

**Source:** ITU Ad Hoc Contact Person  
**Title:** Proposed guidelines for PCG on the use of reference to 3GPP material in Recommendation IMT.RSPC  
**Document for:** Discussion and approval to be sent to PCG  
**Agenda Item:** 5.6

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As indicated in the liaison from ITU-R TG 8/1 on the approval of Recommendation IMT.RSPC (see TSGR#4(99)371), external Organizations are requested to, as soon as possible, inform the ITU-R Secretariat of their views on the concepts expressed in sections 7 to 9 of the above mentioned liaison (reproduced for convenience in Annex A) on copyright, licensing, publication and change authority. Furthermore, relevant external Organisations are requested to begin the administrative process with the ITU-R to establish mechanisms to address these issues.

TSG RAN bring to the attention of PCG the agreement reached at the 3GPP Organizational Partners Meeting (Seoul, 27-28 May 1999) on the copyright and licensing aspects and publication and distribution aspects reported in Annex B. TSG RAN believes that this could be a very good basis (if not the full answer) for addressing the issues raised in the liaison from ITU-R TG 8/1.

In section 10 of the same liaison, TG 8/1 states that 'it does not intend to delay RSPC if information on any specific radio interface is not forthcoming.' Furthermore, TG 8/1 states that if the requested materials 'cannot be provided by the response dates established by TG 8/1, relevant material may be considered within ITU-R after initial publication of RSPC through subsequent updates and releases of RSPC in accordance with procedures which will be established for maintenance of RSPC.'

Therefore, TSG RAN think it would be extremely appropriate to appoint a legal expert(s) (e.g. belonging to one of the 3GPP Organizational Partners) in order to properly address the above issues. This would avoid that UTRAN is excluded from the Recommendation ITU-R M.[IMT.RSPC] due to administrative problems.

## **ANNEX A**

(same as sections 7 to 9 of the attachment to TSGR#4(99)371)

### **7 COPYRIGHT AND LICENSING ASPECTS OF NON-ITU-R SPECIFICATIONS, INCLUDING OWNERSHIP.**

Relevant external organizations are requested to, as soon as possible, inform the ITU-R Secretariat of their views on the concepts expressed in the following sections on copyright, licensing, publication and change authority. Furthermore, relevant external organizations are requested to begin the administrative process with the ITU-R to establish mechanisms to accomplish the concepts expressed in the following sections. The deadline for completion of these administrative processes should be prior to final approval of RSPC within the ITU-R.

#### **Overview of Copyright and Licensing Concepts required for certain Sections of RSPC**

The following is a layman's attempt to clarify the issues of copyright, etc. in the context of a Recommendation incorporating ITU-R created material, incorporation of externally material, and external references. This layman's perspective is not to be considered definitive, but is provided as a starting point to assist all parties in understanding the portions of RSPC requiring discussion with regards to copyright, licensing and other similar aspects. Figure 3 provides a pictorial representation of this section of this document.

The “Complete” RSPC Recommendation Itself:

The ITU has a combination of owned and assigned rights to copy, distribute, and sell to its members in the usual way. SDOs, etc. will have assigned appropriate rights (not necessarily exclusive) to the ITU-R to copy, distribute and sell. The “complete” RSPC Recommendation (incorporating ITU-R- created material, incorporation of externally developed material, and the content included by use of external referencing) will be made available to ITU members through the ITU itself.

The “ITU-R Created Material” Part (Section 5.X.1)

The document will contain ITU-R created material of which the ITU-R therefore owns the copyright. ITU-R can copy, distribute or sell as it may wish, and can if necessary assign similar rights to other entities.

The “Extract From External Material” Part (Section 5.X.2)

The document will contain directly incorporated externally generated material, for which the source SDO owns the copyright, and has assigned appropriate rights to the ITU-R to copy, distribute and sell.

The “Reference From External Material” Part (Section 5.X.3)

The document will contain some reference from external material for which the source SDO owns the copyright, and has assigned appropriate rights to the ITU-R to copy, distribute and sell; and which the SDO will have agreed to make available to ITU members who are purchasing the Recommendation.

## 8 CHANGE AUTHORITY

It should be noted that the content of RSPC being included in the “extract from external material” part and the “reference from external material” part is essentially “controlled” by the relevant external organizations but is an essential part of RSPC which is “controlled” by the ITU-R. A mechanism may be required, whereby through mutual agreement, certain portions of these two parts are edited and/or modified under request of the ITU-R (particularly during the completion and approval portions of process) or by request by the relevant external organizations. Such a mechanism may be appropriate for management of on going change authority for RSPC.

The lack of such a mechanism should not preclude completion and approval of RSPC nor hinder RSPC meeting its current schedule.

**Relevant external organizations are requested to comment on change authority and provide guidance to ITU-R TG 8/1 Secretariat on this topic in a timely manner. It is suggested that aspects of change authority be successfully concluded between the ITU and the relevant external organizations before the Helsinki meeting of TG 8/1.**

## 9 PUBLICATION AND DISTRIBUTION ASPECTS

Consistent with the outcomes of copyright, ownership, licensing, change authority and the maintenance process, the ITU and relevant external organization should mutually develop processes and mechanisms to ensure that publication and distribution of RSPC, and the related external materials is flexible enough to support a range of purchasing option. This range may include just the purchase of RSPC text or may extend through to a “one stop shopping” concept for purchase of not only RSPC text but also the materials that are incorporated equivalently by reference. Further purchase options may be to obtain either a particular “radio interface section” up to getting all included “radio interface sections”.

Investigation of electronic means such as “hyperlinks” may help ensure that references to external material are current and may be useful in the maintenance/update process and should be investigated.

**Relevant external organizations are invited to respond in a timely manner to ITU-R TG 8/1 on this topic.**

## ANNEX B

Agreement reached at the 3GPP Organizational Partners Meeting (Seoul, 27-28 May 1999)

- *“copyright and licensing aspects of non-ITU specifications, including ownership and change authority”;*

**Agreement:** The SDO participating in 3GPP have joint ownership of the Technical Specifications and Technical Reports developed within 3GPP. They are ready to grant licenses including copyright, free of charge to ITU, to include SDOs deliverables in whole or in part into ITU Recommendations on a reciprocal basis. The participating SDOs will retain the right to maintain their deliverables.

- *“publication and distribution aspects”;*

**Agreement:** 3GPP which is not a legal entity does not publish its Technical Specifications and Technical Reports. 3GPP products will be transposed into SDO deliverables exclusively by the participating SDOs. Each participating SDO determines the publication and distribution policy of its transposed deliverables.