

A Template for IETF Patent Disclosures and Licensing Declarations

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Abstract

This document describes a proposal for one form of a template for IETF patent disclosures and licensing declarations. The optional use of this template is meant to simplify the process of such disclosures and licensing declarations and to assist disclosers in providing the necessary information to meet the obligations documented in RFC 3668.

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1. Introduction

RFC 3668 [RFC3668] documents the current IETF policies and obligations with respect to disclosure of patents and patent applications. It also documents the information requested in licensing declarations for IETF specifications. In the interest of making these patent disclosure and licensing declaration processes simpler, this document proposes a patent disclosure and licensing declaration template that may be optionally used as one method for IETF participants and patent holders to comply with patent disclosure requirements and licensing declaration provisions under RFC 3668.

This proposal also may be optionally used as a model by the IETF Secretariat for Web-based disclosure and licensing declaration tools; however, the intent of this document is informational and is not meant to suggest that this is the only method that could be used by IETF participants for disclosure of patents or for licensing declarations. For the latest information on how to submit a patent disclosure or licensing declaration, please see <http://www.ietf.org/ipr-instructions>.

IPR disclosures should be submitted in English, since this is the working language of the IETF. Names of persons and companies should be presented in the way they are usually presented in an English-speaking context.

2. The Patent Disclosure and Licensing Declaration Template

START OF TEMPLATE

This document is an IETF Patent Disclosure and Licensing Declaration Template and is submitted to inform the IETF of a) patent information regarding the IETF document or contribution listed in Section IV, and b) a Patent Holder's intention with respect to the licensing of its necessary patent claims. No actual license is implied by submission of this template. Please complete and submit a separate template for each IETF document or contribution to which the disclosed patent information relates.

I. Patent Holder/Applicant ("Patent Holder")

Legal Name:

II. Patent Holder's Contact for License Application

Name:

Title:

Department:

Address:

Telephone:

Fax:

Email:

III. Contact Information for the IETF Participant Whose Personal Belief Triggered the Disclosure in this Template (Optional)

Name:

Title:

Department:

Address:

Telephone:

Fax:

Email:

IV. IETF Document or Contribution to Which Patent Disclosure Relates

Title:

RFC Number or I-D Tag:

Other Designations:

V. Disclosure of Patent Information (i.e., patents or patent applications required to be disclosed by Section 6 of RFC 3668)

A. For granted patents or published pending patent applications, please provide the following information:

Patent, Serial, Publication, Registration, or Application/File number(s):

Date(s) granted or applied for (YYYY-MM-DD):

Country(ies):

B. Does your disclosure relate to an unpublished pending patent application?

Select one: Yes _____ No _____

C. If an Internet-Draft or RFC includes multiple parts and it is not reasonably apparent which part of such an Internet-Draft or RFC is alleged to be covered by the patent information disclosed in Section V(A) or V(B), it is helpful if the discloser identifies here the sections of the Internet-Draft or RFC that are alleged to be so covered.

VI. Licensing Declaration

The Patent Holder states that its position with respect to licensing any patent claims contained in the patent(s) or patent application(s) disclosed above that would necessarily be infringed by implementation of the technology required by the relevant IETF specification ("Necessary Patent Claims"), for the purpose of implementing such a specification, is as follows (select one licensing declaration option only):

- a) No License Required for Implementers
Check here if commitment to forgo a license is limited solely to standards-track RFCs
- b) Royalty-Free, Reasonable, and Non-Discriminatory License to All Implementers
Check here if this commitment to license is limited solely to standards-track RFCs
- c) Reasonable and Non-Discriminatory License to All Implementers with Possible Royalty/Fee
Check here if this commitment to license is limited solely to standards-track RFCs
- d) Licensing Declaration to be Provided Later (implies a willingness to commit to the provisions of a), b), or c) above; otherwise, the next option - "Unwilling to Commit to the Provisions of a), b), or c) Above" - must be selected)
- e) Unwilling to Commit to the Provisions of a), b), or c) Above

NOTE: The individual submitting this template represents and warrants that he or she is authorized by the Patent Holder to agree to the above-selected licensing declaration.

VII. Contact Information of Submitter of this Form (if different from IETF Participant in Section III above)

Name:

Title:

Department:

Address:

Telephone:

Fax:

Email:

VIII. Other Notes:

END OF TEMPLATE

3. Commentary on Terms Used in the Template

Section III requests contact information for the Patent Holder's IETF participant whose personal belief that necessary patent claims are implicated by an IETF document or contribution caused this template to be filed. This is an optional section. However, if Section III is not completed, then Section VII must be completed. Even if Section III is completed, Section VII must still be completed if the submitter of this template is different from the IETF participant identified in Section III.

The "Other Designations" field in Section IV may be used to identify an IETF contribution (oral or written) other than an Internet-Draft or RFC to which a disclosure is related.

Here is an explanation of the licensing declaration options in Section VI of the template:

- a) No License Required for Implementers: The Patent Holder does not require parties to acquire any license to its Necessary Patent Claims in order to make, have made, use, import, offer to sell, sell, or distribute technology that implements such an IETF specification.
- b) Royalty-Free, Reasonable, and Non-Discriminatory License to All Implementers: The Patent Holder is willing, upon request, to grant a license to its Necessary Patent Claims to all persons on a royalty-free basis (i.e., no royalty or other fee) and under other reasonable and non-discriminatory terms and conditions, to make,

have made, use, import, offer to sell, sell, and distribute technology that implements such an IETF specification.

- c) Reasonable and Non-Discriminatory License to All Implementers with Possible Royalty/Fee: The Patent Holder is willing, upon request, to grant a license to its Necessary Patent Claims to all persons under reasonable and non-discriminatory terms and conditions (which may include a royalty/fee), to make, have made, use, import, offer to sell, sell, and distribute technology that implements such an IETF specification.
- d) Licensing Declaration to be Provided Later: The Patent Holder is willing to commit to the provisions of a), b), or c) above, but wants to defer its specific selection of one of these licensing declaration options until a later point in time (or when asked for this information by the IESG). This option may not be selected if the Patent Holder is unwilling to commit to the provisions of a), b), or c) above. In that case, the Patent Holder must select licensing declaration option e) - "Unwilling to Commit to the Provisions of a), b), or c) Above."
- e) Unwilling to Commit to the Provisions of a), b), or c) Above: The Patent Holder indicates an unwillingness to commit to the provisions of any of options a), b), or c) described above.

Options a), b), and c) above also allow the Patent Holder to indicate (with a check) whether its licensing declaration is limited solely to standards-track RFCs. If left unchecked, the Patent Holder's licensing declaration will be deemed to apply to any implementation of the relevant IETF specification, including non-standards-track documents and Internet-Drafts. However, the Patent Holder may list other conditions or restrictions on its commitment to forego a license (option a)) or on its commitment to license (options b) and c)) in Section VIII - "Other Notes." This standards-track qualifier is not relevant to licensing declaration options d) and e), because under d) the Patent Holder has not yet indicated its specific licensing intention and under e) the Patent Holder has indicated a general refusal to commit to the provisions of any of options a), b), or c) above.

Section VIII in the template, "Other Notes," may be used for any additional information a discloser or Patent Holder wishes to provide. For example, a Patent Holder may use the "Other Notes" Section to indicate any other conditions or restrictions on the licensing declaration option selected in Section VI (e.g., 1) reciprocity, or 2) that a license will only be made available for implementations of any RFC (standards-track or non-standards-track), but not for implementations of Internet-Drafts or other documents).

4. Security Considerations

This document relates to the IETF process, not any particular technology. There are security considerations when adopting any particular technology, regardless of whether patent or patent application disclosures or licensing declarations are implicated by such technology. A working group should take those security considerations into account as one part of evaluating the technology, but there are no security considerations per se with these IETF processes.

5. Normative References

[RFC3668] Bradner, S., "Intellectual Property Rights in IETF Technology", BCP 79, RFC 3668, February 2004.

6. Acknowledgments

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