

RIETI Policy Seminar

Standards and Intellectual Property: Strategies Japan should adopt in light of current global trends

Handout



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December 8, 2017

Research Institute of Economy, Trade and Industry (RIETI)

<http://www.rieti.go.jp/en/index.html>

2017 RIETI Policy Seminar

– Standards and Intellectual Property – Strategies Japan should adopt in light of current global trends

標準化と知財 – ビジネスモデルと市場競争の観点から –

Standards and IP – from the viewpoint of business model and market competitions –

パナソニックIPマネジメント(株)
ライセンス部 担当部長

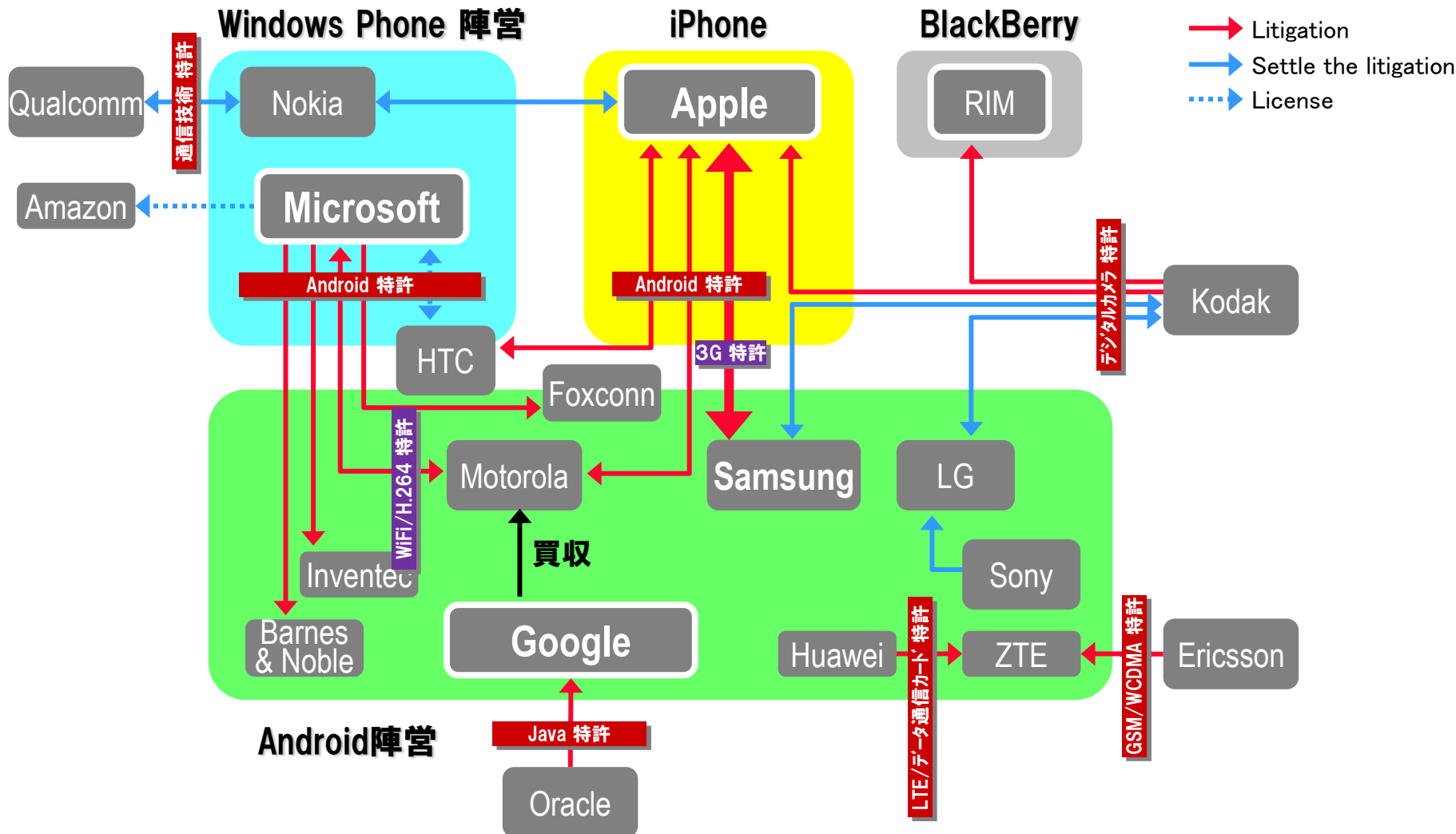
福岡則子

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Panasonic Intellectual Property
Management Co., Ltd

Wonders!

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Mobile Patent Suits as of 2011



This chart was created using the information described in Thomson Reuters "Mobile Patent Suits – Graphic of the Day" <https://blogs.thomsonreuters.com/answerson/mobile-patent-suits-graphic-day/>

Wonders!

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Disputes on FRAND Declaration

Apple v Samsung EC委員会調査 3G特許での差止請求 Brussels, 31 January 2012 –

The EC has opened a formal investigation to assess whether Samsung has abusively, and in contravention of a commitment it gave to the ETSI, used certain of its SEPs to distort competition in European mobile device markets, in breach of EU antitrust rules.

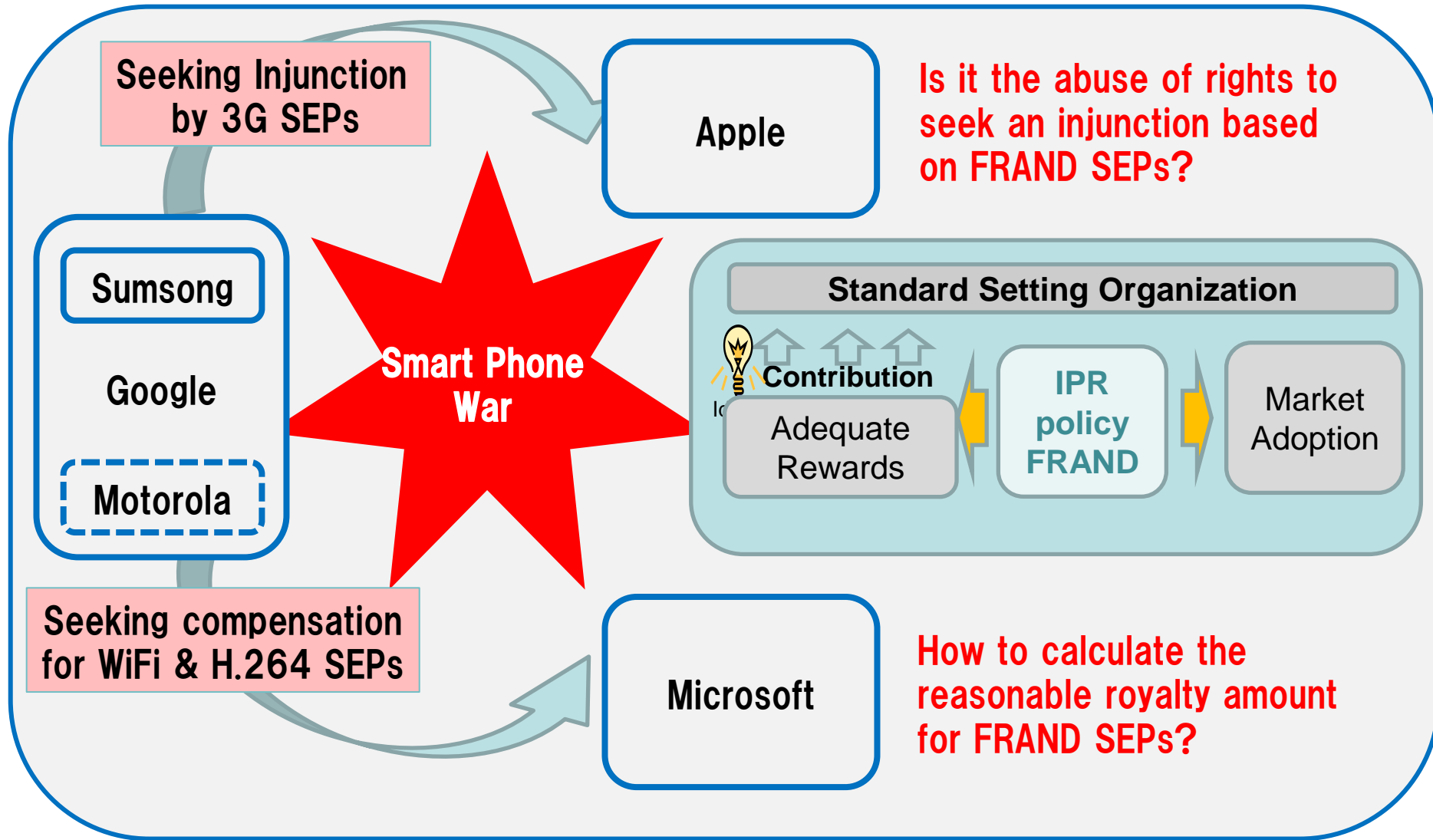
Apple, Microsoft v Motorola EC委員会調査 FRAND違反 Brussels, 03 April 2012 -

The EC has opened two formal antitrust investigations against Motorola Mobility Inc. to assess whether Motorola has abusively, and in contravention of commitments it gave to SSOs, used certain of its SEPs to distort competition in the Internal Market in breach of EU antitrust rules.

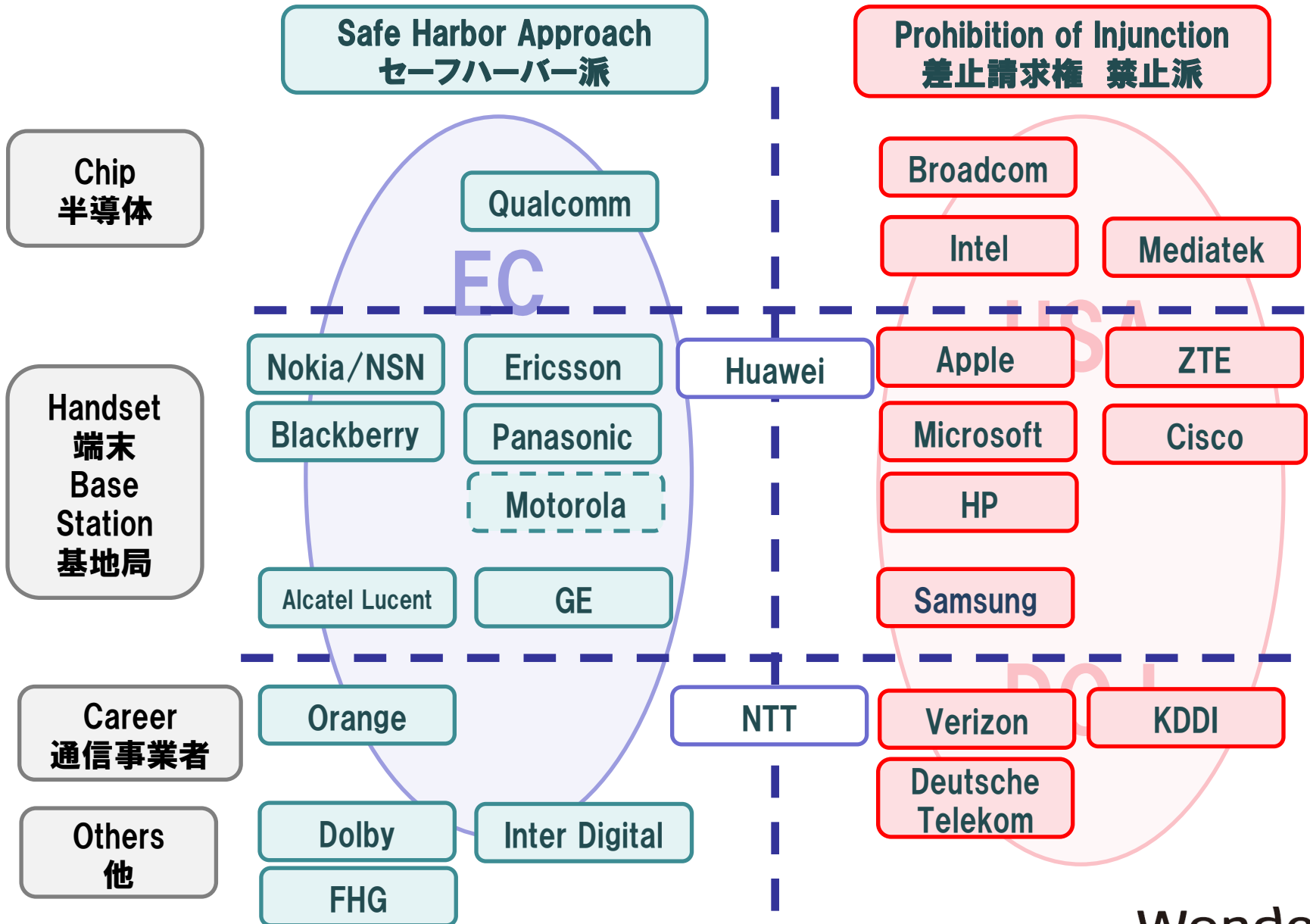
Apple v Motorola 米国訴訟 FRAND Royalty – Injunction Northern District of Illinois by Judge Posner on June 22, 2012

- ◆ The value conferred by the patent itself as distinct from the additional value—the hold-up value—conferred by the patent's being designated as standard-essential.
- ◆ By committing to license its patents on FRAND terms, a royalty is adequate compensation for a license to use that patent

Smart Phone War involving FRAND SEPs & SSO



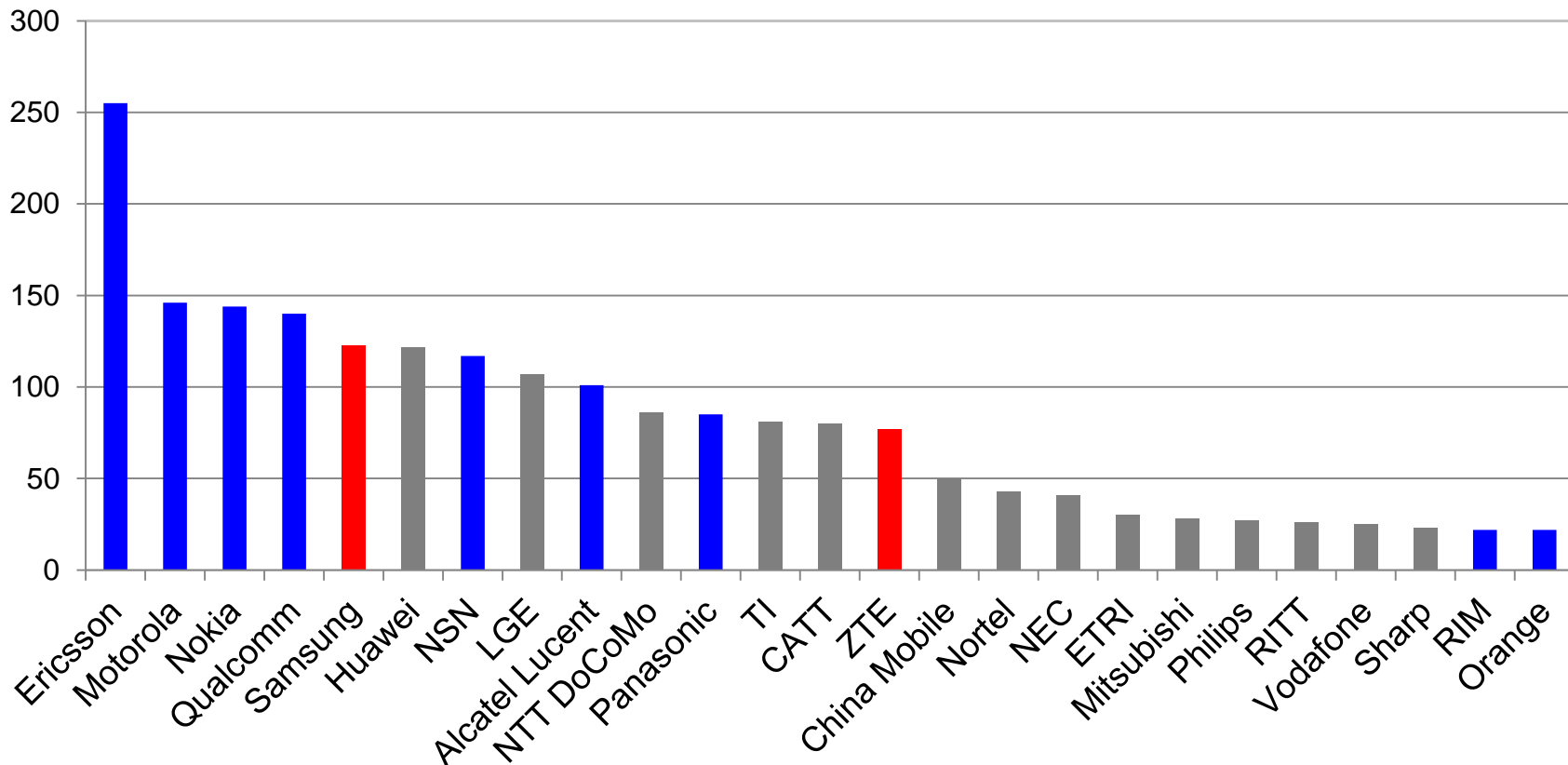
ITU Patent Roundtable & IPR Adhoc Meeting 2012~



Wonders!

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Approved Contribution in 3GPP for LTE



This chart was created using the data described in

平成23年度 特許出願技術動向調査報告書 (概要)

携帯高速通信技術(LTE) 特許庁 平成24年4月

H. 23 year patent application technology trend survey report (summary)

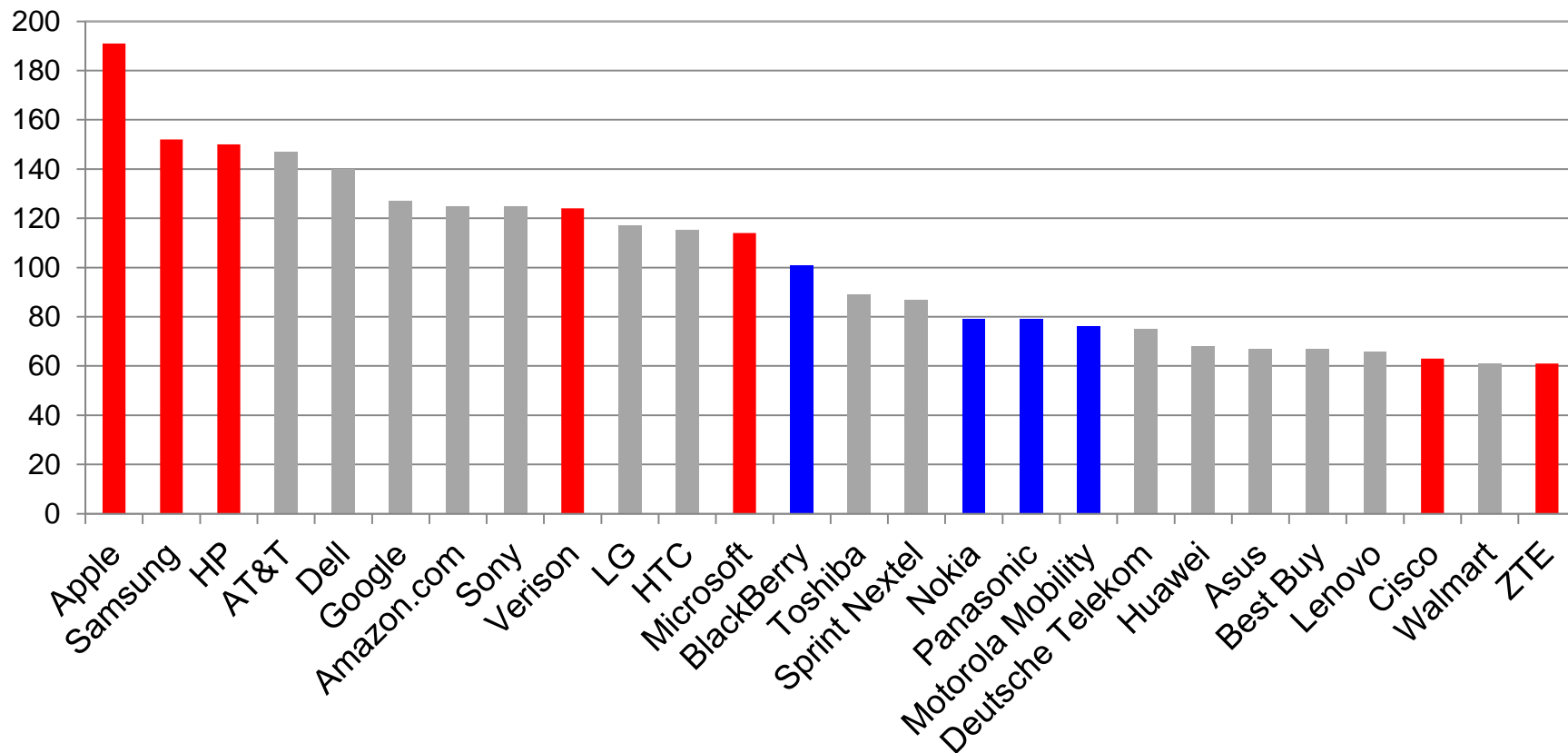
Mobile High Speed Communication Technology (LTE) Japan Patent Office H.24

<https://www.jpo.go.jp/shiryuu/pdf/gidou-houkoku/23lte.pdf>

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The cumulative number of litigation filed by NPE from 2009 to 2013



This chart was created using the data described in

Ann Armstrong, Joseph J. Mueller, & Timothy D. Syrett,

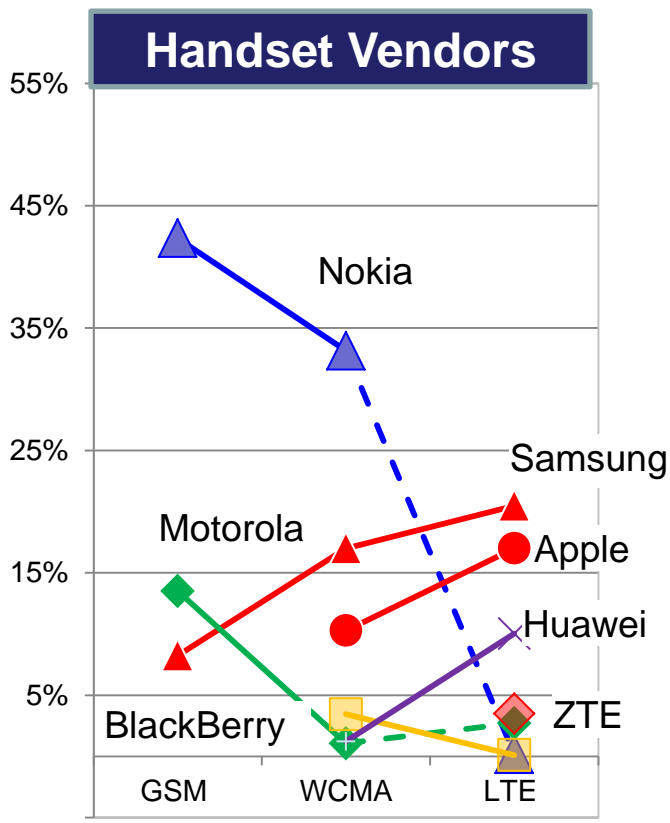
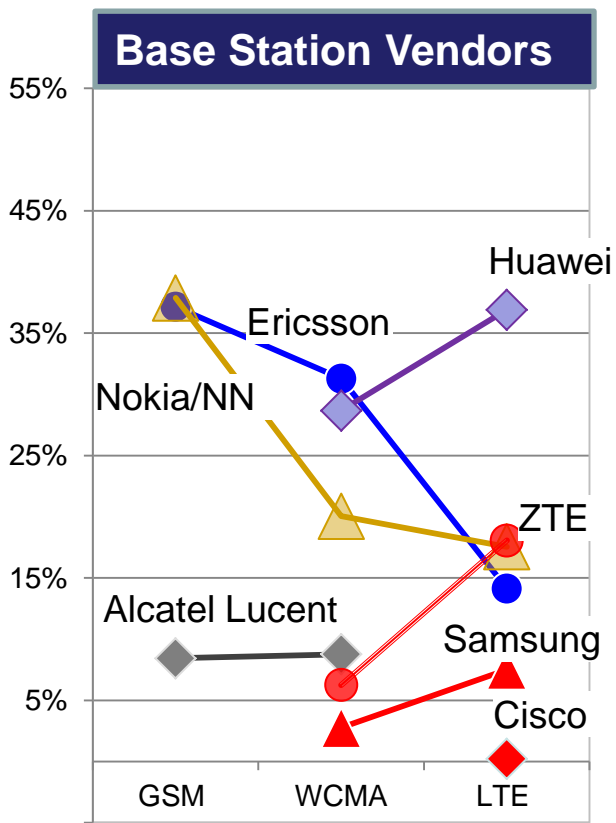
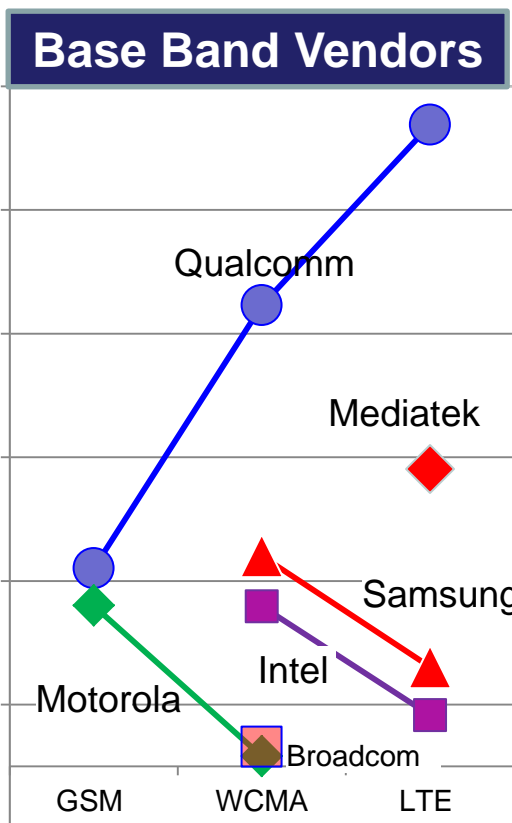
The Smartphone Royalty Stack: Surveying Royalty Demands for the

Components Within Modern Smartphones (Working Paper, May 29, 2014)

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2443848.

Wonders!

Market Share of GSM, WCDMA and LTE



Situation of USA, EU and Japan

USA

Obama
Administration

- Growth of CLOUD business : Apple, Google, Amazon, Facebook
- American Invents Act 2011 (Anti-NPE)
- President Obama vetoes Samsung patent ban on iPhone 2013
- IEEE IPR Policy change (Smallest Saleable Unites) 2015
- Case Law: Judge Robart's RAND analysis, e-Bay case (Injunction)

EU

- Promoting "Industry 4.0"
- European Parliament:
 - European Standards for the 21st Century Open Trade
- CJEU decision on injunction under FRAND SEPs (Huawei v ZTE)
- Case : Unwired Planet (UK),
- European Commission: Communication on SEP Licensing

Japan

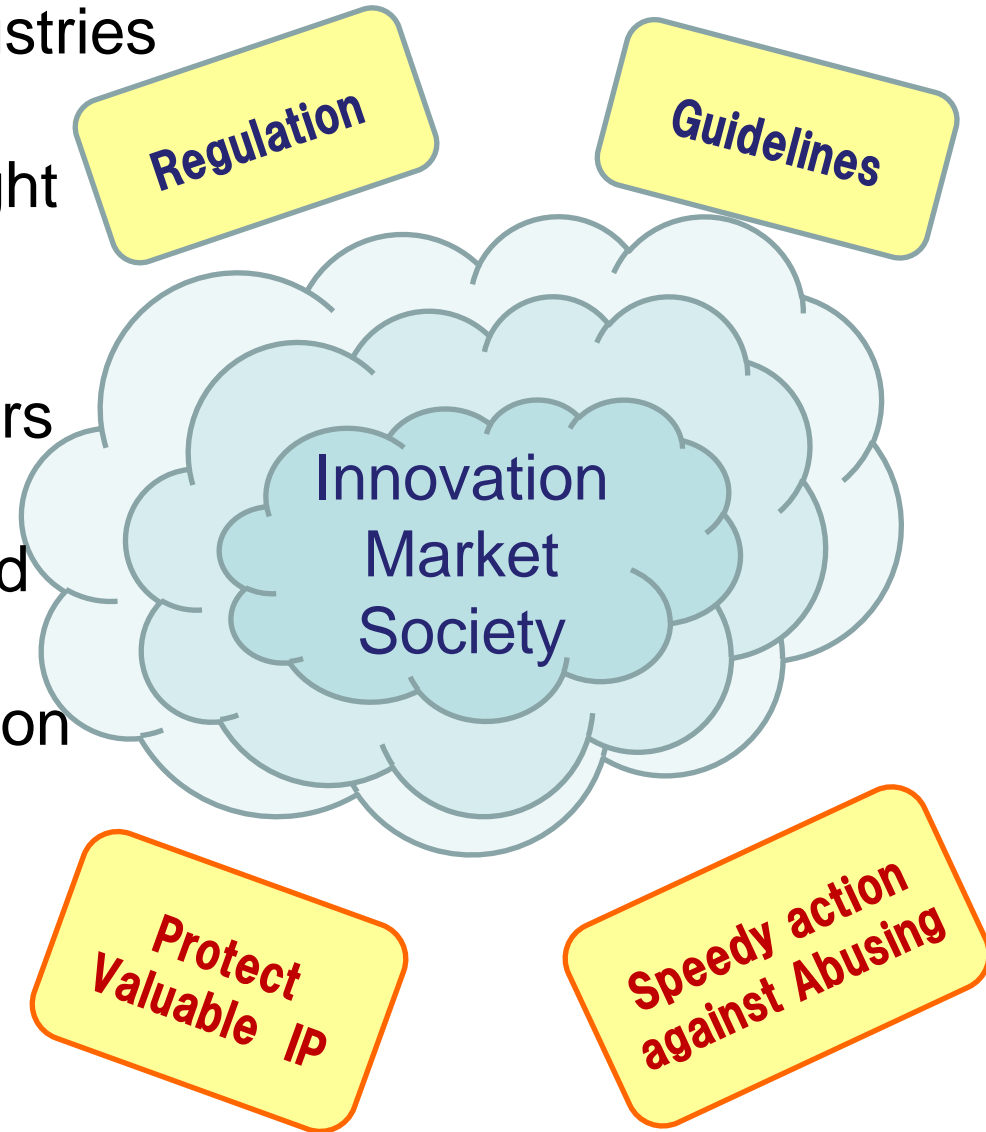
- Promoting "Society 5.0"
- Tokyo IP High Court : Samsung v Apple
- Japan FTC SEP Guideline
- JPO SEP License Guideline (under study)

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Consideration Factors of the FRAND Licensing

- Promote Innovations & Industries
イノベーションと産業の促進
- Benefit balance between right holders and implementers
権利者と実施者間の利益バランス
- Protect good-faith negotiators
誠実な交渉者を保護
- Establish Level Playing Field
市場競争環境の確立と維持
- Secure freedom of negotiation
交渉の自由度の確保
- Worldwide & Speedy
世界共通、迅速性
- A long-term & sustainable
長期的、持続可能



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Thank you
ご清聴ありがとうございました

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