SEP-related Legislative and Policy Measures Adopted by Member States, including Notable Case Law

Chile

According to WIPO's definition, "A standard essential patent (SEP) is a patent that protects an invention essential to the implementation of a particular technology standard. These standards are critical for ensuring safety, interoperability and compatibility of different products and services made available by various companies."

In this regard, Chilean law does not have specific regulations on standard-essential patents or on licensing under fair, reasonable, and non-discriminatory (FRAND) terms.

However, the following regulations address certain aspects of the matter:

- Law No. 20.169 on Unfair Competition (2007). Its aim is to protect competitors, consumers, and the proper functioning of the market against unfair conduct;
- Legislative Decree No. 211 (Free Competition), Article 3 and others, to the extent that it regulates the abusive exploitation, by an economic agent or a group of agents, of a dominant market position, by fixing purchase or sale prices, tying the sale of one product to another, allocating market zones or quotas, or imposing other similar abuses; predatory practices or unfair competition carried out with the aim of achieving, maintaining, or increasing a dominant position and market-exclusionary practices;
- Law No. 21.678, amending Law No. 18.168, on Telecommunications, recognizing the internet as a public service;
- Law No. 19.039 on industrial property, where it establishes a complete procedure for obtaining a patent.

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