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Antitrust, Patents And Copyright: EU And US Perspectives (New Horizons in Competition Law and Economics)

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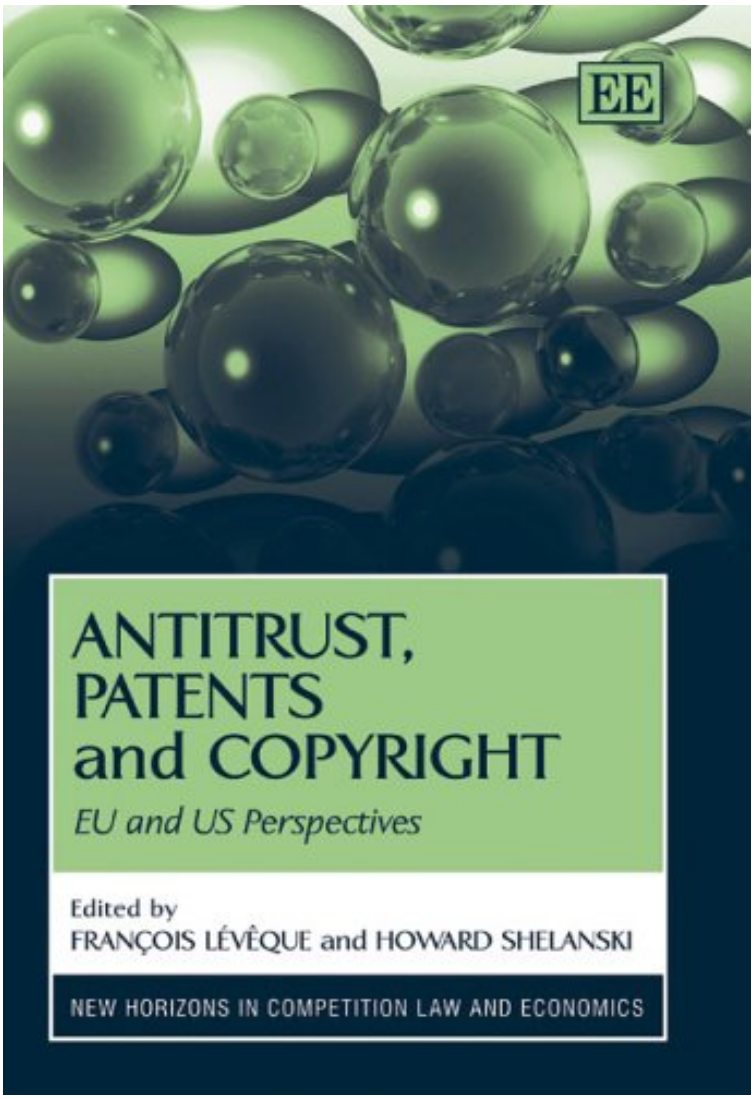

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In modern markets innovation is at least as great a concern as price competition. The book discusses how antitrust policy and patent and copyright laws interact to create market dynamics that affect both competition and innovation. Antitrust and intellectual property policies for the most part are complementary, sharing common goals of promoting innovation and economic welfare. In some cases, however, their distinct approaches, one based on competition and the other on exclusion, come into conflict. As antitrust authorities focus increasingly on ensuring that firms do not interfere with innovation by rivals or impede the pace of technological progress in an industry, they necessarily must confront difficult questions about the strength and scope of intellectual property rights. When should private property rights give way to public competition objectives? When is it appropriate to remedy anticompetitive outcomes through access to protected intellectual property? How does antitrust enforcement or competition itself affect incentives to innovate? Leading economists and lawyers address these questions from both US and EU perspectives in discussing salient antitrust cases involving intellectual property rights such as Microsoft, Magill, Kodak, IMS and Intel. Offering a non-technical introduction to this major topic, this book will be of interest to those practitioners and legal and economic scholars who may only be aware of one side of the conflicting views on competition law and intellectual property law. It will also be of interest more generally to schools and universities of law in the EU and the US.

`The high-level articles in Antitrust, Patents and Copyright provide an excellent international comparative look at the increasingly important intersection between anti-trust and IP. . . a valuable and welcome contribution to the literature in this field.' -- SCRIPT-ed - The Online Law and Technology Journal `I very much liked this book both for its subject-matter and the way it has been written clearly drawing out the key legal, public policy and economic threads of this difficult subject. If one is looking for a work that thoroughly explores the current boundaries in this important area then this book is a good buy.' -- Philip Allery, European Competition Law `. . . this book is strongly recommended to knowledgeable readers who are looking for an informative, clear and interesting comparison of the current US and European positions and case law.' -- David Rogers, European Intellectual Property `This volume offers a fresh perspective on the IP/antitrust interface. Its blend of economic policy analysis and provocative policy prescriptions is particularly noteworthy. It is noteworthy for the scope of its coverage (patent, copyrights, and database protection) and international focus. I would highly recommend this book to anyone seeking a sophisticated comparative perspective on the harmonization of IP and antitrust enforcement policies.' -- Alden Abbott, US Federal Trade CommissionAbout the AuthorEdited by Francois Leveque, Professor of Law and Economics, Ecole des mines de Paris, France and Howard Shelanski, Professor of Law, School of Law, University of California, Berkeley, US