

Licensing Executives Society's Silicon Valley Chapter Meeting: Licensing and Litigating Reasonable Royalties for the Patents in Technical Standards

SEPTEMBER 22, 2011

Technical standards are an important component of the process of turning intellectual property into marketable products. Usually participants in a standard-setting organization are required to agree to license any of their intellectual property that is incorporated into a standard on Fair, Reasonable and Non-Discriminatory (FRAND) terms. Licenses with specific royalty rates are generally negotiated after the standard has been established. A frequent difficulty in the process of negotiating these licenses is defining a FRAND royalty, an issue that often results in litigation. This program discussed the meaning of FRAND in the context of licensing a patent in a standard, and how FRAND would compare to reasonable royalties under Georgia-Pacific, a case that describes the factors that courts should consider in determining a reasonable royalty on a patent. Panelists from NERA Economic Consulting and from Weil, Gotshal & Manges discussed the economics of standards and FRAND; what happens when these issues get taken up in the courts; and the impact of these considerations on the bylaws, rules and operations of standard-setting organizations.

WilmerHale Partner Jason Kipnis was a featured speaker at this event.

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Speakers



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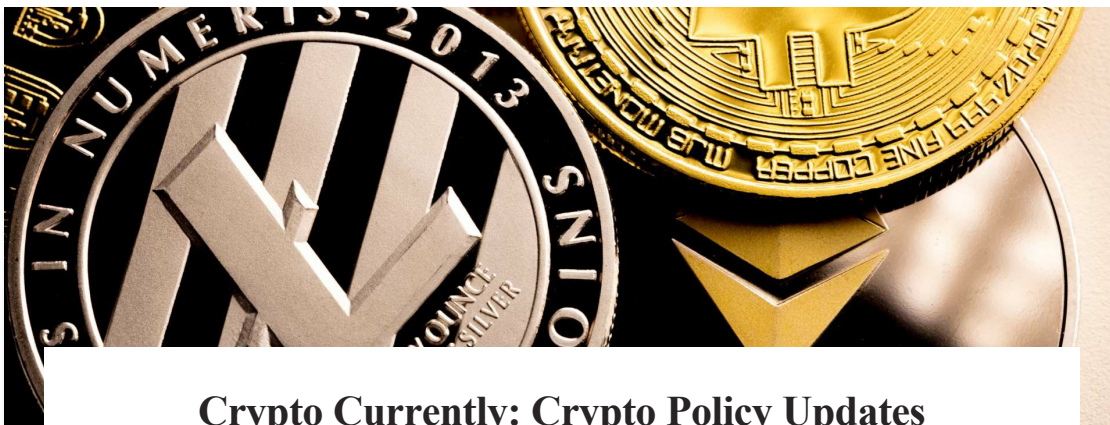
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