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COMPETITION LAW AND IPR: IMPLICATIONS FOR INDIA¹

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Abstract

In Intellectual Property Rights and Competition Law there is tension but no fundamental contradiction. Dealing with such a relationship poses unique analytical challenges to policy-makers. But most of the developing countries don't have legislation relating competition or even if there is any law, implementation of such legislations are little. In India the Competition Act 2002 was enacted by replacing Monopolies and Restrictive Trade Practices Act 1969. In Competition Act 2002, there are three main elements anti- competitive agreements, abuse of dominant position and regulation of combinations which are likely to have an appreciable adverse effect on competition. In a nutshell, the proposed research seeks to examine the ways for governments of developing countries like India to ensure that the interest of the individual who seeks IPR protection is balanced with that of competitive trade, economic growth and ultimately public welfare.

Keywords: Anti competitive practices, Dominant position, Consumer welfare, IPR, Competition Act, 2002, TRIPS Agreement

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