## CCSDS POLICIES

### CCSDS Patent Policy AND PROCESS

Recognizing that the CCSDS functions an ISO subcommittee (ISO TC20/SC13), the CCSDS therefore adopts ISO policy on standardizing patented technologies. The version of the ISO policy that has been approved by CCSDS is incorporated in Annex C, “ISO Patent Policy”.

CCSDS also adopts the following further clarifications of the CCSDS policy for standardization of patented technologies:

Patent licensing fees and terms shall be Reasonable And Non-Discriminatory (RAND) and shall be available worldwide to all organizations developing or operating spaceflight missions. This is not interpreted to mean that all licensing fees and terms must be identical for all parties (e.g. commercial vs. non-commercial), but it is required that license fees and terms be reasonable and available worldwide for all organizations involved in spaceflight. In cases where very small segments of the CCSDS user base may be disadvantaged by license fees and terms, the CCSDS Management Council may make a standardization decision based on prioritizing the needs of the larger community of CMC agencies and ISO member bodies.

At the very earliest stage of the efforts of any CCSDS working group, the potential or certain need to incorporate patented technology in future CCSDS standards shall be disclosed to CCSDS management (CESG and CMC). Procedurally, this shall be addressed in the development and approval of charters for CCSDS teams (WGs and SIGs), and in the approval process for adding standards documentation projects to WG charters. This effort is not intended to be a formal effort of patent law research, but simply a best effort to identify any patent encumbrances that may exist as known by the CCSDS Working Group members, and optionally by consulting with other knowledgeable resources in the community.

Confirmation of compliance with CCSDS and ISO patent policy will be verified by a requirement for the applicable CCSDS WG to secure the ISO *Patent Statement And Licensing Declaration* form, signed and submitted by the patent holder. The signed declaration is considered to be sufficient verification of RAND license fees and terms to allow standardization work to proceed. The CCSDS WG shall also have the further goal to secure information from the patent holder concerning exact terms of licenses, so that, when possible, the license terms can be reviewed by the CCSDS WG and CCSDS management, providing greater assurance that the terms of the license are RAND.

Also, at this early stage of a standardization effort, any interests (financial or otherwise) that CCSDS representatives have in a patented technology that is being proposed as a CCSDS standard shall be disclosed to the CMC in order to avoid Conflict of Interest (COI) situations, and to insure the integrity of CCSDS processes. The CCSDS representatives that this disclosure requirement applies to are those who have a role in developing or approving the CCSDS document in question.

 In the event that it is discovered at a late stage of development that patented technology encumbers a proposed standard, a notification of such encumberance shall be immediately raised to the CMC so that the CCSDS agencies can determine if further investment of agency resources will continue before compliance with CCSDS patent policy can be confirmed.

The CCSDS Management Council anticipates that a waiver process may be formally established for this policy in the future. Currently, any issues resulting from this Patent Policy will be handled on a case-by-case basis.