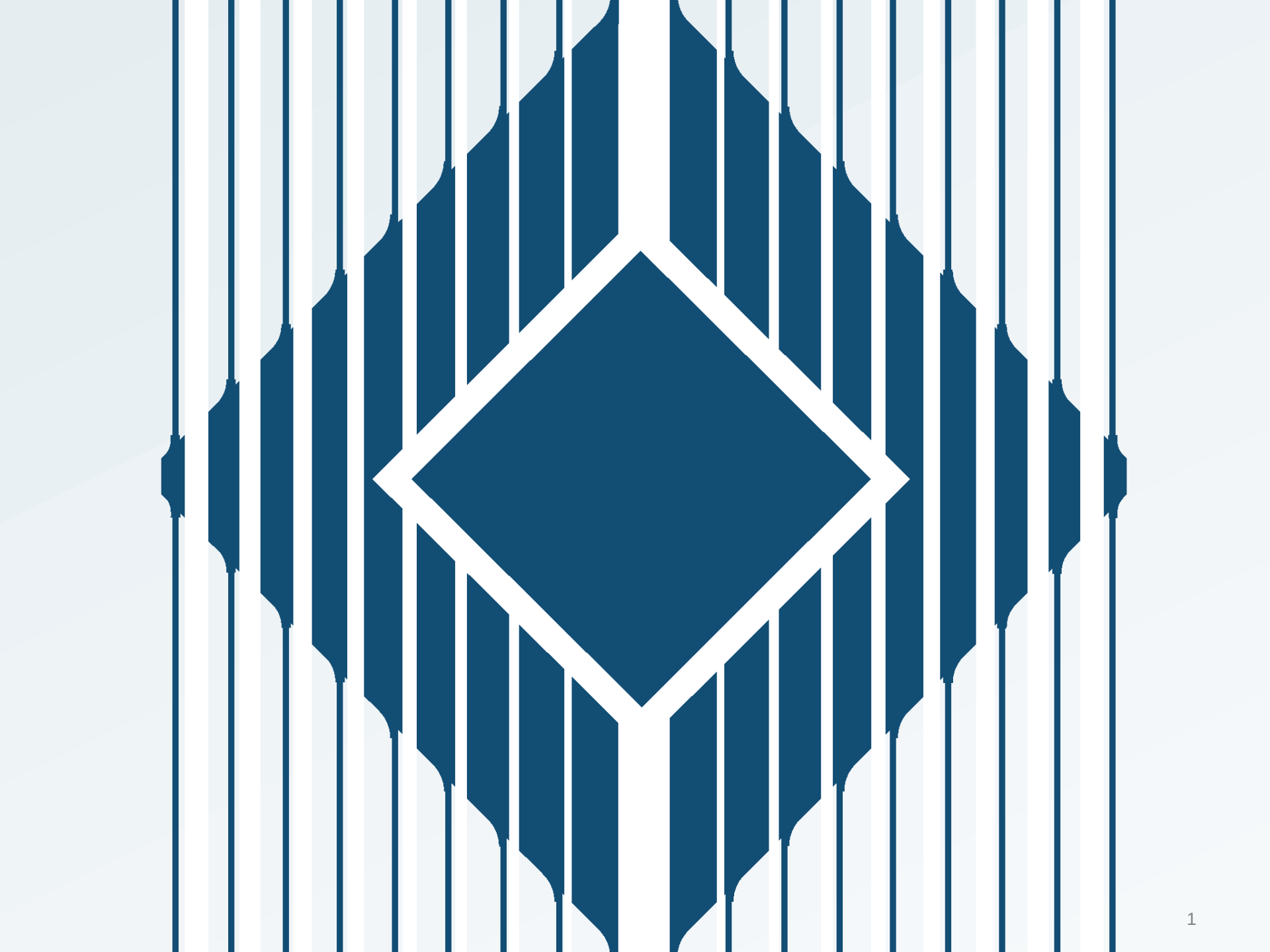


Open Forum – St. Petersburg

FICPI

WORKSHOP 4.11

THURSDAY 6 OCTOBER, 2016

Interplay between patents and regulation
-
FRAND in Telecommunications

- Moderator:
  - Alexander J. Wyrwoll (DE)
- Speaker:
  - Kay Konishi (JP)
  - C. Gregory Gramenopoulos (US)
  - John Sideris, Esq. (EU)

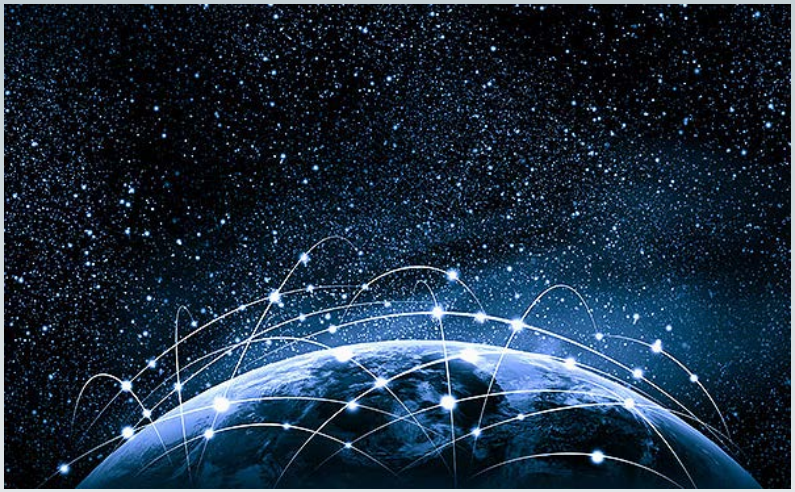
Introduction I

- Patents are essentially governed by IP laws
- They allow a monopoly, which is exploitable solely by the proprietor of the patent
- On the other hand, antitrust or competition law hinder monopolies as such
- Patents are therefore in a stress field

- Enforcement and/or the exploitation of the inventions they protect, may also be subject to other legal provisions, some of which are relevant to all technical fields (e.g. competition law), while others concern only specific fields (e.g. telecomunication or healthcare)

Introduction II

- In some technical areas the stress – and the legal implications going along with it – are more obvious than in other areas



- However the impact on other technical areas is to be expected to be high

- Pharma and Telecommunications are two technical fields, where parameters for **FRAND-licensing**,
  i.e. **F**air **R**easonable **A**nd **N**on-**D**iscriminatory Licensing have been defined in the last few years

Introduction III

- This Workshop has the benefit of three distinguished speakers coming from three different parts of the world, where the respective evolvement will be shown, i.e. **JP,** the **US** and **EU**.

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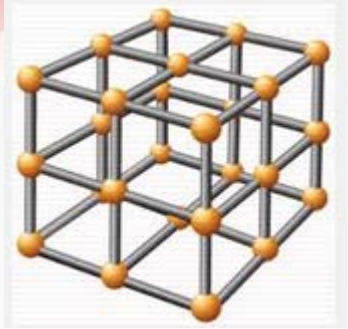
Introduction IV

- What opportunities are there for innovators to use the interplay between IP laws and other regulations to their advantage?

- Are there risks? If so, which ones?

- What is the framework?



Discussion

- What implications do you see in **your respective country / area of legislation**?
  - ❖ **When** is a patent a Standard Essential Patent?
  - ❖ Does the patent have **RAND obligations**?
  - ❖ How to determine a **reasonable royalty**?
  - ❖ What are **non-discriminatory terms**?
  - ❖ Other **obligations** of the patent owner?

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RÖSS · KAISER · POLTE ■ PARTNERSCHAFT

PATENT- UND RECHTSANWALTSKANZLEI

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