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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 4748 and, with [BCP 79](#) and RFC xxx (rfc editor - replace with the RFC # of -outgoing), replaces Section 10 of [RFC 2026](#).

Internet-Draft

[RFC 3978](#)-incoming

5 May 2008

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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](#)].

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- o any IETF mailing list, including the IETF list itself, any working group or design team list, or any other list functioning under IETF auspices,
- o the RFC Editor or the Internet-Drafts function (except for RFC Editor Contributions described in [Section 4](#) below).

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- g. "IETF Standards Process": the activities undertaken by the IETF in any of the settings described in 1(a) above.
- h. "IETF Trust": A trust established under the laws of the

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- i. "Internet-Draft": temporary documents used in the IETF Standards Process. Internet-Drafts are posted on the IETF web site by the IETF Secretariat. As noted in [Section 2.2 of RFC 2026](#), Internet-Drafts have a nominal maximum lifetime of six months in the IETF Secretariat's public directory.
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- k. "RFC": the basic publication series for the IETF. RFCs are published by the RFC Editor. Although RFCs may be superseded in whole or in part by subsequent RFCs, the text of an RFC is not altered once published in RFC form. (See [\[RFC2026\] Section 2.1](#))
- 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 certain information just to avoid the disclosure requirement.
- m. "Non-IETF documents": means Internet-Drafts that are submitted to the RFC Editor independently of the IETF Standards Process. (See [Section 4](#).)

2. Introduction

In all matters of copyright and document procedures, the intent is to benefit the Internet community and the public at large, while respecting the legitimate rights of others.

Under the laws of most countries and current international treaties (for example the "Berne Convention for the Protection of Literary and Artistic Work" [Berne Convention]), 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.)

In order for Contributions to be used within the IETF Standards Process, including when they are published as Internet-Drafts or RFCs, certain limited rights must be granted to the IETF Trust, which then grants the necessary rights to the IETF. In addition, Contributors must make representations to the IETF Trust and the IETF regarding their ability to grant these rights.

[Section 1](#) provides definitions used in these policies. Sections [3](#) and [4](#) of this document explain the rationale for these provisions. Sections [1](#), [2](#), [5](#) and [6](#) of this document are normative, the other sections are informative. A companion document [RFC 3979 \(BCP 79\)](#) [BCP79] deals with rights, including possible patent rights, in technologies developed or specified as part of the IETF Standards Process. This document is not intended to address those issues. This memo obsoletes [RFC 3978](#) [[RFC3978](#)] and 4748 [[RFC4748](#)] and, with [RFC 3979 \(BCP 79\)](#) and [-outgoing], replaces [Section 10 of RFC 2026](#) [[RFC2026](#)].

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 Trust [[RFC4371](#)] in any Contributions they make.

[2.1](#) No Retroactive Effect

This memo does not retroactively obtain additional rights from Contributions that predate the date that the IETF Trust announces the adoption of these procedures.

[3](#). Exposition of Why These Procedures Are the Way They Are

[3.1](#). Rights Granted in Contributions

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

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It is also important to note that additional copyright notices are not permitted in IETF Documents except in the case where such document is the product of a joint development effort between the IETF and another standards development organization or the document is a republication of the work of another standards development organization. Such exceptions must be approved on an individual basis by the IAB.

IANA Considerations (RFC Editor - please remove this section when publishing)

This document presents no issues that should be considered by the IANA (this section is here to mollify the ID-nits checker)

7. Security Considerations

This memo relates to the 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.

8. References

8.1. 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.
- [BCP79] Bradner, S., Ed, "Intellectual Property Rights in IETF Technology", [BCP 79](#), [RFC 3979](#), March 2005.
- [[RFC4371](#)] Carpenter, B. and L. Lynch, "[BCP 101](#) Update for IPR Trust", [RFC 4371](#), January 2006.

8.2. Informative References

- [[RFC3978](#)] Bradner, S. Ed., "IETF Rights in Contributions", [RFC 3978](#), March 2005.
- [[RFC4748](#)] Bradner, S., "[RFC 3978](#) Update to Recognize the IETF Trust", [RFC 4748](#), October 2006.

- [[RFC4844](#)] Daigle, L. and IAB, "The RFC Series and RFC Editor", [RFC 4844](#), July 2007
- [-outgoing] Halpern, J., "Advice to the Trustees of the IETF Trust on Rights to be Granted in IETF Documents", RFC XXXX, date.
- [Berne Convention] "Berne Convention for the Protection of Literary and Artistic Work", http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html.

9. Acknowledgements

The editors would like to acknowledge the help of the IETF IPR Working Group provided during the development of the document.

10. Changes since RFF 3978

This document represents a significant reorganization and rewording of [RFC 3978](#) along with a number of substantive changes.

The most basic change is to limit this document to the rights that a Contributor grants to the IETF Trust when making a Contribution. All

sublicenses of rights for the use of IETF Documents must be provided by the IETF Trust. (See [Section 5.4.](#))

Material added from [RFC 4748](#) that recognized the IETF Trust.

Most of the material relating to RFC-Editor documents has been removed since the RFC-Editor maintains their own rules and processes for RFC-Editor documents. Renamed these documents to "non-IETF documents". Added [section 11](#) from the IAB discussing this topic.

Changes in the definitions section include defining the terms "Contribution", "Indirect Contributor", "Copyright", "IETF Trust", and "Legend Instructions" as well as minor tweaks to some of the other definitions.

The responsibility for the text of notices has been given to the IETF Trust and removed from this document. (See [Section 6.](#))

Clarified that Contributors enter into a legally binding contract when they submit a Contribution. (See [Section 5.1.](#))

The right to produce derivative works provided by the Contributor to the IETF Trust is not limited to being within the IETF Standards Process.

Made it clear that this document does not deal with patent licenses. (See [Section 5.5.](#))

Clarified the ownership of the Copyrights to IETF Documents. (See [Section 5.9.](#))

Clarified the rights retained by authors of IETF Contributions. (See [Section 5.10.](#))

[11.](#) Declaration from the IAB

The IAB discussed the IPR documents during its most recent call. It unanimously decided that the IAB-stream is to be covered by the incoming IPR document. It is our understanding that the iab-stream documents IPR are then automatically covered by the outbound rights that the IETF trust will establish based on the advice in [-outbound].

We also want to stress that for any change in the inbound rights for streams other than the ietf- and iab-stream there needs to be a stream dependent discussion and approval process as indicated in [RFC 4844](#) "The RFC Series and RFC Editor" [[RFC4844](#)] [section 4.2.3](#).

To that extent [section 4](#) of the draft should explicitly mention that the irtf-, the independent- and any possible future streams are not covered by the draft.

For the IAB,

Olaf Kolkman
April 4, 2008

[12](#). Editors' Addresses

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Acknowledgement

Funding for the RFC Editor function is currently provided by the Internet Society.

changes - to be removed before publication

version 01 ->02

misc grammar fixes

added BOF to sec 1(a)

added 1(l)

reorder 3.2

moved sentence about translations within sec 3.3

reorder 5.3 (C)

added [section 5.10](#)

removed "an Informational RFC" from [section 5.9](#)

added text about assigning rights and acknowledging that a copyright notice will be added to [section 5.9](#)

added 2nd pp to [section 3.6](#) from [RFC 3978](#)

added pp on multiple copyright notices to sec 6

version 02 ->03

replaced the text in [section 5.10](#)

version 03 -> 04

- change "requested" to "directed" in [section 5.10](#)
- add sections [1](#) & [2](#) to the list of normative sections in [section 2](#)
- sec 5.7 - replace last sentence
- sec 5.3 preface - add "sublicensable"
- sec 1 i - add that the IETF Trust maintains the Legend Instructions
- open issues
 - a/ the use of the terms Contribution and Contributors -
for example in [section 5.6](#)
 - b/ do we need specific mention of work for hire in sec 3.2

version 04 -> 05

- replaced [section 5.1](#) & the 1st pp of [section 5.3](#)
- replaced [section 5.6](#) a

version 05 -> 06 - input from Jorge

- fix various typos in document
- add definition of "Indirect Contributor"
- fix definition of "Reasonably and personally known" to be copyright-related rather than patent-related
- reword sec 5.6 a and remove definition of "Indirect Contributor"
- add pointer to [section 5.6](#) to [section 5.9](#)
- tweak the wording on [section 5.10](#)
- add "development" to the next to last sentence of [section 6](#)

version 06 -> 07

- fix references etc to mollify the ID nits checker

version 07 -> 08

- change "the IETF's RFC format" to "the RFC format used by the IETF" in [section 3.6](#)
- tweak definition of IETF Documents
- change "[TRUST LICENSE AGREEMENT]" to "a license agreement issued by the IETF Trust" and add a requirement that licenses must point to the full trust agreement in [section 5.4](#)
- added "changes from 3987" [section 10](#)

version 08 -> 09 - last call comments & IAB requests

- fix punctuation and the lack of the word "the" in front of "IETF" and "IETF Trust" in a number of places
- clean up references to [RFC 3979](#)/BCP 79
- add note to 1(f)
- rename [section 1](#)(m)
- replace [section 4](#)

