

# **Certainty of FRAND conditions when concluding license agreements for SEP in the system of European competition law**

## **Abstract**

The diploma thesis examines the relationship of European Union competition law in relation to intellectual property rights, specifically standardized technologies using patents. The topic is currently at the forefront of interest with regard to technology development and the interconnection of global markets. Standardized technology is now increasingly used globally.

The aim of this work is to determine whether there is a fixed method in the jurisdiction of the European Union, how to determine the license agreement for a patent for standardized technology under FRAND conditions, or whether there are a larger number of these methods. The second issue examined is to determine whether European competition law clearly provides undertakings with a procedure for negotiating a standardized technology patent license agreement in order to avoid infringing European Union competition law.

The work takes into account the decision-making of judicial and other bodies in the matter, especially at the level of European Union institutions, but for a broader view, the methods of other jurisdictions with the highest GDP are given, namely the USA, Japan, China, Germany and the United Kingdom. In addition to the decisions of the institutions, the diploma thesis also works with materials from academics and other experts on the issue. The individual sources are compared with each other.

The findings of the thesis show that both in the jurisdiction of the European Union and in other examined jurisdictions there is no single method to determine FRAND conditions, on the contrary, a larger number of these methods and proposals for creating other methods to determine FRAND conditions. On the other hand, as regards the certainty of the procedure by which undertakings should approach patents for standardized technology when concluding a licensing agreement, it was found that the conditions were clearly defined for the parties, in particular by the *Huawei v. ZTE*.

The diploma thesis can be used while choosing methods for calculating FRAND conditions for licensing agreements for patents for standardized technology and for determining the negotiation procedure so as not to violate European Union competition law.

**Key words: FRAND, SEP, Competition law**