

Christoph Reiß

## Patente und Produktmarktwettbewerb

### Der strategische Einsatz von Patenten im Wettbewerb jenseits der Innovationsförderung – eine Untersuchung wettbewerbspolitisch relevanter Patentstrategien

[Patents and Product Market Competition. The Strategic Use of Patents in Competition beyond Innovation Funding – A Study of Patent Strategies Relevant to Competition Policy.]

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Patent and competition law are widely considered to be complementary branches of law aimed at protecting dynamic and static competition. Nevertheless, the boundary between both areas is still very controversial, as patents are increasingly being used as purely strategic instruments in static competition. If such patents are unavoidable due to the structure of real patent systems, Christoph Reiß suggests that these strategic patents must be analyzed as competition parameters on their own without any reference to the innovation protection aspect of patent law. He considers the effects of strategic patents on competition in a number of game-theoretic models. He focuses on deterrence strategies and endogenous entry in asymmetric markets and on cumulative complementary patents, showing that strategic patents can – under certain conditions – have positive effects on welfare. Thus, in a second-best world, from a normative perspective it is hardly sensible to aim purely at their elimination.

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