

Metroconsult

DEFENDING CREATIVITY WITH TAILORED PROTECTION



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Standard Essential Patents: what you need to know and how to search

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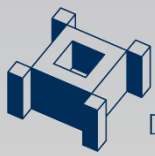
CEPIUG Conference, Milano, Italy, 19 September 2023

S = Standard

- A **Standard** is a document, approved by a recognized body, that provides rules, guidelines or technical specifications for carrying out certain activities
<https://docplayer.net/7370799-Iso-iec-11172-1-international-Standard.html>
- **SSO (Standard Setting Organisation) / SDO (Standard-Developing Organizations)**
 - At Italian level: UNI (Ente Nazionale Italiano di Certificazione)
 - At international level:
 - ISO (Es. ISO 9001 - Quality Management System Certification)
 - ETSI (European Telecommunications Standards Institute)
 - ITU (International Telecommunication Union)
- Examples of Standards we encounter on a daily basis:
LTE (5G), Wi-fi, Bluetooth, DVB-T/T2, ... V2X

E = ESSENTIAL

- In practice, "Essential" means that a product can not be manufactured without violating a Standard
 - If a manufacturer claims to produce and market a DVB-T2 digital terrestrial signal receiver, he is obliged to make it DVB-T2 compliant, otherwise it is not a DVB-T2 product!
- The patent protecting the device that unlocks the computer or phone via fingerprint is not essential, it is a 'nice to have'
- You can already understand the enormous commercial power held by the holder of a patent that is essential to a Standard ...

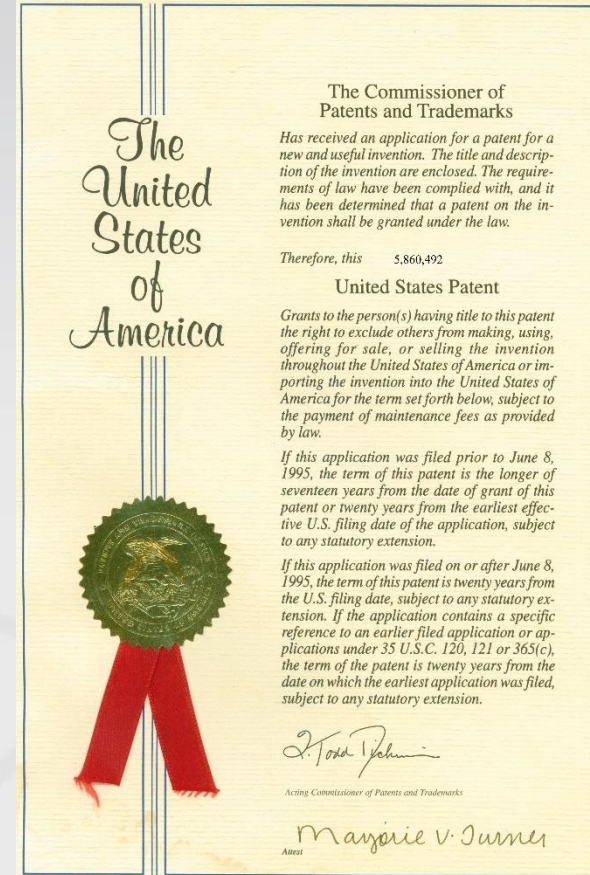
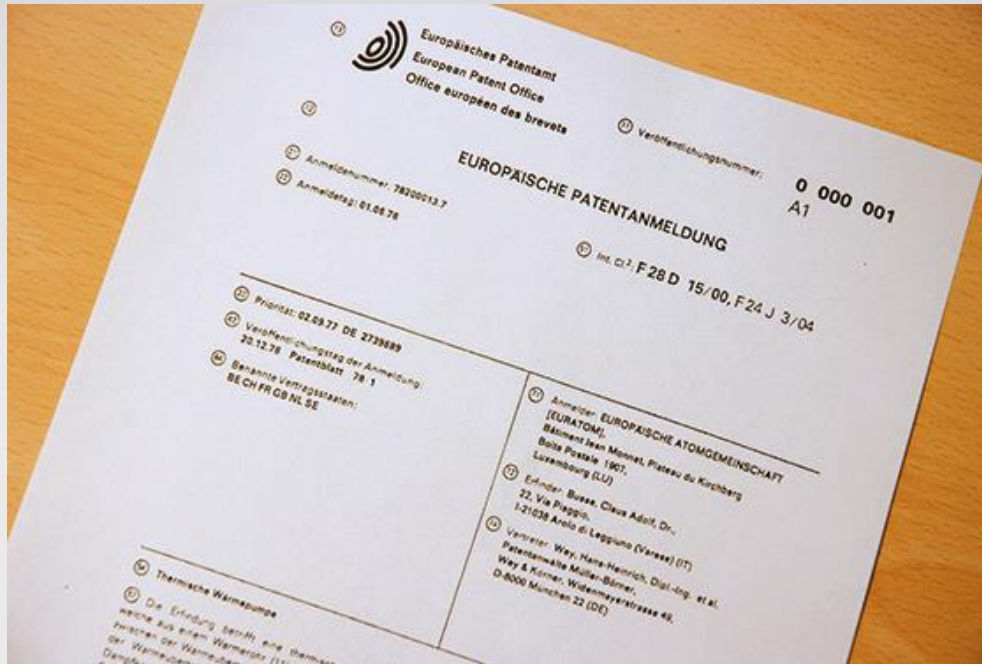


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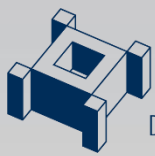


P = PATENT



DECLARATION OF ESSENTIALITY TO SSO

- Anyone can claim to be the holder of an essential patent
 - The declaration of essentiality is **NOT** verified by the SSO
- There is a fierce battle within Standard organizations to have their technical solutions be recognized as essential
- The disclosure of the technical solution occurs when the technical document is uploaded to the SSO server!
- Patent applications are often filed at the very last minute
- The goal of SEP patent holders is to make the wording of the Standard match the wording of the patent as closely as possible



PUBLIC CONSULTATION OF THE EUROPEAN COMMISSION

- Consultation period: 14 February 2022 - 09 May 2022
- Feedback period: 27 April 2023 - 10 August 2023
- Outcome: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on standard essential patents and amending Regulation (EU)2017/1001
- https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13109-Intellectual-property-new-framework-for-standard-essential-patents_en

ONLINE DATA BASES ON SEPs

- **Free of charge**

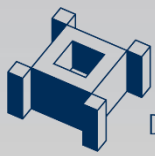
- ETSI
- ISO/IEC/ITU
- CENELEC

...

- **Premium**

- Added fields to a pre-existing database (Patbase, Orbit Intelligence, Patsnap)
- Specific ad hoc database platforms (IPlytics, InQuartik)

Free platforms have limited functionalities (no structured search possible on patents, patent families, legal status, and so on)



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**THANK YOU VERY MUCH
FOR YOUR ATTENTION !**

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