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Intellectual Property Law

News 

Extension of protection for non-creative photographs, legislative amendment to the Italian Copyright Law

A recent amendment to Italy's Copyright Law (Law 633/1941) has lengthened the protection granted to non-original (so-called "simple") photographs under Article 92. For this category – images that do not qualify as creative works – the term now runs for 70 years instead of 20, calculated from the photograph's production or creation.

The change does not turn these images into full copyright works; it expands a related-rights style protection, extending the period in which right holders can control reproduction and certain uses. The reform has triggered debate on transitional effects, especially where older images were previously treated as freely reusable, and on the downstream impact for cultural heritage projects (archives, digitization, and access policies).

More broadly, the amendment reopens the policy question of where to place the line between rewarding production in photography and preserving an accessible public domain for historically and culturally relevant imagery.

[Source - Law No. 182/2025](#)

Walt Disney Company and Open AI reached an agreement on the use of Disney's fictional characters on Sora.

On 11 December 2025, the Walt Disney Company and Open AI signed an agreement that will make Disney the first major content partner on Sora, the short-form generative video platform developed by Open AI.

[Source](#)

RTI and Medusa sue Perplexity AI in the first Italian lawsuit against an AI company for copyright infringement.

In December 2025, RTI and Medusa (belonging to Mediaset Group) filed the first lawsuit in the country against an Artificial Intelligence company for copyright infringement. Perplexity AI is accused of using the content owned by Medusa and RTI to train its models without authorization or remuneration. The applicants are seeking an injunction to stop the unauthorized use of their intellectual property, arguing that Perplexity would be reworking their proprietary contents to provide answers to the users, thereby competing directly with the original content providers freeriding on their investments.

[Source - Mediaset Group press release](#)

AGCOM fines Cloudflare over €14 million for non-compliance with anti-piracy orders

On 29 December 2025, the Board of the Italian Communications Authority (AGCOM) imposed an administrative fine exceeding €14 million on Cloudflare Inc. (Resolution No. 333/25/CONS), following a procedure initiated for the company's failure to comply with a prior enforcement order issued on 18 February 2025 (Resolution No. 49/25/CONS). The decision was adopted with one dissenting vote.

AGCOM had ordered Cloudflare, as a provider of information society services involved in the accessibility of unlawfully distributed content, to disable DNS resolution and network traffic routing to domain names and IP addresses identified by right holders through the Piracy Shield platform, pursuant to Law No. 93/2023 on online audiovisual piracy. Alternatively, Cloudflare was required to adopt appropriate technological and organizational measures to prevent end users from accessing illicit content.

The Authority found that Cloudflare persistently failed to comply with the order, continuing to refrain from taking any effective measures to prevent the use of its services for the dissemination of infringing content, even after formal notification. In accordance with the applicable legal framework - allowing for fines of up to 2% of the global turnover for non-compliance with copyright enforcement orders - AGCOM imposed a sanction equal to 1% of Cloudflare's worldwide revenue. The decision is particularly significant given Cloudflare's central role within the digital ecosystem: a substantial proportion of websites blocked under AGCOM's online copyright enforcement regime relies on Cloudflare's services to facilitate the illegal distribution of protected works. More broadly, the ruling marks one of the first major administrative fines imposed in Italy under the new anti-piracy legislation. Through this measure, AGCOM reaffirmed the expanded scope of obligations introduced by Law No. 93/2023, which expressly extends enforcement duties to all information society service providers involved, in any capacity, in ensuring access to unlawful online services. This includes DNS providers, VPN services, search engine operators, and other intermediaries, irrespective of their place of establishment. Since its launch in February 2024, the Piracy Shield system has enabled the disabling of over 65,000 "fully qualified domain names" (FQDNs) and approximately 14,000 IP addresses associated with the unlawful distribution of protected content.

[Source - Full decision](#)

Publishers seek to join lawsuit against Google over AI training and copyright use

On 15 January 2026, two major U.S. publishers, Hachette Book Group and Cengage Group, filed a motion in a California federal court to join an ongoing class-action lawsuit against Google. The publishers allege that Google used copyright-protected books and educational materials without authorization to train its AI system (including the Gemini model), thereby exploiting copyrighted works to gain a competitive advantage. They seek to intervene in a lawsuit originally brought by authors and artists making similar claims.

The case is being heard before U.S. District Judge Eumi Lee, who will decide whether the publishers may formally join the proceedings. The dispute forms part of a broader wave of litigation challenging the use of copyrighted content for AI training and raises significant questions about the boundaries of copyright law in the context of generative AI.

[Source - Proposed complaint](#)

Paper and other publications

G. Ghidini and G. Cavani (a cura di), *Proprietà intellettuale e concorrenza. Corso di diritto industriale*, Quarta Edizione (Zanichelli Editore, 2025). [Source](#)

S. Lavagnini, *I nuovi poteri di AGCOM nell'online e nel diritto d'autore*, (Giappichelli, 2025). [Source](#)

E. Izyumenko and C. Geiger, *Human Rights and Intellectual Property Before the European Courts, A Case Commentary on the Court of Justice of the European Union and the European Court of Human Rights* (Elgar Commentaries in European Law series, 2025). [Source](#)

L. Bossi and F. Di Lazzaro, Report on the conference "*Regulating innovation in the digital environment: towards a Digital Knowledge Agenda*", in: GRUR Int.; ILEO Research Paper Series No. 25-07. [Source](#)

R. Piselli and A. Chiodi, *Breeding the Winning Unicorn: Spin-Offs and Technology Transfer in the US, Italy, and the UK*, GRUR International, 2026;, ikag005, [Source](#)

Case Law

CJEU, First Chamber, Case C-182/24, RB and Others v SACD and Others, Judgment of 18 December 2025

On 18 December 2025, the Court held that national procedural rules requiring all co-authors (or their successors) to be joined as parties to an infringement action are compatible with EU law only insofar as they do not render the enforcement of rights practically impossible or excessively difficult, nor make proceedings unduly complex or costly. The ruling emphasises that such requirements must not undermine the effectiveness of Articles 3 of Directive 2004/48/EC and 8 of Directive 2001/29/EC, nor the right to effective judicial protection under Article 47 of the Charter. National courts are required to disapply domestic provisions that, in the circumstances of the case, hinder the exercise of copyright claims by individual co-authors.

[Source - Full decision](#)

General Court, Case T-481/24, Judgment of 10 December 2025, on weak distinctiveness of national trademarks in EUIPO opposition proceedings

The General Court clarified that an opposition against an EU trademark based on an earlier national trademark requires that the earlier sign possesses at least a minimum degree of inherent distinctiveness. Where the national mark is inherently weak, it cannot, as such, support a finding of likelihood of confusion under EU trademark law.

The Court further reaffirmed that the validity of national trademarks cannot be reviewed by EUIPO or by EU courts in opposition proceedings. Any challenge to the distinctiveness or validity of a national mark must be brought before the competent national authorities, not indirectly through EUIPO procedures.

The judgment provides important guidance on the interaction between national trademark rights and EU trademark enforcement, confirming that weak national marks enjoy only limited protective scope at EU level and clarifying the procedural boundaries between national trademark systems and the EU trademark regime.

[Source - Legal action - Full decision](#)

Court of Justice, Case C-168/24, Trademarks consisting of a fashion designer's surname and misleading use, Judgment of 18 December 2025

In a preliminary ruling requested by the French Cour de cassation, the Court of Justice of the European Union clarified the conditions under which a trademark consisting of a designer's surname may be revoked for misleading use under Article 20(1)(c) EUTMR.

The Court held that the mere fact that the eponymous designer is no longer involved in the creation of the goods does not, in itself, render the use of the mark deceptive. In fashion and other creative industries, consumers are generally aware that brands may outlive their founders. However, the Court acknowledged that revocation remains possible where the actual commercial use of the mark creates a false impression of continued stylistic authorship or personal endorsement, thereby misleading consumers as to the nature or characteristics of the goods.

The judgment strikes a balance between brand continuity and consumer protection, reinforcing that misleading use must be demonstrated concretely and not presumed solely from the passage of time or changes in creative leadership.

[Source - Full decision](#)

EUIPO Grand Board rejects registration of 'GEORGE ORWELL' as a trademark

In its decision of 19 December 2025 (R 2248/2019-G), the Grand Board of the EUIPO refused the registration of the sign 'GEORGE ORWELL' as an EU trade mark for, inter alia, books and related goods and services, holding that the name of a famous author may be perceived by the relevant public as descriptive of the content or subject matter of such goods.

The Board found that the sign would be immediately understood as referring to the well-known British writer and, consequently, as indicating a link with his works, ideas, and intellectual legacy, thus falling foul of Articles 7(1)(c) and 7(1)(b) EUTMR due to descriptiveness and lack of distinctiveness. The decision clarified that the copyright status of the works concerned is irrelevant for trademark registrability, as copyright and trademark law pursue different objectives and are governed by distinct requirements. The Grand Board further excluded the applicability of other absolute grounds, notably public policy and morality under Article 7(1)(f) EUTMR and the "substantial value" exclusion under Article 7(1)(e)(iii), holding that the registration of an author's name would not amount to an improper extension of copyright protection once the works have entered the public domain.

While the ruling offers important guidance on the limits of trademark protection for famous names, certain aspects of the reasoning remain debatable, suggesting that the decision may not represent the final word on the registrability of authors' names, particularly considering the pending applications concerning 1984 and ANIMAL FARM.

[Source - Full decision](#)

UPC Court clarifies scope for new allegations and evidence in patent limitation proceedings

On 29 December 2025, the Court of Appeal of the Unified Patent Court (UPC) ruled on the boundaries for introducing new arguments and evidence in the context of a patent limitation request.

On appeal, the patentee primarily challenged the admissibility of the new allegations and evidence submitted in response to the limitation request. The appellant argued that the Paris judges misapplied the "front-loaded procedure," allowing material that should have been presented in the initial pleadings. The Court emphasized that a reply to a patent limitation request cannot serve as an opportunity to introduce entirely new grounds of nullity. It distinguished between arguments, facts, and evidence related to the patent as granted versus those specifically concerning the proposed limited version. The Court reaffirmed the general principle of the UPC procedure: parties must present facts comprehensively and promptly. Nonetheless, this principle is not absolute; the Court referred to the Orthoapnea case (UPC_CoA_456/2024), confirming that new arguments may be admitted when justified by the case circumstances. Accordingly, new facts or evidence may be introduced in Defence to the Application to Amend the Patent, provided they support previously raised arguments or rebut opposing evidence. This ensures fairness, proportionality, and respect for adversarial proceedings without undermining the front-loaded structure.

On the merits, the Court of Appeal upheld the first-instance decision, rejecting the auxiliary requests to limit the patent, clarifying that allowing supplemental factual or evidentiary material in response to a limitation request is a corrective mechanism that reinforces balanced proceedings rather than compromising the front-loaded system.

[Source - Full decision](#)

Originality and infringement in works of applied art: the CJEU's Mio/konektra judgment

In its judgment of 5 December 2025 in *Mio* and *konektra* (C-580/23 and C-795/23), the Court of Justice of the European Union largely followed Advocate General Szpunar's Opinion, addressing three core issues: the copyright protection of works of applied art, the

proof of copyright subsistence, and the proof of infringement. The Court reaffirmed that originality is the sole requirement for copyright protection also for works of applied art, thereby confirming earlier case law and requiring Member States to eliminate any additional statutory criteria, such as the “artistic value” requirement still present in some national laws. Regarding subsistence, the Court clarified that originality must be demonstrated through evidence of free and creative choices reflecting the author’s personality, while factors such as aesthetic merit or the author’s subjective intentions are, as such, irrelevant.

Turning to infringement, the CJEU maintained the Infopaq originality-based test but introduced an additional safeguard, holding that the copied original elements must also be recognizable in the allegedly infringing work. While intended to refine the assessment of infringement, this recognizability requirement raises concerns as to its practical application, given the absence of clear guidance on the relevant perspective from which recognizability should be assessed. Overall, the judgment consolidates key principles of EU copyright law but leaves unresolved uncertainties, particularly in relation to the assessment of infringement, suggesting that further judicial clarification may be needed.

[Source - Full decision](#)

CJEU, C-323/24, Deity Shoes, S.L. v. Mundorama Confort, S.L. and Stay Design, S.L.,

On 18 December 2025, the Court of Justice of the European Union (CJEU) delivered its judgment in *Deity Shoes, S.L. v. Mundorama Confort, S.L. and Stay Design, S.L.*, clarifying the scope of protection under EU Community design law. The case addressed whether design protection requires a genuine design activity or intellectual effort, particularly when designs result from the combination or customization of components from supplier catalogues. The CJEU confirmed that Community design protection depends solely on novelty and individual character and does not require any minimum degree of creativity or intellectual effort. Designs based on supplier catalogues with limited modifications may still be protected if they produce a different overall impression on the informed user. Regarding fashion trends, the Court ruled that trends do not restrict the designer’s freedom, and features influenced by trends are not inherently less significant when assessing individual character.

This decision aligns with prior case law, including *Cofemel* (C-683/17), emphasizing that design protection safeguards functional, mass-producible subject matter for a limited period, without conflating it with copyright protection. The judgment provides clarity for the fashion and consumer goods sectors in the EU, confirming that legally protected designs can include minor customizations of catalogue components, while still considering the overall impression on the informed user.

[Full decision](#)

U.S. Court of Appeals, Ninth Circuit, affirms jury verdict in *Sedlik v. Von Drachenberg*, decision issued on 2 January 2026

In *Sedlik v. Von Drachenberg*, the Ninth Circuit upheld a jury’s determination that a tattoo and related creative works did not infringe the copyright in a professional photograph of Miles Davis. The appeal court confirmed that the jury was entitled to apply the Ninth Circuit’s traditional two-part “extrinsic” and “intrinsic” tests for substantial similarity - the first an objective comparison of protectable elements, and the second a subjective “total concept and feel” analysis by lay observers - and declined to overturn the verdict. Importantly, two appellate judges expressed concern about the continued validity of the intrinsic test, suggesting it has “lost its legal content” and is inconsistent with principles of copyright law, particularly where subjective impressions rather than objective comparisons dominate. They argued that reliance on the intrinsic test could lead to unpredictable and potentially unjust outcomes, and advocated reconsideration of the test in future Ninth Circuit jurisprudence.

[Full decision](#)

Events

ALAI CONGRESS 2026, *Copyright and Free Expression in the Age of Algorithms*, Wednesday 17 – Friday 19 June 2026, The Hague, The Netherlands, [ALAI Congress 2026](#)

2026 AIPPI MidTerm Meeting, 05 February 2026 - 06 February 2026, Marrakech, Morocco, AIPPI, [Registration](#)

Competition/Antitrust Law

News

PS13020-PS13039 - The Italian Competition Authority launches two investigations into gaming company Activision Blizzard (Microsoft group)

On 16 January 2026, the Italian Competition Authority launched two formal investigations into Activision Blizzard (Microsoft group) concerning the video games Diablo Immortal and Call of Duty Mobile. The Authority is examining potentially misleading and aggressive practices related to in-game purchases, including prompts that may encourage excessive spending, particularly by minors, and the effectiveness of parental controls. The investigations also focus on the company's handling of users' contractual rights, consent for personal data processing, and the unilateral suspension of gaming accounts. These actions underscore AGCM's proactive role in safeguarding consumers in the digital and gaming markets.

[AGCM press release](#)

IC58 - The Italian Competition Authority opens market investigation into large-scale retail distribution in the agri-food supply chain

On 14 January 2026, the Italian Competition Authority launched a market investigation into the role of large-scale retail chains in the agri-food supply chain, against the backdrop of a significant divergence between food price inflation and general inflation. The inquiry will analyse purchasing practices, fees for services to suppliers, and the growing relevance of private-label products. Stakeholders may submit contributions by 31 January 2026.

[AGCM press release](#)

IC57-S5377 - The Italian Competition Authority closes its market investigation into the school publishing sector

On 12 January 2026, the Italian Competition Authority concluded its market investigation into the school publishing sector and issued an advocacy report to institutional stakeholders. The Authority highlights structural issues affecting household expenditure, market concentration, discount caps, and the limited development of open educational resources. It also stresses the underuse of digital resources and welcomes publishers' willingness to revise licensing conditions to improve interoperability and reduce costs for families.

[AGCM press release](#)

IC881 – Italian Competition Authority opens its first investigation into alleged no-poach agreement in the packaging machinery sector

On 26 January 2026, the Italian Competition Authority announced that it had opened an investigation into several companies active in the industrial packaging machinery sector for a suspected no-poach agreement restricting competition in the labour market, in breach of Article 101 TFEU and Article 2 of Law 287/1990. The alleged conduct concerns a non-hire pact affecting validation professionals and could reduce worker mobility, strengthen employers' bargaining power and distort the competitive process in hiring.

[AGCM press release](#)

PS12942 – Italian Competition Authority closes DeepSeek proceedings after acceptance of commitments

On 5 January 2026, the Italian Competition Authority closed proceedings against DeepSeek (Hangzhou DeepSeek Artificial Intelligence Co., Ltd. and Beijing DeepSeek Artificial Intelligence Co., Ltd.), after making a package of commitments binding, without adopting a finding of infringement. The case arose from concerns that user-facing information did not adequately set expectations about the reliability of outputs generated by the system – especially where users might rely on the tool in sensitive areas – potentially raising issues under the Italian Consumer Code. According to the AGCM, users might not have been adequately informed that responses generated by DeepSeek's AI models could be unreliable, particularly in sensitive contexts.

The decision confirms the AGCM's growing focus on AI transparency and consumer awareness, signaling that inadequate disclosure of AI limitations may fall within the scope of consumer protection rules, even absent deceptive intent.

[Source - Full decision](#)

Amazon announces appeal against reduction of Italian antitrust fine

Amazon has announced its intention to appeal before the Italian courts the judgment of the TAR Lazio which reduced the fine imposed by the AGCM in Case A528-FBA from €1.13 billion to €752.4 million. The fine relates to alleged abuses of a dominant position in the market for e-commerce logistics, based on Amazon's practice of conditioning access to the Prime label on the use of its fulfilment service (FBA). According to Amazon, no infringement should have been found at all, and the company intends to continue contesting both the existence of the abuse and the proportionality of the sanction. Media reports indicate that the AGCM also plans to appeal the judgment insofar as it reduced the fine, signaling continued litigation on both sides.

[Source](#)

The European Commission publishes Guidelines under the Foreign Subsidies Regulation

The European Commission has issued Guidelines aimed at increasing predictability and transparency for companies under the Foreign Subsidies Regulation (2022/2560). The Guidelines clarify key concepts, including the assessment of distortions of competition caused by foreign subsidies, the balancing test between distortive and positive effects, and the Commission's power to require prior notification of below-threshold transactions.

[EU Commission press release - Full FSR regulation](#)

The European Commission publishes proposal for a Digital Networks Act

On 21 January 2026, the European Commission adopted its proposal for a Digital Networks Act (DNA), a Regulation aimed at modernising the EU framework for electronic communications and connectivity. The proposal builds on the 2018 European Electronic Communications Code and follows preparatory work, including the February 2024 White Paper on digital infrastructure and a Call for Evidence launched in June 2025, which

collected input from Member States, industry, civil society, and academia. The DNA aims to reduce regulatory fragmentation and strengthen the EU single market for connectivity by promoting investment in very high-capacity networks, facilitating cross-border operations, and simplifying authorisation procedures. It consolidates several existing instruments into a single, directly applicable Regulation and introduces measures such as a single-passport authorisation regime, EU-level satellite spectrum authorisation, investment-friendly spectrum policies, and mandatory national plans for the transition from copper to fibre networks. The proposal also emphasises network resilience and preparedness considering geopolitical and security concerns.

From a competition law perspective, early reactions suggest that the proposed regulatory balance may raise concerns for market contestability and competitive neutrality. Several policy options discussed during the preparatory phase – including mechanisms to rebalance value along the connectivity chain and a possible recalibration of ex ante obligations – did not translate into binding provisions in the final proposal. The DNA does not introduce binding mechanisms requiring large digital platforms to contribute to network deployment (“fair share”), relying instead on voluntary cooperation arrangements, and maintains an ex ante regulatory framework while postponing the copper network switch-off to 2035, delaying structural market adjustments. Although spectrum measures, including licences of unlimited duration and enhanced harmonisation, and the single network passport are welcomed as pro-investment tools, overall, while the DNA promotes investment and infrastructure modernisation, its final impact on competition will depend on how the legislative process addresses these structural imbalances, particularly regarding entry conditions, contestability, and the relative position of large incumbents versus new entrants.

[Proposal Regulation Digital Networks Act \(DNA\) - EU Commission press release](#)

The European Commission opens antitrust investigation into Meta’s new policy on AI providers’ access to WhatsApp

The European Commission has opened a formal investigation into Meta’s new policy restricting AI providers’ access to the WhatsApp Business Solution when AI is their primary service offering. The Commission is concerned that the policy may exclude third-party AI providers from WhatsApp while allowing Meta AI to remain available, potentially constituting an abuse of a dominant position under Article 102 TFEU. The investigation applies throughout the EEA except Italy, where national proceedings are underway.

[EU Commission press release](#)

The European Commission opens investigation into Google’s use of online content for AI purposes

The European Commission has opened a formal investigation into whether Google breached EU competition rules by using publishers’ and YouTube creators’ content to develop AI services - such as AI Overviews and AI Mode - without adequate compensation or opt-out possibilities. The Commission will examine whether Google imposed unfair terms or granted itself preferential access to content, thereby disadvantaging rival AI model developers.

[EU Commission press release](#)

Brazilian competition authority opens antitrust probe into Microsoft cloud licensing following UK CMA findings

Brazil’s competition authority, CADE, has opened an antitrust investigation into Microsoft’s cloud and software licensing practices in the Brazilian market, drawing on recent findings by the UK Competition and Markets Authority (CMA). According to CADE’s technical note, the CMA concluded that Microsoft’s licensing terms have had “significant negative effects” on competition, particularly by disadvantaging rivals such as AWS and Google Cloud when

customers' workloads depend on Microsoft software as an essential input. CADE's inquiry focuses on whether similar restrictive licensing practices are being replicated in Brazil, potentially distorting competition among cloud service providers and limiting choice for Brazilian customers. As part of the investigation, Microsoft has been given a deadline to respond to a detailed questionnaire on its current licensing arrangements, indicating the authority's intent to move swiftly in assessing competitive effects in the Brazilian cloud market.

[Source - CADE's technical note](#)

Google files appeal against U.S. search monopoly ruling

In January 2026, Google filed a notice of appeal against the judgment of the U.S. District Court for the District of Columbia finding that the company unlawfully maintained a dominant position in the online search market, in violation of U.S. antitrust law. The underlying decision, delivered in 2024, held that Google reinforced its monopoly through a system of exclusive default agreements with device manufacturers and browser developers, thereby foreclosing effective competition.

Pending the appeal, Google has sought to suspend the implementation of certain remedial measures, in particular obligations requiring the sharing of search-related data with competitors. The company argues that such measures could cause irreversible competitive harm and raise concerns regarding the protection of proprietary information. Other remedies, including those relating to user privacy, are not contested at this procedural stage. The appeal marks a significant procedural development in one of the most consequential antitrust cases involving digital platforms in the United States. Although grounded in U.S. competition law, the case raises issues - such as market foreclosure through default settings, data access remedies, and structural constraints on digital gatekeepers - that closely resonate with ongoing regulatory and enforcement debates in the European Union, notably under EU competition law and the Digital Markets Act.

[Source - First decision](#) - [Google's position](#) - [Google's filing](#)

Paramount Skydance escalates takeover battle with Warner Bros Discovery

In mid-January 2026, Paramount Skydance Corporation (PSKY) significantly escalated its hostile takeover attempt of Warner Bros Discovery (WBD) - the owner of HBO, HBO Max, and major film and TV franchises - by filing a lawsuit in the Delaware Court of Chancery and announcing plans to nominate directors to WBD's board, intensifying its legal and governance strategy against WBD's pending transaction with Netflix, Inc. According to the filing, Paramount seeks to compel Warner Bros Discovery to disclose detailed financial information underlying WBD's \$82.7 billion merger agreement with Netflix, arguing that shareholders cannot make an informed decision without clarity on how key elements of the deal - including valuation of spun-off assets and debt adjustments - were assessed.

Paramount asserts its all-cash \$30-per-share offer (valued at approximately \$108.4 billion) is superior to Netflix's mixed cash-and-stock proposal, and that its bid offers greater certainty of closing and simpler regulatory pathways. The lawsuit was filed concurrently with an announcement that Paramount intends to nominate its own slate of directors at WBD's 2026 annual meeting to influence the board's approach to competing offers. The action reflects a proxy fight strategy: by potentially securing board seats, Paramount aims to bring shareholder votes into play and create pressure on WBD's governance. It also proposed changes to the company's bylaws to require shareholder approval for significant structural actions, including any spinoff of WBD's cable networks.

A few days later, on 15 January 2026, a Delaware judge refused Paramount's request to expedite this lawsuit, finding that Paramount had not shown that it would suffer irreparable harm absent accelerated proceedings. This procedural decision represents a setback for Paramount's timeline, particularly as its tender offer for WBD shares was set to expire on 21 January 2026, although it retains the option to extend the offer.

[Source - Netflix's merger announcement - Paramount's bid offer](#)

Irish CCPC publishes its Mergers and Acquisitions Report 2025

The Mergers and Acquisitions Report 2025, published in January 2026 by the Competition and Consumer Protection Commission (CCPC), provides a comprehensive overview of merger notifications, determinations, institutional developments, and enforcement trends within Ireland's merger control regime during the 2025 calendar year.

The Report documents a significant increase in merger control activity, alongside notable institutional and doctrinal developments. Beyond the rise in notifications, 2025 marked a phase of structural consolidation of the CCPC's merger enforcement function, most prominently through the establishment of a dedicated Mergers Division and the reinforcement of senior-level oversight in merger review. These changes reflect an explicit effort to enhance the authority's internal capacity, consistency of decision-making, and strategic focus in merger control enforcement.

From a substantive standpoint, the CCPC emphasised the increasing relevance of digital markets, as well as the growing importance of non-price competitive parameters, innovation-related effects, and forward-looking assessments of competitive harm. The Report points to a more developed use of dynamic theories of harm and prospective analysis, particularly in markets characterised by rapid technological evolution and competitive uncertainty. In this respect, the CCPC's analytical orientation appears closely aligned with the ongoing EU-level review of the Horizontal and Non-Horizontal Merger Guidelines, signalling a convergence with broader European competition policy and enforcement trends.

[CCPC Mergers and Acquisitions report 2025](#)

FTC appeals District Court ruling in the Meta monopolization case

On 20 January 2026, the Federal Trade Commission (FTC) announced that it has filed an appeal against the 18 November 2025 ruling of the U.S. District Court for the District of Columbia that dismissed its monopolization action against Meta Platforms, Inc. The case originates from the FTC's 2020 lawsuit, brought together with several U.S. states, challenging Meta's acquisitions of Instagram (2012) and WhatsApp (2014). According to the agency, these transactions formed part of a long-term strategy aimed at preserving Meta's dominance in personal social networking services by neutralising nascent or potential competitive threats.

In its decision, the District Court adopted a restrictive approach to market definition and competitive assessment in fast-evolving digital markets. The court placed significant weight on the presence of alternative platforms and on the dynamic nature of competition in online social services, ultimately concluding that the legal conditions for a finding of monopolization – and for the extraordinary remedy of divestiture – were not met under the applicable standards.

By appealing the ruling, the FTC signals its intention to seek appellate clarification on key issues of U.S. antitrust law, including the treatment of historical acquisitions, the assessment of competitive harm in innovation-driven markets, and the evidentiary thresholds applicable to monopolization claims under Section 2 of the Sherman Act. The appeal will be heard by the U.S. Court of Appeals for the District of Columbia Circuit.

[FTC press release](#)

Papers and other publications

Alexiadis P., Lampropoulos K., *EU competition policy through an industrial policy lens: Adapting to the post-Draghi world*, Concurrences, 1/2026. [Source](#)

Allain M. L., Bourreau M., Darlas P.F., *Digital Business models and quality investment*, in International Journal of Industrial Organization, Vol. 103/2025. [Source](#)

Cazzato C. E., Occhipinti S., *Golden power e diritto antitrust: hic sunt leones*, in Unione Europea e diritti, Vol. I/2026. [Source](#)

Faraone N. M. F., *Il rifiuto di consentire l'interoperabilità come abuso di posizione dominante: note minime a partire dal caso Android Auto*, in Rivista di Diritto Industriale, Vol. III/2025.

Ghezzi F., *Golden Power e disciplina della concorrenza*, Rivista della Regolazione dei Mercati, 2/202. [Source](#)

Gianfreda G., Scorciarini Coppola L., *The “Refusal to Deal” Doctrine in the Digital Era*, Rivista trimestrale di Scienza dell'Amministrazione, 4/2025. [Source](#)

Malo M. A., *Law and economics and the labour market: a comprehensive research agenda*, European Journal of Law and Economics, 60(2)/2025, pp. 209–226. [Source](#)
Modrall J., *Stress Testing: Incorporating “Resilience” into EU Merger Control*, Kluwer Competition Law Blog, 2026. [Source](#)

Pastare A., *Rethinking EU merger control. Through the lens of innovation and market democratization*, Competition Law Insight, 24(7)/2025, pp. 9–14. [Source](#)

Pohlmann P., *Essential Facilities: An overview of EU and national case law*, Concurrences, no. 128796, 2026. [Source](#)

Tokic A., *Optimal fines in EU competition law – an economic analysis*, Journal of European Competition Law & Practice, 16(3)/2025, pp. 196–207. [Source](#)

Vessia F., Lopopolo S., *Il caso “Android Auto e lo statuto del “refusal to interoperability” nei mercati digitali. “Alias” l’EFD in salsa digitale*, in Mercato Concorrenza, Vol. II/2025 [Source](#)

Case Law

A561 – The Italian Competition Authority fines Apple €98.6 million for abuse of a dominant position

The Italian Competition Authority has fined Apple €98.6 million for abusing its dominant position in the market for app distribution platforms for iOS devices. The Authority found that Apple’s App Tracking Transparency (ATT) policy imposed disproportionate and restrictive conditions on third-party developers, hindering their ability to collect and use data for personalised advertising and thereby distorting competition.

[Source](#) - [Full decision](#)

A568 – The Italian Competition Authority fines Ryanair over €255 million for abuse of a dominant position

The Italian Competition Authority has fined Ryanair €255.7 million for implementing a strategy that hindered online and traditional travel agencies from purchasing Ryanair flights and offering them in combination with other services. The Authority found that Ryanair’s conduct – ranging from blocking bookings to imposing restrictive partnership agreements – limited agencies’ competitive capacity and reduced consumer choice.

[Source - Full decision](#)

A576 – The Italian Competition Authority orders Meta to suspend WhatsApp business solution terms excluding competing AI chatbots

The Italian Competition Authority has imposed interim measures requiring Meta to suspend the new WhatsApp Business Solution Terms, which would have excluded rival AI chatbot providers from the WhatsApp platform. The Authority considers that the conduct may constitute an abuse of a dominant position by restricting market access and technical development to the detriment of competition and consumers. Coordination with the European Commission is ongoing.

[Source - Full decision](#)

I866 – The Italian Competition Authority fines 16 companies and Assofond €70 million for cartel in the foundries sector

The Italian Competition Authority has fined 16 iron foundries and Assofond €70 million for participating in a long-running cartel in breach of Article 101 TFEU. The companies coordinated price-increase strategies through exchanges of sensitive information and the joint development of price indexation mechanisms, reinforcing their bargaining power and preserving margins during economic downturns.

[Source - Full decision](#)

PS12919 – The Italian Competition Authority imposes a €1 million fine on Poltronosofà S.p.A.

By its decision of 16 December 2025, the Italian Competition Authority concluded proceedings PS12919 by imposing a €1 million fine on Poltronosofà S.p.A. for unfair commercial practices in breach of the Italian Consumer Code. The Authority found that the Company systematically advertised price reductions and time-limited discounts calculated against “full prices” that were rarely, if ever, applied in practice. According to the AGCM, this pricing strategy falsely conveyed a sense of exceptional savings and urgency, leading consumers to believe that ordinary prices were temporary and significantly discounted. The Authority held that such conduct distorted consumers’ perception of value and undermined their ability to make informed transactional decisions. The decision confirms the AGCM’s strict enforcement approach against promotional practices involving artificial reference prices and misleading discount claims.

[Source - Full decision](#)

Consiglio di Stato, Case A528-FBA, Amazon, Order of 13 January 2026

By an order of 13 January 2026, the Consiglio di Stato suspended the enforceability of the TAR Lazio judgment of 2 September 2025 concerning the antitrust proceedings brought by the Autorità Garante della Concorrenza e del Mercato against Amazon.

Pending the decision on the merits of Amazon’s appeal, the court found that the conditions for interim relief were satisfied. In particular, it identified *fumus boni iuris* with respect to the alleged late initiation of the administrative proceedings, an issue currently subject to a preliminary reference to the Court of Justice of the European Union (Case C-341/25). The court also recognised *periculum in mora* in relation to the remedies imposed, notably in light of potential inconsistencies with commitments previously accepted by Amazon before the European Commission. The order temporarily halts the effects of the contested judgment, without anticipating the final assessment on the existence of an abuse of dominance under EU and Italian competition law.

[Source - TAR Sez. I, decision n. 15919/2025](#)

European Commission fines automotive starter battery manufacturers and trade association €72 million for cartel conduct

On 15 December 2025, the European Commission adopted a cartel decision fining Exide, FET (including its predecessor Elettra), Rombat, and the trade association EUROBAT a total of approximately €72 million for a single and continuous infringement of Article 101 TFEU and Article 53 EEA (case AT.40545). According to the Commission, for more than 12 years (1 July 2005–2017) the undertakings coordinated conduct relating to the sale of automotive starter batteries to automotive OEMs in the EEA. The infringement centred on the coordination of lead-related “premiums” (the so-called EUROBAT premiums) published in an industry bulletin (Metal Bulletin) and then used as a common reference in negotiations with OEM customers, with the aim of maintaining the surcharge at a level higher than would have resulted absent coordination.

The Commission qualified the conduct as an infringement by object, emphasising that while cost-pass-through mechanisms may be legitimate in principle, secret coordination on an industry-wide surcharge standard is not. Clarios (formerly JC Autobatterie) was not fined after obtaining full immunity under the Commission’s leniency programme for revealing the cartel. The Commission also granted leniency reductions to FET (50%) and Rombat (30%). In parallel, it closed proceedings against Banner and the service provider Kellen. The decision also carries a pointed institutional message on trade associations’ exposure: EUROBAT was fined €125,000 as a lump sum for its facilitating role, with the Commission stressing that associations must ensure they do not serve as a vehicle for collusion among members

[EU Commission press release - EU case file](#)

Advocate General's opinion in joined cases C-424/24 and C-425/24, FIGC and CONI, Judgment of 18 December 2025

Advocate General Spielmann considers that EU law precludes national legislation preventing courts from annulling unlawful sporting sanctions, as it undermines effective judicial protection. However, he finds that a two-year prohibition on exercising professional football activities may be compatible with free movement and competition rules if justified, proportionate and based on objective criteria.

[Press release - Full opinion](#)

Consiglio di Stato, Sez. VI, Judgment No. 102 of 7 January 2026, abuse of dominance by a sports federation

With Judgment No. 102 of 7 January 2026, the Consiglio di Stato upheld the appeal brought by the Autorità Garante della Concorrenza e del Mercato (AGCM) and set aside the ruling of the TAR Lazio which had annulled AGCM Decision No. 65275 of 18 June 2024. In the annulled decision, the AGCM had found that the Federazione Italiana Giuoco Calcio (FIGC) abused its dominant position, in breach of Article 102 TFEU, in the market for the organisation of competitive football events for young players. According to the Authority, the FIGC had adopted a unitary exclusionary strategy aimed at increasing the number of its registered members, to the detriment of Sports Promotion Bodies (EPS) and amateur sports associations (ASD). The Council of State confirmed that sporting regulations are not per se immune from competition law scrutiny and held that the FIGC’s regulatory framework, applied over several sporting seasons, could restrict or exclude the participation of affiliated clubs in competitions organised by EPS.

In particular, the Court considered abusive the combination of:

- (i) the failure to conclude mandatory conventions with EPS;
- (ii) the imposition of prior authorisations for participation in non-federation events; and
- (iii) an expansive definition of “competitive activity” based solely on age criteria.

The judgment reiterates that the lawfulness of conduct under sports law does not preclude its assessment under competition law, and that an abuse of dominance may be established based on the capability of the conduct to restrict competition, even in the absence of proven concrete effects.

[Source - Full decision](#)

General Court, Case T-1129/23, Intel v Commission, Judgment of 10 December 2025

The General Court has upheld the Commission's 2023 decision imposing a fine on Intel for "naked" restrictions aimed at excluding AMD but reduced the amount from €376.3 million to €237.1 million. The Court confirmed the Commission's competence and methodology, while refining the fine calculation based on the limited scope of the conduct and temporal gaps between some practices.

[Press release - Full decision](#)

CJEU, Cases C-245/24 and C-260/24, Lukoil Bulgaria and Others, Judgments of 18 December 2025

In C-245/24, the Court clarified that the Bronner criteria apply to infrastructure originally developed by the State but subsequently acquired by a dominant firm through a competitive process, provided the undertaking retains autonomy in access decisions. Where access obligations arise from law or a non-market privatisation, Bronner may not apply. Authorities may assess as a single abuse multiple exclusionary practices by entities within the same group.

In C-260/24, the Court confirmed the legal test for margin squeeze under Article 102 TFEU: dominance upstream, and insufficient spread between the dominant firm's wholesale and retail prices to allow an equally efficient competitor to operate. It also underscored the importance of sound market definition, requiring national courts to verify the authority's delineation, particularly regarding the inclusion or exclusion of fuels like LPG. Together, the judgments refine key standards on abusive conduct in vertically integrated sectors and the enforcement role of national competition authorities.

[Source - Full decision C-245/24 - Full decision C-260/24](#)

CJEU, Third Chamber, Case C-161/24, OSA v Czech Competition Authority, Judgment of 18 December 2025

The Court held that a collective management organisation (CMO) in a dominant position may infringe Article 102(a) TFEU if it fails to account for the occupancy rate of hotel rooms when calculating licence royalties for the public communication of protected works. While the right of communication exists regardless of actual use, the royalty must reflect the scope and economic value of the use, including actual or estimated access by guests. A flat-rate scheme may be compatible with competition law only if it reflects reasonable assumptions based on verifiable, objective criteria. The Court reaffirmed that pricing must not be excessive relative to the service's value and that comparative benchmarks with other Member States remain relevant.

[Source - Full decision](#)

U.S. Court of Appeals for the Ninth Circuit, Case No. 25-2935, Epic Games Inc. v. Apple, 11 December 2025

The Ninth Circuit addressed Apple's compliance with a prior antitrust injunction concerning the App Store. The Court confirmed that Apple violated parts of the injunction by restricting access to alternative payment systems but remanded certain overbroad provisions for further review. Remedies must be proportionate and limited to the specific breach. Apple may regulate developers' purchase links and enforce general content standards and is not barred from charging commissions on linked-out purchases, subject to district court review for reasonable costs and IP compensation. The decision underscores the need for clear, enforceable injunctions and the responsibility of digital platforms to comply.

[Source - Full opinion](#)

Events

Cartels Workshop: An Advanced Seminar on Substantive and Procedural EU Developments (Concurrences) – Brussels, 22 January 2026.

[Agenda and documents](#)

16th New Frontiers of Antitrust Conference (Concurrences) – Paris, 5 February 2026.

[Agenda and registration](#)

Competition Investigations (Concurrences) – Paris, 17 February 2026.

[Agenda and registration](#)

2026 OECD Competition Open Day (OECD) – Paris, 4 March 2026.

[Agenda and registration](#)

The Innovation Ecosystem: Legal and Economic Perspectives (Concurrences) – London, 16 March 2026.

[Agenda and registration](#)

2026 Antitrust Writing Awards Ceremony (Concurrence) - National Press Club Washington, DC, 24 March 2026.

[Agenda and registration](#)

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