ETSI standardization - consensus and cooperation

Presented by: **Dirk Weiler, ETSI Board Chairman**   For: **LES FRAND Licensing Standard Committee**

29.10.2018

Agenda

- Why Standardization?

- What is ETSI?

- Decision making

- ETSI IPR policy

- FRAND licensing

Why
Standardization?

Why Standardization
(from a private sector perspective)

For-profit organizations prefer monopoly over standard

Economies of scale, More brain power

Customer pressure for competition

Government pressure against lock-in

Ensure interoperability

Influence technology

Access to leading-edge ICT knowledge

Contribute the views of your constituency

But – Not an end in itself

Mobile Communication

Mobile connections, including licensed cellular IoT Oct 2018

8,908,334,327

▲ 6.20%

Unique mobile subscribers Oct 2018

5,123,618,936

▲ 3.72%

Revenue/year FY 2017

$1.05T

▲ 1.64%

ARPU/month FY 2017

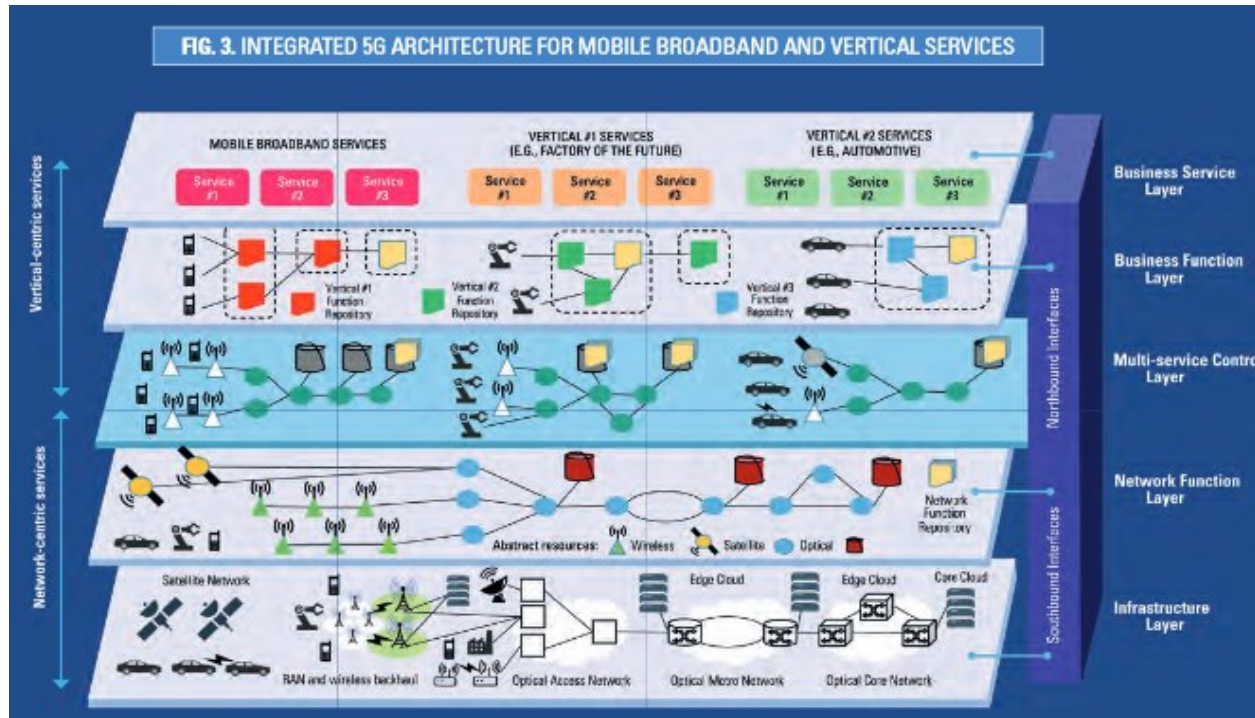**$9.49**

▼ -3.05%

Source: GSMA Intelligence 2018, current year-end data except interpolated subscribers and connections

https://www.gsmaintelligence.com/

FIG. 3. INTEGRATED 5G ARCHITECTURE FOR MOBILE BROADBAND AND VERTICAL SERVICES

https://5g-ppp.eu/wp-content/uploads/2016/02/BROCHURE_5PPP_BAT2_PL.pdf
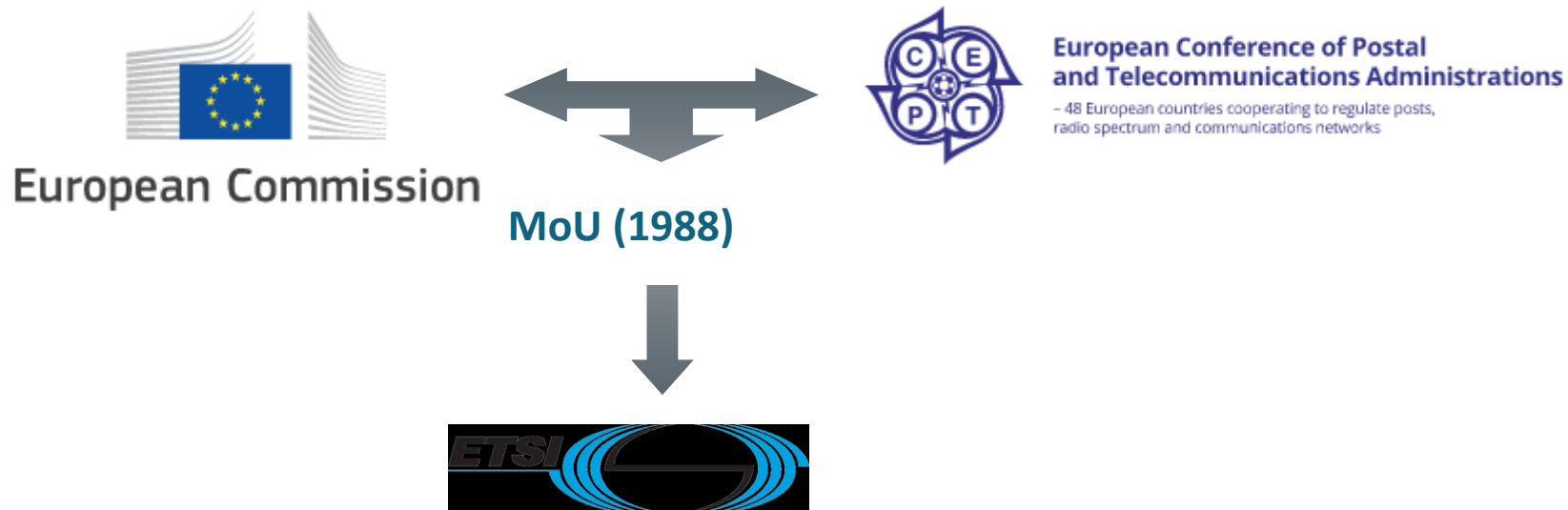
What is ETSI?

ETSI's creation

Mid 1980's

Emergence of mobile communications (the GSM success story)

Political and industrial will to work on a common set of standards for Europe

Industry in the driving seat

European Commission

European Conference of Postal and Telecommunications Administrations
– 48 European countries cooperating to regulate posts, radio spectrum and communications networks

MoU (1988)

ETSI: European roots, global outreach

ETSI is a world-leading standards developing organization for Information and Communication Technologies (ICT)

ETS is a not-for-profit organization under French law

ETSI is recognized by the European Union as one of 3 European Standardization Organizations

ETSI has become highly-respected as a producer of technical standards for worldwide use

ETSI is esteemed for our world-leading Intellectual Property Rights (IPR) Policy

ETSI is not…

a REGULATORY body, but…
    we provide technical specifications to support regulation

CERTIFICATION body, but…
    we provide specifications and other tools to assist certification

a FREQUENCY ALLOCATION body, but…
    we collect, co-ordinate and contribute frequency requirements

part of the European Commission, nor part of CEPT, but…
    we work closely with these and many other organizations

ETSI's products & services

40000+ Technical specifications and standards with global application, all available for free download
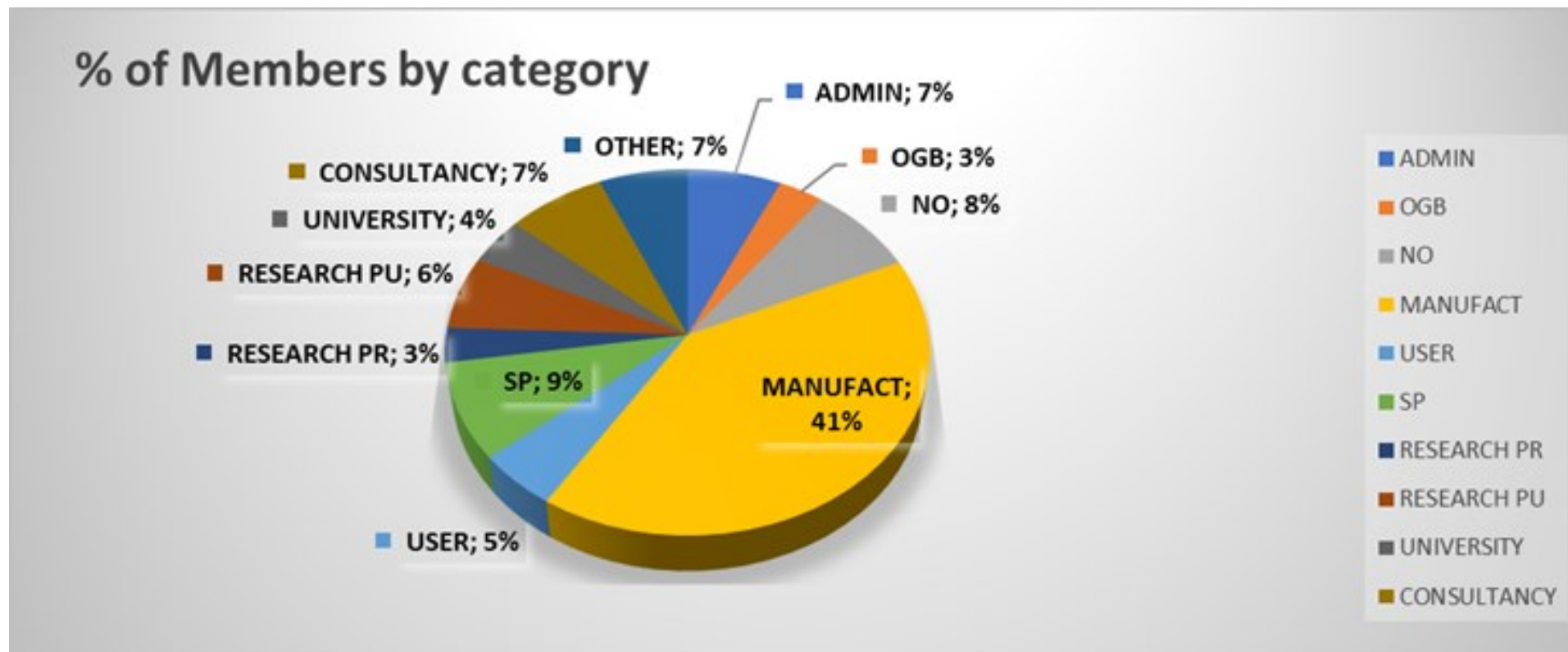
Support to industry and European regulation

Specification & testing methodologies

Interoperability testing

ETSI Membership categories

% of Members by category

- ADMIN; 7%
- OTHER; 7%
- OGB; 3%
- CONSULTANCY; 7%
- NO; 8%
- UNIVERSITY; 4%
- RESEARCH PU; 6%
- RESEARCH PR; 3%
- SP; 9%
- MANUFACT; 41%
- USER; 5%

Legend:
- ADMIN
- OGB
- NO
- MANUFACT
- USER
- SP
- RESEARCH PR
- RESEARCH PU
- UNIVERSITY
- CONSULTANCY

ETSI Membership regional distribution
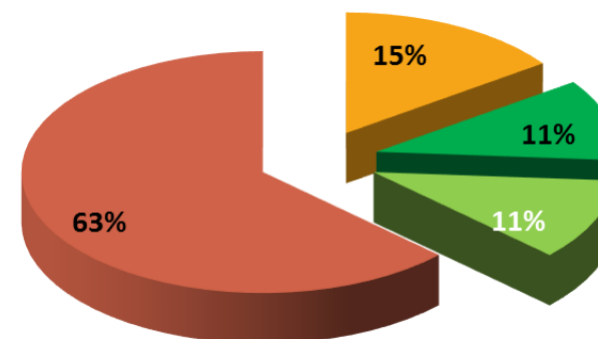

Membership by Country

SMEs in ETSI

Over 80% of SMEs actively participated in ETSI's Technical Bodies/Working Groups since 2010

37% provide rapporteurs

Membership cost 6000€ SME / 3000€ ME

https://www.etsi.org/about/who-we-are/smes

■ SME ■ Micro-Enterprise ■ Public Research Body/University ■ Other Members

ETSI Partnerships with diverse organizations beyond telecoms

External Body Acronym	Name of Agreement & External Body
	Memorandum of Understanding between ETSI and the NSO (National Standards Organisations) in ETSI Members Countries
CAB Forum	Letter of Intent with the CAB Forum (Certification Authority/Browser Forum)
CCC	Co-operation Agreement with CCC (Car Connectivity Consortium)
CIRM	Memorandum of Understanding with the Comite International Radio-Maritime (CIRM)
CIS	Memorandum of Understanding with the Center for Internet Security (CIS)
Continua Health Alliance	Memorandum of Understanding with Continua Health Alliance
COPANT	CEN/CENELEC/ETSI Memorandum of Understanding with COPANT (Pan American Standards Commission)
CRIP	Memorandum of Understanding with CRIP (Club des Responsables d'Infrastructure et de Production)
EA	Memorandum of Understanding with the European Cooperation for Accreditation
EASA	Memorandum of Understanding with EASA (European Aviation Safety Agency)
EASC	CEN/CENELEC/ETSI Memorandum of Understanding with EASC (Euro-Asian Council for Standardization, Metrology and Certification)
Ecma International	Co-operation Agreement with Ecma International
ECSO	Memorandum of Understanding with the European Cyber Security Organisation (ECSO)
EDA	Letter of Intent with the EDA (European Defence Agency)
EMSA	Memorandum of Understanding with EMSA (European Maritime Safety Agency)
EMVCo	Letter of Intent with EMVCo
ERA	CEN/CENELEC/ETSI Memorandum of Understanding with the ERA (European Railway Agency)
ERA	Memorandum of Understanding with ERA (European Railways Agency)
ERCIM	Memorandum of Understanding with the ERCIM (European Research Consortium for Informatics and Mathematics)
ERTICO	Memorandum of Understanding with ERTICO-ITS Europe
ESMIG	Memorandum of Understanding with the European Smart Metering Industry Group (ESMIG)
ETNO	Memorandum of Understanding with the European Telecommunications Network Operators' Association
EURAMET	Letter of Intent with the the European Association of National Metrology Institutes (EURAMET)
EUROCAE	Memorandum of Understanding with EUROCAE (European Organization for Civil Aviation Equipment)
Eurosmart	Memorandum of Understanding with Eurosmart
FIEEC	Memorandum of Understanding with the FIEEC
GlobalPlatform	Memorandum of Understanding with GlobalPlatform
GSO	CEN/CENELEC/ETSI Memorandum of Understanding with GSO (Gulf Cooperation Council Standardization Organisation)
ICAO	Letter of Intent with ICAO (International Civil Aviation Organization)
IEC	Co-operation Agreement with IEC (International Electrotechnical Commission)

ETSI Partnerships with diverse organizations beyond telecoms

IPSO Alliance	Memorandum of Understanding with the IPSO Alliance
IPT	Letter of Intent between ETSI and IPT (Instituto de Pesquisas Tecnologicas, Institute for Technological Research, Estado de Sao Paulo) of Brazil
ISO	Liaison Category A with ISO TC 154 (Processes, data elements and documents in commerce, industry and administration)
	Liaison category A with ISO TC 204 (Intelligent transport systems)
	Liaison Category A with ISO TC 22/SC3 (Electrical and electronic equipment)
	Liaison Category A with ISO TC 37 (Terminology and other language and content resources)
	Liaison Category D with ISO TC171/SC 2/WG 8 (PDF specification)
ISO/IEC JTC 1 Secretariat	Liaison category "A" with ISO/IEC JTC1 SC27 IT Security techniques
	Liaison Category "A" with ISO/IEC JTC1/SC6 Telecommunications and information exchange between systems
	Liaison Category "C" with ISO/IEC JTC1/SC29 Coding of audio, picture, multimedia and hypermedia information
	Liaison Category "C" with ISO/IEC JTC1/SC31 Automatic identification and data capture techniques
	Liaison category "C" with ISO/IEC JTC1 SC27 WG4 Security controls and services
	Liaison Category "C" with ISO/IEC JTC1 SC39 WG1 Resource Efficient Data Centres
NIST	Letter of Intent with NIST
NSA	Technical Co-operation Agreement with NSO (NATO Standardisation Office)
OASIS	Memorandum of Understanding with OASIS (Organization for the Advancement of Structured Information Standards)
Open Edge Computing Initiative	Open Edge Computing Initiative
OpenFog	Memorandum of Understanding with the OpenFog Consortium
OST-R	Memorandum of Cooperation with the Office of the Assistant Secretary for Research and Technology (OST-R) of the United States Department of Transport (US DOT)
PRETA	Memorandum of Understanding with PRETA (home of Open Banking Europe)
Quest Forum	Memorandum of Understanding with Quest Forum
RTCM	Memorandum of Understanding with RTCM (Radio Technical Commission for Maritime Services)
SAE International	Co-operation Agreement with SAE International
SAFE-BioPharma	Memorandum of Understanding with the SAFE-Bio-Pharma
SESAR Joint Undertaking	Memorandum of Understanding with the SESAR (Single European Sky ATM Research) Joint Undertaking (SJU)
TCCA	Co-operation Agreement with TCCA (TETRA and Critical Communications Association)
TCG	Memorandum of Understanding with TCG (Trusted Computing Group)
TISA	Memorandum of Understanding with TISA (Traveller Information Services Association)
UNECE	Memorandum of Understanding with UNECE (United Nations Economic Commission for Europe)
VRARA	Letter of Intent between ETSI and the VR/AR Association

Standards for Mobile Communication and 5G

7 Organizational Partners (OPs)

- 607 Individual Members (IM) of 3GPP are bound by the IPR policy of the organizational partner through which they participate

- IPR policies of the seven OPs are compatible

19 Market representation Partners (MRPs)

expected:

Decision making

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Consensus as fundamental decision making principle in ETSI and 3GPP

"Consensus: General agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interest and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments (see ISO Guide 2:1991)."

Consensus as fundamental decision making principle in ETSI and 3GPP

ETSI:

RoP: In all decisions, members shall endeavor to reach Consensus.

TWP: A TB shall endeavour to reach Consensus on all issues, including the approval of draft ETSI deliverables and the adoption of Technical Specifications and Technical Reports.

If Consensus cannot be achieved, the Chairman can decide to take a vote which may be performed by a secret ballot.

3GPP:

PCG/OP: Organizational Partners will meet as appropriate and make decisions by consensus.

TSGs and WGs shall endeavour to reach consensus on all issues, including decisions on Technical Specifications and Technical Reports. Informal methods of reaching consensus are encouraged (e.g., a show of hands).

ETSI IPR policy

ETSI's IPR policy objectives

Source: <u>ETSI IPR policy</u>

3.1   It is ETSI's objective to create STANDARDS and TECHNICAL SPECIFICATIONS that are based on solutions which best meet the technical objectives of the European telecommunications sector, as defined by the General Assembly. In order to further this objective the ETSI IPR POLICY seeks to reduce the risk to ETSI, MEMBERS, and others applying ETSI STANDARDS and TECHNICAL SPECIFICATIONS, that investment in the preparation, adoption and application of STANDARDS could be wasted as a result of an ESSENTIAL IPR for a STANDARD or TECHNICAL SPECIFICATION being unavailable. In achieving this objective, the ETSI IPR POLICY seeks a balance between the needs of standardization for public use in the field of telecommunications and the rights of the owners of IPRs.

3.2   IPR holders whether members of ETSI and their AFFILIATES or third parties, should be adequately and fairly rewarded for the use of their IPRs in the implementation of STANDARDS and TECHNICAL SPECIFICATIONS.

3.3   ETSI shall take reasonable measures to ensure, as far as possible, that its activities which relate to the preparation, adoption and application of STANDARDS and TECHNICAL SPECIFICATIONS, enable STANDARDS and TECHNICAL SPECIFICATIONS to be available to potential users in accordance with the general principles of standardization.

ETSI's IPR policy and guide

ETSI IPR policy:

https://www.etsi.org/images/files/IPR/etsi-ipr-policy.pdf

ETSI guide on IPRs:

https://www.etsi.org/images/files/IPR/etsi-guide-on-ipr.pdf

FRAND licensing

ADD SECTION NAME

Public Statement of ETSI's Director General
(17th October 2018)

- We issue this public statement to clarify that ETSI does not take any position regarding the correct interpretation of its IPR policy and its IPR Guide.

- The ETSI IPR Policy and the IPR Guide texts stand as independent documents in their own right.

- It is reiterated that specific licensing terms and negotiations are commercial matters between the companies and shall not be addressed within ETSI.

- The basic principle of the ETSI IPR regime remains FRAND with no specific preference for any licensing model.

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ETSI IPR: http://www.etsi.org/about/how-we-work/intellectual-property-rights-iprs

Questions?