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- Contribution from the Dominican Republic -

7-8 October 2025

This attached document from the Dominican Republic is circulated to the Latin American and Caribbean Competition Forum (LACCF) FOR DISCUSSION under Session II at its forthcoming meeting to be held on 7-8 October 2025 in Asunción, Paraguay.

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Session II: Competition and Intellectual Property

– Contribution from the Dominican Republic[1] –

1. Introduction

1. The intersection between intellectual property (IP) and competition law represents one of the most dynamic debates in the contemporary legal-economic sphere. Traditionally, there has been an inherent tension: while competition law seeks to protect consumers from the harmful effects of monopolies by promoting open and efficient markets, intellectual property—particularly through patents—grants temporary exclusivity to stimulate innovation, allowing high prices that appear to contradict antitrust objectives. However, this tension is mainly short-term; in the long term, both regulatory bodies converge in maximizing social welfare by expanding the options available to consumers and promoting technological progress.

2. As Professor Keith N. Hylton argues[2], the real challenge lies in balancing incentives for innovation with protection against monopolistic abuses, considering that many patents do not generate significant market power due to the existence of substitutes. In other words, the existence of an IP right does not necessarily imply that its owner can significantly restrict competition, so antitrust intervention is only justified when there is substantial market power and unfair exclusionary conduct.

2. Institutional framework

3. The National Commission for the Defense of Competition (ProCompetencia) is the authority on competition policy in the Dominican Republic. This institution was established by Law No. 42-08, the General Law for the Defense of Competition, as an autonomous entity with legal personality and its own assets, endowed with full administrative, technical, and financial independence.

4. ProCompetencia's institutional design reflects international best practices by combining operational autonomy with institutional accountability. Although it remains administratively attached to the Ministry of Industry, Commerce, and MSMEs (MICM), in accordance with Law No. 37-17 reorganizing that ministry, its functional independence is legally guaranteed. This structure allows ProCompetencia to exercise its investigative, sanctioning, regulatory, and advocacy powers aimed at promoting free competition without external interference.

5. ProCompetencia's authority extends to all sectors of the national economy, with the exception of those expressly excluded by law or subject to special regulatory regimes that require specific coordination. This institutional framework is essential to ensure that ProCompetencia can act impartially in market surveillance, guaranteeing a competitive

[1] Comisión Nacional de Defensa de la Competencia (Pro-Competencia).

[2] Hylton, Keith N. "Antitrust and Intellectual Property: A Brief Introduction," in The Cambridge Handbook of Antitrust, Intellectual Property, and High Tech, ed. Roger D. Blair and D. Daniel Sokol (Cambridge: Cambridge University Press, 2017), 82.

environment that benefits both consumers and businesses, without being subordinate to specific sectoral interests.

6. In the field of intellectual property, there are two main specialized offices: the National Office of Industrial Property (ONAPI), which is responsible for industrial property (patents, trademarks, designs, utility models, etc.), and the National Copyright Office (ONDA), which is responsible for copyright and related rights. Both operate under a model of operational autonomy with administrative affiliation to the MICM.

7. ONAPI was established by Law No. 20-00 on Industrial Property. It enjoys technical autonomy and its own assets, with a mandate to manage the granting, registration, maintenance, and enforcement of industrial property rights in the country. Its task is to guarantee the legal security of the holders of patents, trademarks, and other rights, while promoting national innovation through an efficient IP protection system. ONDA, for its part, is based on Law No. 65-00 on Copyright, has national jurisdiction and functional autonomy to settle disputes in the field of copyright, and may even impose administrative sanctions (fines[3]) for infringements of copyright law.

8. In this regard, the Dominican Republic has a dual institutional design (ProCompetencia on the one hand; ONAPI/ONDA on the other) that reflects the necessary specialization in each area, but also poses coordination challenges. As will be detailed, the application of competition law in matters involving IP rights requires determining the jurisdiction of each authority based on the nature of the case (anti- competitive conduct stricto sensu *vs.* abusive exercise of an exclusive right protected by a special law). The Dominican Republic, aware of this interface, has adopted certain legal provisions and coordination mechanisms to harmonize both regimes, avoiding regulatory gaps or conflicts.

3. Application of Competition Law to IP Rights

9. A first aspect to consider is whether competition law applies in full to IP rights in the Dominican jurisdiction. In practice, Law No. 42-08, General Competition Law, does not *per se* exclude intellectual property from its scope; however, its application is neither automatic nor full when it comes to the exercise of IP rights. Law No. 20-00 on Industrial Property contains specific provisions on anti-competitive conduct related to IP, delegating its primary supervision to ONAPI. Consequently, ONAPI must ensure compliance with competition rules when anti-competitive conduct is directly linked to the exercise of an IP right.

10. In particular, the Industrial Property Law expressly classifies the following, among others, as anti-competitive practices in the field of IP[4]: *(i)* the setting of excessive or discriminatory prices for products covered by a patent; *(ii)* the granting of IP rights licenses under *unreasonable* commercial conditions; (*iii)* the use of IP rights to unduly restrict the commercial or productive activities of the licensee; and (*iv)* any other act that national legislation classifies as anti-competitive conduct[5]. When such conduct occurs, it could give rise to intervention by ONAPI (through compulsory licensing, for example, in the case of patent abuse) or eventually by ProCompetencia if it transcends the purely private sphere and affects the public economic interest.

[3] Articles 169 et seq. of Law No. 65-00 on Copyright

[4] Articles 42 and 43 of Law No. 20-00 on Industrial Property.

[5] OECD/IDB (2024), Peer Reviews of Competition Law and Policy: Dominican Republic, OECD Publishing, Paris, https://doi.org/10.1787/82adc1ba-es, pp. 30-31.

11. In short, Dominican competition law recognizes the validity of sectoral IP rules and does not seek to supplant them in the first instance. ProCompetencia will not automatically intervene in disputes concerning the exercise of exclusive rights if there are special provisions and a competent sectoral authority to hear the matter, as is the case here.

12. This delimitation reflects a *subsidiarity* approach: the competition authority acts as a supplementary complement in the event of regulatory gaps or flagrant abuses that cannot be corrected by special law. However, due to the close interrelationship between the two regimes—in which certain anti-competitive practices can be concealed under the exercise of an exclusive right, and in turn an IP right can be used strategically to distort the market—it is essential to articulate clear principles to guide the harmonization of competition law and intellectual property law. These principles allow for a balance between the legitimate protection of innovation and the essential promotion of dynamic and equitable markets. The following section outlines the policy principles that inform this interaction in the Dominican Republic.

13. It is important to note that, historically, IP was seen as the enemy of competition because it creates monopolies, but today it is understood that both systems can complement each other in promoting economic well-being, provided that the "optimal point" of protection is achieved, since the granting of intellectual property rights should not become a disproportionate privilege that restricts the mobility of assets and the dissemination of knowledge[6].

4. Principles for Harmonizing Competition and Intellectual Property

14. The harmonization between competition law and intellectual property is based on the principle of unity of regulation, established in Article 2 of Law No. 42-08 on Competition Defense. This principle determines that competition regulations constitute a provision of general observance and public order, applicable to all areas of economic activity without exception.

15. This approach ensures that no economic sector is exempt from the provisions of ProCompetencia, including those governed by special laws such as industrial property or copyright laws. Regulatory unity recognizes the coexistence of the constitutional right to free enterprise and the imperative need to preserve effective competition, economic efficiency, and good commercial faith.

16. Consequently, all economic agents are subject to the Competition Law, either primarily or supplementarily, expressly including intellectual property rights holders. In practice, this principle allows competition law to function as an integrative framework, acting as a safeguard to correct distortions arising from the abusive exercise of exclusive rights and ensuring a functional balance between innovation and competition in the market.

17. This perspective prevents intellectual property protection from creating anti-competitive spaces; on the contrary, it establishes that legal monopolies granted, such as patents, remain subject to public policy on competition when their exploitation transcends the limits of legitimate encouragement of innovation.

18. This approach is supported by the OECD's 2023 Recommendation to its members on the relationship between competition and industrial property, which establishes that

[6] Hovenkamp, H. (2017). *Intellectual property and competition.* University of Pennsylvania Carey Law School, Faculty Scholarship. Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3013122

states have an obligation to apply the same competition policy principles to intellectual property rights[7]. This recommendation recognizes both the importance of these rights for growth and innovation and the need to subject their exercise to compliance with competition laws, based on the fundamental recognition that intellectual property rights do not exempt their owners from compliance with competition laws.

5. Principle of Proportionality

19. The second conceptual pillar corresponds to the principle of proportionality, which governs the actions of the Public Administration according to Article 3 of Law No. 107-13[8], and is particularly relevant in the formulation of innovation policies.

20. Applied to intellectual property, this principle establishes that the reward granted to the innovator through exclusive rights should not be excessive to the detriment of the general welfare. The objective of intellectual property policy is not to maximize the private income of the owner, but to ensure sufficient stimulus to generate innovation and subsequently allow the dissemination of its benefits. When the rights granted are broader or longer-lasting than necessary, such as a patent with an excessively broad scope or disproportionately long term, that additional protection results in a loss of social welfare. This occurs by restricting competition beyond what is justifiable and limiting public access to the fruits of innovation.

21. The optimal policy seeks to guarantee only the minimum reward necessary to motivate the innovator, balancing their private incentives with the public interest in disseminating knowledge, reducing prices through competition, and catalyzing successive improvements. This principle guides both regulatory design, including the duration and scope of patents and copyrights, and antitrust intervention in cases of abusive exercise of intellectual property rights.

22. When the owner's conduct exceeds what is reasonable, manifesting itself in excessive prices, unjustified license refusals, or other similar practices, the authority must assess whether that additional exclusivity is really necessary to encourage innovation or whether it constitutes disproportionate exploitation that warrants correction to restore the balance between incentives and competition.

23. In this regard, the OECD, in its 2023 theoretical analysis of competition and innovation, highlights that intellectual property protection generates dynamic benefits, but also static costs, such as higher prices and restricted access, which require careful review[9]. A proportionate regime avoids both underprotection, which discourages research and development, and overprotection, which unduly prolongs monopoly positions with consequent harm to consumers.

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[7] OECD. Recommendation of the Council on Intellectual Property Rights and Competition. C/MIN(2023)12/FINAL. Adopted by the Council at Ministerial level on June 8, 2023. Paris: OECD, 2023. Available at: https://one.oecd.org/document/C/MIN(2023)12/FINAL/en/pdf

[8] Dominican Republic. Law No. 107-13 on the Rights of Individuals in their Relations with the Administration and Administrative Procedure, August 6, 2013, art. 3.

[9] OECD. Recommendation of the Council on Intellectual Property Rights and Competition. C/MIN(2023)12/FINAL. Adopted by the Council at Ministerial level on June 8, 2023. Paris: OECD, 2023. Available at: https://one.oecd.org/document/C/MIN(2023)12/FINAL/en/pdf

6. Principle of Suppletivity

24. Derived from the unity of the legal system and the notion of subsidiarity, the Dominican legal system contemplates the principle of the supplementary nature of competition law vis-à-vis other special regulations. Law 42-08 establishes that its provisions may be applied in a supplementary manner in sectors regulated by special laws containing provisions on competition, such as Law No. 20-00 on Industrial Property or Law 65-00 on Copyright.

25. In areas covered by sectoral legislation, the general competition regime will act as a corrective complement to possible regulatory gaps or situations where the mechanisms of the special law are insufficient to protect the public interest.

26. In the context of intellectual property, the principle of supplementarity ensures that, although the specialized authority (ONAPI/ONDA) retains primary jurisdiction over the management and protection of exclusive rights, the State retains the power to intervene via competition law when such rights are abused to the detriment of the market. For example, if a patent holder engages in conduct such as anti-competitive licensing agreements or patent fraud that is not adequately sanctioned by intellectual property law, ProCompetencia could exercise its supplementary power to restore competition.

27. Supplementary jurisdiction means that competition law acts as a safety net, coming into play when sectoral self-regulation fails or when the tools available to intellectual property authorities, such as patent invalidation or compulsory licensing, are not sufficient to remedy a serious market distortion.

28. Resolution No. 009-2022 of the ProCompetencia Board of Directors in the Loto Real case exemplified this principle, emphasizing that as long as there are applicable sectoral regulations and a specialized authority, their priority of intervention must be respected, with the competition agency playing a subsidiary role. Only in the absence or ineffectiveness of special regulation does ProCompetencia assume direct jurisdiction, avoiding duplication of functions and ensuring consistent application of the legal framework as a whole.

7. Principle of Regulatory Exercise of Power

29. The interaction between competition and intellectual property is also governed by the general principle of the normative exercise of power, enshrined in Article 3 of Law No. 107-13 on Administrative Procedure, equivalent to the principle of legality and legitimate purpose of public action.

30. This principle establishes that all administrative actions must be carried out within the legal framework of the powers conferred, respecting the purpose of the law and avoiding any abuse or deviation of power. Applied to the matter under analysis, it implies that the authorities involved—ProCompetencia, ONAPI, ONDA—must exercise their powers within legal limits and in the general interest, without overstepping their bounds. Any intervention in the market, whether to correct anti-competitive practices or to protect exclusive rights, must be duly justified, proportionate, and respond to legitimate objectives, avoiding arbitrary decisions that would upset the balance between innovation and competition.

31. This principle requires that ProCompetencia not prohibit an intellectual property licensing agreement unless there is clear evidence of harm to competition, avoiding unjustified regulatory interventions that discourage the dissemination of technology.

Similarly, it requires that ONAPI or ONDA, when exercising their powers, such as granting precautionary measures for intellectual property infringements that affect the market, consider the effects and not act in a manner that unduly hinders competition beyond what is provided for by law.

32. In essence, the aim is to ensure that public power is used to balance interests — protection of innovation versus protection of competition—and not to favor one to the excessive detriment of the other. An administration subject to this principle must technically substantiate its decisions and always choose the least restrictive measure necessary to achieve the legitimate objective.

33. The OECD emphasizes the importance of this approach in its guidelines, recommending that, when designing remedies in intellectual property and competition cases, they be tailored to the circumstances of the case, restore competitive conditions without unduly nullifying the reward to the innovator, and consider cross-border impacts where appropriate. All of this reflects the need to exercise public intervention with restraint and clear objectives, in accordance with the principle of regulatory exercise of power described here.

8. Illustrative case: *Loto Real* and the Application of Principles

34. The commercial company Loto Real del Cibao, S.A. filed a complaint with the Executive Directorate of the National Commission for the Defense of Competition against the owner of the "Banca Mi Esperanza" lottery outlets. The complainant alleged the unauthorized use and marketing of private lottery services associated with a third party, conduct that it considered to constitute unfair competition under Article 11 of the General Law on Competition No. 42-08. The Executive Directorate evaluated the complaint and initiated the corresponding investigation upon identifying reasonable evidence suggesting the possible existence of acts of unfair competition, acting in accordance with its investigative powers established in the aforementioned law.

35. Once the investigation was completed, the Executive Directorate submitted its preliminary report to the Board of Directors for the purpose of initiating administrative disciplinary proceedings. However, after analyzing the case, the Board of Directors declared it inadmissible through Resolution No. 009-2022, arguing that "the acts of confusion and deception defined by Law No. 20-00 protect a legal right different from the acts of confusion and deception defined by Law No. 42-08." This distinction is fundamental, since while the former are aimed at the effective protection of intellectual property rights, the latter seek to ensure effective competition and economic efficiency, both responding to different constitutional foundations in accordance with Articles 50 and 52 of the Constitution.

36. The Council emphasized the need to respect the principle of subsidiarity established in Article 2 of Law No. 42-08, reinforced by the provisions of Articles 69 and 70 on industrial property. This principle gives priority to the competence of specialized authorities when there are sectoral rules applicable to the specific case. In this regard, the Council established that acts of unfair competition require proof of harm to the public interest to justify state intervention, limiting this intervention to cases where it is essential to achieve an objective greater than that of economic freedom, always in harmony with the established public order.

37. In situations where violations of special laws are invoked, such as Law No. 20-00 on Industrial Property, which regulates aspects of unfair competition related to intellectual property rights, a specific institutional coordination system operates. The principle of unity

of regulation in Law No. 42-08, the General Administrative Law ( ), in conjunction with the principle of legality in Law No. 107-13, establishes that the regulatory authority of the relevant sector must assume primary jurisdiction. Consequently, ONAPI was, in principle, the institution competent to hear these matters, avoiding duplication of functions and ensuring consistent application of the current legal framework. This distribution of powers guarantees the necessary technical specialization and the efficiency of the regulatory system as a whole.

9. The Constitutional Court's view on intellectual property

38. The Constitutional Court of the Dominican Republic has established a fundamental interpretive framework that recognizes intellectual property rights as a legitimate exception to constitutionally guaranteed free enterprise and competition. In Judgment TC/0334/14, the Court addressed the tension between legal intellectual property monopolies and free competition, concluding that these rights constitute the main exception to freedom of enterprise and competition, given their special nature.

39. This constitutional perspective recognizes that, by granting exclusive rights over intangible assets, the law pursues a valid constitutional purpose: to encourage creativity and scientific progress. This purpose justifies the temporary limitation on competition inherent in exclusivity. Consequently, the existence of an intellectual property right does not in itself imply an illegitimate impact on the constitutional economic order, but rather constitutes an exception provided for in the public interest.

40. However, the Constitutional Court has clearly established that any exception must be interpreted restrictively. Intellectual property rights do not confer unrestricted authorization to act against economic public order. The same ruling TC/0334/14 recognizes that restrictions on freedom of enterprise and competition based on intellectual property must remain within legal channels and the purpose that gives them meaning: to protect innovation and creation.

41. Therefore, when an intellectual property owner seeks to extend their monopoly beyond what is legally provided for, or to use it for purposes other than its fundamental purpose, such as unfairly excluding competitors, they lose the protection of the constitutional exception and enter prohibited territory. This constitutional view reinforces the importance of fundamental principles: proportionality in protection, unity of regulation when limits are exceeded, and legality in the exercise of public power to prevent unjustified abuses within the intellectual property framework.

10. The Judiciary's View on Intellectual Property

42. The Supreme Court of Justice of the Dominican Republic, through its Judgment SCJ-PS-22-3540, ruled on an appeal regarding unfair competition, damages, and misuse of distinctive signs. In this ruling, the SCJ consolidated a practical standard by establishing that the use of generic or descriptive phrases in commercial campaigns does not constitute trademark infringement or unfair competition, which is one of the exceptions contained in Article 87 of Law No. 20-00. This exception only applies when actual confusion or bad faith is proven. This limits the scope of intellectual property rights, keeping them within their legitimate constitutional function of protecting creation and not stifling free competition.

43. Hence, the Supreme Court makes special reference to ownership and registration as the source of exclusive rights, reaffirming that both the trademark and the commercial slogan only enjoy full legal protection if they are duly registered with ONAPI. Without registration, a monopoly over a sign cannot be claimed. Therefore, in the case at hand, the expression used in the campaign of the company appealing the decision was considered descriptive and informative, not as the use of a trademark slogan. As we have established, the law allows these expressions as long as there is no confusion or bad faith.

44. The ruling analyzes that the expression in question was not used as a trademark in itself, but only to indicate that the product was part of the same line or family of goods already recognized. In that context, the court understood that consumers did not face a real risk of confusion about who was the true manufacturer or business origin of the product.

45. In this regard, for an act of unfair competition to be established, it is necessary to demonstrate the existence of confusion, damage, or undue advantage in the market. The court emphasized that bad faith cannot be automatically presumed, but must be proven with concrete evidence, which did not occur in this case.

11. Inter-institutional cooperation

46. Recognizing the growing complexity of the knowledge economy, the Dominican Republic has implemented inter-institutional coordination mechanisms to ensure regulatory consistency between freedom of enterprise and intellectual property rights. The most significant advance has been the creation of the Interministerial Council on Intellectual Property, established by Decree No. 776-22 of December 30, 2022[10].

47.

48. This Council, coordinated by the Ministry of Industry, Commerce, and MSMEs through the Vice Ministry of Foreign Trade, integrates key institutions such as the Attorney General's Office, the Ministry of Foreign Affairs, ONAPI, and ONDA. Its objective is to design and propose joint strategies that promote innovation, trade, and investment, while ensuring the effective protection of intellectual property rights.

49. The creation of the Council responds to the need to join forces in the implementation of Laws 20-00 and 65-00, as well as in the fulfillment of international commitments on intellectual property. By promoting policy coordination and communication between agencies, this mechanism contributes to ensuring that decisions on intellectual property take into account the implications of competition and vice versa, thus giving effect to the principle of unity of regulation at the public policy level.

50. Similarly, a Trade Illegalities Committee has been set up by Decree No. 275-21, which is another important initiative focused on combating illicit trade, particularly smuggling, counterfeiting, and product adulteration. Although its scope goes beyond intellectual property, it includes directly related intellectual property issues such as trademark counterfeiting and piracy of protected products.

51. This body brings together key entities such as the Ministries of Public Health and Defense, the General Customs Directorate (DGA), the General Directorate of Internal Taxes (DGII), Pro Consumidor, the Specialized Fuel Control Corps (CECCOM), and the Association of Industries of the Dominican Republic (AIRD), with the purpose of

[10] Ministry of Industry, Trade, and MSMEs. Interministerial Council on Intellectual Property. Annual Report on the Climate for the Promotion, Protection, and Enforcement of Intellectual Property Rights in the Dominican Republic, 2024.

coordinating operations, establishing seizure protocols, and strengthening the regime of consequences for these illegal practices.

12. Alliances to combat unfair competition

52. In 2014, the National Commission for the Defense of Competition (Pro-Competencia) and the National Office of Industrial Property (ONAPI) signed an institutional collaboration agreement that, among other objectives, seeks to establish communication channels and coordination mechanisms for the adoption of preventive and corrective measures against regulations or legal acts that could contravene the free competition regime, thus ensuring its effective application. In this agreement, the signatory entities also commit to intensifying and expanding cooperation in the areas of industrial property and competition policy, as well as to providing the human and material resources and technical capacity necessary to achieve the objectives set out.

53. Similarly, with the aim of developing tools to analyze the impact of unfair competition on copyright and guarantee the protection of legitimate owners, the National Commission for the Defense of Competition (Pro-Competencia) and the National Copyright Office (ONDA) signed an inter-institutional cooperation agreement on Wednesday. The agreement establishes mechanisms for coordination, interaction, cooperation, and reciprocity aimed at facilitating the execution of activities of mutual interest and benefit, geared both toward fulfilling the objectives of the agreement and promoting comprehensive solutions to situations and problems of common interest.

54. The Organization for Economic Cooperation and Development (OECD) has referred to these alliances, stating that in Latin America and the Caribbean, several jurisdictions have memoranda of understanding between competition authorities and IP agencies, which focus on the exchange of information and technical knowledge, as well as capacity-building initiatives for staff, including events, seminars, and joint studies[11].

13. Future Prospects and Conclusions

55. Strengthening the intersection between intellectual property and competition policy in the Dominican Republic requires continuing to address identified institutional and operational challenges. These have been identified in the recent peer review conducted by the OECD-IDB in 2023 on Competition Law and Policy in the Dominican Republic. Among these, the need to improve the legal framework and technical capacity of the responsible entities stands out in order to achieve a more effective articulation between the protection of exclusive rights and the rules that guarantee competitive markets.

56. The reform of Law No. 42-08, General Law on Competition Defense, is a concrete step in this direction. This reform seeks to strengthen the legal system by incorporating an ex ante economic concentration control regime and more dissuasive sanctions in line with international standards. Particularly relevant to this matter, the reform aims to establish a common competition framework applicable uniformly to all sectors, with substantive and procedural provisions that reinforce legal certainty and regulatory effectiveness.

[11] OECD (2025), "Competition and intellectual property in Latin America and the Caribbean," OECD Roundtables on Competition Policy Papers, No. 325, OECD Publishing, Paris, https://doi.org/10.1787/4f64a595-en.

57. Clear guidelines would increase transparency and predictability for economic agents, guiding them on the evaluation of patent licensing agreements, research and development joint ventures, or refusals to grant licenses in terms of possible anti-competitive conduct.

58. This new regulatory framework would promote the creation of guidelines and regulations that would unify criteria between ProCompetencia and ONAPI/ONDA, avoiding contradictory approaches. To date, the Dominican Republic does not have specific regulations on competition and intellectual property beyond substantive laws; closing this gap would represent a significant step forward in line with international standards.

59. The harmonization between competition law and intellectual property in the Dominican Republic is based on solid principles that seek to balance the incentive for innovation with the preservation of competitive markets. National experience shows that these principles are not mere theoretical statements, but rather guide concrete decisions, delimiting competences and ensuring that neither intellectual property protection nor antitrust enforcement are exercised in an absolute or isolated manner.

60. The country is moving toward a regulatory framework that is more consistent with recent international recommendations, recognizing that convergence between competition and innovation is key to a dynamic economy. The adoption of OECD standards will help consolidate an environment where creativity and entrepreneurship can flourish without monopolistic practices, benefiting consumers and national economic development.

61. Adequate harmonization of competition and intellectual property will allow the Dominican Republic to promote innovation, protect the rights of creators and investors, and simultaneously ensure that those rights do not become barriers to competition. This approach achieves the best of both regimes: a virtuous circle of innovation with effective competition.

Annex A. Bibliographic references

Hovenkamp, H. (2017). *Intellectual property and competition*. University of Pennsylvania Carey Law School, Faculty Scholarship. Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3013122

Hylton, Keith N. "Antitrust and Intellectual Property: A Brief Introduction." In The Cambridge Handbook of Antitrust, Intellectual Property, and High Tech, edited by Roger D. Blair and D. Daniel Sokol, 81–100. Cambridge: Cambridge University Press, 2017.

Ministry of Industry, Commerce, and MSMEs. Interministerial Council on Intellectual Property. Annual Report on the Climate for the Promotion, Protection, and Enforcement of Intellectual Property Rights in the Dominican Republic, 2024.

OECD (2025). Competition and intellectual property in Latin America and the Caribbean, OECD Roundtables on Competition Policy Papers, No. 325, OECD Publishing, Paris, https://doi.org/10.1787/4f64a595-en.

OECD/IDB (2024), Peer Reviews of Competition Law and Policy: Dominican Republic, OECD Publishing, Paris, https://doi.org/10.1787/82adc1ba-es, pp. 30-31.

OECD. Recommendation of the Council on Intellectual Property Rights and Competition. C/MIN (2023)12/FINAL. Adopted by the Council at Ministerial level on June 8, 2023. Paris: OECD, 2023. Available at: https://one.oecd.org/document/C/MIN(2023)12/FINAL/en/pdf

Dominican Republic. Constitution of the Dominican Republic, dated October 27, 2024.

Dominican Republic. Law No. 107-13 on the Rights of Persons in their Relations with the Administration and Administrative Procedure, August 6, 2013.

Dominican Republic. Law No. 20-00 on Industrial Property, April 18, 2000. Dominican Republic. Law No. 65-00 on Copyright, August 21, 2000.

Dominican Republic. Resolution No. DE-020-2021, dated October 11, 2021, issued by the Executive Directorate of the National Commission for the Defense ofCompetition (Pro-Competencia). Available at: https://procompetencia.gob.do/resoluciones/

Dominican Republic. Resolution No. 009-2022, dated November 15, 2022, Board of Directors of the National Commission for the Defense of Competition (Pro-Competencia). Available at: https://procompetencia.gob.do/resoluciones/

Dominican Republic. Judgment TC/0334/14, dated December 22, 2014. Available at: https://www.tribunalconstitucional.gob.do/consultas/secretar%C3%ADa/sentencias/tc033414

Dominican Republic. Judgment SCJ-PS-22-3540, dated December 16, 2022. Available at: https://transparencia.poderjudicial.gob.do/consultasSCJ/Reportepdf/reporte001- 011-2019-RECA-02897.pdf?utm_source=perplexity