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FOREWORD TO ISSUE 3/2022

The importance and value of technical standards is growing also due to the ever-increasing globalisation of commerce, the rise of new technologies and the necessity for a wider and smoother interoperability among technologies. Technical standards are recognised to play an essential role since they enable users to send, receive and store ever larger quantities of data, and efficiently access, stream or store content online.

The objective of this issue (3/2022), “*Setting Standards: Regulation and Innovation in the Age of Technology*” is to address the nature and role of technical standards – both *de iure standards* by SSOs and *de facto standards* – in the governance of innovation and in particular in the field of new technologies, such as the Artificial Intelligence (AI) and the Information and Communications Technology (ICT). As recognised in the final report on consumer Internet of Things sector inquiry published by the EU Commission in January 2022, “*the use of consumer IoT products is increasingly becoming part of everyday life for Europeans, [and] the consumer IoT sector is expected to grow significantly in the coming years*”. The growing demand for digital services, the rise of the Internet of Things (IoT) and of Artificial Intelligence applications all imply that more and more products from different manufacturers need to be able to seamlessly ‘talk to’ each other to provide value to consumers.

In many cases, technical standards require the use of technologies protected by patents. A patent that protects technology which is essential to implementing a standard is known as a Standard Essential Patent (SEP). Without using the methods or devices protected by these SEPs, it is difficult for an “implementer” of the standard to create standard-compliant products, such as smartphones or tablets.

Patents play an important role in creating an ecosystem that encourages and enables businesses to innovate. This principle of rewarding IP owners for their investment characterises the functioning of the patent system as a whole. Competition also plays a crucial role promoting consumer choice and lowering prices as more firms enter the market and today the relationship between competition and innovation is becoming particularly challenging. In many jurisdictions there is indeed a heated debate on how SEPs, cross-licencing agreements practises and patent pools ecosystems are functioning, and whether the current ecosystem strikes the right balance among stakeholders.

Contributions to this issue aimed to address various questions raised using the standards in the field of new technologies. The first deal with the question on whether the AI standards play a role in the context of liability litigation. In answering this important query, the authors start from an analysis of the nature and role that professional standards and norms have in legal relationships, such as contracts and liability actions, highlighting they are substantially normative in spite of their private and voluntary nature and, therefore, they represent the yardstick against which the performance and behaviour of professionals are evaluated from a legal point of view even in the new field of AI.

The second contribution analyses the licensing landscape of standardised technology. After having highlighted that the Standardization has been fundamental to allow interoperability and the worldwide success of new technologies and standardization bodies have the technical and administrative task to choose the best technology made available by innovators who participate in the standardization efforts, the authors offers insights from leading market participants who have engaged in licensing of standard essential patents are developing frameworks to address the challenges of licensing of new technologies, such as IoT, automotive and cellular technologies.

The editors of this issue are Riccardo de Caria, Professor of Comparative Public Law at the University of Turin, Cristina Poncibò, Professor of Comparative Private Law at the University of Turin jointly with Mr Dario Paschetta, LL.M, attorney-at-law and coordinator of the scientific activity of the Italian association LES Italy (www.les-italy.cog).

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