



Radiocommunication Bureau

(Direct Fax N°. +41 22 730 57 85)

Administrative Circular
CA/164

3 October 2006

To Administrations of Member States of the ITU and Radiocommunication Sector Members

Subject: Revised forms for submission of patent statements and licensing declarations

Administrative Circular CA/148 (15 April 2005) contained forms used for the submission of patent statements to ITU-R by holders of granted patents or pending patent applications, these forms having been aligned with those used in ITU-T. Subsequent collaborative discussions with the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) have led to newly revised forms that are aligned amongst all four entities in question. The new forms, annexed to this Circular, replace those previously contained in Administrative Circular CA/148 of 15 April 2005 and should be used as from **30 September 2006**.

Please note that it is unnecessary to resubmit data already stored in the Patent Statements Database. Only new patent statement submissions should use these new standardized forms.

Valery Timofeev
Director, Radiocommunication Bureau

Annexes: 2

Distribution:

- Administrations of Member States of the ITU
- Radiocommunication Sector Members
- Chairmen and Vice-Chairmen of Radiocommunication Study Groups and Special Committee on Regulatory/Procedural Matters
- Chairman and Vice-Chairmen of the Radiocommunication Advisory Group
- Chairman and Vice-Chairmen of the Conference Preparatory Meeting
- Members of the Radio Regulations Board
- Secretary-General of the ITU, Director of the Telecommunication Standardization Bureau, Director of the Telecommunication Development Bureau

Annex 1

ITU

International Telecommunication Union



ISO

International Organization for Standardization



IEC

International Electrotechnical Commission



Patent Statement and Licensing Declaration

for ITU-T/ITU-R Recommendation | ISO/IEC Deliverable

This declaration does not represent an implied license grant

Please return to the relevant organization(s) as instructed below per document type:

Director Telecommunication Standardization Bureau International Telecommunication Union Place des Nations CH-1211 Geneva 20, Switzerland Fax: +41 22 730 5853	Director Radiocommunication Bureau International Telecommunication Union Place des Nations CH-1211 Geneva 20, Switzerland Fax: +41 22 730 5785 Email: brmail@itu.int	Secretary-General International Organization for Standardization 1 rue de Varembe CH-1211 Geneva 20 Switzerland Fax: +41 22 733 3430	General Secretary International Electrotechnical Commission 3 rue de Varembe CH-1211 Geneva 20 Switzerland Fax: +41 22 919 0301
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Patent Holder/Organization:

Legal Name _____

Contact for license application:

Name & Department _____

Address _____

Tel. _____

Fax _____

E-mail _____

URL (optional) _____

Document type:

ITU-T Rec. (*) ITU-R Rec. (*) ISO Deliverable (*) IEC Deliverable (*)

(Please return the form to the relevant organization)

Common text or twin text (ITU-T Rec. | ISO/IEC Deliverable (*)) (for common text or twin text, please return the form to each of the three organizations: ITU-T, ISO, IEC)

ISO/IEC Deliverable (*) (for ISO/IEC Deliverables, please return the form to both ISO and IEC)

(*) Number _____

(*) Title _____

Licensing declaration:

The Patent Holder believes that it holds granted patents and/or pending applications, the use of which would be required to implement the above document and hereby declares, in accordance with the Common Patent Policy for ITU-T/ITU-R/ISO/IEC, that (check one box only):



1. The Patent Holder is prepared to grant 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 above document.

Negotiations are left to the parties concerned and are performed outside the ITU-T, ITU-R, ISO or IEC.

Also mark here __ if the Patent Holder's willingness to license is conditioned on reciprocity for the above document.

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 document, on reasonable terms and conditions (but not for free).



2. The Patent Holder is prepared to grant 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 document.

Negotiations are left to the parties concerned and are performed outside the ITU-T, ITU-R, ISO, or IEC.

Also mark here __ if the Patent Holder's willingness to license is conditioned on reciprocity for the above document.



3. The Patent Holder is unwilling to grant licenses in accordance with provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration:

- granted patent number or patent application number (if pending);
- an indication of which portions of the above document are affected;
- a description of the patent claims covering the above document.

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 above document 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 above document for free or under reasonable terms and conditions.

Signature:

Organization _____

Name of authorized person _____

Title of authorized person _____

Signature _____

Place, Date _____

Patent Information (desired but not required for options 1 and 2; required for option 3 (NOTE))				
No.	Status [granted/ pending]	Country	Granted Number or Application Number (if pending)	Title
1				
2				
3				

NOTE: For option 3, the additional minimum information that shall also be provided is listed in the option 3 box above.

Annex 2

ITU

International Telecommunication Union



General Patent Statement and Licensing Declaration **for ITU-T/ITU-R Recommendation**

This declaration does not represent an implied license grant

Please return to the relevant bureau:

Director
Telecommunication Standardization Bureau
International Telecommunication Union
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CH-1211 Geneva 20,
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International Telecommunication Union
Place des Nations
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Switzerland
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Email: brmail@itu.int

Patent Holder/Organization:

Legal Name _____

Contact for license application:

Name & Department _____

Address _____

Tel. _____

Fax _____

E-mail _____

URL (optional) _____

Licensing declaration:

In case part(s) or all of any proposals contained in contributions submitted by the organization above are included in ITU-T/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-T/ITU-R Recommendation(s), the above Patent Holder hereby declares, in accordance with the Common Patent Policy for ITU-T/ITU-R/ISO/IEC (check one box only):



1. The Patent Holder is prepared to grant 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-T/ITU-R Recommendation.

Negotiations are left to the parties concerned and are performed outside the ITU-T/ITU-R.

Also mark here __ if the Patent Holder's willingness to license is conditioned on reciprocity for the above ITU-T/ITU-R Recommendation.

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-T/ITU-R Recommendation, on reasonable terms and conditions (but not for free).



2. The Patent Holder is prepared to grant 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-T/ITU-R Recommendation.

Negotiations are left to the parties concerned and are performed outside the ITU-T/ITU-R.

Also mark here __ if the Patent Holder's willingness to license is conditioned on reciprocity for the above ITU-T/ITU-R Recommendation.

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-T/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-T/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: September 2006
