



US antitrust enforcers have outsized influence on foreign counterparts, Wright says

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- Former antitrust enforcers say Wright considered longshot to head DoJ Antitrust Division
- Qualcomm exec says investigations motivated by industrial policy, trade

US antitrust enforcers must recognize that their statements and actions have "large spillover effects internationally," said Joshua Wright, a former Federal Trade Commission (FTC) member and candidate to head the Department of Justice (DoJ) Antitrust Division.

"There is absolutely no doubt that the international agencies are watching exactly what the US agencies do and what they say," he said. "What is in the [consent decrees], the words chosen, what is in the speeches."

Wright, who spoke today at the LeadersHIP 2017 conference on intellectual property, was one of two conservatives chosen to head US President Donald Trump's transition team on antitrust policy.

On the sidelines, Wright declined to comment to this news service whether he is still in the running to head the DoJ Antitrust Division. While Wright's name has been floated, Makan Delrahim, a former partner at Brownstein Hyatt who is now deputy counsel to Trump, is widely considered the frontrunner.

Two former antitrust enforcers told this news service that Wright appears to be a longshot at this juncture.

During his speech, Wright complained that US antitrust agencies fail to communicate to international competition agencies "the critical role that IP (intellectual property) rights play in facilitating economic growth and innovation."

He recommended a few changes to antitrust enforcement under the Trump administration. Among his ideas: the DoJ should assign one deputy assistant attorney general with the "primary task" of serving as a liaison to international competition authorities.

Qualcomm [NYSE:QCOM] General Counsel Don Rosenberg echoed some of Wright's concerns when he warned that competition law is encroaching on intellectual property law and enforcement. "There has been a balance that's been struck over the decades, and that balance has now tipped" in favor of competition law, Rosenberg said.



Sector: Other
Topics: Merger Review, Agencies

Grade: Confirmed

Companies
Qualcomm Incorporated

Agencies
US Department Of Justice (DoJ)
US Federal Trade Commission (FTC)

There are no files associated with this Intelligence

Rosenberg portrayed Qualcomm as the "victim" of US policy debates and statements made by FTC and DoJ officials. This is evident in China, Taiwan and South Korea, he said, referring to the three jurisdictions that have investigated Qualcomm for alleged patent abuses, with two imposing hefty fines.

"It's really all about industrial policy and trade issues that can be manipulated through the use of competition law," Rosenberg said. "In this case, it really is the use of competition law to degrade the value of intellectual property rights."

by David Hatch in Washington DC, with Esther D'Amico
contributing

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