

International Developments relating to SEPs: An overview

Nina Belbl¹

Abstract

This article provides a non-exhaustive overview of recent international developments in the area of standards essential patents (SEPs), whereby it focuses on policy developments and excludes SEP case law matters from its scope. Against the background of the growing economic relevance of standardized technologies, it examines a selection of national, regional and international policy, institutional and procedural initiatives concerning SEPs. It includes SEP policy developments in Brazil, China, Japan, the United Kingdom and the United States, as well as regional initiatives in Europe. As to developments relating to SEPs and IGOs with a global membership, the article mainly concentrates on WIPO's SEP Strategy and implementing projects while briefly touching upon the WTO and the World Bank Group. Without advocating for a particular approach, the article identifies recurring themes across initiatives.

Keywords: SEPs, Technology Standards, FRAND, RAND, SEP Policy.

Resumo

Este artículo ofrece una visión general no exhaustiva de los desarrollos internacionales recientes en el ámbito de las patentes esenciales para estándares (SEP), centrándose en los desarrollos en materia de políticas y excluyendo de su alcance las cuestiones relativas a la jurisprudencia en materia de SEP. En el contexto de la creciente relevancia económica de las tecnologías estandarizadas, el artículo examina una selección de iniciativas nacionales, regionales e internacionales en materia de políticas, así como iniciativas institucionales y procedimentales relacionadas con las SEP. Incluye desarrollos en materia de políticas sobre SEP en Brasil, China, Japón, el Reino Unido y los Estados Unidos, así como iniciativas regionales en Europa. En cuanto a los desarrollos relativos a las SEP y las organizaciones intergubernamentales (OIG) de membresía global, el artículo se concentra principalmente en la Estrategia sobre SEP de la OMPI y en sus proyectos de implementación, al tiempo que aborda brevemente la OMC y el Grupo Banco Mundial. Sin abogar por un enfoque particular, el artículo identifica temas recurrentes entre las distintas iniciativas.

Palabras clave: SEP, estándares tecnológicos, FRAND, RAND, políticas sobre SEP.

1. Doktor der Rechte (Dr. iur), Albert-Ludwigs-Universität Freiburg, Germany. Currently works as Legal Officer at WIPO. The views expressed herein are those of the author and do not necessarily reflect the views of the World Intellectual Property Organization (WIPO). The content of the article is the responsibility of the author. ORCID: <https://orcid.org/0009-0001-2644-5820>. Email: nina.belbl@wipo.int

[Recebido/Received; Aceito/Accepted; Publicado/Published: 06/07/2026]

DOI: <https://doi.org/10.18256/2238-0604.2026.v22i.5371>

Resumo

Este artigo oferece uma visão geral não exaustiva dos recentes desenvolvimentos internacionais na área de patentes essenciais para padrões (SEPs), com foco em políticas e excluindo jurisprudência sobre SEPs. Considerando a crescente relevância econômica das tecnologias padronizadas, o artigo examina uma seleção de iniciativas políticas, institucionais e processuais nacionais, regionais e internacionais relacionadas a SEPs. Inclui o desenvolvimento de políticas de SEPs no Brasil, China, Japão, Reino Unido e Estados Unidos, bem como iniciativas regionais na Europa. Em relação aos desenvolvimentos envolvendo SEPs e organizações intergovernamentais (OIGs) com membros globais, o artigo concentra-se principalmente na Estratégia de SEPs da Organização Mundial da Propriedade Intelectual e em seus projetos de implementação, abordando brevemente a Organização Mundial do Comércio e o Grupo do Banco Mundial. Sem defender uma abordagem específica, o artigo identifica temas recorrentes entre as iniciativas.

Palavras-chave: SEP, Padrões de Tecnologia, FRAND, RAND, Política de SEPs.

1 Introduction

Standard essential patents (SEPs) are patents that “read” on a technology standard; in practical terms, the patented solution generally must be used by a standard-compliant product. Standards such as 5G, WiFi and video coding technologies are embedded in everyday products and services, from phone calls and movie streaming to smartphone connectivity in cars and card payments. Standardization through Standards Development Organizations (SDOs) such as ETSI², ITU³ or IEEE⁴ can be seen as a major enabler of interoperability, scale and innovation. The telecommunications sector illustrates this development well: whereas, in the 1990s and early 2000s, a traveler between Europe and the United States of America could not necessarily rely on the same handset because different mobile technologies and frequency bands were used, the development of GSM and the subsequent creation of 3GPP⁵ fostering the technology development from 3G to 5G have supported a far more connected environment. Today, consumers no longer worry about interoperability and crossing borders but can use for example, connected vehicles, and smart city infrastructure. Their choice can focus on price or features such as design or camera quality rather than basic cross-border compatibility. For successful de iure standardization, it is necessary to keep a balance between incentives for innovators that contribute technical solutions to a standard and implementers that use the standard in products and services.⁶ To support that balance and mitigate potential competition law⁷ issues, many SDO IPR policies include, alongside declarations of potential SEPs, a commitment by SEP holders to license their SEPs on (F)RAND⁸ terms. FRAND licensing seeks to accommodate both technology contributors and implementers by requiring access to SEPs on fair, reasonable and non-discriminatory terms, thereby aiming to limit the risks commonly discussed as “hold-up” and “hold-out.”

2. ETSI, About ETSI.

3. ITU, About ITU.

4. IEEE Standards Association, About IEEE SA.

5. 3GPP, About 3GPP.

6. See generally WIPO, Standard Essential Patents.

7. For competition-law aspects in the SEP context, see, e.g., SAMR, Anti-Monopoly Guidelines for Standard Essential Patents, and CMA, Draft guidance on technology transfer agreements.

8. (F)RAND refers to fair, reasonable and non-discriminatory or reasonable and non-discriminatory licensing terms.

SDO IPR policies usually define FRAND only at a high level. Its practical meaning may vary depending on the relevant SDO policy, the legal characterization of the FRAND undertaking, applicable competition and contract law, party conduct, valuation methods, use cases and other case-specific circumstances. While SEPs and FRAND have long been addressed in litigation and policy discussions, the debate has expanded across more jurisdictions and institutions. This reflects, among other factors, the global nature of standards and product markets, the territorial nature of patent rights, and the spread of connected technologies beyond telecommunications into sectors such as automotive, consumer electronics, industrial equipment, health technologies and other IoT applications. It also reflects the growing number and variety of actors involved in SEP licensing, including SMEs and additional jurisdictions in standardization-related disputes. These developments have given rise to a range of national, regional and global initiatives.

This article provides a non-exhaustive overview of recent developments in the evolving SEP landscape. It focuses primarily on policy, institutional and procedural initiatives, while referring to enforcement trends only at a high level where relevant. It does not seek to advocate a specific solution and therefore remains descriptive. Following this introduction, the article reviews selected national and regional developments, then turns to international developments and concludes with comparative observations on recurring themes.

2 National developments

A number of countries have considered SEPs and FRAND on a policy level, including Brazil, China, Japan, the United Kingdom, and the United States of America.

2.1 Brazil

Brazil has recently started to look into SEP matters from an institutional perspective, while it has been recurrently included in SEP litigation. In July 2025, the Ministry of Justice and Public Security Administrative Council for Economic Defense (*Conselho Administrativo de Defesa Econômica* (CADE)) has issued a study with regard to SEPs. The Study gives a comprehensive overview, including information on FRAND licensing and royalty determination, SDOs, Competition law considerations regarding SEPs. As well as an overview of policies related to SEPs and a case survey.⁹

2.2 China

In the last years, several authorities such as the State Administration for Market Regulation (SAMR), the China National Intellectual Property Administration (CNIPA), and the Ministry of Industry and Information Technology (MIIT) have considered SEPs and FRAND from a policy perspective.

One area of activity of SAMR in the SEP context relates to competition law and patent pools. After establishing a “Three Notice and one Letter” System in 2023¹⁰ and issuing a “reminder and urging letter” in June 2024,¹¹ SAMR issued the *Anti-Monopoly Guidelines for Standard Essential*

9. CADE, Contribuições do Cade: Patentes Essenciais, July 2025.

10. SAMR, Notice on Establishing the Anti-Monopoly “Three Letters and One Notice” System, 2023.

11. SAMR, Reminder and Urging Letter to Avanci Concerning Monopoly Risks in Patent Pool Licensing, June 27, 2024.

Patents as a non-binding framework for the assessment of conduct relating to SEPs that may raise competition law concerns in In November 2024. They include, amongst others, guidance on the disclosure of information, on the FRAND undertaking and good faith negotiations, on situations that can constitute an abuse of dominance such as unfairly high royalty demands, as well as provisions relating to monopoly agreements. In the latter context, Article 10 touches upon patent pools, noting that those can reduce transactions cost but may need specific consideration of competition law. Only six months later, CNIPA, MIIT, and SAMR jointly released the *Work Guidelines on Patent Pool Establishment and Operation* that give guidance for the establishment, management, and operation of patent pools in China. In this regard, the Guidelines also address the management and operation of SEP patent pools and specifically encourage transparency measures, including the disclosure of claim charts and essentiality-checks for SEPs included in patent pools.

As to patent applications and the interaction with technology standards, in March 2026, CNIPA published *Guidelines for Patent Applications Involving Standards*. Broadly speaking, these Guidelines aim to guide the drafting of standard related patent applications and align patent filing strategies with the standardization process and in this way seek to enhance the quality of standard-related patent applications and consequently support the high quality SEP portfolios.¹²

2.3 Japan

In Japan the Japan Patent Office (JPO), the Ministry of Economy, Trade and Industry (METI), and the Tokyo High Court have issued guidance around SEPs.

The JPO has structured information through their Standard Essential Patents Portal Site.¹³ Here it features the second edition of its *Guide to Licensing Negotiations Involving Standard Essential Patents*, published in June 2022. As set out in the sections on the purpose and nature of the Guide, the publication aims to enhance transparency and predictability in SEP licensing negotiations and to help prevent or resolve disputes between rights holders and implementers. It is non-binding and non-prescriptive, summarizing relevant case law, competition authority decisions, and licensing practices, while offering practical guidance on good-faith negotiations and factors relevant to reasonable royalties. Additionally, the Standard Essential Patents Portal Site provides access to studies that the JPO has carried out of domestic and overseas developments about SEPs. Further, the “Hantei” system is featured as a neutral advisory opinion mechanism that, in the SEP area, can assist parties particularly in determining whether a patented invention is essential to a standard. The JPO clarified the use of this system for SEP essentiality checks through a dedicated manual.¹⁴

In addition to the JPO, METI has published Good Faith Negotiation Guidelines for Standard Essential Patent Licenses in March 2022. The Guidelines were developed following discussions in METI’s Study Group on Licensing Environment of Standard Essential Patents and respond to the growing complexity of cross-industry SEP licensing. They intend to provide norms for good faith licensing negotiations for SEP holders and implementers and to improve transparency and predictability of the negotiations.¹⁵ As differentiation to the JPO Guide, METI

12. CNIPA, Intellectual Property News, March 20, 2026.

13. JPO, Standard Essential Patents Portal Site.

14. JPO, Manual of the “Hantei” (Advisory Opinion) Essentiality Check, rev. June 2019.

15. METI, Good Faith Negotiation Guidelines for Standard Essential Patent Licenses, Section 1-2.

indicates that while both documents are not legally binding and do not prejudice future judicial rulings, the Guidelines set out government-provided norms of good-faith negotiation conduct, whereas the JPO Guide is not framed as norms but objectively summarizes SEP licensing issues based on domestic and foreign developments.¹⁶

In early 2026, the Tokyo District Court released *Guidelines for Litigation on Infringement of Patent Rights Based on SEPs* (Litigation Guidelines) and *Guidelines for SEP Judicial Mediation* (SEPJM Guidelines). The Litigation Guidelines set a framework for case management of SEPs before the Tokyo District Court and include early settlement recommendations and efficient handling of infringement, validity, and abuse-of-rights issues. The SEPJM Guidelines, by contrast, are dedicated to a court-led mediation route for SEP/FRAND disputes focused on structured negotiations toward global FRAND royalties. Since May 2026, following amendments to the Civil Mediation Act, mediation can be initiated unilaterally.¹⁷

2.4 United Kingdom

The UK Intellectual Property Office (UKIPO) has been actively involved in SEP and FRAND policy in recent years.

As a non-regulatory measure, the UKIPO launched the SEPs Resource Hub in July 2024 as an educational resource aiming to help UK businesses through guidance and signposting to navigate the SEP ecosystem. The UKIPO Resource Hub includes explanation on standards and SDOs, licensing of SEPs, dispute resolution (litigation and alternative dispute resolution) and remedies in SEPs licensing, as well as additional resources such as UK SEPs Case law and references to developments outside of the UKIPO.¹⁸ Further, the UKIPO emphasizes the global nature of standards and increased collaboration efforts with other IP Offices in the area of SEPs, which has resulted in the establishment of the Intergovernmental SEP Network (ISN) as a discussion forum. As additional current non-regulatory measure, the UKIPO indicates enhanced engagement with SDOs, with the objective to shape their IPR policies and expresses interest in the possibility of data sharing arrangements.¹⁹

Additionally, there are activities that may potentially lead to regulatory developments. After an evidence gathering phase from 2021 assessing whether the current SEP ecosystem effectively supports innovation and competition in the UK market, the UKIPO has identified issues such as the lack of transparency around SEP pricing, asymmetric information concerning SEP licensing, the essentiality of patents in technical standards and a growing and complex litigious environment. Subsequently, a public consultation between July and October 2025 invited stakeholders to give feedback on potential measures to address the issues, identified by the UKIPO.²⁰ The consultation grouped potential measures into two parts. Part 1 concerns “potential measures to improve efficiency and transparency in SEP licensing” and consults on a rate determination track and searchable standard related patent information. Part 2 introduces other potential measures, namely it assesses the need for a Specialist SEP Pre-Action Protocol, market provision of essentiality checking services, and measures on remedies and dispute resolution as well as alternative dispute resolution. To date the UKIPO has not yet announced measures based on the consultation.

16. METI, Difference between METI’s Guidelines and the JPO’s Guide.

17. Tokyo District Court, Guidelines for Patent Infringement Lawsuits Involving Standard Essential Patents; Tokyo District Court, Guidelines for Standard Essential Patents Judicial Mediation (SEPJM).

18. UKIPO, SEPs Resource Hub.

19. UKIPO, Consultation on Standard Essential Patents, Part 2.

20. UKIPO, Consultation on Standard Essential Patents, July 2025.

Further, the Competition and Market Authority (CMA) has consulted on draft guidance on the *application of the Chapter I prohibition in the Competition Act 1998* to technology transfer agreements. As to patent pools, the CMA consolidation document notes that it may facilitate the dissemination of technology and reduce transaction costs but can also raise competition concerns. Particularly, technology pools should provide effective and proportionate transparency measures and the methodology used to conduct essentiality assessments should be disclosed in an effective, reasonable and proportionate manner to existing and potential licensees.²¹ As to LNGs, the CMA considers it at this time not appropriate to include specific guidance on LNGs but rather assess on a case-by-case basis since LNGs have emerged only recently and seem to be not operative in the UK. Should there be increased market practice, CMA may revisit this question.²²

2.5 USA

In the United States, the policy position on SEPs has evolved in recent years.

In June 2022, the U.S. Department of Justice (DOJ), the U.S. Patent and Trademark Office (USPTO) and the National Institute of Standards and Technology (NIST) withdrew the 2019 Policy Statement on remedies for standards-essential patents subject to voluntary F/RAND commitments. They also announced that they would not finalize the 2021 draft policy statement intended to revise the 2019 position and clarified that the withdrawal did not reinstate the 2013 statement.²³

More recently, policy activity has resumed in a different form. In December 2025, the USPTO announced the launch of a SEP Working Group building upon the recent USPTO engagement on remedies and enforcement. The SEP Working Group is announced as cross functional team that reports directly to the USPTO Director and according to the announcement text it is aimed as a “counter to the erosion of patent holders’ rights and ensure that American inventors – whether they work for Fortune 500 companies, small startups, universities, or in their own garages – can obtain meaningful protection for their breakthroughs”. Namely, the three core objectives concern (1) the restoration of robust remedies for patent holders of valid patents including SEPs, (2) the facilitation of meaningful participation in SDOs (particularly by US SMEs) and (3) the engagement of stakeholders and the promotion of transparency across the innovation ecosystem. As a first initiative relating to the facilitation of a meaningful participation in SDOs, the *Standards Participation and Representation Kudos (SPARK) Pilot Program* was implemented in June 2026 and is intended to run until June 2027, whereby the USPTO has discretion to terminate the program earlier and has limited the program to a total of 200 petitions. Under that program, eligible applicants can request expedited examination of certain patent applications or ex parte appeals before the Patent Trial and Appeal Board (PTAB). Amongst other requirements, the applicant needs to be a juristic entity, domiciled in the United States or its territories and must certify that it is a small business concern or a nonprofit organization (including a university or other institution of higher education) and that it qualifies as a small entity under 37 CFR 1.27 at the time of filing the petition under the program. Further, applicants need to show that they meaningfully participated in developing a

21. CMA, Draft guidance on technology transfer agreements, April 2026, paras. 2.14-2.18.

22. CMA, Draft guidance on technology transfer agreements, April 2026, paras. 2.19-2.21.

23. DOJ/USPTO/NIST, Withdrawal of 2019 Policy Statement, June 2022; DOJ/USPTO, 2013 Policy Statement; USPTO/NIST/DOJ, 2019 Policy Statement.

technical standard with a voluntary consensus based SDO on or after January 13, 2026, whereby the technical standard must be identified but the application or appeal must not necessarily relate to the SDO participation.²⁴

In connection with patent pools and Licensing Negotiation Groups (LNGs), no major recent policy initiatives have been launched in the US. However, public statements of USPTO representatives, for example, at the WIPO SEP Symposium in September 2025, generally emphasize the benefits of patent pools as a market-based tool to simplify and improve access to standardized technology.²⁵ In a Business Review Letter in 2020 of the DOJ regarding a 5G licensing platform, its potential to reduce transaction costs and facilitate access to relevant SEPs through a “one stop shop,” subject to safeguards designed to protect competition is noted. As to LNGs, the Deputy Assistant Attorney General from the DOJ stated In November 2025 in relation to the European Commission’s comfort letter to the automotive sector regarding Automotive Licensing Negotiation Group that it appears to have permitted “collusive licensing negotiation groups,” which in her view constitute “illegal buyers’ cartels under U.S. antitrust law”.²⁶

3 Regional SEP Policy Approaches

Both, the European Commission and the European Patent Office have been actively involved in the SEP policy area.²⁷

3.1 European Union

At EU level, the Commission proposed a Regulation on SEPs in April 2023.²⁸ The Proposal was primarily designed to improve transparency and procedural predictability in SEP licensing rather than to harmonize substantive patent law or impose a single FRAND valuation methodology. To that end, it would have created a competence center within the EUIPO to run a SEP register and database, administer essentiality checks, facilitate the notification of aggregate royalty, and conduct a non-binding FRAND determination procedure based on conciliation, while also providing support and training for SMEs. The proposal further linked certain consequences to registration, including limits on enforcement and on the recovery of royalties or damages prior to registration, thereby seeking to encourage timely SEP registration and improving legal certainty for implementers. After a communication in the work program of 2025²⁹, the European Commission formally withdrew the proposal in October 2025 due to no foreseeable agreement.³⁰ However, to date, there is still an action brought by the Parliament against the Commission pending, in which the Parliament seeks annulment of the Commission decision to withdraw the proposal, arguing, inter alia, that the Commission prematurely ended

24. USPTO, USPTO. SPARK Pilot Program, 91 Fed. Reg. 33155, 33156-60, June 3, 2026.

25. WIPO, Summary of Discussion, para. 42.

26. Dina Kallay. Remarks at the 2025 Chatham House Global Competition Conference, November 20, 2025.

27. The Unified Patent Court’s SEP case law and the PMAC are considerable developments but outside the scope of this article.

28. European Commission. SEP Regulation Proposal, COM(2023) 232 final, April 27, 2023.

29. European Commission, 2025 work programme / withdrawal announcement concerning the SEP Regulation proposal.

30. Withdrawal of Commission proposals, OJ C, C/2025/5423, October 6, 2025.

the legislative procedure without legitimate grounds and in breach of institutional balance and the duty of sincere cooperation.³¹

Beyond the withdrawn SEP Regulation proposal, recent developments concern LNGs and the treatment of patent pools under competition law. In July 2025, the Commission issued an informal guidance letter concerning the Automotive Licensing Negotiation Group (ALNG), stating, based on the information provided, that it had no present intention to intervene under Article 101 TFEU against the proposed negotiation framework.³² The revised *Technology Transfer Block Exemption Regulation* and accompanying *Technology Transfer Guidelines* entered into force in May 2026. Technology pools remain outside the block exemption itself, but the Guidelines continue to provide a soft safe-harbor framework for their creation and operation including, among other things, the condition of FRAND licensing and measures preventing double-dipping.³³ Here, the Guidelines also provide more specific guidance relating to transparency and states that pools should effectively disclose the individual technology rights included in the pool to existing and potential licensees and the methodology used to assess essentiality.³⁴ As a new element, the Guidelines include guidance on LNGs. Unlike the consultation draft, however, the final Guidelines do not include a safe harbor framework for LNGs³⁵ but instead set out an assessment framework that recognizes possible efficiencies while addressing risks such as excessive buyer power, downstream coordination and foreclosure.³⁶

Further, discussion has emerged concerning the application of the Intellectual Property Rights Enforcement Directive (IPRED), in particular with regard to the availability of patent injunctions and the role of proportionality,³⁷ which may also have implications for SEP disputes, where the availability of injunctive relief remains a recurring topic.

3.2 EPO

The European Patent Office has also addressed the relationship between patents and standards through the EPO Observatory on Patents and Technology. The Observatory is presented as a research and knowledge-dissemination platform that makes EPO data and expertise available to the wider innovation ecosystem. In the SEP context, its dedicated patents and standards workstream includes the Study *Standards and the European patent system*, published in May 2025, which seeks to improve transparency regarding the relationship between standards and patents in Europe. It also includes the Patent Standards Explorer, a dataset that links European patent applications to documents from standards development organizations cited as non-patent literature.

Further, in June 2026, the EPO has issued a second study on *Methodologies for FRAND Determination: Evidence from Global Case Law*. This Study provides an empirical overview of how courts across jurisdictions have determined FRAND terms in practice, drawing on a broad

31. European Parliament v European Commission, Case C-727/25, OJ C, C/2026/89, January 5, 2026.

32. European Commission, informal guidance concerning the Automotive Licensing Negotiation Group, July 2025.

33. See Technology Transfer Guidelines, para 286 lit (f) and respective note for further details.

34. See Ibid. para 286 lit (b) and (c) and respective notes 141 and 142 for further details.

35. See European Commission, Explanatory Note on the Revised TTBER and Technology Transfer Guidelines (Apr. 16, 2026) para 22.

36. See Ibid, Section 4.5.

37. European Commission, IPRED enforcement study, January 27, 2026; European Parliament JURI Workshop, June 3, 2026.

survey of judicial decisions from different jurisdictions. It finds that comparable licenses have emerged as the primary methodology in most cases, while the top-down approach is used less frequently and often as a cross-check.

4 International SEP Developments

International Organizations with a global membership such as the World Bank Group (World Bank), the World Intellectual Property Organization (WIPO), and the World Trade Organization (WTO) have also been recently involved with SEPs.

For example, the WTO recent disputes DS611 and DS632 relate to cross-border SEP enforcement and worldwide FRAND rate-setting within the framework of the TRIPS Agreement.³⁸ Further, the World Development Report 2025 on Standards for Development, touches upon SEPs voicing concerns that with growing markets in developing countries SEP negotiations and disputes may become more frequent and potentially involve SMEs in developing countries that lack resources and knowledge to be well equipped for FRAND licensing negotiations.³⁹

In context with SEP policy, WIPO launched a Strategy on Standard Essential Patents in 2024 that builds on WIPO's global stance as a neutral specialized UN agency. Consequently, the Strategy is guided by the principles of neutrality, complementarity and its voluntary nature when it comes to services or participation of stakeholders. Initiatives implementing the Strategy fall into the four clusters of global dialogue; knowledge and data; amicable agreement and dispute resolution; and other services. Information to all initiatives and some explanation relating to SEPs, FRAND and SDOs can be found on a dedicated SEP webpage.⁴⁰

As to providing a *forum for global dialogue*, two comprehensive SEP events were held to date. After a joint event on SEP together with the European University Institute (EUI) in December 2024 in Florence,⁴¹ WIPO held a *Symposium on Standard Essential Patents* in September 2025 in Geneva, which brought together a diverse set of actors with relation to SEPs such as judges, government officials, industry representative, SDOs, patent pools, SMEs, economists and lawyers. The Symposium was well attended and received approximately 300 participants in person and around 900 online from close to 90 countries.⁴² Amongst others, the program featured a judicial panel with six judges from China, Colombia, the Unified Patent Court, India, the United Kingdom and the United States. Further, it included a policy panel involving representatives from the European Commission, CNIPA, UKIPO, USPTO, JPO/JETRO and IPOS as well as a dedicated session on SEPs and SMEs. The program also reflected a broad range of institutional and market perspectives from major SEP holders and implementers such as Amazon, Apple, Ericsson, Dolby, Lenovo, Nokia, Panasonic, Philips, Qualcomm, Volkswagen; and entities involved in SEP group licensing such as Access Advance, Avanci, Sisvel, and RPX.⁴³ Furthermore, while being outside of the core SEP Strategy as driven by WIPO Member States, the Standing Committee on the Law of Patents (SCP) also considers SEPs. After initial activities on SEPs related to an introductory Study in 2009 as well as an Information Session on Patents

38. WTO, China - Enforcement of Intellectual Property Rights (DS611); WTO, China - Worldwide Licensing Terms for Standard Essential Patents (DS632).

39. World Bank, World Development Report 2025: Standards for Development, pp. 208-209.

40. WIPO, Standard Essential Patents webpage.

41. EUI/WIPO, Workshop - Worlds apart in standard essential patents: National rules for global standards?

42. WIPO, Symposium on Standard Essential Patents: Summary of Discussion.

43. WIPO, Symposium on Standard Essential Patents: programme and related documents.

and Standards relating to a Study on *Practical Aspects Related to Patent Quality in the Context of Standard Essential Patents* in 2018, SEPs re-emerged under the transfer of technology agenda item following a proposal of Canada in 2022. The following sessions in 2024, and 2025 held information sharing sessions with SEP observers and other stakeholders, as well as WIPO Member States. Further, *SEP-related Legislative and Policy Measures Adopted by Member States, including Notable Case Law* was compiled.⁴⁴

Relating to SEP *knowledge and data*, the SEP Case Law Collection on WIPO's data base WIPO Lex launched in a pilot version in July 2025. It provides free access to noteworthy case law, gathered in cooperation with the WIPO Judicial Institute as well as judges and focal points in the respective countries and regions. Currently the SEP Cas Law Collection holds some 130 decisions from Brazil, Canada, China, Germany, India, Japan, the Republic of Korea, the Netherlands, the United Kingdom, the United States, the Unified Patent Court and the Court of Justice of the European Union.⁴⁵

Further, WIPO has integrated data relating to SEPs in their global patent database PATENTSCOPE. After the inclusion of SEP declaration data from ETSI, ITU and IEEE in April 2025, which enables users to search for declared SEP information through dedicated SEP fields and to link patent bibliographic information with standard-essentiality declarations. WIPO went one step further. In 2026, WIPO began integrating data from publicly available patent lists published by patent pool administrators in connection with their licensing programs. Currently, Sisvel and Via LA are participating in the initiative. Integration of these data sets provides an important additional data point, as patents included in licensing programs of participating pools are generally subject to an essentiality-verification process by independent experts. However, as users can see in the disclaimer in connection with the "SEP info" tab, WIPO integrates the data as is and especially but does not undertake any essentiality assessment. Users find also practical guidance on how to search for SEP related data in PATENTSCOPE.⁴⁶

In June 2026, WIPO released with the report *FRAND Economics: Valuation Methods in Licensing Standard Essential Patents* the first WIPO Publication under the SEP Strategy. The Report is intended to provide a practical, neutral and informative reference on the economic valuation methodologies used in FRAND rate determination for a broad audience including policymakers, judges, arbitrators, relevant authorities and parties involved in SEP licensing. Its economic contributors combine academic expertise with practical experience in FRAND determination and, importantly, regularly represent different sides in SEP disputes. Rather than prescribing a single methodology to determine "FRAND", the report explains strengths and limitations of the comparable license approach, the top-down framework and the bottom-up approach. It particularly highlights that the suitability of a methodology depends on the specific use case, available evidence, licensing context and dispute setting.

In the area of *amicable settlement and dispute resolution*, in November 2025, WIPO introduced the WIPO Mediation Pledge by SEP holders to IoT SMEs. Currently, signatories of the Pledge include *Ericsson, Huawei, InterDigital, Nokia, Sisvel, Qualcomm*, and *ZTE*. Under the WIPO Mediation Pledge, participating SEP holders commit to offering WIPO mediation to IoT SMEs before initiating SEP-related litigation or equivalent proceedings. If the SME accepts the offer within 30 days, the parties enter into a standstill during the mediation, which is intended

44. WIPO, *SEP-related Legislative and Policy Measures Adopted by Member States, including Notable Case Law and related SCP working documents*.

45. WIPO, *WIPO SEP Case Law Collection*.

46. WIPO, *How to search SEPs in PATENTSCOPE - cheat sheet*.

to be completed within six months. The Pledge also provides for FRAND-related information exchange and a cost-allocation mechanism under which the SEP holder bears two-thirds of the mediator and administration fees, subject to a reasonable and proportionate cap.⁴⁷

While WIPO AMC's FRAND and SEP related work dates back long before the SEP Strategy, there has been an uptake of SEP related cases over the last years. To date, The WIPO AMC has facilitated some 95 SEP/FRAND related mediations, while also offering (expedited) arbitration, expert determination and combinations of these procedures. To support such cases, WIPO provides tailored model submission agreements and a dedicated list of specialized neutrals with technical, patent, competition-law and FRAND expertise. Its SEP/FRAND work is further complemented by court-connected mediation arrangements, under which parties can refer pending court cases to WIPO mediation.⁴⁸

5 Conclusions

After this exercise, in particular, four recurring themes can be observed in the analyzed initiatives on national, regional or international level.

Firstly, policy considerations in the SEP area often concern transparency considerations, whereby "transparency" may concern different areas and is addressed in different ways. Examples of areas of consideration in this context include the availability and accessibility of patent information, the extent to which patents declared to SDOs are in fact essential to a standard, the availability of information on comparable licenses, the procedural clarity of licensing and dispute-resolution processes. The concrete measures proposed or considered in different initiatives focus on data and information tools, others on guidance for negotiations, and still others consider more formal mechanisms such as essentiality checks or proposed registration systems. Secondly, patent pools and, to a certain extent, LNGs, are frequently discussed topics in relation to FRAND licensing. Whereby national guidance considers how possible benefits of patent pool licensing such as reduction of transaction costs and efficient licensing can be achieved and potential competition law concerns can be mitigated. Transparency is also in this context a discussed matter. Thirdly, there seems to be an uptake in interest relating to ADR and SEPs as amongst others the WIPO AMC increasing case load and the inclusion of mediation Guidance in court systems show. Fourthly, particular attention is paid to the IoT and the inclusion of SMEs in the SEP ecosystem and have considered how to assist, while considerations include regulation as well as voluntary initiatives and educational resources.

References

3GPP. *About 3GPP*. Available at: <https://www.3gpp.org/about-us>.

CADE. *Contribuições do Cade: Patentes Essenciais*, July 2025. Original language version available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/contribuicoes-do-cade/Contribui%C3%A7%C3%B5es-do-Cade-Patentes-Essenciais.pdf>. English

47. WIPO, WIPO Mediation Pledge by SEP holders to IoT SMEs.

48. See for further information: WIPO. WIPO Alternative Dispute Resolution (ADR) Options for Intellectual Property and Technology Cases pending before National Courts and Wollgast/Callahan, LES Nouvelles, 2025.

translation available at: https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/contribuicoes-do-cade/Patentes%20Essenciais%20-%2028072025%20-%20Final%20-%20rev%2020022026%20EN%20reviewed_redline.pdf.

CNIPA. *Intellectual Property News*, March 20, 2026. Available at: https://www.cnipa.gov.cn/art/2026/3/20/art_55_205414.html.

CNIPA. *Guidelines for Invention Patent Applications Involving Standards*, March 14, 2026. Available at: https://www.cnipa.gov.cn/art/2026/3/14/art_66_205332.html; <https://www.cnipa.gov.cn/module/download/downfile.jsp?classid=0&filename=b51160434dd14383ae-8d51624207ea5b.pdf>.

CNIPA, MIIT and SAMR. *Work Guidelines on Patent Pool Establishment and Operation*, May 2025. Available at: https://www.cnipa.gov.cn/art/2025/5/13/art_549_199661.html; https://www.cnipa.gov.cn/art/2025/6/19/art_75_200463.html.

CMA. *Draft guidance on the application of the Chapter I prohibition in the Competition Act 1998 to technology transfer agreements*: Consultation document, April 2026. Available at: https://assets.publishing.service.gov.uk/media/69f228ad2fae53a037096894/Draft_guidance_on_the_application_of_the_Chapter_I_prohibition_in_the_Competition_Act_1998_to_technology_transfer_agreements.pdf.

European Commission. *Commission Publishes Study on the Enforcement of Intellectual Property Rights in the EU*, January 27, 2026. Available at: https://single-market-economy.ec.europa.eu/news/commission-publishes-study-enforcement-intellectual-property-rights-eu-2026-01-27_en.

European Commission. *Proposal for a Regulation of the European Parliament and of the Council on standard essential patents and amending Regulation (EU) 2017/1001*, COM(2023) 232 final, April 27, 2023. Available at: https://single-market-economy.ec.europa.eu/publications/com2023232-proposal-regulation-standard-essential-patents_en.

European Commission. *Press corner item on Automotive Licensing Negotiation Group*, July 2025. Available at: https://ec.europa.eu/commission/presscorner/detail/es/ip_25_1768.

European Commission. *Withdrawal of Commission proposals*, OJ C, C/2025/5423, October 6, 2025. Available at: <https://eur-lex.europa.eu/eli/C/2025/5423/oj/eng>.

European Commission. *Commission Regulation (EU) 2026/877 of 16 April 2026 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements*, OJ L 2026/877, 21.4.2026, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202600877.

European Commission. *Communication from the Commission, Guidelines on the application of Article 101 of the Treaty on the Functioning of the European Union to technology transfer agreements*, OJ C/2026/2323, 21.4.2026, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202602323.

European Parliament v European Commission. *Action brought on November 14, 2025, Case C-727/25*, OJ C, C/2026/89, January 5, 2026.

European Parliament, Committee on Legal Affairs (JURI). *Workshop: Evaluation of the*

Intellectual Property Rights Enforcement Directive, June 3, 2026. Available at: https://www.europarl.europa.eu/cmsdata/307302/2026.06.03_Item%202021_JURI%20workshop%20Evaluation%20of%20the%20IPRED.pdf.

European Commission. *Explanatory Note on the Revised Technology Transfer Block Exemption Regulation and Technology Transfer Guidelines* (Apr. 16, 2026), https://competition-policy.ec.europa.eu/document/download/07c21a9b-eafc-4807-abb8-823b3e22ea18_en?filename=20260416_TTBER_explanatory-note.pdf.

EPO. *EPO Observatory on Patents and Technology*. Available at: <https://www.epo.org/en/about-us/observatory-patents-and-technology>.

EPO. *Methodologies for FRAND Determination: Evidence from Global Case Law*, 2026.

European Patent Office. *Patent Standards Explorer*. Available at: <https://www.epo.org/en/about-us/observatory-patents-and-technology/policy-and-funding/patents-and-standards/patent-standards-explorer>.

EPO. *Patents and standards*. Available at: <https://www.epo.org/en/about-us/observatory-patents-and-technology/policy-and-funding/patents-and-standards>.

EPO. *Standards and the European patent system*, May 2025. Available at: <https://link.epo.org/web/publications/studies/en-epo-study-standards-and-the-european-patent-system.pdf>

EUI and WIPO. *Workshop - Worlds apart in standard essential patents: National rules for global standards?* Available at: <https://www.eui.eu/events?id=571387>.

JPO. *Manual of the “Hantei” (Advisory Opinion) Essentiality Check*, revised June 2019. Available at: https://www.jpo.go.jp/e/support/general/sep_portal/document/index/manual-of-hantei.pdf.

JPO. *Standard Essential Patents Portal Site*. Available at: https://www.jpo.go.jp/e/support/general/sep_portal/index.html.

METI. *Difference between METI’s Guidelines and the JPO’s Guide*. Available at: https://www.meti.go.jp/policy/economy/chizai/sep_license/diff-METIguidelines-JPOguide-en.pdf.

METI. *Good Faith Negotiation Guidelines for Standard Essential Patent Licenses*. Available at: https://www.meti.go.jp/english/policy/economy/chizai/gfn_guidelines.html.

SAMR. *Anti-Monopoly Guidelines for Standard Essential Patents*, November 2024. Available at: www.gov.cn/news/202411/09/content_WS672ef275c6d0868f4e8ecc4d.html.

SAMR. *Notice from the Office of the State Council Anti-Monopoly and Anti-Unfair Competition Commission and the State Administration for Market Regulation on Establishing the Anti-Monopoly “Three Letters and One Notice” System*, 2023. Available at: https://www.samr.gov.cn/zw/zfxxgk/fdzdgknr/jzcxds/art/2023/art_515052484fd94fb1a2d8a648615b4c1c.html.

SAMR. *SAMR Issues Reminder and Urging Letter to Avanci Concerning Monopoly Risks in Patent Pool Licensing*, June 27, 2024. Available at: https://scjgj.cq.gov.cn/zwx_225/bmdt/zj/202406/t20240627_13329713.html.

Tokyo District Court. *Guidelines for Patent Infringement Lawsuits Involving Standard Essential Patents*. Available at: https://www.courts.go.jp/tokyo/saiban/minzi_sec

tion29_40_46_47/SEP_tokkyoken_shingai/index_2.html.

Tokyo District Court. *Guidelines for Standard Essential Patents Judicial Mediation (SEPJM)*. Available at: https://www.courts.go.jp/tokyo/saiban/minzi_section29_40_46_47/SEPJM_chizai_jiken_teiki/index_2_1.html.

UKIPO. *SEPs Resource Hub*. Available at: <https://www.gov.uk/government/collections/seps-resource-hub#full-publication-update-history>.

UKIPO. *Consultation on Standard Essential Patents*, July 2025. Available at: <https://www.gov.uk/government/consultations/consultation-on-standard-essential-patents-seps>.

USPTO. *Standards Participation and Representation Kudos (SPARK) Pilot Program*, 91 Fed. Reg. 33155, 33156-60, June 3, 2026. Available at: <https://www.federalregister.gov/documents/2026/06/03/2026-11098/standards-participation-and-representation-kudos-spark-pilot-program>; <https://www.uspto.gov/patents/initiatives/standards-participation-and-representation-kudos-pilot-program>.

USPTO. *USPTO announces SEP Working Group*, December 2025. Available at: <https://www.uspto.gov/subscription-center/2025/uspto-announces-sep-working-group>.

US DOJ and USPTO. *Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments*, January 8, 2013. Available at: <https://www.justice.gov/atr/page/file/1118381/dl?inline>.

US DOJ. Dina Kallay, Deputy Assistant Attorney General, U.S. Department of Justice. *Virtual Remarks at the 2025 Chatham House Global Competition Conference*, November 20, 2025. Available at: <https://www.justice.gov/opa/speech/deputy-assistant-attorney-general-dina-kallay-delivers-virtual-remarks-2025-chatham>.

USPTO, NIST and DOJ. *Withdrawal of 2019 Policy Statement on Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments*, June 2022. Available at: <https://www.uspto.gov/sites/default/files/documents/SEP2019-Withdrawal.pdf>.

WIPO. *How to search SEPs in PATENTSCOPE - cheat sheet*. Available at: <https://www.wipo.int/documents/d/patentscope/docs-en-how-to-seps-in-patentscope.pdf>.

WIPO. *Technical and Practical Aspects Related to Patent Quality in the Context of Standard Essential Patents*, 2018. https://www.wipo.int/edocs/mdocs/scp/en/wipo_is_ip_ge_18/wipo_is_ip_ge_18_study.pdf

WIPO. *Pentheroudakis, Chryssoula: SEP-related Legislative and Policy Measures Adopted by Member States, including Notable Case Law*. Available at: <https://www.wipo.int/en/web/patents/sep-related-legislative-and-policy-measures-adopted-by-member-states-including-notable-case-law>.

WIPO. *Standard Essential Patents*. Available at: <https://www.wipo.int/en/web/patents/topics/sep>.

WIPO. *Symposium on Standard Essential Patents: Summary Report*. Available at: https://www.wipo.int/edocs/mdocs/scp/en/wipo_sep_ge_25/wipo_sep_ge_25_2.pdf.

WIPO. *SEP-related Legislative and Policy Measures Adopted by Member States, including Notable Case Law and related SCP working documents*. Available at: <https://www.wipo.int/>

en/web/patents/sep-related-legislative-and-policy-measures-adopted-by-member-states-including-notable-case-law.

WIPO. *Standards and Patents*, SCP/13/2. Available at: https://www.wipo.int/edocs/mdocs/scp/en/scp_13/scp_13_2.pdf

WIPO. *WIPO Mediation Pledge by SEP holders to IoT SMEs*. Available at: https://www.wipo.int/amc/en/center/specific-sectors/ict/frand/wipo_mediation_pledge_sep_to_smes.html.

WIPO AMC. *WIPO ADR for SEP/FRAND Disputes*. Available at: <https://www.wipo.int/amc/en/center/specific-sectors/ict/frand/>

WIPO. *WIPO SEP Case Law Collection*. Available at: https://www.wipo.int/wipolex/en/collections/profile/sep_caselaw.

WIPO. *World Intellectual Property Report 2026: Technology on the Move*. Available at: <https://www.wipo.int/web-publications/world-intellectual-property-report-2026/en/index.html>.

WIPO Arbitration and Mediation Center. *FRAND and Standard Essential Patents*. Available at: <https://www.wipo.int/amc/en/center/specific-sectors/ict/frand/>.

WIPO Arbitration and Mediation Center. *WIPO Alternative Dispute Resolution (ADR) Options for Intellectual Property and Technology Cases pending before National Courts*. Available at: <https://www.wipo.int/amc/en/center/specific-sectors/ipoffices/national-courts/>.

WIPO. *FRAND Economics: Valuation Methods in Licensing Standard Essential Patents*. Geneva: WIPO, 2026. DOI: 10.34667/tind.59534. Available at: <https://www.wipo.int/web-publications/frand-economics-valuation-methods-in-licensing-standard-essential-patents/en/index.html>.

Wollgast, Heike and Ella Callanan. *WIPO ADR Procedures To Resolve FRAND And SEP Disputes*, Iese Nouvelles, March 2025. Available at: https://lesi.org/wp-content/uploads/2025/03/LN_Legal_1_LN-SEP002-Wollgast-Callahan-p.47-52.pdf.

World Bank. *World Development Report 2025: Standards for Development*, 2025.

WTO. *China - Enforcement of Intellectual Property Rights*, DS611. Available at: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds611_e.htm.

WTO. *China - Worldwide Licensing Terms for Standard Essential Patents*, DS632. Available at: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds632_e.htm.