

The Policy for the Handling of Industrial Property Rights The Telecommunication Technology Committee

1st Version Approved by the Board of Directors on May 18, 1989
2nd Version Approved by the Board of Directors on October 24, 2001
3rd Version Approved by the Board of Directors on March 28, 2002
4th Version Approved by the Board of Directors on March 3, 2003

This document is English translation from Japanese original and provided solely for reference. In case of any discrepancy between the Japanese original and this English translation, the Japanese original shall prevail.

TTC Standard(s) and/or TTC Technical Specification(s) (hereinafter referred to as "TTC Std(s)/Spec(s)") published by the Telecommunication Technology Committee (hereinafter referred to as "TTC") are made through the fair and transparent procedures with the purpose to provide TTC Std(s)/Spec(s) for its members and also many other people in the telecommunications industry.

In order to meet the above purpose, the TTC considers it is desirable that industrial property right(s) (the term "industrial property right(s)" herein includes patent(s), utility model right(s), and design right(s), regardless of whether they are pending or issued; hereinafter referred to as "IPR(s)") would be available to all people with royalty free, if at all possible, to disseminate the TTC Std(s)/Spec(s) even if a part or all of the contents of a TTC Std/Spec involves IPR(s).

The TTC hereby establishes the policy for the handling of IPR(s) in the case that a part or all of the contents of a TTC Std/Spec involves IPR(s).

1. Handling

If a right holder of IPR(s) (hereinafter referred to as "IPR Holder") believes that a part or all of the contents of a draft TTC Std/Spec is included in the scope(s) of its IPR(s), and the IPR Holder of the IPR(s) selects either (1) or (2) below, the TTC assumes that the draft is to be the subject of standardization.

- (1) The IPR Holder does not claim the IPR(s) and is prepared to grant license(s) of the IPR(s) without any conditions to all users of that TTC Std/Spec.
- (2) The IPR Holder is prepared to grant license(s) of the IPR(s) with reasonable and non-discriminatory terms and conditions to all users of that TTC

Std/Spec.

However, if a user of that TTC Std/Spec possesses some IPR(s), where a part or all of the contents of that TTC Std/Spec is believed to be in the scope(s) of the above mentioned IPR(s), and if that user claims its IPR licensing condition not equivalent to the one that the IPR Holder has selected, the IPR Holder may exclude that user from the scope of either (1) or (2) that the IPR Holder has selected.

The TTC is not responsible for confirming whether a part or all of the contents of each TTC Std/Spec is included in the scope(s) of some IPR(s). Nor is the TTC responsible for any dispute that may arise from the above IPR(s).

2. Procedure

In the case that a part or all of the contents of a TTC Std/Spec is included in the scope(s) of some IPR(s), the following procedure shall be used.

2.1 Submission of “IPR Licensing Statement”

In order for the TTC to confirm whether IPR Holders select either (1) or (2) in Clause 1 or select neither (1) nor (2), each IPR Holder shall submit “IPR Licensing Statement(s) (hereinafter referred to as “Statement(s)”) to the president of the TTC using the attached form(s).

(1) Forms of Statement(s):

Forms are defined in Annexes 1 and 2. If the IPR(s) is/are not yet published, the form of [Annex 1](#) is to be used; otherwise, the form of [Annex 2](#) is to be used.

(2) Deadline for the Submission of Statement(s):

The deadline for the submission of Statement(s) is to be defined separately by the IPR Committee.

2.2 Archiving of Statement(s)

Upon receiving the Statement(s) from IPR Holder(s), the TTC Secretariat keeps the Statement(s) as archival records.

2.3 Disclosure of Statement(s)

The TTC publicly discloses the contents of the Statement(s) which relate to the published TTC Std(s)/Spec(s).

2.4 Annotation to TTC Std(s)/Spec(s)

The TTC puts the annotation into all TTC Std(s)/Spec(s) that the reader should refer to the list of Statements disclosed by the TTC.

2.5 Responsibility for problems caused by not submitting Statement(s)

The TTC shall not be responsible to anyone for any problems that may arise from the fact that IPR Holder does not submit its Statement(s) described in Article 2.1.

3. Operation Procedures

Detailed items of this Policy are defined by the IPR Committee with the “Operation Procedures for the Handling of Industrial Property Rights.”

Supplementary Provision (Revised and approved by the Board of Directors on March 3, 2003.)

1. Effective Date

This revision shall take effect from April 24, 2003.

End of the Policy

Interpretation of the "The Policy for the Handling of Industrial Property Rights"

Approved by the Board of Directors on March 3, 2003

In revising "The Policy for the Handling of Industrial Property Rights" (hereinafter referred to simply as the "Policy"), the Board of Directors has approved the interpretations of the Policy, as follows:

1. The "proviso" in Clause 1 of the Policy shall have the same meaning of "reciprocity" in the ITU-T's Patent Policy. It should be noted, however, that the "proviso" refers to the rights which the IPR Holder, who has selected either (1) or (2), can have and that the "proviso" does not define the obligations which the IPR Holder, who has selected either (1) or (2), must do.
2. The "IPR Licensing Statement" in the Policy shall have the same meaning as the "Patent Statement and Licensing Declaration" in the ITU-T's Patent Policy.
3. The expression that "a part or all of the contents of a TTC Standard involves IPR(s)" means "essential IPR(s)".

End of this sheet

Annex 1

IPR Licensing Statement
(Form for Use before IPR(s) is/are Published)

Mr.

President of the Telecommunication Technology Committee

Date of submission: _____

Submitted by: (Name, Department,
Corporation, Seal or Signature)

Regarding the Industrial Property Right(s) (hereinafter referred to as IPR(s)) concerned with the proposed TTC Standard or TTC Technical Specification, I hereby submit this Statement in accordance with “the Policy for the Handling of Industrial Property Rights” (approved by the Board of Directors on March 3, 2003). The IPR(s) specified in this Statement is/are not yet published; I will submit another Statement again when the IPR(s) is/are published.

Description

1 Title of the corresponding TTC Standard or TTC Technical Specification

2 Name of the applicant of the IPR(s)

3 Terms and conditions under which license(s) of the IPR(s) is/are granted where a part or all of the contents of the above TTC Standard or TTC Technical Specification involves the IPR(s) and when the IPR(s) is/are issued.

(Note: Select only one from among (1), (2), and (3) below and put a check mark in the box (☐) provided at the left most position.)

(1) Grant the license(s) of the IPR(s) without any conditions to all users of the above TTC Standard or TTC Technical Specification.

- (2) Grant the license(s) of the IPR(s) with reasonable and non-discriminatory terms and conditions to all users of the above TTC Standard or TTC Technical Specification.

However, if a user of the above TTC Standard or TTC Technical Specification possesses some IPR(s), where a part or all of the contents of the above TTC Standard or TTC Technical Specification is believed to be in the scope(s) of the above mentioned IPR(s), and if that user claims its IPR licensing condition not equivalent to the one that the IPR Holder has selected, the IPR Holder may exclude that user from the scope of either (1) or (2) that the IPR Holder has selected.

- (3) Select neither (1) nor (2) above.

4 IPR(s) in Question

- 4.1 If (1) or (2) above is selected, the IPR(s) in question must be specified in the following table.

(Note: If not specified, any IPR(s) of the IPR Holder that is/are concerned with the above TTC Standard or TTC Technical Specification is/are assumed to be subject to licensing.)

| Application No. (Application date) | Title of the Invention |
|---------------------------------------|------------------------|
| | |
| | |
| | |
| | |
| | |
| | |

- 4.2 In case the item (3) above is selected, the following information shall be submitted:

- Application number, Application date and the Title of the Invention
- Part of the TTC Standard or TTC Technical Specification that involves the IPR(s)
- Claim(s) of the IPR(s) concerned with the above TTC Standard or TTC Technical Specification

End of Annex 1

IPR Licensing Statement
(Form for Use after IPR(s) is/are Published)

Mr.

President of the Telecommunication Technology Committee

Date of submission: _____

Submitted by: (Name, Department,
Corporation, Seal or Signature)

Regarding the IPR(s) concerned with the proposed TTC Standard or TTC Technical Specification, I hereby submit this Statement in accordance with “the Policy for the Handling of Industrial Property Rights” (approved by the Board of Directors on March 03, 2003).

Description

- 1 Title of the corresponding TTC Standard or TTC Technical Specification

- 2 Name of the applicant of the IPR(s)

- 3 Terms and conditions under which license(s) of the IPR(s) is/are granted where a part or all of the contents of the above TTC Standard or TTC Technical Specification involves the IPR(s) and when the IPR(s) is/are issued.

(Note: Select only one from among (1), (2), and (3) below and put a check mark in the box (☐) provided at the left most position.)

- (1) Grant the license(s) of the IPR(s) without any conditions to all users of the above TTC Standard or TTC Technical Specification.
- (2) Grant the license(s) of the IPR(s) with reasonable and non-discriminatory

terms and conditions to all users of the above TTC Standard or TTC Technical Specification.

However, if a user of the above TTC Standard or TTC Technical Specification possesses some IPR(s), where a part or all of the contents of the above TTC Standard or TTC Technical Specification is believed to be in the scope(s) of the above mentioned IPR(s), and if that user claims its IPR licensing condition not equivalent to the one that the IPR Holder has selected, the IPR Holder may exclude that user from the scope of either (1) or (2) that the IPR Holder has selected.

(3) Select neither (1) nor (2) above.

4 IPR(s) in Question

4.1 If (1) or (2) above is selected, the IPR(s) in question must be specified in the following table.

(Note: If not specified, any IPR(s) of the IPR Holder that is/are concerned with the above TTC Standard or TTC Technical Specification is/are assumed to be subject to licensing.)

| Application No. (Application date) | Publication No. (or Publication No. of examined application before registration or Registration No.) | Title of the Invention |
|---------------------------------------|---|------------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

4.2 In case the item (3) above is selected, the following information shall be submitted:

- Application number, Application date, Publication number (or Publication number of examined application before registration or Registration number) and the Title of the Invention
- Part of the TTC Standard or TTC Technical Specification that involves the IPR(s)
- Claim(s) of the IPR(s) concerned with the above TTC Standard or TTC Technical Specification

End of Annex 2