Network Sharing and Standard Essential Patents in EU Competition Law

Abstract

This diploma thesis deals with two issues which are closely linked to telecommunications and its specific features - network sharing and standard essential patents. Actually, these issues are very topical and come out at the forefront of EU competition authorities.

The goal of this diploma thesis is to familiar the reader with particular issues and then analyse individual decisions of Commission and CJEU regarding aforementioned topics from the perspective of consumer welfare as one of the main objectives of EU competition law. Therefore, the first part of the thesis provides definition of consumer welfare standard so that the analysis of particular decisions could be performed.

The second part of this thesis deals with network sharing. Given the complicacy of this topic, there are defined the individual models and presented some actual cases of network sharing in EU at the beginning of this part. Subsequently, the thesis deals with the interrelationship between telecom mergers and network sharing. After these introductory remarks, the individual decisions of Commission are analyzed. This part is finally concluded with a partial conclusion which summarizing the main outputs arising from performed analysis.

The third part of the thesis deals with standard essential patents. As in the case of network sharing, this section first defines the basic terms, with focusing on patent holder’s commitment to license all potential users on fair, reasonable and non-discriminatory terms. After that, the individual decisions of Commission and CJEU are analyzed. Then, this analysis is followed by a brief mapping of the current situation in the given issue. Finally, the part is concluded with a partial conclusion which summarizing the main outputs.

The conclusion of this diploma thesis contains summary of previous parts along with results arising from the analysis of particular decisions.