19. The relationship between intellectual property rights and competition law

This chapter considers the relationship between intellectual property rights and competition law. After a brief introduction, it deals in general terms with the application of Article 101 to licences of intellectual property rights. The chapter proceeds to discuss the provisions of Regulation 316/2014, the block exemption for technology transfer agreements. It also considers the application of Article 101 to various other agreements concerning intellectual property rights such as technology pools and settlements of litigation. This is followed by a section on the application of Article 102 to the way in which dominant undertakings exercise their intellectual property rights, including an examination of the controversial subject of refusals to license intellectual property rights which are sometimes found to be abusive. The chapter concludes with a look at the position in UK competition law.
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