Call for Tenders JRC/SVQ/2018/B.6/0024/OC

Pilot project for essentiality checks of Standard Essential Patents

Technical Specifications

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1 BACKGROUND AND RATIONALE

1.1 The Directorate and the Unit

The Directorate Growth and Innovation of the Joint Research Centre (JRC) of the European Commission, mainly based in Seville (Spain), is closely involved in creating a strong and resilient Economic and Monetary Union, ensuring stable financial markets, as well as strengthening and deepening the Single Market including the Digital Single Market. It assists in the development of policies for trade and modern manufacturing as well as in the analysis how to achieve equitable access to education and training. This is to include an examination of the key issues to open, digital science as well as to open innovation and to the characteristics of innovation ecosystems. It is also to include the analysis of the impact of regional funding. The Directorate serves the Economic and Monetary, Employment and Social, Taxation, Competition, Enterprise and Industry, Information Technologies, Regions and Cohesion, Single Market, Trade, Education, Training and Youth, Customs and Audio-Visual Media policy areas.

The Digital Economy Unit, based in Seville and in Ispra (Varese, Italy), of the Directorate Growth and Innovation provides quantitative and qualitative socio-economic research in support to the Digital Economy, Digital Living and Digital Society. It analyses data value chains and the conditions relating to their development and provides the technical coordination of the INSPIRE Directive developing the European Spatial Data Infrastructure (SDI) for sharing data, information and knowledge and leading to the development of the next-generation of SDI (Digital Earth). The Digital Economy Unit is located in Ispra (Varese-Italy) and in Seville (Spain).

1.2 Policy background

The European Digital Single Market (DSM) is one of the European Commission's ten priorities and aims at generating up to EUR 250 billion of additional growth in Europe before 2020. The Commission intends, through the DSM, "to boost competitiveness through interoperability and standardisation. Standardisation has an essential role to play in increasing interoperability of new technologies within the Digital Single Market. It can help steer the development of new technologies"[1]. In the digital economy, standard essential patents (SEPs), i.e. patents as proprietary rights that are included in and are essential for implementation of standards, are an increasingly important feature in standardisation and an important element of the business model for many industries in terms of monetising their investment in research and innovation. The Commission advocates the need for a balanced framework between right holders and implementers of SEPs in order to ensure fair licensing conditions. There is a need for a clear, balanced and reasonable policy for Standard Essential Patents in the EU with the aim of contributing to the development of the ICT standards needed for the deployment of new technologies (e.g., Internet of Things, 5G) and harnessing Europe's lead role in in this context[2].

To ensure that Europe is well positioned in today's competitive global environment, the Commission works towards a smooth and balanced functioning of the standardisation

[1] COM (2015)192 of 6.05.2015: A Digital Single Market in Europe.
[2] COM (2017) 712 final Setting out the EU approach to Standard Essential Patents

system for standards that comprise patent-protected technologies. This includes removing unnecessary barriers in the market for the licensing of SEPs[3].

1.3 Research context

As a consequence of increasing technology sophistication and digitisation of the economy, technology implementers now need to use a growing number of standards with a larger number of SEPs per standard. Moreover, IPR policies used to be defined at a time when standards were developed and implemented by a limited number of similar companies who used to cross-license their patent portfolios. By contrast, there are now more SEPs owners and implementers with different business models and a larger variety of licensing practices. The increases in SEPs owners, implementers, and practices can be linked to the evolution of even more complex technologies, the multifunctional integration of different technologies and the development of specific services and applications that go beyond initial purpose functions such as information and communication technologies.

Standard Essential Patents (SEPs) are based on the self declaration made by the right holders on their "essentiality" to implement the standard. There is no ex-oficio testing of essentiality by SDOs. This has economic repercussion, as once a patent is declared essential, any third party who wants to implement the standard has to assess its SEP exposure and conclude a licencing agreement, which many normally include paying licencing fees.

Information on the existence, scope and relevance of SEPs is vital for fair licensing negotiations and for allowing potential users of a standard to identify the scale of their exposure to SEPs and necessary licensing partners. However, currently the only information on SEPs accessible to users can be found in declaration databases maintained by SDOs which may lack transparency and updates. This situation makes licensing negotiations and the anticipation of risks related to SEPs particularly difficult to navigate for start-ups and SMEs. The primary purpose of declarations is to reassure an SDO and all third parties that the technology will be accessible to users, typically under a commitment to license under FRAND conditions.[4]

Over-declaration may be inherent to the system for a variety of reasons. One reason may be due to the fact that at the beginning of the working items workplans, participants ignore which technological solution will finally be retained in the specification. Some claim it to be beneficial that a higher number of SEPs would be available under FRAND conditions. Another reason is to avoid the negative consequences of under-declaration (fines by competition law). The incentive structure with SDOs is to rather declare more SEPs.

SDO databases may record tens of thousands of SEPs for a single standard, and this trend is growing. The declarations are based on a self-assessment by the patent holder, and are not subject to scrutiny regarding the essentiality of the declared patent, which can evolve in the course of the standard adoption and/or patent granting procedures. In addition, stakeholders report that even in concrete licensing negotiations licensors fail to substantiate their claims with more precise information. This is particularly

[3] Cf.: http://ec.europa.eu/growth/single-market/european-standards/index_en.htm
[4] *COM (2017) 712 final*

unsatisfactory in the context of IoT where new players with little experience of SEPs licensing are continually entering the market with solutions based on connectivity.[5]

Against this background, different studies indicate that there is a trend for over-declaration of SEPs and that an important number of declared SEPs are de facto not essential. This scenario creates legal uncertainty and places a high burden on any willing licensee, especially SMEs and start-ups, to check the essentiality of a large number of SEPs in licensing negotiations. Moreover, uncertainty on essentiality may lead to litigation and ultimately to sub-optimal diffusion of the standard. Essentiality checks appear to be necessary to guarantee full legal certainty, but they come at a cost and may be complicated to perform.

This project is directly linked with other intellectual property related projects within the Digital Economy Unit at the Joint Research Centre, namely the work on patent assertion entities, on Fair Reasonable and Non-Discriminatory licensing terms, on the governance of standardisation and on the role of opens source software in standard setting[6].

2 AIM AND OBJECTIVES OF THIS CONTRACT

The European Commission encourages in its communication on standard essential patents the introduction of an appropriate scrutiny mechanism for SEPs (COM (2017) 712 final).

The objective of this study is to assess the feasibility of a system that ensures better essentiality scrutiny for SEPs. This includes both the technical feasibility, how better scrutiny possibly could be carried out and institutional feasibility, which institutions could possibly set-up and implement a system of better scrutiny.

Amongst other elements, the analysis should be based on a set of concrete tests of standard essential patents with the objectives of: (i) identify best practices on performing essentiality checks (ii) find out the best cost effective manner (iii) consider policy and legal implications for a scrutiny mechanism for SEPs and (iv) identify possible benefits and incentives for the players to pass such a scrutiny.

In particular the Contractor should analyse existing studies and methodologies to perform essentiality checks. This will include the analysis of literature and court cases where patent essentiality was taken into consideration. The analysis should further include case studies and interviews with experts to extract best practices and to collect information about the required skills and features as well as the cost of essentiality tests. The study should also compare with related essentiality check procedures, i.e., in the context of SEPs pools. Finally, the study should analyse and present the potential benefits, costs and risks of different types of essentiality tests.

[5] *COM (2017) 712 final.*

[6] Relevant studies can be found on the webpage of the project European Innovation Policies for the Digital Shift: https://ec.europa.eu/jrc/en/euripidis

3 EXPECTED RESULTS

The study should provide a comprehensive overview of the features of existing scrutiny mechanisms. While considering the available literature in the field, related schemes, court decisions and the experience from concrete test samples the analysis should in particular consider the following questions:

1. Providing a definition of essentiality tests. What are the different ways essentiality tests could be carried out (from patent landscaping to a full claim chart analysis)?
2. Timing of essentiality tests. When during the patent and standardisation procedure would it be optimal to carry out essentiality checks? What are the different options and what are the advantages and disadvantages of specific options (at filing, before/after grant, after appeal, at the moment of approval of the specification, when a release is frozen, etc.).
3. What are the different options (pros and cons) to initiate a scrutiny mechanism (ex officio, -always, random tests, selected samples, on request, SEP applicant – IPOs, SDOs, third party, in case of dispute only etc.)?
4. Scope of analysis. Which patents (one patent per family only, all claims) and which patent documents at which time should be subject of the analysis? Which standardisation documents should be consulted and at which time (mandatory and voluntary parts)?
5. Costs of scrutiny mechanism. What are the costs involved, from a technical and a labour point of view and what are the skills required to carry out tests?
6. What entity would be best placed to perform essentiality checks? What skills do essentiality checks require? Which would be the role of the SEP holder?
7. Fees to be charged for a scrutiny mechanism. What is a reasonable level of fees to be charged for carrying out tests considering the principles of cost coverage, economies of scale, special status of applicants like SMEs and Universities?
8. Legal status of tests. What could possibly be the legal status of an assessment based on a scrutiny mechanism (opinion/recommendation, legally binding/non-binding, open to appeal)?
9. Status of the applicant. Who has to disclose (relevant knowledge, i.e. organisation or individual's, good faith, etc)?
10. Does imposing SEP checks put an additional burden on SEP holders to participate at standardisation processes with SDOs.
11. Would SEP essentiality checks provide a service to help SMEs dealing with SEPs?
12. Availability of the results. Should the results from the checks be publicly available? Which parts? On voluntary basis? How to reflect the essentiality checks in the SDOs databases?
13. How could essentiality checks fit into the international level, e.g. when different offers are available globally? Could different patent offices have a common approach to share burden and avoid contradictions?

14. What are the advantages and disadvantages of a third party essentiality check offer? What effects would this have on licensing?

The analysis should consider the current state of play of the declaration of SEPs, namely:

- Timing of essentiality declaration: At which moment in time in the patenting and standardisation procedure is a declaration of essentiality done (from the outset, timely fashion, after publication, at any time, etc.)?
- Means of disclosure: How is the information disclosed (blanket disclosure vs specific disclosure, positive vs negative disclosure, updating of disclosures, etc.)?
- Can disclosed information be made publicly available (e.g. claim charts, outcome of the check)?

Considering these questions plus additional up-coming issues the analysis should provide a deeper and more systematic understanding of the options for carrying out a mechanism of scrutiny for standard essential patents.

The final analysis should come up with a list of policy recommendations. It should consider the policy objectives mentioned in the EC communication COM (2017) 712 final and provide a systematic overview of policy options for setting up a scrutiny mechanism for standard essential patents.

4 APPROACH

The study will assess feasibility for setting up a scrutiny mechanism for Standard Essential Patents. It will comprise a literature review, an SEP landscaping and quality analysis, case studies and expert interviews in combination with a stakeholder workshop.

The study will consider all the relevant literature in the field, as well as similar schemes. It will also consult legal cases where essentiality has been under investigation. A set of case studies, will bring together the practical experience from different domains (public and private) how to carry out a scrutiny mechanism for standard essential patents. Carrying out the cases should be a combination of desk research and direct interaction with relevant experts in the field.

The findings from the case study analysis will be corroborated at an expert workshop with representatives from all key stakeholders. The duration of the workshop will be one and a half days with a minimum of 20 invited external experts.

The combined results from the case studies and the expert workshop will be brought together in the final report.

5 WORK DESCRIPTION

The Contractor must perform the following tasks during the implementation of the contract.

Task 1 – Project kick-off and literature review
Task 2 - SEP landscaping and quality assessment
Task 3 – Collection of legal cases
Task 4 – Essentiality case studies (including a minimum of 30 SEPs checked)
Task 5 – Stakeholder workshop
Task 6 – Final Report

Task 1 - Kick off meeting, literature review

The Contractor must organise in coordination with JRC a project kick-off meeting within four weeks following the official start date of the contract. The meeting will aim at refining the scope of the work, discussing the overall approach and work plan, agreeing on the relevant literature, legal cases and case studies.

The Contractor must provide a systematic overview based on the relevant literature on the issue and will present a preliminary review of the literature and relevant existing policies, including at international level, based on articles, reports, and policy documents.

Furthermore, the Contractor should present at the meeting draft versions of deliverables from following tasks, namely, of the common framework and criteria for legal case study analysis (D4), of the framework of analysis for the tests of essentiality (D6) and of the list of SEPs to be analysed (D7).

The presentation slides must be made available to JRC 5 working days before the kick-off meeting.

The final report presenting a literature review of articles, reports and policy documents should be finalised after the meeting taking into account all observations and comments raised at the meeting. The report from the meeting (including the refined and agreed methodology, work plan, revised slides and the minutes of the kick-off meeting) must be made available within 1 week after the kick-off meeting.

Deliverables:

- D1 –Report (including refined and agreed methodology, work plan, revised slides and minutes from the Kick-off meeting)
- D2 – Report presenting a literature review of articles, reports and policy documents

Task 2 SEP landscaping and quality assessment:

The Contractor must provide an overview (by industry and owner) of existing SEPs in Europe (SEPs declared with the European Telecommunication Standards Institute/ETSI) and evaluate these SEPs from a quality point of view. Based on a set of standard criteria for patent quality (OECD methodologies using forward/backward citation, patent family analysis, renewal rates, etc.) the Contractor must assess these SEPs and compare with a control group of non-SEPs. The objective of this task is to provide evidence on the role of patent quality in the context of standard setting and to provide an overview of the quality of existing SEPs. This task will require the use of specific databases[7] on SEPs (e.g. ETSI SEPs) and other databases (e.g. PASTAT Worldwide Patent Statistical Database).

Deliverable:

- D3 Overview report SEP landscaping and quality assessment

Task 3 – Collection of legal cases

The Contractor must analyse all relevant European legal cases and additional international cases including court cases and competition cases where standard essential patents have been evaluated as for their essentiality. The Contractor will first present a list of legal cases to be considered for the further analysis. The scope of these legal studies is global with a focus on Europe. The legal cases must be assessed upon a common framework and criteria the Contractor will have to establish (both, the list and the common framework are subject to approval by the Contracting Authority). The common framework must be based on and linked with the theoretical considerations from the literature review.

Deliverables:

- D4 – Common framework and criteria for legal case study analysis; proposed list of cases to be analysed
- D5 – Comparative legal case study based on the common framework

Task 4 – **Essentiality case studies**

The Contractor must carry out tests of essentiality with at least 30 Standard Essential Patents, with a focus on digital technologies. The Contractor must propose a list of at least 30 standard essential patents together with a framework of analysis on how to carry out the assessment. Both, the list and the template are subject to approval by the Contracting Authority.

Based on the framework of analysis the Contractor must also develop a case study from the Japanese Patent Office service providing an advisory opinion (Hantei) on

[7] To the extent these databases are not publicly available, the contractor will have to take care of his own access.

essentiality. This Japanese model is the only existing public model considering essentiality. It must therefore be included as a reference. The Contractor must get in direct contact with the Japanese Patent Office reaching out for first hand expertise in this matter.

Equally, must the Contractor develop a case study on the assessment of essentiality tests in patent pools. This work must be carried out in direct contact with patent pool managers and with patent experts who carry out the tests on essentiality on behalf of patent pools. This case study must cover at least the experience from 3 patent pools.

In parallel to this task, the Contracting Authority will share the framework of analysis with other external contributors who will provide additional tests of essentiality with a set of SEPs and report on these tests. A maximum of 10 additional reports on SEP tests is expected. Once these additional external tests of essentiality are finalized, the Contractor will receive the confidential results from these tests from the JRC and must integrate them in the report analysing the case studies.

Taking into consideration the objective of the study and in particular the questions under point 3 (expected results) the Contractor must provide a report bringing together and analysing the results from all available case studies, namely including the case analysis of:

- The 30 SEPs selected
- The Japanese Hantei model
- The selected patent pool examples
- The additional essentiality checks provided by the JRC

As part of its research under Task 3, the Contractor must get in direct contact with additional stakeholders at management and at technical level (a minimum of one additional contact per case study) and interview them to complement the analysis whenever necessary. For this purpose, the Contractor must respect the applicable Data Protection rules. The Contracting Authority will provide the Contractor with standard European Commission privacy statement that shall be made visible to interviewees.

Deliverables:

- D6 – Framework of analysis for tests of essentiality
- D7 – List of SEPs to be analysed
- D8 – Case study assessing the sample of min 30 SEPs
- D9 – Case study Japanese Hantei model
- D10 – Case study patent pools
- D11 – Report analysing all available case studies (including the additional essentiality checks provided by the JRC)
- D12 – Presentation slides of report D11

Task 5 – Stakeholder workshop

The report analysing and presenting the case study results (deliverable D11) will provide an important input to a stakeholder workshop. The Contractor must organise a workshop with stakeholders which will take place in Brussels, Belgium by **month 9** of the contract.

The workshop will aim to offer a forum for stakeholders of different SDOs, IPR offices, policymakers, SEP holders, and other stakeholders to interact. The discussion at the workshop aims at corroborating and complementing the case study analysis. The workshop will also aim at gathering the feedback from stakeholders on the results from the case study analysis. The feedback received will be analysed and presented by the Contractor in a workshop synthesis report.

Prior to the meeting, the Contractor must propose a workshop agenda, the names of at least 20 stakeholders to be invited by JRC and background document including the most relevant findings plus guiding questions for the workshop. The Contractor must reach out to and interact with the stakeholders in preparation of the workshop in agreement with the Contracting Authority.

- D13 – Final workshop agenda and final list of at least 20 stakeholders to be invited
- D14 – Background document including the most relevant findings plus guiding questions for the workshop.

The final worshop agenda, the final list of stakeholders to be invited and the final background document must be sent 10 days prior to the workshop to the Contracting Authority for approval.

During the workshop, the Contractor must present the case study analysis to the workshop participants and facilitate the discussion.

After the workshop, the Contractor must provide a workshop summary report including the most relevant findings.

JRC will cover the travel & subsistence expenses of invited stakeholders and meeting logistics costs (room reservation, catering), according to European Commission rules.

- D15 – Workshop summary report, including main findings

Task 6 – Final analysis

The Contractor must provide a final report combining the main results from the literature review, the legal cases analysis, the case study analysis and from the stakeholder workshop. This report must include a list of options how to carry out essentiality test, policy recommendations and overall conclusions.

The Contractor must focus on bringing together the results from all previous deliverables and derive therefrom policy options, recommendations and conclusions.

Deliverables:

D16 – Final report, including:

- Executive Summary
- Introduction
- Literature review
- Description of research methodology
- Summary of main findings
- List of options for essentiality tests
- Conclusions/policy recommendations
- Questionnaire

D17 – Presentation slides of final report D16

The final study report will be published as a joint JRC publication. The Contractor must follow the content, structure and graphic requirements as described in the last section of this document.

6 COORDINATION AND MEETINGS

The Contractor will be required to carry out the study in close co-ordination with the relevant Commission staff (JRC- Digital Economy Unit), including periodic telephone conferences (at least every month), email exchanges and any other means mutually agreed.

In addition to the stakeholder workshop, the following four meetings will be organised. Within one week following each meeting or tele/video-conference the Contractor must submit to JRC a summary of the actions agreed at the meeting.

6.1 Kick-off meeting in Seville, Spain

The Contractor must organise a one-day Kick-off meeting in Seville (Spain), in coordination with JRC to present the detailed work plan, including the research questions to be answered. The meeting will aim at refining the scope of the work, clarifying if necessary the research questions, and agreeing on the overall approach and detailed work plan. Subject to discussion at the meeting will in particular be the following deliverables: D4, D6, D7.

The Contractor will be represented with at least the person in charge of the scientific coordination of the project within the Contractor's organisation.

The meeting shall take place within four weeks following the official start date of the contract.

6.2 1st Interim meeting to present the interim results

The Contractor must organise in coordination with JRC the 1st one-day interim meeting in Brussels (Belgium) by **month 6** of the contract to present the results from the legal

cases and the analysis of the case studies. Subject to discussion at the meeting will in particular be the following deliverables: D11, D13, D14. Draft versions of the workshop agenda and the list of stakeholders (D13) and the background document for the workshop (D14) will have to be submitted 7 days prior to the meeting.

6.3 2nd Interim meeting to present the interim results

The Contractor must organise in coordination with JRC the 2nd one-day interim meeting in Brussels (Belgium) by **month 11** of the contract to present the results from the stakeholder workshop and to discuss the design of the final report (prior submission of draft final report). Subject to discussion at the meeting will in particular be the following deliverables: D15, D16 (draft).

6.4 Final meeting to present the final results (Brussels, Belgium)

The Contractor must organise in coordination with JRC a one-day meeting in Brussels, Belgium by **month 14** of the contract to present its final results by providing a presentation of D16- final report including policy recommendations.

The working language of all these meetings will be English and the cost for attending all meetings is deemed to be included in the final price in the contract.

7 CALENDAR OF DELIVERABLES AND REPORTS

The following summary table reports the tentative time schedule for the different activities and deliverables.

Activity	**Deliverable**	**Months**
Kick-off meeting (Seville, Spain)	Presentation slides for the Kick-off meeting 5 days prior to the meeting	T0+1
Task 1 -Project kick-off and literature review	D1 – Report (including refined and agreed methodology and work plan, redrafted slides and minutes from the Kick-off meeting) D2 – Report presenting a literature review of articles, reports and policy documents	T0+1,5 T0+2
Task 2 – SEP landscaping and quality assessment	D3 Overview report SEP landscaping and quality assessment	T0+3
Task 3 – Collection of legal cases	D4 – Common framework, list of cases D5 – Comparative legal case study	T0+1,5 T0+3
Task 4 – Essentiality case studies	D6 – Framework of analysis for tests of	T0+1,5

	essentiality D7 – List of SEPs to be analysed D8 – Case study assessing the sample of min. 30 SEPs D9 – Case study Japanese Hantei model D10 – Case study patent pools D11 – Report analysing all available case studies	T0+1,5 T0+4 T0+3 T0+4 T0+6
1. Interim Meeting (Brussels, Belgium)	D12 – Presentation slides of report D10 5 days prior to the meeting	T0+6
Task 5 – Stakeholder survey	D13 – Final workshop agenda and list of at least 20 stakeholders to be invited D14 – Background document D15 – Workshop summary report, including main findings	T0+8,5 T0+8,5 T0+10
Stakeholder workshop (Brussels, Belgium)		T0+9
2. Interim Meeting (Brussels, Belgium)		T0+11
Task 6 – Final analysis	D16 - Final report	T0+14
Final Meeting (Brussels, Belgium)	D17 – Presentation slides of final report D16	T0+14

Each deliverable will be submitted for comments to the JRC in a format allowing inserting changes and comments easily. A JRC review note or e-mail will be addressed back to the Contractor within 20 calendar days of reception.

If so requested by the JRC, the Contractor will improve the deliverables on the basis of JRC review note or e-mail comments, until the Contractor receives final approval from the Contracting Authority. The Contractor will have 20 calendar days to deliver its improved deliverables. The improved deliverables shall likewise be subject to the above provisions.

8 QUALITY ASSURANCE

The Contractor will establish robust means to ensure the reliability, validity and comparability of the information collected as well as the quality of its analysis and of its reporting, including a full and standard referencing of the sources used. The Contractor will in particular properly document sources of the data and information it will collect,

in order to enable users of this information to understand how the published information and data were obtained and to consult the source of the original information.

The contract results delivered by the Contractor must enable an assessment of its quality and it should be presented with rationales and be comprehensible even to those who do not possess the specific knowledge. Lessons drawn from the study and presented in the final report (D16) must be supported by proper data and evidence.

All tasks and interim reports should be monitored, completed, and adapted by the Contractor's Project Manager who will also be responsible for fully taking into account the comments, suggestions, and additional conclusions during the project implementation as well as any additional written comments on reports provided by JRC.

The Senior Researcher nominated by the Contractor in his offer will be in charge of the scientific quality assurance tasks.

9 DURATION

The maximum duration of the study will be 14 months after the last signature of the contract, including the time for the Contracting Authority to comment the interim deliverables and the Contractor to implement the suggested amendments.

The time needed for possible comments and amendments to the final report (D16) would be added to the total duration of the contract.

10 LANGUAGE

The language of all deliverables meetings, presentations, and exchanges will be English. The user interface of all software should be English, and this is the language in which all documentation, including that inserted in source code, will be written.

It is expected that the written text in the deliverables is of high standard scientific language, ideas are expressed in a clear and logically structured way. The text of all deliverables will be strictly assessed according to these criteria in the review process.

11 CONTENT, STRUCTURE AND GRAPHIC REQUIREMENTS OF THE FINAL DELIVERABLES

All studies produced for the European Commission and Executive Agencies shall conform to the corporate visual identity of the European Commission by applying the graphic rules set out in the European Commission's Visual Identity Manual, including its logo.

The Commission is committed to making online information as accessible as possible to the largest possible number of users including those with visual, auditory, cognitive or physical disabilities, and those not having the latest technologies. The Commission supports the Web Content Accessibility Guidelines 2.0 of the W3C.

For full details on Commission policy on accessibility for information providers, see: http://ec.europa.eu/ipg/standards/accessibility/index_en.htm

Pdf versions of studies destined for online publication should respect W3C guidelines for accessible pdf documents. See: http://www.w3.org/WAI/

11.1 Content

Final report (D16)

The final study report shall include:

1. an abstract of no more than 200 words and an executive summary of maximum 6 pages, in English, German and French;
2. the following standard disclaimer:

   "The information and views set out in this [report/study/article/publication…] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein."
3. specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

Publishable executive summaries

The publishable executive summaries shall be provided in both English and French and shall include:

4. the following standard disclaimer:

   "The information and views set out in this [report/study/article/publication…] are those of the author(s) and do not necessarily reflect the official opinion of the Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission's behalf may be held responsible for the use which may be made of the information contained therein."
5. specific identifiers which shall be incorporated on the cover page provided by the Contracting Authority.

11.2 Structure

The final report (D16) must follow the structure agreed at the kick-off meeting and similar to the structure of the previous JRC Scientific and Policy Report 'Licensing Terms of Standard Essential Patents', available here: http://publications.jrc.ec.europa.eu/repository/bitstream/JRC104068/jrc104068%20online.pdf

11.3 Graphic requirements

For graphic requirements, the Contractor will have to refer to the template provided in the annex 1. The cover pages shall be filled in accordance with the instructions provided in the template.