



ITU-T Kaleidoscope Conference Innovations in NGN

ITU Standards and Patents

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Standard and Patent

Patent > to give Exclusive Right to a Patent Holder

**Standard > to ensure Compatibility of Technologies
and to enable everybody to use them worldwide**

In Standard Technology, they want to ...

Implementers

**use Standard Technology
without Infringement,
without High Royalty**

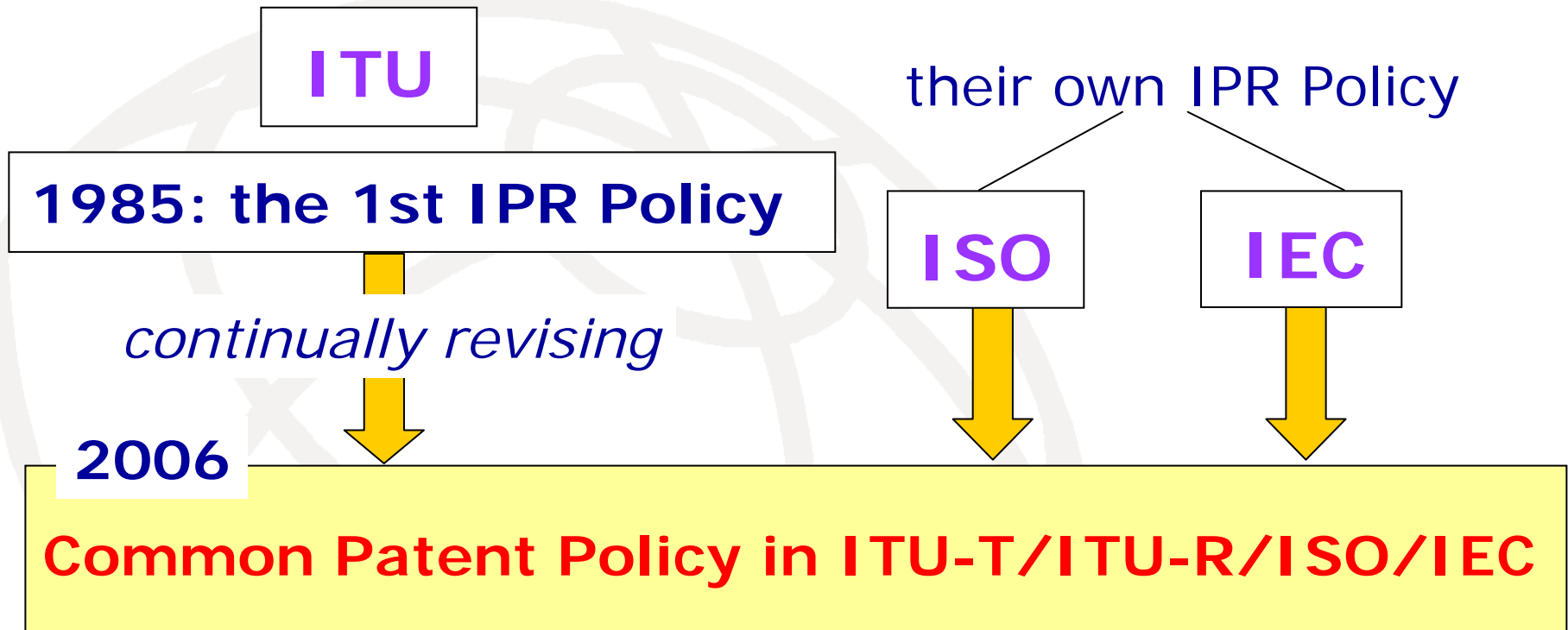
Patent Holders

**get Royalties for
widely used
Technology**

accelerate standards-making process

IPR Policy in Standards Organizations

History of IPR Policy in ITU



- "Patent Statement and Licensing Declaration Form"
- convenient for Technical Experts who are not Patent Experts

Common Patent Policy

1. Disclose Patent Information

- as early as possible during the standard-making process
- use the Patent Declaration Form

2. Declare License Policy

- choose one of the three options in the form

3. Patent Information Database for Everybody

- available on the web site of standards organizations
- but does not guarantee the accuracy nor completeness of the database

Three options for Patent License

Option 1

Free of Charge & Non-Discriminatory

"Free of Charge" does **not** mean that the patent holder **waives** its rights.

Option 2

Reasonable And Non-Discriminatory (RAND)

Option 3

Neither Option 1 nor 2

When **Option 3** is selected, the part of the **standard** involving the **patent** might be **deleted or revised**.

Submission of Patent Declaration

Patent Statement and Licensing Declaration Form for ITU-T/ITU-R Recommendation | ISO/IEC Deliverable



Patent Statement and Licensing Declaration
for ITU-T/ITU-R Recommendation | ISO/IEC Deliverable

This declaration does not represent an actual grant of a license

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

Director	Director	Secretary-General	General Secretary
Telecommunication Standardization Bureau International Telecommunication Union Place des Nations CH-1211 Geneva 20, Switzerland Fax: +41 22 730 5853 Email: nbdir@itu.int	Radiocommunication Bureau International Telecommunication Union Place des Nations CH-1211 Geneva 20, Switzerland Fax: +41 22 730 5785 Email: brnsal@itu.int	International Organization for Standardization 1 Chemin de la Voie-Croise CH-1211 Geneva 20 Switzerland Fax: +41 22 733 3430 Email: patent.statements@iso.org	International Electrotechnical Commission 3 rue de Varembe CH-1211 Geneva 20 Switzerland Fax: +41 22 919 0300 Email: inmail@iec.ch

Patent Holder:
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 _____

Who submits?

members and non-members

When to submit?

Submit when the chairman of the Study Group requested, but possible even after the standardization is finished.

To whom to submit?

TSB (Telecommunication Standardization Bureau) in ITU-T case

Patent Declaration Form (1)

Patent Holder:

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)

...

(*)Number _____

(*)Title _____

Patent Declaration Form (2)

Licensing declaration:

- 1. **Free of charge** license, non-discriminatory basis
- 2. Grant a license, **non-discriminatory basis and on reasonable terms and conditions**
- 3. **Unwilling** to grant licenses in accordance with provisions of **either 1 or 2** above.

The following information must be provided to ITU, and is strongly desired by ISO and IEC, 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.

Patent Declaration Form (3)

Patent Information

(desired but not required for option 1 and 2; required in ITU for option3 (NOTE))

No.	Status [granted/ pending]	Country	Granted Patent No. or Application No. (if pending)	Title
1				
2				
3				

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

Hot Topic 1 ~ Patent Pool (1) ~

The Number of Patents in one Standard Technology is increasing.

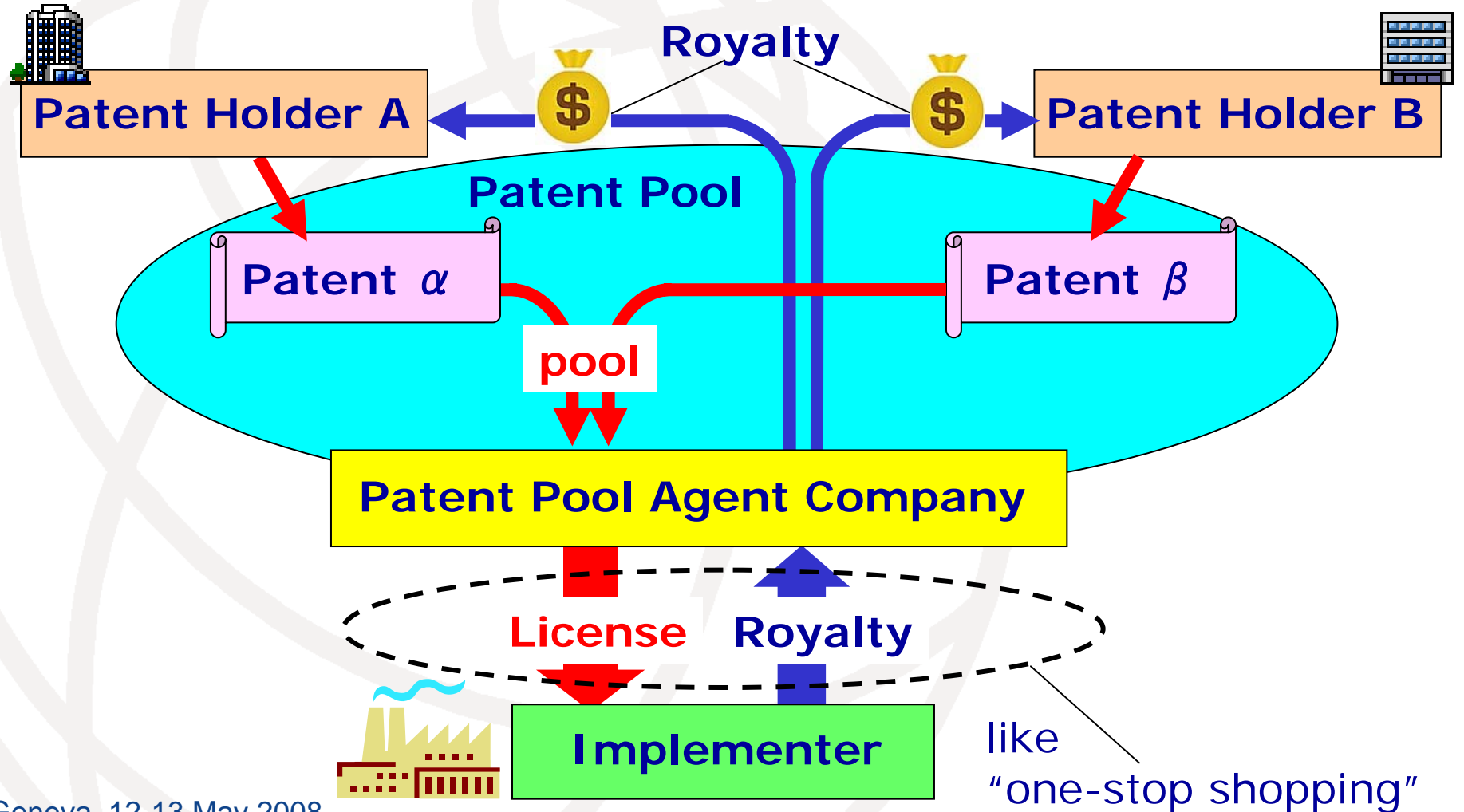
Technology	Recommendation (Published year)	Number of Declared Patents
audio codec	G.711 (1988)	1
	G.729 (2007)	52
video coding	H.261 (1993)	34
	H.264 (2007)	89

(from ITU-T Patent Information Data Base)

Problems caused by many patents in one standard

- extremely **high-priced product** because of accumulated royalties
- lots of costs and time in obtaining licenses individually from patent holders**

Hot Topic 1 ~ Patent Pool (2) ~ one effective solution: "Patent Pool"



Hot Topic 2 ~ Outsider's Problem ~

“ Outsider ”

Essential Patent Holders who

- **intentionally do not declare** their patents in the standards-making process
- **exercise their patents right after** the standardization is finished or implemented

Standards must be Changed or Deleted!

Confusion!

one possible solution

voluntary patent searches with cooperation of members of study group

Summary

- **Common Patent Policy : Convenient for both Patent Holder and Implementer**
- **Patent Declaration expressing the License Policy (also made by non-members)**
- **Lots of Patent Holders in one Standard**
 - > **Patent Pool**
- **Outsider's Problem**
 - > **Voluntary Patent Search**