

House of Commons: Written Statement (HCWS365)

Department for Business, Innovation, Science and Trade

Written Statement made by: **Minister of State (Minister for Science, Innovation and Investment) (Chris McDonald)** on 13 Oct 2026.

Standard Essential Patents (SEPs) Consultation: Government Response

Today I am publishing the Government's response to the consultation on Standard Essential Patents (SEPs).

Standards allow products and services to connect, communicate and operate across borders — enabling the technologies that people rely on every day, from smartphones and Wi-Fi to connected vehicles, medical technology, advanced manufacturing and smart consumer products.

Standard Essential Patents protect the innovations that make this possible. A well-functioning SEP licensing environment is fundamental to the UK's growth mission: it must give businesses fair and affordable access to the technologies they need, while ensuring innovators secure a proper return on their investment in research and development.

The consultation examined whether the SEP licensing ecosystem functions efficiently for UK businesses, and whether targeted reforms could improve transparency, encourage earlier conclusion of licensing negotiations, and support more efficient dispute resolution.

We received 93 responses from businesses, representative organisations, legal and academic experts, and others with direct experience of SEP licensing, along with substantial supporting evidence, and analysis. I am grateful to everyone who contributed.

The consultation showed broad support for the Government's underlying objectives: helping businesses, particularly small and medium-sized enterprises, navigate SEP licensing; improving transparency around pricing and essentiality; and enabling faster, more efficient dispute resolution.

However, there was no consensus on the scale of the problem, the right solutions, or how far government should intervene. Views were especially divided on the case for new regulatory mechanisms and on the role of injunctions in licensing negotiations. Although concerns were raised by some implementers, the evidence identified few instances of injunctions disrupting market access.

Having carefully weighed this evidence, the Government has concluded that targeted and proportionate action is appropriate, rather than wide-ranging regulatory reform. The evidence did not support introducing a standalone Rate Determination Track, nor establishing a new IPO-run essentiality checking service at this stage. It did, however, identify clear opportunities to improve transparency, strengthen existing dispute resolution routes, and support better-informed negotiations.

The Government will:

1. undertake a Call for Evidence on the feasibility and design of an Intellectual Property Office-led FRAND Opinion Service, which could provide an independent, non-binding opinion on whether proposed licensing terms fall within a fair, reasonable and non-discriminatory (FRAND) range
2. improve access to SEP information by exploring how businesses can more easily identify relevant SEPs through the voluntary provision of standard-related patent information to the IPO
3. work with the judiciary to explore a court-anchored process for earlier resolution of FRAND disputes
4. develop practical guidance on licensing negotiations and good faith conduct, particularly to support businesses with limited experience of SEP licensing; and
5. strengthen the broader, non-regulatory approach by improving take-up of existing alternative dispute resolution options, enhancing transparency and the quality of essentiality information, expanding the IPO's SEP Resource Hub, and continuing the UK's global collaboration to help businesses navigate SEP licensing across international markets

Work on the feasibility and design will now begin on these proposals. No final decision has been made to establish an IPO-led FRAND Opinion Service or a court-anchored process; final decisions will follow once that work is complete. The Government will continue to engage businesses, rightsholders, professional advisers, the judiciary and other interested parties as these proposals are developed.

Our objective is to ensure the UK's SEP framework supports innovation and investment and helps businesses of all sizes access the standardised technologies they need to compete and grow — reinforcing the UK's position as a leading global forum for the fair and efficient resolution of intellectual property disputes.

I am placing a copy of the Government response in the Libraries of both Houses and will make it available on GOV.UK.