



Competition Law Association

British Group of the
Ligue Internationale du Droit de la Concurrence
(International League for Competition Law)

www.competitionlawassociation.org.uk

www.ligue.org

GOLDING ESSAY PRIZE 2022

The CLA is offering a prize of £1000 to be awarded for an essay submitted on the following topic:

Which courts should decide FRAND terms and whether patents are valid and essential to a standard and when should they do it?

At the dawn of the Internet of Things, disputes over patents necessary to comply with standards (so-called Standard Essential Patents or SEPs) began to grow, no longer limited to smart phones but expanding to connected cars and other industries new to these issues. As part of their involvement in developing the standards, the patent owners have frequently promised to grant licences on Fair, Reasonable and Non-Discriminatory (FRAND) terms. However, those promises don't include a choice of court and patents have traditionally been litigated on a jurisdiction-by-jurisdiction basis. Ever since the English courts determined worldwide FRAND terms in Unwired Planet, as upheld by the Supreme Court, we have seen a boom in forum shopping and the rise of anti-suit (and anti-anti-suit) injunctions, as parties and courts try to decide where these cases should be heard. The current system seems unfit for Industry 4.0 – but what would a better system look like?

The Golding Essay Prize is open to any:

- student (whether currently based in the UK or in a foreign jurisdiction) but excluding any student currently practising as a qualified lawyer, whether full-time or part-time; or
- trainee solicitor, pupil barrister, devil barrister (from Scotland) or trainee patent and trade mark attorney.

The entry qualifications apply as at 28 February 2022.

The essay shall be of a maximum length of 5000 words (inclusive of footnotes) and the closing date for submission of entries is 28 February 2022. Entries should be formatted on A4 in at least 11 point font and 1.5 spacing with footnotes at the bottom of the page, and submitted in electronic form to the CLA secretary, Sharon Horwitz at sharon.horwitz@cma.gov.uk.

Entrants should please place a code word instead of their real name on the essay and include both the code word and real name, with confirmation that the author satisfies the entry qualifications, in the covering e-mail.

CHAIRMAN:	James Flynn QC	Brick Court Chambers: Tel: 020 7379 3550; Email: james.flynn@brickcourt.co.uk
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OTHER COMMITTEE MEMBERS:	Birgit Clark, Kim Dietzel, Bruce Kilpatrick, Sophie Lawrance, Celia Lloyd Davidson, Nathalie Lobel-Lastmann, Christopher Morcom QC, Ben Rayment, Tess Waldron	



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The panel of judges will be:

Tess Waldron (Chair)

Powell Gilbert LLP

Dr Luke McDonagh

London School of Economics & Political Science

Jan Bösing

Bardehle Pagenberg

The decision of the judges is final and the CLA reserves the right not to award the prize if the judges consider that no entry is of a sufficiently high standard or to divide the prize between two or more entries if the judges so decide.

The CLA encourages all entrants to consider submitting their entries for publication, and may lend support to the submission of the winning entry. The winning entry must only be published if it is identified on publication as having won the CLA's Golding Essay Prize. All entrants agree not to submit their entries for publication until after the judges have announced their decision.

With kind regards

Sharon Horwitz
Secretary

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