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| Response from the Japan Automobile Manufacturers Association, Inc. (JAMA) to the Call for Public Comments on the Formulation of the Intellectual Property Promotion Plan 2026 | Cabinet Office of Japan | January 2026 |

JAMA Response to the Call for Public Comments on the Formulation of the Intellectual Property Promotion Plan 2026

Comment category: (C3) New International Standards Strategy

As stated in the Intellectual Property Promotion Plan 2025, “a ‘New International Standards Strategy’ (hereinafter, ‘New Strategy’) has been established under which Japan will lead efforts to address societal challenges and create markets through international standardization activities, thereby making proactive contributions to resolving issues faced by both the international community and Japan and to ensuring economic security.” Accordingly, we support efforts to promote international standardization initiatives in Japan.

Moreover, it is stated that close attention will be paid to “the impact of standard essential patents (SEPs) on the dissemination of standards and competitiveness, including issues related to licensing negotiations and global disputes concerning FRAND terms, royalty rates, and anti-suit injunctions, and that necessary measures will be taken accordingly.” We regard these initiatives as extremely important and accordingly present our detailed comments below.

Specific Comments on the Formulation of an International Standards Strategy and the Promotion of Rulemaking and on Collective Negotiations by Implementers

- In the proceedings of the First Concept Committee meeting held during deliberations on the formulation of the Intellectual Property Promotion Plan 2026 (November 21, 2025), Committee Member Takenaka expressed the opinion that “Just as SEP holders have patent pools, it is desirable for implementers to form collective negotiation bodies to reduce the costs of individual negotiations and prevent excessive royalty payments by taking patent exhaustion within the supply chain into account. Because this would enable the collection of royalties on a collective basis, such bodies would also be beneficial to SEP holders.”

The Automotive Licensing Negotiation Group (ALNG) was formed last year in Germany as a negotiating body for SEP implementers. It aims to streamline negotiations for SEP licenses not limited to the automotive sector and has been approved by Germany’s Bundeskartellamt (Federal Cartel Office).

We expect that enabling the formation of such collective negotiation bodies for implementers will increase transparency in the patent licensing environment.

In principle, although licenses for SEPs subject to FRAND declarations should be provided on fair, reasonable, and non-discriminatory terms, in ordinary bilateral negotiations, non-disclosure agreements prevent the comparison of licensing terms with those of other negotiations, making it difficult to evaluate the appropriateness of the terms.

Furthermore, although the views of rightsholders tend to be predominantly reflected in typical patent pools, the views of implementers are often not sufficiently taken into account, resulting in rules whose basis is unclear and lacking in transparency.

We therefore hope that, by having implementers participate collectively in the rulemaking of patent pools formed by

rightsholder associations and by ensuring that their views are reflected in those rules, fair, reasonable, and non-discriminatory conditions will be secured and the transparency of the licensing environment improved.

We believe that compliance with Japan's Antimonopoly Act is essential to the formation of such collective negotiating bodies for implementers, and that the relevant laws, regulations and guidelines must be developed to that end.

We also believe that such measures will help establish a transparent licensing environment that will promote innovation and will benefit society as a whole by advancing the social implementation of standards.

It is our expectation that wide-ranging discussions on how collective bargaining can best be conducted by implementers will contribute to improving the SEP licensing environment.

- With regard to initiatives overseas, the UK Intellectual Property Office (UK IPO) is actively working to improve the licensing environment for SEPs. Specifically, measures aimed at improving transparency and predictability are being implemented, including the establishment of a Rate Determination Tribunal (RDT) and the visualization and public disclosure of SEP information.

The UK IPO invited public comments on these initiatives in 2025, as referenced below:

<https://www.gov.uk/government/consultations/consultation-on-standard-essential-patents-seps/consultation-on-standard-essential-patents>

JAMA submitted comments in response to that invitation, as referenced below:

https://www.jama.or.jp/operation/it/ipr/opinion/sep_opinion14.pdf

We believe that these initiatives—particularly efforts to enable public authorities to determine license royalty rates more quickly and efficiently and to improve transparency through the disclosure of information—will help eliminate information asymmetries in licensing negotiations, increase transparency, and contribute to the establishment of a sound licensing environment.

We strongly hope that a transparent and sound licensing environment can also be realized in Japan.
