear the term “patent surge” or “patent inflation” (1), to refer to the substantial increase in the number of patent applications which has been

(*) Assistant Professor of Commercial Law at the University of Teramo, qualified as Associate Professor.