

Jurgita Randakevičiūtė

The Role of Standard-Setting Organizations with
Regard to Balancing the Rights Between the Owners
and the Users of Standard-Essential Patents



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Foreword

This book is the result of a Master thesis written between June and early September 2014. Since then, while preparing this version, minor corrections and updates have been made. This work covers a dynamic and fascinating field of intellectual property and competition law, i.e. standardization, which I became interested in during my LL.M. studies at MIPLC.

In the process of writing this thesis, I have thoroughly benefited from the physical and human resources of the MIPLC. I am deeply indebted to the people, who I have met and became friends throughout the year 2013/2014, for their small or big comments and conversations, that have expanded my perspectives on many important questions of life, not only to those related to intellectual property and competition law. I am also obliged to my supervisor Professor Dr. Josef Drexl for his careful guidance and his dedicated valuable time. I must specially thank to two of my family members for their attention and patience every single day up to this moment: your support means a lot to me.

4 May 2015, Vilnius, Lithuania

Jurgita Randakevičiūtė

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Acronyms and Abbreviations

Art.	Article
CJEU	Court of Justice of the European Union
DVB Project	Digital Video Broadcasting Project
DRAM	Dynamic Random Access Memory
Commission	European Commission
ETSI	European Telecommunications Standards Institute
IPR Guide	European Telecommunications Standards Institute's Guide on Intellectual Property rights
IPR Policy	European Telecommunications Standards Institute's Intellectual Property Rights Policy
EU	European Union
FRAND	Fair, reasonable and non-discriminatory
Guidelines	Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements
IPRs	Intellectual Property Rights
JEDEC	Joint Electron Device Engineering Council
Law on Employee Inventions	The German Law on Employee Inventions
SEP	Standard-Essential Patent
SSO	Standard-Setting Organization
TFEU	Treaty on the Functioning of the European Union
WIPO Center	World Intellectual Property Organization Arbitration and Mediation Center

