

# The restraints imposed by European Union competition law on the exercise of intellectual property rights within the European Union

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***Abstract:***

**T**here has been increasing involvement of the European Union (EU) competition rules in the practice of intellectual property rights (IPRs). The capacity of the European Court of Justice (CJEU) in ending the exclusive protection of IPRs has been witnessed in many case law. In addition, EU competition rules could be considered as an instrument to deter IPR holders from carrying out behaviours that may distort competition and market. This indicates that besides regulated by IP legislation, the exercise of IPRs could be monitored by competition law which is regarded as a 'second tier' of regulation in order to ensure the effective exercise of IPRs. Thus, this paper will provide a general review of the interaction between EU competition rules and IPRs conduct, and how EU law regulates and restricts the conduct of IPRs.

**Keywords:** *EU competition law, intellectual property rights, the practice of IPRs, second tier, balance*