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Huawei to do 'anything it takes' to protect its patents

Gulveen Aulakh, ET Bureau Dec 17, 2014, 08.04PM IST

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NEW DELHI: Huawei Technologies, one of the world's top five smartphone makers, has vowed to strongly protect its intellectual property, warning handset makers against potential infringements on its patents on technologies such as 4G, amid an increasing number of patent disputes in India ending up in lawsuits.

"In 4G, the largest percentage of essential patents belongs to us," P Sanjeev, director of device sales at Huawei India, told ET on Wednesday. "As much as we respect others IPR (intellectual property rights), we will do anything that it takes to protect our own patents as well."



(*As much as we respect...)

His comments come in the backdrop of the company's plans to launch affordable 4G devices in the local market, which is witnessing massive growth in smartphone sales. Huawei hasn't yet initiated any legal action against Indian or international handset maker operating in India.

As of end-June 2014, the Shenzhen-headquartered company said, it had filed 65,000 patents. Its mobile devices division had filed 12,000 invention-related patents, besides 1,000 design patents, worldwide as of August.

The smartphone maker with a 5.3% market share globally as per Gartner has launched several devices in India with patented features that allow battery saving and better voice and data quality even on patchy networks. With the advent of 4G networks, smartphone usage is expected to increase.

"Patent litigation comes at a time when the commercial value is so viable that the holder starts looking at potential loss of revenue," said leading cyber law expert and advocate Pavan Duggal. Five years back, the smartphone market was not that huge in the country but today 61% of mobile users access Internet through mobiles only, he said, highlighting the commercial significance for companies now to protect patents.

Ericsson, the Swedish company that makes telecom equipment just like Huawei, has filed lawsuits against Indian smartphone makers Micromax and Intex and China's Xiaomi and Gionee in India, alleging violation of use of its patents that are essential to run mobile phones. This has exposed a wider risk over use of intellectual property rights and patents.

"Digital commerce (mcommerce and ecommerce) growth has increased the revenue pie exponentially, hence the protection of patent rights has caught the attention of right holders and they're increasingly going for litigation to protect and preserve their interest," Duggal said. "Such changes in the digital landscape will start to have different ramifications, which is the reason why these litigations are coming now and this is one area of litigation which is going to grow exponentially."

Industry insiders and analysts say that litigations ending up in royalty payments may well lead to increased cost of devices which will be passed on to consumers.

Thus, legal issues around patents assume critical importance as they may well endanger future business plans of several Indian and international handset makers.

Huawei has cross-licensing agreements with Ericsson, Qualcomm, Nokia, Nokia Siemens, WiLAN, Alcatel-Lucent and several other telecom technology makers, elaborating on the expansive base of patents it holds. Cross-licensing refers to a patent holder using another's patents in exchange for its own, which may involve some usage fee.

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