



Instructions for the WG Chair

- **At Each Meeting, the Working Group Chair shall:**
 - **Show slides #1 and #2 of this presentation**
 - **Advise the WG membership that:**
 - The IEEE's Patent Policy is consistent with the ANSI patent policy and is described in Clause 6 of the *IEEE SA Standards Board Bylaws*;
 - Early disclosure of patents which may be essential for the use of standards under development is encouraged;
 - Disclosures made of such patents may not be exhaustive of all patents that may be essential for the use of standards under development, and that neither the IEEE, the WG nor the WG Chairman ensure the accuracy or completeness of any disclosure or whether any disclosure is of a patent that in fact may be essential for the use of standards under development.
- **Instruct the WG Secretary to record in the minutes of the relevant WG meeting:**
 - that the foregoing advice was provided and the two slides were shown;
 - that an opportunity was provided for WG members to identify or disclose patents that the WG member believes may be essential for the use of that standard;
 - any responses that were given, specifically the patents and patent applications that were identified (if any) and by whom.



IEEE-SA Standards Board Bylaws on Patents in Standards

6. Patents

IEEE standards may include the known use of essential patents and patent applications provided the IEEE receives assurance from the patent holder or applicant with respect to patents whose infringement is, or in the case of patent applications, potential future infringement the applicant asserts will be, unavoidable in a compliant implementation of either mandatory or optional portions of the standard [essential patents]. This assurance shall be provided without coercion and prior to approval of the standard (or reaffirmation when a patent or patent application becomes known after initial approval of the standard). This assurance shall be a letter that is in the form of either:

- a) A general disclaimer to the effect that the patentee will not enforce any of its present or future patent(s) whose use would be required to implement either mandatory or optional portions of the proposed IEEE standard against any person or entity complying with the standard; or
- b) A statement that a license for such implementation will be made available without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination.

This assurance shall apply, at a minimum, from the date of the standard's approval to the date of the standard's withdrawal and is irrevocable during that period.



Inappropriate Topics for IEEE WG Meetings

- Don't discuss licensing terms or conditions
- Don't discuss product pricing, territorial restrictions or market share
- Don't discuss ongoing litigation or threatened litigation
- Don't be silent if inappropriate topics are discussed... do formally object.

If you have questions, contact the IEEE-SA Standards Board Patent Committee Administrator at patcom@ieee.org or visit <http://standards.ieee.org/board/pat/index.html>



DASC Patent Policy

- The DASC will only accept patented material under paragraph (a) of IEEE Patent Policy.
- Enforcement shall be the responsibility of the DASC chair
 - All DASC working and study groups during all phases of the standardization process must comply with policy.
 - Upon non-compliance, DASC chair will recommend that the PAR for the working group, or the DASC authorization for a study group be withdrawn.
- See: http://www.eda.org/pub/dasc/dasc_quality_metrics



DASC Patent Terms

- A general disclaimer to the effect that the patentee will not enforce any of its present or future patent(s) whose use would be required to implement the proposed IEEE standard against any person or entity using the patent(s) to comply with the standard.