Rights Contributors Provide to the IETF Trust

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.

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 RFCs 3978 and 4748 and, with BCP 79 and RFC 5377, replaces
   Section 10 of RFC 2026.

Table of Contents

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. "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 in Section 4
      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, that are addressed to:

      o the IETF plenary session,
      o any IETF working group or portion thereof,
      o any Birds of a Feather (BOF) session,
      o the IESG, or any member thereof on behalf of the IESG,
      o the IAB, or any member thereof on behalf of the IAB,
      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, as described in Section 4 below).

      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.

   b. "Contributor": an individual submitting a Contribution.

   c. "Indirect Contributor": any person who has materially or
      substantially contributed to a Contribution without being
      personally involved in its submission to the IETF.

   d. "Copyright": the legal right granted to an author in a document or
      other work of authorship under applicable law. A "copyright" is
      not equivalent to a "right to copy". Rather a copyright
      encompasses all of the exclusive rights that an author has in a
      work, such as the rights to copy, publish, distribute and create
      derivative works of the work. An author often cedes these rights
      to his or her employer or other parties as a condition of
      employment or compensation.

   e. "IETF": in the context of this document, the IETF includes all
      individuals who participate in meetings, working groups, mailing
      lists, functions, and other activities that are organized or

initiated by ISOC, the IESG, or the IAB under the general
designation of the Internet Engineering Task Force (IETF), but
solely to the extent of such participation.

f. "IETF Documents": RFCs and Internet-Drafts that are used in the
IETF Standards Process as defined in 1(g). This is identical to
the "IETF stream" defined in [RFC4844].

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
Commonwealth of Virginia, USA, in order to hold and administer
intellectual property rights for the benefit of the IETF.

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.

j. "Legend Instructions": the standardized text that is maintained by
the IETF Trust and is included in IETF Documents and the
instructions and requirements for including that standardized text
in IETF Documents. The text and instructions are posted from time
to time at http://trustee.ietf.org/license-info.

k. "RFC": the publication series used by the IETF among others. 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": 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": 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]), 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. RFC 3979 (BCP 79) [RFC3979] 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 RFCs 3978
   [RFC3978] and 4748 [RFC4748] and, with RFC 3979 (BCP 79) and
   [RFC5377], 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.

   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 IETF Contributions in the IETF
   Standards Process and potentially elsewhere.

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

   It is important to note that under this document, Contributors are
   required to grant certain rights to the IETF Trust (see Section
   5.3.), which holds all IETF-related intellectual property on behalf
   of the IETF community. The IETF Trust will, in turn, grant a
   sublicense of these rights to all IETF participants for use in the
   IETF Standards Process (see Section 5.4.). This sublicense is
   necessary for the standards development work of the IETF to continue.
   In addition, the IETF Trust may grant certain other sublicenses of
   the rights that it is granted under this document. In granting such
   other sublicenses, the IETF Trust will be guided and bound by
   documents such as [RFC5377].

3.2. Rights to Use Contributions

   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 because, under the laws of most
   countries and applicable international treaties, copyright rights
   come into existence when a work of authorship is created (but see
   Section 3.5 below regarding public domain documents), and the IETF
   cannot make use of IETF Contributions if it does not have sufficient
   rights with respect to these copyright rights. The IETF and its
   participants would run a greater risk of liability to the owners of
   these rights without this assurance. To this end, the IETF asks
   Contributors to give the assurances in Section 5.6 below. These
   assurances are requested, however, only to the extent of the
   Contributor's reasonable and personal knowledge. (See Section 1(l).)

3.3. 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.
The IETF may also decide to permit others to develop derivative works
based on Contributions. 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 that
the right to produce translations is required before any Contribution
can be published as an RFC, to ensure the widest possible
distribution of the material in RFCs. The right to produce
derivative works, in addition to translations, 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.

The right to produce derivative works must be granted in order for an
IETF working group to accept a Contribution as a working group
document or otherwise work on it. For non-working group
Contributions where the Contributor requests publication as a
Standards Track RFC, the right to produce derivative works must be
granted before the IESG will issue an IETF Last Call and, for most
non-Standards Track, non-working group Contributions, before the IESG
will consider the Internet-Draft for publication. Occasionally a
Contributor may not want to grant publication rights or the right to
produce derivative works before finding out if a Contribution has
been accepted for development in the IETF Standards Process. In
these cases, the Contributor may include a limitation on the right to
make derivative works in the form specified in the Legend
Instructions. A working group can discuss the Contribution with the
aim to decide if it should become a working group document, even
though the right to produce derivative works or to publish the
Contribution as an RFC has not yet been granted. However, if the
Contribution is accepted for development, the Contributor must
resubmit the Contribution without the limitation notices before a
working group can formally adopt the Contribution as a working group
document. The IETF Trust may establish different policies for
granting sublicenses with respect to different types of Contributions
and content within Contributions (such as executable code versus
descriptive text or references to third-party materials). The IETF
Trust's policies concerning the granting of sublicenses to make
derivative works will be guided by RFC [RFC5377].

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
possibly claim that the IETF version is the "new version" of the

organization's technology. Organizations that feel this way can
specify that a Contribution be published with the other rights
granted under this document but may withhold the right to produce
derivative works other than translations.

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. In both of the
above cases, in which the production of derivative works is excluded,
the Contributor must include a special legend in the Contribution, as
specified in the Legend Instructions, in order to notify IETF
participants about this restriction.

3.4. Rights to Use Trademarks

Contributors may wish to seek trademark or service mark protection on
any terms that are coined or used in their Contributions. The IETF
makes no judgment about the validity of any such trademark rights.
However, the IETF requires each Contributor, under the licenses
described in Section 5.3 below, to grant the IETF Trust a perpetual
license to use any such trademarks or service marks solely in
exercising rights to reproduce, publish, discuss, and modify the IETF
Contribution. This license does not authorize the IETF or others to
use any trademark or service mark in connection with any product or
service offering.

3.5. Contributions Not Subject to Copyright

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 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 Trust, the IETF, the IETF Standards Process, and all IETF
participants, and 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.

3.6. Copyright in RFCs

   As noted above, Contributors to the IETF (or their employers) retain
   ownership of the copyright in their Contributions. This includes
   Internet-Drafts and all other Contributions made within the IETF
   Standards Process (e.g., via e-mail, oral comment, and otherwise).
   However, it is important that the IETF (through the IETF Trust) own
   the copyright in documents that are published as RFCs (other than
   Informational RFCs and RFCs that are submitted as RFC Editor
   Contributions). Ownership of the copyright in an RFC does not
   diminish the Contributors' rights in their underlying contributions,
   but it does prevent anyone other than the IETF Trust (and its
   licensees) from republishing or modifying an RFC in RFC format. In
   this respect, Contributors are treated the same as anybody else:
   though they may extract and republish their own Contributions without
   limitation, they may not do so in the RFC format used by the IETF.
   And while this principle (which is included in Section 5.9 below) may
   appear to be new to the IETF, it actually reflects historical
   practice and has been observed for many years through the inclusion
   of an ISOC or IETF Trust copyright notice on all RFC documents since
   the publication of RFC 2026.

4. Non-IETF Documents

   This document only relates to Contributions made as part of the IETF
   Processes. Other documents that are referred to as Internet-Drafts
   and RFCs may be submitted to and published by the RFC Editor
   independently of the IETF Standards Process. Such documents are not
   covered by this document, unless the controlling entity for that
   document stream, as described in [RFC4844] chooses to apply these
   rules. Non-IETF Contributions must be marked appropriately as
   described in the Legend Instructions. See the RFC Editor web page
   for information about the policies concerning rights in RFC Editor
   Documents; for other document streams, the controlling entity must be
   contacted. See Section 11 for a declaration from the IAB on this
   matter.

5. Rights in Contributions

5.1. General Policy

   By submission of a Contribution, each person actually submitting the
   Contribution and each named co-Contributor is deemed to have read and
   understood the rules and requirements set forth in this document.
   Each Contributor is deemed, by the act of submitting a Contribution,
   to enter into a legally-binding agreement to comply with the terms
   and conditions set forth in this document.

The Contributor is further deemed to have agreed that he/she has
obtained the necessary permissions to enter into such an agreement
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may have rights in the Contribution, including, but not limited to,
the Contributor's sponsor or employer.

No further acknowledgment, signature, or other action is required to
bind a Contributor to these terms and conditions. The operation of
the IETF and the work conducted by its many participants is dependent
on such agreement by each Contributor, and each IETF participant
expressly relies on the agreement of each Contributor to the terms
and conditions set forth in this document.

5.2. Confidentiality Obligations

No information or document that is subject to any requirement of
confidentiality or any restriction on its dissemination may be
submitted as a Contribution or otherwise considered in any part of
the IETF Standards Process, and there must be no assumption of any
confidentiality obligation with respect to any Contribution. Each
Contributor agrees that any statement in a Contribution, whether
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disregarded for all purposes, and will be of no force or effect.

5.3. Rights Granted by Contributors to the IETF Trust

To the extent that a Contribution or any portion thereof is protected
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named co-Contributor grant a perpetual, irrevocable, non-exclusive,
royalty-free, world-wide, sublicensable right and license to the IETF
Trust under all such copyrights and other rights in the Contribution:

a. to copy, publish, display, and distribute the Contribution, in
   whole or in part,

b. to prepare translations of the Contribution into languages other
   than English, in whole or in part, and to copy, publish, display,
   and distribute such translations or portions thereof,

c. to modify or prepare derivative works (in addition to
   translations) that are based on or incorporate all or part of the
   Contribution, and to copy, publish, display, and distribute such
   derivative works, or portions thereof unless explicitly disallowed
   in the notices contained in a Contribution (in the form specified
   by the Legend Instructions), and

   d. to reproduce any trademarks, service marks, or trade names which
      are included in the Contribution solely in connection with the
      reproduction, distribution, or publication of the Contribution and
      derivative works thereof as permitted by this Section 5.3,
      provided that when reproducing Contributions, trademark and
      service mark identifiers used in the Contribution, including TM
      and (R), will be preserved.

5.4. Sublicenses by the IETF Trust

   The IETF Trust will sublicense the rights granted to it under Section
   5.3 to all IETF participants for use within the IETF Standards
   Process. This license is expressly granted under a license agreement
   issued by the IETF Trust, which can be found at
   http://trustee.ietf.org/license-info.

   This license is expressly granted under a license agreement issued by
   the IETF Trust and must contain a pointer to the full IETF Trust
   agreement.

   In addition, the IETF Trust may grant additional sublicenses of the
   licenses granted to it hereunder. In doing so, the IETF Trust will
   comply with the guidance provided under RFC 5377 [RFC5377].

5.5. No Patent License

   The licenses granted in Section 5.3 shall not be deemed to grant any
   right under any patent, patent application, or other similar
   intellectual property right disclosed by the Contributor under BCP 79
   [RFC3979] or otherwise.

5.6. Representations and Warranties

   With respect to each Contribution, each Contributor represents that,
   to the best of his or her knowledge and ability:

   a. The Contribution properly acknowledges all Contributors, including
      Indirect Contributors.

   b. No information in the Contribution is confidential, and the IETF,
      IETF Trust, ISOC, and its affiliated organizations may freely
      disclose any information in the Contribution.

   c. There are no limits to the Contributor's ability to make the
      grants, acknowledgments, and agreements herein that are reasonably
      and personally known to the Contributor.

   d. The Contributor has not intentionally included in the Contribution
      any material that is defamatory or untrue or which is illegal
      under the laws of the jurisdiction in which the Contributor has
      his or her principal place of business or residence.

   e. All trademarks, trade names, service marks, and other proprietary
      names used in the Contribution that are reasonably and personally
      known to the Contributor are clearly designated as such where
      reasonable.

5.7. No Duty to Publish

   The Contributor, and each named co-Contributor, acknowledges that the
   IETF has no duty to publish or otherwise use or disseminate any
   Contribution. The IETF reserves the right to withdraw or cease using
   any Contribution that does not comply with the requirements of this
   Section 5.

5.8. Trademarks

   Contributors who claim trademark rights in terms used in their IETF
   Contributions are requested to state specifically what conditions
   apply to implementers of the technology relative to the use of such
   trademarks. Such statements should be submitted in the same way as
   is done for other intellectual property claims. (See [RFC3979]
   Section 6.)

5.9. Copyright in RFCs

   Subject to each Contributor's (or its sponsor's) ownership of its
   underlying Contributions as described in Section 5.6 (which ownership
   is qualified by the irrevocable licenses granted under Section 5.3),
   each Contributor hereby acknowledges that the copyright in any RFC in
   which such Contribution is included, other than an RFC that is an RFC
   Editor Contribution, shall be owned by the IETF Trust. Such
   Contributor shall be deemed to assign to the IETF Trust such
   Contributor's copyright interest in the collective work constituting

   such RFC upon the submission of such RFC for publication, and
   acknowledges that a copyright notice acknowledging the IETF Trust's
   ownership of the copyright in such RFC will be included in the
   published RFC.

5.10. Contributors' Retention of Rights

   Although Contributors provide specific rights to the IETF, it is not
   intended that this should deprive them of their right to exploit
   their Contributions. To underscore this principle, the IETF Trust is

   directed to issue a license or assurance to Contributors, which
   confirms that they may each make use of their Contributions as
   published in an RFC in any way they wish, subject only to the
   restriction that no Contributor has the right to represent any
   document as an RFC, or equivalent of an RFC, if it is not a full and
   complete copy or translation of the published RFC.

6. Legends, Notices and Other Standardized Text in IETF Documents

   The IETF requires that certain standardized text be reproduced
   verbatim in certain IETF Documents (including copies, derivative
   works, and translations of IETF Documents). Some of this
   standardized text may be mandatory (e.g., copyright notices and
   disclaimers that must be included in all RFCs) and some may be
   optional (e.g., limitations on the right to make derivative works).
   The text itself, as well as the rules that explain when and how it
   must be used, is contained in the Legend Instructions. The Legend
   Instructions may be updated from time to time, and the version of the
   standardized text that must be included in IETF Documents is that
   which was posted in the Legend Instructions on the date of
   publication.

   The IETF reserves the right to refuse to publish Contributions that
   do not include the legends and notices required by the Legend
   Instructions.

   It is important to note that each Contributor grants the IETF Trust
   rights pursuant to this document and the policies described herein.
   The legends and notices included in certain written Contributions
   such as Internet-Drafts do not themselves convey any rights. They
   are simply included to inform the reader (whether or not part of the
   IETF) about certain legal rights and limitations associated with such
   documents.

   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 is a
   republication of the work of another standards development
   organization. Such exceptions must be approved on an individual
   basis by the IAB.

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.

[RFC3979] Bradner, S., Ed., "Intellectual Property Rights in IETF
           Technology", BCP 79, RFC 3979, March 2005.

[RFC4371] Carpenter, B., Ed., and L. Lynch, Ed., "BCP 101 Update for
           IPR Trust", BCP 101, RFC 4371, January 2006.

8.2. Informative References

[RFC3978] Bradner, S., Ed., "IETF Rights in Contributions", BCP 78,
           RFC 3978, March 2005.

[RFC4748] Bradner, S., Ed., "RFC 3978 Update to Recognize the IETF
           Trust", BCP 78, RFC 4748, October 2006.

[RFC4844] Daigle, L., Ed., and Internet Architecture Board, "The RFC
           Series and RFC Editor", RFC 4844, July 2007.

[RFC5377] Halpern, J., Ed., "Advice to the Trustees of the IETF Trust
           on Rights to be Granted in IETF Documents", RFC 5377,
           November 2008.

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

9. Acknowledgments

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

10. Changes since RFC 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 IAB stream
   documents' IPR are then automatically covered by the outbound rights
   that the IETF Trust will establish based on the advice in [RFC5377].

   We also want to stress that, for any change in the inbound rights for
   streams other than the IETF and IAB streams, 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 document should explicitly mention
   that the IRTF, the Independent, and any possible future streams are
   not covered by the document.

   For the IAB,

   Olaf Kolkman
   April 4, 2008

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