

## Editorial

Sofia Oliveira Pais\*

General Editor

The Editorial Board is proud to present the first issue of Volume VII of the *Market and Competition Law Review*. This issue features a number of relevant contributions by several scholars on standard essential patents, FRAND commitments, patent portfolios, and the competition concerns involved.

Tianyi Ren opens the issue examining the different national remedies for Standard Essential Patents (SEPs) rights and the need for an injunction rule able to respond to opportunistic behaviours, avoiding *forum* shopping worldwide. The Author discusses the failure to apply the eBay ruling to SEPs and the reasonable approach of the Huawei judgment when applying liability rules in the determination of damages under the patent law framework, concluding that the best solution to mitigate FRAND wars is to balance strong property rights with liability rules.

Afterwards, Mathias Scheer scrutinizes the FRAND commitment as an appropriate measure to achieve compliance with article 101 TFEU, debating its legal classification and the issue of its accessibility in a SEP transfer situation. Then, the Author discusses whether article 102 TFEU is able to provide access to the standard on its own when the FRAND commitment vanishes, and suggests the need for alternative approaches.

In the following article, Stefanie Krome investigates FRAND disputes and reviews which court should be competent to decide on multinational FRAND licences regarding the same SEP-Portfolio. The Author discusses whether the number of European national courts that can determine

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FRAND licences on the same SEP portfolio can be reduced by means of international civil procedure law and explores several solutions: modified application of Art. 29 Brussels Ibis Regulation or Art. 33(2) UPCA, limitation of the scope of jurisdiction and extension of *res judicata* to the FRAND objection.

Next, Emanuela Arezzo analyses the use of patent portfolios to block generic competition and extend market exclusivity. She assesses the European case law punishing Reverse Payment Settlement Agreements (RPSA) and discusses whether sham litigation by a dominant firm should, in specific circumstances, be sanctioned as separate stand-alone abuse.

Lastly, João Paulo Coutinho provides a review of the book “The Interaction of Competition Law and Sector Regulation”, edited by Pier Luigi Parco, Giorgio Monti and Marco Botta.