

*Oficina de Radiocomunicaciones**(Nº de Fax directo +41 22 730 57 85)*Circular Administrativa  
CA/148

15 de abril de 2005

**A las Administraciones de los Estados Miembros de la UIT y  
Miembros del Sector de Radiocomunicaciones****Asunto:** Nuevos formularios para la presentación de declaraciones sobre patentes y utilización de patentes

En su reunión del 22 al 26 de noviembre de 2004, el Grupo Asesor de Radiocomunicaciones (GAR) discutió el tema de la política en materia de patentes del UIT-R, incluidos los formularios utilizados para la presentación de declaraciones sobre patentes al UIT-R por los titulares de las patentes concedidas o de las solicitudes pendientes de concesión. En particular, el GAR instó al Director a que considere la posibilidad de alinear los formularios utilizados en el Sector de Radiocomunicaciones con los empleados por el Sector de Normalización de las Telecomunicaciones. A tal fin, se han elaborado formularios revisados para su utilización por el UIT-R que sustituyan a los contenidos previamente en la Circular Administrativa CA/67 de 2 de junio de 1999. Los nuevos formularios, anexos a la presente Circular, deben utilizarse a partir del **30 de abril de 2005**.

El primer formulario es una «Declaración sobre patentes y utilización de patentes» y figura en el Anexo 1. La finalidad de este formulario es garantizar una presentación normalizada a la BR de las declaraciones de los titulares de patentes y proporcionar información corroborativa así como una explicación si el titular de la patente no está dispuesto a conceder una licencia (opción 3 de la declaración). Normalmente, debe utilizarse un formulario por cada Recomendación que contenga material patentado.

El segundo formulario es una «Declaración general sobre patentes y utilización de patentes», contenida en el Anexo 2. El objeto de este formulario es proporcionar a los titulares de las patentes la opción voluntaria de declarar, en relación con **todas** sus patentes relacionadas con las Recomendaciones contenidas en cualquiera de sus contribuciones al UIT-R, su deseo de renunciar a sus derechos (opción 1) o conceder una licencia en condiciones razonables y no discriminatorias (opción 2).

En la siguiente dirección web aparece información adicional sobre temas de patentes en el UIT-R:  
<http://www.itu.int/ITU-R/study-groups/patents/>.

Tenga en cuenta que no es necesario volver a presentar datos ya almacenados en la base de datos sobre declaraciones de patentes. Estos nuevos formularios normalizados sólo se deben utilizar para las declaraciones de patentes que se presenten en lo sucesivo.

Por último, deseo llamar su atención sobre la importancia de revelar y declarar pronto las patentes para evitar los posibles problemas en el proceso de aprobación y posterior aplicación de las Recomendaciones UIT-R.

Valery Timofeev  
Director de la Oficina de Radiocomunicaciones

## **Anexos: 2**

### Distribución:

- Administraciones de los Estados Miembros de la UIT
- Miembros del Sector de Radiocomunicaciones
- Presidentes y Vicepresidentes de las Comisiones de Estudio y de la Comisión Especial para asuntos reglamentarios y de procedimiento
- Presidente y Vicepresidentes del Grupo Asesor de Radiocomunicaciones
- Presidente y Vicepresidentes de la Reunión Preparatoria de la Conferencia
- Miembros de la Junta del Reglamento de Radiocomunicaciones
- Secretario General de la UIT, Director de la Oficina de Normalización de las Telecomunicaciones, Director de la Oficina de Desarrollo de las Telecomunicaciones

ANEXO 1 (solamente en inglés)

**Patent Statement and Licensing Declaration**

*This declaration does not represent an implied license grant*

Please return to: Director  
RADIOCOMMUNICATION BUREAU  
INTERNATIONAL TELECOMMUNICATION UNION

Place des Nations  
CH-1211 GENEVA 20, SWITZERLAND  
FAX: +41 22 730 5785

<b><u>Patent Holder/Organization:</u></b>	
Legal Name	_____
<b><u>Contact for license application:</u></b>	
Name & Department	_____
Address	_____
Tel.	_____
Fax	_____
E-mail	_____
URL (optional)	_____
<b><u>ITU-R Recommendation:</u></b>	
Number	_____
Title	_____
<b><u>Licensing declaration</u></b>	
The Patent Holder believes to hold granted patents and/or pending applications, whose use would be required to implement the above ITU-R Recommendation and hereby declares, in accordance with the Statement on ITU-R Patent Policy (see ITU-R website), that (check one box only).	
<input type="checkbox"/>	1 The Patent Holder is prepared to grant – on the basis of reciprocity for the above ITU-R Recommendation – a <u>free</u> license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and under other reasonable terms and conditions to make, use and sell implementations of the above ITU-R Recommendation. Negotiations are left to the parties concerned and are performed outside the ITU-R. <i>Also mark here _____ if the Patent Holder reserves the right to license on reasonable terms and conditions (but not for free) to applicants who are only willing to license their patent claims, whose use would be required to implement the above ITU-R Recommendation, on reasonable terms and conditions (but not for free).</i>
<input type="checkbox"/>	2 The Patent Holder is prepared to grant – on the basis of reciprocity for the above ITU-R Recommendation – a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable terms and conditions to make, use and sell implementations of the above ITU-R Recommendation. Negotiations are left to the parties concerned and are performed outside the ITU-R.
<input type="checkbox"/>	3 The Patent Holder is unwilling to grant licenses according to the provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration: <ul style="list-style-type: none"><li>• patent registration/application number;</li><li>• an indication of which portions of the Recommendation are affected;</li><li>• a description of the patent claims covering the Recommendation.</li></ul>

Free: The word “free” does not mean that the Patent Holder is waiving all of its rights with respect to the essential patent. Rather, “free” refers to the issue of monetary compensation; *i.e.*, that the Patent Holder will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.). However, while the Patent Holder in this situation is committing to not charging any monetary amount, the Patent Holder is still entitled to require that the implementer of the ITU-R Recommendation sign a license agreement that contains other reasonable terms and conditions such as those relating to governing law, field of use, reciprocity, warranties, etc.

Reciprocity: As used herein, the word “reciprocity” means that the Patent Holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its essential patent(s) or essential patent claim(s) for implementation of the same ITU-R Recommendation for free or under reasonable terms and conditions.

**Signature**

Organization \_\_\_\_\_

Name of authorized person \_\_\_\_\_

Title of authorized person \_\_\_\_\_

Signature \_\_\_\_\_

Place, Date

FORM: 30 April 2005

<b>Patent Information</b> (desired but not required)			
<b>No.</b>	<b>Registration Number/ Country</b>	<b>Title/Inventor</b>	<b>Status</b> [granted/ pending]
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ANEXO 2 (solamente en inglés)

General Patent Statement and Licensing Declaration

Please return to: Director  
Radiocommunication Bureau  
International Telecommunication Union

Place des Nations  
CH-1211 Geneva 20, Switzerland  
Fax: +41 22 730 5785

Patent Holder/Organization:

Legal Name \_\_\_\_\_

Contact for license application:

Name & Department \_\_\_\_\_

Address \_\_\_\_\_

Tel. \_\_\_\_\_

Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Licensing declaration

In case part(s) or all of any proposals contained in contributions submitted by the organization above are included in ITU-R Recommendation(s) and the included part(s) contain items that have been patented or for which patent applications have been filed and whose use would be required to implement ITU-R Recommendation(s), the above Patent Holder hereby declares, in accordance with the Statement on ITU-R Patent Policy (see ITU-R web site), that (check one box only):

1 The Patent Holder is prepared to grant – on the basis of reciprocity for the relevant ITU-R Recommendation(s) – a free license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and under other reasonable terms and conditions to make, use and sell implementations of the relevant ITU-R Recommendation(s).  
Negotiations are left to the parties concerned and are performed outside the ITU-R.  
*Also mark here \_\_\_\_\_ if the Patent Holder reserves the right to license on reasonable terms and conditions (but not for free) to applicants who are only willing to license their patent claims, whose use would be required to implement the same ITU-R Recommendation(s), on reasonable terms and conditions (but not for free).*

2 The Patent Holder is prepared to grant – on the basis of reciprocity for the relevant ITU-R Recommendation(s) – a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable terms and conditions to make, use and sell implementations of the relevant ITU-R Recommendation(s).  
Negotiations are left to the parties concerned and are performed outside the ITU-R.

**Free:** The word “free” does not mean that the Patent Holder is waiving all of its rights with respect to the essential patent. Rather, “free” refers to the issue of monetary compensation; *i.e.*, that the Patent Holder will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.). However, while the Patent Holder in this situation is committing to not charging any monetary amount, the Patent Holder is still entitled to require that the implementer of the ITU-R Recommendation sign a license agreement that contains other reasonable terms and conditions such as those relating to governing law, field of use, reciprocity, warranties, etc.

**Reciprocity:** As used herein, the word “reciprocity” means that the Patent Holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its essential patent(s) or essential patent claim(s) for implementation of the same ITU-R Recommendation for free or under reasonable terms and conditions.

Signature

Organization \_\_\_\_\_

Name of authorized person \_\_\_\_\_

Title of authorized person \_\_\_\_\_

Signature \_\_\_\_\_

Place, Date \_\_\_\_\_

FORM: 30 April 2005