

ADR mechanisms in FRAND related disputes: report available

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The Standards & Patents and ADR Committees joined forces to prepare a report on the use of ADR in FRAND disputes, analysing the answers of 19 national groups to a questionnaire. The report is accessible [here](#) and was also debated at an IP café during the Annual Congress in October 2021.

The summary goes over the way ADR mechanisms are currently being used (or not used) in the context of FRAND-related disputes in the different jurisdictions and examines whether there are legal limitations to such use, notably in view of antitrust and public order matters.

It also covers the policy of local, regional and international SDOs regarding voluntary or mandatory arbitration.

Finally, the summary includes the thoughts of the members on a proposal for harmonization, especially on whether voluntary or mandatory arbitration procedures should be included in SDO IPR policies, and if so, under which conditions (scope of the mandatory arbitration, arbitration center, language of the arbitration, confidentiality of the award, etc.).

The answers of the members show that although some jurisdictions are more used than others to revert to ADR mechanisms in FRAND disputes, these mechanisms could overall be more used. There is also some room for harmonization of these mechanisms worldwide, and improvement of the SDOs policies, be it local, regional or international SDOs.

To read more on this subject, the Standing Committee Report of 2021 can be found [here](#).

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