IPR @ IETF

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From the RTCWEB Charter

• “The working group will follow BCP 79, and adhere to the spirit of BCP 79.”
• “The working group cannot explicitly rule out the possibility of adopting encumbered technologies; “
• “however, the working group will try to avoid encumbered technologies that require royalties or other encumbrances that would prevent such technologies from being easy to use in web browsers.”
Environment

• rulesets:
  IPR - BCP79 a.k.a. RFC 3979 (from RFC 2026)
  sanctions - RFC 6701

• your IPR = patents & patent applications
  owned, assertable or licenseable by you or your employer or sponsor
  known (or should be known) by you
Enforcement

• IETF enforcement possibilities in RFC 6701 kicked off lists, etc.

• most enforcement by courts (maybe some by trust regulators) can lose power to assert patent
Contribution

• what the Note Well Note is all about
• anything you say or write (in any context) that is intended to influence an IETF activity is a contribution
• you agreed to Note Well Note to register for this meeting & to subscribe to a mailing list
• rules apply to ALL contributions not just “standards track”
Disclosures

• your IPR in your contribution: MUST disclose
  your IPR in contribution by fellow employee: they MUST disclose

• your IPR in another’s contribution & you participate in discussion: you MUST disclose

• your IPR in another’s contribution and you do not participate: PLEASE disclose

• you know of someone else’s IPR in a contribution: please disclose
Participate

- evolving definition of “participate”
- courts & IETF consensus moving towards including being on the mailing list or in the room
- normal practice for past disclosures has not been limited to active participation
- “spirit of BCP 79” requires disclosure even if not active participant
  WG needs IPR information
When

• as soon as reasonable after you know some delay due to corporate lawyers but should not be long (days or weeks max)

• note: in most companies the lawyers insist on making any disclosure
Disclosure Details

• if patent: provide patent number & point to specific parts of IETF contribution
  same detail not required for patent applications
• blanket disclosures not permitted unless offering unconditional free license
  e.g., no reciprocity
• licensing information not required in disclosure but encouraged
Use of Disclosures

• Working Group empowered to think
• can decide whether to adopt technology with IPR claim(s)
  or to work around, or drop topic
• but note that all IPR may not be disclosed
e.g., by someone outside IETF
• also, IPR claim may be “exaggerated”
Questions?