

Summary of Aleksander Braksator's doctoral dissertation "Antitrust liability of standard essential patents holders"

Modern economies increasingly rely on products and services which are based on standards, ie technical or quality requirements with which they may comply. Standards in particular enable dissemination of the best technologies that, thanks to undertakings implementing these technologies in their products or services, serve a significant number of consumers. However, currently it is more often the case that standards cover technologies protected by patents which, by the very nature of the rights granted to patent holders, may substantially hinder the possibility of a widespread adoption of standards.

Patents that protect technologies, which are essential to comply with a standard, are called *standard essential patents* (SEP). Due to the market power that the SEP holders usually have, their behaviour has a particular potential to distort competition on the markets where undertakings manufacturing standard-complaint products or providing standard-compliant services operate. I consider the anticompetitive behaviour of SEP holders as a major risk for a full exploitation of the potential and the development of standardisation, which plays a significant part in creating modern, digital economies.

Considering the above, in my doctoral dissertation I analyse a three-sided relationship between competition law, intellectual property law and standardisation, with a particular focus on the role of competition law in regulating anticompetitive behaviour by SEP holders. The aim of my dissertation is to establish the types of behaviour for which the SEP holders bear antitrust liability, which enables me to determine the role of competition law in modern standardisation. In particular, I analyse whether the antitrust liability can be borne by SEP holders in the case of all types of behaviour that have a negative impact on competition.

In the first chapter, I present the interplay between competition law and intellectual property law in order to determine when the former can interfere with the rights held by intellectual property rights holders. The second chapter aims to explain the concept of standardisation, its goals and benefits. In the third chapter, I analyse the relationship between patents and standards, risks for the modern standardisation associated with patents and mechanisms which may mitigate materialisation of these risks. The fourth chapter, which is an introduction to the next chapter, presents the relationship between competition law and standardisation, including the impact of standardisation on competition. The fifth chapter contains a detailed competition law analysis of SEP holders' behaviour having an anticompetitive potential. In the sixth chapter I present my view on the current state of the standardisation system, with a particular focus on the key issues which have not been addressed thus

far, but which need to be promptly resolved in order to avoid significant market perturbations. In the last part of the dissertation, Conclusions, I present my conclusions and verify the accuracy of my main thesis concerning the role of competition law in the standardisation system.