

DIGITALEUROPE comments on patent transparency in standardisation

Brussels, 13 February 2015

DIGITALEUROPE thanks the European Commission for the opportunity to send comments in response to the public consultation on patents and standards¹. DIGITALEUROPE has decided to focus its response on the issue on patent transparency in standardisation, which corresponds to questions 3.1.1 to questions 3.5.2 in section 3 of the consultation².

DIGITALEUROPE members participate regularly to standardisation activities in Europe or in other jurisdictions and have thus first-hand experience with the IP policies of a wide variety of standard development organisations (SDOs). Generally, SDOs include obligations relating to patent disclosure, to licensing declarations, or to both.

The patent disclosure obligations vary from one SDO to another, and may be limited to situations when a member is participating in a specific standardisation working group or technical committee activity. Furthermore disclosure of patents or scope of that disclosure may depend on the actual knowledge of a participant and/or on the availability of the patent holder's FRAND licensing commitment with regard to the patent in question.

As a consequence of this diversity, DIGITALEUROPE believes that any recommendations regarding disclosure obligations relating to patent transparency in standardisation be assessed within each relevant SDO to correctly take into account the unique needs of the SDO, its members and the particular sector they operate in. Furthermore DIGITALEUROPE recommends to assess the merits of any transparency mechanisms in light of how the information provided will be used in practice and whether the benefits of the mechanism outweighs the related costs.

DIGITALEUROPE and its members remain committed to cooperate and contribute on these important topics of patents and standardisation. At this point in time DIGITALEUROPE refrains from responding to other topics than those addressed in questions 3.1.1 to 3.5.2 in section 3 of the consultation. This fact however does not represent a view that such topics are less important for DIGITALEUROPE members. DIGITALEUROPE members might respond to any topic of the consultation.

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1 http://ec.europa.eu/enterprise/policies/industrial-competitiveness/industrial-policy/intellectual-property-rights/patents-standards/public-consultation/index_en.htm

2 <http://ec.europa.eu/DocsRoom/documents/7129/attachments/1/translations/en/renditions/native>

ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 58 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: <http://www.digitaleurope.org>

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