



## **Innovation, Competition Law & IP Rights**

A 16 hour CPD course  
taught by **Professor Herbert Hovenkamp**  
Ben and Dorothy Willie Chair at the University of Iowa School of Law  
Fellow of the American Academy of Arts and Sciences

**June 2013**

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## About the course

In the modern knowledge economy, companies are striving to achieve competitive advantage by expanding their IP rights portfolio. For this companies are employing IP as a way to harm their competitors or as a monetary exchange in IP related transactions.

However as recent litigation in the pharmaceutical sector demonstrates competition law and IP law disputes are interconnected.

The course will analyse the value of competition law in addressing a variety of practices used in innovation-intensive markets. These include the interconnection of networks, 'duties to deal', the licensing and distribution of IP rights (standard setting organisations and patent pools) and reverse settlements as adopted by firms active in the manufacturing and delivery of services or non-practising entities, drawing from examples in both EU and US law.

The course will also consider the uses and limitations of competition law and policy as a vehicle for promoting innovation. It will also examine realistic reforms that can be undertaken in IP law and competition law across various sectors of the economy as well as the practical implications of that interaction for a number of commercial practices.

### Accreditation

The course is accredited with 16 CPD hours by the Solicitors Regulation Authority and the Bar Standards Board. It also constitutes relevant CPD for IPReg.

## Course outline

Each Session will begin at 2pm and end at 6.30pm, with a 30-minute break at 4pm.

### Wednesday 12 June

#### Seminar 1:

##### **Unreasonable Patent Practices and Other IP Exclusions**

(including anticompetitive abuses of the patent system, refusal to license, restraints on innovation, nonuse, patent aggregators and other non-practicing entities; exclusion by innovation; patent settlements, including pay-for-delay)

### Thursday 13 June

#### Seminar 2:

##### **Tying, Interoperability, and Related Issues**

(including patent ties, price discrimination, interoperability requirements, package licensing, blanket licensing)

### Tuesday 18 June

#### Seminar 3:

##### **Innovation Policy and the Innovation Commons**

(including patent pools and cross licensing, open source practices, standard setting and other forms of technology sharing, FRAND licensing obligations and remedies, price fixing and horizontal market restraints, joint ventures)

### Wednesday 19 June

#### Seminar 4:

##### **The First Sale Doctrine, Royalty Extensions, and other Downstream Restraints**

(including the first sale doctrine in patent and copyright; resale price maintenance of IP protected goods, vertical territorial limitations, reach-through licenses, and unreasonable royalty extensions)

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## About the Tutor

**Professor Herbert Hovenkamp** is Ben and Dorothy Willie Chair at the University of Iowa School of Law since 1986. Professor Hovenkamp has taught Antitrust, Antitrust & Economics, Law in American History, Torts, IP Survey, Introduction to Intellectual Property, and Real Property. He is a fellow of the American Academy of Arts and Sciences. He has been the Rockefeller Foundation Fellow, Harvard Law School; Fellow of the American Council of Learned Societies, Harvard Law School; Faculty Scholar, University of Iowa; Presidential Lecturer, University of Iowa; and has been the recipient of the University of Iowa Collegiate Teaching Award.



In 2008 Professor Hovenkamp received the John Sherman Award from the Antitrust Division of the Department of Justice. The award is presented approximately once every three years to “a person or persons for their outstanding achievement in antitrust law, contributing to the protection of American consumers and to the preservation of economic liberty.”

Professor Hovenkamp’s publications include some 100 articles and approximately 50 essays and book reviews, as well as a dozen books. Of these, *Enterprise and American Law, 1800-1860* (1991) received the Littleton-Griswold Prize of the American Historical Association; and *Science and Religion in America: 1800-1860* (1978) received the Choice Award. He is the senior surviving author of *Antitrust Law* (formerly with Phillip Areeda & Donald Turner), currently 22 volumes and the co-author of the two volumes treatise *IP and Antitrust: An Analysis of Antitrust Principles Applied to Intellectual Property Law* (with Mark D. Janis, Mark A. Lemley and Christopher R. Leslie).

His most recent books are *Creation Without Restraint: Promoting Liberty and Rivalry in Innovation* (with Christina Bohannon, 2012), and *The Making of Competition Policy: Legal and Economic Sources* (with Daniel A. Crane, 2013). He has forthcoming *The Opening of American Law: Neoclassical Legal Thought, 1870-1970* (2014).

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## COURSE VENUE

The course will be held at the UCL Faculty of Laws' Bloomsbury Campus at

UCL Faculty of Laws  
Bentham House  
Endsleigh Gardens  
London WC1H 0EG

The Faculty is well served by transport links with Euston, King's Cross, and St Pancras International overground train stations within 5 - 10 minute walk away.

Tube stations within easy walking distance of the Faculty are:

**Euston**

(Victoria / Northern Lines)

**Euston Square**

(Circle / Metropolitan / Hammersmith & City Lines)

**Russell Square**

(Piccadilly Line)



*The course venue: UCL Faculty of Laws*

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## FEES AND HOW TO APPLY

### **The course fee is £450**

The course fee covers all course materials and tuition.

### **Application Process**

Applications should be made using the form overleaf or can be made online at:

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### **Fee payment**

Upon acceptance onto the course you will be invoiced for the course fees which must be paid by 31 January 2013. Cheques should be payable to 'UCL'.

Please return your **completed application form** to:

**Lisa Penfold**  
**Events & CPD Manager**  
**UCL Faculty of Laws**  
**Bentham House**  
**Endsleigh Gardens**  
**London WC1H 0EG**

Queries should be made to:

Lisa Penfold

Telephone: 020 7679 1514

Email: [lisa.penfold@ucl.ac.uk](mailto:lisa.penfold@ucl.ac.uk)

# Innovation and Competition Policy

## APPLICATION FORM

Surname \_\_\_\_\_

First name \_\_\_\_\_

Title \_\_\_\_\_ Date of birth \_\_\_\_\_

Nationality \_\_\_\_\_ Do you require a visa? Yes/No (delete as appropriate)

Business Name \_\_\_\_\_ Position \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_ Mobile Phone \_\_\_\_\_

Email address \_\_\_\_\_

**Fee payment:** Please confirm the address/name that you would like your invoice sent to:

please use my details above

please use this name/address for the invoice \_\_\_\_\_

\_\_\_\_\_

**Data Protection Act 1988:** I agree to UCL processing personal data contained on this form or any other data which UCL may obtain from me or other people or organisations while I am applying for admission. I agree to the processing of such data for any purpose connected with my studies or my health and safety while on UCL premises, or for any other legitimate purpose.

To the best of my knowledge, the information on this application is accurate and complete.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Please return this form to:**

Lisa Penfold Events & CPD Manager

UCL Faculty of Laws, Bentham House, Endsleigh Gardens, London WC1H 0EG