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## George Mason antitrust institute comments on proposals for IP licensing guideline update

(Company press release.) Confirmed

The Global Antitrust Institute of the Antonin Scalia Law School at George Mason University provided comments in response to the request of the US Department of Justice (DoJ) and the Federal Trade Commission (FTC) for comments on the Proposed Update of the Antitrust Guidelines for the Licensing of Intellectual Property.

The institute commended the agencies for preserving and reinforcing the effects-based approach to antitrust analysis involving intellectual property rights (IPRs), the filing said.

The institute urged the agencies to recognize expressly that there is very little empirical basis to presume any systematic relationship between market structure, competition and innovation, the filing added.

The agencies preserve the principle that the antitrust framework is sufficient to address potential competition issues involving all IPRs—including both standard-essential patents (SEPs) and non-SEPs, the institute noted. According to the institute, the agencies correctly reject the invitation to adopt special antitrust analysis for SEPs in which effects-based analysis is replaced with unique presumptions and burdens of proof.

Read the comments and specific recommendations [here](#).

- Agencies

- [US Department of Justice \(DoJ\)](#)
- [US Federal Trade Commission \(FTC\)](#)