



Panel Session IV: The business of IP – IP and competition

Australia's Productivity Commission issued a report on its inquiry into Australia's Intellectual Property Arrangements in September 2016. The report arises from a recommendation in an earlier competition law review which suggested that Australia's IP regime needed to be viewed through 'a competition prism'. The final report recommends sweeping changes to all aspects of Australia's IP system.

The intersection between IP and competition law has been a key area of focus in many jurisdictions in recent years. It seems to be acknowledged that IP laws offer opportunities to create new and valuable knowledge by incentivising innovative endeavour and investment. However, competition regulators remain concerned that IP rights are inherently monopoly rights, and that rights holders may engage in anti-competitive behavior.

As a counterpoint, another recent focus has been the contribution of IP to economic performance, particularly in light of the EPO/EUIPO report 'Intellectual Property Rights Intensive Industries and Economic Performance in the European Union' (October 2016). However, this perspective too may differ depending upon whether a particular jurisdiction is regarded as a 'importer' or 'exporter' of IP.

This first session in 'The business of IP' series will explore these issues and the effect they have on international harmonization efforts.