



## **Symbiosis Law School, Pune**

### **Report on the Guest Lecture by Avv. Dr. Claudia Del Re: “Interface Between Intellectual Property Rights and Competition Law”**

On January 24, 2025, Symbiosis Law School, Pune, hosted a webinar titled "Interface Between Intellectual Property Rights (IPR) and Competition Law," conducted by Avv. Dr. Claudia Del Re, a prominent academic and scholar in the field. Dr. Del Re, a Senior Lecturer of International Fashion Law at Polimoda International Institute of Fashion Design and Marketing and a University Professor, brought valuable insights into the complex intersection of intellectual property rights and competition law.

The session, held from 2:00 PM to 4:00 PM in the Conference Hall, was designed to provide an in-depth understanding of the sometimes-conflicting relationship between IPRs—such as patents, copyrights, and trademarks—and competition law principles. As globalization has intensified trade and innovation, understanding this interface has become essential for legal professionals and business leaders alike.

Dr. Del Re commenced her presentation by explaining the basic principles of IPRs. Intellectual property, she noted, grants creators exclusive rights to their innovations, which fosters innovation and provides economic incentives for creators and businesses. However, the monopoly granted by IPRs can potentially limit competition. This tension forms the core of the interaction between IPRs and competition law.

Competition law, also known as antitrust law in many jurisdictions, is designed to prevent unfair business practices that harm competition, such as monopolistic practices, price-fixing, or anti-competitive agreements. Dr. Del Re highlighted that while IPRs are intended to protect and incentivize innovation, their misuse can result in anti-competitive effects, such as market dominance or the hindrance of market entry by competitors.

Throughout the session, Dr. Del Re emphasized the delicate balance between promoting innovation through intellectual property protections and maintaining a competitive market environment. She discussed various cases where the enforcement of IPRs collided with competition law principles. For example, patent holders may use their rights to create monopolies or engage in "patent trolling"—a practice where entities accumulate patents solely for the purpose of litigation against operating companies. These practices can stifle innovation and create market barriers, undermining the goals of competition law.

Dr. Del Re explored the "doctrine of abuse of dominance," where holders of IPRs may engage in practices that harm the competitive process. She cited instances where dominant firms in industries such as pharmaceuticals or technology leveraged their intellectual property rights to prevent competitors from entering the market, effectively creating an anti-competitive environment. In such cases, competition law becomes necessary to intervene and ensure fair market conditions.

Dr. Del Re provided a comparative perspective on how different countries address the intersection of IPR and competition law. She drew attention to European Union and United States legal frameworks, where antitrust authorities scrutinize the abuse of intellectual property rights closely. The EU, for example, has laid out guidelines and legal precedents that aim to balance the enforcement of IPRs with the protection of competition.

The speaker also explored the concept of "essential facilities" in competition law, wherein dominant firms that control critical technologies or resources must allow competitors access to them on fair terms. The speaker noted that courts often need to strike a fine balance in determining whether intellectual property rights are being used to harm competition or to legitimately protect innovation.

Dr. Del Re wrapped up the session with practical takeaways for businesses and legal practitioners. She emphasized the importance of recognizing the legal boundaries of IPRs and avoiding anti-competitive conduct. For companies involved in sectors such as pharmaceuticals, technology, and fashion, understanding this intersection is crucial to avoid legal repercussions and maintain ethical business practices.

The session provided a rich, nuanced perspective on how intellectual property law and competition law can coexist and sometimes clash. Dr. Del Re's expertise brought clarity to a topic that is highly relevant in today's globalized and innovation-driven market. Participants left the session with a deeper understanding of the legal challenges businesses face in maintaining a balance between safeguarding their intellectual property and complying with competition regulations.

In conclusion, the event served as a valuable learning opportunity for law students, legal practitioners, and industry professionals alike, shedding light on the complexities at the crossroads of intellectual property and competition law.