
Preface

The International League of Competition Law (LIDC) carries out a leading work every year in studying two topical questions selected among the fields of antitrust law, intellectual property or unfair competition. On each question, the key themes in the major jurisdictions are reflected in a series of national reports, whilst an international report identifies common features and trends from the national reports and draws conclusions on potential solutions or ideas to be explored in the future. The works of the LIDC have been a well of practical guidance for generations of lawyers, whether or not they are members of the LIDC, and for regulatory authorities.

Parts of the studies, international reports and recommendations were made available on the Web and disseminated to a selected audience. For the first time, LIDC decided to publish the entire reports for the benefit of the legal practitioners, academics and authorities active in the field of antitrust, intellectual property and unfair competition. LIDC is therefore making full use of this unique opportunity to contribute in the development of these fascinating fields of law.

This publication provides unparalleled comparative analysis of two “hot topics” in the field of antitrust and unfair competition laws.

Part I of this publication examines whether small- and middle-sized businesses could or should be subject to specific competition rules or other adjustments. SMEs account for 99 % of all enterprises in Europe and the United States. The papers consider both public and private enforcement in relation to SMEs across a range of jurisdictions. A detailed international report prepared by Professor Michele Carpagnano identifies general trends and highlights differences and the most interesting features of national regulations.

Part II of the book gathers contributions from various jurisdictions on an unfair competition question: whether businesses could or should be protected against the use of their trademarks, distinctive signs and other components of their image and identity by non-competing undertakings. The papers focus on the fundamental requirement of a competitive relationship as a possible condition of protection under unfair competition acts and review other types of protection, usually in the context of intellectual property. The comprehensive and insightful international report prepared by Maître Martine Karsenty-Ricard puts these issues in perspective.

The editors would like to thank all the authors for their contributions and their patient collaboration during the editing of this book. They would like to express their sincere gratitude to the Members of the Bureau, of the Council and of the Scientific Committee for their kind support and encouragement during the preparation of this book.

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Antitrust for Small and Middle Size Undertakings and
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