

# The Interface between Competition and Intellectual Property Law OBA Panel featuring Nikiforos Iatrou

January 22, 2018

WeirFoulds Student at Law Kelsey K. Gordon penned a summary of the November 22, 2017 panel discussion "[Driving Competition: The Interface between Competition and Intellectual Property Law](#)" organized by the Ontario Bar Association's Information Technology and Intellectual Property Law section. The summary has been published to the OBA Information Technology and Intellectual Property Law section website.

The discussion moderated by Nikiforos Iatrou of WeirFoulds LLP, Sangeetha Punniyamorthy of DLA Piper (Canada) LLP and John Bodrug of Davies Ward Phillips & Vineberg LLP provided an overview of the intersections between competition and IP law, as well as examples of cases where these areas have intersected in practice.

During the discussion, the speakers noted that only one section of the *Competition Act*, section 32, specifically deals with IP. Section 32 provides a special remedy where a party is misusing IP. However, for a lawyer who is unfamiliar with competition law, the speakers cautioned that that section may be a misleading starting point for considering competition law issues with respect to IP.

"Section 32, as Mr. Iatrou noted, is rarely used. Rather, the *Competition Act* is more often invoked in relation to IP where the allegations concern refusal to deal, exclusive dealing or abuse of a dominant position, all of which are prohibited under the Act.

Though these causes of action are not specific to the exercise of IP rights, they can provide recourse to businesses that find themselves engaged in disputes involving IP. And because there is not a well-developed body of case law on these causes of action (or the case law may be dated), Mr. Iatrou commented that there is a lot of room for competition lawyers to make new and creative arguments."

Please [click here](#) to access the summary.

Please [click here](#) to access additional information about the program.

# WeirFoulds<sup>LLP</sup>

[www.weirfoulds.com](http://www.weirfoulds.com)

## Toronto Office

4100 – 66 Wellington Street West  
PO Box 35, TD Bank Tower  
Toronto, ON M5K 1B7

Tel: 416.365.1110  
Fax: 416.365.1876

## Oakville Office

1320 Cornwall Rd., Suite 201  
Oakville, ON L6J 7W5

Tel: 416.365.1110  
Fax: 905.829.2035