CIIPC Co-Director makes a Presentation on 'Patents and Competition Law in India'

CIIPC
7 February 2019

Mr. Yogesh Pai, the Co-Director of CIIPC, delivered a talk on 'Patents and Competition Law in India' at Sixth Annual National Workshop Rethinking Intellectual Property Rights – 2019 at Inter University Centre for IPR Studies, Cochin University of Science and Technology on 19th January, 2019**.** He started by narrating the Great Patent Debate and the relationship between the patents and innovation. He discussed the and justifications of the patent. He elaborated on the reasons generally given to say that the patent system is in crisis and remarked that this statement is not proven by sufficient evidence. It is in this context where scholars and policy makers have demanded interventions by way of competition law to check the assumed harms created by the patent system. He discussed the Competition Commission of India's approach to Patents through two case studies- Monsanto BT Cotton and Standard Essential Patents. He questioned various axioms based on which the CCI declared Monsanto to be in violation of S. 4 of Competition Act, 2002. In case of SEPs, he questioned the reasoning based on which CCI found a case in Micromax v. Ericsson and Intex v. Ericsson. He concluded by saying that Competition Law and Policy should not go against the grain of contractual freedom and market-based approaches when harm to competition or harm to the competitive process is not shown to systemically exist.

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