DOCOMO’s Views on SEP

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Who We Are

- Significant R&D Investment in Development of STANDARDS
- Commitment to STANDARDS and OPENNESS
- DOCOMO = “Telecom Operator” & “Technology Provider”

Estimated number of LTE essential patents

[Graph showing the estimated number of LTE essential patents from 2008 to 2014, with a pie chart indicating the percentage contribution of various entities, including NTT DOCOMO with 211 patents (7.0%).]

http://www.cybersoken.com/english/research/lte.html
Cyber Creative Institute Co. Ltd.
What We Do

➢ Respect Innovation and IPR
  ➢ Work hard to establish FRAND-based efficient licensing
  ➢ Procurement conditioned under non-infringement of patents

As a SEP Holder

- Patent Pool Licensing
  - Offer one-stop FRAND licensing
  - Obtain a fair return at the same time as encouraging technology dissemination

W-CDMA

- Bilateral Licensing
  - Offer an option for implementers

As an Implementer

- Procure Licensed Products
  - Require resolution of IPR as a condition of procurement
  - Compensate SEP Holders through procurement
How We See The Current Challenges

- SEP Holders require a fair return on their R&D investments
- Implementers require a reasonable and predictable business environment for utilizing SEPs

### For SEP Holders

- Patent Pools have not been as successful as we expected
  - Lack of attraction for both SEP Holders and Implementers

- Implementers pretending to be “Willing Licensees”
  - Effectively implementing delaying tactics at the same time as avoiding injunction
  - Significant difference in FRAND royalty rate

### For Implementers

- High Cost of Dealing with PAEs
  - Nuisance seeking for settlement

- SEPs without FRAND Obligation
  - Tokyo District Court allowed injunction
  - No guideline for royalty rate

Need to Strike a Sustainable Balance through Open Discussion
Where We Should Go For 5G

- DOCOMO is accelerating its R&D efforts to deploy 5G Network services in time for the 2020 Tokyo Olympic Games
- Serious effort is required to achieve sustained improvement in SEP licensing

Three Recommendations in NGMN White Paper
(For a more transparent and predictable IPR eco-system)

1. Improve 5G SEP Declarations
2. Establish Independent 5G SEP Assessments
3. Explore and establish Patent Pool licensing for 5G

https://www.ngmn.org/5g-white-paper.html NGMN 5G White Paper
Thank you.