

## Information for all Attendees – IEEE Transformers Committee Meeting IEEE Patent Requirements for Standards Development Meetings

As discussed during the last several meetings, the Committee continues to be aware of IEEE requirements related to the possibility of inclusion of patents in IEEE Standards. The instances are expected to be rare, and subject to specific review and guidelines. Detailed information on this subject can be found in IEEE website locations listed below. Of present concern to Committee work is the requirement that, at every standards development meeting, a request be made for disclosure of any patents or patent applications any individual believes may be essential to the implementation of the standard. The request, per present IEEE guidelines, is to be made at each WG Meeting, and any responses provided are to be recorded in Meeting Minutes. Positive responses will also prompt a request for documentation on the patent to be supplied to IEEE.

IEEE Instructions for WG Chairs are found on the following 3 slides, available at IEEE web location (<http://standards.ieee.org/board/pat/pat-slideset.ppt>)

Our WG Meetings are relatively short, and taking the time for the required “call” for patents presents a hardship in our schedule. In order to minimize the impact on WG Meetings, while meeting the intent of the IEEE guidelines, these notes and slides are being provided on the Committee's website, and all meeting participants are encouraged to review. With this preparation the announcement at WG Meetings, per the following slides, should take no more than a few minutes. For any questions, refer to the following websites, or contact one of the Committee officers.

- (<http://standards.ieee.org/guides/bylaws/sect6-7.html#6>) – Note Clause 6 - Patents
- (<http://standards.ieee.org/board/pat/guide.html>) – Understanding patent issues
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*Ed Smith, Chair*

*Bill Chiu, Vice Chair*

*Don Platts, Secretary*

### **Instructions for the WG Chair**

- **At Each Meeting, the Working Group Chair shall:**
- **Show slides #1 and #2 of this presentation**
- **Advise the WG membership that:**
  - The IEEE's patent policy is consistent with the ANSI patent policy and is described in Clause 6 of the *IEEE-SA Standards Board Bylaws*;
  - Early disclosure of patents which may be essential for the use of standards under development is encouraged;
  - Disclosures made of such patents may not be exhaustive of all patents that may be essential for the use of standards under development, and that neither the IEEE, the WG, nor the WG Chairman ensure the accuracy or completeness of any disclosure or whether any disclosure is of a patent that, in fact, may be essential for the use of standards under development.
- **Instruct the WG Secretary to record in the minutes of the relevant WG meeting:**
  - That the foregoing advice was provided and the two slides were shown;
  - That an opportunity was provided for WG members to identify or disclose patents that the WG member believes may be essential for the use of that standard;
  - Any responses that were given, specifically the patents and patent applications that were identified (if any) and by whom.

## **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. The patent holder or applicant should provide this assurance as soon as reasonably feasible in the standards development process. This assurance shall be provided no later than the approval of the standard (or reaffirmation when a patent or patent application becomes known after initial approval of the standard). This assurance shall be 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 is irrevocable once submitted and accepted and shall apply, at a minimum, from the date of the standard's approval to the date of the standard's withdrawal.



**Slide #1** Approved by IEEE-SA Standards Board – March 2003 (Revised February 2006)

## **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.

**If you have questions, contact the IEEE-SA Standards Board Patent Committee Administrator at [patcom@ieee.org](mailto: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>**



**Slide #2** Approved by IEEE-SA Standards Board – March 2003 (Revised February 2006)