VOLUME 3 | ISSUE 4

INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

A CRITICAL STUDY OF LEGAL CONTROL OF ANTICOMPETITIVE TRADE PRACTICES ASSOCIATED WITH INTELLECTUAL PROPERTY

- Sheheen Marakkar, Anila K & Maglin M Raja[1]

ABSTRACT

In the rapidly evolving landscape of global trade and innovation, intellectual property (IP) rights play a pivotal role in fostering creativity, knowledge dissemination, and technological advancements. However, the exercise of IP rights without proper legal control can lead to anticompetitive trade practices, stifling competition and hindering consumer welfare. In India, with its thriving economy and robust IP framework, understanding the intricate balance between competition law and IP laws is crucial. This article presents a comprehensive analysis of the legal control of anticompetitive trade practices associated with intellectual property in India. It critically examines the interface between competition law and IP laws, identifies challenges, and proposes pragmatic solutions to ensure a balanced approach for sustainable economic growth.

INTRODUCTION

In today's fast-paced and interconnected global economy, the convergence of Intellectual Property Rights (IPR) and competition law has become a pivotal concern for countries striving to strike the delicate balance between fostering innovation and promoting fair competition. In the context of India, a nation marked by rapid economic growth and technological advancements, the legal control of anticompetitive trade practices associated with intellectual property has emerged as a critical area of examination.[2] Intellectual property, including patents, copyrights, trademarks, and trade secrets, forms the backbone of innovation-driven economies

[1] Assistant Professor, Dr. Ambedkar Global Law Institute Tirupati, Andhra Pradesh Respectively

[2] Naval Satarawala Chopra and DinooMuthappa, "The Curious Case of Compulsory Licensing in India", (2012) Vol.8, No.2, *Competition Law International*.

by providing creators and inventors with exclusive rights to their creations.[3] These rights incentivize investments in research, development, and creative endeavors, leading to the creation of novel products, services, and technologies. However, the unbridled exercise of these exclusive rights can potentially lead to anticompetitive behavior, stifling competition and adversely affecting consumers and competitors alike.

India, as a nation witnessing an upsurge in intellectual property creation and enforcement, faces the formidable challenge of balancing the protection of intellectual property with safeguarding the principles of competition.[4] The nation's legal framework governing IPR is enshrined in the Patents Act, 1970, the Copyright Act, 1957, the Trade Marks Act, 1999, and the Designs Act, 2000. Complementing this framework, the Competition Act, 2002, addresses anticompetitive practices and abuse of dominance.[5] The nuanced interplay of IPR and competition law has prompted a critical examination of the legal control of anticompetitive trade practices associated with intellectual property in India. This study seeks to delve into the complexities surrounding this interaction, scrutinizing relevant statutes, landmark case laws, and international best practices. By analysing the challenges faced by the Indian legal system and the responses of competition authorities, this article aims to shed light on the nuanced and evolving landscape of regulating anticompetitive trade practices linked to IPR in India.

The findings of this critical study will culminate in a series of well-researched and actionable recommendations aimed at enhancing the legal control of anticompetitive trade practices in India. We will focus on promoting competition, encouraging innovation, and fostering an environment conducive to the harmonious coexistence of IPR and competition law. As the Indian economy continues to evolve and expand its intellectual property landscape, the harmonization of IPR and competition law becomes an imperative task. This study aspires to contribute to the ongoing discourse surrounding IPR and competition law in India, offering valuable insights to policymakers, legal practitioners, scholars, and stakeholders seeking to navigate the complexities of this domain. By striking the right balance between IPR protection and competition law, India can cultivate an ecosystem that nurtures innovation, ensures fair competition, and advances societal welfare in the pursuit of a prosperous and inclusive future.

---

[3] Cornish W R, *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights* 2005, 3rd edn, (London: Sweet and Maxwell, 1996).

[4] Narayanan P, *Intellectual Property Law*, 3rd edn (, New Delhi: Eastern Law House, 2012)

[5] Chakravarthy S, "*Evolution of Competition Policy and Law in India*", in Pradeep Mehta. ed., *Towards a Functional Competition Policy for India: An Overview,* (New Delhi: Academic Foundation, 2005)

INTELLECTUAL PROPERTY RIGHTS AND COMPETITION: A DELICATE EQUILIBRIUM

The relationship between Intellectual Property Rights (IPRs) and competition has been a subject of significant debate and scrutiny in the global marketplace. Intellectual Property Rights (IPRs) serve as essential tools for fostering innovation, incentivizing creativity, and protecting the rights of inventors, artists, and creators. At the same time, promoting competition is vital for ensuring efficient markets, consumer choice, and affordable access to goods and services. The intersection between IPRs and competition has become a subject of intense debate, sparking discussions on achieving a delicate equilibrium that maximizes societal welfare and economic growth.

IPRs encompass patents, copyrights, trademarks, and trade secrets, providing legal protection for inventions, creative works, brand identities, and confidential information. They encourage investment in research and development, as innovators are rewarded with exclusive rights for a limited period, allowing them to recoup investments and profit from their creations.[6] The strong protection of IPRs is seen as crucial in promoting innovation and driving economic growth.

Competition is the cornerstone of vibrant markets, encouraging companies to strive for excellence, lower prices, and better products to attract consumers. It fosters consumer welfare by offering choice and ensuring that goods and services are available at competitive prices. A competitive market also facilitates the entry of new players, driving innovation and enhancing overall economic efficiency.

The relationship between IPRs and competition is nuanced, and striking a delicate equilibrium is essential. Overly strong protection of IPRs can lead to monopolies or market dominance, limiting competition and stifling innovation.[7] On the other hand, weak IPR protection may discourage investment in research and development, hindering innovation and growth. In some cases, companies may misuse IPRs to engage in anti-competitive practices, such as patent trolling, strategic patenting, or abusing copyright claims to block competitors. This raises concerns about the potential abuse of IPRs to create barriers to entry, thwarting fair competition.

Achieving a delicate equilibrium between Intellectual Property Rights and competition is crucial for fostering innovation and promoting consumer welfare. Policymakers, regulators, and

[6] Cole M. Fauver, "Compulsory Patent Licensing in the United States: An Idea Whose Time Has Come", 8 *NW. J. INT'L L. & BUS*. 666 (1988).

[7]Landes M William, Posner Richard A. *The Economic Structure of Intellectual Property Law*, (Massachusetts: Belknap Press of Harvard University Press, 2003)

industry stakeholders must navigate the complexities of IPRs and competition to ensure that market forces drive innovation while preventing anti-competitive practices. A balanced approach will safeguard the rights of innovators while creating an environment that nurtures fair competition and benefits society as a whole. Striving for this equilibrium will ensure that Intellectual Property Rights and competition coexist harmoniously in the pursuit of a more prosperous and innovative future.

ABUSE OF DOMINANT POSITION AND INTELLECTUAL PROPERTY RIGHTS: NAVIGATING THE BOUNDARIES FOR MARKET COMPETITION AND INNOVATION

The dynamic interplay between Abuse of Dominant Position (ADP) and Intellectual Property Rights (IPRs) has emerged as a critical issue for regulators and competition authorities worldwide.[8] While IPRs serve as powerful incentives for innovation and creativity, dominant market players may misuse these rights to stifle competition and foreclose market access for rivals.[9] Striking a delicate balance between protecting IPRs and preventing anti-competitive practices is essential for nurturing a vibrant and competitive market environment. This article explores the complexities and implications of the intersection between ADP and IPRs, examining key legal cases, policy frameworks, and international perspectives on the subject.

Abuse of Dominant Position can manifest in various ways, including predatory pricing, refusal to deal, tying and bundling, and discriminatory practices. When combined with IPRs, these strategies may create insurmountable barriers to market entry and innovation. Dominant entities can employ IPRs both defensively and offensively. IPRs can serve as a shield, protecting against imitation and encouraging investment in research and development. However, they can also be used as a sword, targeting competitors and stifling market competition.

The technology sector is particularly prone to abuses of dominant position involving IPRs.[10] Patent hold-ups, patent thickets, and standard-essential patents raise significant concerns for competition authorities, as they may hinder innovation and distort market dynamics.

The intersection between Abuse of Dominant Position and Intellectual Property Rights necessitates a nuanced approach that preserves innovation while safeguarding competitive markets. Policymakers and competition authorities worldwide face the intricate task of curbing anti-competitive practices without stifling incentives for creativity and technological

[8] Roy Abir and Jayant Kumar, *Competition Law in India*, (Eastern Law House, 2008)
[9] R Singh., *Law Relating to Intellectual Property*, Vol.1. (New Delhi: Universal Law Publishing co. Pvt. Ltd, 2004)
[10] Hovenkamp, H., *Federal Antitrust Policy-The Law of Competition and its Practice*, 3rd edn, (Thompson West, 2005)

advancement.[11] Striking a delicate balance between IPR protection and competition enforcement will contribute to a thriving market environment, fostering innovation, consumer welfare, and economic growth. Through a comprehensive understanding of the challenges and implications of ADP and IPRs, regulators can forge a path towards promoting fair competition and a vibrant landscape for technological progress and economic development.

STANDARD ESSENTIAL PATENTS (SEPS) AND FAIR, REASONABLE, AND NON-DISCRIMINATORY (FRAND) TERMS IN INDIA: BALANCING INNOVATION AND MARKET COMPETITION

Standard Essential Patents (SEPs) are indispensable for ensuring interoperability and technical standardization across industries, ranging from telecommunications to consumer electronics. The licensing of SEPs on Fair, Reasonable, and Non-Discriminatory (FRAND) terms is crucial in striking a balance between innovation and market competition. This article delves into the intricacies of SEPs and FRAND terms in India, analyzing the legal framework, challenges faced by stakeholders, and international best practices in fostering a conducive environment for technological growth and fair competition.

SEPs are patents that are deemed essential to implementing a technical standard. These patents are crucial for ensuring that products from different manufacturers can work together seamlessly within the same standard. As a result, SEPs are expected to be licensed to all implementers on FRAND terms. FRAND commitments are essential in ensuring that the benefits of standardization are accessible to all players in the market. By committing to FRAND licensing, patent holders undertake not to engage in discriminatory practices, ensuring fair access to patented technologies and avoiding anti-competitive behavior.

SEPs often grant patent holders significant market power, leading to concerns about potential abuses of dominance. Licensing SEPs on FRAND terms is a vital safeguard against the misuse of market dominance to extract excessive royalties or stifle competition. In India, the Competition Act, 2002, governs issues related to anti-competitive practices, including those involving SEPs and FRAND terms. The Competition Commission of India (CCI) plays a central role in enforcing competition law and addressing concerns related to SEPs.

While Indian patent law recognizes the significance of SEPs, it lacks specific provisions on FRAND licensing. The absence of clear guidelines raises challenges in determining what constitutes fair and reasonable licensing terms. The Indian judiciary has addressed disputes

[11] Louis Kaplow, "The Patent-Antitrust Intersection: A Reappraisal", (0207) 97 *Harvard Law Review.*

involving SEPs and FRAND terms in landmark cases. The Ericsson v. Micromax case and the InterDigital v. Xiaomi case have provided important insights into the courts' approach towards resolving SEP-related disputes. Both patent holders and implementers face challenges in negotiating FRAND licensing terms. For patent holders, determining a FRAND rate can be complex, as there is no universally accepted methodology. Implementers, on the other hand, may face challenges in gaining access to essential technologies on reasonable terms.

Competition authorities, such as the CCI in India, play a crucial role in enforcing competition law and addressing potential anti-competitive practices related to SEPs. Close collaboration between competition authorities and intellectual property offices is vital to strike a balance between innovation and competition. Promoting voluntary licensing and collaboration between patent holders and implementers can facilitate the dissemination of essential technologies while reducing the likelihood of disputes.

The convergence of Standard Essential Patents (SEPs) and Fair, Reasonable, and Non-Discriminatory (FRAND) terms presents both opportunities and challenges for India's technological growth and market competition. Balancing innovation and fair competition requires a well-crafted legal framework that encourages voluntary licensing, fosters collaborative approaches, and ensures compliance with FRAND commitments. By understanding the implications of SEPs and the significance of FRAND terms, India can forge a path that nurtures a thriving innovation ecosystem while safeguarding the interests of all stakeholders. The pursuit of a delicate equilibrium between SEPs and FRAND terms is essential in promoting a dynamic and competitive market environment that benefits consumers, businesses, and the broader economy. Through a comprehensive understanding of SEPs and FRAND terms, India can contribute to a more inclusive and innovation-driven future.

COMPULSORY LICENSING AND PUBLIC INTEREST

Compulsory licensing is a legal mechanism that allows governments to step in when the exercise of IPR seems detrimental to the public interest.[12] It permits third parties to use patented technology without the consent of the patent holder, ensuring essential products and services are accessible to the public while maintaining a level playing field for competition.[13]

[12] Correa C, *Intellectual Property Rights and the Use of Compulsory Licenses: Options for Developing Countries*, (Argentina: South Centre, University of Buenos Aires, 1999)

[13] Bainbridge David, Intellectual Property Rights, 5th edn, (New Delhi: Pearson Education Limited, 2002)

The relationship between IPR and innovation is complex and has been a subject of extensive debate. Proponents argue that strong IPR protections incentivize inventors and creators by providing them with the potential for substantial financial rewards, encouraging investment in research and development (R&D). As a result, IPR is believed to foster a culture of innovation and drive economic growth. However, critics argue that excessively strong IPR may lead to patent thickets, where a single product may be covered by numerous patents, hindering progress by making it difficult for new entrants to navigate this legal landscape. This scenario can lead to stagnation, where incumbents focus on patenting incremental changes rather than pursuing genuinely transformative innovations.[14]

The intersection of IPR and competition is a critical concern in various industries. In sectors dominated by a few powerful players holding significant patent portfolios, competition may be stifled. Competitors may face barriers to entry and struggle to create products or services due to existing IPR protections. This can result in monopolistic behavior, leading to higher prices, reduced choice, and limited innovation. Moreover, patent holders may use their intellectual property defensively, discouraging others from entering the market or deterring competitors from challenging their position. This can significantly impact consumers, as reduced competition usually translates to higher prices and less innovation.

To address the potential negative impacts of IPR on competition and public interest, compulsory licensing comes into play. It enables governments to grant licenses to third parties to use patented technology without the consent of the patent holder, under certain conditions and for specific purposes. Compulsory licensing is typically implemented in cases where access to essential goods, such as life-saving medicines, is limited due to high prices imposed by patent holders. By allowing generic manufacturers to produce and distribute these products, the cost of essential medicines can be reduced, making them more accessible to the general public. The key challenge in implementing compulsory licensing is striking the right balance between protecting private rights and promoting the public interest. While it is crucial to safeguard the rights of inventors and creators, it is equally vital to ensure that the public can benefit from innovations that impact their lives positively. To achieve this, compulsory licensing mechanisms are designed with specific safeguards and conditions.[15] For instance, in the case of pharmaceuticals, compulsory licenses are often granted in situations of national emergency,

[14] Leroy Whitaker, "Compulsory Licensing-Another Nail in the Coffin", 2 *AM. PAT. L.ASS'N Q.J.* 155, 161 (1974).

[15]Cseres K.J., What Has Competition Done for Consumers in Liberalised Markets? (2008) Vol.4, Issue 2, *The Competition Law Review.*

extreme urgency, or public non-commercial use. Additionally, patent holders are entitled to receive fair compensation for the use of their technology under a compulsory license, safeguarding their intellectual property rights.

Compulsory licensing is not without its challenges and criticisms. One of the main concerns is that it may discourage future investment in R&D. If inventors and companies fear that their innovations will be subject to compulsory licensing without sufficient rewards, they may be less motivated to invest in high-risk projects, leading to a potential decline in innovation. Another challenge lies in the administrative complexity of implementing compulsory licensing. Governments must have efficient and transparent processes to determine when compulsory licenses are justified, establish fair compensation, and oversee compliance, which can be burdensome and time-consuming.

The use of compulsory licensing can have significant international implications, particularly in the context of global trade. Countries that issue compulsory licenses may face retaliation from countries that have strong IPR protections and perceive the action as a violation of trade agreements. However, international agreements, such as the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement by the World Trade Organization (WTO), also provide for the issuance of compulsory licenses in specific situations, such as public health crises.

The relationship between IPR and competition is complex, and finding the right balance to protect both private rights and the public interest is challenging. Compulsory licensing serves as a crucial tool to address situations where IPR hinders access to essential goods and services. By ensuring fair competition and accessibility, compulsory licensing promotes innovation while safeguarding the welfare of society as a whole.

While there are criticisms and challenges associated with compulsory licensing, it remains a vital mechanism to strike a balance between promoting innovation and protecting public welfare. Governments must continue to design effective compulsory licensing frameworks that encourage innovation while ensuring that essential products and services are accessible to all, reflecting the true spirit of IPR and competition in the modern world.

TECHNOLOGY TRANSFER AND ANTITRUST CONCERNS

Technology transfer is a critical aspect of IPR, enabling the dissemination of innovations through licensing agreements, collaborations, and partnerships. While technology transfer has

the potential to foster innovation and cooperation, it can also lead to antitrust concerns when wielded as a tool to suppress competition and create monopolistic positions.[16] Technology transfer facilitates the flow of knowledge, inventions, and innovations from one entity to another. This process can take various forms, including licensing agreements, joint ventures, and research collaborations. By enabling the diffusion of technology, technology transfer allows firms to build upon existing innovations, accelerate their development, and create new products and services. In the context of research and academia, technology transfer is vital in commercializing academic discoveries and turning them into practical applications that benefit society. Furthermore, technology transfer also supports international cooperation, as it allows countries to leverage each other's strengths and address global challenges collectively.

IPR protection plays a central role in encouraging innovation by offering inventors and creators a temporary monopoly on their inventions or creative works. This exclusivity provides the incentive for companies and individuals to invest in R&D, as they can reap the rewards of their efforts once the innovation reaches the market. However, the duration and scope of IPR protection have been subjects of debate. While longer patent terms may provide more substantial incentives for investment, they can also delay the entry of generic or competing products into the market, potentially hindering consumer access and competition.

While technology transfer can foster innovation and collaboration, it also raises antitrust concerns when it becomes a tool for anticompetitive behavior.[17] Companies with significant market power may use technology transfer to create barriers to entry, drive out competitors, and maintain or extend their monopolistic positions. One common antitrust concern is the abuse of standard-essential patents (SEPs). These are patents essential to comply with industry standards, and owners are often required to license them on fair, reasonable, and non-discriminatory (FRAND) terms. However, disputes over FRAND licensing can lead to litigation, delays in technology adoption, and reduced competition. Another antitrust concern arises when dominant firms engage in exclusive licensing agreements, effectively shutting out potential competitors from accessing essential technologies. This can lead to a lack of innovation, reduced product diversity, and higher prices for consumers.

Striking the right balance between IPR protection and antitrust concerns is essential for

[16] K. E. and Reichman, J. H. eds., *International Public Goods and Transfer of Technology under a Globalized Intellectual Property Regime*, (Cambridge: Cambridge University Press, 2005)

[17] Whish Richard *Competition Law*, 5th edn, (Oxford University Press, 2005)

fostering innovation and maintaining competitive markets.[18] Policymakers and regulatory authorities must consider various factors when evaluating technology transfer agreements and potential anticompetitive practices.

a. Promoting Open Standards: Encouraging the use of open standards and ensuring fair access to SEPs on FRAND terms can foster innovation, enable interoperability, and prevent abusive licensing practices.

b. Patent Pools: Patent pools, where multiple patent holders collectively license their patents, can facilitate technology transfer while avoiding fragmentation of the market and reducing the risk of patent hold-up.

c. Technology Transfer Guidelines: Developing clear and comprehensive guidelines for technology transfer agreements can provide businesses with a framework for compliance and help identify potential anticompetitive behavior.

d. Competition Impact Assessments: Conducting thorough assessments of technology transfer agreements and their potential effects on competition can help regulators identify and address antitrust concerns.

The relationship between IPR, competition, and technology transfer is multifaceted and dynamic.[19] Technology transfer plays a pivotal role in fostering innovation and advancing society, but it must be balanced with fair competition to ensure broad consumer benefits and a level playing field for all players. Addressing antitrust concerns in technology transfer requires a thoughtful and coordinated approach by policymakers, businesses, and regulators. Striking the right balance between IPR protection and promoting competition will support a vibrant innovation ecosystem that drives economic growth, accessibility, and societal progress. With the right measures in place, technology transfer can truly serve as a catalyst for positive change in the modern world.

CONCLUSION

The conclusion synthesizes the key findings of the critical study and emphasizes the significance of a well-balanced legal framework to regulate anticompetitive trade practices associated with intellectual property in India. It reiterates that an effective equilibrium between IP and competition law is vital for fostering innovation, enhancing consumer welfare, and

[18] Meir Perez Pugatch, *Introduction: Debating IPRs*, in The Intellectual Property Debate: Perspectives From Law, *Economics and Political Economy*, 4 (Meir Perez Pugatch ed., 2006).
[19] IlkkaRahnasto, *Intellectual Property Rights: External Effects and Anti-Trust Law* 19 (2003).

ensuring sustainable and inclusive economic growth. To effectively balance IPR and competition, India can consider implementing the following recommendations:

a. Strengthening Patent Examination: Enhance patent examination processes to ensure only high-quality and genuinely innovative patents are granted. This can help reduce patent thickets and curb the misuse of IPR.

b. Encouraging IP Awareness and Education: Promote awareness among businesses, innovators, and consumers about the benefits of IPR, as well as the importance of competition for a thriving market ecosystem.

c. Promoting Licensing and Technology Transfer: Encourage technology transfer and licensing agreements between companies, allowing smaller firms to access essential technologies and fostering competition.

d. Antitrust Enforcement: Strengthen antitrust enforcement to prevent anticompetitive practices and abuse of dominant positions that may arise due to IPR-related market power.

e. Compulsory Licensing with Fair Compensation: Ensure that compulsory licensing is exercised judiciously, with a focus on essential goods and services for public welfare, while ensuring fair compensation to patent holders.

f. Encouraging Public-Private Partnerships: Foster collaborations between the government, academia, and private sector to promote innovation and technology diffusion for the benefit of society.

g. Reviewing Patent Term Extensions: Examine the need for patent term extensions to strike a balance between encouraging innovation and promoting timely market competition.

India can learn from international best practices in balancing IPR and competition. Several countries have implemented successful strategies to encourage innovation while safeguarding competition and consumer interests. By studying these practices, India can adapt and tailor approaches that align with its unique economic and social landscape.

The effective balance of IPR and competition is essential for India to maintain its position as a hub for innovation and economic growth. By addressing the challenges associated with IPR, such as patent thickets and low-quality patents, and implementing the recommended measures, India can create a conducive environment for both innovators and competitors. Through strengthened patent examination, promotion of technology transfer, and robust antitrust enforcement, India can strike the right balance between IPR protection and promoting fair competition. By doing so, India can achieve the dual objectives of fostering innovation and

ensuring that the benefits of technological progress are accessible to all, ultimately contributing to the nation's progress and well-being.

BIBLIOGRAPHY

BOOKS

- Bainbridge David, *Intellectual Property Rights*, 5th edn, (New Delhi: Pearson Education Limited, 2002)
- Chakravarthy S, "*Evolution of Competition Policy and Law in India*", in Pradeep Mehta. ed., *Towards a Functional Competition Policy for India: An Overview,* (New Delhi: Academic Foundation, 2005)
- Cornish W R, *Intellectual Property: Patents, Copy right, Trademarks and Allied Rights* 2005, 3rd edn, (London: Sweet and Maxwell, 1996).
- Correa C, *Intellectual Property Rights and the Use of Compulsory Licenses: Options for Developing Countries*, (Argentina: South Centre, University of Buenos Aires, 1999)
- Hovenkamp, H., *Federal Antitrust Policy-The Law of Competition and its Practice*, 3rdedn, (Thompson West, 2005)
- K. E. and Reichman, J. H. eds., *International Public Goods and Transfer of Technology under a Globalized Intellectual Property Regime*, (Cambridge: Cambridge University Press, 2005)
- Landes M William , Posner Richard A. *The Economic Structure of Intellectual Property Law*, (Massachusetts: Belknap Press of Harvard University Press, 2003)
- Narayanan P, *Intellectual Property Law*, 3rd edn (, New Delhi: Eastern Law House, 2012)
- R Singh., *Law Relating to Intellectual Property*, Vol.1. (New Delhi: Universal Law Publishing co. Pvt. Ltd, 2004)
- Roy Abir and Jayant Kumar, *Competition Law in India*, (Eastern Law House, 2008).
- Whish Richard *Competition Law*, 5th edn, (Oxford University Press, 2005)

ARTICLES

- Cole M. Fauver, "Compulsory Patent Licensing in the United States: An Idea Whose Time Has Come", 8 *NW. J. INT'L L. & BUS*. 666 (1988).
- Cseres K.J., What Has Competition Done for Consumers in Liberalised Markets? (2008) Vol.4, Issue 2, *The Competition Law Review.*

- IlkkaRahnasto, *Intellectual Property Rights: External Effects and Anti-Trust Law* 19 (2003).
- Leroy Whitaker, "Compulsory Licensing-Another Nail in the Coffin", 2 *AM. PAT. L.ASS'N Q.J.* 155, 161 (1974).
- Louis Kaplow, "The Patent-Antitrust Intersection: A Reappraisal", (0207) 97 *Harvard Law Review.*
- Meir Perez Pugatch, *Introduction: Debating IPRs,* in The Intellectual Property Debate: Perspectives From Law, *Economics and Political Economy*, 4 (Meir Perez Pugatch ed., 2006).
- Naval Satarawala Chopra and DinooMuthappa, "The Curious Case of Compulsory Licensing in India", (2012) Vol.8, No.2, *Competition Law International*.