

JPO SEP Symposium

Latest Global Trends and the Frontier of Discussion

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Kiyoshi MORI

Commissioner, Japan Patent Office



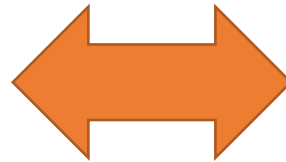
Patent and Standard

Patent

✓ Exclusive rights

Standard

✓ spread a technology



promote innovation

Disputes between Different Industries and JPO's Approach

Past

Negotiations between ICT Companies

Telecom v Telecom

Consistent Perspectives on;

- Licensing rates
- Essentiality

Cross-Licensing

IoT era

Negotiations between Different Industries

Telecom v other Industries

Different Perspectives on;

- Licensing rates
- Essentiality

JPO's Approach

- ✓ **"Guide to Licensing Negotiations Involving Standard Essential Patents"**
 - summarizes issues concerning licensing negotiations objectively
- ✓ **"Hantei" system for Essentiality Check**
 - provides advisory opinion with no legally binding force on the essentiality

Recent Court Decisions

✓ **Huawei v ZTE (CJEU, 2015)**

- Framework for good faith negotiations



✓ **Sisvel v Haier (Germany, 2020)**

- Provision of claim chart is not mandatory

✓ **Unwired Planet v Huawei (UK, 2020)**

- Global rate

✓ **Nokia v Daimler (Germany, 2020)**

- Dispute between ICT and Automobile

✓ **Conversant v Huawei (China, 2020)**

- Anti-suit injunction

and more...

Governments' Approach

✓ US

- In Dec 2021, (Draft) Policy Statement was jointly released by DOJ, USPTO and NIST and public comments were requested

✓ UK

- In Dec 2021, UKIPO conducted "Call for views" on "Standard Essential Patents and Innovation".

✓ EU

- In Feb 2022, the European Commission commenced public consultation for the new initiative named "new framework for standard-essential patents".

✓ Japan

- In Mar 2022, Ministry of Economy, Trade and Industry (METI) established the "Good Faith Negotiation Guidelines for Standard Essential Patent Licenses", which set forth the norms of good faith negotiations to be followed by the rights holders and the implementers.

Revision of "Guide"

- ✓ JPO is inviting public comments on the Draft Revision of "Guide to Licensing Negotiations Involving Standard Essential Patents".
- ✓ Purpose and Nature of the Guide are maintained as original.
- ✓ Recent court decisions are reflected.

Public Consultation

- ✓ **May 9 – June 8 on JPO website**
- ✓ This public consultation process is not merely a process for the revision but Discussion with industries and experts on various issues on SEPs.
- ✓ Results will be published with the revised Guide.

Thank you

