



Global Antitrust Institute comments on China's draft Antitrust Guidelines on Abuse of IPR

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IN BRIEF

MLex Summary: The Global Antitrust Institute of George Mason University has submitted comments to the Antimonopoly Commission of China's State Council on its draft Antitrust Guidelines on the Abuse of Intellectual Property Rights. The comments brought up suggestions in five main areas, such as an explicit recognition of an IPR holder's core right to exclude, incorporating the point that licensing is generally procompetitive; eliminating certain presumptions and adopting an effects-based approach instead; conducting the same case-by-case analyses in handling cases involving standard-essential patents and non-SEPs; and lastly, restricting antitrust agencies' relatively broad discretion in decision-making.

The comments are attached.

File Attachment(s)

GAI comments_IPR antitrust guidelines_13042017.pdf