



INTELLECTUAL PROPERTY RIGHTS AND COMPETITION LAW

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INTENDED AUDIENCE : Students from Law, Management and business studies and Technical background can benefit from the program

PRE-REQUISITES : Not necessary. Brief introduction to Intellectual Property Rights may be useful

COURSE OUTLINE :

Competition Law and Intellectual Property Law prima facie appear to have conflicting objectives and goals. While Competition law operates towards facilitating the market growth by curbing anti-competitive practices in the market, IPRs confer exclusive monopoly to the proprietor. However, both are intended towards promoting innovation and consumer welfare. In the ever evolving technology driven society, the recent conflict between the domain of IPRs and completion law pertains to the exercise of rights in IPR affecting competition law. Therefore, in the light of the above intricacies and problems the course aims to discuss the general principles and laws related to Intellectual Property Right and Competition law, The course also provides an overview of the application and operation of both the laws in different jurisdictions and tries to simplify the overlapping domain of IP and Competition Law.

ABOUT INSTRUCTOR :

Prof. Raju K.D is presently Professor at Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology, Kharagpur. His research career began with M.Phil studies at Jawaharlal Nehru University, New Delhi on International Law and further his doctoral studies at JNU. He has been awarded "Fulbright Scholarship by the United States Education Foundation in India (USEFI) for completing his doctoral studies at the University of Illinois, Urbana Champagne, United States. He has been awarded with the Microsoft Outstanding Young Faculty Award in 2011.

Prof. Niharika Sahoo Bhattacharya is currently working as an Assistant Professor in Rajiv Gandhi School of Intellectual Property Law, IIT Kharagpur. She has done her doctoral studies in the interdisciplinary area of IPR and biomedicines from IIT Kharagpur. Her broad research interest is to analyze and understand the complexities between scientific innovations, their protection and commercialization. Her other research interest are IP issues in pharmaceuticals, IP and competition law, and Plant variety Protection. She is actively involved in the research and teaching of various IP subjects and published in many peer reviewed international journals of repute.

COURSE PLAN :

Week 1: Function of IPR. Public good, Incentive theory, different forms of IPR

Week 2: Introduction to competition Law, Anti-competitive agreements, Abuse of dominance, Regulation of combinations,

Week 3: The relationship and Interaction between IPR and competition law

Week 4: The economics of US Antitrust law, IP and competition issues, Technology transfer agreements

Week 5: The EU experience with IP and Competition Law

Week 6: Market allocation, Horizontal agreements, Vertical agreements, licensing issues

Week 7: Indian Competition Act and IPR protection

Week 8: Anticompetitive agreement and abuse of dominance in IPR protection, IPR issues in merger and acquisition; Harmonization of IP protection and competition Law in India