

# **TRIPS@25 - Webinar: TRIPS and Competition**

29 April 2021

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# COMPETITION AGENCY GUIDELINES AND POLICY INITIATIVES REGARDING INTELLECTUAL PROPERTY IN THE BRICS AND OTHER MAJOR JURISDICTIONS: A COMPARATIVE ANALYSIS



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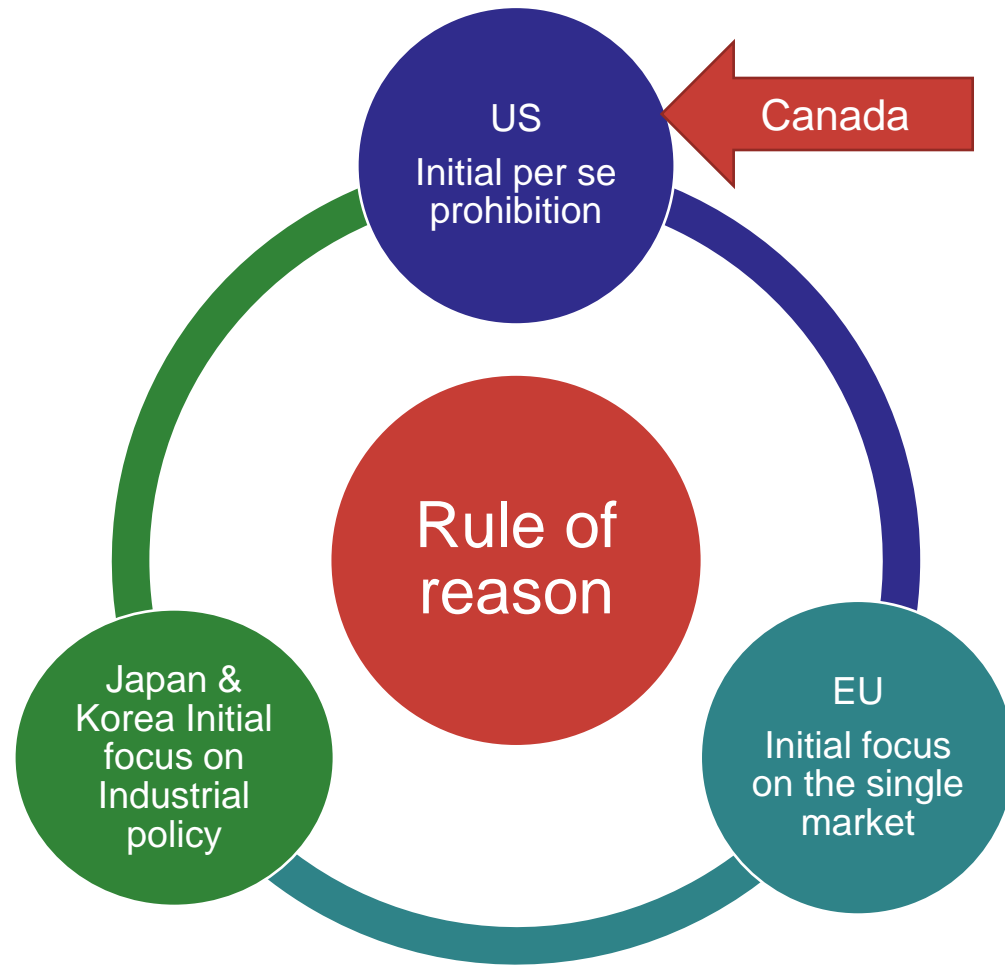
*Also available as the WTO Working Paper at*  
*[https://www.wto.org/english/res\\_e/reser\\_e/ersd201802\\_e.htm](https://www.wto.org/english/res_e/reser_e/ersd201802_e.htm)*

# What we looked at and why?

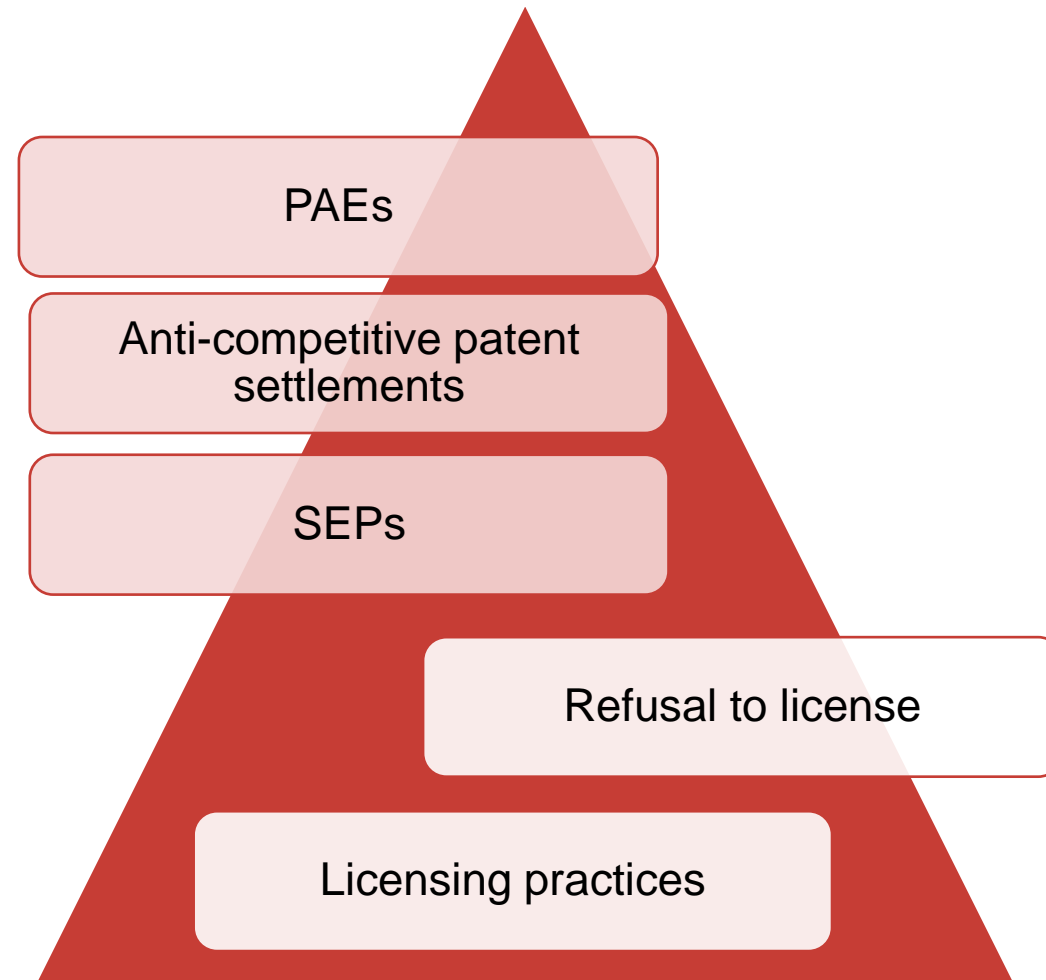


- **Jurisdictions**
  - US, Canada, EU, Australia
  - Japan, Korea
  - Brazil, China, India, Russia, South Africa
- **Instruments**
  - Competition agency guidelines
  - Policy statements
  - Related advocacy activities
  - Enforcement activities
- **Set of issues**
  - Treatment of licensing practices, including refusals to license;
  - Anti-competitive patent settlements;
  - Issues concerning standard-essential patents (SEPs);
  - Conduct of patent assertion entities (PAEs).

# Convergence of initially differing approaches?



# Issues of potential concern from competition policy



# Key take-aways

- Interest in maintaining an appropriate balance between IP and competition law and policy is no longer a preoccupation of only a few (mainly developed) jurisdictions. Rather, interest in this issue has migrated across emerging economies.
- A comparison of relevant guidelines and policy statements shows a significant degree of cross-jurisdictional learning and convergence on key policy issues.
- Regional cooperation and integration plays an important role in this process.
- The proliferation of guidelines and policy initiatives nonetheless also carries the potential for inter-jurisdictional conflicts and coordination failures.
- A greater degree of coordination (whether voluntary or otherwise) concerning the policy issues, applications and initiatives is needed?