



George Mason institute suggests clarification, limit to DOJ-FTC revised antitrust-IP guidelines

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IN BRIEF

MLex Summary: The global antitrust institute of George Mason University's law school filed comments regarding the US Department of Justice and US Federal Trade Commission proposed update of the antitrust guidelines for the licensing of intellectual property. The institute commends the agencies for preserving the principle that the antitrust framework is sufficient to address potential competition issues involving all intellectual property rights, but expressed concern over language that could allow antitrust liability for unilateral refusal to license and suggested that the agencies clarify that they will only condemn licensing restraints when anticompetitive effects outweigh procompetitive benefits. The institute also recommends that the agencies reconsider the inclusion of research and development markets, or at least substantially limit them.

See document below.

File Attachment(s)

GAI Comment_DOJ-FTC Updated IP Guidelines_9-19-16_FINAL (002).pdf