

IETF Rights in Contributions

Status of this Memo

This document specifies an Internet Best Current Practices for the Internet Community, and requests discussion and suggestions for improvements. Distribution of this memo is unlimited.

Copyright Notice

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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 updates [RFC 2026](#), and, with [RFC 3979](#), replaces Section 10 of [RFC 2026](#).

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1. Definitions

The following definitions are for terms used in the context of this document. Other terms, including "IESG," "ISOC," "IAB," and "RFC Editor," are defined in [[RFC2028](#)].

- a. "IETF": In the context of this document, the IETF includes all individuals who participate in meetings, working groups, mailing lists, functions and other activities which are organized or initiated by ISOC, the IESG or the IAB under the general designation of the Internet Engineering Task Force or IETF, but solely to the extent of such participation.
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- c. "IETF Contribution": any submission to the IETF intended by the Contributor for publication as all or part of an Internet-Draft or RFC (except for RFC Editor Contributions described below) and any statement made within the context of an IETF activity. Such statements include oral statements in IETF sessions, as well as written and electronic communications made at any time or place, which are addressed to:
 - o the IETF plenary session,
 - o any IETF working group or portion thereof,
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 - o the IAB or any member thereof on behalf of the IAB,

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Statements made outside of an IETF session, mailing list or other function, that are clearly not intended to be input to an IETF activity, group or function, are not IETF Contributions in the context of this document.

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- e. "RFC": the basic publication series for the IETF. RFCs are published by the RFC Editor and once published are never modified. (See [\[RFC2026\] Section 2.1](#))
- f. "RFC Editor Contribution": An Internet-Draft intended by the Contributor to be submitted to the RFC Editor for publication as an Informational or Experimental RFC but not intended to be part of the IETF Standards Process.
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- h. "IETF Documents": RFCs and Internet-Drafts except for Internet-Drafts that are RFC Editor Contributions and the RFCs that are published from them.
- i. "RFC Editor Documents": RFCs and Internet-Drafts that are RFC Editor Contributions and the RFCs that may be published from them.
- j. "Contribution": IETF Contributions and RFC Editor Contributions.

- k. "Contributor": an individual submitting a Contribution.
- l. "Reasonably and personally known": means something an individual knows personally or, because of the job the individual holds, would reasonably be expected to know. This wording is used to indicate that an organization cannot purposely keep an individual in the dark about patents or patent applications just to avoid the disclosure requirement. But this requirement should not be interpreted as requiring the IETF Contributor or participant (or his or her represented organization, if any) to perform a patent search to find applicable IPR.

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.

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 and Internet Society (ISOC). In addition, Contributors must make representations to IETF and ISOC 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
- o rights to use trademarks

This document is not intended as legal advice. Readers are advised to consult their own legal advisors if they would like a legal interpretation of their rights or the rights of the IETF in any Contributions they make.

[3. Rights in IETF Contributions](#)

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- b. The Derivative Works Limitation described in [Section 5.2](#) (for specific IETF Documents only).
- c. The Publication Limitation described in [Section 5.3](#) (for specific types of Internet-Drafts only).
- d. The Copyright Notice described in [Section 5.4](#) (for all IETF Documents).
- e. The Disclaimer described in [Section 5.5](#) (for all IETF Documents).

5.1. IPR Disclosure Acknowledgement (required in all Internet-Drafts only)

"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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In the cases of MIB or PIB modules and in other cases where the Contribution includes material that is meant to be extracted in order to be used, the following should be appended to statement 5.2 (a) or 5.2 (b):

"other than to extract section XX as-is for separate use."

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A fuller discussion of the rationale behind these requirements is contained in [Section 7.3](#) below.

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Notwithstanding the provisions of this [Section 5](#), in certain limited cases an abbreviated notice may be placed on certain types of derivative works of IETF Documents in accordance with this [Section 5.6](#).

- a. in MIB modules, PIB modules and similar material commonly extracted from IETF Documents, except for material that is being placed under IANA maintenance, the following abbreviated notice shall be included in the body of the material that will be extracted in lieu of the notices otherwise required by [Section 5](#):

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When the MIB or PIB module is the initial version of a module that is to be maintained by the IANA, the following abbreviated notice shall be included:

"Copyright (C) The Internet Society <year>. The initial version of this MIB module was published in RFC XXXX; for full legal notices see the RFC itself. Supplementary information may be available at:
<http://www.ietf.org/copyrights/ianamib.html>."

For other types of components than "MIB", substitute "MIB module" with an appropriate identifier. In the case of MIB and PIB modules this statement should be placed in the DESCRIPTION clause of the MODULE-IDENTITY macro.

Variations of these abbreviated notices are not permitted except in cases where the material to be extracted is the product of a joint development effort between the IETF and another standards development organization or is a republication of the work of another standards organization. Such variations must be approved on an individual basis by the IAB.

- b. short excerpts of IETF Documents presented in electronic help systems, for example, the DESCRIPTION clauses for MIB variables, do not need to include a copyright notice.

6. Notices and Rights Required in RFC Editor Contributions

Since the IETF acts as publisher of Internet Drafts, even for Internet Drafts that are not intended to become part of the Standards Process, the following are required in all such drafts to protect the IETF and its processes. The RFC Editor may require additional notices.

- a. An IPR Disclosure Acknowledgement, identical to that specified in [Section 5.1](#).
- b. One of the following three copyright release statements:
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 - B. "By submitting this Internet-Draft, I accept the provisions of [Section 4 of BCP 78](#)."
 - C. The Copyright Notice specified in [Section 5.4](#) and the disclaimer specified in [section 5.5](#).

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

7.1. Rights Granted in IETF Contributions

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

A primary objective of this policy is to obtain from the document authors only the non-exclusive rights that are needed to develop and publish IETF Documents and to use the IETF Contributions in the IETF Standards Process while leaving all other rights with the authors.

The non-exclusive rights that the IETF needs are:

- a. the right to publish the document
- b. the right to let the document be freely reproduced in the formats that the IETF publishes it in
- c. the right to let third parties translate it into languages other than English
- d. except where explicitly excluded (see [Section 5.2](#)), the right to make derivative works within the IETF 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/ISOC.

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. Note though that the IETF only requires this right for the production of derivative works within the IETF Standards Process. The IETF does not need, nor does it obtain, the right to let derivative works be created outside of the IETF Standards Process other than as noted in [Section 3.3](#) (E).

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.

In addition, IETF Documents frequently make normative references to standards or recommendations developed by other standards organizations. Since the publications of some standards organizations are not public documents, it can be quite helpful to the IETF to republish, with the permission of the other standards organization, some of these documents as RFCs so that the IETF community can have open access to them to better understand what they are referring to. In these cases the RFCs can be published without the right for the IETF to produce derivative works.

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Certain documents, including those produced by the U.S. government and those which are in the public domain, may not be protected by the same copyright and other legal rights as other documents. Nevertheless, we ask each Contributor to grant to the IETF the same rights as he or she would grant, and to make the same representations, as though the IETF Contribution were protected by the same legal rights as other documents, and as though the Contributor could be able to grant these rights. We ask for these grants and representations only to the extent that the Contribution may be protected. We believe they are necessary to protect the ISOC, the IETF, the IETF Standards Process and all IETF participants, and also because the IETF does not have the resources or wherewithal to make any independent investigation as to the actual proprietary status of any document submitted to it.

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

- [Berne] "Berne Convention for the Protection of Literary and Artistic Work",
<http://www.wipo.int/edocs/trtdocs/en/wo/wo001en.htm>

11. Acknowledgements

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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

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