

MICROECONOMIC UNDERPINNINGS OF INTELLECTUAL PROPERTY AND ANTITRUST LAWS

ABSTRACT

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Fundamentally, Intellectual Property Rights are such rights which excludes others from making, using, selling or offering to sell products or services on which the proprietor has acquired the Intellectual Property Rights. However, the monopoly rights arise the possibilities of inefficiencies in its use and the abuse of monopoly power. On the other side, the fundamental principles of Antitrust Laws aim at eradicating monopolistic practices and promote healthy competition in the market. In common parlance the objectives of both the laws seems to stand against each other but Competition law is not contradictory to IP laws per se because the ultimate aim of both the laws is to create wealth and thereby enhancing the economy of the country. Hence, from an economic perspective, it is necessary to strike a balance between both the laws. The possibilities of the co-existence of these two laws can be fine-tuned with IP licensing agreements. To strike a balance between the exclusive rights under an intellectual property and maximization of economy and consumer welfare, a structured competition policy is the key. In light of the same, this Article attempts to give an economic approach to intellectual property rights, discusses its interface with Competition Law and concludes on the possibilities of IP licensing to be a key to resolve the conflict of IP and Competition Law.

Keywords :

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