



Department of Justice

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**ANTITRUST CHIEF OUTLINES PROPOSED INTELLECTUAL PROPERTY
INITIATIVES, DIVISION ACCOMPLISHMENTS AT ABA CONFERENCE**

WASHINGTON, D.C. -- Anne K. Bingaman, Assistant Attorney General for the Department of Justice's Antitrust Division, outlined today some of the Division's proposed initiatives for antitrust enforcement in the area of intellectual property. Bingaman, in a speech before the American Bar Association's Antitrust Spring Meeting in Washington, D.C., also stated some of the Division's accomplishments for the last 10 months.

Bingaman outlined the Division's views regarding antitrust enforcement in the area of Intellectual property including the licensing of rights, practices by owners with monopoly power and acquisitions. She described the proposed initiatives as a framework to solicit comments from interested parties who want to offer their comments or suggestions. The Division will consider the comments and proposed initiatives as part of its process for formulating a statement expected to be released this summer. Comments from interested parties are due to the Antitrust Division by May 9, 1994.

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Intellectual property refers to products of creative efforts protected under the patent, copyright and trademark laws.

Bingaman also noted that there will be a renewed emphasis on competition advocacy on intellectual property issues. She stressed the importance of the Division working with the Patent and Trademark Office and discussed the Division's role as an "active voice" in filing amicus briefs, service on the National Economic Council's Task Force on Intellectual Property and participation in legislative proposals.

Bingaman said the Division's proposed policy toward intellectual property is to treat it like any other form of property. She noted that intellectual property is not exempt nor particularly suspect under the antitrust laws. Also, she stated that owners of intellectual property cannot use technology to suppress other technologies.

Bingaman mentioned some of the other accomplishments of the Antitrust Division in the last 10 months:

- **Merger enforcement over the last 10 months hit a 13 year high.**

Fourteen transactions were either challenged, restructured, or abandoned as a result of Division initiatives during the first six months of FY 1994. This record compares with annual challenges of 10 to 12 for previous years.

- **Realigned the Division's litigation sections for efficiency.**

Litigation sections are now divided by types of enforcement, civil non-merger, merger, and criminal. These changes will produce increased expertise in litigating complex cases and improve management of the Division's resources and priorities.

- **Increased Division resources.**

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The Division has obtained significant additional resources to hire attorneys and support staff--35 attorneys, 60 paralegals, 15 honors law school graduates, and six economists will be added to the antitrust staff.

- **Renewed emphasis on civil conduct cases.**

The Division has created a Civil Task Force of 18 lawyers to identify and investigate civil conduct cases. More than 50 new civil conduct investigations have been opened in the last six months. Only four such investigations were opened in FY 1992.

- **Criminal enforcement is successful and active.**

In 1993, the Division filed 84 criminal cases against 71 corporations and 51 individuals. Fines of more than \$41 million were imposed.

- **Issued joint Department of Justice/Federal Trade Commission Statements of Antitrust Enforcement Policy in the Health Care Industry.**

The statements respond to industry concern over antitrust uncertainty in the health care industry, and in conjunction with the expedited business review process, allows providers to engage in cost-cutting and efficiency-enhancing measures.

- **Participated on the Department of Defense's Task Force to evaluate defense industry mergers.**

The Division has participated on the Defense Task Force to determine the best manner to evaluate mergers of firms in the defense industry. A report will be issued soon.

- **Worked with Administration to develop telecommunications reform package.**

The Division is participating as a member of the Administration's working group on legislation to modernize the telecommunications laws. The goal of the Division is to encourage free entry in all areas of telecommunications, including local exchange services, information services, long distance, and manufacturing, when regulatory and technological barriers are removed.

In stating some of the accomplishments of the Antitrust Division, Bingaman said, "The mission of the Antitrust Division is to protect competition and consumers in increasingly

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international and technology-driven markets through sound and reasoned enforcement of the antitrust laws. This record provides a concrete embodiment of our vision of antitrust enforcement--but it is only the beginning."

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