



Standards and Patents

“Meeting Legal Requirements”



Patents in Standards

- A patent grants a monopoly
- A group of companies that cooperate to create a standard must avoid creating a monopoly.
- Therefore if a standard requires a patent, that patent must be made available to anyone who wishes to enter the market.
- The solution - RAND - reasonable and non discriminatory licensing



Essential vs non Essential

- Components (e.g., connectors, logic devices, etc.) may contain technology that is patented.
- Patents may be considered essential or non essential with respect to a standard.
- If a patent is required for compliance to the standard, then it is considered to be essential.
- If a patent is not required for compliance, then it is deemed non essential.
- The assumption is that the component can be produced by another company that would meet the standard without infringement.