

## 6. Patents

IEEE standards may include the known use of Essential Patent Claims provided the IEEE receives licensing assurance from the patent holder or patent applicant on the IEEE Standards Board approved Letter of Assurance form. The IEEE shall request this assurance without coercion. If the patent holder or patent applicant provides an assurance, it should do so as soon as reasonably feasible in the standards development process. For the standard to include a known Essential Patent Claim, this assurance shall be provided prior to the Standards Board's approval of the standard (or reaffirmation when a potential Essential Patent Claim becomes known after initial approval of the standard). An asserted Essential Patent Claim for which an assurance cannot be obtained shall be referred to the Patent Committee for resolution.

This assurance shall be either:

- a) A general disclaimer to the effect that the patentee will not enforce any of its present or future Essential Patent Claims against any person or entity making, using, selling, offering to sell, importing, distributing or implementing a compliant implementation of the standard; or
- b) A statement that a license for a compliant implementation of the standard will be made available without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination. The Submitter may provide with its assurance a not-to-exceed rate commitment and either a sample license agreement or material licensing terms.

This assurance shall apply to the Submitter and its Affiliates except those explicitly excluded.

If, after providing a Letter of Assurance to the IEEE, the submitter becomes aware of Patent Claim(s) that may become Essential Patent Claim(s) for the same IEEE Standard but are not covered by an existing Letter of Assurance, then such submitter shall submit a Letter of Assurance covering such Patent Claims.

The 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.

The IEEE is not responsible for identifying Essential Patent Claims for which a license may be required or for conducting inquiries into the legal validity or scope of those Patents Claims.

In order for IEEE's patent policy to function effectively, IEEE expects that persons participating in the standards development process will submit or cause to be submitted a Letter of Assurance for any known Patent Claims that may become Essential Patent Claims owned or controlled by such persons and inform the IEEE of any such Patent Claims held by others including the entity such person represents.

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