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# **INTERPLAY BETWEEN COMPETITION LAW AND INTELLECTUAL PROPERTY RIGHTS**

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## **ABSTRACT**

The focus on the relationship between competition law and intellectual property rights (IPR), also the two essential pillars of modern economic systems and the interplay between these domains has become increasingly vital, particularly in the context of rapidly evolving technology and global markets. This paper aims to provide a comprehensive analysis of the dynamic interaction between competition law and Intellectual Property Rights, shedding light on the challenges, tensions, and synergies that arise at their intersection.

The paper begins by elucidating as to the brief background with fundamentals of both competition law and IPR regimes, highlighting their respective roles in fostering innovation, promoting consumer welfare, and ensuring market efficiency. It then proceeds to examine the inherent tensions between these frameworks, focusing on areas such as anti-competitive practices involving IPR, abuse of dominance by intellectual property holders, and the balance between exclusive rights and competition.

Furthermore, the paper explores various approaches adopted by judicially in the courts in navigating the interface between competition law and IPR. This includes analysing landmark cases, regulatory guidelines, and enforcement strategies aimed at addressing anti-competitive conduct while safeguarding incentives for innovation and investment in intellectual property.

Moreover, the paper delves into emerging issues and debates shaping the interplay between competition law and IPR in the digital age, and the implications of big data and platform markets for competition policy. Through a multidisciplinary approach drawing upon legal, economic, and regulatory perspectives, this paper aims to contribute to a deeper understanding of the complex interrelationships between competition law and IPR.

### **Keywords:**

1. IPR: Intellectual Property Rights

2. CCI: Competition commission of India
3. FRAND: Fair reasonable and non-discriminatory,
4. OECD: Organisation for Economic Co-operation and Development

## BRIEF BACKGROUND

Competition law focuses on anti-competitive trade practices that save the competition from abuse of dominance in the market, Intellectual Property rights on the other hand acts as a provision giving exclusive rights to patent and copyright owners further limiting competition and resulting in the abuse of dominant power. On the same note, Competition law restricts such a use from becoming misuse by imposing high prices, refusing to license technology, etc.

Interplay between Competition Law and Intellectual Property Rights (IPR) is a complex and crucial relationship that involves balancing the protection of intellectual property with the promotion of fair competition. Competition law aims to prevent anti-competitive practices and ensure a level playing field in the market, while IPR grants exclusive legal rights to creators and inventors, encouraging innovation. This interplay is evident in various legal frameworks, such as Section 3(5) and Section 4 of the Competition Act, 2002, which address the relationship between IPR and competition law in India.<sup>1</sup>

Competition law seeks to preserve the competitive nature of markets because competition among market forces is critical in protecting consumers from abuse. While the scope of Intellectual Property law gives a chance for the creation to be a new property with independent rights, competition law ensures that these rights are not mishandled and construed out of the scope and ambit offered.

## COMPETITON ACT

Section 3 prohibiting the anticompetitive trade practices prohibits but does not limit any person's rights to restrain any infringement of or to impose reasonable restrictions necessary for the protection of rights conferred by laws such as Copyright act, Patent Act, etc. 3(5) of the competition act gives an exemption to intellectual property owners under the purview of competition law to use and impose reasonable conditions on their Intellectual property, however

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<sup>1</sup> ashwin, P. author By (2022) *The interplay between intellectual property law and competition law- similarities and differences*, *Enhelion Blogs*. Available at: <https://enhelion.com/blogs/2022/08/22/the-interplay-between-intellectual-property-law-and-competition-law-similarities-and-differences/> (Accessed: 07 April 2024).

such impositions by intellectual property owners are only valid to a reasonable extent not giving any excessive controls or powers in the market hampering the competition further.

Section 4 which focuses upon the Abuse of dominant position under the Indian competition act does not impose a restriction on the existence of dominant position because in a market with competition there may or may not be an entity at a dominant position therefore, the act imposes a restriction on the abuse of this dominant position since the abuse gives a position the entity in the market which is a subject to prejudice and prohibited practices. Section 4(2) further goes on about if there is abuse of dominant position, hampering the competition in the market, the same will impose the said provision to the owners of intellectual property as well, any abuse by the enterprise will also imply an abuse of the intellectual property.

Competition Law acts like a vigilant body to keep a track on the structure of comparison of existing opposing to the entering creation and creating a reasonable market with fair framework of rules to exist in ensuring no malpractices.

## INTELLECTUAL PROPERTY LAW

Taking an example of whether the sale of CT scan machines to hospitals would compromise the IP right of the CT scan machine manufacturer, the CCI concluded that this would not be the case as then all CT scan manufacturers would need to open diagnostic centres for diagnosing patients.<sup>2</sup> As per the *Auto Parts case*, parties were involved in practices like forcing customers to use their branded parts at higher prices or restricting independent repair shops from accessing genuine parts and companies violated competition law with respect to the after-sales of parts.<sup>3</sup> Section 15(2) of the Copyright Act, 1957: 'Copyright in any design, which is capable of being registered under the Designs Act, 2000, but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his license, by any other person.'<sup>4</sup> Pursuant to Explanation (e) to Section 3(4) of the Competition Act, an IP licensor could impose a price ceiling (i.e., a maximum resale price) but not a price floor (i.e., a minimum resale price).

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<sup>2</sup> *India - the intellectual property and antitrust review – edition 4. - conventus law*. Available at: <https://conventuslaw.com/report/india-the-intellectual-property-and-antitrust/> (Accessed: 07 April 2024).

<sup>3</sup> Varottil, U. and Varottil, U. (2017) *Competition Appellate Tribunal ruling in the Auto Parts Case, IndiaCorpLaw*. Available at: <https://indiacorplaw.in/2017/01/competition-appellate-tribunal-ruling.html> (Accessed: 07 April 2024).

<sup>4</sup> *Copyright*. Available at: <https://www.copyright.gov/history/1909act-1973.pdf> (Accessed: 07 April 2024).

*Sony Electronics v. Soundview Technologies Inc., 157 F.Supp. 2d 180 (D.Conn. 2001).*<sup>5</sup> A standard, by definition, eliminates alternative technologies. When a patented technology is incorporated in a standard, adoption of the standard eliminates alternatives to patented technology.

The Intellectual property law gives a creator of that property unlimited rights to the creation which exists to the extent of the property not being bound. Boundaries of that property are ensured by acting vigilant mechanisms such as that of the Competition law. However this vigilant is not acting for the purpose of limiting intellectual property rights, rather to foster and ensure free and fair competition in the market.

## RELATIVE UNDERSTANDING OF THE TWO

Intellectual Property Rights are intended to encourage inventors' creativity by granting them certain rights over their inventions that protect their interests in them. These are exclusionary rights, which grant inventors temporary rights to exclude others from using their IPR. Competition law, on the other hand, exists to promote economic growth by restricting rights arising from private property in order to prevent anti-competitive behaviour.<sup>6</sup>

According to a UNCTAD document on 'examining the interface between the objectives of competition policy and intellectual property,' the main goal of IPR is to encourage innovation by providing appropriate incentives. This goal is met by granting inventors exclusive rights to their inventions for a set period of time, allowing them to recoup their R&D investments.<sup>7</sup>

One key aspect is the need to prevent the abuse of dominant positions by IPR holders, as highlighted in Section 4 of the Indian Competition Act, 2002, which prohibits the abuse of dominance but does not make exceptions for IPRs. This section focuses on preventing anti-competitive practices and abuse of market power, rather than targeting the mere existence of a dominant position.<sup>8</sup>

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<sup>5</sup> *Sony Electronics, inc. v. Soundview Technologies, 157 F. supp. 2d 180 (D. Conn. 2001) Justia Law.* Available at: <https://law.justia.com/cases/federal/district-courts/FSupp2/157/180/2470269/> (Accessed: 07 April 2024).

<sup>6</sup> ashwin, P. author By (2022a) *The interplay between intellectual property law and competition law- similarities and differences, Enhelion Blogs.* Available at: <https://enhelion.com/blogs/2022/08/22/the-interplay-between-intellectual-property-law-and-competition-law-similarities-and-differences/> (Accessed: 07 April 2024).

<sup>7</sup> *Meetings UNCTAD.* Available at: <https://unctad.org/meetings> (Accessed: 07 April 2024).

<sup>8</sup> *Competition policy in copyright.* Available at: [https://www.wto.org/english/tratop\\_e/trips\\_e/katz\\_290421\\_e.pdf](https://www.wto.org/english/tratop_e/trips_e/katz_290421_e.pdf) (Accessed: 07 April 2024).

Moreover, the relationship between competition policy and patent law is intricate, as competition policy aims to eliminate unreasonable restraints on competition, while patent laws provide inventors with temporary monopolies to protect their innovations. This balance is crucial to encourage innovation, benefit consumers, and promote economy.<sup>9</sup>

In summary, the interplay between Competition Law and IPR involves navigating the fine line between protecting intellectual property rights and ensuring fair competition in the market, with legal frameworks aiming to strike a balance that fosters innovation while preventing anti-competitive behaviour.<sup>10</sup>

The interplay provides for a comparative perspective – on an international basis – on the approaches of different systems between competition law and Intellectual Property (IP). Although competition law and IP are often interwoven, until this book there has been little guidance on how they work together in practice.<sup>11</sup>

The aim of both Competition law and Intellectual Property Rights is to serve the society with innovation and benefit the same. Intellectual Property promotes innovation and rewarding a creation by acknowledging and appreciating a creator and competition if healthy ensures economic growth, innovation, etc in turn benefitting the society.<sup>12</sup> The same Balance must not be used to find one's control over the other rather to ensure that a condition such as monopoly in the market is not created by either and the balance so struck must build towards the market and the consumers at a large being benefitted by the distinction of unity in the diversity of Intellectual property as well as Competition Law.

Competition Law under section 3 talks about Anticompetitive agreements and Intellectual property owners must ensure that this anti competitiveness is maintained by them in the process of them getting their intellectual property in the market by agreeing upon terms that are intended to limit the intervention of the intellectual property in the other's market and stick to their own.

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<sup>9</sup>*The proper balance of competition and patent law and ...* Available at: <https://www.ftc.gov/sites/default/files/documents/reports/promote-innovation-proper-balance-competition-and-patent-law-and-policy/innovationrptsummary.pdf> (Accessed: 07 April 2024).

<sup>10</sup>NLIU. Available at: <https://nliulawreview.nliu.ac.in/wp-content/uploads/2022/01/Volume-V-Issue-I-141-166.pdf> (Accessed: 07 April 2024).

<sup>11</sup> *Licensing of IP rights and Competition Law - OECD.* Available at: <https://www.oecd.org/daf/competition/licensing-of-ip-rights-and-competition-law.htm> (Accessed: 07 April 2024).

<sup>12</sup> ICCLi (2023) *Intellectual property: Powerhouse for innovation and economic growth - ICC - international chamber of commerce, ICC.* Available at: <https://iccwbo.org/publication/intellectual-property-powerhouse-for-innovation-and-economic-growth/> (Accessed: 07 April 2024).

Furthermore, competition law also addresses under section 4 the Abuse of dominant position being a violative practice under Competition law and the same can impose regulations for the contravention of the same even by intellectual property owners thereby maintaining a healthy competition in the market while striving with innovation and developments in the market.

IP-safeguarded developments can diffuse all through the economy which is licensing. The presence of innovation markets in which Intellectual Property proprietors to permit their developments proficiently and at alluring terms further emphatically affecting their impetuses to put resources into advancement.<sup>13</sup> Licensing contracts are for the most part considered to be procompetitive, cultivating both competition ex post and development ex ante.<sup>14</sup> However, there are various conditions and kinds of permitting plans that bring about rivalry concerns. A portion of these worries were tended to in several OECD Proposals, the remainder of which was adopted in 1989.<sup>15</sup> From that point forward, various new concerns connected with permitting of competition have emerged and made discussion and debate within the competitive sphere.<sup>16</sup> These incorporate patent thickets, technological stands, standard essential patents, setting of fair reasonable and non-discriminatory (FRAND) licensing royalties, and mandatory licensing as both an antitrust encroachment and cure.<sup>17</sup>

OECD recommendations probe towards eliminating restrictions by marking of trademark and licensing Patent and know how agreements that throw light upon points such as Adopting effect based licensing practices, Limit the licensing, out of date(not addressing IP concerns), etc. However it was contended that IP rights have still not been addressed by the recommendations and competition concerns have also not been given effect to.

## RELATIVE DIFFERENCES

The current competitive sphere perceives competition law and Intellectual property law as united yet diverse parts of the same objective to resolve a conflict of no restraints on the Competition law but restraints on intellectual property to protect the market from monopoly of the protected

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<sup>13</sup> *Managing intellectual property rights in innovation: The key to reaching the market WIPO*. Available at: [https://www.wipo.int/wipo\\_magazine/en/2021/01/article\\_0009.html](https://www.wipo.int/wipo_magazine/en/2021/01/article_0009.html) (Accessed: 07 April 2024).

<sup>14</sup> *Site homepage* (no date) *OECD iLibrary*. Available at: <https://www.oecd-ilibrary.org/> (Accessed: 07 April 2024).

<sup>15</sup> *Ibid*.

<sup>16</sup> Editor\_4 and Ridhi (2023) *The competition (amendment) act, 2023: A game changer for mergers and acquisitions*, *SCC Times*. Available at: <https://www.sconline.com/blog/post/2023/06/05/the-competition-amendment-act-2023-a-game-changer-for-mergers-and-acquisitions/> (Accessed: 07 April 2024).

<sup>17</sup> *WIPO*. Available at: [https://www.wipo.int/edocs/mdocs/mdocs/en/wipo\\_rt\\_ip\\_sin\\_11/wipo\\_rt\\_ip\\_sin\\_11\\_ref\\_rulesandprinciples.pdf](https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_rt_ip_sin_11/wipo_rt_ip_sin_11_ref_rulesandprinciples.pdf) (Accessed: 07 April 2024).

intellectual property.<sup>18</sup>

The pole behind the existence of the concept of intellectual property is fostering innovation benefitting in an overall development and growth, encouraging innovators with rights to bar other parties from availing products that are an innovation based on highly detailed and fostered projects creating new knowledge and concepts. Therefore, Intellectual property rights allow the innovator or the original owner with an monopoly of their own creation to recover and avail what they spent on the innovation resulting in earning of temporary profits and incentives as a gain for their creation.<sup>19</sup>

Competition law on the very same end is extremely strict about disciplining of any kind of anticompetitive conduct, preventing abuse of monopoly in the market, just allocation and usage of resources benefitting the consumers with fair and equitable competitive practices with fair prices, choice for selection in the market, better quality products, etc. Making sure that dominant power associated with intellectual property rights is not one that is leveraged, restrictive, unfairly biased is ensured by competition law. The main aim of competition law being the regulation and protection of competition in India in turn fostering a positive approach for innovators in the market for creation of new products and services at a reasonable and just price with no compromise on the quality as per the consumers further emphasizing the importance of healthy innovation with the competitive inputs thus improving consumer welfare as well.

In spite of the constant disparity between the two, the two regimes coexist maintaining a balance between the two disciplines and areas of law. Furthermore, the areas are widely anticipated in many sectors of the economy where there is a lack in the consumer knowledge which gives a rise to problems like discrimination by the existence of dominance abuse in the market and abuse of the monopoly the entities hold in the market giving a rise to anti-competitive trade practices for the regulation of which certain concepts such as compulsory licensing has also been addressed to provide for a balance between the Intellectual property rights in consonance with competition law so that the innovators of the creations or the owners of intellectual property do not abuse their privileges and stifle competition by abusing their dominant position.

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<sup>18</sup> Technology, T.O. of (2013) *Competition and intellectual property policy: The way ahead*, Federal Trade Commission. Available at: <https://www.ftc.gov/news-events/news/speeches/competition-intellectual-property-policy-way-ahead> (Accessed: 07 April 2024).

<sup>19</sup> *Licensing of IP rights and Competition Law*. Available at: [https://www.ftc.gov/system/files/attachments/us-submissions-oecd-2010-present-other-international-competition-fora/ip\\_licensing\\_us-oecd.pdf](https://www.ftc.gov/system/files/attachments/us-submissions-oecd-2010-present-other-international-competition-fora/ip_licensing_us-oecd.pdf) (Accessed: 07 April 2024).

## JUDICIAL POSITION

The European Union and the United States in the recent years have received a large number of IPR and competition related disputes however there are only a few disputes in India involving IPR and Competition law therefore it is still at a nascent stage.

Conflicts surrounding Intellectual Property rights were initially resolved by the Monopolistic and Restrictive trade practices Commission the predecessor of which is the Competition Commission of India enforcing the Competition Act of 2002 handling the applicability and enforceability of both the Intellectual property as well as competition law in India.

In the case of *Entertainment Network Pvt. Ltd. V. Super Cassette Industries Ltd.*, the supreme court addressed the issue of subject matter of dispute between Intellectual property and Competition law. The court in its observations elucidated that even a Copyright holder is not a sole monopoly power and such a power is limited if the same disrupts smooth operation of market which would violate competition law and the same was valid with respect to the refusal of license. It is an unsaid fact that the Intellectual property owners can reap benefits of their innovations by issuing of licenses but the same power does not stand as an absolute.

Competition law and copyright intersect in various ways, with competition policy goals influencing copyright law.<sup>20</sup> Copyright law, despite offering limited protection from competition, allows for some uses that mitigate inefficiencies and promote innovation. Fair use provisions, limitations on subject matter, and the first-sale doctrine are examples of how copyright law incorporates competition policy goals from within.<sup>21</sup> This interplay aims to balance incentives for creators with the promotion of consumer welfare and innovation. The historical context, such as the Statute of Anne, highlights how competition policy has informed copyright law's development over time, emphasizing the importance of maintaining a competitive market within the realm of intellectual property.<sup>22</sup>

In the longer run, the protection of Intellectual property facilitates better competition and

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<sup>20</sup> *Competition policy in copyright*. Available at: [https://www.wto.org/english/tratop\\_e/trips\\_e/katz\\_290421\\_e.pdf](https://www.wto.org/english/tratop_e/trips_e/katz_290421_e.pdf) (Accessed: 07 April 2024).

<sup>21</sup> *WIPO*. Available at: [https://www.wipo.int/edocs/mdocs/mdocs/en/wipo\\_rt\\_ip\\_sin\\_11/wipo\\_rt\\_ip\\_sin\\_11\\_ref\\_rulesandprinciples.pdf](https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_rt_ip_sin_11/wipo_rt_ip_sin_11_ref_rulesandprinciples.pdf) (Accessed: 07 April 2024).

<sup>22</sup> *Copyright and competition policy - tspace*. Available at: <https://tspace.library.utoronto.ca/bitstream/1807/89455/1/Katz%20-%20Copyright%20and%20Competition.pdf> (Accessed: 07 April 2024).

Raghavan committee report on Competition was one of the firsts to give an insight towards the exclusive exploitation of rights for the protection of Intellectual Property, having flagged the issue of IPR being a vital standpoint for the consumer's or the general public.<sup>23</sup> Exclusive exploitation of rights on reasonable grounds acts as an incentive in the longer run.

In the case of *FICCI Multiplex association of India (FMAI) v. United Producers and Distribution and Ors. CCI C. No. 1/2009*. FMAI accused the producers'/distributors' associations of acting like a cartel and entering into an anti-competitive agreement to force multiplex owners to accept their revenue sharing demands. Further on, the Competition Commission of India (CCI) investigated the case and CCI's Director General (DG) concluded there was evidence suggesting cartel-like behaviour by the producers'/distributors' associations. CCI ultimately found the allegations by FMAI to be established and a penalty of Rs. 1 lakh (US\$140 approx.) was imposed on each of the opposite parties (UPDF, AMPTPP, and FTPGI).

In the case of *Amir Khan Productions v. The Director General (2010) COMP LJ 580(BOM)*, the hon 'able court addressed the issue of Competition law and Intellectual property for the first time. The Bombay high court held that Competition Commission of India has the Jurisdiction to hear all Intellectual Property Rights and Competition law cases.

In the case of *Ericsson v. Micromax case and others*, on March 2013, Ericsson sued Micromax, claiming damages worth INR 100 crore (~USD 15.2 million) alleging that Micromax had refused to enter into a licensing agreement covering Ericsson's patented innovations across several wireless technology standards after three years of negotiations failed to yield a license agreement. Micromax, contested the claims, arguing that Ericsson was not licensing Its SEPs on FRAND terms. Micromax, with and subsequently Intex, approached the CCI alleging abuse of dominance by Ericsson. The CCI noting that the practices adopted by Ericsson were discriminatory and contrary to FRAND terms directed the Director General, Competition Commission of India (DG)<sup>24</sup> to investigate Ericsson for any potential violation of the provisions of the Competition Act. This order of the CCI was challenged by Ericsson before the Delhi High Court. During the pendency of these proceedings, Ericsson and Micromax entered into a global patent license agreement and ended their dispute. Even though Micromax, apparently, has written to the CCI to

<sup>23</sup> Chawla, A. (2023) *Competition law and IPR: Case for further limiting scope of interference under Article 226, IRCCL*. Available at: <https://www.ircl.in/post/competition-law-and-ipr-case-for-further-limiting-scope-of-interference-under-article-226> (Accessed: 07 April 2024).

<sup>24</sup> Rastogi, A. and Verma, V.K. (2020) *Ericsson vs. CCI (Micromax & Intex Sep Row): Delhi High Court refuses stay against investigation by CCI, Indian Case Law*. Available at: <https://indiancaselaw.in/ericsson-vs-cci-micromax-intex-sep-row-delhi-high-court-refuses-stay-against-investigation-by-cci/> (Accessed: 07 April 2024).

withdraw its complaint, the Delhi High Court noted that notwithstanding such withdrawal, the CCI would be at liberty to proceed against Erriscon for any potential abuse of its dominant position.<sup>25</sup>

The Madras High Court's observation in the *Tamil Nadu Film Exhibitors Association v. Competition Commission of India* that the Competition Act permits the parties to settle their dispute, subject to CCI's satisfaction that the settlement would not lead to or help continue any anti-competitive practice in India.<sup>26</sup>

## CONCLUSION

The CCI appears to be increasingly reluctant to view as abusive conduct the use of court proceedings to enforce legitimate IP rights. For instance, recently the CCI, in an initiation order in *Biocon v. Roche*, considered that Roche had been engaged in a long-drawn-out (and continuing) legal battle involving IP rights before the Delhi High Court and noted that recourse to legal proceedings is a right of every party and, as a general principle, cannot be viewed as being sham litigation except under exceptional circumstances.<sup>27</sup>

The exclusive jurisdiction pertaining to IP rights and related subject matter is vested with the respective statutory bodies established under the statutes, such as the Patents Office, the Designs Office and the Trade Marks Registry. With respect to competition law, the CCI and the NCLAT have exclusive jurisdiction over competition law cases.<sup>28</sup>

With the prevailing judicial view that it is the CCI alone which is empowered and equipped so as to address any competition law related concerns in the exercise of rights by the holder of a patent and to determine whether the safe harbour provided for under Section 3(5) of the Competition Act is attracted or not.<sup>29</sup>

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<sup>25</sup> Conventus Law (2019) *India - the intellectual property and antitrust review – edition 4.*, Conventus Law. Available at: <https://conventuslaw.com/report/india-the-intellectual-property-and-antitrust/> (Accessed: 07 April 2024).

<sup>26</sup> *Writ appeal nos. 1806 and 1807 of 2013. case: The Tamil Nadu Film Exhibitors Association Vs Competition Commission of India and Ors.. High Court of Madras (India)* (no date) vLex. Available at: <https://vlex.in/vid/the-tamil-nadu-film-577379090> (Accessed: 07 April 2024).

<sup>27</sup> Conventus Law (2019a) *India - the intellectual property and antitrust review – edition 4.*, Conventus Law. Available at: <https://conventuslaw.com/report/india-the-intellectual-property-and-antitrust/> (Accessed: 07 April 2024).

<sup>28</sup> Arneja, N., Gandhi, T. and Bhanot, V. (2020) *Q&A: IP rights in competition in India*, Lexology. Available at: <https://www.lexology.com/library/detail.aspx?g=f646a285-65aa-4352-ad54-0e8591af3616> (Accessed: 07 April 2024).

<sup>29</sup> Arneja, N., Gandhi, T. and Bhanot, V. (2020) *Q&A: IP rights in competition in India*, Lexology. Available at: <https://www.lexology.com/library/detail.aspx?g=f646a285-65aa-4352-ad54-0e8591af3616> (Accessed: 07 April 2024).

In conclusion, the interplay between competition law and intellectual property rights (IPR) represents a multifaceted and dynamic area of inquiry with profound implications for innovation, market dynamics, and consumer welfare.

While competition law and IPR regimes share common objectives of fostering innovation and promoting economic efficiency, conflicts often arise due to divergent approaches and priorities. The tension between protecting intellectual property rights as incentives for innovation and preventing anti-competitive behaviour presents a formidable challenge for regulators, policymakers, and courts worldwide.

The resolution of conflicts between competition law and IPR however requires a nuanced and context-specific approach. Striking the right balance involves recognizing the dynamic nature of markets, the evolving nature of technology, and the need to promote both competition and innovation. Flexibility, pragmatism, and a case-by-case analysis are essential to navigate this complex terrain effectively.

Moreover, as we enter the digital age characterized by rapid technological advancements and transformative business models, new challenges and opportunities at the intersection of competition law and IPR continue to emerge. Issues such as the dominance of digital platforms, the proliferation of standard-essential patents, and the exploitation of big data raise novel questions for competition policy and enforcement.

Further on, policymakers, practitioners, and scholars must remain vigilant and proactive in addressing these challenges while preserving the delicate balance between competition and innovation. Collaboration between competition authorities, intellectual property offices, and other stakeholders is crucial to develop coherent and effective regulatory frameworks that promote both competition and innovation in the digital economy.

In conclusion, while the interplay between competition law and IPR presents formidable challenges, it also offers opportunities to harness the power of competition and innovation for the benefit of society as a whole. By fostering an open and dynamic dialogue, we can navigate this complex landscape and ensure that competition and intellectual property rights continue to serve as engines of economic growth, technological progress, and societal welfare.