

ICT Standards and Intellectual Property Rights Workshop

Session 3: Standards-setting bodies' perspectives on standards and IPR issues

**Antoine Dore
Legal Officer
ITU Legal Affairs Unit**

Geneva, 1 July 2008

Global Standards: Supporting innovation

- ITU standards' work done mostly in Study Groups (13 in total)
- Produce recommendations (standards)
 - e.g. G.992.1 (ADSL); G993.1 (VDSL), H.264 (video compression)
- Partnership between private sector & government
- Global consensus, flexible process
- Fast, transparent procedures

ITU's standardization activities: Legal aspects

- ITU Recommendations may include patented technology
 - Common patent policy for ITU/ISO/IEC and related guidelines
- ITU Recommendations may also include copyrighted software
 - ITU's software copyright guidelines

ITU's position towards patents

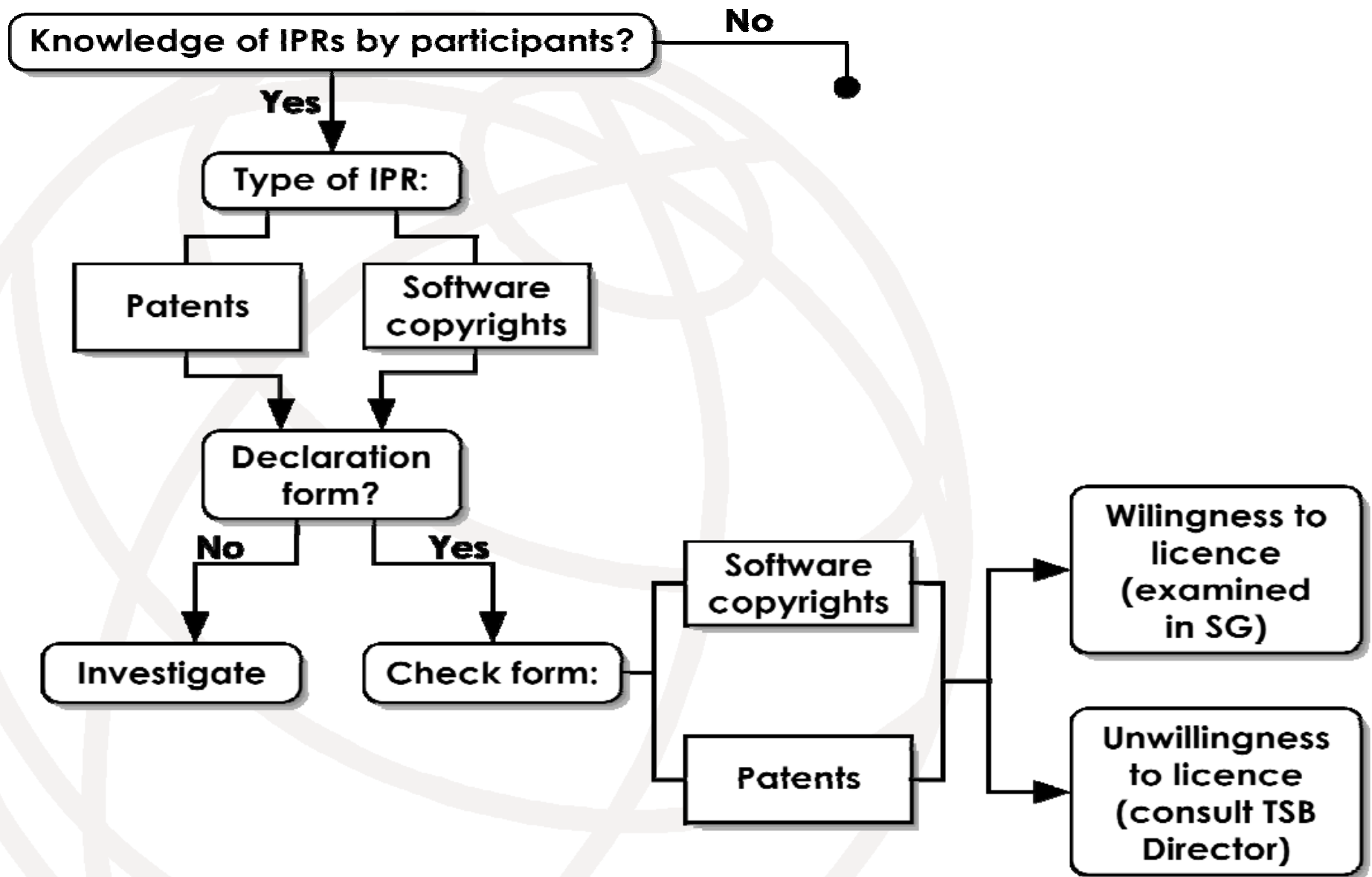
- No ownership
- Provides information on third-party patent claims
 - No evaluation of validity
 - No evaluation of essentiality
- Disputes

Common Patent Policy for ITU/ISO/IEC

- Historical background
- World Standards Cooperation ("WSC")
Patent Task Force
- General Structure
- Organization-specific provisions

ITU's Software Copyright Guidelines

- Guidelines apply to software which is part of a Recommendation
- Incorporation of copyrighted software in ITU Recommendations is strongly discouraged.
- Normative software should only be incorporated in exceptional situations: highly complex algorithms requiring precision, e.g. speech coders.
- The structure of the Software Copyright Guidelines is similar to the guidelines for the Common Patent Policy.



Potential improvements to the Patent Guidelines: topics under discussion

- Removal of declaration no longer essential
- Patent searches made in common outside ITU
- Transfer and Assignment of patent rights
- Complex IPR cases

Useful links

- ITU home page: www.itu.int
- History and landmarks:
<http://www.itu.int/net/about/history.aspx>
- ITU-T home page (ITU's standardization activities):
<http://www.itu.int/ITU-T/index.html>
- IPR Policy: <http://www.itu.int/ITU=T/ipr>
- Patent database:
<http://www.itu.int/ipr/IPRSearch.aspx?iprtype=PS>
- Software database:
<http://www.itu.int/ipr/IPRSearch.aspx?iprtype=SW>