

IPR Policies for ICT Standards under Article 82 EC (Speech Outline)

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The European Commission as an antitrust regulator is confronted with an increasing number of cases on alleged anti-competitive behaviour in connection with ICT standards.

Standardisation has positive effects on product compatibility (interoperability) and enables competition on the merits between products.

But it can confer on a particular technology a degree of market power that it would otherwise not have had and lead to consumer lock-in.

In order to achieve the benefits that derive from standards, standard-setting must be subject to a number of principles that I intend to develop during my presentation.

This being said, I do not believe that it is the role of a competition regulator to prescribe actively what rules standard setting bodies must adopt. Different rules may be appropriate for different bodies and sectors, and industry will generally know best what works. However, we can give guidance as to what may or may not be problematic from an antitrust perspective to ensure that industry can make the most informed choices.

Main questions to be tackled in the speech

When is antitrust intervention with standard setting processes justified?

What guidance can antitrust authorities provide to standard setting organisations in order to avoid anticompetitive behaviour?

Question that might be asked

You have addressed possible competition issues arising within formal standard setting processes, but what about *de facto* industry standards imposed by dominant companies or agreements between competitors? Don't they raise a lot more competition issues?

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