IETF Rights in Contributions

Status of this Memo

Copyright Notice

Abstract

   The IETF policies about rights in Contributions to the IETF are
   designed to ensure that such Contributions can be made available to
   the IETF and Internet communities while permitting the authors to
   retain as many rights as possible. This memo details the IETF
   policies on rights in Contributions to the IETF. It also describes
   the objectives that the policies are designed to meet. This memo
   updates RFC 2026, and, with RFC 3668, replaces Section 10 of RFC
   2026.

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1. Definitions

   The following definitions are for terms used in the context of this
   document. Other terms, including "IESG," "ISOC," "IAB" and "RFC
   Editor," are defined in [RFC 2028].

   a. "IETF": In the context of this document, the IETF includes all
      individuals who participate in meetings, working groups, mailing
      lists, functions and other activities which are organized or
      initiated by ISOC, the IESG or the IAB under the general
      designation of the Internet Engineering Task Force or IETF, but
      solely to the extent of such participation.

   b. "IETF Standards Process": the activities undertaken by the IETF in
      any of the settings described in 1(c) below.

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      Contributor for publication as all or part of an Internet-Draft or
      RFC (except for RFC Editor Contributions described below) and any
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      statements include oral statements in IETF sessions, as well as
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      o the IETF plenary session,
      o any IETF working group or portion thereof,
      o the IESG, or any member thereof on behalf of the IESG,
      o the IAB or any member thereof on behalf of the IAB,

    o any IETF mailing list, including the IETF list itself, any
       working group or design team list, or any other list
       functioning under IETF auspices,
    o the RFC Editor or the Internet-Drafts function (except for RFC
       Editor Contributions described below).

    Statements made outside of an IETF session, mailing list or other
    function, that are clearly not intended to be input to an IETF
    activity, group or function, are not IETF Contributions in the
    context of this document.

  d. "Internet-Draft": temporary documents used in the IETF and RFC
     Editor processes. Internet-Drafts are posted on the IETF web site
     by the IETF Secretariat and have a nominal maximum lifetime in the
     Secretariat's public directory of 6 months, after which they are
     removed. Note that Internet-Drafts are archived many places on
     the Internet, and not all of these places remove expired
     Internet-Drafts. Internet-Drafts that are under active
     consideration by the IESG are not removed from the Secretariat's
     public directory until that consideration is complete. In
     addition, the author of an Internet-Draft can request that the
     lifetime in the Secretariat's public directory be extended before
     the expiration.

  e. "RFC": the basic publication series for the IETF. RFCs are
     published by the RFC Editor and once published are never modified.
     (See [RFC 2026] Section 2.1)

  f. "RFC Editor Contribution": An Internet-Draft intended by the
     Contributor to be submitted to the RFC Editor for publication as
     an Informational or Experimental RFC but not intended to be part
     of the IETF Standards Process.

  g. "IETF Internet-Drafts": Internet-Drafts other than RFC Editor
     Contributions. Note that under Section 3.3(a) the grant of rights
     in regards to IETF Internet-Drafts as specified in this document
     is perpetual and irrevocable and thus survives the Secretariat's
     removal of an Internet-Draft from the public directory, except as
     limited by Section 3.3(a)(C). (See [RFC 2026] Sections 2.2 and 8)

  h. "IETF Documents": RFCs and Internet-Drafts except for Internet-
     Drafts that are RFC Editor Contributions and the RFCs that are
     published from them.

  i. "RFC Editor Documents": RFCs and Internet-Drafts that are RFC
     Editor Contributions and the RFCs that may be published from them.

  j. "Contribution": IETF Contributions and RFC Editor Contributions.

k. "Contributor": an individual submitting a Contribution.

l. "Reasonably and personally known": means something an individual
    knows personally or, because of the job the individual holds,
    would reasonably be expected to know. This wording is used to
    indicate that an organization cannot purposely keep an individual
    in the dark about patents or patent applications just to avoid the
    disclosure requirement. But this requirement should not be
    interpreted as requiring the IETF Contributor or participant (or
    his or her represented organization, if any) to perform a patent
    search to find applicable IPR.

2. Introduction

   Under the laws of most countries and current international treaties
   (for example the "Berne Convention for the Protection of Literary and
   Artistic Work" [Berne]), authors obtain numerous rights in the works
   they produce automatically upon producing them. These rights include
   copyrights, moral rights and other rights. In many cases, if the
   author produces a work within the scope of his or her employment,
   most of those rights are usually assigned to the employer, either by
   operation of law or, in many cases, under contract. (The Berne
   Convention names some rights as "inalienable", which means that the
   author retains them in all cases.)

   This document details the rights that the IETF requires in IETF
   Contributions and rights the IETF, as publisher of Internet-Drafts,
   requires in all such Drafts including RFC Editor Contributions. The
   RFC Editor may also define additional rights required for RFC Editor
   Contributions.

   In order for works to be used within the IETF Standards Process or to
   be published as Internet-Drafts, certain limited rights in all
   Contributions must be granted to the IETF and Internet Society
   (ISOC). In addition, Contributors must make representations to IETF
   and ISOC regarding their ability to grant these rights. These
   necessary rights and representations have until now been laid out in
   Section 10 of [RFC 2026]. In the years since [RFC 2026] was
   published there have been a number of times when the exact intent of
   Section 10 has been the subject of vigorous debate within the IETF
   community. The aim of this document is to clarify various
   ambiguities in Section 10 of [RFC 2026] that led to these debates and
   to amplify the policy in order to clarify what the IETF is currently
   doing.

   Section 1 gives definitions used in describing these policies.
   Sections 3, 4, 5 and 6 of this document address the rights in
   Contributions previously covered by Section 10 of [RFC 2026] and the

"Note Well" explanatory text presented at many IETF activities.
Sections 7 and 8 then explain the rationale for these provisions,
including some of the clarifications that have become understood
since the adoption of [RFC 2026]. The rules and procedures set out
in this document are not intended to substantially modify or alter
the IETF's current policy toward Contributions.

A companion document [RFC 3668] deals with rights in technologies
developed or specified as part of the IETF Standards Process. This
document is not intended to address those issues.

The rights addressed in this document fall into the following
categories:

o rights to make use of contributed material
o copyrights in IETF documents
o rights to produce derivative works
o rights to use trademarks

This document is not intended as legal advice. Readers are advised
to consult their own legal advisors if they would like a legal
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Contributions they make.

3. Rights in IETF Contributions

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      organization(s) s/he represents or is sponsored by (if any).

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   any Contribution that does not comply with the requirements of
   Section 3.4 and Section 3.3 or 4.2.

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   Contributors, and each named co-Contributor, who claim trademark
   rights in terms used in their IETF Contributions are requested to
   state specifically what conditions apply to implementers of

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intellectual property claims. (See [RFC 3668] Section 6.)

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   Drafts, requires in all RFC Editor Contributions:

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   3.1, 3.2, 3.4, 3.5 and 3.6.

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    Each IETF Document must include the required notices described in
    this Section 5. The required notices are the following:

    a. The IPR Disclosure Acknowledgement described in Section 5.1
       (required in all Internet-Drafts).
    b. The Derivative Works Limitation described in Section 5.2 (for
       specific IETF Documents only).
    c. The Publication Limitation described in Section 5.3 (for specific
       types of Internet-Drafts only).
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       Documents).
    e. The Disclaimer described in Section 5.5 (for all IETF Documents).

5.1. IPR Disclosure Acknowledgement (required in all Internet-Drafts
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   "By submitting this Internet-Draft, I certify that any applicable
   patent or other IPR claims of which I am aware have been disclosed,
   and any of which I become aware will be disclosed, in accordance with
   RFC 3668."

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   If the Contributor desires to eliminate the IETF's right to make
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      into languages other than English."

   b. "This document may not be modified, and derivative works of it may
      not be created."

   In the cases of MIB or PIB modules and in other cases where the
   Contribution includes material that is meant to be extracted in order
   to be used, the following should be appended to statement 5.2 (a) or
   5.2 (b):

      "other than to extract section XX as-is for separate use."

   Notice 5.2(a) is used if the Contributor intends for the IETF
   Contribution to be published as an RFC. Notice 5.2(b) is used along
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   These notices may not be used with any standards-track document or
   with most working group documents, except as discussed in Section 7.3
   below, since the IETF must retain change control over its documents
   and the ability to augment, clarify and enhance the original IETF
   Contribution in accordance with the IETF Standards Process.

   Notice 5.2(a) may be appropriate when republishing standards produced
   by other (non-IETF) standards organizations, industry consortia or
   companies. These are typically published as Informational RFCs, and
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   documents of this type convey information for the Internet community.

A fuller discussion of the rationale behind these requirements is
contained in Section 7.3 below.

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If the Contributor only wants the IETF Contribution to be made
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   "This document may only be posted in an Internet-Draft."

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5.4. Copyright Notice (required for all IETF Documents)

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   THE USE OF THE INFORMATION HEREIN WILL NOT INFRINGE ANY RIGHTS OR
   ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A
   PARTICULAR PURPOSE."

5.6 Exceptions

   Notwithstanding the provisions of this Section 5, in certain limited
   cases an abbreviated notice may be placed on certain types of
   derivative works of IETF Documents in accordance with this Section
   5.6.

   a. in MIB modules, PIB modules and similar material commonly
      extracted from IETF Documents, except for material that is being
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         "Copyright (C) The Internet Society <year> . This version of
         this MIB module is part of RFC XXXX; see the RFC itself for
         full legal notices."

      When the MIB or PIB module is the initial version of a module that
      is to be maintained by the IANA, the following abbreviated notice
      shall be included:

         "Copyright (C) The Internet Society <year>. The initial
         version of this MIB module was published in RFC XXXX; for full
         legal notices see the RFC itself. Supplementary information
         may be available on
         http://www.ietf.org/copyrights/ianamib.html."

      For other types of components than "MIB", substitute "MIB module"
      with an appropriate identifier. In the case of MIB and PIB
      modules this statement should be placed in the DESCRIPTION clause
      of the MODULE-IDENTITY macro.

      Variations of these abbreviated notices are not permitted except
      in cases where the material to be extracted is the product of a
      joint development effort between the IETF and another standards
      development organization or is a republication of the work of
      another standards organization. Such variations must be approved
      on an individual basis by the IAB.

   b. short excerpts of IETF Documents presented in electronic help
      systems, for example, the DESCRIPTION clauses for MIB variables,
      do not need to include a copyright notice.

6. Notices and Rights Required in RFC Editor Contributions

    Since the IETF acts as publisher of Internet Drafts, even for
    Internet Drafts that are not intended to become part of the Standards
    Process, the following are required in all such drafts to protect the
    IETF and its processes. The RFC Editor may require additional
    notices.

    a. An IPR Disclosure Acknowledgement, identical to that specified in
       Section 5.1.

    b. One of the following two copyright release statements:

       A. "By submitting this Internet-Draft, I accept the provisions of
          Section 3 of RFC 3667."

       B. "By submitting this Internet-Draft, I accept the provisions of
          Section 4 of RFC 3667."

7. Exposition of Why These Procedures Are the Way They Are

7.1. Rights Granted in IETF Contributions

    The IETF/ISOC must obtain the right to publish an IETF Contribution
    as an RFC or an Internet-Draft from the Contributors.

    A primary objective of this policy is to obtain from the document
    authors only the non-exclusive rights that are needed to develop and
    publish IETF Documents and to use the IETF Contributions in the IETF
    Standards Process while leaving all other rights with the authors.

    The non-exclusive rights that the IETF needs are:

    a. the right to publish the document
    b. the right to let the document be freely reproduced in the formats
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    c. the right to let third parties translate it into languages other
       than English
    d. except where explicitly excluded (see Section 5.2), the right to
       make derivative works within the IETF process.
    e. the right to let third parties extract some logical parts, for
       example MIB modules

    The authors retain all other rights, but cannot withdraw the above
    rights from the IETF/ISOC.

7.2. Rights to use Contributed Material

   Because, under the laws of most countries and applicable
   international treaties, copyright rights come into existence whenever
   a work of authorship is created (but see Section 8 below regarding
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   Contributions if it does not have sufficient rights with respect to
   these copyright rights, it is important that the IETF receive
   assurances from all Contributors that they have the authority to
   grant the IETF the rights that they claim to grant. Without this
   assurance, IETF and its participants would run a greater risk of
   liability to the owners of these rights.

   To this end, IETF asks Contributors to give the assurances in Section
   3.4 above. These assurances are requested, however, only to the
   extent of the Contributor's reasonable and personal knowledge. (See
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7.3. Right to Produce Derivative Works

   The IETF needs to be able to evolve IETF Documents in response to
   experience gained in the deployment of the technologies described in
   such IETF Documents, to incorporate developments in research and to
   react to changing conditions on the Internet and other IP networks.
   In order to do this the IETF must be able to produce derivatives of
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   standards track documents and for most IETF non-standards track
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   describing proprietary technologies and documents that are
   republications of the work of other standards organizations.

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   IETF working group to accept an IETF Contribution as a working group
   document or otherwise work on it. For non-working group IETF
   Contributions where the Contributor requests publication as a
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   non-standards track non-working group IETF Contributions, before the
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Publication Limitation described in Section 5.3 in their IETF
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The IETF has historically encouraged organizations to publish details
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when developing new technology. But organizations that publish
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that the IETF version is the "new version" of the organization's
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Contribution can be published with the other rights granted under
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required before any IETF Contribution can be published as an RFC to
ensure the widest possible distribution of the material in RFCs.

In addition, IETF Documents frequently make normative references to
standards or recommendations developed by other standards
organizations. Since the publications of some standards organizations
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republish, with the permission of the other standards organization,
some of these documents as RFCs so that the IETF community can have
open access to them to better understand what they are referring to.
In these cases the RFCs can be published without the right for the
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In both of the above cases in which the production of derivative
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   Rights and licenses granted to the IETF under this document are
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10. References

10.1. Normative References

   [RFC 2026]   Bradner, S., Ed, "The Internet Standards Process --
                 Revision 3", BCP 9, RFC 2026, October 1996.

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

10.2. Informative References

   [Berne]   "Berne Convention for the Protection of Literary and
                 Artistic Work",
                 http://www.wipo.int/treaties/ip/berne/index.html

11. Acknowledgements

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