

Dear Madame,
dear Sir,

as it is revealed from my business card below, I am an Emeritus Director of the Max Planck Institute for Innovation and Competition, residing in Munich, Germany. In 2011 I published in the German Law Review GRUR International an article titled “Das Regime des European Telecommunications Standards Institute – ETSI: Grundsätze, anwendbares Recht und die Wirkung der ETSI gegenüber abgegebenen Erklärungen“, based on a legal opinion for Nokia Oy, Helsinki, which I am sending you attached. Already at the time when I prepared the legal opinion for Nokia, I found that the EU Commission has not actively assumed responsibilities assigned to it under the ETSI statutes. In view of the doubtful practice of many owners of standard essential patents, the initiative of the Commission, although somewhat late, is to be welcomed. It would be highly appreciated if in the course of Commission’s work a clear interpretation of ETSI’s legal instruments could take place. Already based on an adequate interpretation of the legal framework of ETSI and its application, at least ETSI standard essential patents could be handled in a manner in line with the original intention of the EU Commission, which would greatly contribute to a more balanced practice and less abuse of standard essential patents.

I hope that my publication, although in German language, could contribute to that aim.

Yours sincerely,

Joseph Straus

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Joseph Straus – Das Regime des European Telecommunications Standards Institute – ETSI: Grundsätze, anwendbares Recht und die Wirkung der ETSI gegenüber abgegebenen Erklärungen – GRUR Int 2011, 469.