

**BONDI IPR PRINCIPLES
- UPDATE ON W3C -
23-09-2008
AGREED WITH W3C LEGAL**

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OMTP & W3C – The Principles



- “Membership only” :
 - there is no other opportunity for cooperation, no liaison or project agreement
- Representation in working groups, advisory committee etc.
 - in W3C: in case of organizations becoming member of W3C limited to paid employees only, i.e. only OMTP office; OMTP members and participants would need to participate in their own rights;
 - OMTP members being W3C members already can join the target working group according to the W3C procedures;
 - OMTP members not-being members of W3C may be accepted in the W3C as representatives of OMTP at the discretion of W3C team, i.e. chairman of working group.
- Royalty Free (RF) Licensing Requirements:
 - To have contributions from OMTP easily accepted by a W3C Working Group, each OMTP-Contributor to the W3C input shall agree to make available any Essential Claims related to the work of that particular Working Group under the conditions of section 5 of the W3C Patent Policy (RF declaration)
 - Includes Essential Claims that the participant owns and any that the participant has the right to license without obligation of payment or other consideration to an unrelated third party.

OMTP & W3C – Web Applications



- This Working Group operates under the W3C Patent Policy (5 February 2004 Version).
- Charter of the working group:
<http://www.w3.org/2008/webapps/charter/>
- To promote the widest adoption of Web standards, W3C seeks to issue Recommendations that can be implemented, according to this policy, on a Royalty-Free basis.
- W3C web applications working group, Turin meeting, August 2008:
 - OMTP as W3C member,
 - Aplix as part of OMTP delegation,
 - Contributions of non-W3C members in OMTP contribution

OMTP & W3C – “Turin Rules”



1. “Turin-Rules” apply for representation in working groups, advisory committee etc.
2. Ongoing contribution and participation of OMTP Members which are already W3C members and have joined a working group are accepted if they have declared RF as regards the working group (normal W3C procedure).
3. Ongoing contribution and participation of OMTP Members which are non- W3C members and have not joined the working group requires that the OMTP member makes a non-member W3C RF declaration.
4. Ongoing contributions by OMTP staff are covered by the RF commitment given by OMTP while joining the working group.
5. Ongoing contributions by OMTP which are not covered by RF declarations should be suppressed from the overall OMTP contribution before submitting to the working group.
6. In case there is content from unknown or indeterminable origin, the WG and the WG Chair have to decide according to the W3C Process.

W3C – RF Declaration Non-Members



- W3C encourages organizations and individuals who are not W3C Members or participants in W3C Working Groups to make the same Patent Policy licensing commitments as W3C Participants.
- Organizations that are not W3C Members may make licensing commitments for the deliverables of a W3C Working Group.
- The organization should have an individual authorized to make such licensing commitments submit a signed statement to W3C, on the organization's letterhead.
- W3C will review the statement and send instructions by electronic mail for that person to make the actual commitments.
- <http://www.w3.org/2004/01/pp-impl/35520/nmlc>

W3C Non-Member RF Declaration



- What to Include in the Statement ?
 - The name of the organization;
 - The name of the individual authorized to make licensing commitments;
 - The position of that individual within the organization (e.g., "Senior Patent Counsel");
 - The individual's signature and date of signature;
 - The individual's telephone number and email address.

- Where to Send the Signed Statement ?
 - Steve Bratt, W3C
77 Massachusetts Ave.
Building 32-G515
Cambridge, MA 02319
USA

W3C Non-Member Sample RF Declaration



I, _____
[Name of Authorized Individual],
am authorized to make licensing decisions on behalf of
[Organization Name]

Signature: _____
Position: _____
Date: _____

Company name: _____
Telephone number: _____
Email address: _____

<http://www.w3.org/2004/01/pp-impl/35520/nmlc>

OMTP – BONDI IPR PRINCIPLES



- OMTP participants use their reasonable endeavours to inform in a timely manner of Essential IPR owned by it, its Associates or any third party as it becomes aware that the Essential IPR is related to BONDI.
- On a regular base OMTP will issue a request for information in relation to contributions and Essential IPR as regards BONDI to all Members and Participants.
- OMTP participants acknowledge that they **must** make RF declarations to certain organisations to be able to contribute to the work of that organisation.
- Conclusion re. W3C and BONDI:
 - All OMTP companies must make a RF declaration in order not to make any patent disclosure.