

draft-halpern-gendispatch-antitrust



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What is this document



- A draft proposed to become part of our Note Well
- Aimed at providing guidance to participants on how to increase the chances of avoiding antitrust problems
- If followed, should help protect individuals, their fellow participants, and the IETF as an organization
 - Making sure participants know about it helps multiple dimensions
 - So currently proposed to be a BCP

Do we need this



- I sure think so
- Multiple standards bodies have spent a lot of money dealing with antitrust enforcement actions
- While we say that our participants are here as individuals working for the good of the internet
- Most participants are also here on behalf of their companies
- We even recognize that such association matters in things like our nomcom rules and expected limitations on leaderships affiliation

Goals



- As just stated, the long term goal is an RFC referenced by the IETF Note Well
- The short term goal is to get agreement on discussing this document
 - What should be the venue for discussion
- The immediate goal is to describe the significant changes to the document
 - And then discuss how to dispatch it

Changes overview



- We rewrote section 5
- Based on the comments on the list
- And various pieces of legal input
 - In particular, tried to make sure all of the guidelines are actually grounded in antitrust
- Renamed “Recommended Behavior” to “Additional Guidelines”
 - And then reworded the start of section 5 to match this
- Rewrote all of the sections
 - We know the text still needs more work
 - Community input for that is what we are trying to enable

5.1. Adoption and implementation of standard



- Discusses that standardization should not be a tool to suppress competition
- Briefly covers a number of different aspects
- Tries to recognize that some aspects of “will folks use this” are fair (and even necessary) to discuss

5.2. Exchange of competitive information



- This section provides guidelines on various information exchanges that are seen as likely to be antitrust risks
- There are nine items listed
- We have tried to put in caveats about cases (like already public information) that make things more reasonable
 - Such as the need to discuss some aspects of cost when evaluating whether something can reasonably be standardized
 - But care is needed in these areas

5.3. Market Requirements



- We need to be very careful about having the IETF collect market information
 - This probably requires more discussion
 - There is a tension between real issues from antitrust enforcers and existing valuable practice to know if anyone cares about what we are doing

5.4. Dominant market position



- “IETF participants who are employed by or otherwise represent a company that may be considered to be in a dominant market position should not improperly use the authority of an IETF leadership position to suppress permissible discussions or proposals from a competitor.”

So what do we do?



- We could chose not to work on a document about this
 - I really hope that is not our choice
- We could just ask that it be AD sponsored in the classic fashion
 - I do not see how that would get enough community discussion
- Therefore, I believe that we need a venue for discussion
 - And if that venue leads to agreement, then AD sponsor
 - Or if the venue is a working group, normal WG process
 - Whether that venue is a new WG, a specific email list, or gendispatch is up to the community
 - It seems a bit strange to try to have a WG for this one document