

CCCL Guest Talk: Demand-side Frameworks for Patented Inventions

On May 2, 2025, the Centre for Chinese and Comparative Law (CCCL) at City University of Hong Kong (CityUHK) hosted a thought-provoking guest talk titled “*Demand-side Frameworks for Patented Inventions: Analysing the Licences of Right System and the FRAND Licensing System*”. The session featured Wang Yan, a PhD candidate at the University of Melbourne, as the keynote speaker. With a strong academic background and a focus on intellectual property law, Wang Yan brought a nuanced perspective to the discussion, exploring how demand-side frameworks in patent systems could address contemporary challenges.

The event was moderated by Prof. Martin Lai, Professor at the School of Law, CityUHK, and included Prof. Chen Yang, also from CityUHK, as the discussant. Prof. Chen’s insightful commentary added depth to the dialogue, providing valuable context for understanding the implications of demand-side frameworks for intellectual property management.

Wang Yan holds a Juris Doctor (Queen’s University Belfast), an LLB-senior status (Queen Mary University of London), and a Bachelor of Science (Sun Yat-sen University). His research primarily focuses on intellectual property law, with a particular interest in patent law. His PhD thesis centers on the FRAND licensing commitment for Standard Essential Patents. Wang Yan’s extensive academic and professional experience provided a robust foundation for his in-depth analysis during the lecture.

The lecture began with a discussion of the historical and theoretical underpinnings of patent systems, highlighting how the objectives of patent law have shifted over time. While early English patent law prioritized the local working of inventions for public benefit, contemporary systems often focus on maximizing profit for patent holders and investors. Against this backdrop, Wang Yan emphasized the importance of voluntary licensing schemes—specifically the Licences of Right System and the FRAND Licensing System—as mechanisms to revive the demand-side objectives of patent law.

The Licences of Right System, rooted in English law, exemplifies an open and non-discriminatory approach to managing patented inventions. Wang Yan explained how this system allows patentees to voluntarily offer their inventions for licensing under terms negotiated with licensees or determined by the Comptroller of the UK Intellectual Property Office. This framework incentivizes patentees with reduced renewal fees while promoting the local working of inventions, thereby aligning with the demand-side objective of fostering public access and innovation. Wang Yan traced the system’s evolution through various legislative milestones, including the Patents Acts of 1919, 1949, and 1977, and noted its adoption in jurisdictions like Ireland, Singapore, and China.

In contrast, the FRAND Licensing System operates on a global scale and is administered by the European Telecommunications Standards Institute (ETSI). Wang Yan discussed how this system ensures that standard-essential patents (SEPs) are accessible to implementers worldwide under Fair, Reasonable, and Non-Discriminatory (FRAND) terms. He highlighted how the FRAND framework addresses critical challenges, such as patent holdup and regulatory disparities, enabling the effective implementation of technical standards while balancing the rights of patent holders with public interest needs.

Wang Yan further explored the theoretical foundations of these frameworks through the lens of the demand-side economic theory of infrastructure, as articulated by Brett Frischmann. This theory emphasizes the social value of managing resources—such as intellectual property—as commons to facilitate productive activities that benefit society as a whole. Wang Yan argued that integrating demand-side considerations into patent systems could catalyze innovation, enhance access to technology, and address systemic inequities.

The session concluded with a lively Q&A segment, where attendees engaged with the speakers on topics ranging from the practical challenges of implementing demand-side frameworks to their broader implications for global intellectual property governance. The discussant, Prof. Chen Yang, provided additional context by reflecting on recent legal developments in China and their relevance to the systems discussed.

This enriching session illuminated the transformative potential of demand-side frameworks in addressing the evolving needs of modern patent systems. By highlighting the interplay between innovation, public access, and regulatory design, Wang Yan's lecture offered a compelling vision for the future of intellectual property law.