



# PRINCIPLE OF PROPORTIONALITY IN DETERMINING FRAND ROYALTY

## 运用比例原则确定FRAND许可费

Earl Nied

Intel Corporation 英特尔公司

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# PRINCIPLE OF PROPORTIONALITY

## 比例原则

**For today's complex products FRAND royalty calculations should**  
适用于现代复杂产品的FRAND许可费应当

- Be based on the proportionate value the patented invention brings to the first infringing device entering into commerce  
基于该专利在处于流通链条第一环的侵权商品（部件）价值中的比例
- Remain constant regardless of the additional inventions others bring to the end product  
保持不变（即不因在最终产品中使用了其他发明创造而增加FRAND许可费)

*The patent holder should be fairly rewarded but is not entitled to the value created by the inventions of others*

专利持有人应当获得公平补偿，但无权占有别人的发明所创造的价值