



Standards in EU Competition Rules and US Antitrust Laws: The Rise and Limits of Self-Regulation (New Horizons in Competition Law and Economics series)

Bjorn Lundqvist

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Standardization under EU Competition Rules and US Antitrust Laws is a comprehensive and detailed legal analysis of standard-setting procedure and the regulation of standard essential patents. It deals with the competition law aspects of competitors' collaboration to create technical standards, as well as the contentious antitrust issues regarding access to standards and standard essential patents.

The book shows that there is a clear difference between how standardization is scrutinized and judged in the two jurisdictions. In general, US courts use intellectual property law to address access to standard essential patents, while European courts utilize antitrust rules. Both avenues hold their specific benefits and disadvantages. However, the dichotomy between the tools used in the two jurisdictions also, according to the author, mirror a more fundamental change in attitude to central notions and values such as property, fairness, equity, public interest and competition.

Offering in-depth analysis of the case law currently being written in courtrooms all over the world under the so-called 'patent war', the book puts forward a new method for applying competition law to standards and standard-setting - in both its collusive and monopolistic aspects - that will be of special interest to students, academics and practitioners.

Contents: 1. R&D Collaborations, Technology Standardization Agreements and Patent Pools - Antitrust Problems or Efficient Solutions to Antitrust Problems? 2. The Proliferation of IP Rights and the Rise of Standards 3. The Governance and Institutional Structure of SSOs 4. The Regulation of Standardization Agreements and Adjoining Collaborations 5. Patent Pools 6. Unilateral Conduct under Standards 7. Comparative Analysis and Critique 8. Conclusion Bibliography Index

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