

# ***“SEP Governance” in East Asia: Reviewing the Effect of Dispute Resolution Guidelines in Japan and China***

*Christoph Rademacher and Alice Shi*

Throughout the last ten years, Standard-essential patent litigation has occupied the attention of virtually every patent originator and implementer in the ICT industry in the US and beyond. The same is true for courts that were asked to adjudicate litigation concerning SEP disputes. Most of the guidance on SEP dispute resolution procedure and rate determination that has been provided from US authorities since 2013 has actually come from a handful of court decisions.

SEP disputes are by no means only a US phenomenon. The UK and Germany have emerged as hotbeds of international SEP enforcement thanks to comparatively patentee-friendly approaches adopted by courts in London, Düsseldorf, and Mannheim. While Asia is home to a number of leading SEP originators and implementers and has grown into the biggest market for telecommunication products, only relatively few court decisions in the area of SEP dispute resolution have been reported from the region. This paper will analyze a number of dispute resolution guidelines that were issued by the Japanese government in 2018 and by the Beijing and Guangdong High Courts in 2017 and 2018 respectively, and will discuss the influence of the guideline’s existence and their drafting process on the negotiation behavior of selected market participant.