



Intellectual Property And Competition Law: The Innovation Nexus

Gustavo Ghidini

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This rich and challenging book offers a critical appraisal of the relationship between intellectual property law and competition law, from a particularly European perspective.

Gustavo Ghidini highlights the deficiencies in studying each of these areas of law independently and argues for a more holistic approach, insisting that it is more useful, and indeed essential, to consider them as interdependent. He does this first by examining how competition and intellectual property (IP) converge, diverge, and inform one another. Secondly, he assesses how IP law can be interpreted through the guiding principles of competition law – antitrust and unfair competition – and within the overarching principle of free competition.

The book traces the evolution of modern IP law, which it claims is marked heavily both by ‘over-protectionist’ trends – such as the extension of copyright law to technological fields, where it trespasses on the territory of patent law – and by attempts to monopolize the achievements of basic research, such as in the example of biotechnology. Through an examination of such emerging issues as access to standards of information and patenting of genetic materials, the author makes a clear case for a reading of IP law that promotes dynamic processes of ‘innovation by competition’, and ‘competition by innovation’, with related benefits to consumer welfare such as wider choices, greater access to culture and information, and lower prices.

Advanced students and researchers in all areas of intellectual property will find this book a stimulating alternative to traditional interpretations of the subject.

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