

Tension between patents and standards

FRAND and Arbitration

What's Up in IP Arbitration?

Paris Arbitration Week

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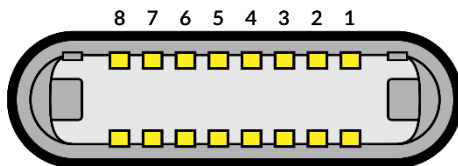
Patent: exclusive right



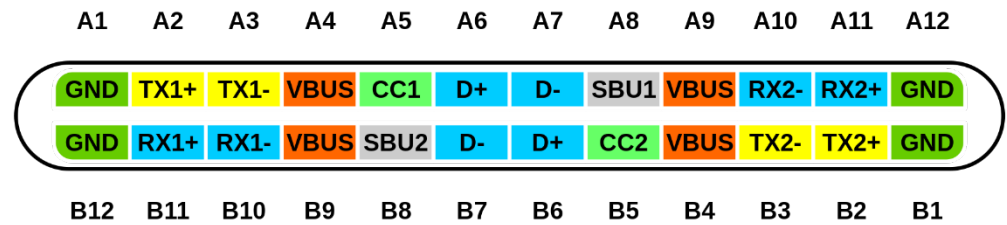
Standard: established norm

Directive (EU) 2022/2380
23 November 2022:

By the end of 2024, all mobile phones, tablets and cameras sold in the EU will have to be equipped with a USB Type-C charging port.



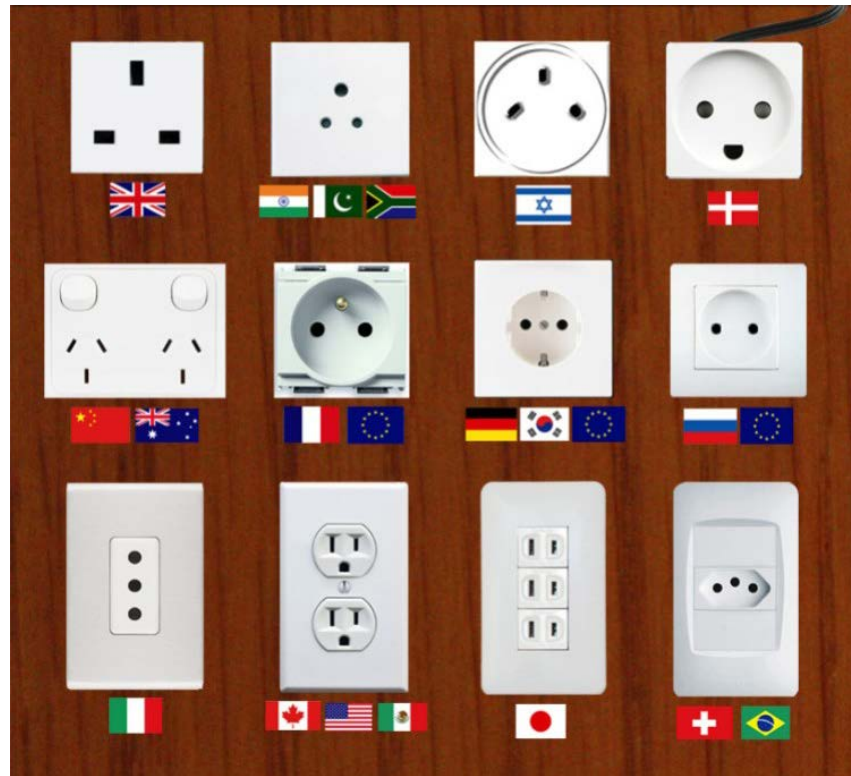
iPhone Lightning



USB Type-C

Tension between standards and patents

Tension can lead to conflicts when the technical content of a standard falls within the scope of a patent





Patent ambush



Patent holdup

How to solve the tension between patents and standards?

Standard setting organizations require patent holders

- To disclose potentially essential patents
(Standard Essential Patents **SEP**)
(avoids patent ambush)
- To subscribe a **FRAND** licensing declaration
(Fair, Reasonable And Non-Discriminatory)
(avoids patent holdup)



Determining the terms of a FRAND license
is another story...

Pierre Véron

Thank you



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