



[CESG] Implementation of new CCSDS Patent Policy

Hooke, Adrian J (9000) to: CCSDS Engineering Steering Group - CESG Exec

11-03-2011 21:22

Sent by: cesg-bounces@mailman.ccsds.org

History: This message has been replied to and forwarded.

Area Directors: the CCSDS Management Council has adopted a new policy concerning the standardization of patented technologies. The full instructions are attached below, but here is the essence of how the policy will affect the operations of your BOFs and Working Groups:

1. The ISO patent policy of 2006 has been adopted. You can find information at <http://isotc.iso.org/livelink/livelink/fetch/2000/2122/3770791/customview.html?func=I&objId=3770791&objAction=browse>
2. The basic requirement is that if a proposed Standards-track (Blue or Magenta) document depends on a patented technology, that fact must be disclosed as soon as a BOF or Working Group is aware of the existence of the patent or patents.
3. If a Standards-track document is known to depend on patented technology, an Annex must be added which states clearly which patents apply and where to apply for a license. The Annex must also contain the signed ISO patent statement and licensing declaration form(s).
4. A statement must also be added the introduction to each proposed Standards-track document stating whether there are any patent liens. If there are, this text must point to the Annex and must state: "In the event that any user of this standard is unable to obtain a license under what they consider to be reasonable and non-discriminatory terms, they are requested to contact the CCSDS Secretariat at the address shown on the AUTHORITY page of this document".
5. This policy shall be applied to all new CCSDS projects during the chartering process.
6. This policy is retroactive to all current CCSDS projects and to all standards-track (Blue, Magenta) documents that have not yet been approved.

In implementing this policy, it is critical that impact on future users of the Standard should be considered. Basically, if you are aware of the existence of a patent that could potentially expose someone implementing the standard to being liable for infringement, then you must disclose it.

The immediate impact of this policy falls onto the three proposed new channel codes which are known to have patent issues: LDPC; SCCC and DVB-S. In each case, all patents must be disclosed via addition of the above statement and Annex, and a signed ISO Patent Statement and Licensing Declaration Form (attached) must be included in the Annex. This

form should have the “ISO Deliverable” box checked in the “Document Type” field and the CCSDS document number and title added. The patent holder must check either Box 1, 2 or 3 in the Licensing Declaration **and must sign the form**. In addition, the Patent Information section on page-3 must be completed. **No document will be sent to the CMC for final approval without this statement, Annex and signed declaration.**

The Procedures Manual will be updated soon to reflect this policy. However, it is now in effect and it must be followed for all CCSDS Standards-track documents. Please give this your fullest attention.

Best regards
Adrian

Adrian J. Hooke



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From: Kearney, Mike W. (MSFC-EO01) [mailto:mike.kearney@nasa.gov]
Sent: Friday, March 11, 2011 12:10 PM
To: Hooke, Adrian J (9000); Nestor.Peccia@esa.int
Cc: cmc@mailman.ccsds.org
Subject: CCSDS Patent Policy - Actions to CESG

Dear Adrian and Nestor: This is a message from the CMC to you as CESG chair and deputy with instructions to implement the new CCSDS Patent Policy across the CCSDS organization.

In recent teleconferences, the CMC has reached consensus on the standardization of patented technologies within CCSDS. In summary the key points are that CCSDS will:

- (1) Change the patent licensing terminology from “fair and non discriminator” to “reasonable and non-discriminatory”.
- (2) Follow the ISO process and require the ISO declaration form to be filled out and signed by the patent holder.
- (3) Add standardized text to our documents that explains the patent situations for that document.
- (4) Beyond the ISO process, WG chairs should be required to ***attempt*** to secure the license terms from patent-holders. However that would not be required in order to develop or approve a standard.

To encode that consensus in CCSDS policy, the CMC has adopted two resolutions, and assigned some actions to the CESG.

The first resolution:

The CCSDS Management Council:

CONSIDERING that there is an increase in the usage of Patented Technology in CCSDS standardization efforts, and a CCSDS policy on the topic is needed;

and RECOGNIZING that ISO has place requirements on CCSDS and SC13 to follow ISO processes for documents processed as ISO standards;

and NOTING that ISO and other standards organizations generally apply “Reasonable And Non-Discriminatory” (RAND) requirements to license fees;

ADOPTS the 2006 ISO patent policy and requires that this policy be implemented during the process of chartering a working group;

And REQUIRES that the ISO patent statement and licensing declaration form must be completed before any CCSDS document can be submitted to the CMC for potential approval on the Standards track.

The second resolution:

The CCSDS Management Council:

CONSIDERING that the CCSDS policy for patented technology must be implemented in the CCSDS processes;

and RECOGNIZING the importance of communicating patent license requirements to the users of CCSDS documentation;

and NOTING that ISO guidance must be urgently communicated to the CCSDS working groups currently developing standards affected by this policy;

REQUIRES that an Annex covering patent issues must be added to each Standards track document. The annex must state clearly which patents apply, where to apply for a license and provide the ISO patent statement and licensing declaration form (s). A statement must also be added the introduction to each proposed Standards -track document addressing any licensing issues, pointing to the Annex, and stating: “In the event that any user of this standard is unable to obtain a license under what they consider to be reasonable and non-discriminatory terms, they are requested to contact the CCSDS Secretariat at the address shown on the AUTHORITY page of this document”.

And REQUIRES that this policy shall be applied to all documents that are currently in the CCSDS approval process.

There is one important clarification that is needed on the resolution above :

- “And REQUIRES that the ISO patent statement and licensing declaration form must be completed before any CCSDS document can be submitted to the CMC for potential approval on the Standards track.”

That resolution addresses the worst-case scenario stating that documents using patented technologies will not be approved without patent-holder signature on the ISO declaration form and it is phrased in a way that will not stop currently ongoing work . However, the CMC also requires that:

- (1) New charters and document projects must state if patented technology is used
- (2) Document projects must have the ISO declaration form signed before they can be added to a WG’s work plan
- (3) Existing charters and document projects must be updated to indicate their patented technology status, and approved by the CMC.

To implement the policies of those resolutions , the CMC has assigned the following action items to the CESG:

The CESG shall implement the CMC Resolutions on Patent Policy with the following actions :

1. Investigate and declare where patented technologies apply to any technology used by CCSDS standards, past, present and future;
2. Update all WG charters and Projects to reflect the existence (or lack thereof) for any such patent issues;
3. Begin the process of using the ISO patent policy , including securing the license declaration form;
4. Familiarize the WG chairs with the ISO Patent database so that they can research patents that are already in the ISO database ;
5. When possible, secure written information from the patent holders about their intended terms (including royalties and fee schedule, when possible) for granting licenses for the use of their technologies ;
6. These new policies shall be immediately applied to documents currently in work . In particular, the LDPC and SCCC documents in the SLS area have a requirement to have the ISO declaration signed by the patent holder , and a goal to get more specific information from the patent holder to allow CCSDS to evaluate the "Reasonable and Non-Discriminatory" status of the patent licensing policy.

Action: CESG Chair and Deputy Chair

Due Date: Spring 2011 meeting

Status: Open

To enable the updating and approval of Charters and Projects within the CCSDS Framework system, the Secretariat is making modifications to the online framework . These modifications will be complete on Monday, March 14. At that time the teams will be able to update their charters and projects .

We anticipate that this will not be much added work for our WG teams , because the

technical experts in most working groups will immediately be able to respond with “no patented technologies apply”. However, as you know, there are several SLS efforts underway that very much need to line up their efforts with this new policy , especially securing the ISO licensing declaration form with the patent-holder signature.

Further, the CMC is considering draft text to update the procedures manual for compatibility with the policy stated above. This should be complete within a few weeks. However, that should not hold up the actions as assigned above .

Thanks for your swift implementation of this important policy .

-- Mike

Mike Kearney
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ISO-Patent-Statement-and-Licensing-Declaration-Form.docx

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