

Panel 4

SEP –Possibility of International Arbitration-

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Hon. Chief Judge Shitara's Points on SEP International Arbitration

- SEP International Arbitration may:
 - ✓ resolve many potential international disputes on SEP by a single forum,
 - ✓ within certain short period (ex. 1 year),
 - ✓ choose arbitrators among the list of well-respected ex-IP judges from main jurisdictions,
 - ✓ obtain reliable determination on SEP FRAND license based upon deep expertise on patent litigation.



From User's Viewpoint

- Will top management approve to use Arbitration on such important matter?

Yes, because;

- ✓ cost effective
- ✓ time effective
- ✓ reliable arbitrators

Some concerns;

- ✓ not appealable even if major error?
 - ⇒ Should consider the possibility of appeal.
- ✓ what if unwilling licensor/licensee?
 - ⇒ Anyway, they go to court.
- ✓ enough ability to determine the issues?
 - ⇒ Support staffs (technical/financial) need to be considered.