ANSI Legal Issues Forum 2011: Patented Technology in Standards

Thursday, October 13, 2011
2:00 – 5:00 pm
Newseum Knight Conference Center
555 Pennsylvania Ave. NW, Washington DC, 20001
703.416.1600

ANSI’s annual Legal Issues Forum examined legal and policy issues which may arise when patented technologies are included in voluntary consensus standards.

The Institute presented two panels of recognized leaders who examined the pros and cons of the RAND (reasonable and non-discriminatory) licensing commitment as well possible alternatives to RAND, including negotiating licensing terms prior to choosing the standard.

Panel 1: The Pros and Cons of RAND: Does RAND Continue to Be the Preferred Approach to Essential Technology?

Panel 2: Is Ex-Ante Disclosure and/or Negotiation of Licensing Terms a Safe Alternative to RAND?

Time | Topic | Speaker
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2:00 – 2:05 p.m. | Opening Remarks | Patricia Griffin, Vice President and General Counsel, ANSI

Panel 1 – The Pros and Cons of RAND
Panelists will address the pros and cons of the RAND licensing commitment and its continued viability as the preferred approach to deal with essential patented technology in standards.

The panel will conclude with a 15-minute Q&A session.

Advance reading:
- ANSI Patent Policy
- Guidelines for Implementation of the ANSI Patent Policy

Moderator:
Earl Nied
Program Director, Intellectual Property Rights, Intel Corporation; Incoming Chairman, ANSI Intellectual Property Rights Policy Committee

Panelists and Topics:
- The Evolution of RAND
  Anne Layne-Farrar
  Vice President, Compass Lexecon LLC

- Are There a Few Elephants in the RAND Room?
  Andrew Updegrove
  Partner, Gesmer Updegrove LLP

- Economics of RAND Compared to Negotiation
  Joseph Farrell
  Director, Bureau of Economics, Federal Trade Commission

- DG Comp Comments about FRAND Commitments in the Horizontal Cooperation Agreement Guidelines
  Amy Marasco
3:20 – 3:40 p.m.  Networking Break

3:40 – 4:55 p.m.  Panel 2 – Ex Ante Disclosure

Panelists will address the pros and cons of mandatory or voluntary *ex ante* disclosure of licensing terms as a potential alternative to the RAND licensing model.

*The panel will conclude with a 15-minute Q&A session.*

**Moderator:**
Dan Bart  
*President and CEO, Valley View Corporation; Current Chairman, ANSI Intellectual Property Rights Policy Committee*

**Panelists and Topics:**
- The *Ex Ante* Debate  
  *Monica Barone*  
  Senior Legal Counsel, Qualcomm
- Why ANSI-Accredited Standards Developers Should Want to Adopt Policies that Require *Ex Ante* Disclosure of License Terms  
  *Robert Skitol*  
  Senior Partner, Drinker Biddle
- Is There Hold Up, and What Role Do *Ex Ante* Rules Play?  
  *Richard Taffet*  
  Senior Member, Bingham McCutchen LLP
- Alternatives to *Ex Ante* Disclosure  
  *Michael Lindsay*  
  Partner, Dorsey & Whitney LLP
- Report on the NIST-funded Study of *Ex Ante* Policies  
  *Jorge Contreras*  
  Visiting Associate Professor, American University, Washington College of Law

4:55 – 5:00 p.m.  Closing Remarks

*Patricia Griffin, Vice President and General Counsel, ANSI*