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Antitrust Guidelines for IETF Participants
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Abstract

This document specifies policy for IETF participants on compliance with antitrust laws and how to reduce antitrust risks in connection with IETF activities.

Status of This Memo

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IETF Antitrust Guidelines

December 2021

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[1.](#) Introduction

Standards development frequently requires collaboration between competitors. Cooperation among competitors can spark concerns about antitrust law or competition law violations (antitrust law and competition law are used here synonymously). Certain actions taken by a company that holds a dominant market position can similarly spark concerns about competition law violations. This document specifies policy for IETF participants about how to reduce antitrust risks in connection with IETF activities.

[2.](#) Terminology

The key words "MUST", "MUST NOT", "REQUIRED", "SHALL", "SHALL NOT", "SHOULD", "SHOULD NOT", "RECOMMENDED", "NOT RECOMMENDED", "MAY", and "OPTIONAL" in this document are to be interpreted as described in [BCP 14](#) [[RFC2119](#)] [[RFC8174](#)] when, and only when, they appear in all capitals, as shown here.

[3.](#) Legal Advice

The IETF does not provide legal advice to participants, and instead encourages participants to obtain independent legal advice as needed. IETF participants should always consult with their own counsel when antitrust or competition law-related questions arise.

[4.](#) Existing BCPs

Compliance with the BCPs that document the established rules and

norms of the IETF facilitates compliance with antitrust law, as the IETF structure and processes are intended to mitigate antitrust risks. As a reminder, participants are already required to comply with the following policies documented in the BCPs:

- * The Internet Standards Process as described in [BCP 9](#) [[BCP9](#)] , which is designed to "provide a fair, open, and objective basis for developing, evaluating, and adopting Internet Standards," and provides robust procedural rules, including an appeals process.
- * The Working Group Guidelines and Procedures described in [BCP 25](#) [[BCP25](#)] , which emphasize requirements for "open and fair participation and for thorough consideration of technical alternatives," and describe IETF's consensus-based decision-making processes.
- * The IETF framework that participants engage in their individual capacity, not as company representatives, and "use their best engineering judgment to find the best solution for the whole Internet, not just the best solution for any particular network, technology, vendor, or user," as described in [BCP 54](#) [[BCP54](#)] .
- * The IETF's intellectual property rights policies as set forth in [BCP 78](#) [[BCP78](#)] and [BCP 79](#) [[BCP79](#)] ; these policies are carefully designed to "benefit the Internet community and the public at large, while respecting the legitimate rights of others."
- * The established conflict of interest policies, such as the IESG Conflict of Interest Policy, the IAB Conflict of Interest Policy or the IETF LLC Conflict of Interest Policy, if and when applicable.

[5.](#) Antitrust Policy

All IETF participants MUST behave lawfully when engaged in IETF activities, including by following applicable antitrust laws. While antitrust laws vary between jurisdictions, IETF participants SHOULD NOT assume that they need only comply with the laws of the jurisdiction they reside in as the laws of multiple jurisdictions may apply. Accordingly IETF participants SHOULD NOT engage in or otherwise support any of the following:

- * anti-competitive agreements between two or more independent market operators
- * abusive behaviour by companies holding a dominant position on any given market

6. Escalation of antitrust-related concerns

Participants SHOULD report potential antitrust concerns in the context of IETF activities through the following channels: IETF Chair (chair@ietf.org), the IETF LLC executive director (exec-director@ietf.org), the IETF legal counsel (legal@ietf.org), or via the IETF LLC whistleblower service.

7. IANA Considerations

No values are assigned in this document, no registries are created, and there is no action assigned to the IANA by this document.

8. Security Considerations

This document may be considered to document means to avoid risks to the IETF and IETF participants related to antitrust. One may consider those to be security considerations. Other than that, this document introduces no known security aspects to the IETF or IETF participants.

9. Normative References

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10. Informative References

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