SEP-related Legislative and Policy Measures Adopted by Member States, including Notable Case Law

Japan

■ Pantech v. Google
In June, 2025, the Tokyo District Court rendered the first SEP-related injunction in Japan in the Pantech v. Google case. The case was resolved through a court-mediated settlement at the Tokyo District Court in December of the same year.

■ The Tokyo District Court published “SEP Patent Infringement Litigation Guidelines” and “SEP Judicial Mediation Rules (SEPJM).”

In January 2026, the Tokyo District Court published “SEP Patent Infringement Litigation Guidelines” which outline considerations for proceedings in SEP-related patent infringement litigation.
https://www.courts.go.jp/tokyo/saiban/minzi_section29_40_46_47/SEP_tokkyoken_shingai/index_2.html (in Japanese only)

In addition, in January 2026, the Tokyo District Court published “SEP Judicial Mediation Rules (SEPJM)” aimed at facilitating the agreement of license fees under FRAND terms.
https://www.courts.go.jp/tokyo/saiban/minzi_section29_40_46_47/SEP_tokkyoken_shingai/index_2.html (in Japanese only)

■ Establishment of the Standard Essential Patent Portal Site
The Japan Patent Office (JPO) has established a portal site on its website to communicate its initiatives related to Standard Essential Patents (SEPs). The portal site features information on the JPO's past efforts and links to relevant organizations.

- Standard Essential Patents Portal Site:
  https://www.jpo.go.jp/e/support/general/sep_portal/index.html

■ Guide to Licensing Negotiations Involving Standard Essential Patents
The JPO created the "Guide to Licensing Negotiations Involving Standard Essential Patents" in June 2018. The Guide aims to enhance transparency and predictability, facilitate negotiations between rights holders and implementers (patent users), and help prevent or quickly resolve disputes concerning SEPs.

GUIDE TO LICENSING NEGOTIATIONS INVOLVING STANDARD ESSENTIAL PATENTS（2nd Edition）:
https://www.jpo.go.jp/e/system/laws/rule/guideline/patent/document/rev-seps-tebiki/guide-seps-en.pdf

■ “Hantei” (Advisory Opinion) for Essentiality Check
The recent spread of the Internet of Things (IoT) has led to changes such as licensing negotiations conducted by companies across industries. Participation of such companies has made it difficult to solve problems through such conventional methods as cross-licensing within the same industry. In addition, opinions have become increasingly divided regarding the essentiality of patents, and reasonable license fees in the negotiations.

In particular, disputes between parties over the determination of whether or not patented inventions subject to licensing negotiations are SEPs would be difficult to resolve without outside assistance.

If such determinations were to be made by the JPO from a fair and neutral perspective, licensing negotiations and dispute resolution between such parties would therefore become greatly enhanced.

In order to provide clarification regarding the operation of the “Hantei” (advisory opinion) system, the JPO prepared the ‘Manual of “Hantei” (Advisory Opinion) for Essentiality Check’ for practitioners. The manual was published on March 28, 2018, and operations commenced on April 1, 2018.

In accordance with the enactment of the Act on the Partial Revision of the Unfair Competition Prevention Act and other acts (Act No. 33 of May 30, 2018), the JPO published the revised manual on June 26, 2019 for the purpose of responding to the enactment of the revised act and making the operation more user-friendly. Operations under the revised manual (hereinafter referred to as “new operations”) commenced on July 1, 2019.

- Revision of the ‘Manual of “Hantei” (Advisory Opinion) for Essentiality Check (Revised Version):
  https://www.jpo.go.jp/e/support/general/sep_portal/document/index/manual-of-hantei.pdf

- Leaflet of Hantei (Advisory Opinion) System:
  https://www.jpo.go.jp/e/system/trial_appeal/shubetu-hantei/document/index/leaflet.pdf

- Guide to Hantei (Advisory Opinion) System:
  https://www.jpo.go.jp/e/system/trial_appeal/shubetu-hantei/document/index/guide.pdf