



China and EU Antitrust Review of Refusal to License IPR (Maklu Competition Series)

Tiancheng Jiang

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Striking a proper balance between the unilateral exercise of intellectual property rights on the one hand and competition rules on the other hand is not an easy exercise. The right owners' unilateral behavior of refusal to license is one such delicate issue, particularly for China, considering that it has not been clarified within existing competition rules on how to assess a right owner's specific unilateral practices. In a series of cases, the EU courts have established the exceptional circumstances in which the right owners' refusal conduct might be considered as an infringement of EU competition rules. In general, Chinese competition law has been modeled after the EU competition rules. This book examines the EU approaches on dominant undertakings' refusal to license intellectual property rights and the follow-on pricing issue. It also explores to what extent the EU model could contribute to China's anti-monopoly practice. (Series: Maklu Competition - Vol. 3) [Subject: EU Law, Chinese Law, Competition Law, Intellectual Property Law]

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