

Doctrine of Essential Facility

- Alaska Airlines, Inc. v/s United Airlines, Inc.

The doctrine imposes liability when one firm, which controls an essential facility, denies a second firm reasonable access to a product or service that the second firm must obtain in order to compete with the first.

- Otter tail Power Co v/s the United States

The US Supreme Court ruled that a dominant firm that controls an infrastructure or an asset that other companies need to make use of in order to compete has the obligation to make the facility available on non-discriminatory terms

- MCI v/s AT&T - the US Seventh Circuit Court designed a four-step test for determining whether access should be granted to a particular facility on the basis of the essential facilities doctrine:
 - a. control of the essential facility by the monopolist;
 - b. a competitor's inability, practically or reasonably, to duplicate the essential facility;
 - c. denial of the use of the facility to a competitor; and
 - d. feasibility of providing the facility.

- *Intergraph Corp. v/s Intel Corp*

the plaintiff argued that Intel's chips and technical know-how constituted an essential facility, as access thereto was vital to the plaintiff's business.

The district court agreed that Intel's intellectual property rights relating to its chips were an essential facility and that Intel should be compelled to license its patents and trade secrets to Intergraph on reasonable and non-discriminatory terms.

However, the decision was reversed on appeal on the argument that "an essential facilities claim could not be made out unless the owner of the essential facility and the antitrust plaintiff competed in a market that required access to the facility."

Standard Essential Patents

- technologies which have been accepted as standards to be uniformly accepted and implemented across various countries in order to ensure uniformity and compatibility for a seamless transmission of data and calls across the world.
- FRAND – Fair, Reasonable and Non-discriminatory
- Ericsson Cases, JCB Case