

IPR @ IETF

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From the RTCWEB Charter

- “The working group will follow BCP 79, and adhere to the spirit of BCP 79.”
- “The working group cannot explicitly rule out the possibility of adopting encumbered technologies; “
- “however, the working group will try to avoid encumbered technologies that require royalties or other encumbrances that would prevent such technologies from being easy to use in web browsers.”

Environment

- rulesets:
 - IPR - BCP79 a.k.a. RFC 3979 (from RFC 2026)
 - sanctions - RFC 6701
- your IPR = patents & patent applications
 - owned, assertable or licenseable by you or your employer or sponsor
 - known (or should be known) by you

Enforcement

- IETF enforcement possibilities in RFC 6701
kicked off lists, etc.
- most enforcement by courts
(maybe some by trust regulators)
can lose power to assert patent

Contribution

- what the Note Well Note is all about
- anything you say or write (in any context) that is intended to influence an IETF activity is a contribution
- you agreed to Note Well Note to register for this meeting & to subscribe to a mailing list
- rules apply to ALL contributions
not just “standards track”

Disclosures

- your IPR in your contribution: **MUST** disclose
your IPR in contribution by fellow employee: they **MUST** disclose
- your IPR in another's contribution & you participate in discussion: you **MUST** disclose
- your IPR in another's contribution and you do not participate: **PLEASE** disclose
- you know of someone else's IPR in a contribution: please disclose

Participate

- evolving definition of “participate”
- courts & IETF consensus moving towards including being on the mailing list or in the room
- normal practice for past disclosures has not been limited to active participation
- “spirit of BCP 79” requires disclosure even if not active participant
 - WG needs IPR information

When

- as soon as reasonable after you know
some delay due to corporate lawyers but should not be long (days or weeks max)
- note: in most companies the lawyers insist on making any disclosure

Disclosure Details

- if patent: provide patent number & point to specific parts of IETF contribution
 - same detail not required for patent applications
- blanket disclosures not permitted unless offering unconditional free license
 - e.g., no reciprocity
- licensing information not required in disclosure but encouraged

Use of Disclosures

- Working Group empowered to think
- can decide whether to adopt technology with IPR claim(s)
or to work around, or drop topic
- but note that all IPR may not be disclosed
e.g., by someone outside IETF
- also, IPR claim may be “exaggerated”

Questions?