

Operation Procedures for the Handling of Industrial Property Rights

IPR Committee

Established and approved by IPR Committee on May 27, 2002

Most recently revised and approved by IPR Committee on February 14, 2006

This document is the English translation from the Japanese original and provided solely for reference. In case of any discrepancy between the Japanese original and this English translation, the Japanese original shall prevail.

These Operation Procedures stipulate detailed rules to apply "the Policy for the Handling of Industrial Property Rights" (hereinafter referred to as "the Policy").

1. Investigation of Industrial Property Right(s) (hereinafter referred to as "IPR(s)") and Submission of IPR Licensing Statement(s) (hereinafter referred to as "Statement(s)", whose form is stipulated in the Annex)

1.1 During the Development of TTC Standard(s) and/or Technical Specification(s) (hereinafter referred to as "TTC Std(s)/Spec(s)")

In a Working Group (hereinafter referred to as "WG") in charge of developing a draft of a TTC Std/Spec, the chairperson of the WG shall ask the WG members to investigate whether they believe to hold any IPR(s) essential to the draft of the TTC Std/Spec. If any member believes to hold such IPR(s), the chairperson of the WG shall ask the member to submit Statement(s) of the IPR(s) to the president of TTC (hereinafter referred to as "the President") as promptly as possible.

1.2 At the Final Stage of the Establishment of New TTC Standard(s) or Revision Thereof (Hereinafter Referred to as "Establishment or Revision")

In announcing a draft of a TTC Standard prior to the Technical Assembly (hereinafter referred to as "TA"), the TTC secretariat shall ask all the members of TA to investigate whether they believe to hold any IPR(s) essential to the draft of that TTC Standard. If any member believes to hold such IPR(s), the secretariat shall also ask the member to submit Statement(s) of the IPR(s) to the President within three weeks from the announcement.

1.3 After the Establishment or Revision of TTC Technical Specification(s)

At the earliest reporting opportunity to the TA members after the establishment or revision of a TTC Technical Specification, the secretariat shall ask all the members to investigate whether they believe to hold any IPR(s) essential to that TTC Technical Specification. If any member believes to hold such IPR(s), the secretariat shall also ask the member to submit Statement(s) of the IPR(s) to the President within three weeks from the reporting.

2. Handling of Submitted Statement(s)

2.1 Statement(s) Submitted during the Development of TTC Std/Spec

- (1) The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge.

- (2) The WG shall deliberate the contents of the Statement(s). If the WG finds the contents of the Statement(s) do not meet the requirements of the Clause 1. of the Policy, the WG shall modify or withdraw the draft of the TTC Std/Spec.

2.2 Statement(s) Submitted at the Final Stage of the Establishment or Revision of TTC Standard

- (1) The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge.
- (2) The WG shall deliberate the contents of the Statement(s) and;
 - a) bring up the draft of the TTC standard to the TA meeting for deliberation if the WG finds the contents of the Statement(s) meet the requirements of the Clause 1 of the Policy, or
 - b) withdraw the draft of the TTC standard and inform the TA members accordingly if the WG finds the contents of the Statement(s) do not meet the requirements of the Clause 1 of the Policy.

2.3 Statement(s) Submitted after Establishment or Revision of TTC Technical Specification

- (1) The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge.
- (2) The WG shall deliberate the contents of the Statement(s) submitted. If the WG finds the contents of the Statement(s) do not meet the requirements of the Clause 1. of the Policy, the WG shall withdraw the TTC Technical Specification and inform the TA members accordingly.

3. In Case Statement(s) is/are not Submitted

3.1 Exemption from Responsibility

In accordance with the provisions of the Clause 2. of the Policy, the TTC shall not be responsible to anyone for any problems that may arise from the fact that a right holder of essential IPR(s) (hereinafter referred to as "IPR Holder") does not submit its Statement(s).

3.2 If It Is Found That a TTC Member Believes to Hold IPR(s) Related to a TTC Std/Spec after the Establishment or Revision of That TTC Std/Spec

- (1) If it is found by a notification from a member or non-member that a TTC member seems to hold IPR(s) essential to a TTC Std/Spec after the establishment or revision of that TTC Std/Spec, the secretariat shall ask the member to submit Statement(s).
- (2) The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge.
- (3) The WG shall deliberate the contents of the Statement(s). If the WG finds the contents of the Statement(s) do not meet the requirements of the **Clause 1.** of the Policy, the WG may deliberate to modify or withdraw the TTC Std/Spec.

4. In Case the Content(s) of Statement is/are Changed

4.1 Change of the Condition

When an IPR Holder wants to change the condition stated in the **Clause 3.** of its Statement, the

IPR Holder shall submit a new Statement to the President. However, the IPR Holder shall not change the condition in the **Clause 3.** of its Statement from (1) to (2) or (3) or from (2) to (3).

4.2 Change of the Ownership

- (1) If the ownership of the IPR(s) stated in the submitted Statement(s) is changed, the previous IPR Holder shall inform the President of the change as promptly as possible.
- (2) The secretariat shall request the new IPR Holder to submit Statement(s).

4.3 IPR Extinguished or Not Granted

If the IPR(s) stated in the submitted Statement(s) is/are extinguished or not granted, the submitter of the Statement(s) shall inform the President of the above fact.

5. IPR(s) Held by Non-Members

While developing a draft of a TTC Std/Spec, the WG should investigate, within the scope of practical, whether any essential IPR(s) owned by non-member exist(s). If such IPR(s) is/are found, the following actions shall be taken.

5.1 IPR(s) Found before the Establishment or Revision of TTC Std/Spec

- (1) The secretariat shall present the Policy to the non-member and ask to submit Statement(s).
- (2) The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge.
- (3) The WG shall deliberate the Statement(s). If the WG finds the contents of the Statement(s) do not meet the requirements of the **Clause 1.** of the Policy, the WG shall withdraw the draft of the TTC Std/Spec.

5.2 IPR(s) Found after the Establishment or Revision of TTC Std/Spec

Based on a notification from a member or non-member, the WG in charge may deliberate to modify or withdraw the TTC Std/Spec related to the essential IPR(s) owned by non-member.

6. Archiving and Disclosure of Statement(s)

The TTC secretariat shall archive Statement(s) submitted by IPR Holder(s) to the President and shall disclose their contents to the public.

7. Annotation to TTC Std(s)/Spec(s)

The TTC puts the annotation into all TTC Std(s)/Spec(s) that “the reader should refer to the list of Statement(s) disclosed by the TTC”.

Supplementary Provision: (Established and approved by the IPR Committee on May 27, 2002.)

Supplementary Provision: (Revised and approved by the IPR Committee on December 10, 2002.)

Supplementary Provision: (Revised and approved by the IPR Committee on April 17, 2003.)

Supplementary Provision: (Revised and approved by the IPR Committee on February 14, 2006.)
This revision shall take effect from March 23, 2006.

IPR Licensing Statement

Mr.

President of the Telecommunication Technology Committee

Date of submission:

Submitted by: (Name, Department, Corporation, Seal or Signature)

Regarding the industrial property right(s) (the term "industrial property right(s)" herein includes patent(s), utility model right(s), and design right(s), regardless of whether they are pending or issued; hereinafter referred to as "IPR(s)") concerned with the proposed TTC Standard or TTC Technical Specification, I hereby submit this Statement in accordance with "the Policy for the Handling of Industrial Property Rights".

Description

1. Number and title of the corresponding TTC Standard or TTC Technical Specification (hereinafter referred to as "TTC Std/Spec") (including the draft)

2. Names of the applicant of the IPR(s) and the IPR Holder

3. Terms and conditions under which a license(s) can be granted for the IPR(s) possessed by the IPR Holder above that is/are essential for implementing a part or all of the contents of the above TTC Std/Spec

(Note 1) Essential IPR(s) refers to an IPR(s) for which the IPR Holder believes it clear that it is technically unavoidable to infringe on the IPR(s) when a part or all of the contents of the TTC Std(s)/Spec(s) is implemented or that it is technically avoidable but the choice for that purpose cannot practically be made in terms of cost, performance, etc.

(Note 2) Select only one from among (1), (2), and (3) below and put a check mark in the box () provided at the left most position.

(1) Grant license(s) of the IPR(s) free of charge to all implementators of the above TTC Std/Spec to the extent that the TTC Standard or TTC Technical Specification is implemented.

(2) Grant license(s) of the IPR(s) with reasonable terms and conditions and on the basis of non-discriminatory to all implementators of the above TTC Std/Spec to the extent of implementing that the TTC Std/Spec is implemented.

(Note 3) However, if another person who possesses IPR(s) essential for implementing a part or all of the contents of that TTC Std/Spec and who implements that TTC Std/Spec, claims its IPR licensing condition to the IPR Holder which is not equivalent to the one that the IPR Holder in the Clause 2. above has selected, the IPR Holder may exclude that person from the scope of either (1) or (2) that the IPR Holder has selected.

(3) Select neither (1) nor (2) above.

4 . IPR(s) in Question

4.1 If (1) or (2) above is selected in the Clause 3 above

The IPR(s) in questions is/are as follows.

(Note 4) If not specified in the table below, all IPRs possessed by the IPR Holder stated in the Clause 2. above that are essential for implementing a part or all of the contents of the TTC Std/Spec are assumed to be subject to licensing under the condition selected in the Clause 3 above.

Application No. (Application date)	Publication No.	Registration No.	Title of the Invention

4.2 In case condition (3) is selected in the Clause 3

(Note 5) The following three items of information shall be provided:

Items of information related to the IPR(s) in question are as follows:

- Application number, Application date and the Title of the Invention
- Part of the TTC Std/Spec that involves the IPR(s)
- Claim(s) of the IPR(s) concerned with the above TTC Std/Spec

End of Annex