Standardizing IPR

Phillip Hallam-Baker

This is not my idea of fun
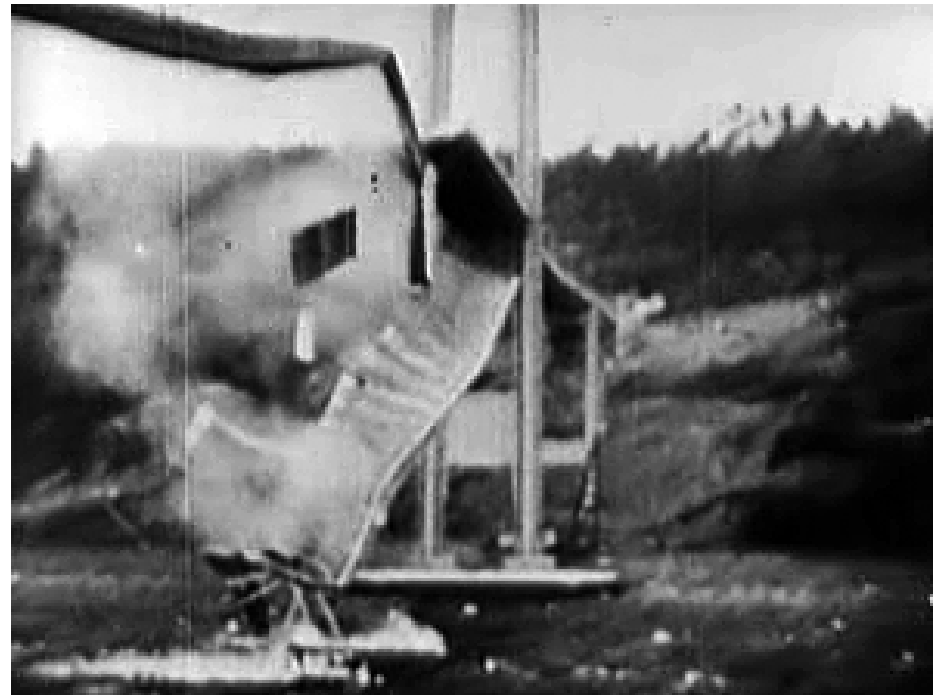
Some people enjoy it

Circumstances

- Patent litigation
- 3 WG Collapses

Reasons for collapse

- Expectations
- Precedent
- Time
- Taint

…and one specification I would like to collapse

Standards are good

Standardized contract terms are useful

- Less scope for negotiation
- Set Expectations

Standards do not meet every need

80/20

Observations

95% of IETF Standards must be open to succeed

Open means compatible with FOSS terms

Determining compatibility costs time and money

Lawyers like routine

Lawyers like reciprocity

$$\left(\frac{a}{p}\right) = \begin{cases} 1 & \text{if } a \text{ is a square modulo } p, \\ 0 & \text{if } p \text{ divides } a, \\ -1 & \text{otherwise.} \end{cases}$$

Lawyers Negotiate to win

Reduce the degrees of freedom

Proposal

- W3C puts its patent policy under Creative Commons License
- IETF adopts W3C policy as default conditions
  - Variation must be agreed by IESG
- Change control over future policy moves to legal forum
  - Folk who do enjoy it
  - IETF adopts result if it is satisfactory