

# Intellectual Property Rights and Competition Law: A Context for Coordination and Harmonization

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In enacting the Philippine Competition Act (PCA), does the Philippines' pursuit in combating disadvantageous monopolies defeat the rights given by the Intellectual Property Code, as well as the constitutional mandate to preserve technology, knowledge, and the arts? To answer the question, the Author looks into the two laws mentioned, determines the possible conflicts between them, and attempts to find a way to harmonize them. In finding solutions to these quandaries, the Author also contextualizes the issue based on the Philippine Development Plan (PDP) for 2017-2022.

The Article begins with a broad discussion of the legal and institutional framework for the enforcement of competition policy under the PCA. It then proceeds with an overview of the basic framework for the grant and exploitation of intellectual property rights under the Intellectual Property Code (IPC), and what developments might be expected given the overlay of competition policy, with particular attention to the technology transfer arrangement provisions under the IPC on voluntary licensing. Finally, the Article closes with a note on proposals for harmonization of these two policy areas towards achieving the outcomes under PDP 2017-2022 and seeing a strategic coordination between relevant institutions.