

IEEE-SA Standards Board Bylaws on Patents in Standards

6. Patents

IEEE standards may include the known use of essential patents and patent applications provided the IEEE receives assurance from the patent holder or applicant with respect to patents whose infringement is, or in the case of patent applications, potential future infringement the applicant asserts will be, unavoidable in a compliant implementation of either mandatory or optional portions of the standard [essential patents]. This assurance shall be provided without coercion and prior to approval of the standard (or reaffirmation when a patent or patent application becomes known after initial approval of the standard). This assurance shall be a letter that is in the form of either:

- a) A general disclaimer to the effect that the patentee will not enforce any of its present or future patent(s) whose use would be required to implement either mandatory or optional portions of the proposed IEEE standard against any person or entity complying with the standard; or
- b) A statement that a license for such implementation will be made available without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination.

This assurance shall apply, at a minimum, from the date of the standard's approval to the date of the standard's withdrawal and is irrevocable during that period.



Inappropriate Topics for IEEE WG Meetings

- Don't discuss the validity/essentiality of patents/patent claims
- Don't discuss the cost of specific patent use
- Don't discuss licensing terms or conditions
- Don't discuss product pricing, territorial restrictions, or market share
- Don't discuss ongoing litigation or threatened litigation
- Don't be silent if inappropriate topics are discussed... do formally object.
- No discussion of Al Crouch's apparel

If you have questions, contact the IEEE-SA Standards Board Patent Committee Administrator at patcom@ieee.org or visit <http://standards.ieee.org/board/pat/index.html>

This slide set is available at
<http://standards.ieee.org/board/pat/pat-slideset.ppt>

