



GENERAL INQUIRY

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The Japan Automobile Manufacturers Association, Inc. ("JAMA") respectfully submits this comment on the draft Policy Statement on Licensing Regulations and Remedies for Standards-Essential Patents Subject to FRAND Commitments issued for the Department of Justice ("DOJ"), the U.S. Patent and Trademark Office ("USPTO"), and the National Institute of Standards and Technology ("NIST") collectively, the "Agencies") on December 6, 2021 (hereinafter "Draft"). JAMA's comment introduces the organization, provides some general comments and suggested revisions, and answers the questions the DOJ posed in the press release announcing the Draft.

A. JAMA

JAMA is a nonprofit industry association representing 14 manufacturers passenger car, truck, bus, and motorcycle manufacturers of Japan.¹ JAMA is headquartered in Tokyo and has a branch office in Washington D.C. JAMA's objective is to provide the sound development of the motor industry and support its members' efforts to serve consumers, contribute to economic and social prosperity, and address safety and environmental challenges in those communities around the world in which they build and sell their products.

JAMA members have been integral to the U.S. auto industry and the broader American economy for decades. With cumulative manufacturing investment now reaching over \$65.8 billion, JAMA members have 24 U.S. production facilities and 46 research and development (R&D) and design centers across the country. Approximately one third of all vehicles produced in the U.S. are made by Japanese-brand automakers.

Japanese-brand automakers are intertwined with communities throughout the United States who count on them not only for employment but also for improved access to training and education, philanthropic support, and environmental stewardship. JAMA's members provide 94,980 direct U.S. jobs and support more than 1.6 million jobs across the United States.

In light of JAMA's strong economic footprint in the U.S., JAMA and its members are particularly interested in the Draft's commitment to facilitate industry competitiveness through licensing of standards-essential patents ("SEPs") that address the patent owners' commitments to license on fair, reasonable, and nondiscriminatory ("FRAND") terms.

B. General Comments

1. General Comments

Overall, JAMA believes the Draft is a welcome development in reaching a more balanced approach between the rights and obligations of patent SEP holders and licensees making innovative products that practice standardized technology. The Draft's key guidance that a SEP holder's FRAND commitment limits its ability to seek injunctive relief against willing licensees is critical to that more

¹ JAMA members use both its in English language website: <http://www.jama-aa.org/en/press-releases.html>