2023 Study Question
Q284 - Doctrine of equivalents

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I. Current law and practice

Please answer the below questions with regard to your Group's current law and practice.

In the questions below:

***"4a function test"** means that the element under consideration in the allegedly infringing product performs substantially the same function to produce substantially the same result as the corresponding claim element,*

***"4b difference test"** means that the difference between the claimed element and the element under consideration is not substantial according to the understanding of the claim by a person skilled in the art at the time of the infringement,*

***"5a exclusion"** means that a person skilled in the art would at the filing date have understood an element to be excluded from the equivalent scope of protection,*

***"5b exclusion"** means that as a result of adopting the equivalent scope of protection, the scope of protection covers the prior art or that which is obvious over the prior art,*

***"5c exclusion"** means the patentee expressly and unambiguously excluded an element from the claim during prosecution of that patent to overcome a prior art objection, and*

*The **"Q175 Approach"** means that the scope of protection shall include those elements that meet the 4a function test and 4b difference test, provided that they are not excluded under the 5a, 5b or 5c exclusions.*

5. **1)** Is the current law and practice in your jurisdiction generally in line with the Q175?

   1) a) Is there a distinction between the scope of protection and the scope of claims?

   Please answer YES or NO and you may add a brief explanation.

   - (●) Yes
   - ( ) No

6. **1) a)** (continued) Brief explanation

Albeit not identical, current Dutch law and practice is considered to be generally in line with the Q175 Approach. The Dutch Group wishes to mention that the tradition of Dutch case law shows that the Dutch patent courts have a highly casuistic, hands-on approach, where much depends on the concrete circumstances of the case at hand.

YES, reading the scope of protection and the scope of claims in the way explained under par 1 above. In the Netherlands, Article 69 European Patent Convention ("EPC") and the Protocol on the Interpretation of Article 69 EPC ("Protocol") are applicable. In interpreting said statutory provisions, a two-step test has most recently been applied in Dutch case law (Court of Appeal of The Hague, 27 October 2020, ECLI:NL:GHDHA:2020:2052 (Fresenius/Lilly, hereafter “Fresenius/Lilly”)).

Consistent with the two sections of the Protocol, the first step of the twostep test considers infringement based purely on the scope of claims, while the

7. **1) b)** Is the current law and practice in your jurisdiction following the 4a function test?

Please answer YES or NO and you may add a brief explanation.

- (●) Yes
- ( ) No

8. **1) b)** (continued) Brief explanation

The first question in assessing equivalent infringement in accordance with the second step of the above twostep test relates to so-called “technical equivalence”. This involves assessing whether the variant element under consideration is equivalent to the element as claimed from a technical point of view. That requirement is satisfied if the product or process containing the element under consideration also solves the problem that the patent solves and, in that context, the element under consideration performs the same

9. **1) c)** Is the current law and practice in your jurisdiction following the 4b difference test?

   Please answer YES or NO and you may add a brief explanation.

   - ○ Yes
   - ◉ No

10. **1) c**) (continued) Brief explanation

    The twostep test does not literally address the substantiality of the differences between the claimed element and the element under consideration in an isolated manner.

    The differences between the claimed element and the element under consideration will, however, in practice be reviewed when assessing equivalence using the second step of the two-step approach. For instance, the second question to be answered in assessing equivalent infringement in accordance with the second step of the above-mentioned twostep test, is whether extending the scope of protection of a particular patent to encompass a certain variant does not extend the protection of the patentee beyond a fair one. Such fair protection of the patentee requires the scope of protection to commensurate with the patent's contribution to the prior art (Fresenius/Lilly, para. 4.8). In that light, it has been considered that a high degree of innovation may fairly deserve a broader protection. In that case a

11. **1) d)** Is the current law and practice in your jurisdiction following the 5a exclusion?

    Please answer YES or NO and you may add a brief explanation.

    - ◉ Yes
    - ○ No

12. **1) d)** (continued) Brief explanation

The third question of the second step of the twostep test deals with the protection of the reasonable degree of legal certainty for third parties.

There is deemed to be a sufficient degree of legal certainty if (i) the skilled person would understand that the claims leave room for equivalents because the teaching of the patent is clearly broader than the wording of those claims, and (ii) limiting the scope of protection to the element mentioned in the claims has no justifiable basis. Such justifiable basis exists if the skilled person has reasons to assume that part of the protection has been waived by the patentee, even though the subjective will or intent of the patentee does not play a decisive role in determining the scope of protection (Fresenius/Lilly,

13. **1) e)** Is the current law and practice in your jurisdiction following the 5b exclusion?

    Please answer YES or NO and you may add a brief explanation.

    - (●) Yes
    - ( ) No

14. **1) e)** (continued) Brief explanation

    The fourth question of the second step of the twostep test may be (if such is argued) whether the equivalent element is novel and inventive over the prior art (Fresenius/Lilly, para. 4.11). If such is not the case (i.e. the variant is not new or inventive over the state of the art on the priority date or date of application of the patent), a device/process containing such element is

15. **1) f)** Is the current law and practice in your jurisdiction following the 5c exclusion?

    Please answer YES or NO and you may add a brief explanation.

    - (●) Yes
    - ( ) No

16. **1) f)** (continued) Brief explanation

In establishing whether there exists a justifiable basis for limiting the scope of protection, the skilled person may review the prosecution file. If the prosecution file shows that the patentee has limited its patent to overcome a prior art objection, such limitation may be held against the patentee in establishing the scope of protection (Court of Appeal of The Hague, 20

17. **2)** Whether (unclaimed) alternative embodiments disclosed in the specification should be excluded from infringement by equivalence

2) a) Under the current law and practice in your jurisdiction, does equivalent infringement categorically exclude those embodiments which are disclosed in the patent specification as possible alternatives of the means literally mentioned in the granted claims, i.e. are such alternative embodiments implicitly disclaimed from the equivalent scope of protection?

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

18. **2) a)** (continued) Brief explanation

As explained above under 1d), the requirement of a sufficient degree of legal certainty for third parties prescribes that (i) if the skilled person understands that the claims leave room for equivalents because the teaching of the patent is clearly broader than the wording of those claims, but (ii) also understands that part of protection has been waived by the patentee, such third party may – under circumstances – presume that the limiting waiver takes precedence over the broader disclosure.
Taking into account the full context in which the claims have been worded (i.e. the contents of the description and the drawings, his/her common general knowledge and the prosecution file), the skilled person may – under circumstances – conclude that, if embodiments have been disclosed in the specification but have, despite their disclosure, not been claimed by the patentee (without a justifiable basis (e.g. to overcome an added matter objection), no protection was sought for these embodiments in that patent. In such a case, the requirement of a sufficient degree of legal certainty will require a restrictive claim interpretation in the context of equivalent infringement.

However, a general "disclosed but not claimed is disclaimed" rule has not been established under Dutch law and practice (Pleadings Advocate-General Supreme Court Supreme Court, ECLI:NL:HR:2020:1036 (Fresenius/Lilly), par. 2.66), and embodiments that have been disclosed in the specification but are

19. **2) b)** Under the current law and practice in your jurisdiction, does equivalent infringement exclude those embodiments which are disclosed in the patent specification as possible alternatives of the means literally mentioned in the granted claims if the patentee excluded them from the claim during prosecution of that patent to overcome a prior art objection?

    Please answer YES or NO and you may add a brief explanation.

    - (●) Yes
    - ( ) No

20. **2) b)** (continued) Brief explanation.

In the Netherlands, equivalent infringement generally excludes embodiments which are disclosed in the patent specification as possible alternatives of the means literally mentioned in the granted claims, but were excluded from the claim during prosecution to overcome a prior art objection.

The Dutch courts assess such embodiments by analysing whether or not the skilled person deems there to have been a justifiable basis ("goede grond" in Dutch) for limiting the patent's scope of protection to the application of the feature included in the patent claim(s), notwithstanding the fact that the disclosure in the patent appears to be broader than what is specifically claimed (Supreme Court, ECLI:NL:HR:2016:196 (Bayer/Sandoz), under 3.4.1-

21. **3)** Under the current law and practice in your jurisdiction, does one consider the equivalent scope of protection conferred by a patent when assessing validity and/or patentability of that patent? In other words, is it possible that, considering the equivalent scope of protection of a particular patent, this patent is deemed to

    3) a) lack novelty, and/or

    Please answer YES or NO and you may add a brief explanation.

    - ○ Yes
    - ◉ No

22. **3) a)** (continued) Brief explanation

[the question continues in subquestions below]

For the interpretation, we have assumed that this question related specifically to the "anticipation by equivalence" doctrine as addressed in Apple v. Optics.

In the Netherlands, equivalents as part of the scope of protection are, up to now, not considered when assessing lack of novelty, lack of inventive step or other grounds for non-patentability (in the context of anticipation by equivalence) during prosecution or validity assessment in court (see Fresenius/Lilly, para 4.11 and 4.45.2.).

Gillette-style defenses, where the equivalent under discussion in a specific case is argued to be non-patentable in light of the prior art of the patent, form part of the equivalent infringement assessment of the court. If a variant device or process is found to lack novelty or inventive step over the prior art of the patent, extending the scope of protection of a patent to such an equivalent is deemed to go beyond what justifies fair protection for the patentee. Thus, such variants cannot be deemed infringing on such patent

23. **3) b)** lack inventive step (non-obviousness), and/or

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

24. **3) b)** (continued) Brief explanation

see answer above.

25. **3) c)** lack sufficiency of disclosure, and/or

Please answer YES or NO and you may add a brief explanation.

- ○ Yes

- (●) No

26. **3) c)** (continued) Brief explanation

    see answer above.

27. **3) d)** lack plausibility, and/or

    Please answer YES or NO and you may add a brief explanation.

    - ( ) Yes
    - (●) No

28. **3) d)** (continued) Brief explanation

    see answer above.

29. **3) e)** claim added matter?

    Please answer YES or NO and you may add a brief explanation.

    - ( ) Yes
    - (●) No

30. **3) e)** (continued) Brief explanation

see answer above.

31. *If your answer to any of the questions 3 a) to e) is YES, please address the following questions:*

    4) When assessing validity and/or patentability against the equivalent scope of protection, are the relevant embodiments limited to those embodiments which are attacked as “equivalent infringement” in a specific case by the patent owner (or an otherwise entitled person)?

    Please answer YES or NO and you may add a brief explanation.

    - ◯ Yes
    - ◯ No

32. **4)** (continued) Brief explanation

    Voer uw antwoord in

33. **5)** If the answer to question 4 is YES, is anyone be entitled to attack the validity and/or patentability of the patent based on such argument, or only the alleged infringer?

    Please answer YES or NO and you may add a brief explanation.

    - ◯ Yes
    - ◯ No

34. **5)** (continued) Brief explanation

Voer uw antwoord in

35. **6)** If the answer to question 4 is NO, what is the appropriate approach to identify the relevant equivalent embodiments when assessing validity and/or patentability? Is there, for example, a requirement that relevant equivalent embodiments must be likely being used in practice?

    Please answer YES or NO and you may add a brief explanation.

    - ◯ Yes
    - ◯ No

36. **6)** (continued) Brief explanation

    Voer uw antwoord in

37. **7)** If the answer to question 4 is NO, does the patent office consider the equivalent scope of protection when assessing validity and/or patentability, or is such discussion limited to post-grant proceedings?

    Please answer YES or NO and you may add a brief explanation

    - ◯ Yes
    - ◯ No

38. **7)** (continued) Brief explanation

Voer uw antwoord in

II) Policy considerations and proposals for improvements of your Group's current law

39. **8)** According to the opinion of your Group, is your current law regarding the doctrine of equivalents adequate and/or sufficient?

    Please answer YES or NO and you may add a brief explanation.

    - (●) Yes
    - ( ) No

40. **8)** (continued) Brief explanation

    In general it holds a fair balance between a reasonable scope of protection and a reasonable degree of legal certainty

41. **9)** According to the opinion of your group, is there (still) a need for a doctrine of equivalents under your law, i.e. in that there needs to be a distinction between the scope of protection and the scope of claims?

    Please answer YES or NO and you may add a brief explanation.

    - (●) Yes
    - ( ) No

42. **9)** (continued) Brief explanation

There is a need for a doctrine of equivalents which is present in the Netherlands (we refer to our answer to question 1a, displayed again here).

In the Netherlands, Article 69 European Patent Convention ("EPC") and the Protocol on the Interpretation of Article 69 EPC ("Protocol") are applicable. In interpreting said statutory provisions, a twostep test has most recently been applied in Dutch case law (Court of Appeal of The Hague, 27 October 2020, ECLI:NL:GHDHA:2020:2052 (Fresenius/Lilly, hereafter "Fresenius/Lilly")).

Consistent with the two sections of the Protocol, the first step of the twostep test considers infringement based purely on the scope of claims, while the second step considers equivalent infringement, amounting to establishment of the scope of protection (i.e. "literal" plus equivalent infringement).

We further refer to our answer to Question 10 for the reasons for the need according to our Group.

43. **10)** According to the opinion of your group, what is the principal justification of the doctrine of equivalents? What factor does legal certainty for third parties play in this regard?

The principal justification is to extend the scope of protection to methods and products that embody the inventive concept of the patent, in particular including equivalents which could not have been reasonably foreseen by the patentee at the priority date. If third parties were justified to believe that the patentee intended not to claim certain embodiments, (we refer to our answer to Question 1d, 1f and 2) the patentee should not be allowed to extend the

44. **11)** Are there any other policy considerations and/or proposals for improvement to your Group's current law falling within the scope of this Study Question?

We believe that the doctrine of equivalents is valuable, but should not become a cure for sloppy drafting. In addition, if one is to support the 'disclosed but not claimed is disclaimed' doctrine, it is difficult to see why this should be applied only to embodiments disclosed in the specification but not

III) Proposals for harmonisation

45. **12)** Do you consider harmonisation regarding the doctrine of equivalents as desirable in general? Please answer YES or NO and you may add a brief explanation.

    If YES, please respond to the following questions without regard to your Group's current law or practice.

    Even if NO, please address the following questions to the extent your Group considers your Group's current law or practice could be improved.

    - (●) Yes
    - ( ) No

46. **12)** (continued) Brief explanation

    The Dutch Group sees free worldwide trade with low boundaries between jurisdiction as desirable to bolster worldwide prosperity. Furthermore, good patent law is considered to incentivize innovation. Harmonisation of legislation in general in patent legislation in particular supports this. Therefore, the Dutch Group considers harmonisation regarding any doctrine

47. **13)** Do you see any need to amend and /or change the Q175 Approach?

    13) a) Is there (still) a need for doctrine of equivalents, i.e should there be a distinction between the scope of protection and the scope of claims?

    Please answer YES or NO and you may add a brief explanation.

    - (●) Yes
    - ( ) No

48. **13) a)** (continued) Brief explanation

The Dutch Group does see a difference between the scope of protection, which seems to be determined by Article 2 of the Protocol on the Interpretation of Article 69 EPC, and the scope of the claims, which seems to be determined by Article 1 of the Protocol on the Interpretation of Article 69 EPC. Following thereon, the Dutch Group considers the question to be whether there should be any difference between the "literal" wording of the claims and the scope of protection. The answer to that is a firm yes.
Firstly, with a still growing pace of innovation, it cannot be expected that a patentee is able to look fifteen years ahead and for that reason, it cannot be expected that in the drafting of a patent application, wording is always to be used that literally covers equivalents of a claimed element that do not exist at the time of drafting and may exist fifteen years later (in particular where they relate to elements that do not lie at the core of the invention).
Second, an invention and understanding thereof may develop over the years after a patent application has been filed, which makes equivalents not logical at the time of filing of a patent application while it may be obvious after for example nine years after filing. It would be unjust for the patentee who has made a contribution to the state of the art that such new insights based on the initial invention would not be covered by the patent granted. Those standing on the shoulders of a giant should pay tribute to those giants.
Thirdly, if it would be fair to award a patentee a broader scope of protection than the "literal" wording then there should be room for that. If for example a competitor takes the benefit of the invention, but uses a variant of a claimed element that is not essential to the invention, then it may – under circumstances – be fair to award the patentee a scope of protection that includes such a variant. I.e. the Dutch Group believes that also in case of foreseeable minor modifications to (especially non-essential) elements there should be room for infringement by equivalence. Otherwise, there would exist a need for a practice of listing all such foreseeable variants of non-essential elements in a patent application, which is considered not desirable.
Fourthly, in light of the currently strict Article 123 (2) EPC policy of the EPO it may be that claims have to be limited to overcome Article 123 (2) EPC

49. **13) b)** Alternatively, instead of a doctrine of equivalents, would it better to require more comprehensive claim drafting, or would you prefer any other alternative approaches to address the material issues underlying the doctrine of equivalence, such as e.g. an exhaustive list of equivalents set forth in the specification?

    Please answer YES or NO; in particular if answering YES, please add a brief explanation.

    - ○ Yes
    - ◉ No

50. **13) b)** (continued) Brief explanation

An approach alternative to a doctrine of equivalents, like different claim drafting or solely relying on limitation in the description is not at all preferred by the Dutch Group. Firstly, such approaches would be at odds with the arguments provided above. Second, such approach would require more information to be provided in patent applications, which would result in larger and longer specifications and claim sets. This would, in turn result in increased

51. **13) c)** Do you see any need to amend and/or change the 4a function test in Q175?

Please answer YES or NO and you may add a brief explanation.

- (●) Yes
- ( ) No

52. **13) c)** (continued) Brief explanation

The Dutch Group would prefer 4a of resolution Q175 to be amended to state that if an equivalent element of a claim element is by an alleged infringer implemented such that it has substantially the same function and achieves substantially the same result in substantially the same way, the element implemented by the alleged infringer is considered to be equivalent to the

53. **13) d)** Do you see any need to amend and/or change the 4b difference test in Q175?

Please answer YES or NO and you may add a brief explanation.

- (●) Yes
- ( ) No

54. **13) d)** (continued) Brief explanation

The difference test of 4b of A175 is in view of the Dutch Group too vague to be practical. It is not clear how the difference is to be assessed, for example from a constructional or functional point of view? Therefore, the Dutch Group prefers the approach of Question 13(c)

55. **13) e)** Do you see any need to amend and/or change the 5a exclusion in Q175?

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

56. **13) e)** (continued) Brief explanation

Free trade is served by legal certainty. If it is clear to the skilled person, at the date of filing of an application, that a particular equivalent would not fall within the scope of protection of a patent, such element is not to contribute to infringement.
Such understanding may arise from the application as filed as a whole or from the prosecution history before a patent authority.
Alternatively, or additionally, if it is clear that any acts of an alleged infringer are not novel or obvious when assessed at the effective date of an application for the patent in suit, such acts are not to be held infringing. An important reason for this is that patents are to protect subject-matter only if such subject-matter is novel and not to be obvious at the effective date of the

57. **3) f)** Do you see any need to amend and/or change the 5b exclusion in Q175?

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

58. **13) f)** (continued) Brief explanation

see e)

59. **13) g)** Do you see any need to amend and/or change the 5c exclusion in Q175?

    Please answer YES or NO and you may add a brief explanation.

    ○ Yes

    ◉ No

60. **13) g)** (continued) Brief explanation

    see e)

61. **14)** Whether (unclaimed) alternative embodiments disclosed in the specification should be excluded from infringement by equivalence

    14) a) Should equivalent infringement categorically exclude those embodiments which are disclosed in the patent specification as possible alternatives of the means literally mentioned in the granted claims, i.e. are such alternative embodiments implicitly disclaimed from the equivalent scope of protection?

    Please answer YES or NO and you may add a brief explanation.

    ○ Yes

    ◉ No

62. **14) a)** (continued) Brief explanation

Equivalent infringement should exclude those embodiments which are disclosed in the patent specification as possible alternatives of the means literally mentioned in the granted claims unless there is a justifiable basis for such limited claim. Hence, there should not be a categorical exclusion under all circumstances. We refer to the answers to Questions 1d, 1f and 2 but also Question 14 (b).
The Dutch Group had a discussion about whether obvious alternative embodiments not disclosed in the application for the patent in suit at the filing thereof should be excluded from infringement by equivalence. In line with the answer under Question 13e), the Dutch Group notes that if it is clear that any alternative embodiment provided by an alleged infringer is not novel or obvious when assessed at the effective date of an application for the

63. **14) b)** Should equivalent infringement exclude those embodiments which are disclosed in the patent specification as possible alternatives of the means literally mentioned in the granted claims if the patentee excluded them from the claim during prosecution of that patent to overcome a prior art objection?

    Please answer YES or NO and you may add a brief explanation.

    - (●) Yes
    - ( ) No

64. **14) b)** (continued) Brief explanation

    Equivalent infringement should exclude those embodiments which are disclosed in the patent specification as possible alternatives of the means literally mentioned in the granted claims if the patentee excluded them from the claim during prosecution of that patent to overcome a prior art objection.

65. **15)** Should one consider the equivalent scope of protection conferred by a patent when assessing validity and/or patentability of that patent? In other words, should it be possible that, considering the equivalent scope of protection of a particular patent, this patent is deemed to

    15) a) lack novelty, and/or

    Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

66. **15) a)** (continued) Brief explanation

The Dutch Group considers it improper to take equivalents into account when considering patentability of the subject-matter of the claims or any other question of compliance of claims with applicable legislation. Certain parts of the doctrine of equivalents are to be applied using knowledge at the moment of infringement, whereas validity is always to be assessed using knowledge at the effective date of the patent. The Dutch Group considers it to be sufficient to hold any equivalents that would not be patentable at the effective date of

67. **15) b)** lack inventive step (non-obviousness), and/or

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

68. **15) b)** (continued) Brief explanation

See above

69. **15) c)** lack sufficiency of disclosure, and/or

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

70. **15) c)** (continued) Brief explanation

see above

71. **15) d)** lack plausibility, and/or

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

72. **15) d)** (continued) Brief explanation

See above

73. **15) e)** claim added matter?

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

74. **15) e)** (continued) Brief explanation

See above

75. Even if your answer to question 15 is NO, please address the following questions:

16) When assessing validity and/or patentability against the equivalent scope of protection, should the relevant embodiments be limited to those embodiments which are attacked as “equivalent infringement” in a specific case by the patent owner (or an otherwise entitled person)?

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ◉ No

76. **16)** (continued) Brief explanation

When assessing validity and/or patentability against the equivalent scope of protection, the relevant embodiments should not be limited to those embodiments which are attacked as "equivalent infringement" in a specific case by the patent owner per se. Circumstances may arise under which a broader application would be justified. The Dutch Group refers to arguments

77. **17)** If the answer to question 16 is YES, should anyone be entitled to attack the validity and/or patentability of the patent based on such argument, or only the alleged infringer?

Please answer YES or NO and you may add a brief explanation.

- ○ Yes
- ○ No

78. **17)** (continued) Brief explanation

This question is not relevant in this case.

79. **18)** If the answer to question 16 is NO, what should be the appropriate approach to identify the relevant equivalent embodiments when assessing validity and/or patentability? Should there be, for example, a requirement that relevant equivalent embodiments must be likely being used in practice?

    Please answer YES or NO and you may add a brief explanation.

    - ○ Yes
    - ◉ No

80. **18)** (continued) Brief explanation

    According to the Dutch Group, there is no appropriate approach to identify the relevant equivalent embodiments when assessing validity and/or patentability other than the literal approach; the Dutch Group refers to arguments provided under answer 15

81. **19)** If the answer to question 16 is NO, should the patent office consider the equivalent scope of protection when assessing validity and/or patentability, or should such discussion be limited to post-grant proceedings?

    Please answer YES or NO and you may add a brief explanation.

    - ○ Yes
    - ◉ No

82. **19)** (continued) Brief explanation

The Dutch Group holds application of any doctrine of equivalents to be a privilege of courts. Firstly, the doctrine of equivalents is relevant in case of infringement, not in case of patentability. Second, such assessment requires a substantial amount of legal acumen, whereas most examiners of patent offices only have a science or engineering degree, complemented with

83. **20)** Please comment on any additional issues concerning any aspect of equivalents that you consider relevant to this Study Question.

The Dutch Group has no further comments on this matter.

84. **21)** Please indicate which industry sector views provided by in-house counsels are included in your Group's answers to Part III.

No in-house counsels were involved in providing answers to this section of the study question.