V. Conclusion

1. SSOs play a crucially important role in determining de *jure* standards that, later, become the basis for the business activities of many undertakings. Therefore, SSOs must not only be viewed as entities performing administrative functions, but as important players of standardization process able to support the effective implementation of the standard in the industry. SSOs' IPR policies should be perceived as highly important tools, which determine the relationship between the SSOs and their members with regard to essential IPRs in the context of standardization as well as affect how effectively the standard will be implemented into the industry. For this reason, the way in which SSOs, according to their IPR policies, take into consideration the essential IPRs and confer the rights and obligations related to these IPRs on their members is of fundamental importance. With regard to that, SSOs have the responsibility to design appropriate IPR policies, in order to make the standardized technology accessible to the users at the same time providing the SEP owners with the appropriate economic benefit.

2. Due to the variety of participants with diverging interests and complex technological aspects, it is difficult to come up with a universal SSOs' IPR policy, which would govern all the standard-setting procedures according to the principle 'one size fits all', would be enforceable and able to provide with more legal certainty all the parties at stake. Technically, economically and legally complicated situations, that arise while selecting and making the standard accessible to the industry participants, call for the application of flexible concepts in the context of standard-setting, which would provide the interested parties with wide, but at the same time, certain guidelines and would be sensitive to the economic, technical and legal aspects of a specific standardization situation.

3. ETSI's IPR policy is considered to be a role model of this kind of SSO's documents. Two types of provisions are pointed out as the most important for the implementation of the standards into an industry while at the same time guaranteeing appropriate financial returns

to the SEPs' owners: (i) the requirement for the owner of the essential IPR to disclose all the essential IPRs and (ii) the requirement for the owner of the essential IPRs to make an irrevocable FRAND declaration regarding the licensing of the afore-mentioned IPRs. Although the actions foreseen in these provisions take place during the standard-setting procedure, the impact of these actions (i.e. the disclosure of essential IPRs and FRAND commitment) on a specific SEP licensing situation, can be properly evaluated only after the standard is set. This calls for a discussion on the role of SSOs and their IPR policies in the post-standardization stages.

4. Although FRAND commitment is criticised for its high level of abstractness, it is clear, that finding the balance between the interests of the SEP owners and users calls for complying legal certainty with flexibility and observance of concrete circumstances. Despite its technical, economic and legal complexity, the whole standardization system should still have at least one common denominator. With regard to that, the open-endedness of the meaning of FRAND helps to achieve the main aim of the standardization, i.e. to create the widest availability of the standard to users and ensure substantial economic returns for the SEP owner by engaging both parties to participate in good faith negotiation.

5. Current situation, which arises while dealing with SEP and FRAND-related disputes leads to time-consuming and multi-jurisdictional litigation, where courts are forced to make decisions without having all the relevant technical and economic knowledge, has a negative influence on the technology developers, manufacturers, consumers and the innovation process itself. Therefore, it should be in the interest of the overall standardization community to consider the establishment of SEP and FRAND-related dispute resolution bodies or referring such disputes to separate arbitration tribunal, which would have not only legal knowledge, but also be aware of economic and technical aspects, and would act as a possible alternative to the current court system. In this case the role of the SSOs would be important in the sense, that such dispute resolution, which is alternative to the court proceedings, would be foreseen by the SSO IPR policies and, in the event, that dispute resolution bodies within SSOs would be established, SSOs would have an important role while administering them and guaranteeing

their impartiality with the help of the internal documents of SSOs, e.g. IPR policies.

6. It seems, that the establishment of SEPs and FRAND-related dispute resolution bodies or referral of such disputes to separate arbitration may raise a number of competition law problems and may request to answer many institutional questions. In the context of SEPs, FRAND and standardization itself, these are regarded as new and complex issues that sometimes forces the legal system to act in the realm of uncertainty. However, taking into consideration the current importance of standards, SSOs should consider the establishment of widely followed methodologies, which foresee the procedures of dispute resolution on SEP and FRAND-related licensing before dispute resolution bodies within SSOs or separate arbitrational tribunals.