

MANAGEMENT OF IPR IN STANDARD SETTING

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Road Map

- Intellectual Property Rights In Standard Setting
- SSOs Manage Patents Through Patent Policies
- Patent Policies In Action
- Patent Policy Changes Necessary

Intellectual Property Rights In Standard Setting

- IPR:
 - > Patents – Right To Exclude
 - > Copyrights – Right To Prevent Copying
 - > Trade Marks – Symbolize Good Will
 - > Trade Secrets – Value Rests In Secrecy
- Impacts Degree Of Openness In Standards

SSOs Manage Patents Through Patent Policies

- 20+ SSO Patent Policies Reviewed
 - > Governs Member Conduct
 - > Must Comply With Applicable Competition Law
- Effects Tension Between Patents and Standards
- What Patent Policies Include:
 - > RAND – Reasonable And Non-Discriminatory
 - Royalty
 - Patent Disclosure
 - Timing of Patent Disclosure

Patent Policies In Action

	Before 1990	After 1990
• Technology	> Evolves Slowly	> Evolves Rapidly
• Patent Law	> Stable	> Strengthened > Broadened
• SSO Participants	> Patent Owners Who Make Product	> New Market Entrants > Patent Owners Who License Patents
• Patent Landscape	> Cross-Licensed > Gentleman's Understanding > Costs Known	> Patent Thickets > Royalty Stacking > Submarine Patents > Patent Hold Up
• Standards Development Process	> Collaborative Environment > Promotes	> Collaboration Limited > Implementation Uncertain

Implementation

Patent Policy Changes Necessary

- Update Patent Policies To Encourage More Openness:
 - > Contract
 - > Disclosure of Patent and License Terms Required
 - > Disclosure Required Early In Standards Development
 - > Pre-Agreed Resolution For Failure To Comply With Patent Policy

