



SESEC VI Translation

**Translation of (Draft for Comment) Special procedures
for the development of standards - Part 1: Standard
related to patents**

September | 2026



INTRODUCTION:

On 1 September 2026, the National Technical Committee on Standardization Principles and Methods (SAC/TC 286) opened a public consultation on the revised draft of the national standard **GB/T 20003.1 Special procedures for the development of standards – Part 1: Standard related to patents** (project plan number 20252139-T-424). Developed under the 2025 national standard development and revision plan of the National Standardization Administration (SAC), the revision will replace GB/T 20003.1—2014. Comments are invited until **26 October 2026**.

The draft sets out how patent issues are to be handled throughout the development and revision of national standards. Its main elements cover the disclosure of essential patent information by all participants in standardization work; licensing declarations on fair, reasonable and non-discriminatory (FRAND) terms, either free of charge or against royalties; the publication of patent information; and stage-specific procedures from preliminary study through project initiation, drafting, consultation, examination, approval, publication and review. It also regulates the handling of patents identified after a standard has been published, including the possible suspension of the standard's implementation.

The revision is of direct relevance to European companies holding standard-essential patents that may be incorporated into Chinese national standards.

To support European stakeholders wishing to contribute, SESEC has translated both the Draft for Comment and its Explanatory Notes into English.

Original notice:

https://www.cnis.ac.cn/bydt/bzyjq/202609/t20260901_63564.html

DISCLAIMER:

This English version is an unofficial translation of the original Chinese document, produced by SESEC for reference purposes only. In the event of any discrepancies between the English and Chinese versions, the Chinese version shall prevail. SESEC accepts no responsibility or liability for any errors, inaccuracies, or misunderstandings arising from this translation.

Contents

Foreword	4
Introduction	5
1 Scope	6
2 Normative references	6
3 Terms and definitions	6
4 Disclosure of essential patent information	7
5 Special procedures for the development and revision of national standards involving patents	9
6 Disposal of patents in the implementation of standards	11
Annex A (normative) Formats of the forms used for the disposal of patents involved in the process of standards development	13

Foreword

This document is drafted in accordance with the rules given in **GB/T 1.1—2020, Directives for standardization—Part 1: Rules for the structure and drafting of standardizing documents**.

GB/T 20003 Special procedures for the development of standards, together with **GB/T 1, Directives for standardization**, **GB/T 20000 Guides for standardization**, **GB/T 20001 Rules for drafting standards**, and **GB/T 20002 Drafting for special aspects in standards**, constitute the system of fundamental national standards supporting standardization work.

This document is Part 1 of **GB/T 20003 Special procedures for the development of standards**. The following parts of GB/T 20003 have been published:

—Part 1: Standard related to patents.

Attention is drawn to the possibility that some of the content of this document may involve patents. The issuing body of this document assumes no responsibility for identifying such patents.

This document is proposed by and under the centralized administration of the National Technical Committee on Standardization Principles and Methods (SAC/TC 286).

Drafting organizations of this document: China National Institute of Standardization; China Electricity Council; Yangtze Delta Region Institute of Tsinghua University, Zhejiang; China Society of Automotive Engineers.

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Introduction

With the continuous acceleration of scientific and technological innovation, patented technologies are increasingly closely linked with standards, and cases involving patents in the process of developing and revising standards are increasingly common. This document is developed to unify and regulate the rules for the development and revision of standards involving patents, to protect the lawful rights and interests of the public as well as of patentees and relevant right holders, and to ensure the openness and transparency of the work of developing and revising standards involving patents.

Special procedures for the development of standards - Part 1: Standard related to patents

(Draft for Comment)

1 Scope

This document specifies the disposal requirements and special procedures for patent-related issues in the process of developing and revising standards. Unless otherwise specified, the term “patent” used in this document includes valid patents and patent applications.

This document is applicable to the development and revision of national standards involving patents. The development and revision of national standardization guiding technical documents, trade standards, local standards and association standards involving patents may use this document as a reference in light of actual circumstances.

2 Normative references

The contents of the following documents, through normative references in the text, constitute indispensable provisions of this document. For dated references, only the edition corresponding to the date applies to this document; for undated references, the latest edition (including all amendments) applies to this document.

GB/T 1.1 Directives for standardization—Part 1: Rules for the structure and drafting of standardizing documents

GB/T 20000.1 Guidelines for standardization—Part 1: Standardization and related activities—General vocabulary

3 Terms and definitions

For the purposes of this document, the terms and definitions given in GB/T 20000.1 and the following apply.

3.1

essential claim

claim of a patent that would unavoidably be exploited when implementing the standard.

3.2

essential patent

patent that contains at least one essential claim.

3.3

affiliate

legal entity that directly or indirectly controls legal entity A, or is controlled by legal entity A, or is under common control with legal entity A by another legal entity B.

Note: Control describes a state in which a legal entity directly or indirectly owns shares carrying more than 50% of the voting rights in another legal entity or, failing to reach the aforementioned 50% of voting-right shares, possesses decision-making power. Affiliates do not include legal entities of which the State is an affiliate.

3.4

technical contribution

material concerning the technical content of a standard that is formally submitted, in written or electronic form, directly or indirectly through an agent, during the development or revision of the standard.

4 Disclosure of essential patent information

4.1 Disclosure of essential patent information

4.1.1 An organization or individual participating in the development or revision of a standard shall make reasonable efforts to disclose, as early as possible, to the relevant national professional standardization technical committee or the unit in charge the essential patents owned by itself and its affiliates, and should disclose, as early as possible, the essential patents owned by other parties of which it is aware. Participating organizations or individuals include the project proposer, all members of the working group, members of the national professional standardization technical committee, and units or individuals providing technical contributions, among others.

4.1.2 Organizations or individuals that do not participate in the development or revision of national standards are encouraged to disclose, as early as possible during the development or revision process, the essential patents they own and of which they are aware.

4.1.3 When disclosing essential patents, the Essential Patent Information Disclosure Form (see Table A.1 in Annex A) shall be completed and submitted, together with the relevant supporting materials capable of verifying the authenticity of the disclosed patents or patent applications, to the national professional standardization technical committee to which it belongs or to the unit in charge. The supporting materials for a granted patent shall be the patent information published by the patent administration department under the State Council that reflects such information as the patent number, the patentee and the legal status; the supporting materials for a patent application that has been published but not yet granted shall be the patent application information published by the patent administration department under the State Council that reflects such information as the patent application number, the patent applicant and the status of the application; and the supporting materials for an unpublished patent application shall be the relevant materials reflecting such information as the patent application number and the filing date.

4.1.4 During the development, revision or implementation of a standard, the patentee or patent applicant shall promptly notify the national professional standardization technical committee or the unit in charge of any change in the information on the essential patents in the standard. Such information includes, but is not limited to, the assignment of the patent right or of the right to apply for a patent; the rejection, withdrawal, deemed withdrawal, deemed abandonment or restoration of a patent application; and the invalidation, termination or restoration of the patent right.

4.2 Essential patent licensing declaration

4.2.1 When making an essential patent licensing declaration, the patentee or patent applicant shall complete the Essential Patent Licensing Declaration Form (see Table A.2) and/or the General Essential Patent Licensing Declaration Form (see Table A.3).

4.2.2 When completing the Essential Patent Licensing Declaration Form, the patentee or patent applicant shall select one of the following three options:

- a) the patentee or patent applicant agrees to license, free of charge, any organization or individual to exploit the patent when implementing the national standard, on a fair, reasonable and non-discriminatory basis;
- b) the patentee or patent applicant agrees to license, for a fee, any organization or individual to exploit the patent when implementing the national standard, on a fair, reasonable and non-discriminatory basis;
- c) the patentee or patent applicant does not agree to license the exploitation of the patent in either of the above two manners.

4.2.3 An essential patent licensing declaration made by the patentee or patent applicant, once submitted, is irrevocable until such time as, due to a revision of the standard, the relevant content

of the standard changes so that the essential claims covered by the licensing declaration are no longer essential for the implementation of the standard; a licensing declaration submitted later may replace an earlier licensing declaration only if it is more lenient and more favourable to the implementers of the standard.

4.2.4 When making an essential patent licensing declaration, the patentee or patent applicant shall warrant that it will not assign the patent right or the right to apply for a patent for the purpose of circumventing the licensing declaration made under 4.2.2. Where a patent for which a licensing declaration has been submitted to the national professional standardization technical committee or the unit in charge is assigned, the patentee or patent applicant shall inform the assignee in advance of the content of the licensing declaration for that patent, make appropriate arrangements in the assignment documents so that the assignee is bound by the licensing declaration, and require the assignee to make corresponding arrangements in any subsequent assignment, so that the licensing declaration remains binding on subsequent assignees.

4.3 Publication of relevant information

4.3.1 The national standardization administrative department, the national professional standardization technical committee or the unit in charge shall publish, through channels such as the website of the national standardization administrative department, information on the patents involved in standards or draft standards.

4.3.2 The relevant information published shall include at least the plan number, the standard number and the title of the standard involving patents, as well as the patent number/application number and the title of the patents involved, the patentees, the manner of the licensing declarations, the dates of the licensing declarations, the List of Disclosed Patents (see Table A.4) and the contact information of the national professional standardization technical committee or the unit in charge.

4.3.3 The List of Disclosed Patents shall be completed by the national professional standardization technical committee or the unit in charge on the basis of the received patent information disclosure forms, essential patent licensing declaration forms, etc. If the List of Disclosed Patents is updated, the national professional standardization technical committee or the unit in charge shall, at least at the end of the drafting stage and the examination stage in the process of developing or revising the standard, submit the updated List of Disclosed Patents to the national standardization administrative department.

4.4 Meeting requirements

At each meeting during the development or revision of a standard, the meeting chair shall remind the participants to carefully consider whether the draft standard involves patents, announce the situation of the patents involved in the draft standard, ask the participants whether they are aware of any undisclosed essential patents involved in the draft standard, and record the results in the minutes of the meeting.

4.5 Document requirements

Information soliciting potential essential patents shall be given on the covers of the working group discussion draft, the draft for comments and the draft for examination. At any stage of the development or revision of a standard, once it is identified that the technical content of the standard involves essential patents and the corresponding disposal has been carried out (see Clause 5), a corresponding statement shall be given in the introduction of the draft standard at that stage and at all subsequent stages, up to the formally published national standard. If, during the development or revision of the standard, it has not been identified that the technical content of the standard involves patents, a corresponding statement shall be given in the foreword of the draft standard submitted for approval and of the formally published national standard. The patent-related content

on the cover, in the introduction and in the foreword shall be consistent with the expressions given in Annex D of GB/T 1.1—2020.

4.6 Developing or revising national standards based on international standards or foreign standards

4.6.1 When a national standard is developed or revised by identical adoption of a standardizing document of the International Organization for Standardization (ISO) or the International Electrotechnical Commission (IEC), the licensing declarations for the patents involved in that international standardizing document remain applicable to the national standard. In the process of developing or revising the standard, the national professional standardization technical committee or the unit in charge need only complete the List of Disclosed Patents, and publish and submit it in accordance with the relevant provisions.

4.6.2 When an international standard is adopted with modifications, when the degree of correspondence between a national standard and an international standard is not equivalent, or when a national standard is developed on the basis of a standardizing document of another international standards organization or of a foreign country, patent-related issues in the standard shall be disposed of in accordance with the provisions of Clause 5.

4.7 Referencing standards involving patents

Where provisions of a standard involving patents are normatively referenced in the process of developing or revising a national standard, the licensing declaration of the patentee or patent applicant shall be obtained in accordance with the provisions of Clause 5.

5 Special procedures for the development and revision of national standards involving patents

5.1 Preliminary study stage

5.1.1 The project proposer shall collect, as extensively as possible, information on the essential patents involved in the proposed draft standard attached to the project proposal, shall disclose, in accordance with the provisions of 4.1, the essential patents owned by itself and its affiliates, and should disclose, in accordance with the provisions of 4.1, the essential patents owned by other parties of which it is aware.

5.1.2 The project proposal submitted by the project proposer to the national professional standardization technical committee or the unit in charge shall include the Essential Patent Information Disclosure Form and the supporting materials.

5.1.3 When submitting the project proposal to all its members for a vote, the national professional standardization technical committee or the unit in charge shall at the same time submit the received Essential Patent Information Disclosure Form, the supporting materials and the List of Disclosed Patents (the licensing-related information may be left blank).

5.1.4 Members of the national professional standardization technical committee shall, before the specified deadline, disclose, in accordance with the provisions of 4.1, the essential patents owned by themselves, by the units to which they belong and by their affiliates, and should disclose, in accordance with the provisions of 4.1, the essential patents owned by other parties of which they are aware. The specific time limit shall be prescribed by the professional standardization technical committee or the unit in charge itself.

5.1.5 When submitting the national standard project proposal and the proposed draft standard to the national standardization administrative department, the national professional standardization technical committee or the unit in charge shall at the same time submit the Essential Patent Information Disclosure Form, the supporting materials and the List of Disclosed Patents (the licensing-related information may be left blank).

5.2 Project initiation stage

When publishing for public notice a national standard project proposed for initiation, the national standardization administrative department shall at the same time publish the proposed draft standard involving patents, the List of Disclosed Patents and the contact information of the national professional standardization technical committee or the unit in charge, and shall encourage organizations and individuals to disclose the essential patents related to the standard that they own and of which they are aware.

5.3 Drafting stage

5.3.1 All members of the working group shall disclose, in accordance with the provisions of 4.1, the essential patents owned by themselves and their affiliates, and should disclose, in accordance with the provisions of 4.1, the essential patents owned by other parties of which they are aware.

5.3.2 All units or individuals that are not members of the working group but provide technical contributions to the standard being developed or revised shall disclose, in accordance with the provisions of 4.1, the essential patents owned by themselves and their affiliates, and should disclose, in accordance with the provisions of 4.1, the essential patents owned by others of which they are aware.

5.3.3 The national professional standardization technical committee or the unit in charge shall contact the patentee or patent applicant of the essential patent and obtain the written licensing declaration of the patentee or patent applicant in accordance with the provisions of 4.2.

5.3.4 The national professional standardization technical committee or the unit in charge shall promptly forward to the working group the received Essential Patent Information Disclosure Form, the supporting materials and the Essential Patent Licensing Declaration Form.

5.3.5 If the national professional standardization technical committee or the unit in charge does not receive, within the specified time limit, the Essential Patent Licensing Declaration Form signed by the patentee or patent applicant of the essential patent, or if the patentee or patent applicant of the essential patent selects the licensing option in 4.2.2 c), the draft standard shall not contain provisions based on the patented technology concerned. The specific time limit shall be prescribed by the professional standardization technical committee or the unit in charge itself.

5.3.6 The materials of the draft standard submitted by the working group to the technical committee for comment solicitation shall include the Essential Patent Information Disclosure Form, the supporting materials, the List of Disclosed Patents and the Essential Patent Licensing Declaration Form.

5.4 Comment solicitation stage

5.4.1 When comments are solicited on a national standard involving patents, the national professional standardization technical committee or the unit in charge shall publish the relevant information on the standard in accordance with the provisions of 4.3, and shall note that organizations and individuals are encouraged to disclose, in accordance with the provisions of 4.1, the essential patents they own and of which they are aware. The organizations and individuals concerned should disclose, in accordance with the provisions of 4.1, the essential patents they own and of which they are aware.

5.4.2 Members of the national professional standardization technical committee shall, before the deadline for comment solicitation, disclose, in accordance with the provisions of 4.1, the essential patents related to the content of the draft standard for comments that are owned by themselves, by the units to which they belong and by their affiliates, and should disclose, in accordance with the provisions of 4.1, the essential patents owned by other parties of which they are aware.

5.4.3 The national professional standardization technical committee or the unit in charge shall dispose of essential patent disclosure information newly received during the comment solicitation

process in accordance with the provisions of 5.3.3 to 5.3.5.

5.5 Examination stage

5.5.1 When examining the draft for examination of a standard involving patents, the national professional standardization technical committee or the unit in charge shall adopt the method of examination at a meeting. The examination shall cover at least: whether the standard meets the document requirements of 4.5, and the completeness of the Essential Patent Information Disclosure Form, the supporting materials, the List of Disclosed Patents and the Essential Patent Licensing Declaration Form; and an examination opinion shall be given.

5.5.2 The materials of the draft standard submitted by the national professional standardization technical committee or the unit in charge to the national standardization administrative department for approval shall include the Essential Patent Information Disclosure Form, the supporting materials, the List of Disclosed Patents and the Essential Patent Licensing Declaration Form.

5.6 Approval stage

5.6.1 The national standardization administrative department shall review the completeness of the Essential Patent Information Disclosure Form, the supporting materials, the List of Disclosed Patents and the Essential Patent Licensing Declaration Form, as well as the conformity of the disposal procedures. Where the requirements for submission for approval are not met, the materials shall be returned to the national professional standardization technical committee or the unit in charge, which shall resolve the problems within a limited time before resubmitting them for approval.

5.6.2 For those meeting the requirements for submission for approval, the national standardization administrative department shall, before the standard is published, publish the information on the patents involved in the standard in accordance with the provisions of 4.3. The public notice period shall be 30 days. For mandatory standards that involve or may involve patents, the public notice period may, upon application, be extended to 60 days. Any organization or individual may, in accordance with the provisions of 4.1, disclose to the national standardization administrative department other essential patents of which it is aware.

5.6.3 The national standardization administrative department shall promptly notify the national professional standardization technical committee or the unit in charge of newly received essential patent information.

5.6.4 Before a standard is approved, if a new essential patent is discovered, and the Essential Patent Licensing Declaration Form signed by the patentee or patent applicant of the essential patent has not been received within the specified time limit, or the patentee or patent applicant of the essential patent has selected the licensing option in 4.2.2 c), the national professional standardization technical committee or the unit in charge shall apply for suspension of the approval procedure for the draft standard submitted for approval, dispose of the newly disclosed essential patent in accordance with the provisions of 5.3.3 to 5.3.5, and then resubmit the standard for approval.

5.7 Publication stage

The standard shall be published in accordance with the requirements of 4.5.

5.8 Review stage

5.8.1 When the information on the patents involved in a standard changes, the standard shall be reviewed in a timely manner.

5.8.2 During the review process, the national professional standardization technical committee or the unit in charge shall verify the information on the essential patents in the standard and determine the review conclusion of the standard on the basis of the verification results.

6 Disposal of patents in the implementation of standards

6.1.1 After a standard is published, if it is found that the standard involves a patent for which no patent licensing declaration has been made, the national standardization administrative department shall instruct the national professional standardization technical committee or the unit in charge to obtain, within a specified time, a patent licensing declaration made by the patentee or patent applicant and to submit it to the national standardization administrative department.

6.1.2 Except in the case of mandatory national standards, if the patent licensing declaration made by the patentee or patent applicant in accordance with option a) or b) of 4.2.2 is not obtained within the specified time, the national standardization administrative department may, as the circumstances require, suspend the implementation of the national standard and instruct the corresponding national professional standardization technical committee or unit in charge to revise the standard.

Annex A

(normative)

Formats of the forms used for the disposal of patents involved in the process of standards development

Tables A.1 to A.4 give the formats of the forms used for the disclosure, licensing declaration and publication of the patents involved in standards. Table A.1 is used for the disclosure of essential patent information; Table A.2 is used by the patentee or patent applicant to make a licensing declaration for specific essential patents; Table A.3 is used by the patentee or patent applicant to make a licensing declaration, in respect of a particular standard, for all the relevant essential patents it owns; and Table A.4 is the list of patents used when publishing the disclosed essential patent information.

Rows may be added to each of the following tables as actually needed.

Table A.1 Essential Patent Information Disclosure Form

Information on the standard						
☐ National standard plan number			Project title			
☐ National standard number			National standard title			
Information of the patent discloser						
☐ Individual	Name			Work unit		
☐ Organization	Name of organization			Contact person		
Contact address						
Postal code			Telephone		E-mail	
Essential patent information involved in the standard						
No.	Patent application number / Patent number	Title of patent	Patent applicant / Patentee	Provisions of the standard involving the patent (clause and subclause numbers)	Is the discloser the patent applicant / patentee?	Does the discloser agree to make a licensing declaration?
Patent discloser (signature/seal): _____ Date (YYYY-MM-DD): _____						
Instructions for completing the form: The discloser of patent information may be an individual or an organization; please select and complete the form accordingly.						

Table A.2 Essential Patent Licensing Declaration Form

Information on the standard			
☐ National standard plan number		Project title	
☐ National standard number		National standard title	
Information of the patentee / patent applicant			
Name of the patentee / patent applicant or name of the organization			
Contact person		Telephone	
Postal code		E-mail	
Contact address			
Essential patent licensing declaration			
If and only if the claims contained in the patent of the patentee or patent applicant become essential claims of the finally published national standard, the patentee or patent applicant makes the following licensing declaration: a) the patentee or patent applicant agrees to license, free of charge, any organization or individual to exploit the patent when implementing the national standard, on a fair, reasonable and non-discriminatory basis; Note: The patentee/patent applicant may make the above declaration subject to a reciprocity condition, under which the patentee requires a licence to be granted to it by a potential licensee only if that potential licensee commits to licensing its patents for the implementation of the standard free of charge or on reasonable terms and conditions. b) the patentee or patent applicant agrees to license, for a fee, any organization or individual to exploit the patent when implementing the national standard, on a fair, reasonable and non-discriminatory basis; Note: The patentee/patent applicant may make the above declaration subject to a reciprocity condition, under which the patentee requires a licence to be granted to it by a potential licensee only if that potential licensee commits to licensing its patents for the implementation of the standard free of charge or on reasonable terms and conditions. c) the patentee or patent applicant does not agree to license the exploitation of the patent in either of the above two manners.			
No.	Patent number / Patent application number	Title of patent	Licensing declaration option [a), b) or c)]
Patentee / patent applicant (signature/seal): _____ Date (YYYY-MM-DD): _____			

Table A.3 General Essential Patent Licensing Declaration Form

Information on the standard			
☐ National standard plan number		Project title	
☐ National standard number		National standard title	
Information of the patentee / patent applicant			
Name of the patentee / patent applicant or name of the organization			
Contact person		Telephone	
Postal code		E-mail	
Contact address			
Essential patent licensing declaration			
If and only if the claims in the patents of this patentee/patent applicant become essential claims of the finally published national standard, this patentee/patent applicant makes the following licensing declaration (please tick one of the following three options): ☐ a) the patentee or patent applicant agrees to license, free of charge, any organization or individual to exploit the patent when implementing the national standard, on a fair, reasonable and non-discriminatory basis; Note: The patentee/patent applicant may make the above declaration subject to reciprocity or defensive termination conditions. ☐ b) the patentee or patent applicant agrees to license, for a fee, any organization or individual to exploit the patent when implementing the national standard, on a fair, reasonable and non-discriminatory basis; Note: The patentee/patent applicant may make the above declaration subject to reciprocity or defensive termination conditions. ☐ c) the patentee or patent applicant does not agree to license the exploitation of the patent in either of the above two manners.			
Patentee / patent applicant (signature/seal): _____ Date (YYYY-MM-DD): _____			

Table A.4 List of Disclosed Patents

Information on the standard						
☐ National standard plan number			Project title			
☐ National standard number			National standard title			
Stage of the standard			☐ Project initiation ☐ Comment solicitation ☐ Examination ☐ Approval			
Patents involved in the standard						
No.	Patent application number / Patent number	Title of patent application / Title of patent	Patent applicant / Patentee	Provisions of the standard involving the patent (clause and subclause numbers)	Licensing declaration option [a) or b)]	Date of receipt of the licensing declaration form
Working group leader (signature): _____ Date (YYYY-MM-DD): _____						
Technical committee or unit in charge (seal): _____ Date (YYYY-MM-DD): _____						

Introduction of SESEC Project



The Seconded European Standardization Expert in China (SESEC) is a visibility project co-financed by the European Commission (EC), the European Free Trade Association (EFTA) secretariat and the three European Standardization organizations (CEN, CENELEC and ETSI). Since 2006, there has been four SESEC projects in China, SESEC I (2006-2009), SESEC II (2009- 2012), SESEC III (2014- 2017), SESEC IV (2018- 2022) and SESEC V (2022-2025). Dr. Betty XU is nominated as the SESEC expert and will spend the next 36 months on promoting EU-China standardization information exchange and EU-China standardization cooperation.

The SESEC project supports the strategic objectives of the European Union, EFTA and the European Standardization organizations (ESOs). The purpose of SESEC project is to:

- **Promote European and international standards in China;**

- **Improve contacts with different levels of the Chinese administration, industry and standardization bodies;**
- **Improve the visibility and understanding of the European Standardization System (ESS) in China;**
- **Gather regulatory and standardization intelligence.**

The following areas have been identified as sectoral project priorities by the SESEC project partners: Internet of Things (IoT) & Machine-to-Machine(M2M) communication, communication networks & services, cybersecurity & digital identity, Smart Cities (including transport, power grids & metering), electrical & electronic products, general product safety, medical devices, cosmetics, energy management & environmental protection (including eco-design & labeling, as well as environmental performance of buildings).