



The Hellenic Confederation of Professionals, Craftsmen & Merchants (GSEVEE)

Remarks on the consultation for a modern framework for standardisation involving intellectual property rights (Patents and Standards)

The Hellenic Confederation of Professionals, Craftsmen & Merchants (GSEVEE) was founded in 1919. GSEVEE is a so-called third level, cross-sectoral, employer's organisation across Greece, and one of the major social partners that co-sign the National General Collective Agreement. It constitutes the major and most massive association of Professionals, Craftsmen and Merchants all over the country. GSEVEE is active in promoting and consolidating the professional, economical, cultural and broadly social, interests of small and medium entrepreneurs (SMEs).

GSEVEE welcomes the current consultation on a modern framework for standardisation involving intellectual property rights. In the framework of the consultation draft (Patents and Standards), GSEVEE underlines some crucial points for discussion, in congruence with the aim to efficiently regulate the functions of the internal market.

In that respect, the major points to highlight includes:

- 1) The current framework governing standardization involving patents necessitates a further re-regulation, as regards to issues related to the efficient function of internal market and the protection of SME's from 'dominant position' effects and anti-competitive strategies.
- 2) More specifically, a revised re-regulation from European Commission should take into account cases of standards involving patents, where no further information is provided. The latter case retains risks related to 'dominant position' effects, barriers to entry and a potential jeopardy for an internal market based on competition. In that respect, specific rules should be considered as regards to patents' involved information provision, openness, transparency and notification to provide an efficient market regulation.
- 3) In tandem, a new re-regulation, which will encourage openness and transparency on patents included in standards, will provide a framework to

tackle issues related to the management of technological uncertainty and compliance cost for SME's.

- 4) In addition, it is suggested that a potential re-regulation initiative needs to reconsider the incorporation of FRAND terms' ("Fair, Reasonable, and Non-Discriminatory"), in order to provide a general framework to ensure that standardization will remain efficient and adapted to innovation and competition policies. Moreover, rules protecting SME's (especially those acting as users at the receiving end of the value chain) from anti-competitive strategies using standards comprise technologies that are patent-protected with no explicit notification, should be further strengthened.
- 5) It is further suggested that formal aspects of a potential re-regulation framework should incorporate rules and mechanisms to reduce compliance cost for SME's, as regards to related standardization processes involving patents. For instance, a measure to connect standardization and intellectual property organizations, with the aim to inspect standards involving patents (e.g. standard essential patents), will be certainly in a positive direction.

GSEVEE submits the certain remarks in order to provide information and views from the side of SME's and their interest, as regards to standardisation and intellectual property rights. Under this prism, it should be mentioned that revised regulations should combine efficient performance of standardization and intellectual property systems with innovation and technological development but also efficient internal market functions and competition rules.

Athens, 02/02/2015.

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