



SISVEL



# The Role of FRAND In OSS Frameworks

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**WE CREATE IDEAS**

# OSS INTRO FROM A NEWBIE

Open Source Copyright license should follow 3 conditions:

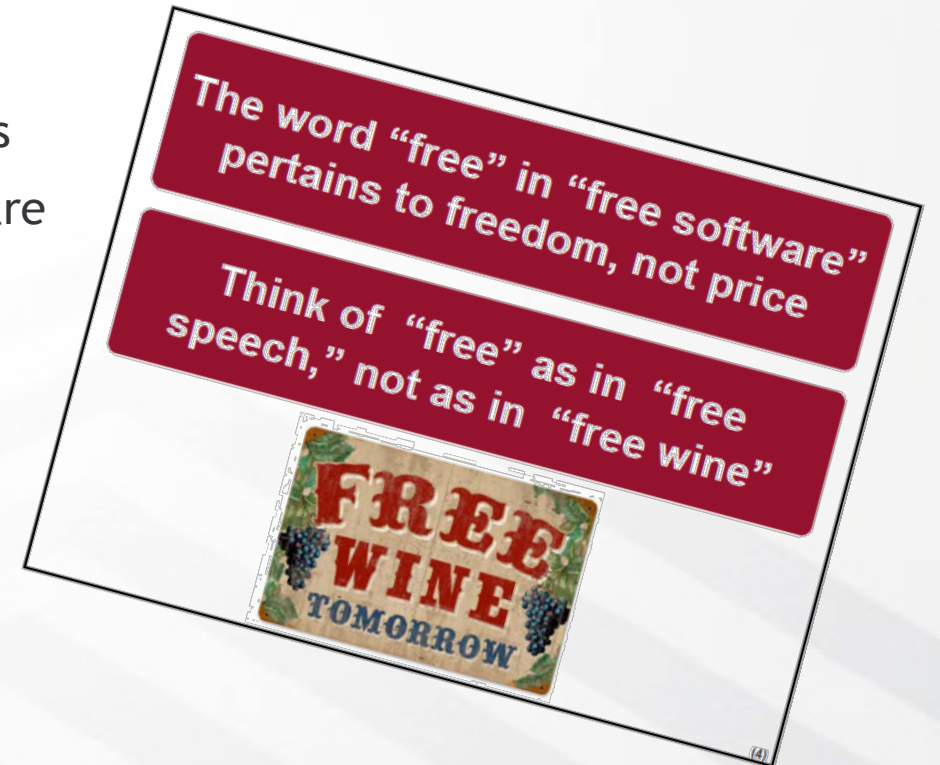
- Source code must be available
- Licensee allowed to modify code and develop derived works
- Licensee not restricted from selling or redistributing software

⇒ Not necessarily released for free

⇒ No patent license implied

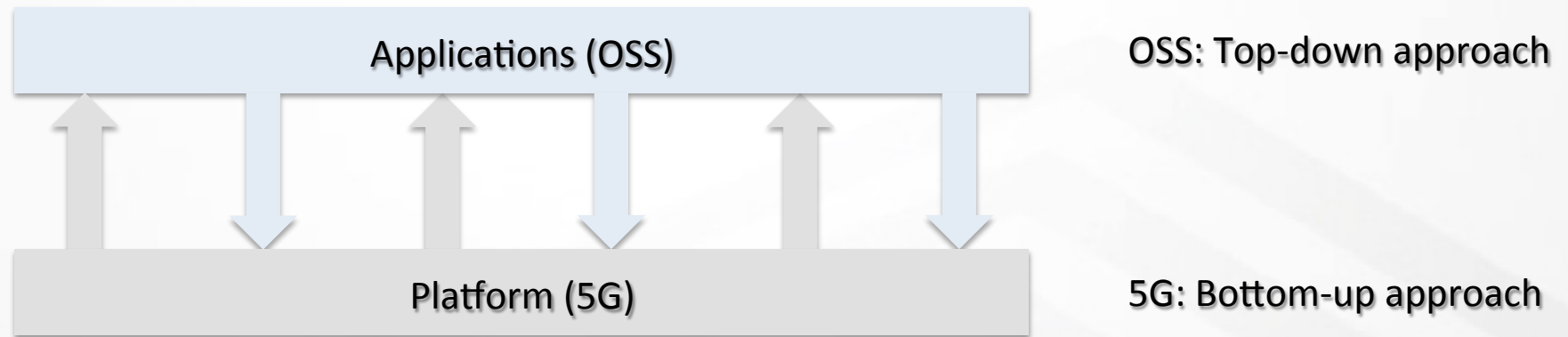
Any OSS developer needs:

- A business model
- A community (network effects)



# “SOFTWARE IS EATING THE WORLD”

- Cloudification, softwarization (NFV, SDN), data-driven business models, etc.
- The rise of **platforms**



**Complementary not Antithetic**  
(one needs the other)



# 5G AS AN ENABLER

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Common goal: development of **open architectures**, as opposed to proprietary, closed solutions, to guarantee interoperability.

Development of a **standardized** platform with cutting-edge technologies by all stakeholders will provide the OSS community with:

- A variety of verticals / applications (**business models**)
- A community (virtually entire world population **and things**)

# WHAT IS FRAND?

**F**air **R**easonable **A**nd **N**on-**D**iscriminatory:

- FRAND is extremely flexible
- FRAND is a market-based compromise
- FRAND is an open contract
- FRAND is a “two-way street”
- FRAND is built on consensus
- FRAND serves diverse business models

FRAND-based access to patent rights is the **natural complement** to OSS, by guaranteeing wide adoption and ease of use of the whole portfolio of technologies:

- Xerox Parc: “Patent rights are not granted under this agreement. Patent rights are available under FRAND terms”
- OpenAirInterface Software Alliance (OSA): “For any other purposes than study and research [...], each Contributor commits, by submitting a Contribution, to be prepared to grant a Patent License on [...] FRAND terms and conditions”
- ISO serves as a repository for reference software: “This software may be subject to other third party and contributor rights, including patent rights, and no such rights are granted under this license” (patent licenses generally covered by FRAND terms)





# WHAT ARE PATENT POOLS?

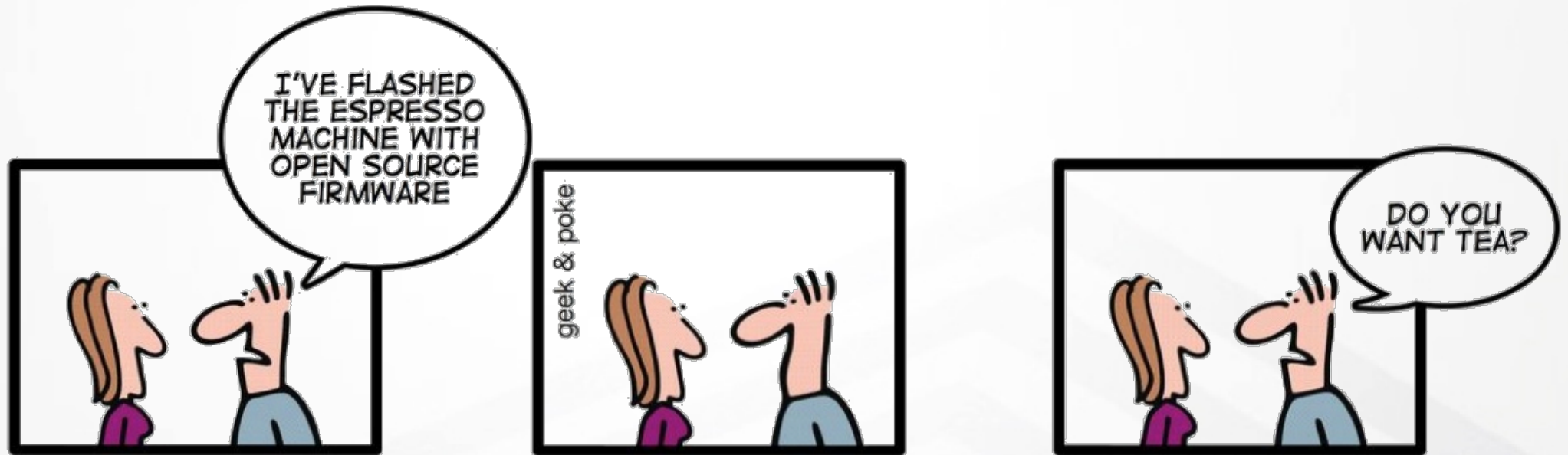
Embrace IP fragmentation and turns it into an **enabler for market efficiencies** and competition:

- Achieve transparency
- Reduce patent thickets
- Create a one-stop-shop
- Encourage early-adoption of technology
- Vet patent quality
- Encourage a “level playing field”
- Providing more certainty and predictability to the market with regards to IP costs
- Reducing transaction and administrative costs

Patent pools **complement** standards and can act as “**glue**” for implementers:

- *Ease of access to SEPs*
- *Access entire portfolio of technologies*

# THANK YOU!





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