



World Class Standards

**Who needs standards related patent registers
and what should they look like?**

ETSI IPR Database / Dare Project

**EU Commission/ European Patent Office - Conference:
Tensions between Intellectual Property Rights and the ICT standardisation
process: reasons and remedies**

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Need for standards related patent registers?

- ❑ Objective of any standards related patent database is transparency:
 - To create transparency during the elaboration/ creation of the standard for all companies/ participants involved in such process.
 - After publication of the standard to create transparency with regards to declared essential patents for the implementation of the standard.

- ❑ There needs to be a clear definition of the relation between the standards and the patents

The scope of information provided in the database will be defined by the applicable rules of the relevant standard organization (IPR Policy).

ETSI IPR database (1)

- ❑ All information statement and licensing declarations of IPRs received by ETSI are made publicly available via the ETSI IPR database.
- ❑ The ETSI IPR database is closely linked to the main characteristics described in the ETSI IPR Policy, in particular to:
 - The early identification and disclosure of essential IPRs.
 - Ensure the future applicability of the standards in full respect of the rights of the IPR owner by requesting irrevocable FRAND licensing undertaking.
- ❑ The ETSI IPR database reflects the information received; no evaluation with regards to validity or essentiality of the declared IPR is made by ETSI.

ETSI IPR database (2)

- ❑ The intention of the ETSI IPR database is to make the information received available as transparent as possible.
- ❑ Depending on the amount of IPR declarations – requirements for an IPR database differ.
- ❑ All information may be available but due to the amount of data, it may be complex to find it or make use of it.
- ❑ For the past 20 years, ETSI has been exposed to an increasing number of essential IPR declarations which were initially handled manually, then progressively with the aid of ad hoc computerized tools developed by IT specialists.
- ❑ As of November 2010, the ETSI IPR Database contains 24510 entries organized in 111 projects between 160 companies.

DARE Project

IPR DAtabase REstructuring (DARE) project

- ❑ The DARE Project results from a series of ETSI General Assembly decisions since 2005 to improve transparency of the >20.000 declared patents contained in the ETSI IPR database
- ❑ In September 2009 the analysis phase was finalized and the construction phase started.
- ❑ Construction to be finalized end 2010 and migration of the legacy data to be performed. New IPR database system to be in production in March 2011.

How to improve transparency?

Basic considerations:

Change of applied data model

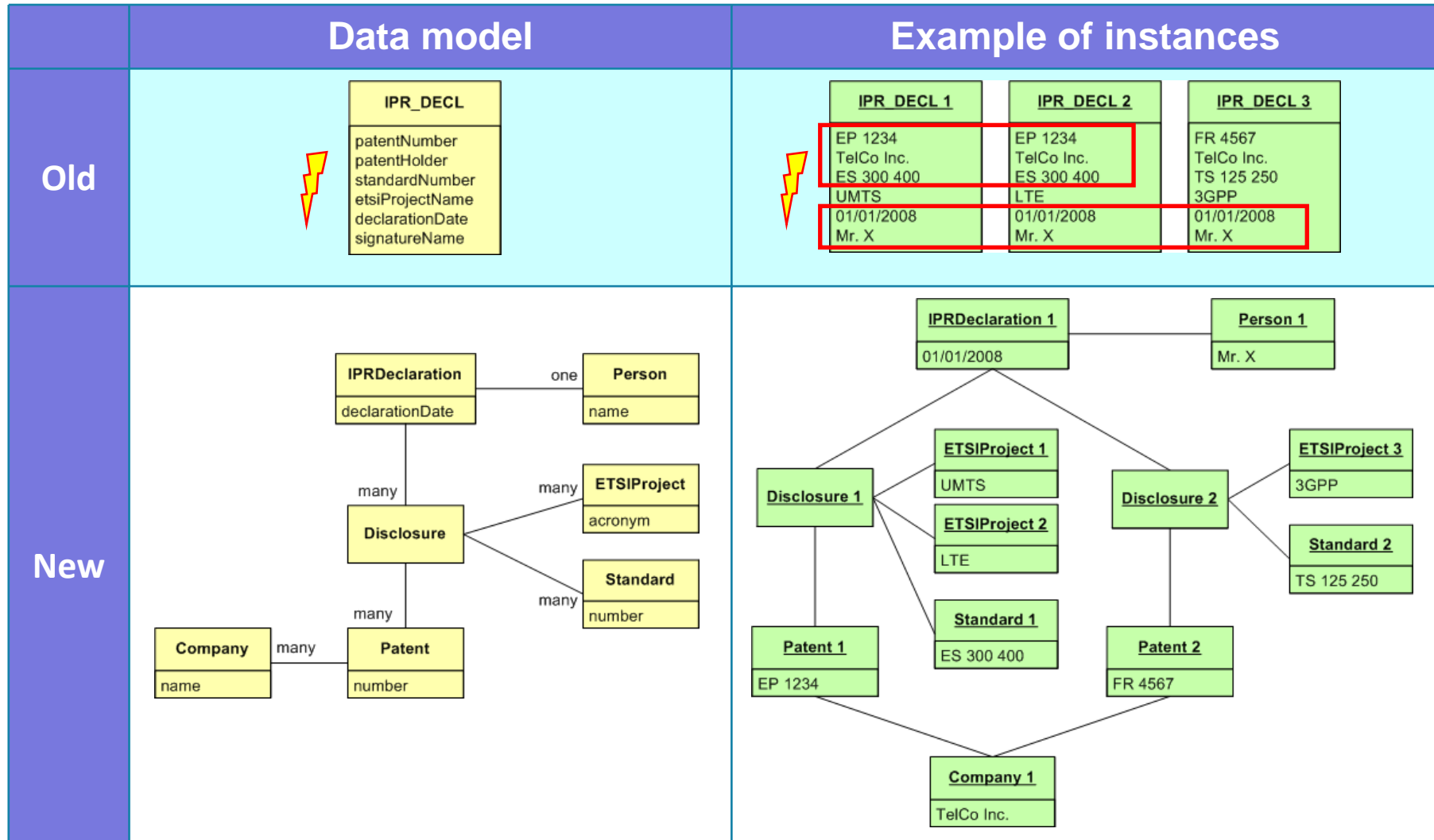
- From a simple declaration based data model
- To a Master Data based model

Make use of Master data references

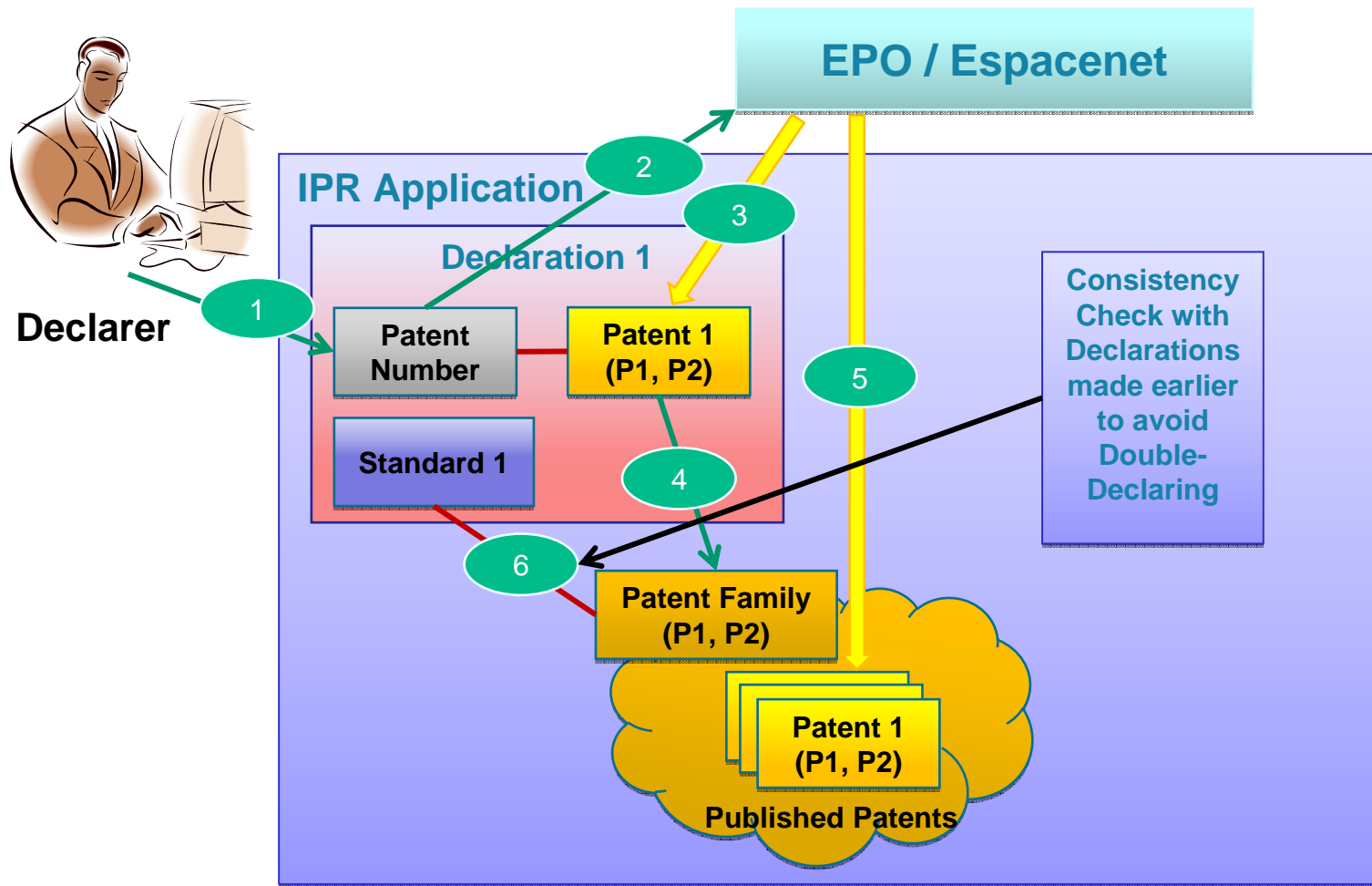
- Each data instances will be “normalized” with a master data reference
- For disclosed patents the master data reference is the database of EPO – Espacenet

Data from Espacenet will be used for normalization of the declared patents and for the automatic creation of the patent family.

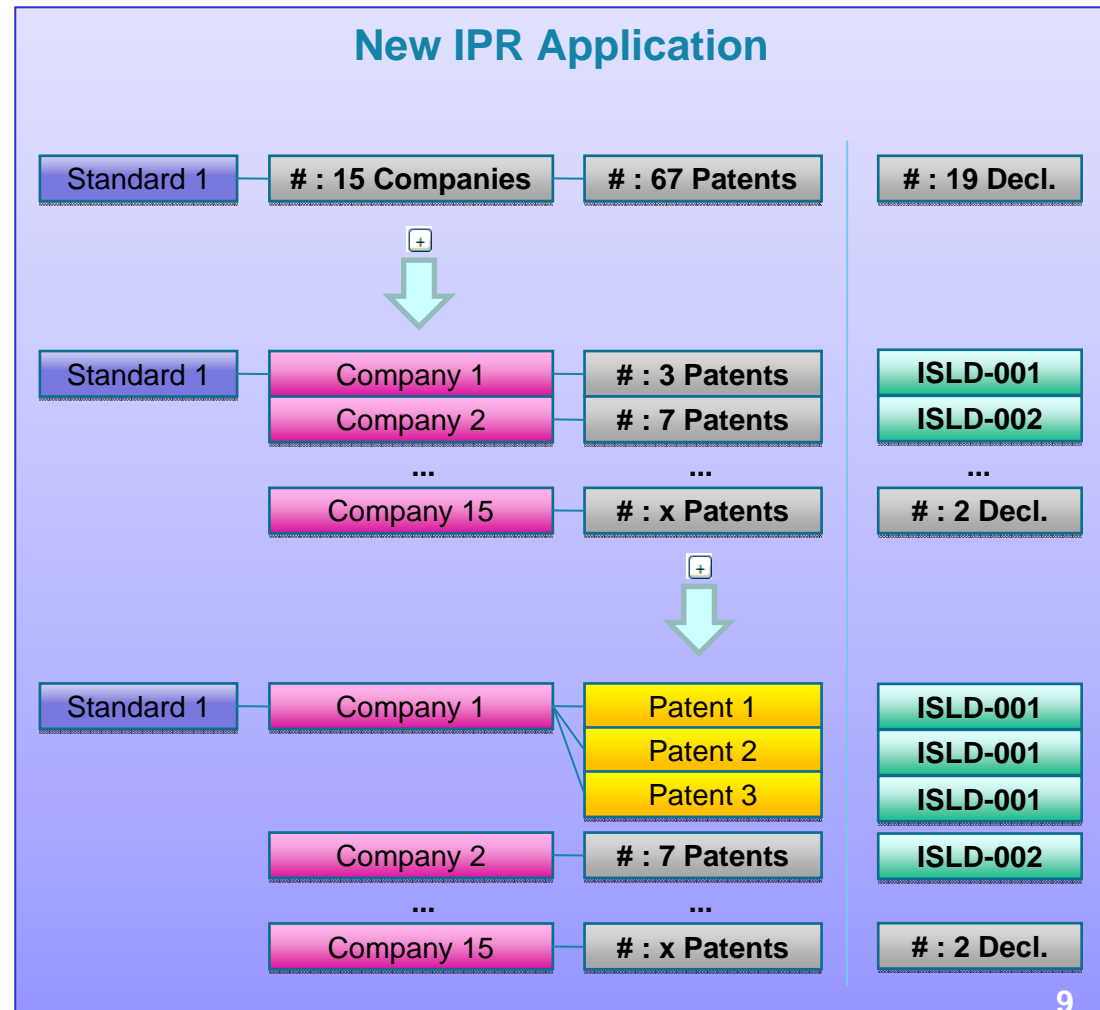
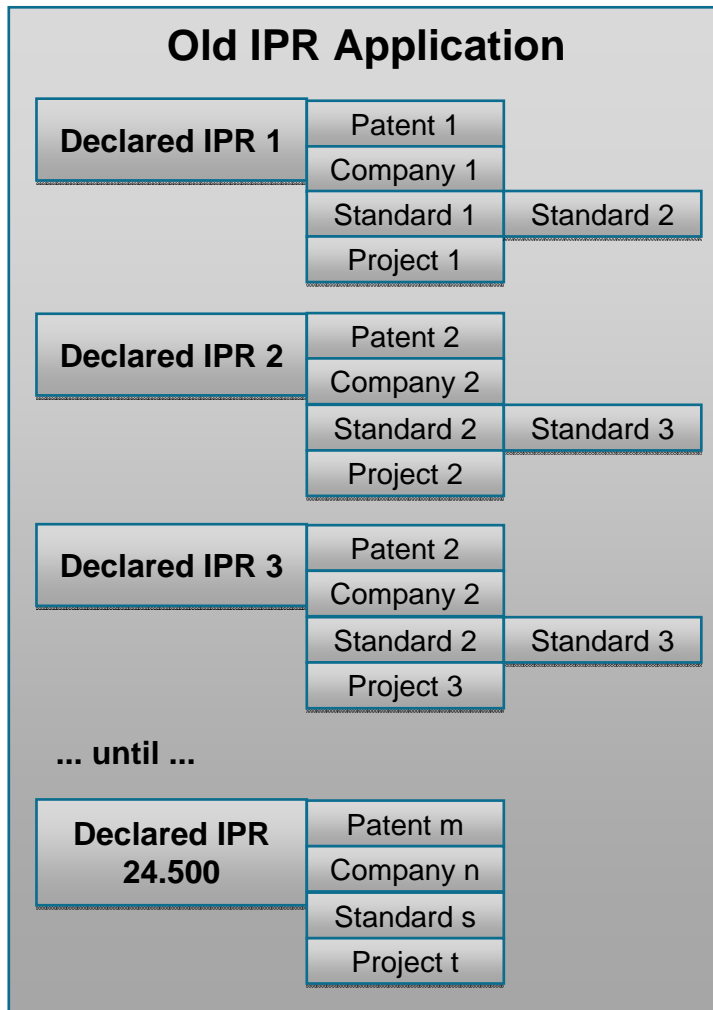
Example for data model



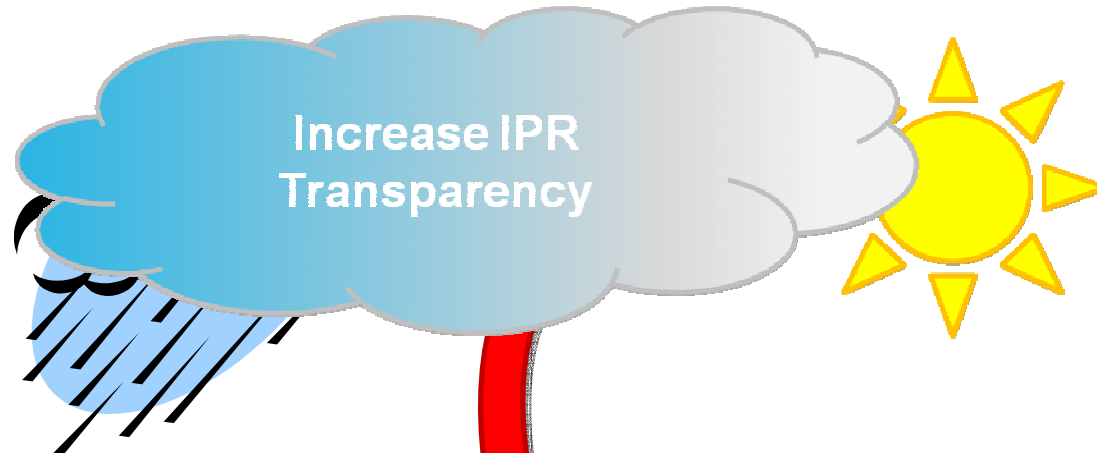
Master Data reference - Patents



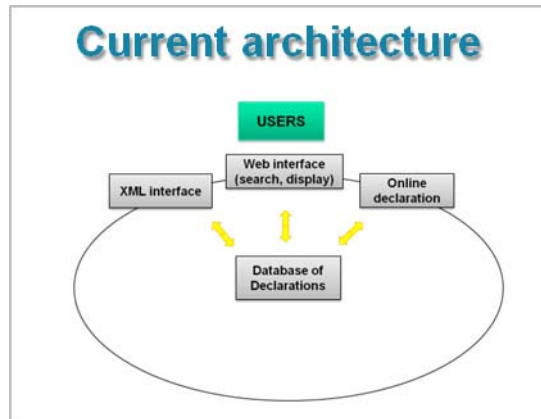
Results in increased Transparency



Overview DARE



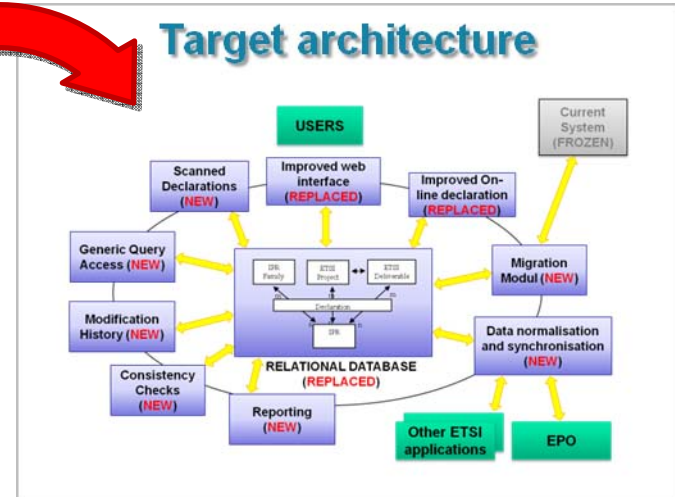
Current architecture



Requirements:

1. Consistent data
2. Normalised numbers
3. Patent families
4. Top-down overview
5. History tracking
6. Scanned forms
7. User SQL queries
8. Revised UI

Target architecture



Link between ETSI – EPO databases

- ❑ **The cooperation between ETSI and EPO with regards to their databases increases transparency.**
 - **EPO provides the relevant information on patents.**
 - **ETSI has knowledge of the existing standards and the declared essential patents relating to these standards based on the information received by the declarants.**
- ❑ **The link between the information from both organizations, helps to provide better information to users, implementers and developers.**

Conclusions

- Depending on the number of patents relevant to a standard, there is a need for a database/register to provide visibility/clarity to users, implementers and developers of standards.
- As the relationship between a standard and a patent/patent family is defined by the IPR regime of a standards body, it suggests itself that the relevant register/ database is provided by the standards body.
- Cooperation between ETSI and EPO for the new ETSI IPR database provides a way to increase the transparency of patents related to ETSI Standards.



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Thank you for your attention

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