



香港中文大學
The Chinese University of Hong Kong

Centre for Financial Regulation and Economic Development

金融規管與經濟發展研究中心



FACULTY OF LAW

A CFRED Research Seminar:

IP ABUSE PREVENTION AND COMPETITION LAWS: A COMPARATIVE STUDY

by

Dr George Tian

University of Technology Sydney, Faculty of Law

Rescheduled to 29 November 2012, Thursday

12:15-2:00p.m.

Board Room, 6/F Lee Shau Kee Building, CUHK, Shatin, N.T.

This paper aims to examine the impacts of competition law on the intellectual property (IP) abuse prevention in China, Japan and Australia. The author will first examine the true nature of the IP abuse conduct in the *Agreement on Trade-Related Aspects of IP Rights* (TRIPS). He will then provide a brief overview of the recent development of the Chinese *Anti-Monopoly Law* 2008 and its implementing regulations, particularly IP abuse prevention provision. Furthermore, he will compare and critically examine how Japan and Australia deal with the interface of IP and competition laws, and the likely effects and potential limits of their laws on the IP abuse prevention. The author will also briefly examine the likely impacts of the *Anti-Counterfeit Trade Agreement* (ACTA) and *Trans-Pacific Partnership* (TPP) on IP abuse prevention, including potential risks of abusing IP border protection measures. Finally, by drawing on lessons from the experiences of Japan and Australia, the author will provide some practical suggestions for future law reforms in China and other countries in this challenging area.



Dr George Yijun Tian is a Senior Lecturer at the *University of Technology Sydney (UTS) Law School*. He joined UTS in January 2008. His research is focusing on intellectual property, anti-trust law, international trade, and digital legislation. Prior to taking up the full-time position at UTS, he has taught sessionally postgraduate courses in intellectual property at UTS, and undergraduate courses in corporate law at the *University of New South Wales (UNSW)*.

Dr Tian previously served as a Consultant of the Economic and Social Analysis Unit at the *United Nations International Labour Organization*, ROAP, and a Project Coordinator of the LDR department at the *Clayton Utz*, Sydney. He has been a Visiting Scholar of the *University of Washington Law School*, a Summer Research Associate of the Berkman Centre for Internet & Society at the *Harvard Law School* in 2005, and a Visiting Research Fellow of the Oxford IP Research Centre, Faculty of Law, *University of Oxford*, U.K. in Michaelmas 2011.

Dr Tian is also a current Uniform Domain Name Dispute Resolution Policy (UDRP) Neutral appointed by World Intellectual Property Organization (WIPO); a Research Associate of the Cyberspace Law and Policy Centre at the *UNSW Law School*; and a Research Fellow of the Centre for Intellectual Property Studies at the *China University of Political Science and Law*, Beijing.

He has published a number of book, book chapters, and law journal articles on Intellectual Property, International Trade, Antitrust law and International Comparative law in Australia, China, United Kingdom, and United States.

Light lunch will be provided.

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by 28 Nov 2012.