

IPO launches call for views on Standard Essential Patents (SEPs)

A patent that protects technology which is essential to implementing a standard is known as a standard essential patent (SEP). Without using the methods or devices protected by these SEPs, it is difficult for a manufacturer (or 'implementer' of the standard) to create standard compliant products, such as smartphones or tablets.

Standards and patents can span across multiple disciplines and sectors. Access to such patented technology on fair, reasonable and non-discriminatory (FRAND) terms for both the SEP holder and implementer (the business using it) is essential to ensure the market functions effectively.

The rise in the use of wireless technologies (3G, 4G and 5G) in telecommunications and the automotive industry (for example, in navigation systems), has seen greater interest in the licensing of patents and use of standards. In many emerging and high-growth markets, such as the Internet of Things (IoT) and AI, products from different manufacturers need to be able to seamlessly 'talk to' each other to provide functionality for the consumer. In some cases, meeting these technical standards will require the use of specific technologies protected by SEPs.

We recognise that overcoming some of the challenges may require global collaboration to reflect the fact that business is global, and business does not operate in isolation.

The purpose of the call for views is to better understand how the current SEPs framework encourages innovation and promotes competition.

The call for views will gather a wide range of evidence on the following:

- the link between SEPs, innovation and competition and how these elements interrelate with each other
- the functioning of the market, and whether there is an imbalance between the licensor and licensee
- transparency in the SEPs ecosystem
- the efficiency of SEPs licensing, functioning of the patent framework and FRAND litigation

The IPO's Chief Executive Tim Moss said:

The Innovation Strategy sets out the government's long-term plan for delivering innovation-led growth, in which SEPs play an important role. We want to ensure the UK's framework remains robust and continues to be regarded as one of the best in the world, while keeping pace with global developments and challenges around SEPs and FRAND licensing.

The call for views will enable us to hear a broad range of views around the challenges faced by industry. It will help us better understand how our IP framework supports the SEPs ecosystem, while ensuring a fair balance is achieved between all entities involved, and the maximum benefit to UK innovation.

The call for views will run for 12 weeks, closing on 1 March at 23:45. After it closes, the government will assess the responses it receives and publish a summary of responses. These responses will inform the government's decision on any next steps and action that may be required.

You can respond to the [call for views](#) via the document published on GOV.UK.

Note to editors:

[The UK's Innovation Strategy](#), launched in July 2021, is the starting point for the government's long-term vision of how the UK will cement its role as a global leader in innovation and deliver the target of research and development (R&D) investment at 2.4% of GDP. [This strategy recognises a strong IP system](#) creates the confidence on which this long-term and sustainable success is built.