

ISO/IEC JTC1/SC17
Cards and personal identification

2005-12-07

ISO/IEC JTC1/SC17 N 2914

WG8 N 1179

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BACKWARD POINTER: N 2909

SOURCE: Secretariat ISO/IEC JTC1/SC17

STATUS: When making enquiries of the national bodies and working group experts as to whether they are aware of any patents, the SC17 form will continue to be used. When writing to potential patent holders, the JTC1 form will be used. Please note that in future, patent declarations will be made to ISO/IEC ITTF and not to SC Secretariats.

ACTION ID: FYI

WORK ITEM:

DUE DATE:

DISTRIBUTION: P, L and O-Members of ISO/IEC JTC1/SC17
ISO/IEC JTC1 Secretariat and ISO/IEC/ITTF
ISO/IEC JTC1/SC17 Working Groups

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ISO/IEC JTC1/SC17 N 2914

Re: Patent Declarations

Please be advised of the following resolution approved by JTC 1 at its recent meeting in Banff, Canada.

Resolution 21 - JTC 1 Use of the Patent Statement and Licensing Declaration

JTC 1 approves document JTC 1 N 7991, Patent Statement and Licensing Declaration, for immediate use by JTC 1 Subcommittees. JTC 1 recommends that to the greatest extent possible, all declarations should be submitted using this form.

As explicit in N 7991, all forms are to be submitted directly to ISO and IEC Central Offices. JTC 1 requests that ITTF notify the appropriate Subcommittee that such a declaration has been received. This notification is an interim action pending full implementation of the patent database.

Unanimous

Regarding SC17's implementation of this Resolution, the SC17 form will continue to be used for making enquiries of the national bodies and working group experts as to whether they are aware of any patents. When writing to potential patent holders for their declarations, the JTC1 form will be used.

Please note that in future, patent declarations will be made to ISO/IEC ITTF and not to SC Secretariats.

JTC1 N 7991 is attached for your information.

**ISO/IEC JTC 1
Information Technology****Document Type:** Information from ITTF**Document Title:** Patent and Licensing Declaration**Document Source:** ITTF**Project Number:****Document Status:** This document is forwarded to JTC 1 National Bodies for review and consideration at the November 2005 JTC 1 Plenary meeting in Banff.**Clarifying information from ITTF:**

This is a modified version of the ITU-T, ISO, IEC common text patent form for interim use by JTC 1.

ISO, IEC and ITU-T through WSC have set up a task force to look at harmonizing the patent policies and part of this activity should also result in a common patent declaration form which should be approved by the relevant bodies in ISO and IEC in the first or second quarter of 2006. At that moment in time, JTC 1 should use that approved form instead of this one.

It needs to be understood however that the form is not fully consistent with the ISO/IEC patent policy, but is a convenient way of collecting information, and the concept of reciprocity needs to be adequately defined. For the latter, the ITU definition given in the form will suffice. On the former, we do not recognize the separate status of royalty free or reciprocity and consider them simply to be instances of RAND. Anyone checking such boxes will therefore be considered to be complying with the ISO/IEC RAND policy.

Action ID: ACT**Due Date:****No. of Pages:** 4

ISO
International Organization for Standardization



IEC
International Electrotechnical Commission



Patent Statement and Licensing Declaration

This declaration does not represent an implied license grant

Please return to **each** of the two organizations:

Secretary-General
International Organization for Standardization
1, rue de Varembe
CH-1211 Geneva 20
Switzerland
Fax: +41 22 733 34 30

General Secretary
International Electrotechnical Commission
3, rue de Varembe
CH-1211 Geneva 20
Switzerland
Fax: +41 22 919 03 01

Patent Holder/Organization:

Legal Name _____

Contact for license application:

Name & Department _____

Address _____

Tel. _____

Fax _____

E-mail _____

URL (optional) _____

ISO/IEC International Standard:

Number _____

Title _____

Licensing declaration

The Patent Holder believes that it holds granted patents and/or pending applications, the use of which would be required to implement the above ISO/IEC International Standard and hereby declares, in accordance with the ISO/IEC Patent Policy (ISO/IEC Directives), that (check one box only).

1. The Patent Holder is prepared to grant a free license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and under other reasonable terms and conditions to make, use, and sell implementations of the above ISO/IEC International Standard.

Negotiations are left to the parties concerned and are performed outside ISO/IEC.

Also mark here ___ if the Patent Holder's willingness to license is conditioned on reciprocity for the above ISO/IEC International Standard.

Also mark here ___ if the Patent Holder reserves the right to license on reasonable terms and conditions (but not for free) to applicants who are only willing to license their patent claims, whose use would be required to implement the above ISO/IEC International Standard, on reasonable terms and conditions (but not for free).

2. The Patent Holder is prepared to grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable terms and conditions to make, use and sell implementations of the above ISO/IEC International Standard.

Negotiations are left to the parties concerned and are performed outside ISO/IEC.

Also mark here ___ if the Patent Holder's willingness to license is conditioned on reciprocity for the above ISO/IEC International Standard.

3. The Patent Holder is unwilling to grant licenses in accordance with provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration:

- patent registration/application number;
- an indication of which portions of the ISO/IEC International Standard are affected;
- a description of the patent claims covering the ISO/IEC International Standard.

Free: The word "free" does not mean that the Patent Holder is waiving all of its rights with respect to the essential patent. Rather, "free" refers to the issue of monetary compensation; *i.e.*, that the Patent Holder will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.). However, while the Patent Holder in this situation is committing to not charging any monetary amount, the Patent Holder is still entitled to require that the implementer of the ISO/IEC International Standard sign a license agreement that contains other reasonable terms and conditions such as those relating to governing law, field of use, reciprocity, warranties, etc.

Reciprocity: As used herein, the word "reciprocity" means that the Patent Holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its essential patent(s) or essential patent claim(s) for implementation of the same ISO/IEC International Standard for free or under reasonable terms and conditions.

Signature

Organization _____

Name of authorized person _____

Title of authorized person _____

Signature _____

Place, Date _____

Patent Information (desired but not required)

No ·	Registration Number/ Country	TITLE/ INVENTOR	Status [granted/ pending]
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