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Abstract

The IETF policies about rights in Contributions to the IETF are designed to ensure that such Contributions can be made available to the IETF and Internet communities while permitting the authors to retain as many rights as possible. This memo details the IETF policies on rights in Contributions to the IETF. It also describes the objectives that the policies are designed to meet. This memo obsoletes [RFC 3978](#) and, with [RFC 3979](#) and RFC xxx (-outgoing),

replaces [Section 10 of RFC 2026](#).

Table of Contents

- 1. Definitions
- 2. Introduction
- 3. Rights in IETF Contributions
 - 3.1. General Policy
 - 3.2. Confidentiality Obligations
 - 3.3. Granting of Rights and Permissions
 - 3.4. Representations and Warranties
 - 3.5. No Duty to Publish
 - 3.6. Trademarks
- 4. Rights in RFC Editor Contributions
 - 4.1. Requirements from [Section 3](#)
 - 4.2. Granting of Rights and Permissions
- 5. Notices Required in IETF Documents
 - 5.1. IPR Disclosure Acknowledgement
 - 5.2. Derivative Works Limitation
 - 5.3. Publication Limitation
 - 5.4. Copyright Notice
 - 5.5. Disclaimer
 - 5.6. Exceptions
- 6. Notices and Rights Required in RFC Editor Contributions
- 7. Exposition of why these procedures are the way they are
 - 7.1. Rights Granted in IETF Contributions
 - 7.2. Rights to use Contributed Material
 - 7.3. Right to Produce Derivative Works
 - 7.4. Rights to use Trademarks
 - 7.5. Who Does This Apply To?
- 8. Contributions Not Subject to Copyright
- 9. Security Considerations
- 10. References
 - 10.1. Normative References
 - 10.2. Informative References
- 11. Acknowledgements
- Editor's Address
- Full Copyright Statement

1. Definitions

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[2. Introduction](#)

Under the laws of most countries and current international treaties (for example the "Berne Convention for the Protection of Literary and Artistic Work" [[Berne](#)]), authors obtain numerous rights in the works they produce automatically upon producing them. These rights include copyrights, moral rights and other rights. In many cases, if the author produces a work within the scope of his or her employment, most of those rights are usually assigned to the employer, either by operation of law or, in many cases, under contract. (The Berne Convention names some rights as "inalienable", which means that the author retains them in all cases.)

This document details the rights that the IETF requires in IETF Contributions and rights the IETF, as publisher of Internet-Drafts, requires in all such Drafts including RFC Editor Contributions. The

RFC Editor may also define additional rights required for RFC Editor Contributions. This document obsoletes [RFC 3978](#) [[RFC3978](#)].

In order for works to be used within the IETF Standards Process or to be published as Internet-Drafts, certain limited rights in all Contributions must be granted to the IETF Trust and the IETF. In addition, Contributors must make representations to IETF Trust and the IETF regarding their ability to grant these rights. These necessary rights and representations have until now been laid out in [Section 10 of \[RFC2026\]](#). In the years since [[RFC2026](#)] was published there have been a number of times when the exact intent of [Section 10](#) has been the subject of vigorous debate within the IETF community. The aim of this document is to clarify various ambiguities in [Section 10 of \[RFC2026\]](#) that led to these debates and to amplify the policy in order to clarify what the IETF is currently doing.

[Section 1](#) gives definitions used in describing these policies. Sections [3](#), [4](#), [5](#), and [6](#) of this document address the rights in Contributions previously covered by [Section 10 of \[RFC2026\]](#) and the "Note Well" explanatory text presented at many IETF activities. Sections [7](#) and [8](#) then explain the rationale for these provisions, including some of the clarifications that have become understood since the adoption of [[RFC2026](#)]. The rules and procedures set out in this document are not intended to substantially modify or alter the IETF's current policy toward Contributions.

A companion document [[RFC3979](#)] deals with rights in technologies developed or specified as part of the IETF Standards Process. This document is not intended to address those issues.

The rights addressed in this document fall into the following categories:

- o rights to make use of contributed material
- o copyrights in IETF documents
- o rights to produce derivative works
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- c. The Publication Limitation described in [Section 5.3](#) (for specific types of Internet-Drafts only).
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- e. The Disclaimer described in [Section 5.5](#) (for all IETF Documents).

[5.1](#). IPR Disclosure Acknowledgement (required in all Internet-Drafts)

"By submitting this Internet-Draft, each author represents that any applicable patent or other IPR claims of which he or she is aware have been or will be disclosed, and any of which he or she becomes aware will be disclosed, in accordance with [Section 6 of BCP 79](#)."

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7. Exposition of Why These Procedures Are the Way They Are

7.1. Rights Granted in IETF Contributions

The IETF Trust and IETF must obtain the right to publish an IETF Contribution as an RFC or an Internet-Draft from the Contributors.

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process.

- e. the right to let third parties extract some logical parts, for example MIB modules

The authors retain all other rights, but cannot withdraw the above rights from the IETF Trust and IETF.

[7.2.](#) Rights to use Contributed Material

Because, under the laws of most countries and applicable international treaties, copyright rights come into existence whenever a work of authorship is created (but see [Section 8](#) below regarding public domain documents), and IETF cannot make use of IETF Contributions if it does not have sufficient rights with respect to these copyright rights, it is important that the IETF receive assurances from all Contributors that they have the authority to grant the IETF the rights that they claim to grant. Without this assurance, IETF and its participants would run a greater risk of liability to the owners of these rights.

To this end, IETF asks Contributors to give the assurances in [Section 3.4](#) above. These assurances are requested, however, only to the extent of the Contributor's reasonable and personal knowledge. (See [Section 1](#)(1))

[7.3.](#) Right to Produce Derivative Works

The IETF needs to be able to evolve IETF Documents in response to experience gained in the deployment of the technologies described in such IETF Documents, to incorporate developments in research and to react to changing conditions on the Internet and other IP networks. In order to do this the IETF must be able to produce derivatives of its documents; thus the IETF must obtain the right from Contributors to produce derivative works.

The right to produce derivative works is required for all IETF standards track documents and for most IETF non-standards track documents. There are two exceptions to this requirement: documents describing proprietary technologies and documents that are republications of the work of other standards organizations.

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The IETF has historically encouraged organizations to publish details of their technologies, even when the technologies are proprietary, because understanding how existing technology is being used helps when developing new technology. But organizations that publish information about proprietary technologies are frequently not willing to have the IETF produce revisions of the technologies and then claim that the IETF version is the "new version" of the organization's technology. Organizations that feel this way can specify that an IETF Contribution can be published with the other rights granted under this document but may withhold the right to produce derivative works other than translations. The right to produce translations is required before any IETF Contribution can be published as an RFC to ensure the widest possible distribution of the material in RFCs.

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[9. Security Considerations](#)

This memo relates to IETF process, not any particular technology. There are security considerations when adopting any technology, but there are no known issues of security with IETF Contribution rights policies.

[10. References](#)

[10.1. Normative References](#)

- [RFC2026] Bradner, S., "The Internet Standards Process -- Revision 3", [BCP 9](#), [RFC 2026](#), October 1996.
- [RFC2028] Hovey, R. and S. Bradner, "The Organizations Involved in the IETF Standards Process", [BCP 11](#), [RFC 2028](#), October 1996.
- [RFC3979] Bradner, S., Ed, "Intellectual Property Rights in IETF Technology", [BCP 79](#), [RFC 3979](#), March 2005.

[10.2. Informative References](#)

[RFC3978] Bradner, S. Ed., "IETF Rights in Contributions", [RFC 3978](#), March 2005.

[Berne] "Berne Convention for the Protection of Literary and Artistic Work", http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html

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Editor's Address

Scott Bradner
Harvard University
29 Oxford St.
Cambridge MA, 02138

Phone: +1 617 495 3864
EMail: sob@harvard.edu

Jorge L. Contreras
WilmerHale
1875 Pennsylvania Avenue NW
Washington, DC 20006 USA

Phone: +1 202 663 6872
Email: jorge.contreras@wilmerhale.com

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