



## Traversing Jurisdictional Boundaries: Unravelling Delhi High Court's Verdict on Competency of Competition Commission of India in Patent Affairs

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The interplay between intellectual property rights and competition law is crucial for fostering a competitive and dynamic economic market. This paper aims to explore the connection between Intellectual Property Rights and Competition Laws through an analysis of the Delhi High Court's decision in the recent case of *Telefonaktiebolaget L M Ericsson v Competition Commission of India (CCI)* in July 2023. It highlights the challenges faced by the Competition Commission of India in asserting its authority over patent-related matters. The authors have thoroughly examined the concepts of Standard Essential Patents (SEP), Standard Setting Organizations (SSO), and other important aspects of Competition law to highlight the intricacies involved in the ever-evolving relationship between Intellectual Property Rights (IPR) and Competition Policies. The paper aims to find a balance and proposes that these provisions should be applied in a comprehensive and cohesive manner to ensure that the objectives of IPR law and competition law are properly aligned within the framework of Indian law.

**Keywords:** Competition Commission of India (CCI), FRAND, Intellectual Property, Standard Essential Patents (SEP), Standard Setting Organisations (SSO)

Identification and demarcation of jurisdiction is a pivotal aspect of legal enquiry, particularly in matters that arise due to the intersection of Intellectual Property Rights (IPR) and Competition law.<sup>1</sup> This paper attempts to understand this intricate relationship between IPR and Competition law through the recent decision pronounced by the Delhi High Court in the case of *Telefonaktiebolaget LM Ericsson v Competition Commission of India (CCI)*<sup>2</sup> in July 2023 and underline the jurisdictional challenges faced by the Competition Commission of India (CCI) pertaining to Patent related disputes. The primary focus of this study is to examine further the intricate interplay between Standard Essential Patents (hereinafter, SEP), Standard Setting Organisations (SSO) and the broader domain of Competition Laws in India. The rapid and accelerated advancement of technology requires the implementation of comprehensive legislative policies to facilitate the smooth interoperability of diverse products in the market.<sup>3</sup>

In this context, a crucial aspect that needs to be addressed here is the jurisdictional complexities that often arise in patent-related matters and further the

need for the existence of a clear demarcation of regulatory bodies in patent disputes, specifically in the area of SEPs.<sup>4</sup> This paper delves into the multifaceted scenarios arising out of patent disputes through an insightful review of the laws that regulate these conflicts.<sup>5</sup> The paper further addresses the conceptual understandings of Fairness, Reasonableness, and Non-discrimination, popularly known as FRAND provisions<sup>6</sup> and elucidates the duties levied upon parties to disclose a patent prior to entering into any licensing agreement in the market.<sup>7</sup> Based on this framework, the paper aims to conduct a comprehensive analysis of the recent decision passed by the Delhi High Court, which not only explores the legality but also encompasses an exhaustive assessment of potential implications that this case can generate in the domain of competition laws in India.<sup>8</sup> The paper aims to examine the delicate balance that needs to be achieved, encompassing the promotion of innovation and discouraging anti-competitive practices in the realm of intellectual property.

### Understanding Standard Essential Patents (SEPs) in the Legal Landscape

The term "standard" refers to a collection of agreed-upon technical specifications or standards that

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govern the interoperability of various technologies and include a wide range of concepts, goods, and services.<sup>9</sup> Patents covering technical inventions that are crucial to the operation and implementation of standards are known as Standard Essential Patents (SEPs).<sup>10</sup> Standard Essential Patents (SEPs) are patents that an SSO has accepted because they are critical to the standard.<sup>11</sup>

Since the need for communication device interoperability is a primary driver of the industry's high level of standardization, SEPs find extensive application in the telecommunications sector. Several patents are necessary for the functioning of WiFi, 3G (UMTS), 4G (LTE), and 5G networks. For the expansion of the hyperconnected society, such communication standards are also crucial in sectors like as consumer electronics, the automobile industry, and the electrical grid business.<sup>12</sup>

#### **Defining Standard Essential Patents (SEPs) and Conceptualizing the Fundamentals**

A Standard Essential Patent (SEP) is essentially a patent that claims proprietary rights on an invention, which becomes crucial for abiding by a particular standard. Often, these standards allude to technologies protected under the canopy of the Patent system. The nomenclature "Standard Essential Patent" refers to a patent that safeguards a technological innovation that establishes a set of guidelines or benchmarks to be adhered to by other technologies operating within the same domain.<sup>9</sup>

In the case of *Microsoft Corp. v Motorola Mobility Inc.*<sup>13</sup>, the US court defined SEP as "a given patent is 'essential' to a standard if the use of the standard requires infringement of the patent, even if acceptable alternatives of that patent could have been written into the standard".<sup>13</sup> Additionally, if the patent only reads onto an optional portion of the standard, then it is essential. Henceforth, the production of products that adhere to established standards necessitates the utilization of technologies encompassed by one or more Standard Essential Patents (SEPs). The convergence of patents and standards is driven by their shared objectives of promoting innovation and facilitating the widespread adoption of technological advancements. As per the existing legalities, standard organizations require disclosure and granting of licenses associated with their pending patent applications, which can even be in a developing state. In case an establishment fails or neglects to obtain essential patents required for adherence of a particular

standard, the patent owner may initiate legal proceedings or assert their claim which would further compel the companies to adopt the prescribed standards or pay compensation for their actions.<sup>10</sup>

It is to note further, that the determination and differentiation of the precise components that constitute SEP is of utmost importance in this contemporary framework.<sup>9</sup> These SEPs have an intermingling association with SSOs, which is also required to be understood exhaustively since SSO determines what is truly essential through meticulous evaluations done from their end. This meticulous examination entails vital elements which decide that which patented technology is indispensable for adherence to the existing standards and responsibilities placed by FRAND policies, which are fairly reasonable and non-discriminatory licensing terms.<sup>9</sup> Striking a balance between the promotion of innovation and creativity, along with ensuring access to foundational technologies, fosters robust competition in the market and also allows proprietors of patents to safeguard their creations.<sup>14</sup>

The Indian Patents Act, 1970 does not include any explicit provision for Standard Essential Patents (SEPs), nor does it outline any precise criteria or terms and conditions that must be followed when licensing a patented technology.<sup>11</sup>

In the current period, characterized by rapid technological advancement, it is imperative to establish a legal framework that aligns with technology and protects the rights of developers while also using technology for the improvement of society.<sup>11</sup>

#### **Jurisprudential Dilemma at the Intersection of SEP and Competition Law**

Numerous scholarly discourses have recognised the impact of Intellectual Property Law and Competition Law on promoting and enhancing consumer welfare. IP Laws are primarily recognised for their pro-competitive nature and positive impact on competition because they stimulate innovation and strengthen dynamic market competition. However, it is crucial to acknowledge that in certain specific contexts and circumstances, the mechanisms applied by these laws to achieve mutually beneficial goals often may lead to inconsistencies. This process is attributed to the interaction between patent protection and Competition Law. To foster scientific invention all around the world, patent protection creates a legal framework through which innovators protect their

exclusive rights and ownership. However, on the other side, the Competition Law was enacted to prevent anti-competitive actions that could potentially abuse the market linked with patent-related rights.<sup>11</sup>

The current legislative framework under the Competition Law in India and SEP has often been highlighted regarding its complexities with jurisdictional issues that have long been a part of academic discourse. The innovative nature of SEPs and the technical standards established by SEPs play a pivotal role in ensuring technological progression and enhancing global interconnectivity. Regarding authorities dealing with matters of SEP and Competition Law, there often exists a contradiction in the Indian legal framework for which the court of law requires a comprehensive evaluation. In order to investigate activities having an anti-competitive nature in the market, the Competition Act established the Competition Commission of India (CCI). This includes the anti-competitive practice surrounding SEP as well. Further, the Patent Act of 1970 also empowers the Controller of Patents to render decisions and to adjudicate relating to compulsory licencing and patent disputes. These complexities in jurisdictional issues often cause overlap and hindrance in adjudicating disputes in the area of patent and competition law, making it a very complex legal structure to adhere to. The same conflict has been highlighted in a judgement of the Delhi High Court in the case of *Telefobaktiebolaget LM Ericsson v CCI*,<sup>2</sup> in which the court observed the comprehensive interpretation of different statutes.

Because of the global application of SEPs in the technological standards, India's SEP procedure must be in tune with different jurisdictions. To have standard results through adjudication, the Indian legal system is required to be harmonised with international standards and practices. These criteria are critical components for resolving competitive concerns that are associated with SEPs.<sup>10</sup> In order to find solutions to jurisdictional dilemmas, a broader global perspective or understanding is required than what is provided by local legislation. In order to strike a balance between safeguarding innovation, promoting fair competition, and enhancing the efficacy of an environment conducive to technological development, particularly in the context of India.<sup>14</sup>

*Telefonaktiebolaget LM (PUBL) Ericsson v Competition Commission of India (CCI): A Judicial Exegesis*

In this matter, a Division Bench of Delhi High Court, via its judgment dated 13 July 2023,

in *Telefonaktiebolaget LM Ericsson (PUBL) v Competition Commission Of India*,<sup>2</sup> overturned an earlier decision<sup>15</sup> (delivered on 30 March 2016) by a single judge bench who had maintained the Competition Commission of India's (CCI) jurisdiction in patent-related disputes. Ericsson which was being investigated by the CCI for possible abuses of dominance in patent licensing, had challenged the commission's jurisdiction again through a Letters Patent Appeal (LPA) from the order of the single judge bench of the Delhi High Court. They contended that, in compliance with the Patents Act of 1970, patent matters are exclusively the responsibility of the Controller of Patents.<sup>2</sup>

2016, Ericsson's writ petitions were denied on the grounds that there were no irreconcilable differences between the Patent Act of 1970 and the Competition Act of 2002.<sup>15</sup> The single judge was emphatic in culling out that there were differences between the remedies available under Section 84 of the Patents Act, 1970 (provisions pertaining to Compulsory Licensing)<sup>16</sup> and those described in Section 27 of the Competition Act, 2002<sup>17</sup> for dealing with the abuse of dominant position. Section 27 states that:

“27. *Orders by Commission after inquiry into agreements or abuse of dominant position.—Where after inquiry the Commission finds that any agreement referred to in section 3 or action of an enterprise in a dominant position, is in contravention of section 3 or section 4, as the case may be, it may pass all or any of the following orders, namely:—*

(a) *direct any enterprise or association of enterprises or person or association of persons, as the case may be, involved in such agreement, or abuse of dominant position, to discontinue and not to re-enter such agreement or discontinue such abuse of dominant position, as the case may be;*

(b) *impose such penalty, as it may be deemed fit, which shall not be more than ten percent. of the average of the turnover for the last three preceding financial years, upon each of such person or enterprises which are parties to such agreements or abuse: Provided that in case any agreement referred to in section 3 has been entered into by any cartel, the Commission shall impose upon each producer, seller, distributor, trader or service provider included in that cartel, a penalty equivalent to three times of the amount of profits made out of such agreement by the cartel or ten per cent of the average of turnover of the*

cartel for the last preceding three financial years, whichever is higher;

(c) award compensation to parties in accordance with the provisions contained in Section 34;

(d) direct that the agreements shall stand modified to the extent and in the manner as may be specified in the order by the Commission;

(e) direct the enterprises concerned to abide by such other orders as the Commission may pass and comply with the directions, including payment of costs, if any;

(f) recommend to the Central Government for the division of an enterprise enjoying dominant position;

(g) pass such other order as it may deem fit.”<sup>17</sup>

He noted that these remedies are not exclusive of one another; that is, seeking recourse under one does not preclude seeking relief under the other. When the Commission discovers violations of competition laws, it is authorized by Section 27 of the Competition Act to make a range of orders, including cease and desist orders, fines, and agreement revisions. In fact, under Section 28, the CCI can also order the division of an enterprise enjoying a dominant position, such as:

“28. Division of enterprise enjoying dominant position. —

(1) The Central Government, on recommendation under clause (f) of section 27, may, notwithstanding anything contained in any other law for the time being in force, by order in writing, direct division of an enterprise enjoying dominant position to ensure that such enterprise does not abuse its dominant position.

(2) In particular, and without prejudice to the generality of the foregoing powers, the order referred to in sub-section (1) may provide for all or any of the following matters, namely: —

(a) the transfer or vesting of property, rights, liabilities or obligations;

(b) the adjustment of contracts either by discharge or reduction of any liability or obligation or otherwise;

(c) the creation, allotment, surrender or cancellation of any shares, stocks or securities;

(d) the payment of compensation to any person who suffered any loss due to dominant position of such enterprise;

(e) the formation or winding up of an enterprise or the amendment of the memorandum of association or articles of association or any other instruments regulating the business of any enterprise;

(f) the extent to which, and the circumstances in which, provisions of the order affecting an enterprise

may be altered by the enterprise and the registration thereof;

(g) any other matter which may be necessary to give effect to the division of the enterprise.

(3) Notwithstanding anything contained in any other law for the time being in force or in any contract or in any memorandum or articles of association, an officer of a company who ceases to hold office as such in consequence of the division of an enterprise shall not be entitled to claim any compensation for such cesser.”<sup>18</sup>

Any interested person may apply for a compulsory license under Section 84 of the Patents Act, 1970, three years after the patent award for a variety of reasons, including failure to meet public needs, unavailability at a reasonable price, or failure to work the patented innovation in India.

“Section 84(1) in The Patents Act, 1970

(1) At any time after the expiration of three years from the date of the [grant] of a patent, any person interested may make an application to the Controller for grant of compulsory licence on patent on any of the following grounds, namely: -

(a) that the reasonable requirements of the public with respect to the patented invention have not been satisfied, or

(b) that the patented invention is not available to the public at a reasonably affordable price, or

(c) that the patented invention is not worked in the territory of India.”<sup>16</sup>

Depending on the innovation's nature, the amount of time that has passed since the patent was sealed, and the applicant's capacity to use the invention for the benefit of the public, the Controller may decide to award a license. When assessing an application for a compulsory license under Section 84, the Controller takes into account various factors, including the invention's nature, the amount of time since the patent was sealed, actions taken by the patentee or licensee to utilize the invention, the applicant's ability to use the invention for the benefit of the public, their willingness to assume associated risks and provide funding, and whether the applicant has made an attempt to reach an acceptable license agreement with the patent holder.

In the judgment dated 13 July 2023, the High Court observed that the Competition Act and the Patents Act are specialized statutes in competition and patents. The *Ashoka Marketing Ltd & Anr. v PNB & Ors*<sup>19</sup>, Constitution Bench ruling of the Supreme Court was cited by the High Court as precedent. Through the

precedent, the need to take into account the subject matter, legislative intent, and statutory schemes of both statutes, particularly if they have non-obstante provisions, was highlighted.

According to the Division Bench, in the present case, the Competition Act and the Patents Act both contain comparable authority to award compulsory licenses, and thus, the subject matter of patent licenses is not exclusive to CCI. A special reference was made to an amendment carried out in 2003 to the Patents Act. The High Court found that when the legislature Chapter XVI of the Patents Act in 2003—a year after the Competition Act was passed—it was evident what the legislature intended. The goal was to turn the Patents Act into a unique piece of law that addressed issues pertaining to patent holders' anti-competitive agreements. The Court further noted that, in contrast to the Competition Act, Chapter XVI of the Patents Act is a later piece of legislation and a comprehensive code in and of itself.<sup>14</sup>

The Court concluded that the Patents Act supersedes the Competition Act with respect to the exercise of patentee rights because it viewed the Patents Act as special legislation and applied the legal precepts *lex posterior derogate priori*. By accepting Ericsson's appeals and vacating the 2016 ruling, the court invalidated the CCI's jurisdiction over such matters.

#### Critical Inquiries and Commentaries

##### *Specious Reasoning of the Delhi HC*

In Paragraph No. 21 of the judgment, the Division Bench of the Delhi HC says that “*Chapter XVI of the Patents Act, which was introduced by way of an amendment in 2003 after the Competition Act was enacted.*”<sup>2</sup> The same is re-iterated in paragraph no. 33 of the judgment when it is stated that “*Chapter XVI of the Patents Act, which was introduced in 2003 by way of an amendment, pertains to, as its title indicates, working of patents, compulsory licenses and revocation.*”<sup>2</sup>

However, on closer scrutiny of this fact, it becomes crystal clear that the Court has its facts wrong. The Gazette of India notification for the inclusion of Chapter XVI of the Patents Act, as it exists today, was made through the publishing of the Patents (Amendment) Act, 2002.<sup>20</sup> It received the assent of the President on 25 June 2002, and was published in the Gazette on the same day.<sup>21</sup>

Coming to the Competition Act, it received the assent of the President on the 13 January 2003 and

was published in the Gazette of India on the next day.<sup>22</sup> Hence, it is clearly discernable that when the legislative function of making both these laws into Acts was completed, the Competition Act of 2002 was the later statute. Hence, the logic that the Patent Act came later is flawed.

Further, the Competition Act, which was passed later, had a specific provision which laid down the legislative intent very clearly. According to Section 60 of the Competition Act, its (*the Acts*) provisions supersede and have the upper hand over any conflicting provisions found in other laws that were in existence. This guarantees the Act's application notwithstanding contradictory provisions in other legal acts and highlights the Act's supremacy and authority in issues covered by its provisions.

Ministry of Finance, on 19 June 2003, issued Notification S.O. 715(E), which put into effect Section 60 and also enforced certain other provisions of the Competition Act, 2002. The notification highlights the start of Section 60 of the Competition Act's application by stating the date on which it will become effective.<sup>23</sup> Before that, on 20 May 2003, the new Patent Rules, 2003, were introduced, superseding the previous Patents Rules, 1972, and Chapter XVI of the amended Patent Act was also brought into effect.<sup>23</sup> Hence, Section 60 of the Competition Act was brought into effect after Chapter XVI of the Patent Act was. A plain reading of the headnote of Section 60 would tell us that the Competition law will have an overriding effect on Chapter XVI of the Patent Act.

##### *The Rigor of Legal Principles: An Analytical Interrogation*

The recent ruling in the case of *Telefonaktiebolaget LM Ericsson v Competition Commission of India* (CCI) by the Delhi High Court has brought attention to the complex relationship between Standard Essential Patents (SEPs) and competition law. This decision necessitates a thorough analysis of the underlying legal principles that guided the judgment.

The central focus of the analytical inquiry lies in the Court's dependence on well-established legal doctrines, with an emphasis on a cohesive interpretation of the Competition Act of 2002 and the Patents Act of 1970. The interpretive rigour of the Court, nevertheless, faces critical examination in its assertion pertaining to legislative timelines. The court further contended that the addition of Chapter XVI to the Indian Patent Act, 2003, after the implementation of the Competition Act, clearly demonstrates the legislative intent to provide exclusive authority to the

Patents Act for matters that involve disputes related to patents. However, after a detailed assessment of the legislative records, factual discrepancies can also be observed in the present case.

Further, it must also be taken into consideration that Section 60 of the Competition Act, 2002 asserts the Act's preeminence over any contradictory legislation and establishes its superiority. It states that: "*Act to have overriding effect—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force*".<sup>24</sup> Hence, there are substantial questions that can be raised about the hierarchical ramifications and ordering of legislative provisions that arise from judicial interpretation of Section 60's applicability in connection to Chapter XVI of the Patents Act, 1970. The comprehensive evaluation of this application of legal principles is of utmost importance in understanding and evaluating the consistency as well as the conformity of the court's decision to the existing legal doctrines. The present analytical inquiry transcends the confines of the specific case at hand, thereby highlighting its wider implications within the realm of jurisprudence. Is the court's decision in accordance with established legal doctrines, or does it introduce interpretive inconsistencies that could have implications in the changing field of Standard-Essential Patents (SEPs) and Competition Law? The comprehensive examination of legal rationale, strict adherence to legislative intent, and alignment with well-established legal doctrines serve as pivotal factors in guaranteeing that the principles employed contribute to a resilient and logically consistent jurisprudential framework.

#### *Assessing the Legislative Intention*

This segment attempts to demonstrate this case's failure to recognize the extensive authority of the CCI in promoting effective competition, as opposed to the Controller of Patents.

Specific sections under the Patents Act address the issue of patents being anti-competitive. As previously mentioned, Section 84 of the Patents Act 1970 is one of such sections.<sup>16</sup> Licensees are permitted to export the goods under Section 90(1)(ix) if they are granted a license to address an anti-competitive activity.<sup>25</sup> Additionally, Section 140 of the law bans the inclusion of any restrictions in a licensing agreement that are anti-competitive.<sup>26</sup> At first glance, it may appear that the Act grants the Controller extensive authority to address anti-competitive actions related to

patents. Nevertheless, these powers have restrictions. The powers of the Controller are personal in nature, as opposed to being in rem like those of the CCI. Thus, they are associated with a particular patent or license. Furthermore, it is important to note that the examination of anti-competitive conditions within specific patents or licenses should not be conflated with the outright prohibition of any detrimental impact on overall competition. The Controller's jurisdiction is restricted to the former, whereas the CCI's responsibility encompasses the latter. CCI may have superior capabilities in monitoring patent cartels and monopolistic alliances compared to the Controller. Sections 3 and 4 of the Competition Act address not just basic anti-competitive agreements but also encompass cartels, combinations, and other forms of restrictive actions.<sup>27</sup> In addition, according to Section 19(3)(f) of the Competition Act, the Competition Commission of India (CCI) is obligated to take into account the encouragement of market innovative activities while assessing the negative impact of an agreement on competition.<sup>28</sup> CCI's control of anti-competitive practices fosters long-term market innovation. As a result, the Competition Commission of India (CCI) possesses broader authority and is more capable of scrutinizing such practices, including those related to patents.

The aforementioned claim is corroborated by the *Ayyangar Committee Report* as well.<sup>29</sup> The committee proposed that addressing restrictive practices in patents cannot be accomplished solely through changing the Patent Act. Instead, it necessitates the implementation of more comprehensive measures to handle the different forms of restrictive combinations effectively. The *Raghavan Committee* holds a similar perspective. It has highlighted the difference between the "existence of a right and its implementation".<sup>30</sup> The Competition regime should be used to regulate and prevent anti-competitive practices related to the exercise of this right. In addition, the *OECD Report on 'Competition Policy and Intellectual Property Rights'* further emphasizes the advantages of implementing competition policy in the licensing of intellectual property.<sup>31</sup>

In the case of *CCI v Bharti Airtel*<sup>32</sup>, the Supreme Court had to resolve a similar conflict of authority between the Telecom Regulatory Authority of India (TRAI) and the CCI. The CCI has a specific objective of ensuring equitable competition. The statement suggests that CCI is more capable of determining if an agreement can have negative impacts on competition.

The argument states that TRAI does not possess exclusive jurisdiction, as even if TRAI determines the agreement to be anti-competitive, it is unable to exceed the boundaries set by the TRAI Act. However, CCI specializes solely in handling these agreements, making it a superior option. Paradoxically, the Delhi High Court substantially depended on this case of Airtel. In this case, the court has clearly neglected to acknowledge the separate responsibilities of the statutory organizations. Furthermore, in the case of Airtel, the Court has authorized the Competition Commission of India (CCI) to exercise follow-on jurisdiction. TRAI was given exclusive jurisdiction, with CCI only being able to probe once TRAI had completed its inquiry. Curiously, the Delhi High Court in Ericsson did not even contemplate such a possibility.

In the case of *Ashoka Marketing v Punjab National Bank*<sup>19</sup>, the Supreme Court considered the policies and plans of the acts as a decisive element in assessing whether there is a 'conflict' between the two legislations. Initially, the overarching goals of the two statutes may appear to be contradictory. Nevertheless, a thorough examination of the provisions, as carried out above, indicates the opposite. This demonstrates that the structure of the Competition Act does not contradict the broader objective of the Patents Act. Hence, the Court's rationale in the 2023 ruling of the Delhi High Court is founded on a mistaken assumption of "conflict" between the two legislations. By establishing a hierarchy among the legislation, this approach disregards the significant differences in the content of their substantive provisions. If the logic presented in the Ericsson case is acknowledged, then collaborative anti-competitive agreements involving patents may go unregulated.

Hence, this paper has demonstrated that assigning sole jurisdiction to the Controller is an incorrect reading of legislative intent and, furthermore, disregards the extensive authority conferred with the CCI. The ruling necessitates clear rules to delineate the boundaries of the two systems. Aligning the two is not uncommon. Under Section 21 of the Competition Act, other statutory authorities have the authority to refer a case to the Competition Commission of India (CCI). Some say that including this provision indicates a desire to align the Patents Act and the Competition regime. The duration for which the Delhi High Court's ruling in *Telefonaktiebolaget LM Ericsson v Competition Commission of India* (CCI) in

July 2023 maintains its position is yet to be determined.

### Conclusion

The author believes that the 2023 Division Bench Judgment is *per incuriam*. It does not acknowledge the factual information on the chronological process of creating laws and their subsequent implementation. The 2016 ruling of the Delhi High Court, which upheld the authority of the Competition Commission of India (CCI) in patent-related cases, was accurate and should not have been overturned. The inquiry was limited to examining anti-competitive behaviour, including the abuse of dominance by the patent holder. This interpretation was likewise deemed accurate. The Single Judge Bench unequivocally and accurately affirmed that the two statutes provide remedies that are not mutually exclusive; individuals have the option to seek redress under both if desired. In some instances, a potential licensee may seek the Controller of Patents for a forced license without interfering with the Competition Commission of India's authority to issue orders under Section 27 of the Competition Act.

Based on the preceding analysis, it is appropriate to assert that the field of jurisprudence pertaining to the interface between intellectual property and competition law is currently undergoing a process of development and refinement. However, it is noteworthy that recent rulings handed down by the Delhi High Court in this case have raised many questions on this matter.

In this aspect, the National IPR Policy of India, 2016 states that

*"Intellectual property in India is regulated by several laws, rules and regulations under the jurisdiction of different Ministries/Departments. A number of authorities and offices administer the laws. The legal provisions need to be implemented harmoniously so as to avoid conflict, overlap or inconsistencies among them. It is necessary that the authorities concerned administer the laws in coordination with each other in the interest of efficient administration and user satisfaction. Legal, technological, economic and socio-cultural issues arise in different fields of IP which intersect with each other and need to be addressed and resolved by consensus in the best public interest"* (GoI 2016).

IPR and Competition law crossroads are the subject matter of great academic and practical significance.

This confluence can draw attention to the intricate connection that exists between fostering market competition as well as safeguarding intellectual property rights. How these two legal systems interact affects a wide range of stakeholders, including consumers, inventors, and society. Hence, it is essential that the Indian government undertake in-depth research on the relationship and arrange public meetings to promote improved policy and create certainty about these issues.

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