

# 'Policy needs to strike balance between IPRs, competition law'

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**Jaipur:** With globalisation facing backlash across economies, there is now pressure on policy makers to strike a balance between competition and intellectual property rights (IPRs) as many a time they not only overlap but also leave the door open for abuse of dominant market position.

"There is a need to clearly determine how IPRs are issued, used and enforced. IPR regimes differ with countries given their disparate political economy scenarios. However, standards need to be defined while designing the principles, especially in case of developing nations," said Pradeep S Mehta, secretary general of CUTS International.

Developing countries have to deal with additional constraints such as lack of capaci-

ty, access to finance, weak infrastructure, poor research and development, and ineffective policy frameworks, Mehta said at the CUTS-CIRC 5th Biennial Conference on Competition, Regulation and Development.

Even though IPRs have encouraged investment and innovation, they are de-facto mo-

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nopolies. There is a realization that the narrative needs to be changed where competition holds greater significance over IPRs, opined many of the experts including policy-makers, industry, regulators, development organisations, lawyers, civil society, and academia who sought a solution to the conflict between mercantilism and equity.

"There is a lack of evidence

on impact of intellectual property on productivity growth and spending on research and development. Number of patents is not necessarily a measure of innovation. Big breakthroughs in development have come through competition, drive of the innovators and not through intellectual property protection," said an expert.

IPR laws should not be designed with the one-size-fits-all approach. IP protection may not be priority for certain industries such as heavy machinery, while it may be important for others such as pharmaceutical and chemicals.

"A differential approach can be adopted to strike a balance. The development priorities of economies may influence the balance between IP protection and competition," said a participant.