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WIPO Seminar on SEPs and Dispute Resolution
Faster, Higher, Stronger - Together?

Geneva, October 12 and 13, 2026

SUMMARY OF DISCUSSION

prepared by the International Bureau of WIPO

Introduction

1. The present document, prepared by the International Bureau, contains a summary of discussions of the WIPO Seminar on Standard Essential Patents (SEPs) and Dispute Resolution, held at WIPO headquarters in Geneva on October 12 and 13, 2026. In the spirit of WIPO as a global, neutral forum for dialogue on SEPs, an objective reflected in [WIPO's SEP Strategy](#), and following the [broader WIPO SEP Symposium in 2025](#), the Organization hosted the Seminar titled “SEPs and Dispute Resolution: Faster, Higher, Stronger – Together?”.
2. The event brought together approximately 150 participants in person and around 300 online, with workshops held in person only and under the Chatham House Rule. No recordings were made publicly available, to encourage participants to engage more candidly. The program, speakers' profiles, and presentations are available on the [Seminar's meeting page](#).

DAY ONE GAME ON – WIPO SEP Strategy in Practice

3. The Seminar started with an afternoon session concentrating on WIPO's current and planned SEP work, with presentations from the WIPO International Bureau followed by in-person workshops.

Opening and Overview of WIPO's SEP Work

4. Mr. Andras Jokuti (WIPO) opened the first day of the conference. Ms. Nina Belbl (WIPO) presented an overview of WIPO's SEP strategy. Ms. Magdalena Zelenkovska (WIPO) showed the SEP data functionality in PATENTSCOPE. Mr. Ty Gray (WIPO) presented WIPO Lex and the SEP Case Law Collection. Mr. Carsten Fink (WIPO) presented WIPO's economic report on FRAND determination methodologies. These resources address complementary aspects of SEP-related information. PATENTSCOPE brings together declarations and pool lists, while distinguishing these sources and noting that data entries do not establish essentiality. WIPO Lex supports comparative research through its SEP Case Law Collection. The FRAND report provides a neutral overview of comparable-license, bottom-up and top-down valuation methods, recognizing confidentiality constraints and the potential complementarity of approaches rather than prescribing a particular method or ranking the frameworks described.

Parallel In-Person Workshops

5. The workshop on SEP information, data and transparency, led by Ms. Sandrine Ammann and Mr. David Diaz Diaz from the Global Databases Division of WIPO, considered how SEP information resources could better serve users, particularly small and medium-sized enterprises (SMEs).
6. The workshop on the legal landscape and access to legal information, led by Mr. Ty Gray, explored improvements to access and comparison through WIPO Lex, recognizing its curated character and dependence on Member State contributions and available data sources.
7. The workshop on FRAND in practice, led by Ms. Nina Belbl, considered reactions to the FRAND report and possible topics for follow-on work, including alternative dispute resolution (ADR) tools to facilitate FRAND negotiations.
8. The workshop on emerging practical needs, led by Mr. Andras Jokuti, considered new SEP licensing frontiers and other suggestions relating to WIPO's work on SEPs, with special

regard to the education of less experienced stakeholders and WIPO's convening power to facilitate stakeholder dialogue.

DAY TWO DEEP DIVE – Judicial Approaches

9. The second day focused on SEP dispute resolution and featured panels addressing judicial approaches to SEP cases, industry perspectives on SEP litigation strategies, SEP-related World Trade Organization (WTO) disputes, the role of ADR services, and the courts' take on FRAND assessment.

Opening

10. In her opening remarks, WIPO's Deputy Director General of the Patents and Technology Sector, Ms. Laura Peter highlighted the role of standardized technologies and patents in supporting innovation and widespread technology dissemination, WIPO's contribution to dialogue, and the importance of effective SEP dispute resolution.

THE FIELD OF PLAY – Approaches to Ruling on SEP Disputes

11. The judicial panel on approaches to ruling on SEP disputes, moderated by Mr. Andras Jokuti, brought together Ms. Fadila Fidel, Judge, Commercial Court of Casablanca, Morocco, Mr. James Mellor, Justice, High Court, United Kingdom, Ms. Prathiba Singh, Justice, Delhi High Court, India, Mr. Peter Tochtermann, Presiding Judge, Unified Patent Court, Germany, Mr. Victor Torres, Judge, Rio de Janeiro State Court, Brazil and Mr. Sungyop Woo, Judge, IP High Court, Republic of Korea.

12. The panel examined how courts reconcile patent enforcement with FRAND undertakings. Approaches reflected differing legal frameworks. Judge Tochtermann identified *Huawei v. ZTE* as central to the UPC's competition-law analysis. Justice Mellor described the UK's contractual approach to FRAND undertakings. Judge Woo explained that Korea applies patent, civil and competition law, without a FRAND commitment automatically conferring a license or excluding injunctive relief.

13. Territorial patent rights, parallel proceedings and comity were recurring themes. Judges Torres and Fidel emphasized the national patent basis of proceedings. Judge Woo described jurisdictional connections, recognition of foreign judgments and possible stays, while Judge Tochtermann stressed respect for other courts' jurisdiction. Justice Mellor outlined the UK patent-infringement basis for global FRAND licensing and characterized anti-suit injunctions as exceptional measures requiring abuse. Justice Singh emphasized patent law, SEP-specific procedures and good faith in India. Judge Fidel distinguished Morocco's industrial-property and contractual framework from competition matters. Judge Torres described Brazil's court-appointed expert procedure assessing validity, infringement and FRAND compliance without determining a rate.

14. The discussion addressed injunctions, security and interim arrangements. Further differences in jurisdictional practice and opportunities for judicial exchange were emphasized. Judge Torres proposed sharing information, including comparables and expert assessments, while Justice Singh noted the absence of case-specific consultations with foreign judges in Indian practice.

THE GAME PLAN – Multi-Jurisdictional Litigation Strategies

15. Mr. Stephen Akerley, Vice President, InterDigital, Mr. Ray Bennett, Executive Director of Global Litigation, Lenovo, Mr. Robert Earle, Vice President, Assertion and Enforcement for IPR & Licensing, Ericsson and Mr. Jon Chow, Deputy Chief Counsel, Litigation and Patents, The Walt Disney Company joined the discussion on multi-jurisdictional litigation strategies, which was moderated by Ms. Nina Belbl.

16. The panel considered patent coverage, commercial exposure, judicial experience, cost and speed as factors in litigation strategy. The discussion reflected differing assessments of enforcement incentives and licensing practice. Confidentiality was considered both a safeguard and a source of information asymmetry. Consent and court-order requirements affecting disclosure, as well as mediators' review of licenses, were described. Support was expressed for mediation, while broader visibility was sought and caution urged against selective disclosure.

17. On the one hand, injunctions were seen as means of pressure by some. On the other hand, they have sometimes resulted in continued litigation or market exit rather than acceptance of requested rates. A shift toward injunction-granting venues with more limited discovery was noted, alongside the importance of information exchange in successful negotiations.

18. Arbitration offers were presented as alternatives to multi-venue litigation, with reference to time, cost and the ability to address both delay and injunction concerns. One panelist noted that agreeing on arbitration terms could itself require time. Another panelist highlighted market-wide pools offering reasonable terms as another potential route to overcome impasses.

POST GAME ANALYSIS – A Fireside Reflection

19. The reflections following the panel on multi-jurisdictional litigation strategies, moderated by Ms. Nina Belbl, featured Mr. Sanat Bathla, Legal Counsel, Fairphone and Mr. Andrei Iancu, Partner, Sullivan & Cromwell LLP.

20. Mr. Sanat Bathla highlighted smaller implementers' limited choice of forum, commercial exposure to injunctions and settlement pressures despite concerns about validity, essentiality or FRAND terms. Earlier visibility of licensing costs was important for product design. Pools and education could assist, but incomplete pool coverage means that no single solution addressed all challenges.

21. Mr. Andrei Iancu questioned predictability where innovation and implementation precede agreement on remuneration. Recognizing both innovators' payment concerns and implementers' need for transparency, he advocated for an industry-led solution emphasizing earlier consideration of dispute-resolution arrangements within SDOs, distinct from price-setting.

THE INTERNATIONAL FENCING PISTE – A Legal Analysis of the SEP-related WTO Disputes

22. Mr. Daniel Gervais, Amsterdam Milton R. Underwood Professor of Law (Emeritus), Vanderbilt University, USA, and Senior Associate Professor (part-time), Vrije Universiteit Amsterdam, Netherlands presented an overview and legal analysis of the two SEP-related WTO disputes to date. His presentation examined the implications of the outcome of the case on anti-suit injunctions, and addressed the underlying questions in the ongoing case on global FRAND

rate-setting for territorial patent rights. These matters are scrutinized by the WTO and related dispute settlement mechanisms under the framework of the TRIPS Agreement.

4. THE TIE-BREAKER – ADR in FRAND Disputes

23. The panel on ADR in FRAND disputes, moderated by Mr. Andras Jokuti, considered ADR's benefits and challenges featuring Mr. Le Chen, Senior Director, Xiaomi, Mr. Clemens Heusch, Vice President, Nokia, Mr. Naoyuki Iwai, Presiding Judge, Tokyo District Court, Japan and Ms. Heike Wollgast, Head, IP and Disputes Section, WIPO Arbitration and Mediation Center, WIPO.

24. Judge Iwai presented the Tokyo District Court's SEP judicial mediation initiative, launched in February 2026, supporting a mediated agreement on global FRAND royalties through a judge assisted by experts in the field. Ms. Heike Wollgast outlined the [WIPO Arbitration and Mediation Center's SEP/FRAND experience](#) and the [SME IoT Mediation Pledge](#).

25. The panel highlighted arbitration's potential time, geographic coverage and cost advantages, commending specialist arbitrators and considering the possible publication of awards.

26. The exchange explored reconciling confidentiality with wider learning. Suggestions included sharing methodologies without royalty figures and mediator access to comparable licenses. Participants recognized tensions between seeking disclosure and protecting their own licensing terms.

5. THE GLOBAL SCOREBOARD – Assessing FRAND

27. The panelists, Mr. Weike Du, Deputy Chief Judge of the Third Civil Division, Supreme People's Court, China, Justice Mellor, Mr. Oliver Schön, Presiding Judge, Munich Regional Court and Mr. James V. Selna, District Judge, Central District of California, USA, compared procedural settings for FRAND assessment in a discussion moderated by Ms. Nina Belbl.

28. Comparable licenses and top-down analysis were recurring themes. Differences between methodologies and outcomes discussed based on the case law illustrated the importance of substantiating assumptions and explaining the analysis clearly.

29. Views differed on interim licenses and parallel proceedings. Justice Mellor described UK declarations of interim terms for parties to accept, rather than imposed licenses, and undertakings to accept the eventual FRAND determination. Judge Schön questioned interference with territorial enforcement and the implications of implementer-initiated global rate-setting. Both recognized difficulties in country-by-country assessment.

30. Judge Schön presented the FRAND guidelines of his Chamber as drawing on recent decisions providing for rebuttable presumptions of practice in his Chamber. Justice Mellor cautioned that rebuttable presumptions could become fixed rules and aggregate rates be used without adequate substantiation. Judge Selna viewed guidelines as potentially improving focus and predictability.

31. The *Samsung v. ZTE* dispute illustrated differences in comparability and evidentiary assumptions. Judge Schön described Munich's approach. Judge Du questioned the evidentiary basis for a proposed portfolio-share adjustment linked to patent-filing support, emphasizing non-

discrimination and the burden of proof. Justice Mellor described the UK's adjusted use of the prior license with a top-down cross-check.

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