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In response to the statement made by Qualcomm regarding its concerns over discussions surrounding intellectual property rights that have been occurring outside of regular meetings and the point of order made by ETSI regarding antitrust compliance (RP-080238), ATIS recommends that its members exercise caution in the discussion of intellectual property licensing terms. ATIS notes that the following notice is provided to participants of ATIS' technical committees:

Antitrust Risk Notice: As a reminder, participation in industry forums involves the potential for antitrust concerns or risks. To avoid such concerns and risks, participants should carefully observe the "Operating Procedures" for ATIS Forums and Committees. In addition, sensitive discussion topics such as price, territories, specific contractual terms, etc., should be avoided. Any participant having concerns or questions regarding sensitive discussion topics should consult with their company's legal counsel, the Committee leadership, or ATIS legal counsel.

As part of its training regarding compliance with U.S. antitrust laws, ATIS recommends that members avoid sensitive discussion topics during official meetings and "off the record" during the breaks, such as:

- Price or pricing policies, including costs or discounts.
- Contractual terms including commercial liabilities, warranties, guarantees, or the particular terms and conditions of sales;
- Sales/production quotas, territories, allocations, boycotts, market share
- Confidential or proprietary information;
- Individual company statistics, inventories, merchandising or marketing methods/plans;
- Particular competitors or customers (particularly customers to whom services will or will not be offered); and
- "Arm-twisting," trade abuses, or other forms of controlling of competition.

Finally, ATIS notes that Section 10.4 of its Operating Procedures details ATIS' intellectual property rights policy. Under this policy, if reference to a patented invention is made in an ATIS deliverable, disclosure of the patented invention is encouraged at the earliest possible time in the development that deliverable. The IPR policy further provides that "all negotiations and discussion of license terms shall occur between the patent owner and the prospective licensee outside the deliberations of the Forum or Committee. No discussion or negotiation of license terms shall be permitted in any Forum or Committee."

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