

International Telecommunication Union



ITU Software Copyright Guidelines

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ITU Software Copyright Guidelines

Summary

The ITU Software Copyright Guidelines provide guidance to a study group in its consideration of the incorporation of material protected by copyright law in Recommendations of ITU-R and ITU-T.

History

Edition		
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ITU Software Copyright Guidelines

1. Introduction

1.1 Background and purpose

Study Groups should be aware that many issues arise when a Study Group decides that it is technically appropriate to incorporate technology that may be covered by an entity's intellectual property rights in the text of an ITU Recommendation. The issues that arise depend on the nature of the intellectual property and are not identical. The purpose of this document is to provide instructions to ITU Study Groups when they consider incorporating Software in ITU Recommendations. Included is both general information regarding the issues that shall be addressed when considering the incorporation of Software, and some requirements that shall be met in order for a Study Group to incorporate Software in an ITU Recommendation for which implementers may need a copyright license.

There also may be patent-related issues associated with, for example, the use and distribution of the software included in an ITU Recommendation. The [Common Patent Policy for ITU-T/ITU-R/ISO/IEC](#) and the related Guidelines for Implementation of the Common Patent Policy for ITU-T/ITU-R/ISO/IEC (see <http://itu.int/en/ITU-T/ipr>) shall apply to any such patent issues.

When the software includes a trademark or other mark, then the Study Group (and other covered parties) shall comply with the ITU-T Guidelines Related to the Inclusion of Marks in ITU-T Recommendations (see <http://itu.int/en/ITU-T/ipr>).

To facilitate the implementation of interoperable, competing products, ITU Recommendations may include Software. In these cases, the ITU shall make available original Software developed collaboratively as part of the standardization process and/or accept contributions of Software to be included in ITU Recommendations. This Software may serve as a useful tool for evaluation, testing and product implementation purposes, but it shall never be required that the Software be included in any implementation in order for that implementation to conform to the Recommendation.

These Guidelines set forth the different scenarios and licensing considerations associated with the inclusion of Software in ITU Recommendations. These include:

- Clarification that a license for Software that describes data structures, data streams, schema, ASN.1, etc. is not needed, even if an implementer wants to voluntarily include such Software in its implementation. This is also true of Software all of which is originally developed and maintained collaboratively as part of the standardization process to the extent no externally-developed Software is included.
- If an implementer wants to voluntarily include in its implementation Software (other than what is described in the first bullet directly above) that is included in a Recommendation, then such implementer should consult the database containing information about submitted Software Copyright Statement and Licensing Declaration forms to ascertain under which option the Software Copyright Holder is willing to provide licenses.
- All Software included in an ITU Recommendation can be evaluated, and used for evaluation and testing purposes, for free under the prescribed license provided for in Annex B.

1.2 Definitions

1.2.1 Member: Within these Guidelines the term “Member” should be taken to include ITU Member States as well as Sector Members and Associates of the ITU-T/ITU-R.

1.2.2 Object Code: “Object Code” is a set of instructions in binary form which can be directly run by a computer. Object code is not intended to be human-readable, and generally can be used only on a subset of computers or systems. For the purposes of this document object code includes, but is not limited to, dynamically linked libraries, object code libraries, and binary executable code.

1.2.3 Software: For purposes of these Guidelines, “Software” refers to the following (which can be transformed, either directly, or when further compiled, into usable/implementable code):

- A set of instructions written in any programming language (including pseudo code and reference implementations) that either directly, or when further compiled or transformed, could perform a complete function when executed by hardware that manipulates data according to instructions,
- Data and stream structure definitions, such as ASN.1, TTCN, or XML data representations, and
- Schema examples, such as SDL diagrams and data flow charts.

1.2.4 Software Copyright Holder: “Software Copyright Holder” shall refer to a contributor of Software to an ITU Recommendation.

1.2.5 Source Code: “Source Code” is a set of instructions in a form that is human readable and needs to be compiled, interpreted or otherwise manipulated to be executed.

1.3 Abbreviations

ANSI C	Computer programming language defined originally by ANSI and formalized as an International Standard in ISO/IEC 9899 (1999)
ASN.1	Abstract Syntax Notation One
EBNF	Extended Backus-Naur Form
GDMO	Guidelines for the Definition of Managed Objects
MSC	Message Sequence Chart
SDL	Specification and Description Language
SDO	Standards Development Organization
TTCN	Tree and Tabular Combined Notation/Testing and Test Control Notation
XML	Extensible Mark-up Language

2. Different issues that arise when considering the incorporation of Software in a Recommendation

2.1 General Rule

As a general rule:

- Software generally should not be included in any ITU Recommendation. Recommendations should provide a description of features from which competing and interoperable implementations can be developed and shall not serve as an endorsement for a particular solution. Because ITU Recommendations often can be written around copyrighted material using performance-based requirements or creating a new expression of the underlying idea within the technical process, a Study Group should carefully consider these types of preferred options before considering the inclusion of Software in Recommendations.
- There may be situations where it is technically appropriate to include Software in an ITU Recommendation as described below. However, Software shall never be included in an ITU Recommendation such that there is a requirement to incorporate that Software in a conformant implementation. (The only exception to this rule is Software that describes data structures, data streams, schema, ASN.1, etc. as set forth in section 2.2.2 below.) The only technically appropriate uses are:
 - To enhance the description of functionality required to be implemented in products or services for those products or services to conform to the Recommendation.
 - As an example of how required functionality might be achieved
 - To test an implementation for conformance with the required functionality.
 - To describe data structures, schema, ASN.1, EBNF grammar specifications, etc.
- Study Groups shall not accept Software contributions that, if included in a Recommendation, will require implementers to be subject to a third-party Software license that does not meet the licensing requirements set forth herein. None of the required licenses and licensing commitments set forth in Annexes A (the Software Copyright Statement and Licensing Declaration form), B and C herein shall be modified. If option 3 on the Software Copyright Statement and Licensing Declaration form is selected, then the Software shall not be included in the Recommendation.
- A Software Copyright Holder shall submit a copy of a signed Software Copyright Statement and Licensing Declaration in connection with any contribution of Software before such contribution is included in a Recommendation. The Software Copyright Holder shall include the following statement in the contribution from the time such Software is first contributed to the Study Group: “The Software Copyright Holder hereby agrees to the terms set forth in Annex B of the Software Copyright Guidelines.”
- Any Software Copyright Statement and Licensing Declaration shall apply to the Software and the Recommendation identified in the Declaration and any revisions thereto. If the Software is proposed to be used in connection with a different Recommendation from the one identified in the Software Copyright Statement and Licensing Declaration, then the relevant Study Group shall request that the Software Copyright Holder submit a new Declaration in connection with the applicable new Recommendation.
- Software in an approved Recommendation shall be in Source Code. This Source Code shall be written in a standard programming language (*e.g.*, ANSI C) agreed to by the Study Group and shall contain all the files necessary to generate, adapt or modify, install and execute the Software, including the scripts to control those operations. This should ensure that the Study Group can maintain the Source Code aligned with any further revisions of the Recommendation

as deemed appropriate and that platform-independent stand-alone implementations can be made by implementers. Even though Object Code may be contributed instead of Source Code during the selection phase in the development of a Recommendation, subsequent approval and publication shall be based on the Source Code availability as required by the ITU. Object Code may be contributed in addition to Source Code.

- When an ITU Study Group would like to work collaboratively with another Standards Organization, the Study Group shall first request that the other Standards Organization adopt these Guidelines to address Software Copyright issues for purposes of the joint activity. Any request by a Study Group to exempt the joint activity from adhering to any provision of these Guidelines shall be submitted to the Director of the relevant Bureau for approval. Any joint collaborative work shall not commence unless and until the Director approves the proposed course of action.

2.2 Copyright considerations for technically appropriate uses of Software in ITU Recommendations

Software being included in ITU Recommendations shall be made available for free for implementers for evaluation purposes, and also to describe functionality, serve as an example of how required functionality might be achieved, or to test an implementation for conformance purposes. However, if an implementer is interested in including any such Software in its implementation on a voluntary basis, then such implementer should review any related Software Copyright Statement and Licensing Declaration(s) to find out which licensing-related option the Software Copyright Holder has selected.

Software that describes data structures, data streams, schema, ASN.1, etc. shall be available for free and without restriction as described below.

2.2.1 Use of Software to describe functionality, serve as an example of how required functionality might be achieved, or to test an implementation for conformance

This Software may be used for different purposes in connection with the related Recommendation. For example, there are situations in which required features are best described as the output of certain Software. It is not necessary to include such Software in a product for that product to conform to the Recommendation as they can create their own Software for this purpose. Such Software, however, is very useful (and even necessary) in testing and or producing output that might be incorporated into a conformant product.

Implementers will need sufficient rights to evaluate and use this Software for these purposes. For these purposes, and for the purpose of evaluating the Software (both when considering whether to support the inclusion of the Software in the Recommendation and also when considering whether to use the Software in connection with an implementation), the Software Copyright Holder shall agree to license the copyright in its Software for free under the terms specified in Annex B.

An example of the type of Software described above is the ANSI C reference implementation provided in many ITU-T voice coding standards. The reference Software forms the normative description of the functional steps that shall be followed by a conformant product, but implementers are free to produce their own Software implementation of the voice codec. Not only does the reference Software provide the functional description of the codec, but it also provides a useful and efficient means of testing both the whole implementation and individual modules.

Implementers may want to know the contributor's licensing intention if an implementer would like to, at their option, use contributed Software (as opposed to creating their own) in their product. Therefore Software Copyright Holders shall submit the Software Copyright Statement and Licensing Declaration for this purpose. For example, this may be especially important in the case of reference implementations where the Software usually is intended to be used as a starting point for creating individual implementations.

2.2.2 Software that describes data structures, data streams, schemas, ASN.1, etc.

This category includes Software such as data structures, data streams, formal description techniques (e.g., ASN.1, GDMO, MSC, SDL, TTCN). The copyright for these is treated in the same way as normal contributed text. Such Software has no restrictions for the purposes of:

- Permitting the normal distribution of this material for discussions within the appropriate groups and possible use, in whole or in part, in any resulting ITU Recommendations which are published by the ITU, and
- Permitting implementers to use the material in their implementation free from any copyright assertions.

Accordingly, no specific license is needed.

2.3 Software developed collaboratively by the Study Group

For all collaboratively developed Software within the ITU, the ITU shall own the copyright to the Software included in a specific Recommendation, but such copyright may be subject to any underlying Software copyright licenses from individual contributors. To the extent that the ITU does not own the collaboratively developed Software as a matter of law, each participating Member shall assign all right, title and interest in such Software to the ITU (except for any Software it has otherwise agreed to license under the licensing framework provided for herein).

There are two ways in which Software can be developed collaboratively by a Study Group and included in an ITU Recommendation. Each of these approaches and the relevant licensing considerations are described in 2.3.1 and 2.3.2 below.

2.3.1 Software developed collaboratively by the Study Group without contributed code

Under this scenario, the Study Group develops Software as a group, all of which is originally developed and maintained as part of the standardization process, without any contributions of any Software that was developed outside of the Study Group's collaborative process. Such Software has no restrictions for the purpose of permitting implementers to use the material in their implementation free from any copyright assertions and can be used in revisions of the specific, original Recommendation and in other ITU Recommendations.

2.3.2 Software developed collaboratively by the Study Group with contributed code

Under this scenario, the Study Group develops original Software as a group but they include contributions of Software not developed as part of the Study Group collaborative process. This includes Software contained in a contribution to the Study Group from an ITU Member. In this situation, the regular contribution process applies. The Software Copyright Holder shall submit a copy of a signed Software Copyright Statement and Licensing Declaration in connection with any contribution of Software before such contribution is included in a Recommendation. The Software Copyright Holder shall include the following statement in the contribution from the time such Software is first contributed to the Study Group: "The Software Copyright Holder hereby agrees to the terms set forth in Annex B of the Software Copyright Guidelines". This process shall be followed even if the contribution may subsequently be modified as part of the collaboration process.

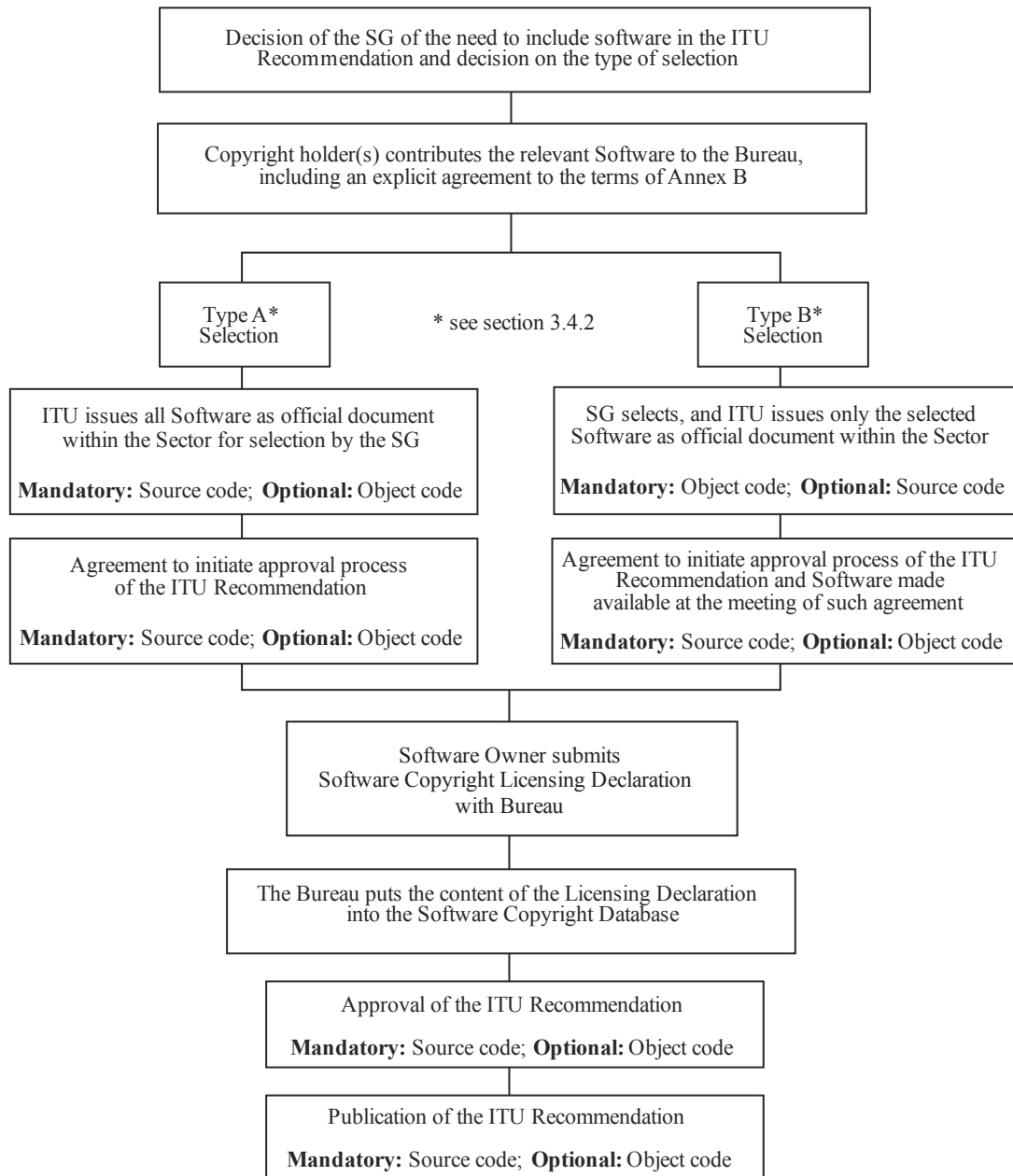
3 Study Group procedures for including software in Recommendations

3.1 Introduction

In the event that a Study Group decides to proceed with the incorporation of Software in an ITU Recommendation, the following procedures shall be followed.

3.2 Overview of the process

When Software is to be included in a Recommendation, the process is described by the flowchart in Figure 1.



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Figure 1 – Process of developing a Recommendation containing Software

NOTE - The flowchart in Figure 1 assumes that no comments are received after the initiation of the approval process. If comments are received they are to be treated in the same way as for any other Recommendation using the approval process. Once the Recommendation has been approved and

published, any subsequent revisions will follow the procedure as used for other types of ITU Recommendations.

3.3 The Software Copyright Statement and Licensing Declaration

Any Member submitting Software for incorporation in a Recommendation is required to submit a Software Copyright Statement and Licensing Declaration form (Annex A) before such contribution is included in a Recommendation, agreeing to the required terms and conditions, and also selecting one of the licensing declaration options to enable the use of the Software in an implementer's product. The purpose of the Software Copyright Statement and Licensing Declaration form is to ensure a standardized submission of the declarations being made by Software Copyright Holders. Typically, a Member would use one such form for each Recommendation where the Member has contributed Software (even if the same Software is contributed to multiple Recommendations). Multiple forms are appropriate if the Software Copyright Holder has several distinct Software contributions.

If the ITU receives from the Software Copyright Holder a statement of unwillingness to provide licensing assurances by selecting option 3 on the Software Copyright Statement and Licensing Declaration form, the ITU will inform the relevant Study Group of the unavailability of the Software for inclusion in a Recommendation.

The ITU shall maintain a database of Software Copyright Statements and Licensing Declarations.

3.4 Study Group responsibilities

3.4.1 Decision to incorporate Software

The considerations that shall be undertaken by a Study Group in deciding on whether to incorporate Software in a Recommendation are addressed in Section 2 of these Guidelines.

3.4.2 Selection process

The Study Group shall also decide whether the selection of the Software for the Recommendation is to be done in a Type A or Type B manner (as described below).

The technical details of the selection process shall be defined and agreed by the Study Group. This will typically include an evaluation of the different Software contributions (individually or collectively) together with a review of any technical restrictions or conditions which may apply. It is expected that, particularly with the Type B selection process, Object Code will be used for the selection testing process.

3.4.2.1 Type A selection

In Type A selection, all Software, which shall include Source Code, shall be made available to Members for evaluation under the license set forth in Annex B prior to the selection tests. Section 3.5.3 shall apply to such Members.

3.4.2.2 Type B selection

In Type B selection, no Source Code is made available by the ITU to Members until after the testing is completed, a selection is made, and agreement is reached to initiate the approval process. At this point, the Source Code of the successful candidate shall be made available to Members for evaluation under the license set forth in Annex B. Section 3.5.3 shall apply to such Members.

3.4.3 On-going maintenance considerations

In the process of developing a Recommendation the Study Group shall consider how the Software is to be maintained once the Recommendation is approved. This might include detailing procedures with regard to maintenance and/or identifying how discovered errors will be addressed (including who will have the responsibility to correct such errors).

3.5 Actions and obligations of parties prior to approval

3.5.1 Actions and obligations of Software Copyright Holder

Any Member submitting Software for incorporation in a draft Recommendation is required to submit a Software Copyright Statement and Licensing Declaration form (Annex A) before such contribution is included in a Recommendation. The Software Copyright Holder shall include the following statement in the contribution from the time such Software is first contributed to the Study Group: “The Software Copyright Holder hereby agrees to the terms set forth in Annex B of the Software Copyright Guidelines”. The Software Copyright Holder shall select one of the licensing declaration options contained in the Software Copyright Statement and Licensing Declaration form.

For both Type A and Type B Selection, the Object Code or Source Code shall be provided to the relevant Bureau at the same time as the Software Copyright Statement and Licensing Declaration, *i.e.* prior to selection.

In addition, if only Object Code has been provided with the Software Copyright Statement and Licensing Declaration form:

- For Type A selection, the Source Code shall be provided to the relevant Bureau prior to selection.
- For Type B selection, the Source Code shall be provided to the relevant Bureau prior to the agreement to initiate the approval process.

3.5.2 Actions and obligations of the ITU

Prior to approval of the Recommendation, the ITU shall make the Software available for the limited purpose of evaluation by Members under the license in Annex B.

- In the case of Type A Selection, all the Software, including Source Code, shall be made available to Members at the time it is provided to the ITU.
- In the case of Type B Selection, the Source Code resulting from the selection process shall be made available to Members at time the decision is taken to initiate the approval process.

Information on Software Copyright Statement and Licensing Declarations shall be made available in the database of Software Copyright Statements and Licensing Declarations in a timely manner.

Contributions of Software (for both source code and object code) under Type A are accessible to Members. Contributions of Software under Type B in object code are accessible to Members, and in source code form are restricted to the appropriate ITU staff during the evaluation period. If selected, the source code shall be released to the Members at the initiation of the approval process.

3.5.3 Actions and obligations of Members reviewing the Software

Once the Software is made available to the Members for evaluation, they should review the Software and provide comments as appropriate. During such evaluation, Members should note the conditions on the access and use of the software as given in the license set forth in Annex B.

3.6 Actions and obligations during and after Recommendation publication by the ITU

3.6.1 Copyright Notices to accompany the Software

For all sales and distribution of a Recommendation resulting from this process, the Software, and the relevant copyright notices (as set forth in Annex C) shall be packaged together (*e.g.*, in a zip file). In addition, the ITU shall maintain an on-line Software Copyright and Licensing Declaration database containing the received Declarations by the contributors at <http://itu.int/ipr/>.

Annex A Software Copyright Statement and Licensing Declaration

Please return to relevant Bureau:

Director,
Telecommunication Standardization Bureau *or* Radiocommunication
Bureau
International Telecommunication Union
Place des Nations
CH-1211 Geneva 20, Switzerland
Fax: +41 22 730 5853

Software Copyright Holder/Organization:

Legal Name _____

Contact for License Inquiries:

Name _____

Department _____

Address _____

Tel. _____

Fax _____

E-mail _____

ITU-T or ITU-R Recommendation:

Recommendation Number _____

Recommendation Title _____

Software Name and Version
(hereinafter “Software”) _____

Licensing Declaration

The Software Copyright Holder states that it holds or has the right to license copyright rights on Software which is intended for incorporation in the above ITU Recommendation (and any ITU revision thereto) and hereby declares that:

A. With regard to the use of the Software in a conforming implementation,

select
only



1.1 The Software Copyright Holder owns the copyright in the Software and hereby waives its software copyright rights, and hence the provisions in Option 1.1 of Annex C of the ITU Software Copyright Guidelines apply.

one

option,

i.e., 1.1,

1.3, 1.4,

2, or 3



[Option 1.2 is no longer available]

1.3 The Software Copyright Holder hereby grants a license without monetary compensation under the license terms and conditions set forth in Option 1.3 of Annex C of the ITU Software Copyright Guidelines. Implementers do not need to contact the Software Copyright Holder for a license.



1.4 The Software Copyright Holder will grant a license without monetary compensation as set forth in Option 1.4 of Annex C of the ITU Software Copyright Guidelines. Additional reasonable and non-discriminatory terms and conditions may be included in such license. Negotiations with regard to the license are left to the parties concerned and are performed outside the ITU.



2 The Software Copyright Holder will grant a license as set forth in Option 2 of Annex C of the ITU Software Copyright Guidelines. Additional reasonable and non-discriminatory terms and conditions may be included in such license. Negotiations with regard to the license are left to the parties concerned and are performed outside the ITU.



3 The Software Copyright Holder is unwilling to grant licenses according to the provisions of 1.1, 1.3, 1.4 or 2 above.

B. The Software Copyright Holder hereby grants the additional mandatory licenses:

For options 1.1, 1.3, 1.4, 2 and 3, the following applies:

The Software Copyright Holder, in signing this form, hereby agrees to be bound by the licensing terms set forth in Annex B of the ITU Software Copyright Guidelines for the purpose of evaluation of the draft Recommendation and the use of the Software to test outputs or implementations.

C. The Software Copyright Holder hereby agrees to the additional terms and conditions set forth below:

In addition, if option 1.3, 1.4, 2 or 3 is selected, the Software Copyright Holder represents and warrants that, to the best of its knowledge, it has the necessary copyright rights to license the Software pursuant to the terms and conditions set forth in this Software Copyright Statement and Licensing Declaration, Annex B and Annex C, or if Option 1.1 is selected, to waive all of the copyright rights in the Software.

Other than as expressly provided herein, (1) the Software is provided “AS IS” with no warranties, express or implied, including but not limited to, the warranties of merchantability, fitness for a particular purpose and non-infringement of intellectual property rights and (2) neither the Software Copyright Holder (or its affiliates) nor the ITU shall be held liable in any event for any damages whatsoever (including, without limitation, damages for loss of profits, business interruption, loss of information, or any other pecuniary loss) arising out of or related to the use of or inability to use the Software.

By virtue of this Software Copyright Statement and Licensing Declaration, no patent license is granted, nor is a patent licensing commitment made, by implication, estoppel or otherwise.

Signature

Organization _____

Name of authorized person _____

Title of authorized person _____

Place, Date _____

Annex B

License agreement of Software for evaluation of the ITU Recommendation and the use of the Software to evaluate or test output

License agreement

Any participant contributing Software to an ITU Recommendation (the “Software Copyright Holder”) hereby grants, without monetary compensation or any restriction other than as set out in this Annex B, an irrevocable, non-exclusive, worldwide, royalty-free, sub-licensable copyright licence to reproduce, prepare derivative works of (including translations, adaptations, alterations), display, distribute and execute the contributed Software for the following limited purposes:

- a. To the ITU and its Members to evaluate the Software and any derivative works thereof in order to determine whether to support the inclusion of the Software in that Recommendation;
- b. To the ITU and organizations qualified by the ITU to publish the Software in that Recommendation; and
- c. To any implementer (including academic and research institutions) of that Recommendation (“Implementer”) to evaluate the Software and any derivative works thereof for inclusion in its own implementation of that Recommendation; and
- d. To any Implementer of that Recommendation to use the Software for purposes of determining whether any implementation or proposed implementation conforms to that Recommendation.

Neither the Software Copyright Holder nor any Member or Implementer shall be liable for incidental, indirect, special, exemplary or consequential loss or damages of any nature, or for lost profits, savings or revenues of any kind, however caused under this Agreement, whether or not the applicable party has been advised of the possibility of such damages.

In addition, the Software Copyright Holder represents and warrants that, to the best of its knowledge, it has the necessary copyright rights to license the Software pursuant to the terms and conditions set forth in this Annex B.

Other than as expressly provided herein, (1) the Software is provided “AS IS” WITH NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS and (2) neither the Software Copyright Holder (or its affiliates) nor the ITU shall be held liable in any event for any damages whatsoever (including, without limitation, damages for loss of profits, business interruption, loss of information, or any other pecuniary loss) arising out of or related to the use of or inability to use the Software.

The Software is and will remain the sole property of the Software Copyright Holder. No other terms and conditions may be added to this license, and no other licenses are granted expressly, impliedly or by estoppel, nor are any other licensing commitments made, by implication, estoppel or otherwise.

The Members’ and Implementers’ individual use of this Software indicates its acceptance of this License Agreement.”

Annex C

Copyright Notices

(Applies for Software in approved Recommendations)

NOTE - This Annex contains the text of the Copyright Notices for each of the options mentioned in the Software Copyright Statement and Licensing Declaration by which the Software Copyright Holder is bound. The ITU shall distribute the Software with the text of the appropriate Notice below. (Option 1.2 is no longer applicable.)

Option 1.1: Copyright Notice and Copyright Waiver

“[insert name/address/contact details] (hereinafter the "Software Copyright Holder") makes the accompanying software (hereinafter the "Software") available free from copyright restriction.

The Software Copyright Holder represents and warrants that to the best of its knowledge, it has the necessary copyright rights to waive all of the copyright rights as permissible under national law in the Software such that the Software can be used by implementers without further licensing concerns.

No patent licence is granted, nor is a patent licensing commitment made, by implication, estoppel or otherwise.

Disclaimer: Other than as expressly provided herein, (1) the Software is provided “AS IS” WITH NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS and (2) neither the Software Copyright Holder (or its affiliates) nor the ITU shall be held liable in any event for any damages whatsoever (including, without limitation, damages for loss of profits, business interruption, loss of information, or any other pecuniary loss) arising out of or related to the use of or inability to use the Software.”

Option 1.3: Copyright Notice and Software License Agreement

“[insert name/address/contact details] (hereinafter the "Software Copyright Holder") holds or has the right to license copyright with respect to the accompanying software (hereinafter the "Software"). The Software Copyright Holder hereby grants to you an irrevocable, non-exclusive, worldwide, royalty-free, sub-licensable copyright licence to prepare derivative works of (including translations, adaptations, alterations), the Software and reproduce, display, distribute and execute the Software and derivative works thereof, for the limited purposes of: (i) including the Software in a conforming implementation of this ITU Recommendation, (ii) evaluating the Software and any derivative works thereof for inclusion in your implementation of this ITU Recommendation, and (iii) determining whether your implementation conforms to this ITU Recommendation.

Your use of this Software indicates your acceptance of these terms and conditions.

The Software Copyright Holder represents and warrants that, to the best of its knowledge, it has the necessary copyright rights to license the Software pursuant to the terms and conditions set forth in this option.

No patent licence is granted, nor is a patent licensing commitment made, by implication, estoppel or otherwise.

Disclaimer: Other than as expressly provided herein, (1) the Software is provided “AS IS” WITH NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS and (2) neither the Software Copyright Holder (or its affiliates) nor the ITU shall be held liable in any event for any damages whatsoever (including, without limitation, damages for loss of profits, business interruption, loss of information, or any other pecuniary loss) arising out of or related to the use of or inability to use the Software.”

Option 1.4: Copyright Notice, Copyright License Agreement, and RAND (Without Monetary Compensation) Licensing Commitment

“[insert name/address/contact details] (hereinafter the "Software Copyright Holder") holds or has the right to license copyright with respect to the accompanying software (hereinafter the "Software").

Copyright License for Evaluation and Testing

The Software Copyright Holder hereby grants, to any implementer of this ITU Recommendation, an irrevocable, non-exclusive, worldwide, royalty-free, sub-licensable copyright licence to prepare derivative works of (including translations, adaptations, alterations), the Software and reproduce, display, distribute and execute the Software and derivative works thereof, for the following limited purposes: (i) to evaluate the Software and any derivative works thereof for inclusion in its implementation of this ITU Recommendation, and (ii) to determine whether its implementation conforms with this ITU Recommendation.

The Software Copyright Holder represents and warrants that to the best of its knowledge, it has the necessary copyright rights to license the Software pursuant to the terms and conditions set forth in this option.

No patent licence is granted, nor is a patent licensing commitment made, by implication, estoppel or otherwise.

Disclaimer: Other than as expressly provided herein, (1) the Software is provided “AS IS” WITH NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NON-INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS and (2) neither the Software Copyright Holder (or its affiliates) nor the ITU shall be held liable in any event for any damages whatsoever (including, without limitation, damages for loss of profits, business interruption, loss of information, or any other pecuniary loss) arising out of or related to the use of or inability to use the Software.”

RAND (Without Monetary Compensation) Copyright Licensing Commitment

IN THE EVENT YOU WISH TO INCLUDE THE SOFTWARE IN A CONFORMING IMPLEMENTATION OF THIS ITU RECOMMENDATION, PLEASE BE FURTHER ADVISED THAT:

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