American Research Journal of Humanities & Social Science (ARJHSS)
E-ISSN: 2378-702X
Volume-07, Issue-02, pp-01-14
www.arjhss.com

Research Paper Open Access

Anti-Monopoly Regulations on Intellectual Property Abuse of Dominant Market Position: A Comparative Legal Perspective in Egypt and China

[1]Mohamed Salah Adawi Ahmed, Egypt, [2]Zhang Junxiang, China, [3]Basel Khaled Alsaeed, Syria, [4]Muhammad Zeeshan Ajmal, Pakistan,

[1]*PhD Candidate, International Law, Zhongnan University of Economics and Law, China*
[2]*Zhongnan University of Economics and Law, Sapienza University of Rome Joint training*
[3]*PhD Candidate, International Law, Zhongnan University of Economics and Law, China*
[4]*PhD Candidate, International Law, Zhongnan University of Economics and Law, China*

ABSTRACT:- The interplay between anti-monopoly legislation and intellectual property rights presents a complex legal dilemma that is pivotal in safeguarding consumer welfare and promoting fair market competition. This paper inquiry explores the particulars of this nexus with a concentrated lens on the legislative frameworks of Egypt and China. The study employs a juridical normative methodology, enriched with historical-descriptive analysis, to analyze the legal frameworks governing these domains, and the qualitative method approach adopted herein aims to analyze the complex legal system that combines the principles of competition law with the exclusive rights conferred by IP statutes. This exploration is particularly pertinent in the context of developing nations, where legislative interactions between anti-monopoly laws and IP are often insufficient, leading to potential market distortions and the entrenchment of monopolistic practices by IP behemoths. The findings of this research illuminate the critical need for legislative reform or enhanced jurisprudential clarity to reduce the conflict between the dual objectives of fostering innovation through intellectual property protection and preserving competitive market environments as defined by anti-monopoly statutes.

Keywords: Anti-Monopoly, IPRs, Egypt, China

I. INTRODUCTION

The relationship between an*t*i-monopoly law (hereinafter AML) and intellectual property rights (hereinafter, IPRs) is indeed a nuanced and intricate one, marked by both synergies and conflicts. At its core, this interplay revolves around balancing the promotion of innovation against the need to maintain competitive markets.

IPRs are fundamentally designed to encourage innovation and creativity. By granting inventors, creators, and companies exclusive rights to use, produce, and commercialize their innovations for a limited period, IP laws aim to provide a strong incentive for investment in research and development. This exclusive right essentially creates a temporary monopoly, allowing IP holders to reap the financial rewards of their innovations. Without such protection, there would be little incentive for individuals and companies to invest significant resources in developing new technologies, artistic works, or other creative endeavors.

However, while IP rights are critical for Promoting innovation, they can, in certain contexts, conflict with AML or Competition protection laws. These laws are designed to prevent the abuse of market power and to ensure that markets remain competitive. They discourage practices that could lead to unfair market dominance or that would harm consumers through reduced choices, higher prices, or stifled innovation. The tension arises when IP holders, particularly those with dominant market positions, engage in behaviors that might exploit their IP rights to the detriment of market competition.

For instance, a company holding a patent for a crucial technology might refuse to license it to competitors or might do so at exorbitant rates, thereby maintaining its market dominance and potentially stifling innovation in the field. Similarly, the strategic use of patents to block competitors or the aggressive enforcement of IP rights beyond what is reasonable can also run afoul of AML principles.

This complex interplay necessitates a careful regulatory approach. There is a need for specific regulations and guidelines that can manage the interaction between AML concerns and IP rights. Such regulations would aim to ensure that the enforcement of IP rights does not undermine competition, while also recognizing the importance of these rights in driving innovation. It involves finding a balance where IP laws continue to promoting innovation without allowing IP holders to engage in anti-competitive practices that harm the market and consumers.

The development of regulations and guidelines that effectively address this balance is crucial. These regulations should be flexible enough to adapt to the rapid pace of technological advancement and the evolving nature of markets, yet robust enough to prevent anti-competitive practices. The goal is to promote an environment where innovation thrives alongside a competitive and fair marketplace, benefiting both creators and consumers alike.

Abuse of dominant market position definition

Abuse of dominant market position arises when the company or groups of companies that have dominant market positions prevent new competitors from entering in the Competition process.[1] Abuse of dominance defined as the power to prevent active competition in the relevant market. The accusation occurred when the firms' abuse of dominant market position by practices that damage or exclude competitors from enhancing their market power, that is indeed lead to reduced and damage Competition process in the market.[2] The avoiding of abuse of dominant market position is essential for economic development and consumers' welfare.[3] Despite this dilemma being in both developing and developed countries. However, the violation of dominant market positions' influence in the developing countries more pronounced due to the lack of competition law and the weak competition authority. To promote the understanding of the impacts of this issue, it must be the supreme rule and objective of the Competition protection authorities in developing countries is to prevent the abuse of a dominant position for negative impact on the consumers and national economy.[4]

The significance of preventing abuse of dominant position in the Market

Abuse of dominant position affects the efficiency of the market, the primary objective of preventing abuse of the dominant position in the market is closely related to economic progress as well as the direct impact on society through its impact on the welfare of individuals. Abuse of the dominant position is considered one of the most dangerous practices that infringe legitimate competition, and this practice has negative effects on the competitive process and the consumers. Competition laws prohibited these behaviour committed by the dominant market position, which restrict competition and harm the competition process.[5]

Preventing the abuse of a dominant market position is essential for several reasons, particularly in developing countries. This practice, considered one of the most harmful to legitimate competition, directly impacts market efficiency and individual welfare. Dominant firms can hinder competition, leading to fewer consumer choices, reduced product availability, and increased prices. This scenario harms small firms, potentially forcing them out of the market and diminishing competition further.[6]

Prohibiting market dominance abuse is crucial for promoting the national economy. It enhances competition, encouraging firms to compete based on merit. This competition drives firms to improve efficiency, leads to fairer wealth distribution, and creates more business opportunities, benefiting society overall. However, the approach to handling market dominance abuse varies between developed and developing countries, primarily due to differences in defining and identifying anti-competitive behaviors.[7]

---

[1] Emanuela Arezzo, " intellectual Property rights at the Crossroad Between Monopolization and Abuse of Dominant Position: American and European Approaches Compared ", The John Marshall Journal of Information technology and privacy law, Vol 24, issue 3, (2006).

[2] Sinisa Varga, “Abuse of a dominant market position in the frames of the EU Antitrust law”, 8 REV. EUR. L. 5 (2006).

[3] Pérez Motta, Eduardo, "Competition policy and trade in the global Economy: Towards an integrated approach", E15 Expert Group on Competition policy and the trade system, Geneva: International Centre for Trade and Sustainable development, and the world economic forum, Jan (2016).

[4] Bong Eui Lee, “Prohibition of abuse of market-dominant undertakings under the monopoly regulation and fair trade Act”, 4 J. KOREAN L. 61 (2005).

[5] Jund Al Qudsi, “Abuse of the dominance position in the relevant market: A Comparative Legal Study,” College of Law - University of Sharjah, United Arab Emirates, March 27 (2018). (Original in Arabic)

[6] Hassan Qaqya & George Lipimile, "The effects of anti-competitive business practices on developing countries and their development prospects", United Nations conference on trade and development,(2008).

[7] Jund Al-Qudsi “Abuse of dominant Position in the Relevant Market: A Comparative Legal Study”, University of Sharjah faculty of law, the United Arab Emirates, Mar 27,(2018).

Competition is inherently beneficial, leading to a diverse supply of products and services. However, when firms use unlawful means to dominate as mergers and acquisitions, it becomes a legal concern. Thus, national laws are needed to regulate competition and prevent violations. Abuse of a dominant position not only threatens fair competition but also harms the national economy by restricting the competitive market. Moreover, Protecting competition is directly linked to enhancing consumer welfare. Market dominance abuse limits consumer choice, affecting their freedom to choose between products and services. This limitation can lead to higher prices, fewer options, and lower product quality. Protecting consumers from such abuses aligns with maintaining their purchasing power and ensuring a healthy, competitive market environment.[8]

Understanding IPRs and Anti-Monopoly Concerns

The relationship between Competition Law and IPRs is intricate and pivotal in shaping a market environment that fosters innovation while ensuring fair competition. At the heart of this relationship is the need to balance two fundamental economic objectives: protecting the intellectual achievements of individuals and entities, and maintaining a competitive marketplace conducive to ongoing innovation and consumer welfare.

On one hand, IPRs play a critical role in encouraging innovation by granting creators exclusive rights to their inventions. This exclusivity serves as a powerful incentive for individuals and companies to invest in research and development, knowing they will have a temporary monopoly to capitalize on their innovations. This aspect of IPRs is essential for driving technological advancement and economic growth, particularly in fields that require substantial investment in research and development.[9]

However, the monopolistic nature of IPRs can sometimes clash with the principles of competition law, which seeks to prevent anti-competitive practices and ensure a level playing field for all market participants. Concerns arise particularly when IPR holders have a dominant market position. Practices such as abusive enforcement of patents, copyrights, and trademarks, refusal to license, excessive pricing, discriminatory licensing, and entering into anti-competitive agreements can lead to the abuse of market dominance. These practices not only stifle competition but can also hinder further innovation and harm public interest, especially in developing countries where access to technology and information is crucial for economic development.[10]

Therefore, a delicate equilibrium must be maintained. While it's crucial to protect the rights of creators and innovators, ensuring that these rights do not result in unfair market practices or restrict competition is equally important. The harmonization of competition law and IPRs is aimed at enhancing economic efficiency and maximizing consumer benefits. This requires a nuanced approach where the protection offered by IPRs does not become a tool for anti-competitive practices. Instead, it should serve as a foundation for a dynamic and innovative economic environment.[11]

The interplay of Competition Law and IPRs is fundamental to fostering a balanced economic environment. This balance is essential for stimulating innovation and securing the interests of creators, while simultaneously preventing market abuses and ensuring a competitive and dynamic market. Such an equilibrium benefits not just individual players in the market but society as a whole, contributing to broader economic development and public welfare. The challenge lies in continuously adapting and fine-tuning legal frameworks to address the evolving landscape of technology and market dynamics, ensuring that the scales of innovation and competition remain in harmony.[12]

Balancing Innovation and Competition

A key challenge in implementing anti-monopoly laws in the context of IPRs is striking the right balance between protecting the rights of intellectual property holders and ensuring healthy market competition. On the one hand, it's essential to safeguard the incentives for innovation and creativity provided by IPRs. On the other hand, there's a need to prevent these rights from being used in a way that unfairly restricts competition and

---

[8] Pérez Motta, Eduardo, "Competition policy and trade in the global Economy: Towards an integrated approach", E15 Expert Group on Competition policy and the trade system, Geneva: International Centre for Trade and Sustainable development, and the world economic forum, Jan (2016).

[9] Max Planck Institute for Intellectual Property and Competition Law, "Copyright, Competition and Development", Munich, Dec (2013).

[10] Naresh Kumar, ‘Intellectual property rights versus Competition law ", Kurukshetra University-India, Kurukshetra law Journal, Vol. I, May (2011).

[11] Ashish Bharadwaj, Devaiah, Vishwas H, Gupta Indranath, "Multi-dimensional Approaches Towards New Technology", Insights on Innovation, Patents and Competition, (2018).

[12] Michael James Meurer, "Controlling Opportunistic and Anti-Competitive Intellectual Property Litigation ", SSRN Electronic Journal 44(2), Dec (2002).

harms consumers. The Egyptian law addresses this by allowing the protection of IPRs but simultaneously putting checks in place to prevent the abuse of the rights for anti-competitive practices.[13]

Enforcement and Implications

The enforcement of the anti-monopoly law against the abuse of IPRs in Egypt is carried out by the Egyptian Competition Authority (ECA). The ECA monitors market activities and investigates complaints or suspicions of anti-competitive practices linked to IPRs.[14] Penalties for violating the anti-monopoly provisions can include fines, and in severe cases, revocation of licenses or disbandment of practices found to be in violation. This enforcement ensures that the market remains competitive and fair, promoting an environment where both innovation and consumer interests are protected.

Overall, the relationship between anti-monopoly law and IP rights in Egypt exemplifies the delicate balance between promoting innovation and ensuring fair competition. While IP rights are vital for encouraging creativity and development, they must be exercised in a way that does not hinder competitive practices. The Egyptian legal framework and the role of the ECA in enforcing these laws are pivotal in maintaining this balance, contributing to a dynamic and competitive market environment conducive to both innovation and consumer welfare.

Treatment of abuse of dominant market position in Egypt

The Egyptian government has adopted a free market system since the beginning of 1990, adopting an economic policy and social development, and attracting foreign and Arab investors to Egypt. The investment law and the consumer protection law were both aimed at achieving guarantees under this approach. Thus, exemptions were granted to encourage investment and amendments were made to the Egyptian legal system for investment. As part of the latest legislation to protect competition and prohibit monopolistic practices, Law No. 3 of 2005 was passed.[15] Additionally, established the Competition Protection Authority in 2005, which have several specialized functions including receiving requests to conduct investigations, collect evidence, and order these measures in cases of agreements or practices limiting competition, as well as expressing an opinion on draft competition laws and regulations.[16]

Market dominance and competition protection in Egyptian legislation: Law No. 3 of 2005

The Egyptian competition law regulates the market and protects fair competition. It targets practices that can lead to the abuse of a dominant position, particularly by holders of IPRs. A dominant market position is not illegal. however, the abuse of position to the detriment of competitors or consumers is prohibited. The law aims to prevent practices like predatory pricing, exclusive dealing, or stifling competition, which can be particularly harmful when employed by entities holding significant intellectual property assets.[17]

Egyptian legislation, particularly Law No. 3 of 2005 on the Protection of Competition and the Prohibition of Monopolistic Practices, along with its Executive Regulations (Prime Minister Decision No. 1316 of 2005), outlines specific criteria and regulations regarding market dominance and competition protection, focusing on intellectual property and competition protection.

Dominant Market Position Definition

The law defines a dominant market position as “The ability of an entity holding more than 25% market share to significantly influence product prices, service availability, and quantity in the market, while competitors are unable to limit this influence”. This is explicitly stated in Article 4 of the Competition Protection Law.[18]

---

[13] Yassmine Afifi, "Independence of the Egyptian Competition Authority: Assessment and Recommendations", The Interdisciplinary Centre for Competition Law and Policy (ICC), Global Antitrust Review, (2010).

[14] Max Planck Institute for Intellectual Property and Competition Law, "Copyright, Competition and Development", Munich, Dec (2013).

[15] Mourad Greiss, "Abuse of Dominance under the Egyptian Competition Law: Investigating Peculiarities That May Have Special Effects in the Economy", Mediterranean Competition Bulletin, Aug 31, (2010). Available at SSRN: https://ssrn.com/abstract=1711565

[16] Article 11 of law No 3 of 2005, established the Authority for the Protection of Competition and the Prohibition of Monopolistic Practices.

[17] Meeting of the OECD Competition Committee on 5-7 June 2019."Licensing of IP rights and competition law – Summaries of contributions" Organisation for Economic Co-operation and Development, DAF/COMP/WD(2019)62, Jun (2019).

[18] Article 4 of the Egyptian law No. 3 of 2005, "The protection of Competition and the prohibition of monopolistic practices".Feb15, (2005).

Criteria for Estimating Dominant Market Position:

1. Market Share: A person or entity with a market share exceeding 25% in a specific product and geographical area.
2. Price and Quantity Influence: The capability to affect the prices of products and the quantity offered in the relevant market.
3. Competitors' Inability: Competitors are unable to limit the effect of the dominant entity on prices and product quantities.[19]

Abuse of Dominant Market Position

A standard for market control is not specified in Article 7 of the Executive Regulations beyond the 25% market share threshold. According to critics, this ignores other factors such as consumer preferences, technological excellence, and patents or trademarks.[20]

Prohibited Acts for Dominant Market Entities

Article 8 outlines specific prohibited behaviors for those in a dominant market position,[21] which include:

1. Limiting manufacturing, production, or distribution of a product.
2. Restricting entry or exit from the market for other entities.
3. Geographical limitations on product distribution.
4. Imposing unrelated conditions in sale or purchase contracts.
5. Refusal to produce a feasibly producible product.
6. Denying competitors access to essential services.
7. Selling products below the productive cost.
8. Preventing suppliers from dealing with competitors.

Egyptian Competition Authority's Approach to Balancing IPRs and Competition Protection

The Egyptian legal framework for competition protection law aims to maintain a balance between protecting the interests of innovators and ensuring fair competition in the market.[22] As a result of their inherent exclusivity, IPRs can raise competition protection concerns, even though they incentivize innovation by giving creators and investors exclusive rights.

The Egyptian Competition Authority (ECA) plays a key role in this balancing act. Their objective is to preserve effective competition in the market while also respecting the goals of IP protection, which include rewarding and encouraging investment and innovation. The ECA achieves this by establishing clear precedents and guidelines, particularly in dynamic industries, to minimize the risk of anti-competitive practices. This includes addressing issues like undue exercise of market power and potentially invoking remedies like compulsory licensing.

The ECA has enforced this approach in several notable cases, such as those involving beIN Sports, the Confederation of African Football (CAF), and the Fédération Internationale de Football Association (FIFA). These cases, centered around broadcasting rights for sports events, highlight the intersection of competition law and copyrights. While the sports events themselves are not copyright protected, the broadcasting rights are, making the entities holding these rights both users and holders of IPRs. The exclusivity granted by IPRs in such scenarios can lead to anti-competitive concerns, especially when it comes to licensing.[23]

The ECL contains specific provisions to address these concerns. Article 7 prohibits anti-competitive agreements, particularly in vertical relationships where an IPR holder could be seen as a supplier. This is significant since IPR holders often have a dominant position due to the exclusive nature of their rights. Article 8 further addresses this by prohibiting dominant undertakings from engaging in activities that distort competition, such as refusal to supply, discriminatory pricing, and tying and bundling. It places a special responsibility on these dominant undertakings not to exploit their position to the detriment of consumers.

The ECA's approach mirrors that of the EU Commission, focusing on regulating the conduct of entities in dominant positions due to their IPRs. This ensures that while IPRs serve their purpose of encouraging

---

[19] Articles 7 of the Executive regulations No.1316 of 2005 of the law No. 3 of 2005

[20] Ibid.

[21] See Article 8 of the Egyptian Competition Protection law No. 3 of 2005.

[22] Mourad Greiss, "Abuse of Dominance under the Egyptian Competition Law: Investigating Peculiarities That May Have Special Effects in the Economy", Mediterranean Competition Bulletin, Aug 31, (2010). Available at SSRN: https://ssrn.com/abstract=1711565

[23] See Meeting of the OECD Competition Committee on 5-7 June 2019."Licensing of IP rights and competition law – Summaries of contributions" Organisation for Economic Co-operation and Development, DAF/COMP/WD(2019)62, Jun (2019).

innovation, they do not impede fair competition. The ECA uses the ECL to enforce this policy, ensuring a balanced and healthy market environment.[24]

Egypt's regulatory approach to IP and competition protection exemplifies the need to maintain a balance between encouraging innovation through IPRs and ensuring competitive fairness in the market. The ECA's role in setting precedents and enforcing the ECL is central to achieving this equilibrium.

The ECA policy reveals a nuanced understanding of the intersection between IPRs and competition protection law. ECA aligns its practices with leading jurisdictions like the EU, following their guidelines on licensing agreements. This approach aims to strike a balance between rewarding IPR holders and allowing competitors to benefit from these rights.[25]

The ECA's policies take into consideration the market's nature and the behavior of undertakers. This approach helps in understanding whether to protect only the "as efficient competitor" (AEC), especially in highly concentrated markets, and for the protection of small and medium enterprises. The ECA ensures that IPRs, which often put undertakings in a dominant position, do not lead to abuse of this status. The authority aims to keep the market dynamic and competitive by allowing fair competition.[26]

The Intersection of Competition Law and IP: A Case Study of FIFA World Cup Broadcasting Rights 2018 and ECA

The case against FIFA revolves around the management and licensing of broadcasting rights for the 2018 FIFA World Cup. The primary issues at hand involve competition law, the abuse of the dominant market position in Egypt, and the unfair use of IPRs. The following points summarize the key aspects of this case:

FIFA, being the sole owner of the TV broadcasting rights for the 2018 World Cup, held a dominant position in the market. The renewal of their contract with beIN Sports for exclusive media rights across 23 countries in the Middle East and North Africa (including Egypt) until 2022, without a transparent tendering process, raised significant competition concerns.[27]

The Egyptian Competition Authority (ECA) found that these practices prima facie violated Articles 7 and 8 of the Egyptian Competition Law (ECL). Article 7 pertains to the prohibition of practices that prevent, restrict, or harm competition, while Article 8 addresses the abuse of a dominant market position.[28]

In response, ECA imposed interim measures under Article 20(2) of ECL,[29] which allows it to stop prohibited practices immediately. ECA ordered FIFA to provide the Egyptian National Media Authority (ENMA) the rights to broadcast 22 matches of the World Cup, including key games, on terrestrial television at reasonable financial terms.[30]

This situation particularly affected Egyptian football fans, many of whom couldn't afford Bein sport subscription fees. The exclusive deal denied them the opportunity to watch their national team in the World Cup on freely accessible television. This was significant as it was the first time in almost 30 years that the Egyptian team had qualified for the tournament.

The case highlights the crucial role of competition law in regulating the use of IPRs, especially when a single entity holds exclusive rights to a popular and significant event like the FIFA World Cup. The law intervenes to prevent anti-competitive practices and ensure consumer interests are protected, especially in markets dominated by a single entity.

The enforcement of competition law, including measures like compulsory licensing or mandating access to essential facilities, ensures that dominant entities cannot abuse their position. This intervention not

[24] Yassmine Afifi, "Independence of the Egyptian Competition Authority: Assessment and Recommendations", The Interdisciplinary Centre for Competition Law and Policy (ICC), Global Antitrust Review, (2010). Available at: http://www.icc.qmul.ac.uk/media/icc/gar/gar2010/Pub6912-GAR-III-Journal.pdf

[25] Yassmine Afifi, "Independence of the Egyptian Competition Authority: Assessment and Recommendations", The Interdisciplinary Centre for Competition Law and Policy (ICC), Global Antitrust Review, (2010). Available at: http://www.icc.qmul.ac.uk/media/icc/gar/gar2010/Pub6912-GAR-III-Journal.pdf

[26] Meeting of the OECD Competition Committee on 5-7 June 2019."Licensing of IP rights and competition law – Summaries of contributions" Organisation for Economic Co-operation and Development, DAF/COMP/WD(2019)62, Jun (2019).

[27] Robert Briel, "Egypt claims broadcast rights to 22 World Cup games", EUROPE/LONDON, JUN12, (2018). Available at: https://www.broadbandtvnews.com/2018/06/12/egypt-claims-broadcast-rights-to-22-world-cup-games/

[28] Ibid

[29] See Article 20(2) of the Egyptian Competition Protection law No. 3 of 2005.

[30] Janith Aranze, "Egypt imposes interim measures on FIFA for World Cup TV rights", GCR USA, 11 June (2018). Available at: https://globalcompetitionreview.com/article/egypt-imposes-interim-measures-fifa-world-cup-tv-rights

only fosters fair competition but also benefits consumers, as seen in this case where Egyptian viewers gained access to World Cup broadcasts.

This case serves as a pertinent example of how competition law interacts with intellectual property rights, ensuring that the market remains competitive and consumer interests are safeguarded, especially in scenarios where a single entity has significant control over highly sought-after content.

Remarkably the Egyptian Competition Authority (ECA) was guided by the European Commission's practices in similar cases. Specifically, they looked at the Commission's decisions regarding the collective selling agreements of UEFA and the Football Association Premier League (FAPL).[31] This European model has been effective in tackling comparable competition issues, and the ECA aims to align with these international standards in protecting the Egyptian market from monopolistic behaviors.

The case highlights the various harms caused by anti-competitive licensing. It reduces market competition and deprives competitors of the opportunity to compete fairly. This, in turn, adversely affects consumers; in this instance, a large number of Egyptian football fans were burdened with unwarranted expenses to view the relevant games.

Balance between IPR and competition law in Egypt: Challenges and reforms

Egyptian competition protection law is currently lacking in several areas:

The absence of regulations that harmonize between IP and competition protection creates uncertainty. This lack of clarity could potentially lead to anti-competitive practices by IP holders.

There is an evident grey area in how IP rights and competition principles interact. This ambiguity makes it difficult to balance the protection of IP rights with the maintenance of a competitive market, especially in cases where IP holders have a dominant market position.

Effective regulation requires a careful balance between strong IP protection, which promotes innovation and creativity, and the prevention of anti-competitive practices arising from the exercise of IP rights. There is a need for exceptions or limitations to IP rights in scenarios where their exercise could harm market competition, particularly for IP holders with a dominant market position.

Clear guidelines are needed on how anti-monopoly authorities should assess cases involving IP rights, including criteria for determining when the exercise of these rights becomes anti-competitive. Proactive measures such as encouraging licensing agreements or other forms of IP sharing could help balance the exclusivity of IP rights with the need for competitive markets.

There has been criticism of the current law for limiting the scope of the Competition Protection Authority and failing to address actions that harm competition but are not explicitly mentioned. Further, unlawful monopolistic practices are not distinguished from legitimate competitive acts.

The existing framework should be expanded to encompass factors like technological advancements and IP rights, which are increasingly significant in modern market dynamics.

People Republic of China Anti-Monopoly Law Treatment of abuse of dominant market position

China law aims to protect Competition on its terms and based on its traditions, institutions, and objectives. The law should not be just copied from other countries and applied, but the legislator must take into consideration that the law is compatible with customs and traditions in the society and should be commensurate with the countries objectives in legal and economic terms.[32]

In 1993, the first Chinese promulgated the Unfair Competition law. China implemented its Anti-Monopoly Law (AML), which entered into force in August 2008, after more than ten years of discussions and drafting. The delaying of the Anti-monopoly law adoption, for implementation of strategic plans to regulate the local industry, and the fear of potential harm to investments due to enforcement of the Anti-Monopoly Law. The adoption of the Anti-monopoly law reflects the successful transition from a centrally-planned system to a market economy system. Therefore, effective enforcement of competition policies through AML leads to the enhancement of the market economy and consumer welfare.[33]

---

[31] Analysis advising the Commission of the European Communities relating to a proceeding under Article 81 of the EC Treaty in case COMP/C/38.173 - FAPL, "PREMIER LEAGUE FOOTBALL Research into viewing trends, stadium attendance, fans' preferences and behaviour, and the commercial market". Available at: https://ec.europa.eu/competition/antitrust/cases/dec_docs/38173/38173_104_7.pdf

[32] David J. Gerber," Constructing Competition Law in China: The Potential Value of European and U.S. Experience", 3 Wash. U. Global Stud. L. Rev. 315(2004).
available at; https://openscholarship.wustl.edu/law_globalstudies/vol3/iss2/7/

[33] Guangjie Li, "Revisiting China's Competition Law and Its Interaction with Intellectual".Nomos Verlagsgesellschaft mbH, (2018). P15 Available at; : https://www.jstor.org/stable/j.ctv941t3g.2

China's Antimonopoly law separates monopoly activity into three parts: abuse of dominant market position, monopolization, and business operator concentration. The enforcement through three authorities, The Ministry of Commerce (Mofcom) which is responsible for regulating industry focus enforce the anti-monopoly legislation in China, [34] "National Development and Reform Commission" (NDRC), responsible of macroeconomic policy, formulation of national economic and social development policies, and management of primary economic operations, The State Administration for Industry and Commerce"(SAIC) responsible for AML enforcement regarding the monopoly agreements, and abuse the dominant position in the market. Further, abuse of administrative authority to restrict or exclude the Competition.[35]

Despite the Anti-monopoly law is considered a new jurisdiction, the successfully Chinese adoption of the AML to protect Competition and its accurate legal framework may serve as a legal model to other developing economies that moving in a similar direction, mainly Egyptian legislation.

The AML in China is not a departure from competition laws in the other jurisdictions that aim the same objectives as Chinese law.[36] The objective of AML is somewhat very similar to the EU primarily contained in the EU, which aims to observe and prevent abuse of dominant position in the market, cartel conduct, and anti-competitive mergers, horizontal and vertical agreements that restrict competition in the market.[37]

AML also differs and resembles the U.S. Antitrust, which has same objectives as monitoring the commercial behavior, anti-competitive mergers, monopolies, and horizontal conglomerates merger, But it different of the U.S. Antitrust enforcement, the U.S. has two authorities to enforce federal trade commission (FTC),[38] and the Department of Justice (DOJ), which derived their power by the Sherman Act,[39] and the Clayton Act.[40] In China, there are three authorities responsible for the multiplicity of enforcement Anti-Monopoly law, which is considered appreciation from the government of the vital role of competition protection in the Chinese economy, and developing its mechanisms in a way to achieve the legal integration even if its partially.[41]

China's Anti-Monopoly Law: Balancing IPRs and fair market Competition

The Anti-Monopoly Law in China, particularly in the context of preventing abuse of dominant market positions by IPRs holders, is a significant legal framework aimed at maintaining fair competition and regulating monopolistic practices.

Background and Purpose

Anti-Monopoly Law of China, enacted in 2008, is the primary legislation governing competition law in the country. Its primary goal is to prevent and restrain monopolistic conduct, promote fair competition, enhance economic efficiency, safeguard consumer interests, and ensure the healthy development of the socialist market economy. In the realm of intellectual property, the law plays a crucial role in balancing the rights of IPR holders with the need to prevent abuse of a dominant market position.

---

[34] Article10, Anti-monopoly law of the People's Republic of China , "Anti-monopoly Authority under the State Council may, when needed, authorize the corresponding authorities in the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government to take charge of anti-monopoly law enforcement in accordance with this Law ", (2008).

[35] Article 8, Anti-monopoly Law of the People's Republic of China," No administrative organ or organization empowered by a law or administrative regulation to administer public affairs may abuse its administrative powers to eliminate or restrict competition".

[36] Britton Davis, China's Anti-Monopoly Law: Protectionism or a Great Leap Forward? 33 B.C. Int'l &Comp. L. Rev. 305 (2010). available at ; http://lawdigitalcommons.bc.edu/iclr/vol33/iss2/5

[37] Article 101-102, Treaty on the Functioning of the European Union "TFEU" Article 101 "prohibits cartels and anticompetitive agreements", Article 102 prohibits abuse of a dominant position.

[38] The federal trade commission is charged under Sections 3, 7 and 8 of the Clayton Act: preventing and eliminating unlawful tying contracts, corporate mergers and acquisitions, and interlocking directorates.

[39] Sherman Act, first antitrust law in the .U.S. (1890) 15 U.S. code Chapter 1; "monopolies and combinations in restraint of trade". available at; https://www.law.cornell.edu/uscode/text/15/chapter-1

[40] Section 7, Clayton Act, "prohibits mergers and acquisitions where the effect may be substantially to lessen competition or to tend to create a monopoly".

[41] Thomas R. Howell, Alan W. Wolff, Rachel Howe and Diane Oh, "China's New Anti-Monopoly Law: A Perspective from the United States", Washington international law journal, Vol 18, (2009).

Definition of Dominant Market Position

The law defines a dominant market position in Articles 17 and 18. A business operator is considered to dominate the market if it has a significant ability to control the price or quantity of goods or other transaction conditions in the relevant market or to hinder or affect the entry of other entities into the market. For IPR holders, this could translate to situations where the control over a patent, copyright, or trademark gives them undue influence over market terms.

Abuse of Dominant Market Position

Article 17 addresses the abuse of a dominant market position. This includes practices like selling goods at unfairly high prices, buying goods at unfairly low prices, refusing to trade with certain parties, exclusive dealing, tying, or imposing unreasonable trading conditions. IPR holders could violate this provision if they use their rights to engage in such practices.[42]

Enforcement and Penalties

The State Administration for Market Regulation and its local counterparts are responsible for enforcing the Anti-Monopoly Law. Enforcement actions against abuse of dominant market position by IPR holders can lead to investigations, and if violations are found, the law prescribes a range of penalties. These can include fines, orders to cease the illegal conduct, and confiscation of illegal gains. According to Article 47, if a business operator abuses its dominant market position, it may be fined between 1% and 10% of its sales revenue from the previous year.[43]

Monopoly-Balancing Antiand IPRsConcerns

Monopoly Law to IPR holders is striking the right balance between-es in applying the AntiOne of the challeng are inherently exclusive, granting IPRs .protecting intellectual property and preventing monopolistic practices sing their inventions, works, or trademarks without their holders legal authority to prevent others from u permission. This exclusivity is essential for encouraging innovation and creativity. However, when IPR holders ct competition, have a dominant market position, there's a risk that they might misuse these rights to restri [44].manipulate market conditions, or engage in other unfair practices

Recent Developments and Interpretations

-In recent years, there have been several interpretations and guidelines issued to clarify how the Anti Monopoly elated activities. These guidelines provide specific guidance on how the AML r-Law applies to IP intersects with IPR, particularly in sectors like technology and pharmaceuticals, where patents play a crucial sidered to be an abuse of a dominant market role. A variety of scenarios are presented in which IPR behavior con .position

Monopoly Law plays a critical role in regulating the market behavior of IPR holders, -China's Anti ensuring they do not abuse their dominant position. By preventing such abuses, the law aims to promote a competitive market environment that encourages innovation and protects consumer interests. The law's application to IPR holders is a nuanced area, requiring a careful balance between the legitimate rights of competitive practices. This balance is crucial for the -event antiintellectual property owners and the need to pr healthy functioning of China's market economy and aligns with broader global efforts to harmonize the [45].and antitrust laws IPRs relationship between

ellectual property practices with other jurisdictions, like the A comparison of Chinese antitrust and int European Union or the United States, is also insightful. While there are commonalities in seeking to balance IP frameworks, reflecting rights with competition concerns. However, each region has its nuances and legal [46].different economic policies and market structures

Interaction between AML and IPRs

IP play a crucial role in economic development, enabling companies to compete more effectively in technology and innovation fields. IPRs may conflict with the regulatory aspects of the Anti-monopoly Law,

---

[42] Article 17, Anti-Monopoly Law of the People's Republic of China.

[43] Xiaoye Wang," Highlights of Chinas new Anti-monopoly law ", Antitrust law journal, (2008),PP.133-140

[44] Thomas R. Howell, Alan W. Wolff, Rachel Howe & Diane Oh, "China's New Anti-Monopoly Law: A Perspective from the United States", Washington international law journal, Vol 18, (2009). Available at: https://digitalcommons.law.uw.edu/wilj/vol18/iss1/3

[45] H. Stephen Harris & Rodney, "The monopolization and IP Abuse provision of Chinas Anti-monopoly law concerns and proposal", Antitrust law Journal, Vol. 75, No. 1 (2008).

[46] Guangjie Li, "Revisiting China's Competition Law and Its Interaction with Intellectual".Nomos Verlagsgesellschaft mbH, (2018). P15 Available at: https://www.jstor.org/stable/j.ctv941t3g.2"

particularly some behaviors of IP holders may conflict with the Anti-monopoly law. Therefore, The abuse of the dominant market position by IP holders was taken special attention from the international community in the Trips Agreement, in which guidance in Article 8(2) the member states must have a specific regulation to regulate the interaction between Anti-monopoly and IP and prevent abuse of dominant market position by IP holders.[47]

The interaction between IP and Anti-monopoly law grows from the important of the two regimes relate to each other, particularly in fields where they interfere. Approaches to the relationship between IP and Antitrust laws have evolved, moving from the application of legal rules to a contemporary focus on the effects of IP-related practices. Even following these developments in the modern era, challenges regarding the interface between IP and Antitrust laws keep arising as economic development, and development of new business practices.[48]

IP rights may considered to opposite of the perfect market competition definition, where IPRs limit the ability of competitors to copy or otherwise counterfeit the intellectual creativity of the first author or inventor. The existence of an IP right may enable IP holders via the exclusive right to charge monopoly prices or limit competition by preventing others from the use of the idea of innovation in the new products. The IP laws justified by the public interest for encourage the creation of innovations. One of the essential reasons for the limited effect of IP rights for achieving the balance between the costs of innovation and collect benefits. Therefore, the limited term of IP rights ensures that inventions will be freely available after a period term.[49]

IP rights challenge the traditional assumption about the benefits of the competitive markets via protecting innovators from the competition process, which allows the innovators to increase the price above competitive levels for a limited time. The antitrust law and policy also encourage the innovation that IP rights seek for promoting. Ultimately, both IP and antitrust policies seek to promote consumer welfare and promoting economic growth.[50]

The Main Concerns of Anti-monopoly law of abuse of dominant market position by IP holders

Anti-monopoly enforcement has a vital effect on the IP rights, the IP holders must take into consideration how the Anti-monopoly law may impact the practices of IP rights, IP holders should take careful approach about Anti-Monopoly law implications of their behaviors, where the most common concern of Anti-monopoly law is the potential abuse of a dominant market position via IP holders, where the IP rights (patents, copyright, trademarks) provide to IP holders a power that may lead to abuse of dominant market position, which leads to restricting the innovations and harm of the public interests. Subsequently, the Anti-monopoly law is applicable to the IP fields to ensure that the IP holders are not abusing their dominant market position. Also, the IP holders may depend on Anti-monopoly law to protect from unfair competition. Therefore the next parts provide analysis of the main Anti-monopoly issues in the IP fields.[51]

Anti-monopoly Law and Patents

The Patent holders may abuse of the dominant market position via many behaviors, such as concluding anti-competitive agreements, Impose excessive fee, refusal to license, unfair or licensing, which lead to abuse of dominance and delaying market entry of competitors.[52]

The Patent holders may rely on concluding anti-competitive agreements with potential competitors, these behaviors are common, especially in the critical sector as pharmaceutical sectors, which leads to

---

[47] Hassan Ali, “Enforcement and Border Measures based on the Trips Agreement”, WIPO National Symposium on Intellectual Property for Government Officials, World Intellectual Property Organization, Manama, June 14 ,15,(2004) . P. 4 (Original in Arabic)

[48] Thomas R. Howell, Alan W. Wolff, Rachel Howe & Diane Oh, “China's New Anti-Monopoly Law: A Perspective from the United States”, Washington international law journal, Vol 18, (2009).
Available at: https://digitalcommons.law.uw.edu/wilj/vol18/iss1/3

[49] Mark A. Lemley, "A new balance between IP and Antitrust", Stanford Law School, Working Paper No. 340, Apr (2007).
Available at:
https://www.researchgate.net/publication/228245095_A_New_Balance_between_IP_and_Antitrust

[50] Britton Davis, China's Anti-Monopoly Law: Protectionism or a Great Leap Forward? 33 B.C. Int'l &Comp. L. Rev. 305 (2010). available at ; http://lawdigitalcommons.bc.edu/iclr/vol33/iss2/5

[51] David J. Gerber," Constructing Competition Law in China: The Potential Value of European and U.S. Experience", 3 Wash. U. Global Stud. L. Rev. 315(2004). available at; https://openscholarship.wustl.edu/law_globalstudies/vol3/iss2/7/

[52] Ashish Bharadwaj, "Multi-dimensional Approaches Towards New Technology", Insights on Innovation, Patents and Competition, (2018).P.4

increasing the concern of Anti-monopoly about behaviors of the Patent holder that create barriers to entry of new competitors to the market, and these agreements may be considered contrary to competition law.

The immoderate-fee that applied by a dominant position of Patent holders considered an infringement of anti-monopoly law. IP right holders that have market-dominant or have a market-power have responsibility for not abusing its dominant market position, the issue of setting an immoderate-fee by the patent holders considered an infringement of Anti-monopoly law (See Qualcomm case in China).[53]

The IPRs grant market power to the patent holders, which potential to abuse its dominant market position by refusal to license to exclude competitors or requiring a high-fee for a license, where this license is necessary for use of a specific technology or vital for a new product, The Anti-monopoly authorities have been focusing on the patent holders' behaviors that have market-dominance or using market power in a way that leads to restrict the competition or excluding competitors via unreasonable licensing demands.[54]

Anti-monopoly Law and Copyright

Copyright provides an economic power in the market, which potentially abused via a refusal to license, foreclose competitors, as well as using immoderate royalties, if implemented by dominant firms, Qualcomm case in China "unfairly high licensing fees". In Qualcomm case, Qualcomm abused its dominance in wireless technology to charge manufacturers "unfairly high" licensing fees, which lead to the high cost of technology licenses. The National Development and Reform Commission (NDRC) investigation found that "Qualcomm forcing Chinese customers to pay for the high and unfair license fee. "Qualcomm's behaviors lead to eliminate and restrict market competition, hinder innovation and harm the interests of consumers, which considered violate of China's anti-monopoly law, National Development and Reform Commission (NDRC) in China fined Qualcomm chips maker 6 billion Yuan ($975 million), which considered the biggest anti-monopoly penalties in China.[55]

Anti-monopoly and Trademarks

The most Anti-monopoly law issues are related to the abuse of dominant market position trademarks via many behaviors such as (anti-competitive restrictive agreements) as the anti-competitive clauses in the commercial contracts as the prohibition to sell online and selective distribution. It is not unusual for trademark owners to impose contractual restrictions that prevent retailers from marketing their products via an online platform such as (Taobao in China), the contractual clauses usually appear in contracts for high-tech, luxury products. The trademark holders may rely on the restrictions of online sales guarantee that products will be with the exclusive distributors and protect the reputation of trademark, quality protect, however, a full-ban of online sales considered an infringement of Anti-monopoly law.[56]

Balancing Innovation and Competition: The Challenge of Integrating Anti-Monopoly Law with IPR in Egypt and China

Balancing innovation and competition in the realms of IPRs and anti-monopoly law presents distinct challenges in Egypt and China, reflecting varied approaches and stages of development in their respective legal frameworks.

In Egypt, the relationship between competition protection and IPRs lacks a specific regulatory framework despite the country being a member of the TRIPs Agreement, which under Article 8 (2) advises member states to prevent the abuse of IPRs.[57] This deficiency stems from multiple factors, including weaknesses in both the competition law and IPR legislation, and a delay in amending these laws. This situation hinders the harmonization of competition law with IPRs, despite recognition of the need for such integration to spur innovation, enhance consumer welfare, and boost the national economy. The legislative inertia can be attributed partly to the People's Assembly's focus on other priorities. Furthermore, the prevailing political climate and public awareness regarding the impact of IP on competition protection contribute to the weak IP system and the ongoing conflict between competition law and IPRs in Egypt. This situation calls for international assistance

[53] See Qualcomm case in China, 2013.

[54] David J. Gerber," Constructing Competition Law in China: The Potential Value of European and U.S. Experience", 3 Wash. U. Global Stud. L. Rev. 315(2004).
available at; https://openscholarship.wustl.edu/law_globalstudies/vol3/iss2/7/

[55] Yan Bing Li, "Antitrust correction for Qualcomm's SEPs package licensing and Its flexibility in China", International review of intellectual property and competition law, vol 47,(2016).

[56] Ashish Bharadwaj, "Multi-dimensional Approaches Towards New Technology", Insights on Innovation, Patents and Competition, (2018).p.13

[57] Article 8(2), TRIPs agreement ,"Appropriate measures, provided that they are consistent with the provisions of this Agreement, may be needed to prevent the abuse of intellectual property rights by right holders or the resort to practices which unreasonably restrain trade or adversely affect the international transfer of technology".

and cooperation to improve the IP system, especially in the face of challenges posed by e-commerce and technological advancements.

Conversely, China has made significant strides in integrating competition law with IPRs. Recognizing the importance of this integration, the Anti-Monopoly Commission of the State Council issued guidelines to regulate the relationship between anti-monopoly law and IPRs. These guidelines aim to balance the rights of IP holders with the need to prevent anti-competitive practices. They cover a range of scenarios including patent pooling and licensing, licensing standards, refusal to license, tying practices, differential treatment in licensing, and regulations on market concentration involving IP rights. Specifically, they address prohibitions in patent pooling and licensing, such as unfair pricing and restrictive practices, and set standards for what constitutes abusive practices in IP licensing. The guidelines also scrutinize practices like refusal to license, tying sales with licensing, and differential treatment in licensing, which could be deemed abusive if they harm market competition or consumer interests.[58] Additionally, the guidelines consider the concentration of operators involving IP rights and provide special considerations for patent pooling and standard essential patents (SEPs), focusing on preventing abuse of dominant market positions. These measures demonstrate China's commitment to balancing the protection of IP rights with maintaining a competitive market, aiming for a fair and innovative economic environment.[59]

In summary, while Egypt struggles with legislative and political challenges in harmonizing competition law with IPRs, China has taken proactive steps through specific guidelines to address potential conflicts between anti-monopoly law and IPRs, ensuring a balance between innovation and competition in the market.

IV. CONCLUSION

The contrasting approaches of Egypt and China towards regulating intellectual property (IP) abuse within anti-monopoly laws underscore the complexities of balancing IP rights protection with maintaining fair market competition. Egypt's approach, hindered by legislative and political challenges, struggles to harmonize competition law with IP rights. This difficulty is compounded by the absence of specific regulatory frameworks, despite Egypt's adherence to international agreements like the TRIPs Agreement. The country's legislative inertia, shaped by political priorities and public awareness, has resulted in a conflict between competition law and IP rights.

In contrast, China has adopted a more proactive and defined stance. By issuing specific guidelines through the Anti-Monopoly Commission of the State Council, China seeks to effectively integrate competition law with IP rights. These guidelines, addressing various scenarios and establishing clear standards for what constitutes abusive practices, demonstrate China's commitment to balancing IP protection with the prevention of anti-competitive practices.

Both countries could benefit from specific strategies aimed at improving their respective approaches. For Egypt, the primary recommendation is to enhance its regulatory frameworks. This could involve amending existing laws or introducing new regulations, guided by international standards such as the TRIPs Agreement. Collaboration with international bodies and countries experienced in this field could provide valuable insights and assistance.

China, having made significant progress, should focus on the continuous evaluation and adaptation of its guidelines. As market conditions and technological advancements evolve, these guidelines must be regularly reviewed and updated to ensure their effectiveness and relevance. Additionally, both countries could greatly benefit from increased public awareness and education on the importance of balancing IP rights with market competition. This would not only promote better understanding among stakeholders but also encourage a more participatory approach in shaping and implementing relevant laws and policies.

Effective enforcement of these laws and guidelines is also crucial. Both Egypt and China should invest in strengthening their enforcement mechanisms to ensure they have the necessary resources and expertise to monitor, identify, and address IP abuse in the context of anti-monopoly laws. Moreover, maintaining an environment that encourages innovation while preventing IP rights abuse is essential. Both countries should strive for a delicate balance where IP rights are protected, but not to the extent that they hinder competition and market accessibility.

The harmonized and effective approach to regulating IP abuse in the context of anti-monopoly laws promotes a fair and competitive market environment that respects and encourages innovation, ultimately benefiting both the domestic and global economies. Engaging in international dialogue and collaboration could

---

[58] Guangjie Li," Revisiting China's Competition law and its interaction with intellectual property", Nomos Verlagsgesellschaft mph, (2018).

[59] Chin, Yee Wah, " Intellectual property rights and Antitrust in China", IP Protection in China, Donna P. Suchy, Ed, ABA Publishing, May (2015).

be highly beneficial. Learning from the experiences and best practices of other countries can help Egypt refine its approaches to IP regulation within anti-monopoly laws.

REFERENCES

[1]. Ashish Bharadwaj, "Multi-dimensional Approaches Towards New Technology", Insights on Innovation, Patents and Competition, (2018).P.4

[2]. Bong Eui Lee, “Prohibition of abuse of market-dominant undertakings under the monopoly regulation and fair trade Act”, 4 J. KOREAN L. 61 (2005).

[3]. Britton Davis, China's Anti-Monopoly Law: Protectionism or a Great Leap Forward? 33 B.C. Int'l &Comp. L. Rev. 305 (2010).

[4]. available at ; http://lawdigitalcommons.bc.edu/iclr/vol33/iss2/5

[5]. Britton Davis, China's Anti-Monopoly Law: Protectionism or a Great Leap Forward? 33 B.C. Int'l &Comp. L. Rev. 305 (2010).

[6]. available at ; http://lawdigitalcommons.bc.edu/iclr/vol33/iss2/5

[7]. Chin, Yee Wah, " Intellectual property rights and Antitrust in China", IP Protection in China, Donna P. Suchy, Ed, ABA Publishing, May (2015).

[8]. David J. Gerber," Constructing Competition Law in China: The Potential Value of European and U.S. Experience", 3 Wash. U. Global Stud. L. Rev. 315(2004). available at; https://openscholarship.wustl.edu/law_globalstudies/vol3/iss2/7/

[9]. Emanuela Arezzo, " intellectual Property rights at the Crossroad Between Monopolization and Abuse of Dominant Position: American and European Approaches Compared ", The John Marshall Journal of Information technology and privacy law, Vol 24, issue 3, (2006).

[10]. Guangjie Li, "Revisiting China's Competition Law and Its Interaction with Intellectual".Nomos Verlagsgesellschaft mbH, (2018). P15 Available at; : https://www.jstor.org/stable/j.ctv941t3g.2

[11]. Guangjie Li," Revisiting China's Competition law and its interaction with intellectual property", Nomos Verlagsgesellschaft mph, (2018).

[12]. H. Stephen Harris & Rodney, "The monopolization and IP Abuse provision of Chinas Anti-monopoly law concerns and proposal", Antitrust law Journal, Vol. 75, No. 1 (2008).

[13]. Hassan Ali, “Enforcement and Border Measures based on the Trips Agreement”, WIPO National Symposium on Intellectual Property for Government Officials, World Intellectual Property Organization, Manama, June 14 ,15,(2004) . P. 4 (Original in Arabic)

[14]. Hassan Qaqya & George Lipimile, "The effects of anti-competitive business practices on developing countries and their development prospects", United Nations conference on trade and development,(2008).

[15]. https://ec.europa.eu/competition/antitrust/cases/dec_docs/38173/38173_104_7.pdf

[16]. Janith Aranze, "Egypt imposes interim measures on FIFA for World Cup TV rights", GCR USA, 11 June (2018). Available at: https://globalcompetitionreview.com/article/egypt-imposes-interim-measures-fifa-world-cup-tv-rights

[17]. Jund Al Qudsi, “Abuse of the dominance position in the relevant market: A Comparative Legal Study,” College of Law - University of Sharjah, United Arab Emirates, March 27 (2018). (Original in Arabic)

[18]. Mark A. Lemley, "A new balance between IP and Antitrust", Stanford Law School, Working Paper No. 340, Apr (2007).

[19]. Max Planck Institute for Intellectual Property and Competition Law, "Copyright, Competition and Development", Munich, Dec (2013).

[20]. Meeting of the OECD Competition Committee on 5-7 June 2019."Licensing of IP rights and competition law – Summaries of contributions" Organisation for Economic Co-operation and Development, DAF/COMP/WD(2019)62, Jun (2019).

[21]. Michael James Meurer, "Controlling Opportunistic and Anti-Competitive Intellectual Property Litigation ", SSRN Electronic Journal 44(2), Dec (2002).

[22]. Mourad Greiss, "Abuse of Dominance under the Egyptian Competition Law: Investigating Peculiarities That May Have Special Effects in the Economy", Mediterranean Competition Bulletin, Aug 31, (2010). Available at SSRN: https://ssrn.com/abstract=1711565

[23]. Naresh Kumar, ‘Intellectual property rights versus Competition law ", Kurukshetra University-India, Kurukshetra law Journal, Vol. I, May (2011).

[24]. Pérez Motta, Eduardo, "Competition policy and trade in the global Economy: Towards an integrated approach", E15 Expert Group on Competition policy and the trade system, Geneva: International Centre for Trade and Sustainable development, and the world economic forum, Jan (2016).

[25]. Robert Briel, "Egypt claims broadcast rights to 22 World Cup games", EUROPE/LONDON, JUN12, (2018). Available at: https://www.broadbandtvnews.com/2018/06/12/egypt-claims-broadcast-rights-to-22-world-cup-games/

[26]. See Meeting of the OECD Competition Committee on 5-7 June 2019."Licensing of IP rights and competition law – Summaries of contributions" Organisation for Economic Co-operation and Development, DAF/COMP/WD(2019)62, Jun (2019).

[27]. Sinisa Varga, “Abuse of a dominant market position in the frames of the EU Antitrust law”, 8 REV. EUR. L. 5 (2006).

[28]. Thomas R. Howell, Alan W. Wolff, Rachel Howe & Diane Oh, “China's New Anti-Monopoly Law: A Perspective from the United States”, Washington international law journal, Vol 18, (2009).

[29]. Xiaoye Wang," Highlights of Chinas new Anti-monopoly law ", Antitrust law journal, (2008),PP.133-140

[30]. Yan Bing Li, "Antitrust correction for Qualcomm’s SEPs package licensing and Its flexibility in China", International review of intellectual property and competition law, vol 47,(2016).

[31]. Yassmine Afifi, "Independence of the Egyptian Competition Authority: Assessment and Recommendations", The Interdisciplinary Centre for Competition Law and Policy (ICC), Global Antitrust Review, (2010). http://www.icc.qmul.ac.uk/media/icc/gar/gar2010/Pub6912-GAR-III-Journal.pdf

[1]Mohamed Salah Adawi Ahmed,
[1]PhD Candidate, International Law, Zhongnan University of Economics and Law, China