

# IETF Antitrust – the org side

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# Given Options

1. We decide that the IETF needs an explicit IETF "policy" or "statement" on anti-trust, which presumably states rules or expectations for IETF participants.
2. We decide that the IETF already has enough statements in its BCP series that address rules or expectations for IETF participants regarding anti-trust, but we need to create a new document that points to those statements and clarifies how they apply to anti-trust.
3. We decide that the IETF should not make an explicit statement on anti-trust policy at all.

# Options Summary

1. New Explicit Text Needed
2. Current BCPs Sufficient, Need Pointers
3. Make no statement

# This Presentation

- “describe your take on the organizational pro's and con's of each outcome if adopted”
- “please plan on being fair to each choice”

# Explicit New Text Needed

- options:
  - a formal “IETF policy”
  - a warning/statement of US (and other) law?
- if a formal policy
  - new or changed BCP likely needed
- if a warning/statement of law
  - lighter weight
  - could be done by a addition to the Note Well Note

# New IETF Policy

- “IETF policy” means it is more than a statement of law
  - what would an IETF policy bring to the table?
- pros:
  - recognize unique nature of IETF
    - e.g., people, not organizations
  - put in “IETF language”
  - could go further than the law requires
  - could be clearer than law(s)
- con:
  - need to be consistent with law(s)

# New IETF Policy, contd.

- org issue: would we need a new or revitalized WG to discuss a new policy BCP or would an individual submission be OK?
- pros of a new/revitalized WG:
  - IETF consensus-based policy development
  - maybe more people would pay attention
- cons of a new/revitalized WG
  - may still be in process consideration burn-out
  - we have a rather large number of amateur lawyers
    - discussion could be contentious

# New IETF Policy, contd.

- impacts
  - more rules for WG chairs to understand
  - more rules for WG participants to understand
  - new appeal topic
  - discipline question
    - same issue as for disclosure rules



# New IETF Statement

- “Just” a statement on what the law(s) say about the limits of activities within the IETF
  - maybe, with pointers to the law(s)
- how much IETF involvement would be needed?
  - not much if it is just a statement of the law

# New IETF Statement, contd.

- impacts
  - more rules for IETF participants to understand
  - discipline question?

# Current BCPs Sufficient, Need Pointers

- assumes that IETF has relevant policies already
- same general issues/questions as a new policy statement
- same question how develop
  - working group or individual effort

# Make No Statement

- no (current) organizational impact
- could be an impact if activities counter to law take place