

Promoting Competition through Interoperability: FTC Perspectives on Antitrust Law

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Article Info	ABSTRACT
Article History: Received Apr 08, 2026 Revised May 10, 2026 Accepted Jun 09, 2026	The topic of this article is a policy strategy for FTC competition and a positive framework to implement this strategy. The antitrust laws and pro-competition principles embodied in these laws provide a foundation for how we conduct business and measure our economy as a whole. Antitrust laws, through their regulation of enterprises, play an integral role in shaping the institutions, market participants, and markets within our economy. The goals of antitrust enforcement are to promote competition among all markets and assist in the efficient functioning of the economy, without having regulatory agencies dictate to the economy how to function. If successful, antitrust enforcement will help sustain a market economy by providing lower prices, promoting greater innovation, and generating quicker responses from businesses to changing consumer needs and preferences. The difference in performance with regard to eco-innovation between enterprises with strong original monopoly power and those with weak original monopoly power has been more pronounced where the enforcement of anti-monopoly laws is more stringent. Furthermore, the research shows that the implementation of anti-monopoly regulations has increased the likelihood of eco-innovation by increasing competition for market share and, therefore, the development of new products. Lastly, the study shows that the negative effects of anti-monopoly laws on eco-innovation are greatest in industries with a state-owned enterprise and/or where there are significant monopolistic characteristics present and where technology is not a key component of an industry. We have discovered evidence supporting our idea through our analysis employing US patent, trademark, standard, and copyrights information. Our study offers intellectual and policy implications for how antitrust law might support innovation as a supplementary institution to patenting law.
Keywords: Antitrust Regulation, Intellectual property, Patent transfer, Federal Trade Commission (FTC), Difference-in-Differences (DID)	
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1. INTRODUCTION

The Federal Trade Commission (FTC) is an agency within the United States Department of Justice that maintains a mission to protect consumers through the prevention of unfair competition [1]. Established in 1914 as part of President Woodrow Wilson's progressive platform against monopolies, the FTC's initial support was provided primarily by individuals and organizations that

opposed large corporations in the marketplace [2]. Supporters of establishing a federal corporate charter believed that it would have been better for manufacturers to be governed uniformly by a singular federal regulatory entity rather than by 50 individual state laws, which led to the establishment of the FTC as a compromise on the part of Congress in response to the progressive movement's demands for more restrictive laws regarding big business [3]. Today, antitrust law is one of the few parts of our legal system that has been primarily created using economic reasoning, with the ongoing relevancy of both market concentration and consumer welfare as factors driving the creation of antitrust laws. As such, antitrust law and how it is enforced has become globalized, with countries around the world utilizing similar antitrust laws to eliminate cartel activity, maintain market competition, and change how markets operate [4]. Enforcement of antitrust laws has recently become increasingly strong, as evidenced by several recent decisions, including fines imposed against GameStop (\$1 million) and Qualcomm (€3 million)³, as well as fines and other penalties imposed against Google (2.4 billion euros), all reflecting an increase in aggressive enforcement by regulators in terms of their ability to control antitrust violations by corporations. While there is no universally accepted definition of antitrust laws, they generally refer to legal frameworks that promote fair competition and prohibit certain forms of market manipulation. In the U.S. [5], they are called antitrust laws; in most other countries these laws are classified as competition and/or antimonopoly laws. The laws governing competition in China are set forth in its Antimonopoly Law, which was enacted in 2008. Generally speaking, antitrust/competition laws prohibit anti-competitive agreements, market Abuse by means of excessive market share, and merger activity that creates or enhances anti-competitive behavior in the marketplace. The underlying purpose of these laws is to protect the welfare of consumers as well as to promote the economic efficiency of markets.

Interoperability may be a viable remedy for violations of the antitrust/competition/antimonopoly laws where a defendant has unlawfully refused to interconnect with a competitor [6]. Alternatively, in cases in which a dominant firm has exploited a network effect as a method of violating antitrust/competition/antimonopoly laws, then interoperability may be a viable remedy. An example would be where a company illegally maintained its monopolistic position through a series of acquisitions and that the success of the series of acquisitions was because of the existence of a network effect and that the network effect created conditions conducive to tipping based on "susceptibility to tipping." If interoperability is established as a remedy for all violations of antitrust/competition/antimonopoly laws through network effects then the effectiveness of future serial acquisitions will be diminished. Additionally, once the existence of interoperability is established as a remedy, the existence of network effects will no longer be a barrier to new firms wanting to enter the market in Figure 1 [7].



Figure 1. The multifaceted effects of market competition: competition acts as a driving force that influences consumer welfare, regulatory oversight, antitrust enforcement, and business innovation

Corporate environmental performance has gone from relatively unimportant to the cornerstone of global climate Governance in the context of sustainable development and the way in which capital is allocated using ESG (Environmental, Social and Governance) criteria as part of capital allocation and formal regulatory authorities becoming more stringent on the types of information that will be disclosed by companies regarding their environmental performance. In this context, how companies effectively communicate their commitment to and action for the environment to external stakeholders (in essence, the corporate green economic narratives they utilise) has emerged as a critical link between their internal strategies and external expectations [8]. This is done through corporate environmental reports (which may be published independently by the corporation or a third party) and through the media (as a means to convey information to the public). The media performs a variety of roles with respect to corporate green economic narratives, the most significant of which is to serve as an information intermediary, providing the corporation with a means to convey environmental information, allowing the corporation to establish a green reputation as a result of media exposure. In addition to this, the media performs a monitoring role by reporting on corporate environmentally-related misconduct, which will then subject the corporation to reputational loss through negative media coverage of the corporation's non-compliance with environmental regulations.

Traditional methods of measuring Corporate Green Narratives typically focus on voluntary Environmental Disclosure (i.e. the information companies provide about their environmental performance, practices and policies). Although this information is important, it has serious problems with self-reporting or bias, as well as selective reporting. As awareness of environmental issues has grown, so has the number of articles that cover Environmental Issues. Therefore, media coverage of Corporate Environmental Issues can serve as an indicator of the intensity of Corporate Green Narratives. Measurements of the diffusion intensity of corporate Environmental topics in the public domain are a far more accurate representation when compared to self-reported data. Thus, the existing body of research has primarily examined media coverage of corporate environmental performances in relation to investment decisions, consumer purchase intentions, and regulatory enforcement. This research has shown that media narratives play an essential role in corporate

environmental governance; however, there remains very little understanding of the factors that drive companies to seek to attain green media presence.

Corporate green narratives are not developed without also considering the context of the environment in which they are constructed; corporations develop green narratives within an institutional context. Corporate actions taken to create a green narrative will be influenced by the context of that corporation's performance relative to the existing regulatory regimes in which they operate. Antitrust law, a key component of market economies, is designed to protect the public's interest through the regulation of commerce by ensuring that competition is preserved. Antitrust law scholars typically focus on the relationship of antitrust statutes to market structures, price-setting by firms in those markets, and firm investment in the innovative creation of new products and services. In addition to the traditional focus on antitrust law and competition in the marketplace, much research has been conducted on the impact that antitrust enforcement has on corporations engaged in anti-competitive behaviour. Corporate strategy shifts and decisions will typically change as corporations are forced to comply with a higher level of antitrust scrutiny.

When corporations are subject to heightened levels of regulatory scrutiny, they will often change the way in which they perceive their performance in the marketplace and their reputation in society, including to what extent and in what manner they engage in socially responsible behaviour [9]. In 2018, China underwent systemic reform of its antitrust regulatory enforcement process, and since then, China has launched a number of significant enforcement initiatives directed at a variety of business sectors, including but not limited to technology. According to legitimacy theory, a company's legitimacy depends on the approval of the institutions within which it operates. A corporation's legitimacy is influenced by more than just being compliant with the law; corporations must also comply with the expectations of society in order to be seen as legitimate. When antitrust enforcement is increased, corporations that dominate their markets will have their legitimacy called into question. Therefore, when antitrust violations occur, corporations will be motivated to rebuild their legitimacy by engaging in environmentally sustainable practices because they are considered to be a social responsibility of corporations. Green economic discourse will therefore serve to help repair the social contracts that exist between corporations and their stakeholders, and to lessen the regulatory burden imposed on corporations by the antitrust enforcement agencies.

2. LITERATURE REVIEW

This study has researched the way antitrust laws enforce incentives to innovate with environmentally friendly products and services [10]. It also looks at how relieving some limitations on access to financing can impact these same incentives. Our main findings were: (1) Antitrust laws strongly encourage companies to develop eco-friendly innovation by creating a significant incentive for them to do so; (2) All tests we performed to ensure our results were robust confirmed this conclusion; and (3) The results from our analysis found that there are different levels of impact or degree of benefit depending on whether the company was in manufacturing or was a large company.

The research indicates that enhancing antitrust laws, via reinforce, directly improved the number of firms creating environmentally sustainable narratives through various forms (media, advertising) [11]. Additionally, robust support for these findings was found through the multiple sensitivity analysis conducted. The analysis of causation details three primary points of influence: 1) increased competition among firms in an industry creates pressure for different types of advantages to be obtained by firms; 2) decreased ownership by institutional investors creates less

short-term performance pressure, hence creating an opportunity for firms to communicate about their environmental stewardship; and 3) creating long-term strategies for firms increases their willingness to communicate about environmental initiatives. Analyses based on the characteristics of firms showed greater effects within state-owned enterprises and within industries classified as having high emission levels.

The independent trajectory of the companies' share prices indicates an association between future stock price performance and the occurrence of relevant regulations. In using an event time regression model, we tested this hypothesis by separating potential negative effects of future government oversight from those of previous antitrust activity on the shares of large technology companies [12]. The findings suggest that future government regulations have significant positive impact on the stock values of large technology companies, and the significant effects come primarily from regulations that were credible and associated with lower compliance costs. In addition, we found that excluding agreements, exclusive contracts, referring to self-referenced data, and using consumer data inappropriately had a negative impact upon the shares of large technology companies.

We analyze how the Anti-Monopoly Law's implementation affects innovation across enterprises in the Science & Technology Park as one of the most important regional innovation systems in China [13]. Using a DID approach (across a number of industries), we find a strong positive relationship between increased competition and increased levels of innovation. The impact of antitrust policy on enterprise innovation occurs through increased investments in R&D, human capital, and exports. The stimulus effect of antitrust policy has been particularly strong for electronic information industry firms, firms that are less constrained in terms of financing, and firms that pursue open innovation practices.

Antitrust enforcement has a big impact on the level of innovation and the quality of peer companies in mergers [14]. The results from the testing of the mechanism show that the antitrust review process encourages peer companies to innovate more by reducing their profits, which leads them to pursue long-term financing to support innovation and encouraging positive signals to be sent to capital markets about their expected future growth. Further, the heterogeneity analysis demonstrates that the integration processes and coordination costs arising from enforcement have reduced the effectiveness of antitrust enforcement and have consequently diminished its positive effect upon innovation.

The Federal Trade Commission (FTC) and other antitrust enforcement agencies took strong action against owners of standard essential patents (SEPs) subject to fair, reasonable [15], and non-discriminatory (FRAND) obligations who attempted to hold up standard implementers. They developed an "injunction-free" approach under which antitrust laws prohibit patent owners from seeking an injunction against a "willing licensee" to obtain a license. This approach has an intuitive appeal but also has flaws that violate fundamental principles of antitrust law. Some antitrust issues in the U.S. arise because the FTC is attempting to apply Section 5 of the Federal Trade Commission Act to conduct that cannot be reached by the Sherman Act. The "injunction-free" approach does not address the key antitrust issue—whether conduct in question harms competition.

A government body can manage competition concerns without restricting the characteristics that make digital platforms appealing and contribute significantly to economic growth. As the characteristics of large digital companies vary greatly [16], a flexible definition of interoperability is necessary to account for this. Initiatives are based on the premise that an organisational structure can be established either within a corporate or a marketplace setting and that both environments can be managed in the same way. In choosing the right type of interoperability solution, there are instances when creating an

environment for the efficient operation (i.e., competitive) of individual assets would be best for both the asset and the marketplace; interoperate collaboratively only when there will be an enhanced outcome through such collaborative action is the best course of action. Further examples of interoperability can include both dynamic and static. Dynamic interoperability would be the requirement for the timely transfer of information between persons, businesses, systems, etc.; while static interoperability indicates that an asset must be portable from one operating environment to another but may not require the use of time-sensitive communication methods. Finally, it should be noted that interoperability is not the best solution for every case, or for every case involving digital platforms.

In this Article we discuss some of the possible ways in which regulations may be used to address certain issues regarding digital platforms. For example, how the use of industry specific light touch regulations may lead to an increase in competition or decrease barriers to entry for digital platform markets and, at the same time, keep many of the benefits that digital platforms provide to consumers. The University of Pennsylvania Law Review, founded in 1852 as the American Law Register", is the oldest continuous law review in the United States. The Law Review is both a professional and an educational institution. It provides an opportunity for the publication of high-quality original legal research to practitioners, judges, attorneys (the bench), and scholars (the academy). Each year approximately 2,000 written submissions are reviewed, and the editors select approximately 12 articles for publication in each volume.

3. METHODS AND MATERIALS

3.1 Market Competition, Patent Consolidation, and Antitrust Law

Patent transfers can be regulated by antitrust law because they may lead to patents being consolidated into the hands of a few firms, which would result in a small number of firms controlling access to critical patent technology for a product and thereby potentially creating a monopoly on the downstream market [17]. There are two federal statutes regulating patent transfers in the United States, which are the Sherman Act and the Clayton Act. The Sherman Act was passed in 1890 and is aimed at regulating unlawful market monopolies by regulating behaviors that discourage competition within a market. Congress then passed the Clayton Act in 1914 in order to make clear what behaviors violate the Sherman Act, thus expanding upon its antitrust enforcement regime and remedies. The federal government may regulate patent transfers that would tend to lessen competition or create a monopoly under Section 7 of the Clayton Act. Section 7 authorizes the government to regulate any business practice that may adversely affect competition in a market or create a market monopoly. As a result of this section, any patent transfer that may disadvantage competition or create a monopoly will be regulated.

3.2 Innovation and Concentration of Patents

Firm's patent transfer has both a positive and a negative effect on innovation with patents being transferred to provide firms that are more efficient with their use of patents and giving inventors more room for their expertise in the creative process of creating ideas. For firms to transfer their patent will be an effective way to manage IP assets of the firm as well as to impact the functioning, finance and organisation of the firm through the liquidation of their patents when they find themselves changing their lines of business and finance to maintain the firm or through acquiring patents from outside sources to take advantage of new technological advances" as flexible management of IP through patents being transferred will allow the firm to make more optimal R&D investments. Additionally, as noted, a conglomeration of patents by an upstream firm may allow the upstream firm to reduce the level of competition from other firms for patents used

downstream which will improve the appropriability of innovation generated within the upstream firm.

Patent transfer helps businesses bring patents together to develop products that use important technologies. This can hurt a competitor's ability to innovate because it gives the business that combines the patents enough dominant power to impose an ex-post patent holdup risk on competitors when they want to enter the market. Also, firms have shown a propensity to buy patents specifically for the purpose of leveraging their competitive market rivals' ex-post patent holdup risk. Firms can create an additional burden (operating cost) on their rival competitors, and they can also reduce the competitive market activity of their competitors by encouraging the development of one or more technologies related to the patents transferred.

4. IMPLEMENTATION AND EXPERIMENTAL RESULTS

4.1 Tests for Robustness

The participants in this study's experimental cohort have high rank within their respective industries, while the members of the control group are ranked lower than the experimental group in terms of influence over the market. To eliminate bias due to self-selection and to enhance the reliability and validity of the results of the regression analysis, propensity score matching (PSM) was used to match the control group to the experimental group based on similar characteristics from the groups. First, the predictive variables were evaluated, and Tobin's Q was excluded as a possible predictor variable. The remaining predictor variables were then used as covariates. Once all of the covariates were defined, a nearest neighbour one-to-three matching procedure was performed. The results of the matching process are presented in Table 4 and Figure 2.

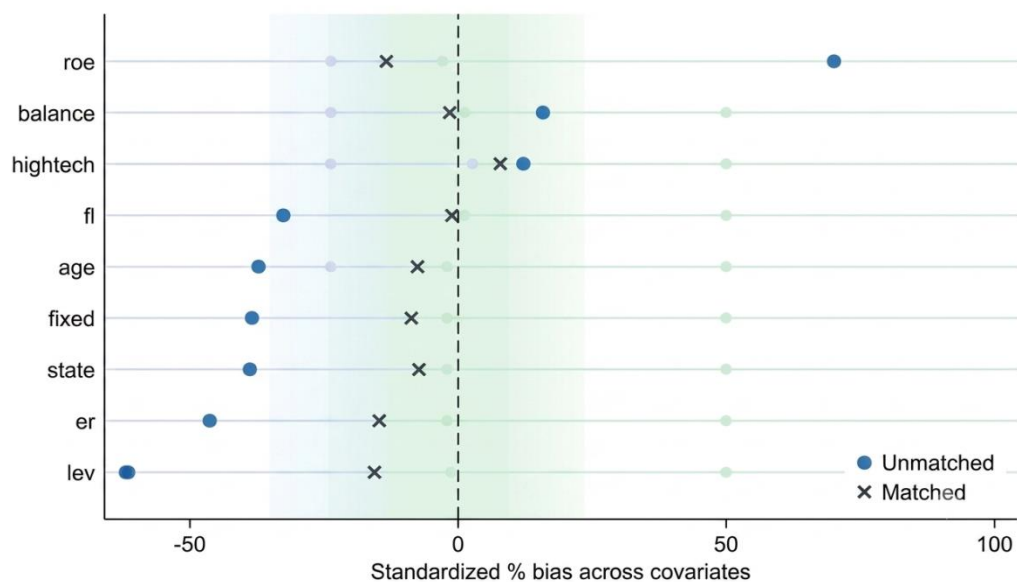


Figure 2. Propensity Score Matching Balance Test

The sample businesses appear to be in markets with fierce competition and comparatively low concentration, as indicated by the mean value of market competition (hhi) of 0.1681. Table 1 provides specifics on the range of additional control factors.

Table 1. Descriptive Statistical Analysis

VarName	Obs	Mean	SD	Min	Median	Max
oin	23,398	0.2433	0.6282	0.0000	0.0000	3.2189
g	23,398	2.2560	0.7041	1.1555	2.2176	3.8616
treat_i × post_i	23,398	0.3788	0.4790	0.0000	0.0000	1.0000
hhi	23,398	0.1681	0.1699	0.0329	0.1095	1.0000
age	23,398	2.0644	0.7638	0.1163	2.2281	3.1707
fl	23,398	1.4149	1.2676	-1.0068	1.0845	9.2884
fixed	23,398	0.2540	0.1775	0.0025	0.2199	0.7520
er	23,398	0.0029	0.0021	0.0005	0.0023	0.0119
tobinq	23,398	2.6896	2.1183	0.8989	1.9875	13.6477
lev	23,398	0.4581	0.2278	0.0478	0.4552	0.9842
roe	23,398	0.0697	0.1355	-0.6972	0.0757	0.3963
balance	23,398	0.3245	0.2908	0.0046	0.2245	0.9966
region	23,398	1.5620	0.7250	1.0000	1.0000	3.0000

The application of antitrust rules served as the primary explanatory variable in this study's regression analysis, with enterprise green innovation (oin) and greener output capacity (gt) serving as the explained variables, respectively. Fixed characteristics like industry type, business entity, and duration period were included in the analysis. Table 2 presents the details of the regression results.

Table 2. Findings from the Primary Regression Analysis

VARIABLES	(1) oin	(2) gt
treat_i × post_i	-0.0269***(-3.1111)	-0.0229***(-2.7205)
age	0.0804*** (6.9130)	0.0163*(1.7511)
fl	0.0088*** (3.7450)	0.0094*** (4.1204)
fixed	0.0541*(1.8097)	0.1149*** (2.8240)
er	-0.5645(-0.2653)	1.1456(0.6729)
tobinq	-0.0138***(-6.8310)	-0.0005(-0.2914)
lev	0.0713*** (3.0961)	0.0649** (2.0355)
roe	0.1286*(1.9054)	0.2116*** (3.6081)
balance	0.0263*** (3.5159)	0.0069(1.4009)
Constant	0.0587** (2.1440)	2.2888*** (104.4458)
Observations	23,398	23,398
R-squared	0.6496	0.8196
year fix	YES	YES
id fix	YES	YES
industry fix	YES	YES

Entities of the experimental group have substantial control of the market compared to the entities of the control group. In order to lessen any bias from voluntary sample selection and to ensure reliability of the results obtained from regression analysis, the propensity score matching (PSM) approach was used to create match pairs of the experimental and control groups. Initially, the predictive variables were tested, with Tobin's Q excluded from the set of predictive variables

that made up the covariates for use in matching. Then, a one-to-three nearest neighbor match was created using the covariate data. The results of this match are shown in Table 3.

Table 3. The propensity Score Matching (PSM) Method's Results

	Off support	On support	Total
Untreated	29	14,635	14,664
Treated	3	8,731	8,734
Total	32	23,366	23,398

Table 4 clearly shows that there was little variation in the post-matching results, and the resulting coefficients' direction and statistical importance agreed with the original regression analysis.

Table 4. Propensity Score Matching (PSM) Method Outcomes

PSM	Outcomes
	oin
<i>treat_i × post_i</i>	−0.0272***(−3.1397)
<i>_cons</i>	0.0594**(2.1693)
Controls	YES
N	23,367
r²	0.6496
F	220.2445
year fix	YES
id fix	YES
industry fix	YES

The DID design allows researchers to measure the effects of a policy by comparing changes in an experimental group (those who experience the policy) to changes in a control group (those who do not). It assumes that there was no statistical difference between these two groups prior to the introduction of the policy. A parallel trends test was used to assess whether this assumption is valid by analyzing the interaction term coefficients for the periods immediately before and after the implementation of a policy. If the coefficient of the interaction term prior to the policy implementation is not statistically significant, it suggests that the trend in green innovation for the experimental group and the control group were not systematically different before implementation.

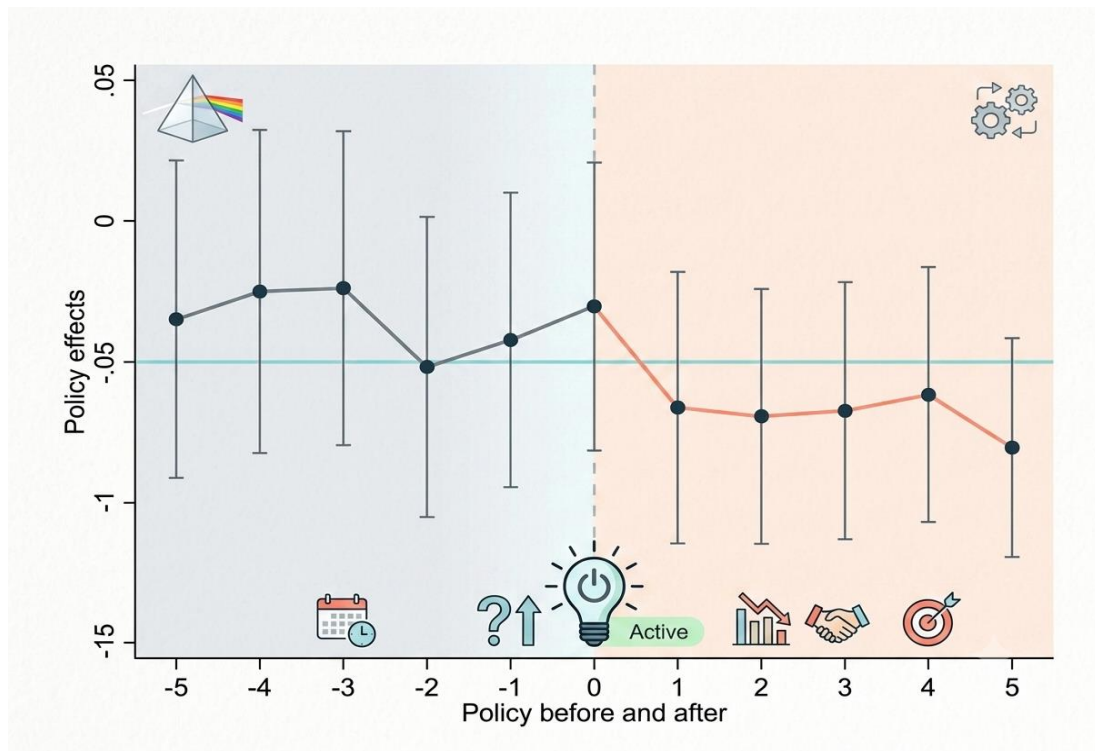


Figure 3. Test for Parallel Trends

Five years prior to and following the enactment of antitrust laws were chosen for this study's task, with a range of -5 to 5 . The year of enactment was given a value of 0 . Figure 3 displays the pertinent findings.

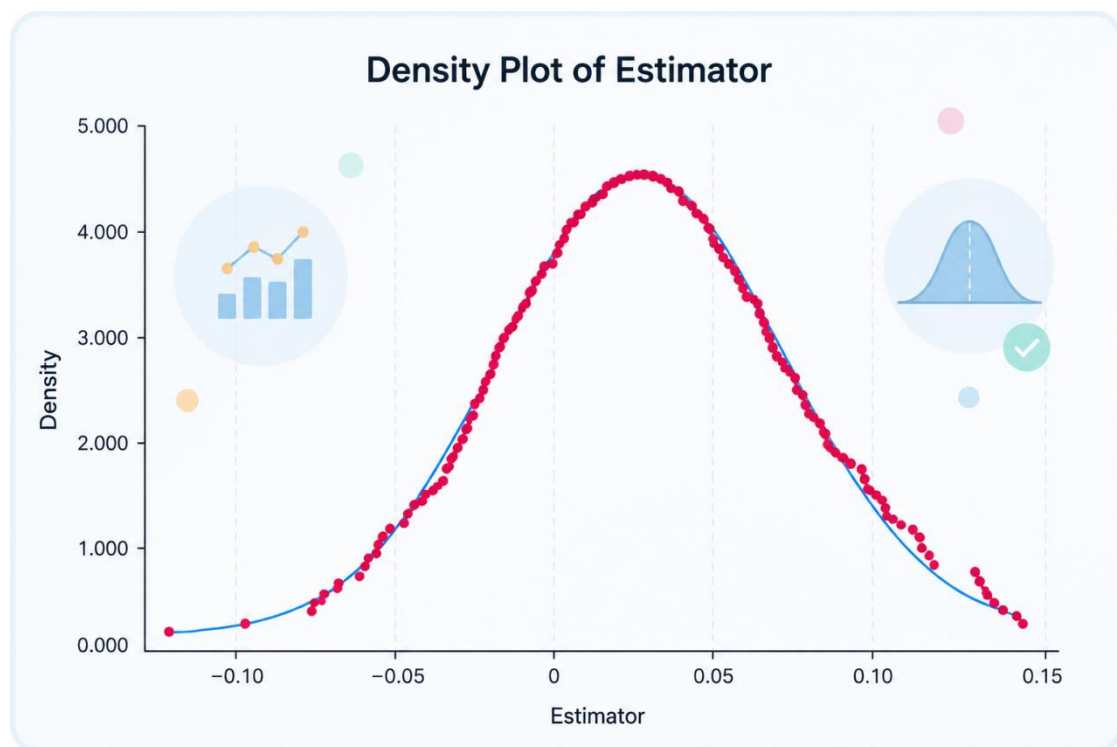


Figure 4. Placebo Test

To create a distribution map of the 500 pseudo regression coefficients produced through this process, it was completed 500 times, as that will provide a sufficient amount of data to statistically justify the estimate's accuracy. The graphic in Figure 4 shows that the vast majority of these pseudo-regression coefficients are clustered closely around zero. Therefore, this suggests that there are not many (or no) important variables that have been omitted from the existing model and might have a significant impact on the conclusions of this research; thus, this finding satisfies the requirements of the placebo test. Findings also support the assertion that the introduction of antitrust legislation restricts degrees of green innovation among enterprises that had previously been characterized by higher levels of monopoly power than firms that had previously been characterized by lower levels of monopoly power. The results support the notion that antitrust policies have a complex impact on the economy and provide empirical evidence to support future refinements in antitrust legislation.

5. CONCLUSION

The FTC has been through over 100 years of experience that provides evidence to effectively inform policymakers today about historical inquiry into policies. The FTC's evolution gave us insight into how an organization makes trade-offs among autonomy, accountability and independence. The nature of such trade-offs provides important insight into the practical implications of different institutional design elements. While the history of the FTC may not always yield simple answers to agencies on the best way to proceed today, it provides critical lessons about avoiding surprises caused by tension created by the competing interests of strong economic forces and powerful political institutions. Consequently, regulatory agencies studying the history of the FTC (and other regulatory models) will not only better understand the available design options, but they will also be better prepared to foresee challenges to their ability to respond in a timely fashion to emerging challenges.

Industries that have innovative green initiatives but are at risk of monopolization should be given flexible and careful regulatory guidelines; whereas industries that have outdated and monopolistic systems and/or lack innovative green technology must have their monopoly systems enforced and additionally receive guidance and assistance as it pertains to safely transition in an effort to allow the policies related to monopoly enforcement to maintain a competitive marketplace while also encouraging businesses to pursue green innovations. The government needs to construct a market environment that provides for fair and open competition by creating an efficient and clearly defined process for entering or expanding within the market; as well as developing a uniform and coherent process to address local protectionism and industry-specific barriers in order to allow all businesses the opportunity to successfully compete equally in the marketplace; and create legal protections for Paper Technologies that establishes the technological advancements made in relation to innovative green products through intellectual property protection to incentivize private sector innovation in relation to Paper Technologies. The government must provide specific and targeted incentives for green innovations. As sustainable innovation has become crucial for the continued success of the world economy, the government must aggressively provide a system of fiscal and other types of support to promote companies developing sustainable innovations. In particular, bespoke motivational strategies should be crafted for government-owned entities and those not classified as high-tech industries, spurring these organizations to elevate their contributions to eco research and development efforts, thereby augmenting their proficiency in sustainable innovation and their prowess in the marketplace. Lastly, establish a scientific green innovation evaluation system. Establish and refine the green innovation evaluation system to scientifically assess corporate green innovation achievements. Relying on modern information

technology tools such as big data and cloud computing, establish a green innovation data platform to monitor and analyze corporate green innovation activities in real-time. By regularly publishing green innovation indices and reports, not only can data support be provided for corporate and government decision-making, but it can also incentivize companies to continuously improve their green innovation performance, driving the transformation of the entire society towards a green, low-carbon, and sustainable development model.

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