

Call for Papers

Florence Seminar on Standard-Essential Patents

6 - 7 October 2022

Venue: Theatre - Badia Fiesolana, Via dei Roccettini 9 - San Domenico di Fiesole (Fiesole, Florence)

The [European University Institute](#) (EUI) jointly with the [Max-Planck Institute for Innovation and Competition](#) (MPI-IC) invite submissions to their scientific seminar on 'Standard-Essential Patents'. The Seminar takes place within the [Florence Competition Program](#) (FCP) and the ongoing project '[Innovation and Intellectual Property in the Digital Age](#)' of the [Florence School of Regulation - Communications & Media Area](#) (FSR C&M).

Introduction

The digital economy relies on coordinated efforts by industry participants to set information communication technology (ICT) standards through Standard-Development Organisations (SDOs) to better meet consumers' demand for interoperability, connectivity and innovation in a timely fashion. The diffusion of global standards such as 5G, Wi-Fi 6 and HEVC drives economic growth and prosperity by enabling the Internet of Things and the Fourth Industrial Revolution. However, as ICT standards become general-purpose technologies and cross the boundaries of traditional computer and telecommunications verticals, tensions arise regarding the licensing of patents declared as essential for their implementation (i.e., standard-essential patents, SEPs).

Under the Fair, Reasonable and Non-Discriminatory (FRAND), or similar, licensing commitments before SDOs, SEP-holders, which are usually longstanding contributors to standardisation, seek remuneration from SEP implementers, which in contrast are often newcomers to FRAND licensing. Implementers resist such licensing demands with the patent hold-up argument, namely that SEP holders request higher than FRAND compensation for their SEPs also thanks to opportunistic patent litigation. SEP holders counter with the patent hold-out assertion claiming that bad faith implementers strategically avoid taking FRAND licenses and efficiently infringe SEPs. As a result of the opposing stances, commercial disputes end up before the patent courts and competition authorities around the world. Recent notable cases include *Unwired Planet/Conversant v Huawei* (UK Supreme Court 2020), *Sisvel v Haier* (German Federal Supreme Court 2020), *Qualcomm v FTC* (US Court of Appeal for the Ninth Circuit 2020) and *Oppo v Sharp* (Chinese Supreme People's Court 2021).

Several regulatory developments have also recently emerged in Europe and beyond. In June 2021, Germany, one of the most popular SEP litigation venues worldwide for its bifurcated patent infringement and validity proceedings, amended Section 139 of its Patent Act limiting the availability of injunctive relief in exceptional circumstances when such a remedy would be disproportionate. At the EU level, the European Commission, after considering SEP issues in its 2017 SEP Communication, 2020 IP Action Plan and 2021 SEP Expert Group Report, disclosed a regulatory initiative to improve the SEP licensing framework by the end of 2022. Similarly, the UK Intellectual Property Office invited views by 1 March 2022 on the functioning of the SEP ecosystem to assess whether it requires government intervention.

Finally, the US Department of Justice, Patent and Trademark Office and National Institute of Standards and Technology welcomed comments by 4 February 2022 on their draft policy statement on SEPs that steers away from the New Madison Approach of the Trump administration. In line with the recently inaugurated EU-US Trade and Technology Council and EU-US Joint Technology Competition Policy Dialogue, the advanced US policy on SEPs converges to a significant extent with the EU one.

Against this background, the Florence Seminar on Standard-Essential Patents welcomes unpublished papers from lawyers and economists on the licensing and litigation of SEPs both theoretically and empirically oriented. Suggested areas comprise:

- FRAND royalty rate calculation (e.g., transparency, entire-market value rule vs smallest saleable patent-practising unit, how to set a FRAND royalty rate in new IoT verticals);
- Multi-party SEP licensing solutions (e.g., cross-licensing, patent pools, defensive patent aggregators and licensing-negotiation groups);
- Patent exhaustion and FRAND licensing across IoT verticals;
- SEP infringement and remedies;
- Jurisdictional issues of SEP disputes (e.g., applicable law, anti-suit injunctions, national judgments on global FRAND licenses);
- FRAND alternative dispute resolution mechanisms;
- Market definition and market power vis-à-vis SEPs;
- Unilateral and multilateral antitrust issues of SEP licensing and litigation.

Programme: The goal of the [Florence Seminar on Standard-Essential Patents](#) is to stimulate an in-depth discussion of approximately 14-16 selected academic papers with particular emphasis on the societal impact of the research findings. Each paper will be allocated 40 minutes divided between 20 minutes author's presentation, 10 minutes discussion by a pre-assigned fellow participant and 10 minutes for questions from invited attendees.

Submission process: Please submit extended abstracts or full papers **by 31 May 2022**. Acceptance notifications will be sent by **mid-June 2022**. Final paper versions of the selected submissions are due by **18 September 2022**.

[Call for papers](#)

Keynote speaker: Michael A. Carrier | Rutgers Law School

Scientific committee:

- **Marco Botta** | EUI
- **Ginevra Bruzzone** | Luiss School of European Political Economy
- **Beatriz Conde Gallego** | MPI-IC
- **Josef Drexl** | MPI-IC
- **Lapo Filistrucchi** | EUI - University of Florence
- **Igor Nikolic** | EUI
- **Pier Luigi Parcu** | EUI
- **Nicolas Petit** | EUI
- **Maria Alessandra Rossi** | University of Chieti Pescara

Organising committee:

- **Chiara Carrozza** | EUI
- **Niccolò Galli** | EUI

Costs: The cost of participating in the seminar is EUR 150, including shuttle buses between the city centre and the EUI campus, an evening social event as well as meals and refreshments during the event. Participants bear their travel and accommodation costs. For information about accommodation facilities and logistics issues, please write to Elisabetta Spagnoli at compreg.secretariat@eui.eu

Contacts: For further information about submissions and the programme please contact niccolo.galli@eui.eu.