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| **TSAG** | | |
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| **Question(s):** | | N/A | | Geneva, 10-14 December 2018 | |
| **TD** | | | | | |
| **Source:** | | Editor, ITU-T A.25 | | | |
| **Title:** | | Analysis of possible entry paths for incorporating texts from other organizations | | | |
| **Purpose:** | | Discussion | | | |
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| **Keywords:** | ITU-T A.25; incorporation of texts; |
| **Abstract:** | This document provides an analysis of the possible entry paths in Recs ITU-T A.25 and A.1 for incorporating texts from other organizations. |

This document is an update of [DOC3](https://extranet.itu.int/meetings/ITU-T/T17-TSAGRGM/16733-180531/DOCs/T17-TSAGRGM-16733-180531-DOC-0003.docx) from the e-meeting on 24 September 2018. It contains the relevant conclusions of the RG-SC ([TD 129](https://www.itu.int/md/T17-TSAG-180226-TD-GEN-0129/en), highlighted in grey) and RG-WM ([TD 135](https://www.itu.int/md/T17-TSAG-180226-TD-GEN-0135/en), highlighted in lightblue) meetings held during the last TSAG meeting (reordered in a more logical way), and provides an analysis (and proposals) from the Editor to help discussion during TSAG.

Revision 1 of this TD aligns with the discussions during the TSAG meeting.

1. Determine if the intent of ITU-T A.25 was to be used for all cases of incorporation of text from other organizations.

This was the intent in the original contribution [C 39](https://www.itu.int/md/T13-TSAG-C-0039/en) from Canada to the June 2014 meeting of TSAG (because the in-force edition of ITU-T A.5 at that time was allowing incorporation of texts and the application of ITU-T A.5 usually comes from a proposal in a member contribution) as shown in the following excerpt of [C 39](https://www.itu.int/md/T13-TSAG-C-0039/en) where the intended Rec. ITU-T A.6 is now numbered A.25:

« The in-force A.6 indicates that accepting text is only possible from A.6 SDOs (the “feeder” SDOs) whereas Recommendation A.5 suggests that any organization can be the source of text (that can be accepted and incorporated into ITU-T Recommendations). The revised A.6 [i.e. ITU-T A.25] should indicate that acceptance is allowed from any organization. Notably section 2.2 of the in-force A.6 should be included and merged with section 2.5 of the in-force A.5 and should be moved here. […]

It is recommended that TSAG and the rapporteur group consider the following:

1. Separate “accepting” from “referencing”. Document “accepting” in a revised Recommendation A.6 [i.e. ITU-T A.25] […]

The revised text [i.e. ITU-T A.25] should clarify:

* 1. How “accepting” was initiated: either a liaison from the SDO or a member proposal. » [see **Proposal 1** in this document]

At the e-meeting on 31 May 2018, it was clarified that the expression "from other organizations" was intended to be understood as "from A.5-qualified organizations" because this is a requirement in clause 6.2.3.10 of Rec. ITU-T A.25. (See the [list of A.5-qualified organizations](https://www.itu.int/en/ITU-T/extcoop/Pages/sdo.aspx#forums).)

1. Should Rec. ITU-T A.25 apply to contributions? ITU-T A.25 is ambiguous as far as contributions vs. TDs for the text from the other organization. Clause 6.1.2 excludes contributions, but they are included in clause 6.2.3.

Regarding the first question, see question 1 above.

Clauses 6.1.2 and 6.2.3 are not exactly talking about the same material:

* as per clause 6.1.2 of Rec. ITU-T A.25 (similar to clause 2.2.2 of Recs ITU-T A.4 and A.6), texts coming from other organizations are expected to come as liaison statements, hence published as TDs but not as contributions;
* clause 6.2.3 of Rec. ITU-T A.25 describes the A.25 qualification information that has to be provided to the study group for the plenary to take a decision: This information can be submitted as a TD (i.e. a liaison statement from the other organization or a TD produced by a Question) or as a contribution (if the proposal to accept text from on another organization is made by a member – this was already allowed by application of the previous edition of Rec. ITU-T A.5 as explained in question 1 above).

It is only sub-clause 6.2.3.9 (requesting a full copy of the existing document) which may create ambiguity. What matters for the explanatory information is "an explicit reference to the document" as requested by sub-clause 6.2.3.8.

**Editor's proposal 1**: To avoid this confusion, sub-clause 6.2.3.9 could be (reworded and) moved to clause 6.3 where it would be TSB's responsibility to get a written statement from the other organization together with a copy of the document to be incorporated, both would be published as a TD (as explained in clause 6.1.2 [*renumbered 6.1.4*] because it would then be a "document received from other organizations").

If the other organization has sent the document as attachment to a liaison statement, it is also published as a TD.

**Editor's proposal 2**: Delete sentence "These documents are not issued as contributions." at the beginning of clause 6.1.2 [*renumbered 6.1.4*] to allow the case where the other organization is an ITU member and can submit a contribution as opposed to exchanging with the ITU via liaison statements.

This would handle the following comment in the RG-WM report:

– UAE – expressed a view that there may be another scenario, when a member of both the ITU‑T and a second organization sends a proposal via contributions to ITU, to incorporate text of a standard from the second organization with the authorization from this other body to submit such proposal. It was agreed that this is an additional scenario to be considered.

However, the following comments were also made at the RG-SC meeting:

Russian Federation expressed concern of the language used “preferably received as TDs” since TD do not have submission deadlines. Saudi Arabia expressed similar concerns as TD have different rules than contributions in a meeting.

**Editor's proposal 2bis**: Add a condition like "The TD is normally issued one month before the start of the meeting" to clause 6.1.2 [*renumbered 6.1.3*]. (Similar text is used in Rec. ITU-T A.1.)

1. Study the entry conditions in Rec. ITU-T A.1 clause 3.1.6 and Rec. ITU-T A.25 and their relation to each other, and the principles of ITU-T IPR.

As explained in question 1 above, the original intent was for Rec. ITU-T A.25 to apply to all cases of incorporation, whichever the entry condition because it is crucial that the principles of ITU-T IPR are checked by the TSB before "blessing" the document of another organization (hence it is crucial that the organization is A.5-qualified as required by Rec. ITU-T A.25).

**Editor's proposal 3**: Add a reference to Rec. ITU-T A.25 in clause 3.1.6 of Rec. ITU-T A.1 with a sentence covering the case of incorporation of text from other organizations.

The following comment may be considered while discussing this proposal:

United States believed that Rec. ITU-T A.1 clause 3.1.6 was not meant to be understood as a procedure but rather to express the responsibilities (of contributors), and this is to be clarified.

1. How is the ITU-T A.25 process started initially? 6.2.1 is general.

The process is initiated as per clause 6.1.1 which references clauses 6.1.3 and 6.3.1.

As mentioned in question 2 above, the proposal to incorporate text (and the necessary explanatory information described in clause 6.2.3) can come from another organization (as a liaison statement, or a contribution if that organization is an ITU member), from discussion in a Question (or rapporteur group) meeting or from a member.

When there is consensus in the study group (or working party) to accept the proposal, TSB is requested to check the necessary permission and copyrights arrangements (as per clause 6.3).

When confirmation is received from the TSB (and published as a TD), the study group (or working party) can take a final decision (clause 6.3.2).

The process is depicted on the following diagram:



1. Provide clarity on how material for incorporation of 3rd party material can come into the ITU-T (contributions, TDs, liaison statements), and provide clarity on the entry conditions. Should the entry condition[s] be left broad, or be specified in some more detail?

Regarding the material for incorporation, see question 2 above. Regarding the entry conditions, see question 3 above. Some entry conditions were already listed in clause 6.2.1 [*renumbered 6.1.1*].

**Editor's proposal 4**: It is proposed to clarify in the scope (clause 1) that Rec. ITU-T A.25 applies to all cases of incorporation (i.e. whichever the entry condition).

1. Provide clarity how the entry conditions (ref A.25 clause 6.2.1) are to be applied (how to identify the need to incorporate text, in a contribution, in a TD, in a liaison?), who should identify this.

See questions 2 and 4 above.

1. Clarify ITU-T A.25 clause 6.1.4 on normative referencing.

The reference to clause 6.4 of ITU-T A.5 implies that a normative reference is made.

In case of incorporation of text in whole and without modification (i.e. blessing), a bibliographic reference is sufficient (together with a note indicating that the referenced text is technically equivalent to the ITU-T Recommendation) when the agreement with the other organization (as checked in the A.25 justification template – see question 9 below) stipulates that any IPR issues applicable to one text also applies to the other text. This is then similar to the concept of "twin text" defined in Rec. ITU‑T A.23, clause 1.5.3.4.

In other cases (incorporation of text in part or with (non-editorial) modification), a normative reference is still expected so that the reader can check with the other organization for any potentially IPR issues which could result of the incorporation.

**Editor's proposal 5**: Add at the end of clause 6.1.4 [*renumbered* *6.1.6*]: "In case the text of another organization is incorporated in whole and without modification, the ITU-T Recommendation provides a bibliographic reference to the document followed by a note indicating that the referenced text is technically equivalent to this Recommendation and any IPR issue application to the text from the other organization (see clause 6.2.3.4 [*renumbered 6.1.2.4*]) also applies to the ITU-T Recommendation." or alternative text proposed by the by the Rapporteur on patent issues of the TSB Director's Ad Hoc Group on IPR: "In case the text of another organization is incorporated in whole and without modification, the ITU-T Recommendation shall provide a bibliographic reference to the document followed by a note indicating that the referenced text is technically equivalent to this Recommendation. If any patent was declared to the other organization (see clause 6.1.2.4), the ITU-T study group shall add to the notification to the other organization (see clause 6.1.5) the request that all the patent holders abide to the Common Patent Policy for ITU‑T/ITU-R/ISO/IEC and its related Guidelines, and file the appropriate declaration to the ITU as if each of them had contributed to the resulting ITU-T Recommendation."

This proposal would cover the following comment:

IEEE (from remote) agreed with the raised concerns and identified further room for improvement in ITU-T A.25 clause 6.1.4 on normative referencing and in the case of incorporating text it is not a normative reference.

1. Improvements in ITU-T A.25 for the flow of clauses (e.g., 6.2 before 6.1).

The process is distributed between clauses 6.1 and 6.2, thus switching these clauses would not accurately describe the "flow."

**Editor's proposal 6**: Merge clauses 6.1 and 6.2 with title "Process for incorporation" in the following order: 6.1.1, 6.1.2, 6.2.4, 6.2.1 to 6.2.3, 6.1.3, 6.1.4.

1. Clarifications how the A.25 qualification meta data is to be provided (in a TD, or other document).

As mentioned in question 2 above, the proposal to incorporate text (and the necessary explanatory information described in clause 6.2.3) can come from another organization (as a liaison statement, or a contribution if that organization is an ITU member), from discussion in a Question (or rapporteur group) meeting or from a member.

[DOC4](https://extranet.itu.int/meetings/ITU-T/T17-TSAGRGM/16733-180531/DOCs/T17-TSAGRGM-16733-180531-DOC-0004.docx) (from the 18 May 2018 e-meeting of RG-SC and RG-WM) contains a template for A.25 justification. This template, which was initially developed for SG20, has been successfully used by SG17 in September 2018.

**Editor's proposal 7**: Insert this template as a new Annex A, ensuring consistency with the provisions in clause 6.2.3 [*renumbered 6.1.2*].

1. Check if the goals of ITU-T A.25 are properly addressed in the (revised) Recommendation.

See the **proposals** in this TD.

1. Consider further possible harmonization of the ITU-T A.5 metadata with the ITU-T A.25 meta data. Provide tools for A.25 qualification like for A.5 qualification.

To be addressed once the proposals in this TD have been agreed.

1. Provide clarifications also in ITU-T A.1, and A.Supplement 5 (unclear how to document collaboration agreements).

Regarding ITU-T A.1, see proposal 3 in question 3 above. Any other clarification is expected to be addressed by RG-WM.

Regarding Supplement 5 to ITU-T A-series Recommendations, clause 8.2 gives a list of possible items (in particular items 6 and 9) to be included in the terms of reference of a collaboration agreement with the other organization. Clause 10 specifically addresses the maintenance of twin documents.

**Editor's proposal 8**: Add a new sub-clause 6.2.3.11 [*renumbered 6.1.2.10*] to address the need, when appropriate, of a maintenance process with the other organization (with a reference to Supplement 5 to ITU-T A-series Recs).

This proposal would also cover item 2 in the following excerpt of the RG-WM report:

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| 7.2 The Rapporteur presented a slideset in TD272 to assist in the understanding of the goals of Rec. ITU-T A.25, focusing on the case of material coming into the ITU-T, and providing background information on the goals and their rationales of ITU-T A.25. Notably, the intent was to reduce member risk by ensuring that in all cases of text incorporation, TSB would be responsible to create an agreement with the other organization, that:   1. Clarifies copyright release 2. Defines change control ownership and document maintenance process 3. Confirms patent policy compatibility and clarifies patent declaration process. |

1. The RG-SC e-meeting on 24 September 2018 recommended addressing the case of partnerships of (A.5-qualified) organizations (e.g., oneM2M, 3GPP) and assessing whether this should better be handled in ITU-T A.25 or in ITU-T A.5.

Considering that ITU-T Recommendations can make normative references to documents developed by partnerships (hence that the issue of partnerships does not only pertain to Rec. ITU-T A.25), the appropriate solution is to modify Rec. ITU-T A.5. However, since a new edition of Rec. ITU-T A.25 is under progress and that the case of partnerships has been first identified in relation to this Recommendation, it is also possible to cover the case of partnerships in Rec. ITU-T A.25 with the same note as the one which would be added to Rec. ITU-T A.5.

**Editor's proposal 9**: Add a note underneath sub-clause 6.2.9 of Rec. ITU-T A.5 to address the particular case of partnerships between organizations.

**Editor's proposal 9bis**: Add a note underneath sub-clause 6.2.3.10 [*renumbered 6.1.2.9*] of Rec. ITU-T A.25 to address the particular case of partnerships between organizations.

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