PCG#12_20

3GPP/PCG#12 Meeting
St. Paul de Vence, France
14th April 2004

Report from GA ad hoc group on ETSI's IPR Policy operation

ETSI Director-General

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Report from GA ad hoc group on ETSI's IPR Policy operation

- **Terms of Reference adopted by GA#40**

- **Clear mandate:**

  **Not to modify the ETSI IPR Policy
  but to address and rectify any uncertainties
  on the operation of the IPR Policy**

- **13 issues identified**
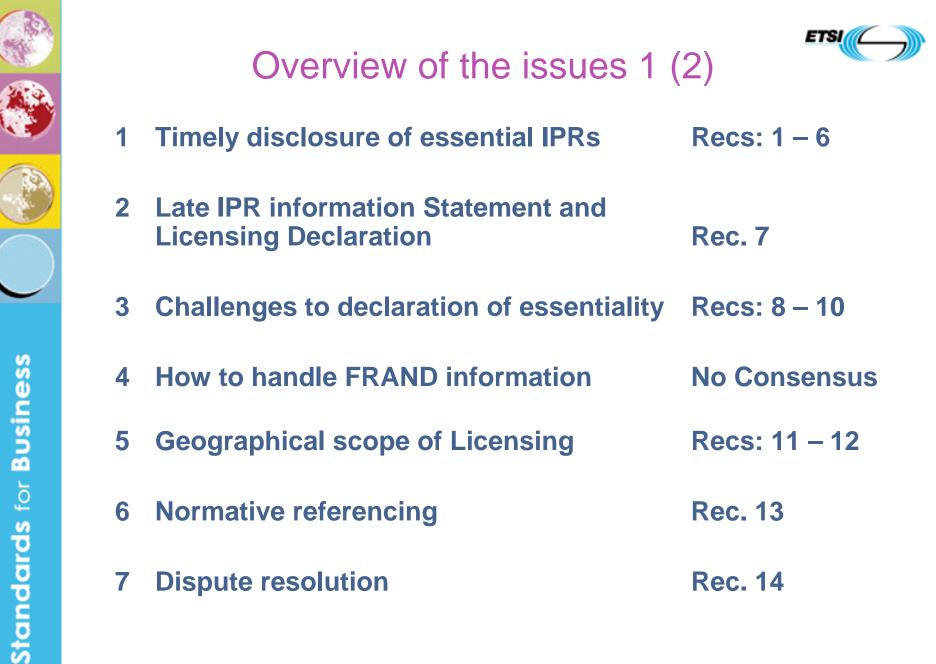
- **6 meetings plus lots of e-mail discussions**

- **30 Reccomendations approved**

- **Ad hoc e-mail exploder list will be left open
  to act as a « sounding-board » for IPR issues in ETSI**

Overview of the issues 1 (2)

1   Timely disclosure of essential IPRs   Recs: 1 – 6

**2   Late IPR information Statement and
       Licensing Declaration   Rec. 7**

3   Challenges to declaration of essentiality Recs: 8 – 10

4   How to handle FRAND information   No Consensus

5   Geographical scope of Licensing   Recs: 11 – 12

6   Normative referencing   Rec. 13

7   Dispute resolution   Rec. 14

Overview of the issues 2 (2)

8   Non-disclosure agreements   **Recs: 15 - 16**

9   Members' compliance with the undertaking   **Recs: 17 - 18**

10 ETSI Secretariat assistance in IPR matters **Rec. 19**

11 Others   **Recs: 20 - 23**

12 Out of Scope

**13 Monitoring of volume of declarations to the
    ETSI IPR Database**   **Recs: 24 - 30**

Standards for Business

Overview of Recommendations 1 (3)

❑ **19 Recommendations on
TB Chairman's IPR Guide
stemming from the following issues:**

- ➢ **Timely Disclosure of IPRs**

- ➢ **Late IPR Information Statement and Licensing Declaration**

- ➢ **Challenges to Declaration of Essentiality**

- ➢ **Dispute Resolution**

- ➢ **Non-Disclosure Agreements**

- ➢ **Non response to request undertaking/declaration**

- ➢ **ETSI Secretariat assistance in IPR matters**

- ➢ **Other Issues**

- ➢ **Monitoring of volume of declarations to the ETSI IPR Database**

Overview of Recommendations 2 (3)

- **Four Recommendations on the internal Secretariat procedures and on documentation**

- **Three Recommendations on the ETSI IPR Information Statement and Licensing Declaration forms steming from the issue:**
  - **Monitoring of volume of declarations to the ETSI IPR Database**

- **Two Recommendations on the ETSI co-operation agreements template**

- **One Recommendaton on the improvements to the ETSI Drafting Rules stemming from the issue:**
  - **Normative Referencing (Annex 2)**

- **One Recommendation on the creation of "best practice" guidelines to assist in completing the IPR declaration forms**

Overview of Recommendations 3 (3)

- **Two out of Scope Issues**
  - **Not within the mandate of the ad hoc group
    but deemed of interest to the ETSI membership**

- **Fair Reasonable And Non-Discriminatory (FRAND)**
  - **Impossible to define FRAND**
  - **Examples of bad practises not accepted!**

GA#42 Decisions:

- **Discussed and endorsed the report, in general**

- **Approved the 30 Recommendations contained in the Report**

- **Actioned the ETSI Secretariat to propose and elaborate appropriate measures to implement the 30 Recommendations**

- **Actioned the ETSI Board to oversee and ensure the implementation of the 30 Recommendations**

- **Noted the two Out of Scope Issues**