The Application of Competition Policy vis-à-vis IPRS: The Evolution of Thought Underlying Policy Change

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TRIPS at 25 Webinar

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Congratulations and Gratitude

- Robert Anderson
- Nuno Pires de Carvalho
- Anna Caroline Müller
- Antonella Salgueiro Mezgolits
- Nadezhda Sporysheva
- Antony Taubman
Today’s Agenda

• Evolution of Thinking over the Past 25 Years: How Our Understanding of the Links Between Competition Policy and IPRs Has Changed
• Illustration
• Some Lessons
• Personal Views Only
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Invention of the Transistor: Bardeen, Brittain, and Shockley at Bell Labs in 1947
The Telephone: 1950s
Camera (and Film) 1980s
The Mainframe Computer: 1960s
Malcolm McLean
Apollo 11: July 1969
Today
What We Learned: The Significance of Policy Integration

- Competition
- Intellectual Property
- Trade
- Government Procurement
What We Learned: Importance of Interdisciplinary Integration

- Economics
- Engineering
- History
- Law
- Political Science
- Physical Science
What We Learned: Growing Significance of Global Integration

- **Centripetal Forces**
  - Substantial Economic Interdependence
- **Centrifugal Forces**
  - Regulatory fragmentation
What We Learned: How Institutional Structure Shapes Policy Outcomes

• Rights-Granting Process within Jurisdictions

• International Policy Standard-Setting Across Jurisdictions
  – Bilateral
  – Regional
  – Global
What We Learned: Future Directions

• Policy Integration Across Jurisdictions
  – Revival of the WTO Competition Working Group and extension of opt-in plurilateral mechanisms
  – Australia, Canada, New Zealand, UK, US
  – Contributions from academic hubs: E.g., EUI FSR

• Policy Integration within Jurisdictions: E.g., UK
  – CMA cooperation with sectoral regulators
  – CMA DaTA team
  – CMA markets regime