

Effective from April 24, 2003

Operation Procedures for the Handling of Industrial Property Rights

1st Version approved by IPR Committee on May 27, 2002

2nd Version approved by IPR Committee on December 10, 2002

3rd Version approved by IPR Committee on April 17, 2003

These Operation Procedures stipulate detailed rules to apply “the Policy for the Handling of Industrial Property Rights” (hereinafter referred to as “the Policy”).

1. Investigation of Industrial Property Rights and Submission of IPR Licensing Statement

1.1 During the Development of TTC Standards/Technical Specifications

When a Working Group (hereinafter referred to as “WG”) in charge of the development of TTC Standard(s) and/or TTC Technical Specification(s) (hereinafter referred to as “TTC Std(s)/Spec(s)”) reaches the point where a draft of TTC Std(s)/Spec(s) is almost complete, the chairperson of the WG shall ask the WG members to investigate whether they believe to hold industrial property right(s) (hereinafter referred to as “IPR(s)”) related to that draft of TTC Std/Spec. If any member believes to hold IPR(s) related to the draft of TTC Std/Spec, the chairperson of the WG shall ask the member to submit a “IPR Licensing Statement” (hereinafter referred to as “Statement”) for the IPR(s) to the president of TTC (hereinafter referred to as “the President”) as promptly as possible.

1.2 At the Final Stage of TTC Standard Development

At an Advanced Briefing Meeting (hereinafter referred to as “ABM”) to be held prior to Technical Assembly (hereinafter referred to as “TA”), the TTC secretariat shall ask all the members to investigate whether they believe to hold IPR(s) related to the draft TTC Standard explained at the ABM. If any member believes to hold IPR(s) related to the draft TTC Standard above, the secretariat shall also ask the member to submit a Statement to the President within three weeks from the ABM.

1.3 After the Establishment and/or Revision of TTC Technical Specification(s)

At the earliest reporting to the TA members after the establishment or revision of TTC Technical Specification, the secretariat shall ask all the members to investigate whether they believe to hold IPR(s) related to the TTC Technical Specification above. If any member believes to hold IPR(s) related to the TTC Technical Specification above, the secretariat shall also ask the member to submit a Statement to the President within three weeks from the reporting.

2. Handling of Submitted Statement

2.1 Statement(s) Submitted during the Development of Draft TTC Std/Spec

The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge. The WG shall deliberate the Statement(s).

If the WG finds the contents of the Statement(s) do not meet the requirements of the first Clause (1. Handling) of the Policy, the WG shall modify or withdraw the draft TTC Std/Spec.

2.2 Statement(s) Submitted at the Final Stage of TTC Standard Development

The secretariat shall copy and pass a set of all the relevant Statement(s) submitted after the ABM to the WG in charge.

The WG shall deliberate the contents of the Statement(s) related to the draft TTC Standard and;

- (a) bring up the draft TTC standard for deliberation at the TA meeting if the WG finds the contents of the Statement(s) meet the requirements of the first Clause of the Policy, or
- (b) withdraw the draft TTC standard and inform the TA members accordingly if the WG finds the contents of the Statement(s) do not meet the requirements of the first Clause of the Policy.

2.3 Statement(s) Submitted after Establishment or Revision of TTC Technical Specification

The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge. The WG shall deliberate the contents of the Statement(s) related to the TTC Technical Specification.

If the WG finds the contents of the Statement(s) do not meet the requirements of the first Clause of the Policy, the WG shall withdraw the TTC Technical Specification and inform the TA members accordingly

3. 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 a right holder of IPR(s) (hereinafter referred to as “IPR Holder”) does not submit its Statement(s).

4. Changes to the Contents of Statement

4.1 When the pending IPR is published

If the IPR, that was not published when the related Statement was submitted, is published, the IPR Holder shall promptly submit a new Statement (form for use after IPR(s) is/are published in the Annex 2).

4.2 Change of Selection

When an IPR Holder wants to change the selection stated in its Statement, the IPR Holder shall submit a new Statement to the President. However, the IPR holder shall not change the selection toward the direction of severer IPR licensing for other users from the previous selection.

4.3 Change of the Ownership

If the ownership of the IPR(s) stated in the submitted Statement(s) is changed, the previous IPR Holder shall inform the President of the change as promptly as possible.

The secretariat shall request the new IPR Holder to submit Statement(s).

4.4 IPR Extinguished or Not Granted

If the IPR(s) stated in the submitted Statement(s) is/are extinguished or not granted, the submitter of the Statement(s) shall inform the President of the above fact.

5. IPR(s) Held by Non-Members

While developing a draft TTC Std/Spec, the WG should investigate, as thoroughly as possible, whether any related IPR(s) owned by non-member exist(s). If such IPR(s) is/are found, the following actions shall be taken.

5.1 IPR(s) Found before the Establishment or Revision of TTC Std/Spec

- (1) The secretariat shall present the Policy to the non-member and ask to submit a Statement.
- (2) The secretariat shall copy and pass a set of all the relevant Statement(s) to the WG in charge. The WG shall deliberate the Statement(s). If the WG finds the contents of the Statement(s) do not meet the requirements of the first Clause of the Policy, the WG shall withdraw the draft TTC Std/Spec.

5.2 IPR(s) Found after the Establishment or Revision of TTC Std/Spec

Upon request from a member or non-member, the WG in charge may deliberate to modify or withdraw the TTC Std/Spec related to the IPR(s) owned by non-member.

6. Application Mutatis Mutandis

Article 5.2 shall be applied mutatis mutandis if it is found that a TTC member believes to hold IPR(s) related to the TTC Std/Spec after the establishment or revision of that TTC Std/Spec.

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