

# Florence Seminar on Standard-Essential Patents

**6 - 7 October 2022 - CET**

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

Organisers

**European University Institute (EUI)**

**Max Planck Institute for Innovation and Competition (MPI – IC)**

## Programme

### 6 October

12.30 - 14.00 Registration and lunch

14.00 - 14.15 *Welcome remarks – Theatre*

**Pier Luigi Parcu** | EUI

**Nicolas Petit** | EUI

**Josef Drexl** | MPI – IC

14.15 - 15.20 *Plenary Session – Theatre*

SEP Disputes: One Jurisdiction to Rule Them All?

Chair

**Nicolas Petit** | EUI

Proportionality Defenses in FRAND cases: German Injunction Law and The US Perspective

**Peter Picht** | University of Zurich / MPI – IC

**Jorge Contreras** | University of Utah

Discussant

**Josef Drexl** | MPI-IC

Anti-suit Injunctions in SEP Disputes and the Recent EU's TRIPS Complaint Against China

**Nicola Lucchi** | University Pompeu Fabra

**Enrico Bonadio** | City University of London

Discussant

**Igor Nikolic** | EUI

15.20 - 15.35 Coffee break

15.35 - 16.40 *Plenary Session – Theatre*

Patent Hold-Out: Is the Evidence In?

Chair

**Chiara Carrozza** | EUI

An Empirical Test of Patent Hold-Out Theory: Evidence from Litigation of Standard Essential Patents

**Christian Helmers** | Santa Clara University

**Brian Love** | Santa Clara University

Discussant

**Pier Luigi Parcu** | EUI

Evidence of Systematic Patent Hold Out

**Urska Petrovcic** | Hudson Institute

**Kirti Gupta** | Qualcomm Inc.

Discussant

**Maria Alessandra Rossi** | UNICH

16.40 - 16.55 Coffee break

16.55 - 18.30 *Parallel Session 1A – Theatre*

SEP Licensing Levels and the FRAND Royalty Elephant in the Room

Chair

**Nicolas Petit** | EUI

Efficient Level of SEPs Licensing

**Gregor Langus** | CompetitionSphere

**Vilen Lipatov** | CompetitionSphere

Discussant

**Lapo Filistrucchi** | EUI / University of Florence

Licensing Standard-Essential Patents in the IoT – a Value Chain Perspective on the Markets for Technology

**Joachim Henkel** | Technical University of Munich

Discussant

**Chiara Carrozza** | EUI

Does the Level of SEPs Licensing Matter? The Case of Continental v Avanci

**Lapo Filistrucchi** | EUI / University of Florence

**Samuele Scarpelli** | University of Florence

Discussant

**Maria Alessandra Rossi** | UNICH

16.55 - 18.30 *Parallel Session 1B – Seminar Room 4*

A Small SEP World: Anti-Suit Injunctions, China and Global FRAND Licences

Chair

**Anna Pisarkiewicz** | EUI

Global Standard Essential Patent Litigation: Anti-Suit and Anti-Anti-Suit Injunctions

**Igor Nikolic** | EUI

Discussant

**Josef Drexl** | MPI-IC

Standards and IPR Enforcement-Related Issues in China

**Piergiuseppe Pusceddu** | University of Tilburg

Discussant

**Niccolò Galli** | EUI

Global FRAND-Licensing by EU National Courts – the Winner Asks Them All?

Reducing the Number of Competent Courts in International FRAND Proceedings.

**Stefanie Krome** | University of Bayreuth

Discussant

**Léon Edward Dijkman** | EUI

20.00 Dinner

## **7 October**

09.00 - 10.30 *Industry Roundtable – Theatre*

S(T)EPs to the Future: The Industry Views on Standardisation, FRAND Licensing and SEP Litigation

Chair

**Pier Luigi Parcu** | EUI

Speakers

**Kristian Saether** | Nordic Semiconductor

**Giorgia Varvelli** | Sisvel

**Keith Mallinson** | WiseHarbor

10.30 - 10.45 Coffee break

10.45 - 12.20 *Parallel Session 2A – Theatre*

SEP Transparency Policies: Hitting the Bullseye or Missing the FRAND Royalty Mark?

Chair

**Josef Drexl** | MPI-IC

An Empirical Assessment of Different Policy Options to Provide Greater Transparency on the Essentiality of Declared SEPs

**Justus Baron** | Northwestern University

**Tim Pohlmann** | IPlytics

Discussant

**Ginevra Bruzzone** | LUISS

Essentiality Checks for Standard Essential Patents and Incentives to Innovate

**Florian Schuett** | Tilburg University

**Chayanin Wipusanawan** | Tilburg University

Discussant

**Niccolò Innocenti** | EUI

FRAND Licensing of Standard Essential Patents: Comparing Realistic Ex-ante and Ex-post Contracts

**Pier Luigi Parcu** | EUI

**Maria Alessandra Rossi** | UNICH

**David Silei** | Independent

Discussant

**Lapo Filistrucchi** | EUI / University of Florence

10.45 - 12.20 *Parallel Session 2B – Capitolo*

Challenges for Global Standards Governance between Contracts, Antitrust and Patents

Chair

**Marco Botta** | EUI

FRAND Royalties: Rules v Standards?

**Nicolas Petit** | EUI

**Amandine Leonard** | University of Edinburgh

Discussant

**Axel Ferrazzini** | 4iP Council

Applying Antitrust to Standards Development Organizations (SDOs) – A Two-Sided Market Framework for Assessing SDO Governance

**Haris Tsilikas** | Independent

Discussant

**Marco Botta** | EUI

Worldwide FRAND Licenses in Global Patent Litigation

**Valerio Torti** | EUI

Discussant

**Peter Picht** | University of Zurich / MPI – IC

12.20 - 14.00 Lunch

14.00 - 15.35 *Parallel Session 3A – Theatre*

Competition and Contract Laws' Room for Manoeuvre within FRAND Licenses

Chair

**Beatriz Conde Gallego** | MPI-IC

FRAND Obligation after the Transfer of the SEP — The Legal Successor's Obligation under Competition Law

**Mathias Scheer** | Ludwig Maximilian University of Munich

Discussant

**Beatriz Conde Gallego** | MPI-IC

No-Challenge Clauses in Patent Licensing – Blessing or Curse?

**Benno Buehler** | Charles River Associates

**Matthias Hunold** | University of Siegen

**Frank Schlütter** | Université Catholique de Louvain

Discussant

**Ginevra Bruzzone** | LUISS

It's Unfair! Non-Price Exploitation in ICT Patent Licences

**Niccolò Galli** | EUI

**Marco Botta** | EUI

Discussant

**Nicolas Petit** | EUI

14.00 - 15.35 *Parallel Session 3B – Capitolo*

Property Rules, Liability Rules and SEPs: Three Views of the (*Duomo*) Cathedral

Chair

**Pier Luigi Parcu** | EUI

FRAND's Non-Discrimination Element is not for Stonewalling

**Mitsuaki Matsumura** | IBM

Discussant

**Igor Nikolic** | EUI

Willingness to License in FRAND Disputes: A Central Concept Illustrating the Paradoxical Nature of FRAND Mandatory Contracting

**Erik Habich** | University of Zurich

Discussant

**Aisling McMahon** | EUI

Exploring the Nature of the ETSI FRAND Commitment: The Smallest Saleable Standard Practicing Unit (SSSPU)

**Eric Stasik** | Avvika AB

Discussant

**Valerio Torti** | EUI

15.35 - 16.00 Coffee break

16.00 - 17.00 *Keynote – Theatre*  
**Michael Carrier** | Rutgers Law School

Chair  
**Josef Drexl** | MPI-IC

17.00 - 17.15 *Closing remarks*  
**Josef Drexl** | MPI-IC  
**Pier Luigi Parcu** | EUI  
**Nicolas Petit** | EUI