

A network diagram with several nodes (colored circles) connected by lines, overlaid on a teal background with various mobile-related icons like smartphones, Wi-Fi, and SMS.

A Practical Look at MIPI's IPR Framework

Brad Biddle

MIPI Alliance Counsel

About Me



- Outside General Counsel for MIPI Alliance
- Founder/Principal of Biddle Law PC
- Former Standards Counsel at Intel Corp.
- Faculty Fellow, ASU Law

Two Key Points:

1. MIPI's royalty-free IPR terms are particularly well-suited to automotive industry needs.
2. MIPI licenses its specifications with specific rules that benefit its members and the broader industry.

The background is a teal color with a dense pattern of white icons representing various technologies and communication methods, such as smartphones, Wi-Fi signals, speech bubbles, and gears. Overlaid on this is a network diagram consisting of several nodes (colored orange, red, purple, and white) connected by thin white lines. The nodes are arranged in a roughly triangular pattern across the top half of the slide.

1. Royalty-free patent license grants

How many standards in a laptop? (And other empirical questions)

Brad Biddle, A. White, Sean Woods • Published 10 September 2010 • Engineering, Computer Science • 2010 ITU-T Kaleidoscope: Beyond the Internet? - Innovations for Future Networks and Services

An empirical study which identifies 251 technical interoperability standards implemented in a modern laptop computer, and estimates that the total number of standards relevant to such a device is much higher. Of the identified standards, the authors find that 44% were developed by consortia, 36% by formal standards development organizations, and 20% by single companies. The intellectual property rights policies associated with 197 of the standards are assessed: 75% were developed under “RAND” terms, 22% under “royalty free” terms, and 3% utilize a patent pool. The authors make certain observations based on their findings, and identify promising areas for future research. [Collapse](#)

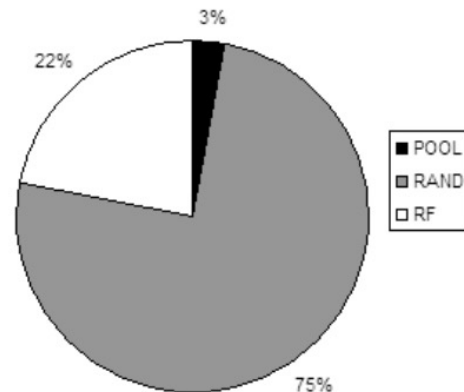


Figure 2: IP MODELS

- Many standards-essential patents (SEPs) are licensed under [fair,] reasonable and non-discriminatory (“**FRAND**” or “**RAND**”) terms, which can be royalty-bearing
- Some SEPs are licensed under “RAND-Zero,” “RF-RAND” or other royalty-free terms (“**royalty free**”)

Two [F]RAND-Related Disputes:

1. What is a “reasonable” royalty?
2. Is it “discriminatory” to license only at the OEM level of the supply chain?

SEP litigation cases

Recent SEP auto industry litigation 2G, 3G, 4G:

- Nokia vs. Daimler (Germany, 2019)
- Nokia vs. Continental (Germany, 2019)
- Conversant vs. Daimler (Germany, 2020)
- Sharp vs. Daimler (Germany, 2020)
- Conversant vs. Tesla (Germany, 2020)
- Sharp vs. Tesla (Japan, 2020)
- Sisvel vs. Tesla (USA, 2021)
- L2 Mobile vs. Ford (USA, 2021)

Automotives: the next battlefield of SEP litigation?

01-07-2019 Pauline Delbré and Simon Corbinau-Picci



ParabotStudio / Shutterstock.com

Editor's Picks

- Booking.com—floodgates
- Sky v SkyKick goes to court
- Donald Trump fights his copyright row
- US Copyright Office weighs in on AI
- CFA Global to make its 'new normal'

Automotive 2G, 3G, 4G SEP litigation

12 - 16 SEPTEMBER 2021

CLARI

<https://www.iplytics.com/webinar/webinar-recording-slides-role-seps-auto-industry/>

3.1. Patent Licenses.

a. Compliant Portion.

For each MIPI specification heretofore and hereafter adopted by the Corporation, subject to Sections 5.2 and 5.3, Member hereby grants and agrees to grant all other Members a worldwide, non-exclusive, non-sublicensable, non-transferable (except as provided in Section 7.10), license, without compensation other than the provisions of this Membership Agreement, under the granting Member's Necessary Claims to make, have made, use, import, offer to sell, lease, sell, promote and otherwise distribute Compliant Portions.

Royalty-free SEP licenses are automatically granted at any level of the supply chain

Important details: <https://www.mipi.org/sites/default/files/MIPI_Membership-Agreement_2019.pdf>

MIPI Terms Are Unique Among Auto-Focused SDOs

	Potential “reasonable” royalty:	Royalty-free:
No level discrimination:	IEEE	MIPI
Possible level discrimination:	ETSI, SAE, ISO, 5GAA, etc.	

Potentially highly-consequential differences!

(e.g., indemnification terms in supply contracts, patent clearance efforts, more)



2. Specification licenses

MIPI specifications...

- Are confidential to Members (with some key exceptions)
- Can be used and disclosed **ONLY** “for the purpose of developing products compliant with the Specification(s)” (i.e., limited trade secret license)
- Can be distributed **ONLY** “as part of Member’s product for the purpose of developing and selling products complying with the MIPI Specification(s)” (i.e., limited copyright license)

Contractual agreement by Members + background trade secret and copyright law

Rules provide legal support for MIPI policy:

- Example:
 - “The MIPI DSI Specification shall always be used in combination with one or more MIPI physical layer specifications, such as MIPI A-PHY, C-PHY, D-PHY, or M-PHY. The MIPI DSI Specification shall not be used in combination with non-MIPI physical layers, unless expressly authorized by the MIPI Alliance Board of Directors.”
 - Use w/o a MIPI PHY would be definitionally non-compliant
 - MIPI specs can only be used or disclosed for the purpose of developing compliant products; use or disclosure for the purpose of developing a non-compliant product is unauthorized and unlicensed
- (Plus other tools: trademark, patents)

PHY-Protocol Coupling

- Legal issues are clear: MIPI decides how its specs are used
- MIPI BoD business/technical policy choice
 - Rationale: (a) technical quality, (b) minimize fragmentation, (c) demonstrated historical success
- Observations about ‘loophole-seeking’
 - Significant legal risks
 - Violates industry norms, harms long-term self-interest of industry participants
 - Ethically questionable

The background is a teal color with a dense pattern of small, light-colored icons representing various digital and communication concepts such as Wi-Fi, SMS, mobile phones, and social media. Overlaid on this is a network diagram consisting of several nodes (colored orange, red, purple, and white) connected by thin white lines. The nodes are arranged in a roughly circular pattern, with a central red node and several peripheral nodes connected to it and to each other.

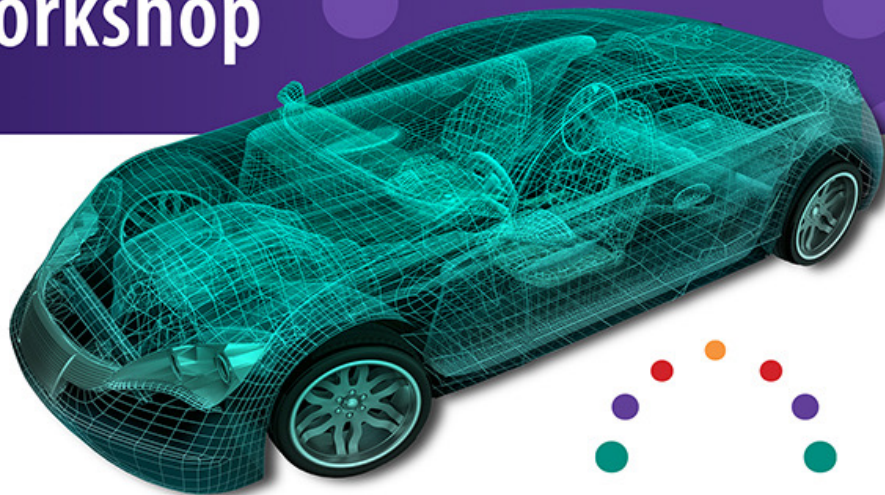
Summary

Summary

1. MIPI's patent licensing structure is uniquely well-suited for the automotive industry, providing significant advantages over alternative models
2. MIPI licenses its specifications with specific rules that benefit its members and the broader industry.

MIPI Automotive Workshop

*An in-depth look at the
MIPI Automotive SerDes
Solutions (MASS) framework*



Q&A