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# Presentation on Standard Essential Patent (SEP) Policy experiences in the United Kingdom

## WIPO SCP 36 - Transfer of Technology Session

Lizzie Wilson, Senior IP Attaché, Intellectual Property Office of the United Kingdom

# Background

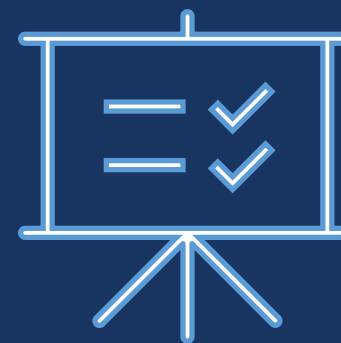
- In late 2021, the UK IPO undertook a call for views on standard essential patents and innovation to gather evidence on whether the ecosystem around SEPs is functioning efficiently and effectively and strikes the right balance for all entities involved.
- A Government Summary of Responses to the call for views was published in August 2022 and noted strong views on the issues with the current SEPs ecosystem, but there was little consensus on the role of government intervention to resolve the issues.
- A further targeted SME questionnaire was launched in March 2023 to address evidence gaps which informed the UK IPO of the challenges SMEs faced when licensing SEPs.
- The UK IPO continued to engaging industry and international partners thereafter to shape its policy development and future objectives.

## 2024 policy developments:

- After a period of evidence analysis and evaluation, the IPO agreed its policy findings and direction going forwards with UK Ministers at the end of 2023.
- In February 2024, the UK IPO published its 2024 SEPs Forward look that included key objectives around its work, and how it would take forward non-regulatory interventions before considering the introduction of a technical consultation at a later point.
- The IPO in its forward look, also clarified its policy position that it would not be consulting on making legislative changes to narrow the use of injunctions in SEPs disputes.

# The key SEP policy objectives for the UK

1. Introduce measures to help implementers, especially SMEs, navigate and better understand the SEPs ecosystem and Fair Reasonable and Non-Discriminatory (FRAND) licensing
2. Look at ways of improving transparency in the ecosystem, both pricing and essentiality
3. Identify way of achieving greater efficiency in respect of dispute resolution, including arbitration and mediation



# Key non-regulatory interventions introduced

## 1. UK SEP Resource Hub

- The IPO's SEP Resource Hub was launched on Monday 22 July 2024.
- The Hub aims to help UK businesses, SMEs in particular, improve their understanding of the SEPs ecosystem and thereby address information asymmetries between parties. It provides information on:
  - ❖ Guidance on Technical Standards and Standard Development Organisations
  - ❖ Guidance on Standard Essential Patent Licensing
  - ❖ Guidance on Dispute resolution and remedies in SEP Licensing
  - ❖ Additional resources including a UK SEPs case law tracker, glossary of terms and international SEPs-specific resources which may be useful to UK businesses trying to navigate the SEPs ecosystem.
- The Hub has been developed by the IPO with the collaboration of a Technical Industry Working Group. This group comprises of a broad range of experts, including industry, trade representatives, SEP implementers, SEP holders, start-up and scale-up businesses, government agencies, research institutions and academia.

# Key non-regulatory interventions continued

## 2. International collaboration and enhanced engagement with Standard Development Organisations (SDOs)

- The UK recognises that SEPs are a global issue, and our ambition is for more coordination on these issues at an international level.
- The IPO has increased in the pace and visibility of our discussions with other patent offices and governments on the global ecosystem challenges to find ways of working collaboratively as appropriate, to help shape its domestic policy on SEPs.
- The UK is also increasing its engagement with SDOs on both Intellectual Property Rights (IPR) policy and the involvement of SMEs in standardisation. This involves membership at the European Telecommunication Standards Institute (ETSI) and have joined IEEE's Government Engagement Programme.

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