



Standard Essential Patent Development Report

(2024)

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Preface

Currently, global scientific and technological innovation has entered a period of unprecedented intensity and dynamism. A new round of scientific and technological revolution and industrial transformation is reshaping the global innovation landscape, highlighting the growing importance of strengthening the coordinated development of standards and patents—two strategic resources for innovation. As an output of the deep integration of standards and patents, Standard Essential Patents (SEPs) have emerged as a strategic element for international organizations and major countries (regions) worldwide, while also becoming a core arena for technological, market, and industrial competition in key sectors.

Against the backdrop of implementing major national programmatic documents including the *Outline for the National Innovation-driven Development Strategy*, the *National Standardization Development Outline*, the *Outline for Building an Intellectual Property Powerhouse (2021-2035)*, and the *Opinions of the CPC Central Committee and the State Council on Accelerating the Building of a Unified National Market*, the China National Institute of Standardization (CNIS), leveraging its role as a national-level standardization research institute, has developed the Standard Essential Patent Development Report (2024) (hereinafter referred to as “this report”), on the basis of long-term observation and research on global SEP-related policies, systems and practices, combined with in-depth analysis of more than 3 million standards records maintained by CNIS.

This report is designed for government agencies, social organizations, universities, research institutions, enterprises, and practitioners engaged in

SEP-related work. It systematically reviews and analyzes major policies, cases, and data concerning SEPs both domestically and internationally in recent years. By providing a comprehensive, systematic, and objective overview of the overall development of SEPs, this report seeks to improve the stakeholders' understanding of SEP-related issues and strengthen their capacity to grasp relevant theories and policies. It further promotes the timely integration of advanced and applicable scientific and technological innovations into standards, reinforces intellectual property protection in standard formulation processes, facilitates the industrial application of innovations, and better supports the cultivation and development of new quality productive forces.

This report comprises six parts, with their main content and viewpoints outlined as follows:

Part I clarifies the concept of SEPs and conduct of entities involved.

It defines SEPs from the perspectives of innovation commercialization and market activities, and examines the conduct of entities involved in SEPs throughout the entire process—from SEP formation and licensing negotiations to dispute resolution—thereby laying the groundwork for the subsequent analysis in this report.

Part II examines SEP policies and practices in major international organizations. It introduces the main content of the *WIPO Strategy on Standard Essential Patents (2024-2026)* from three dimensions: guiding principles, current practices, and strategic directions. The part tracks policy developments of the three major international standards organizations, namely the International Organization for Standardization (ISO), the





International Electrotechnical Commission (IEC) and the International Telecommunication Union (ITU), and conducts statistics and analysis of relevant SEP data from the dimensions of overall development trends, country-specific developments and specific fields covered by SEPs.

Part III summarizes the developments of SEPs in major countries (regions). It reviews the latest SEP-related regulations, policies, and administrative and judicial practices in major countries (regions) including the United States, the European Union, the United Kingdom, Japan, and the Republic of Korea. It maps the evolution of relevant policies and identifies their governance trends and development directions.

Part IV outlines new trends in SEP licensing practices and dispute resolution. Drawing on licensing practices and dispute resolution cases in wireless communications, audio and video, and other sectors, this section elaborates on the new trends in SEP licensing including diversification of transaction entities, more extensive fields covered by licensing practices, and globalized dispute resolution.

Part V summarizes China's SEP policies and practices. It introduces SEP-related arrangements in major national policy documents of China, reviews China's institutional framework for SEP governance, and conducts a quantitative analysis of the status and trends of patents involved in standards in national standards and association standards of China.

Part VI provides an outlook on the coordinated and innovative development of standards and patents to foster new quality productive forces. On the basis of the foregoing analysis, this part identifies five development trends of SEPs and puts forward policy recommendations for government agencies, market entities, and research institutions to advance

related work.

The CNIS will persist in closely tracking the most recent advancements in SEPs. It will actively engage in collaborative efforts to continuously deepen relevant research, and update and release a series of annual reports, contributing to the holistic development of SEPs.

The policies and cases utilized in this report are sourced from official or authoritative websites that are publicly accessible. The latest access date for all web links provided in this report is September 22, 2024. The primary data are derived from the official database of three major international standard setting organizations (ISO, IEC, ITU), as well as CNIS. The data cutoff date is December 31, 2023. Nonetheless, inherent limitations in the SEPs disclosure processes, including but not limited to blanket declarations, incomplete declarations, and over-declarations, have the potential to induce disparities between the statistical outcomes and the real-world data. In light of this, readers are kindly invited to provide feedback on any potential inaccuracies.



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