

**Source:** ETSI (Legal Advisor)

**Title:** Alignment of OMA IPR POLICY with the IPR Policies of Organizational Partners of the Third Generation Partnership Project (3GPP™).

**Agenda item:** 8

**Document for:**

Decision	
Discussion	X
Information	

ETSI has noted [3GPP/OP#12(04)10] the very good progress that has been made in aligning the IPR Policy of the Open Mobile Alliance (OMA) with the IPR policies of the Organizational Partners of the Third Generation Partnership Project (3GPP™).

ETSI has particularly noted the revision, in Article 5.8 of the Schedule to the OMA Application Form, which now requires holders of essential IPRs to grant license to ALL users/implementers on the terms and conditions of the OMA IPR Policy.

ETSI has also welcomed the OMA's correspondence of 3 February 2005 (see Annex) that the revised OMA IPR Policy has been applied to the entire OMA Library (i.e. to pre 2005 specifications).

ETSI, noting that the OMA Members are bound to the OMA IPR Policy that was contained in the application form at the time they signed it and when they joined the Open Mobile Alliance, inquired whether OMA Members needed to sign the revised OMA Membership form in order to be bound by the obligations of new OMA IPR Policy.

OMA Legal Service replied that "OMA members do not need to re-sign the application form in order to be bound. The reason is that the application form is quite clear that in signing it any applicant applies for membership on and subject to the provisions set out in the schedule to the application form as from time to time revised by the Directors of OMA in their absolute discretion pursuant to the Articles of Association."