



MEDIA RELEASE

3 October 2005

Competition Commission Consults on Draft Guideline for *Treatment of Intellectual Property Rights*

1. The draft guideline on the Treatment of Intellectual Property Rights (IPRs) sets out how the CCS views the interface between the Competition Act 2004 (Act)¹ and IPRs², and indicates some of the factors and circumstances that the CCS may consider when assessing agreements and conduct which concern IPRs.

Public Feedback

2. The CCS has consulted and finalised the first set of three guidelines on section 34 and 47 prohibitions and market definition in July 2005. The CCS is currently evaluating the submissions from the public on the second and third sets of draft guidelines³.

3. The consultation documents for the draft Treatment of IPRs guideline can be downloaded from the CCS website at www.ccs.gov.sg under the section "Guidelines" and the Government Online Consultation Portal at www.feedback.gov.sg. The closing date for submission is on or before **noon, 24 October 2005**⁴.

4. The CCS, together with the Singapore Business Federation (SBF) will conduct an outreach seminar on 18 October 2005 for business associations, chambers, companies and businesses. Interested parties can contact SBF at events@sbf.org.sg or call 6827 6877 to register.

5. Please refer to Annex A for background information.

About the Competition Commission of Singapore

The CCS is a new statutory body established under the Competition Act 2004 (Act) on 1 January 2005 to administer and enforce the Act. Its mission is to promote healthy competitive markets that will benefit the Singapore economy based on sound economic principles applied objectively and consistently. For more information, visit www.ccs.gov.sg.

For media clarification, please contact:

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Notes to Editor:

1. The Competition Act 2004 was passed in Parliament on 19 October 2004 and assented to by the President on 4 November 2004. The new law will improve Singapore's international competitiveness by enhancing the efficient functioning of markets in Singapore. The focus is on activities, that have an appreciable adverse effect on competition in Singapore and which do not have any net economic benefit. The Act is being implemented in phases:

Phase I - On 1 January 2005, the provisions establishing the Competition Commission of Singapore (CCS) were brought into force.

Phase II - On 1 January 2006, the provisions on anti-competitive agreements, decisions and practices; abuse of dominance; investigation, enforcement; appeal process; and miscellaneous areas will come into force.

Phase III - The remaining provisions relating to mergers and acquisitions will likely come into force at least 12 months after Phase II.

2. The draft ***Guideline on the Treatment of Intellectual Property Rights (IPRs)*** (Annex 1) sets out how the CCS expects the Act to operate in relation to agreements and conduct which concern IPR.
3. The CCS is presently evaluating the submissions made by the public in response to its public consultation on the *Guideline on The Powers of Investigation, Guideline on Enforcement, Guideline on Lenient Treatment for Undertakings Coming Forward with Information on Cartel Cases, Guideline on Filing Notifications for Guidance or Decision, Guideline on Transitional Arrangements and Guideline on Appropriate Amount of Penalty.*

4. Mode of Consultation:

- a. Written submissions are to be sent to the CCS:

Email: CCS_Draftguidelines@ccs.gov.sg

AND

Post/Courier: Competition Commission of Singapore
5 Maxwell Road
#13-01, Tower Block
MND Complex
Singapore 069110
Attn: Director, Economics

Fax: (65) 62246929

b. Parties that submit comments should organise their submissions as follows:

- i. Cover page (including the information specified in sub-paragraph **d** of this consultation document);
- ii. Table of contents;
- iii. Summary of major points;
- iv. Statement of interest;
- v. Comments; and
- vi. Conclusion.

c. Supporting material may be placed in an annex. All submissions should be clearly and concisely written, and should provide a reasoned explanation for any proposed revision to the draft guidelines. Where feasible, parties should identify the specific paragraph of the draft guidelines on which they are commenting. In any case in which a party chooses to suggest revisions to the text of the draft guidelines, the party should state clearly the specific changes to the text that they are proposing.

d. All submissions should be made on or before **noon, 24 October 2005.** Submissions must be submitted in both hard and soft copies (in Microsoft Word format). Parties submitting comments should include their personal/company particulars as well as their correspondence address, contact numbers and email addresses on the cover page of their submissions.

e. The CCS reserves the right to make public all or parts of any written submission and to disclose the identity of the source. Commenting parties may request confidential treatment for any part of the submission that the commenting party believes to be proprietary, confidential or commercially sensitive. Any such information should be clearly marked and placed in a separate annex. If the CCS grants confidential treatment, it will consider but will not publicly disclose the information. If the CCS rejects the request for confidential treatment, it will return the information to the party that submitted it and will not consider the information as part of its review. As far as possible, parties should limit any request for confidential treatment of information submitted. The CCS will not accept any submission that requests confidential treatment of all, or a substantial part, of the submission.