



**China Electronics Standardization Institute**

# **Introduction of the CESI IPR Policy Template**

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## Agenda

- Overview of CESI IPR Policy Template
- Requirements of Essential Patent Technologies
- Requirements of Disclosure Duty
- Requirements of Licensing
- The Promotion of CESI IPR Policy Template



## Overview of CESI IPR Policy Template

- **The development of the template**
  - We set up a task force to develop the template on March 8th, 2006
  - In addition to the members of the task force, a wide variety of participants was invited to the research.
    - IT standards working groups (AVS, RFID, Linux, IGRS...)
    - Foreign Experts (Earl Nied, John Hill, Tom Robertson...)
  - The template was developed on the base of AVS IPR policy.
  - According to the development of IT industry, we did some modifications.
  - After 15 revisions, we published the template as the result of our research.
  - The template achieved the world-wide positive evaluation



## Overview of CESI IPR Policy Template

- **Basic principles of the template**
  - The rights of IP holders are fully respected
  - The policy is designed to balance the interests of standard implementers and IPR holders who own the intellectual property necessary to implement the standards.
  - The standards can be accepted by the market.



## Overview of CESI IPR Policy Template

- **Components of the template**
  - Policy
    - General, Definitions, Contribution, Patented Technology, Patent Pool, Trade Mark, Copyright, Survival, Miscellaneous
  - Default Licensing Form for the Member of SDO
  - Form of the Disclosure and Licensing of Patents for Contributions of the Member of SDO
  - Form of the Disclosure and Licensing of Patents for Draft Standard



## Requirements of Essential Patent Technologies

- A patent technology is necessarily infringed because there is no technically feasible non-infringing alternative.
- The patented technology must be competitive
  - Technical merits
  - Implementation costs
- If a patented technology is adopted in the final standards, the patent holder will license the implementers with more favorable terms.





## Requirements of Disclosure Duty

- **Situations that members need to do disclosure**
  - Each member shall make a good faith effort to promptly disclose the existence of patents and published patent applications according to the extent of their actual knowledge.
  - Member's actually knowledge shall be limited to the actual knowledge of its Member Representatives and authors of its contributions, if any.
  - Patent technologies in the contributions of member
  - Patent technologies of member in the contributions of other members



## Requirements of Disclosure Duty

- **Timing of disclosure**
  - As early as possible
  - Anytime prior to the State Authorities of Standardization approval of standard





## Requirements of Disclosure Duty

- **Information of disclosure**
  - The more information the better when selecting between contributions
  - The minimum information that a member shall disclose:
    - Identity
    - Patent numbers or application number
    - Encouragement to disclose more information about licensing terms and conditions

(Ex ante disclosure is voluntary but not mandatory in this template)



## Requirements of Licensing

- **Licensing terms**
  - Licensing royalty free without compensation and otherwise under reasonable and non-discriminatory terms (RAND RF)
  - Participate in the Patent pool
  - Licensing under reasonable and non-discriminatory terms (RAND)
  - No license



## Requirements of Licensing–Default Licensing Obligations

- **Purpose :**

Assurance of licensing from the members of SDO who own intellectual properties necessary to implement the final standards



## Requirements of Licensing-Default Licensing Obligations

- **Timing to sign the form of default licensing**
  - Upon signing the Member Agreement, each member shall identify the Default Licensing Obligations in connection with its Necessary Claims to any patented technology adopted in the final standard.
- **The situation that Member's Default Licensing Obligation shall apply**
  - A member hasn't make any disclosure and licensing commitment with respect to his own patents covering the contributions before the end of the review period.



## The Promotion of CESI IPR Policy Template

- The authorities begin to consider to regulate IPR management in the process of IT standards development.
- Some IT standard Working Groups under MII adopt the template as their IPR policy, (AVS WG; Linux WG; RFID WG....)



# Thanks for Your Attention!

- You can download the copy of CESI IPR Policy Template from :

<http://www.cesi.ac.cn/datumview.aspx?sort=3&id=5631>