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Alfredo Barona

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Technology pools, like the MPEG-pool or DVD-pool, are of huge economical importance. Notwithstanding this prominence, the assessment of technology pools according to European antitrust law has only seldom been subject to scientific works. Furthermore, a basic decision by the European Court of First Instance is not available. In order to satisfy the urgent need for guidance in the course of self-evaluation demanded by European antitrust law, the Commission issued the Guidelines on the Application of Art. 81 of the EC Treaty to Technology Transfer Agreements. These guidelines are the first focus of examination addressed in this dissertation. Probably the most influencing antitrust law regime in the world, the US-American antitrust law, likewise offers guidelines for the assessment of technology pools - the Antitrust Guidelines for the Licensing of Intellectual Property. Both guidelines differ considerably as to content, scope, and detail. The book provides support in the antitrust analysis of a technology pool as well as examining whether the guidelines actually comply satisfactorily with their guiding function.

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