



INTERNATIONAL TELECOMMUNICATION UNION

# ITU-T

TELECOMMUNICATION  
STANDARDIZATION SECTOR  
OF ITU

WORLD TELECOMMUNICATION STANDARDIZATION  
ASSEMBLY  
Florianópolis, 5-14 October 2004

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## **Resolution 1 – Rules of procedure of the ITU Telecommunication Standardization Sector (ITU-T)**

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## FOREWORD

The International Telecommunication Union (ITU) is the United Nations specialized agency in the field of telecommunications. The ITU Telecommunication Standardization Sector (ITU-T) is a permanent organ of ITU. ITU-T is responsible for studying technical, operating and tariff questions and issuing Recommendations on them with a view to standardizing telecommunications on a worldwide basis.

The World Telecommunication Standardization Assembly (WTSA), which meets every four years, establishes the topics for study by the ITU-T study groups which, in turn, produce Recommendations on these topics.

The approval of ITU-T Recommendations is covered by the procedure laid down in WTSA Resolution 1.

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## RESOLUTION 1

### **Rules of procedure of the ITU Telecommunication Standardization Sector (ITU-T)**

*(Florianópolis, 2004)*<sup>1</sup>

The World Telecommunication Standardization Assembly (Florianópolis, 2004),

*considering*

- a) that, in accordance with Article 17 of the ITU Constitution, the duties of the ITU Telecommunication Standardization Sector (ITU-T) shall be to study technical, operating and tariff questions and to adopt recommendations with a view to standardizing telecommunications on a worldwide basis;
- b) that the ITU-T Recommendations and reports resulting from these studies must be in harmony with the International Telecommunication Regulations (Melbourne, 1988), complement the basic principles therein and assist all those concerned in the provision and operation of telecommunication services to meet the objectives set down in the Preamble and Article 1 of those Regulations;
- c) that, accordingly, the rapid developments in telecommunication technology and services require timely and reliable ITU-T Recommendations to assist all Member States in the balanced development of their telecommunication infrastructures;
- d) that general working arrangements of ITU-T and the ITU Radiocommunication Sector (ITU-R) are defined in the ITU Convention;
- e) that, in accordance with No. 184A of the Convention, the World Telecommunication Standardization Assembly (WTSA) is authorized to adopt the working methods and procedures for the management of the activities of ITU-T in accordance with No. 145A of the Constitution;
- f) that careful review of the more detailed working arrangements has been made in order to adapt them to meet the increasing demand for developing Recommendations with the most effective use of the limited resources available to Member States, Sector Members and ITU headquarters,

*resolves*

that the provisions referred to in *considering* d) and e) above shall be amplified by the provisions set down in this resolution and in the resolutions to which they refer, bearing in mind that in case of inconsistency, the Constitution, the Convention, the International Telecommunication Regulations (ITR) and the General Rules of Conferences, Assemblies and Meetings of the Union (in that order) shall prevail over this resolution.

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<sup>1</sup> Previously published (Geneva, 1956 and 1958; New Delhi, 1960; Geneva, 1964; Mar del Plata, 1968; Geneva, 1972, 1976 and 1980, Malaga-Torremolinos, 1984; Melbourne, 1988; Helsinki, 1993; Geneva, 1996; Montreal, 2000).

## SECTION 1

### World Telecommunication Standardization Assembly

#### 1.1 Preparations for the World Telecommunication Standardization Assembly (WTSA)

1.1.1 If WTSA meets at the seat of the Union, the precise date of the meeting shall be decided by the Director of the Telecommunication Standardization Bureau (TSB) in agreement with the Secretary-General of the Union. If WTSA does not meet at the seat of the Union, the exact date of the meeting shall be decided by the inviting government in agreement with the Director of TSB.

1.1.2 In accordance with Chapter I of the General Rules of Conferences, Assemblies and Meetings of the Union, the Secretary-General of ITU shall send an invitation to participate in WTSA to all Member States of the Union, to the ITU-T Sector Members as well as to the organizations and agencies referred to in Article 25 of the Convention. If WTSA does not meet at the seat of the Union, the Secretary-General of ITU shall issue the above-mentioned invitation on behalf of the inviting government.

1.1.3 Member States, ITU-T Sector Members (Nos. 110 to 112 of the Constitution) and any other organization referred in Article 25 of the Convention intending to send a delegation, representatives or observers to WTSA are required to advise the Director, in writing, at least one month before the meeting, of the names and functions of the delegates of Member States (e.g. heads of delegation), representatives or observers. The Director shall forward this information to the inviting Member State.

1.1.4 The elected officials, the General Secretariat and the Bureaux of the Union, as appropriate, shall be represented at WTSA in an advisory capacity.

1.1.5 Prior to the official opening of WTSA, the heads of delegation shall meet:

- a) to prepare, on the basis of proposals by the Director, the programme of work of WTSA, for submission to the latter at its first meeting;
- b) to designate the persons who will be proposed as vice-chairmen and, if necessary (when WTSA meets at the seat of the Union), chairman of WTSA;
- c) to determine the committees to be proposed to WTSA for establishment.

#### 1.2 Committees

1.2.1 In accordance with section 12 of the General Rules of Conferences, Assemblies and Meetings of the Union, the following committees are proposed:

- a) "Committee on Working Methods of ITU-T", which considers the Telecommunication Standardization Advisory Group (TSAG) report and submits to WTSA, for consideration, proposals on the working methods of ITU-T providing an efficient implementation of the ITU-T work programme.
- b) "Committee on the ITU-T Work Programme and Organization", which considers the report of TSAG, and submits a report to WTSA setting out the allocation of work to study groups, and an organizational structure necessary to support the work programme (see 1.3), consistent with ITU-T priorities and strategy.

This committee shall include:

- the chairmen of the study groups, the chairman of TSAG and the chairmen of other groups set up by WTSA.
- c) "Budget Control Committee", which examines, *inter alia*, the accounts for expenditure incurred by the current WTSA, in accordance with the General Rules of Conferences,

Assemblies and Meetings of the Union, as well as the estimate of the financial needs of ITU-T up to the next WTSA, including those pertinent to the preparation of the biennial budgets and financial plan, as appropriate.

- d) "Editorial Committee", which refines the wording of any text such as resolutions arising from the WTSA's deliberations. This committee also aligns the official and working languages for such text.
- e) "Steering Committee", which coordinates all matters connected with the smooth execution of work of WTSA and plans the order and number of meetings, avoiding overlapping wherever possible in view of the limited number of members of some delegations.

**1.2.2** The Plenary Meeting of WTSA may set up committees to consider matters referred to the Assembly.

### **1.3 Programme of work**

**1.3.1** During WTSA, the heads of delegation shall meet:

- a) to consider the proposals of the Committee on the ITU-T Work Programme and Organization concerning the work programme and the constitution of study groups in particular;
- b) to draw up proposals concerning the designation of chairmen and vice-chairmen of study groups, TSAG and any other groups established by WTSA (see Section 2).

**1.3.2** WTSA shall set up the committees listed in 1.2.1 and 1.2.2 above. On the basis of the proposals by the Committee on the Work Programme and Organization of ITU-T and the assessment of those proposals by the heads of delegation, it shall set up study groups and, where appropriate, other groups.

**1.3.3** The programme of work of WTSA shall be designed to provide adequate time for consideration of the important administrative and organizational aspects of ITU-T. As a general rule:

**1.3.3.1** WTSA shall consider the reports of the study groups and the report of the Director of TSB on activities in the previous study period and TSAG report on fulfilment of specific functions delegated to it by the previous WTSA. While WTSA is in session, study group chairmen shall make themselves available to WTSA to supply information on matters which concern their study groups.

**1.3.3.2** In those cases as indicated in Section 9, a WTSA may be asked to consider approval of one or more Recommendations. The report of any study group(s) proposing such action should include information on why such action is proposed.

**1.3.3.3** WTSA shall receive and consider the reports of the committees it has set up and take final decisions on the proposals submitted to it by those committees.

**1.3.3.4** The Committee on the Work Programme and Organization of ITU-T shall meet to prepare proposals on the programme and organization of the work of ITU-T consistent with ITU-T priorities and strategy. Specifically, it shall:

- a) review the Questions set for study or further study;
- b) propose a set of study groups;
- c) allocate Questions to study groups, as appropriate;
- d) decide, when a Question, or a group of closely related Questions, concerns several study groups, whether:
  - to accept the recommendation of TSAG;
  - to entrust the study to a single study group or
  - adopt an alternative arrangement;

- e) produce a clear description of the general area of responsibility within which each study group may amend existing and develop new Recommendations, in collaboration with other groups, as appropriate;
- f) review, and adjust as necessary, the lists of Recommendations for which each study group is responsible;
- g) propose the establishment, where needed, of other groups in accordance with Nos. 191A and 191B of the Convention.

**1.3.3.5** The Committee on Working Methods of ITU-T shall meet to prepare proposals on the ITU-T work methods on the basis of the results of TSAG activity presented in TSAG report to the assembly and the proposals of ITU Member States and ITU-T Sector Members.

**1.3.3.6** The Budget Control Committee shall meet to approve the accounts for expenditure incurred by the current WTSA in accordance with the General Rules of Conferences, Assemblies and Meetings of the Union and prepare a report on the estimated expenses of ITU-T to cover its financial requirements until the next WTSA, for the subsequent biennial budgets and financial plan, as appropriate, taking into account the pertinent results of WTSA including priorities. The Director shall prepare such estimates in accordance with Article 7 of the Financial Regulations.

**1.3.3.7** After considering the proposals made by the heads of delegation, WTSA shall appoint the chairmen and vice-chairmen of study groups, and of TSAG. See Article 20 of the Convention and 3.1 below.

## **1.4 Voting**

**1.4.1** Any proposal (e.g. a draft Recommendation) put to the vote during a WTSA shall be considered as approved if it obtains a majority of votes: the reports of WTSA shall give the result of the vote without listing the delegations that voted for or against, unless a delegation expressly asks for its vote to be mentioned.

**1.4.2** In accordance with No. 340C of the Convention, when a Member State is not represented by an administration, the representatives of the recognized operating agencies of the Member State concerned shall, as a whole, and regardless of their number, be entitled to a single vote when authorized in writing by the relevant Member State according to No. 239 of the Convention.

## **SECTION 2**

### **Study groups and their relevant groups**

#### **2.1 Classification of study groups and their relevant groups**

**2.1.1** WTSA establishes study groups in order for each of them:

- a) to pursue the goals laid down in a set of Questions related to a particular area of study in a task-oriented fashion;
- b) to review and, as necessary, to recommend amendment or deletion of existing Recommendations and definitions within its general area of responsibility (as defined by WTSA), in collaboration with their relevant groups as appropriate.

**2.1.2** Regarding the role of TSAG, which functions in a manner analogous to a study group, see Section 4.

**2.1.3** To facilitate their work, study groups may set up working parties, joint working parties and rapporteur groups to deal with some of the tasks assigned to them (see ITU-T Recommendation A.1, clause 2).

**2.1.4** A joint working party shall submit draft Recommendations to its lead study group.

**2.1.5** A regional group may be established to deal with Questions and studies of particular interest to a group of Member States and Sector Members in an ITU region (e.g. the TAF Group).

**2.1.6** A study group may be set up by WTSA in order to carry out joint studies with ITU-R and prepare draft Recommendations on questions of common interest. ITU-T shall be responsible for the management of this study group and approval of its Recommendations. WTSA shall appoint the chairman and vice-chairman of the study group<sup>2</sup>, in consultation with the Radiocommunication Assembly as appropriate, and will receive the formal report of the work of the study group. A report for information may also be prepared for the Radiocommunication Assembly.

**2.1.7** A study group may be designated by WTSA or TSAG as the lead study group for ITU-T studies forming a defined programme of work involving a number of study groups. This lead study group should be responsible for the study of the appropriate core Questions. In addition, in consultation with the relevant study groups and in collaboration, where appropriate, with other standards bodies, the lead study group has the responsibility to define and to maintain the overall framework and to coordinate, to assign (recognizing the mandates of the study groups) and to prioritize the studies to be done by the study groups and to ensure the preparation of consistent, complete and timely Recommendations. The lead study group shall keep TSAG informed on the progress of the work as defined in the scope of the lead study group activity. Issues which cannot be resolved by the study group should be raised for TSAG to offer advice and proposals for the direction of the work.

## **2.2 Meetings outside Geneva**

**2.2.1** Study groups or working parties may meet outside Geneva if invited to do so by Member States or by other duly authorized entities of countries that are Member States of the Union and if the holding of a meeting outside Geneva is desirable (e.g. in association with symposiums or seminars). Such invitations shall be considered only if they are submitted to a WTSA or to an ITU-T study group meeting and they shall be finally accepted after consultation with the Director of TSB and if they are compatible with the credits allocated to ITU-T by the Council.

**2.2.2** The invitations mentioned in 2.2.1 above shall be issued and accepted and the corresponding meetings outside Geneva organized only if the conditions laid down in Resolution 5 (Kyoto, 1994) of the Plenipotentiary Conference and ITU Council Decision 304 are met.

**2.2.3** Should an invitation be cancelled for any reason, it shall be proposed to Member States or to other duly authorized entities that the meeting be convened in Geneva, in principle on the date originally planned.

## **2.3 Participation in meetings**

**2.3.1** Member States and other duly authorized entities shall be represented in the study groups and their relevant groups, such as working parties and rapporteur groups, in whose work they wish to take part, by participants registered by name and chosen by them as qualified to investigate technically and operationally satisfactory solutions to the Questions under study. Exceptionally, however, registration with a study group or its relevant group may be made without specifying the name of the participants concerned. Chairmen of meetings may invite individual experts as appropriate.

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<sup>2</sup> In special cases, WTSA may appoint the chairman and request the Radiocommunication Assembly to appoint a vice-chairman.

**2.3.2** The meetings of regional tariff groups shall, in principle, be limited to delegates and representatives of Member States and recognized operating agencies (for the definition of these terms see the Annex to the Constitution) in the region. However, each regional tariff group may invite other participants to attend all or part of a meeting.

#### **2.4 Reports of study groups to WTSA**

**2.4.1** All study groups shall meet sufficiently in advance of WTSA for the report of each study group to WTSA to reach administrations of Member States and Sector Members at least one month before WTSA.

**2.4.2** The report of each study group to WTSA is the responsibility of the study group chairman, and shall include:

- a short but comprehensive summary of the results achieved in the study period;
- reference to all Recommendations (new or revised) that have been approved by the Member States during the study period;
- reference to all Recommendations deleted during the study period;
- reference to the final text of all draft Recommendations (new or revised) that are forwarded for consideration by WTSA;
- the list of new or revised Questions proposed for study;
- review of joint coordination group activities for which it is the lead study group (see ITU-T Recommendation A.1, clause 2.2.2).

### **SECTION 3**

#### **Study group management**

##### **3.1 Chairmen and vice-chairmen**

**3.1.1** These guidelines are provided to the heads of delegation in connection with the appointment of chairmen and vice-chairmen at WTSA's and to study group chairmen in connection with the selection of working party chairmen.

**3.1.2** Appointment of chairmen and vice-chairmen shall be primarily based upon proven competence both in technical content of the study group concerned, and the management skills required. Those appointed should be active in the field of the study group concerned and committed to the work of the study group. Other considerations, including incumbency, shall be secondary.

**3.1.3** The mandate of a vice-chairman shall be to assist the chairman in matters relating to the management of the study group including substitution for the chairman at official ITU-T meetings or replacement of the chairman should he or she be unable to continue with study group duties. Each working party chairman provides technical and administrative leadership and should be recognized as having a role of equal importance to that of the study group vice-chairman.

**3.1.4** On the basis of 3.1.2 above, appointed vice-chairmen should be considered first in the appointment of working party chairmen. However, that would not prevent other competent experts being appointed as working party chairmen.

**3.1.5** To the extent possible, and taking into account the need for proven competence, appointment or selection to the management team should utilize the resources of as broad a range of Member States and Sector Members as possible, at the same time recognizing the need to only appoint the number of vice-chairmen and working party chairmen necessary for the efficient and



effective management and functioning of the study group, consistent with the projected structure and work programme.

**3.1.6** In principle, a chairman, vice-chairman or working party chairman, on accepting this role, is expected to have the support necessary to fulfil this commitment throughout the period to the next WTSA.

## SECTION 4

### **Telecommunication Standardization Advisory Group**

**4.1** In accordance with Article 14A of the Convention, the Telecommunication Standardization Advisory Group (TSAG) shall be open to representatives of administrations of Member States and representatives of ITU-T Sector Members and to chairmen of the study groups and other groups. Its principal duties are to review priorities, programmes, operations, financial matters and strategies for the ITU-T's activities, to review progress in the implementation of its work programme, to provide guidelines for the work of the study groups and to recommend measures, *inter alia*, to foster cooperation and coordination with other relevant bodies, within ITU-T and with the Radiocommunication and Development Sectors and the General Secretariat, and with other standardization organizations, forums and consortia outside ITU.

**4.2** TSAG will identify changing requirements and provide advice on appropriate changes to be made to the priority of work in ITU-T study groups, planning, and allocation of work between study groups (and between Sectors), giving due regard to the cost and availability of resources within TSB and the study groups. TSAG will monitor the activities of any joint coordination groups and may also recommend the establishment of such groups, if appropriate. TSAG may also advise on further improvements to ITU-T working methods. TSAG will monitor the activities of the lead study groups and advise on the progress report as presented to TSAG. TSAG will aim to ensure that the programmes of work across the study groups are steered to successful completion.

**4.3** TSAG shall be composed of representatives of administrations of Member States and representatives of Sector Members, and the study group chairmen, other group chairmen or their designated representatives, and the Director of TSB.

**4.4** Taking into account only its advisory function, TSAG has no formal authority. The study group chairmen provide for the action required within their study groups or joint coordination groups. The Director provides the necessary liaison between ITU-T and other Sectors and the General Secretariat of ITU or other standards bodies.

**4.5** However, in addition to TSAG's advisory role, WTSA may assign temporary authority to TSAG to consider and act on matters specified by WTSA. TSAG may consult with the Director on these matters, if necessary. WTSA should assure itself that the special functions entrusted to TSAG do not require financial expenses exceeding the ITU-T budget. The report on TSAG activity on the fulfilment of specific functions shall be submitted to the next WTSA. Such authority shall terminate when the following WTSA meets, although WTSA may decide to extend it for a designated period.

**4.6** TSAG holds regular scheduled meetings, included on the ITU-T timetable of meetings and announced in accordance with clause 1.1 of ITU-T Recommendation A.1. The meetings should take place as necessary, but at least once a year<sup>3</sup>.

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<sup>3</sup> The Director and the study group chairmen may use the opportunity of these meetings to consider any appropriate measure related to activities described in 4.4 and 4.5 above.

**4.7** In the interest of minimizing the length and costs of the meetings, the chairman of TSAG should collaborate with the Director in making appropriate advance preparation, for example by identifying the major issues for discussion.

**4.8** In general, the same rules of procedure as for study groups in this resolution should apply to TSAG and its meetings, for example, for submission of contributions. However, at the discretion of the chairman, written proposals may be submitted during the TSAG meeting provided they are based on ongoing discussions taking place during the meeting and are intended to assist in resolving conflicting views which exist during the meeting.

**4.9** TSAG shall prepare a report of its activities after each meeting to be distributed in accordance with normal ITU-T procedures, and a report at its last meeting prior to WTSA for its use. The report to WTSA should summarize TSAG's activities on the matters assigned to it by WTSA and offer advice on allocation of work, proposals on ITU-T working methods, strategies and relations with other relevant bodies inside and outside ITU, as appropriate. This report shall be transmitted to the Director for submission to the assembly.

## SECTION 5

### **Duties of the Director**

**5.1** The Director of TSB shall take the necessary preparatory measures for meetings of WTSA, TSAG, study groups and other groups, and coordinate their work so that the meetings produce the best results in the shortest possible time. The Director shall fix, by agreement with TSAG and study group chairmen, the dates and programmes of TSAG, study group and working party meetings and shall group these meetings in time according to the nature of the work and the availability of TSB and other ITU resources.

**5.2** The Director manages the allocation of the ITU-T financial and TSB human resources required for meetings administered by TSB, for the dissemination of the associated documents to ITU Member States and Sector Members (meeting reports, contributions, etc.), for ITU-T publications, for the authorized operational support functions for the international telecommunication network and services (Operational Bulletin, code assignments, etc.) and for the operation of TSB.

**5.3** In the Director's estimate of the financial needs of ITU-T until the next WTSA as part of the biennial budgetary preparatory process, the Director shall communicate to WTSA (for information) a summary of the accounts for the years which have elapsed since the preceding WTSA, and the estimated expenses of ITU-T to cover its financial requirements until the next WTSA for the subsequent biennial budgets and financial plan, as appropriate, taking into account the pertinent results of WTSA including priorities.

**5.4** The Director will prepare the financial estimates in accordance with Article 7 of the Financial Regulations, taking into account the relevant results of WTSA including priorities for the work of the Sector.

**5.5** The Director shall submit for preliminary examination by the Budget Control Committee, and thereafter for approval by WTSA, the accounts for expenditure incurred for the current WTSA.

**5.6** The Director shall submit to WTSA a consolidated report on the proposals that have been received from TSAG (see 4.9) concerning the organization, terms of reference and work programme of study groups and other groups for the next study period. The Director may give views on these proposals.

**5.7** In addition, the Director may, within the limits imposed by the Convention, submit to WTSA any report or proposal which would help to improve the work of ITU-T, so that WTSA may decide what action to take. In particular, the Director shall submit to WTSA such proposals concerning the organization and terms of reference of the study groups for the next study period as may be considered necessary.

**5.8** The Director may request assistance from the study group and TSAG chairmen regarding proposals for potential candidates for study group and TSAG chairmen and vice-chairmen, for consideration by the heads of delegation.

**5.9** After the close of WTSA, the Director shall supply administrations of Member States and Sector Members taking part in the activities of ITU-T with a list of the study groups and other groups set up by WTSA, indicating the general areas of responsibility and the Questions that have been referred to the various groups for study, and requesting them to advise him/her of the study groups or other groups in which they wish to take part.

Furthermore, the Director shall supply the international organizations with a list of the study groups and other groups set up by WTSA, asking them to advise him/her of the study groups or other groups in which they wish to participate in an advisory capacity.

**5.10** Administrations of Member States, Sector Members and other participating organizations are requested to supply these particulars after each WTSA as soon as possible and not later than two months after they have received the Director's circular, and to update them regularly.

**5.11** In the interval between WTSAs, when circumstances so demand, the Director is authorized to take exceptional measures to ensure the efficiency of the work of ITU-T within the limits of the credits available.

**5.12** In the interval between WTSAs, the Director may request assistance from the chairmen of study groups and the chairman of TSAG regarding the allocation of available financial and human resources to be able to assure the most efficient work of ITU-T.

**5.13** In consultation with the chairmen of study groups and the chairman of TSAG, the Director should ensure an appropriate flow of executive summary information on the work of the study groups. This information should be designed to assist in following and appreciating the overall significance of the work progressing in ITU-T.

**5.14** The Director shall seek to foster cooperation and coordination with the other standardization organizations for the benefit of all members.

## SECTION 6

### Contributions

**6.1** Contributions are submitted and formatted in accordance with ITU-T Recommendations A.1 and A.2, respectively.

## SECTION 7

### Development and approval of Questions

#### 7.1 Development of Questions

**7.1.1** Member States, and other duly authorized entities, shall submit proposed Questions at least two months before the study group meeting which will consider the Question(s).

**7.1.2** Each proposed Question should be formulated in terms of specific task objective(s) and shall be accompanied by appropriate information as listed in Appendix I. This information should clearly justify the reasons for proposing the Question and indicate the degree of urgency, while taking into account the relationship of the work of other study groups and standardization bodies.

**7.1.3** TSB shall distribute the proposed Questions to the Member States and Sector Members of the study group(s) concerned so as to be received at least one month before the study group meeting which will consider the Question(s).

**7.1.4** New or revised Questions may also be proposed by a study group itself during a meeting.

**7.1.5** Each study group shall consider the proposed Questions to determine:

- i) the clear purpose of each proposed Question;
- ii) the priority, urgency and type of new Recommendation(s) desired, or changes to existing Recommendations resulting from the study of the Questions;
- iii) that there be as little overlap of work as possible between the proposed Questions both within the study group concerned and with Questions of other study groups and the work of other standardization bodies.

**7.1.6** Agreement by a study group to submit proposed Questions for approval is achieved by reaching consensus among the Member States and Sector Members present that the above criteria have been satisfied.

**7.1.7** TSAG, to the extent practicable, shall be made aware of all proposed Questions in the collective letter announcing the TSAG meeting, in order to allow it to consider the possible implications for the work of all ITU-T study groups or other groups. In collaboration with the author(s) of proposed Question(s), TSAG considers, reviews and, if appropriate, may recommend changes to these Question(s), taking into account the criteria in 7.1.5 above.

**7.1.8** The opportunity for review by TSAG of the Questions prior to approval may be dispensed with only where urgent approval of the proposed Question is justified in the opinion of the Director of TSB, after consulting the chairman of TSAG and the chairman of any other study groups where overlap or liaison problems could arise.

**7.1.9** In summary, there are three possible methods of developing a draft Question for approval for inclusion in the work programmes of ITU-T:

- a) processing through a study group and TSAG;
- b) as in a) plus consideration in the relevant committee of WTSA, when the study group meeting is its last prior to a WTSA;
- c) processing through a study group only, where urgent treatment is justified.

**7.1.10** A study group may agree to commence work on a draft Question before its approval.

**7.1.11** If, despite the above provisions, a Member State or Sector Member proposes a Question directly to a WTSA, the Member State or Sector Member should be invited to submit the proposal to the next meeting of TSAG to allow time for its thorough examination.

**7.1.12** In order to allow for the specific characteristics of countries with economies in transition, developing countries, and especially least developed countries, TSB shall take account of the relevant provisions of WTSA Resolution 17 in responding to any request submitted by such countries through the Telecommunication Development Bureau (BDT), particularly with regard to matters connected with training, information, examination of questions which are not covered by the study groups of the ITU Telecommunication Development Sector (ITU-D), and technical assistance required for the examination of certain questions by the ITU-D study groups.

## **7.2 Approval of Questions between WTSA (see Figure 7.1a)**

**7.2.1** Between WTSA, and after development of proposed Questions (see 7.1 above), there are two possible methods of approving new or revised Questions, as set out in 7.2.2 or 7.2.3 below.

**7.2.2** New or revised Questions may be approved by a study group if consensus at the study group meeting is achieved. In addition, some Member States and Sector Members (normally at least four) have to commit themselves to support the work, e.g. by contributions, provision of rapporteurs or editors and/or hosting of meetings. The names of the supporting Sector Member organizations should be recorded in the meeting report.

- a) The proposed Question shall be adopted and have the same status as Questions approved at a WTSA.
- b) The Director of TSB shall notify the results by circular.

**7.2.3** Alternatively, if consensus of the study group to approve a new or revised Question is not achieved, the study group may request consultation of the Member States.

- a) The Director shall request Member States to notify him/her within two months whether they approve or do not approve the proposed new or revised Question.
- b) The proposed Question shall be adopted, and have the same status as Questions approved at a WTSA, if:
  - a simple majority of all the Member States responding are in agreement; and
  - at least ten replies are received.
- c) The Director shall notify the results of the consultation by circular. (See also 8.2.)

**7.2.4** Between WTSA, the periodic meetings of TSAG will review the work programme of ITU-T and recommend revisions as necessary.

**7.2.5** In particular, TSAG will review any new and revised Questions to determine whether a proposed new or revised Question is in line with the mandate of the study group. TSAG may then endorse the text of any new and revised Questions and note the text of any new and revised Questions already approved.

## **7.3 Approval of Questions by WTSA (see Figure 7.1b)**

**7.3.1** At least two months prior to WTSA, TSAG shall meet to consider, review and, where appropriate, recommend changes to Questions for WTSA's consideration, while ensuring that the Questions respond to the overall needs and priorities of the ITU-T work programme and are duly harmonized to:

- i) avoid duplication of effort;
- ii) provide a coherent basis for interaction between study groups;
- iii) facilitate monitoring overall progress in the drafting of Recommendations;
- iv) facilitate cooperative efforts with other standardization organizations.

**7.3.2** At least one month before WTSA, the Director of TSB will inform the Member States and Sector Members of the list of proposed Questions, as agreed by TSAG.

## **7.4 Deletion of Questions**

Study groups may decide in each individual case which of the following alternatives is the most appropriate one.

### **7.4.1 Deletion of a Question between WTSA's**

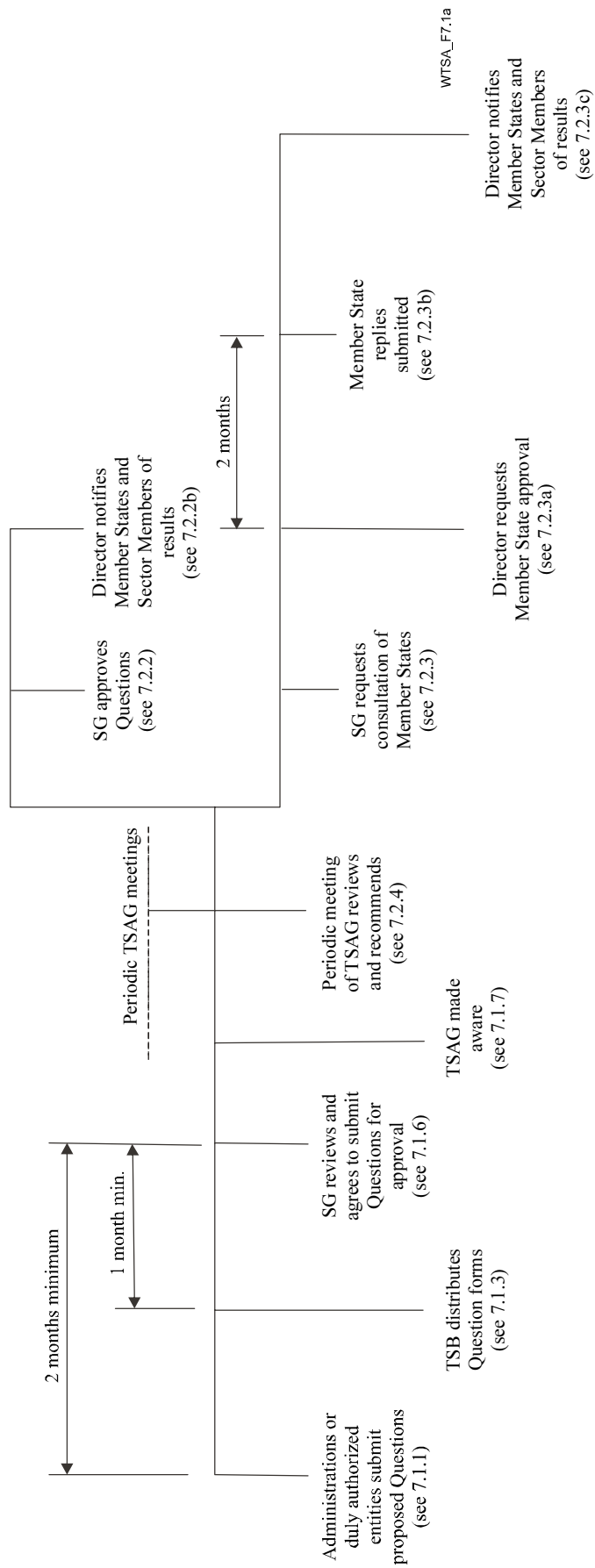
**7.4.1.1** At a study group meeting, it may be agreed by reaching consensus among those present to delete a Question, e.g. either because work has been terminated or because no contributions have been received at that meeting and at the previous two study group meetings. Notification about this agreement, including an explanatory summary about the reasons for the deletion, shall be provided by a circular. If a simple majority of the Member States responding has no objection to the deletion within two months, the deletion will come into force. Otherwise the issue will be referred back to the study group.

**7.4.1.2** Those Member States which indicate disapproval are requested to provide their reasons and to indicate the possible changes that would facilitate further study of the Questions.

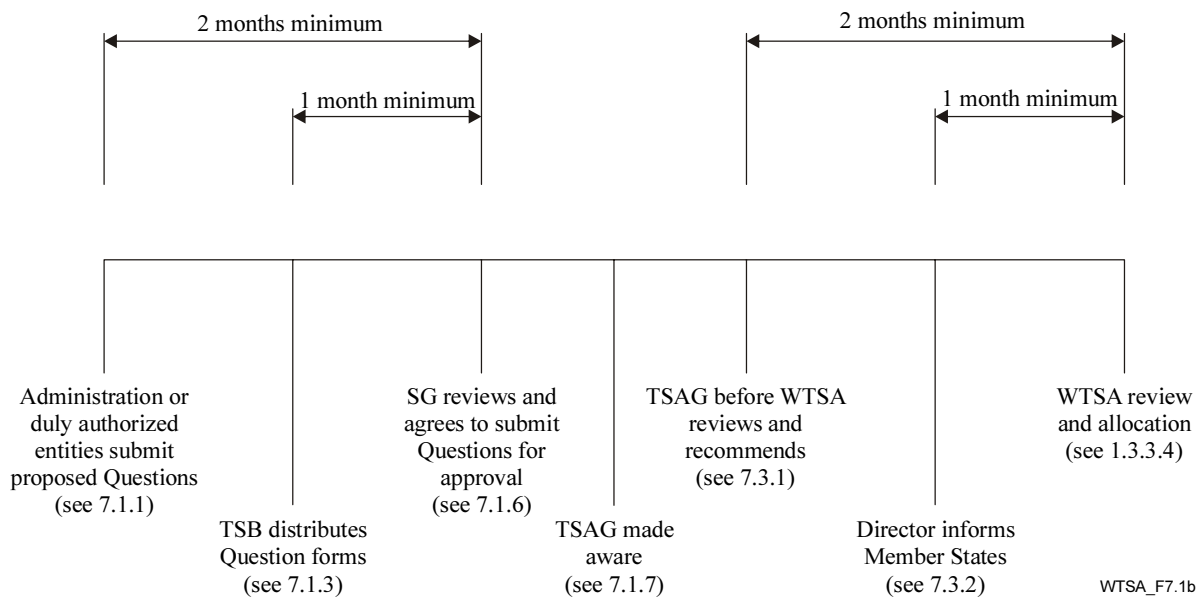
**7.4.1.3** Notification of the result will be given in a circular, and TSAG will be informed by a report from the Director of TSB. In addition, the Director shall publish a list of deleted Questions whenever appropriate, but at least once by the middle of a study period.

### **7.4.2 Deletion of a Question by WTSA**

Upon the decision of the study group, the chairman shall include in his/her report to WTSA the request to delete a Question. WTSA may approve this request.



**Figure 7.1a – Approval of Questions between WTSAAs**



**Figure 7.1b – Approval of Questions at WTSA**

## SECTION 8

### Selection of Recommendation approval process

#### 8.1 Selection of the approval process

"Selection" refers to the act of choosing the alternative approval process (AAP) (see Recommendation A.8) or choosing the traditional approval process (TAP) (see Section 9) for the development and approval of new and revised Recommendations.

##### 8.1.1 Selection at a study group meeting

As a general approach, Recommendations in ITU-T Standardization Domain 04 (numbering/addressing) and Domain 11 (tariff/charging/accounting) are assumed to follow TAP. Likewise, Recommendations not in Domains 04 or 11 are assumed to follow AAP. However, explicit action at the study group meeting can change the selection from AAP to TAP, and vice versa, if consensus of the Member States and Sector Members present at the meeting so decides.

If consensus is not achieved, the same process used at a WTSA, as described in 1.4 above, shall be used to decide the selection.

##### 8.1.2 Selection at WTSA

As a general approach, Recommendations in ITU-T Standardization Domain 04 (numbering and addressing) and Domain 11 (tariff, charging and accounting) are assumed to follow TAP. Likewise, Recommendations not in Domains 04 or 11 are assumed to follow AAP. However, explicit action at WTSA can change the selection from AAP to TAP, and vice versa.

If consensus is not achieved, the process described in 1.4 above shall be used to decide the selection.

#### 8.2 Notification of the selection

When the Director of TSB notifies the membership that a Question has been approved, the Director shall also include notification of the proposed selection for the resulting Recommendations. If there are any objections, which must be based on the provisions of No. 246D of the Convention, they shall



be forwarded to the next study group meeting, in writing, where there can be a reconsideration of the selection (see 8.3 below).

### **8.3 Reconsideration of the selection**

At any time, up to the decision to put a draft new or revised Recommendation into the "Last Call" comment process, the selection can be reconsidered based on the provisions of No. 246D of the Convention. Any request for reconsideration must be in writing to a study group or working party meeting. A proposal from a Member State or Sector Member to change the selection has to be seconded before it can be addressed by the meeting.

Using the same procedures as described in 8.1.1, the study group will decide if the selection will remain as is, or if it will be changed.

The selection may not be changed once the Recommendation has been consented (ITU-T Recommendation A.8, clause 3.1), or determined (see 9.3.1 below).

## **SECTION 9**

### **Approval of new and revised Recommendations using the traditional approval process**

#### **9.1 General**

**9.1.1** Procedures for approval of Recommendations which require formal consultation of Member States are found in this section of Resolution 1. According to No. 246B of the ITU Convention, draft new or revised ITU-T Recommendations are adopted by a study group in accordance with procedures established by WTSA, and Recommendations which do not require formal consultation of Member States for their approval are considered approved. Procedures for such approval of Recommendations are found in ITU-T Recommendation A.8. In accordance with the Convention, the status of Recommendations approved is the same for both methods of approval.

**9.1.2** In the interests of speed and efficiency, approval should normally be sought as soon as the relevant texts are mature, by a formal consultation in which the Director of TSB asks Member States to delegate authority to the competent study group to proceed with the approval process and subsequent agreement at a formal meeting of the study group.

The competent study group may also seek approval at a WTSA.

**9.1.3** In accordance with the Convention, the status of Recommendations approved is the same whether approval is at a study group meeting or at a WTSA.

#### **9.2 Process**

**9.2.1** Study groups should apply the process described below for seeking the approval of all draft new and revised Recommendations as soon as they have been developed to a mature state. See Figure 9.1 for the sequence of events.

NOTE – A regional tariff group shall decide on its own to apply this procedure. The chairman of Study Group 3 shall be informed of the decision to apply this approval procedure and Study Group 3 at its next plenary meeting will examine the draft Recommendation in broad terms. If there is no objection as regards principles and methodology, the procedure shall be initiated. Only the Member States of the regional tariff group will be consulted by the Director of TSB for the approval of the draft Recommendation concerned.

**9.2.2** Cases where approval of new or revised Recommendations should be deferred for consideration at a WTSA are:

- a) for Recommendations of an administrative nature concerning ITU-T as a whole;

- b) where the study group concerned considers it desirable that WTSA itself should debate and resolve particularly difficult or delicate issues;
- c) where attempts to gain agreement within the study groups have failed due to non-technical issues such as differing views on policy.

### **9.3 Prerequisites**

**9.3.1** Upon request of the study group chairman, the Director of TSB shall explicitly announce the intention to apply the approval procedure set out in this resolution when convening the meeting of the study group. Such request shall be based upon a determination at a study group or working party meeting, or exceptionally, at a WTSA, that work on a draft Recommendation is sufficiently mature for such action. (At this stage the draft Recommendation is considered to be "determined"). The Director shall include the summary of the Recommendation. Reference shall be provided to the report or other documents where the text of the draft new or revised Recommendation to be considered may be found. This information shall also be distributed to all Member States and Sector Members.

**9.3.2** Study groups are encouraged to establish an editing group in each study group to review the texts of new and revised Recommendations for suitability in each of the official and working languages.

**9.3.3** The text of the draft new or revised Recommendation must be available to TSB in a final edited form in at least one of the official and working languages at the time that the Director makes the announcement of the intended application of the approval procedure set out in this resolution. Any associated electronic material included in the Recommendation (e.g. software, test vectors, etc.) must also be made available to TSB at the same time. A summary that reflects the final edited form of the draft Recommendation must also be provided to TSB in accordance with 9.3.4 below. The invitation to the meeting, together with the summary of the draft new or revised Recommendation, announcing the intended application of this approval procedure, should be sent by the Director to all Member States and Sector Members so as to be received, in the normal course of delivery, at least three months before the meeting. The invitation and the enclosed summary shall be distributed according to normal procedures, which include the use of the appropriate official and working languages.

**9.3.4** The summary shall be prepared in accordance with the author's guide for drafting ITU-T Recommendations. It is a brief outline of the purpose and content of the new or revised draft Recommendation and, where appropriate, the intent of the revisions. No Recommendation shall be considered as complete and ready for approval without this summary statement.

**9.3.5** The text of the draft new or revised Recommendation must have been distributed in the official and working languages at least one month prior to the announced meeting.

**9.3.6** Approval may only be sought for a draft new or revised Recommendation, within the study group's mandate as defined by the Questions allocated to it, in accordance with No. 192 of the Convention. Alternatively, or additionally, approval may be sought for amendment of an existing Recommendation within the study group's responsibility and mandate (see Resolution 2).

**9.3.7** Where a draft new or revised Recommendation falls within the mandate of more than one study group, the chairman of the study group proposing the approval should consult and take into account the views of any other study group chairmen concerned before proceeding with the application of this approval procedure.

**9.3.8** Any ITU Member State or ITU-T Sector Member or Associate aware of a patent held by itself or others, which may fully or partly cover elements of the draft Recommendation(s) proposed for approval, is requested to disclose such information to TSB, in no case later than the date scheduled for approval of the Recommendation(s) in accordance with ITU-T patent policy (see Appendix III).

The ITU-T "Patent Statement and Licensing Declaration" form (or its variant for ITU-T | ISO/IEC common text) available at the ITU-T website should be used.

**9.3.9** ITU-T non-member organizations that hold patent(s) or pending patent application(s), the use of which may be required to implement an ITU-T Recommendation, can submit a "Patent Statement and Licensing Declaration" to TSB using the form (or its variant for ITU-T | ISO/IEC common text) available at the ITU-T website.

**9.3.10** In the interests of stability, once a new or revised Recommendation has been approved, approval should not normally be sought within a reasonable period of time for any further amendment of the new text or the revised portion, respectively, unless the proposed amendment complements rather than changes the agreement reached in the previous approval process or a significant error or omission is discovered. As a guideline, in this context "a reasonable period of time" would be at least two years in most cases.

**9.3.11** Any Member States considering themselves to be adversely affected by a Recommendation approved in the course of a study period may refer their case to the Director, who shall submit it to the relevant study group for prompt attention.

**9.3.12** The Director shall inform the next competent assembly of all cases notified in conformity with 9.3.11 above.

#### **9.4 Consultation**

**9.4.1** Consultation of the Member States encompasses the time period and procedures beginning with the announcement by the Director of TSB of the intention to apply the approval procedure (9.3.1) up to seven working days before the beginning of the study group meeting. The Director shall request Member States' opinions within this period on whether they assign authority to the study group that the draft new or revised Recommendations should be considered for approval at the study group meeting.

**9.4.2** If TSB has received a statement (or statements) indicating that the use of intellectual property, e.g. the existence of a patent, or a copyright claim, may be required in order to implement a draft Recommendation, the Director shall indicate this situation in the circular announcing the intention to invoke the Resolution 1 approval process (see Appendix II).

**9.4.3** The Director shall advise the Directors of the other two Bureaux, as well as recognized operating agencies, scientific and industrial organizations and international organizations participating in the work of the study group in question, that Member States are being asked to respond to a consultation on a proposed new or revised Recommendation. Only Member States are entitled to respond (but see 9.5.2 below).

**9.4.4** Should any Member States be of the opinion that consideration for approval shall not proceed, they should advise their reasons for disapproving and indicate the possible changes that would facilitate further consideration and approval of the draft new or revised Recommendation.

**9.4.5** If 70% or more of the replies from Member States support consideration for approval at the study group meeting (or if there are no replies), the Director should advise the chairman that consideration of the approval may proceed. (With the authorization given by Member States that the study group may proceed with the approval process, they also recognize that the study group may make the necessary technical and editorial changes in accordance with 9.5.2 below.)

**9.4.6** If less than 70% of the replies received by the due date support consideration for approval at the study group meeting, the Director should advise the chairman that consideration of the approval may not proceed at that meeting. (Nevertheless, the study group should consider the information provided under 9.4.4 above.)

**9.4.7** Any comments received along with responses to the consultation shall be collected by TSB and submitted as a temporary document to the next meeting of the study group.

## **9.5 Procedure at study group meetings**

**9.5.1** The study group should review the text of the draft new or revised Recommendation as referred to in 9.3.1 and 9.3.3 above. The meeting may then accept any editorial corrections or other amendments not affecting the substance of the Recommendation. The study group should assess the summary statement referred to in 9.3.4 in terms of its completeness and ability to concisely convey the intent of the draft new or revised Recommendation to a telecommunication expert who has not participated in the study group work.

**9.5.2** Technical and editorial changes may only be made during the meeting as a consequence of written contributions, of results from the consultation process (see 9.4 above) or of liaison statements. Where proposals for such revisions are found to be justified but to have a major impact on the intent of the Recommendation or to depart from points of principle agreed at the previous study group or working party meeting, consideration of this approval procedure should be deferred to another meeting. However, in justified circumstances the approval procedure may still be applied if the chairman of the study group, in consultation with TSB, considers:

- that the proposed changes are reasonable (in the context of the advice issued under 9.4 above) for those Member States not represented at the meeting, or not represented adequately under the changed circumstances; and
- that the proposed text is stable.

**9.5.3** After debate at the study group meeting the decision of the delegations to approve the Recommendation under this approval procedure must be unopposed (but see 9.5.4 regarding reservations, 9.5.5 and 9.5.6). See No. 239 of the Convention.

**9.5.4** In cases where a delegation does not elect to oppose approval of a text, but would like to register a degree of reservation on one or more aspects, this shall be noted in the report of the meeting. Such reservations shall be mentioned in a concise note appended to the text of the Recommendation concerned.

**9.5.5** A decision must be reached during the meeting upon the basis of a text available in its final form to all participants at the meeting. Exceptionally, but only during the meeting, a delegation may request more time to consider its position. Unless the Director of TSB is advised of formal opposition from the Member State to which the delegation belongs within a period of four weeks from the end of the meeting, the Director shall proceed in accordance with 9.6.1.

**9.5.5.1** A Member State which requested more time to consider its position and which then indicates disapproval within the four-week interval specified in 9.5.5 above is requested to advise its reasons and to indicate the possible changes that would facilitate further consideration and future approval of the draft new or revised Recommendation.

**9.5.5.2** If the Director is advised of formal opposition, the study group chairman, after consultation with the parties concerned, may proceed according to 9.3.1 above, without further determination at a subsequent working party or study group meeting.

**9.5.6** A delegation may advise at the meeting that it is abstaining from the decision to apply the procedure. This delegation's presence shall then be ignored for the purposes of 9.5.3 above. Such an abstention may subsequently be revoked, but only during the course of the meeting.

## **9.6 Notification**

**9.6.1** Within four weeks of the closing date of the study group meeting or, exceptionally, four weeks after the period described in 9.5.5, the Director of TSB shall notify whether the text is approved or not, by circular. The Director shall arrange that this information is also included in the next available ITU Notification. Within this same time period, the Director shall also ensure that any Recommendation agreed to during the study group decision meeting is available online in at least

one official and working language, with an indication that the Recommendation may not be in its final publication form.

**9.6.2** Should minor, purely editorial amendments or correction of evident oversights or inconsistencies in the text as presented for approval be necessary, TSB may correct these with the approval of the chairman of the study group.

**9.6.3** The Secretary-General shall publish the approved new or revised Recommendations in the official and working languages as soon as practicable, indicating, as necessary, a date of entry into effect. However, in accordance with ITU-T Recommendation A.11, minor amendments may be covered by corrigenda rather than a complete reissue. Also, where appropriate, texts may be grouped to suit market needs.

**9.6.4** Text shall be added to the cover sheets of all new and revised Recommendations urging users to consult the ITU-T patent database and the ITU-T software copyright database. Suggested wording is:

- "ITU draws attention to the possibility that the practice or implementation of this Recommendation may involve the use of a claimed intellectual property right. ITU takes no position concerning the evidence, validity or applicability of claimed intellectual property rights, whether asserted by ITU Member States and Sector Members or by others outside of the Recommendation development process."
- "As of the date of approval of this Recommendation, ITU had/had not received notice of intellectual property, protected by patents/software copyrights, which may be required to implement this Recommendation. However, implementers are cautioned that this may not represent the latest information and are therefore strongly urged to consult the appropriate ITU-T databases available at the ITU-T website."

**9.6.5** See also ITU-T Recommendation A.11 concerning the publication of lists of new and revised Recommendations.

## **9.7 Correction of defects**

When a study group identifies the need for implementers to be made aware of defects (e.g. typographical errors, editorial errors, ambiguities, omissions or inconsistencies and technical errors) in a Recommendation, one mechanism that may be employed is an implementers' guide. This guide is an historical document recording all identified defects and their status of correction, from their identification to final resolution, and would be issued in the study group's series of contributions. Implementers' guides shall be approved by the study group and made available to the public.

## **9.8 Deletion of Recommendations**

Study groups may decide in each individual case which of the following alternatives is the most appropriate one.

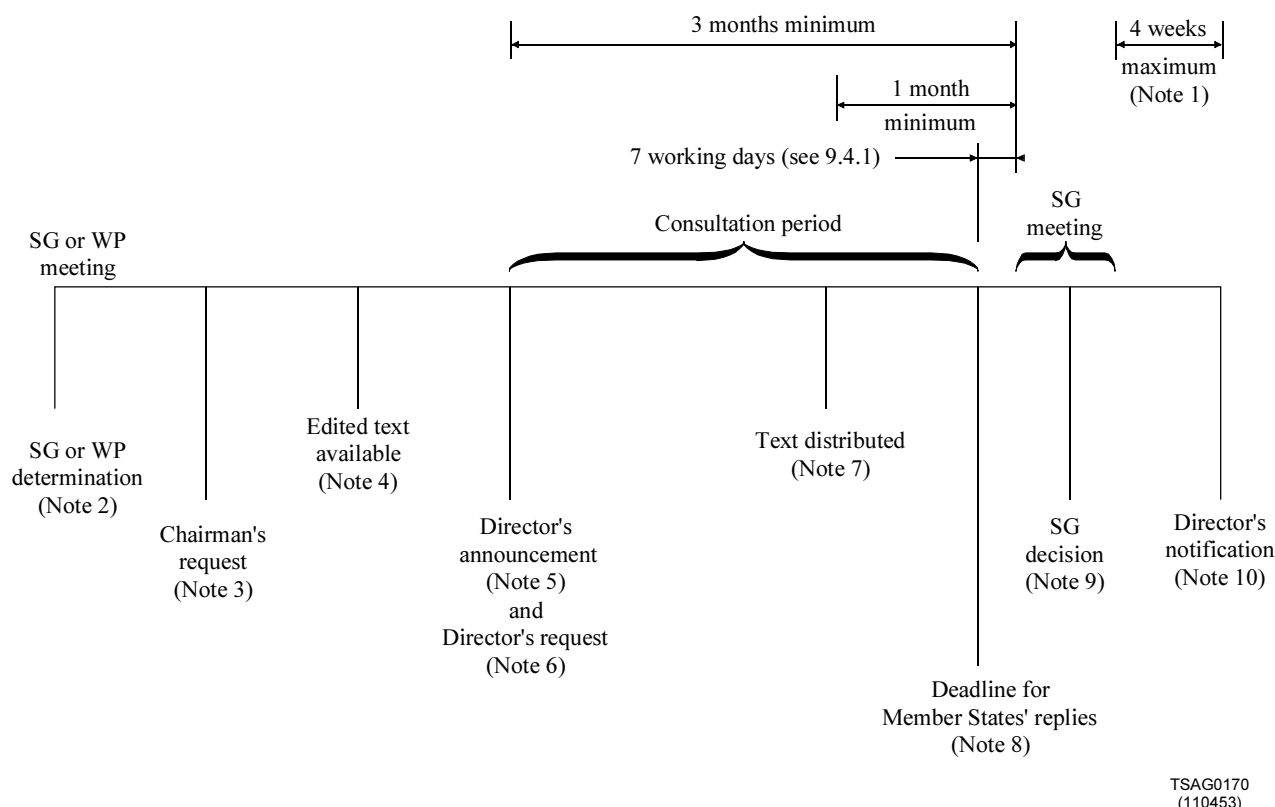
### **9.8.1 Deletion of Recommendations by WTSA**

Upon the decision of the study group, the chairman shall include in his report to WTSA the request to delete a Recommendation. WTSA may approve this request.

### **9.8.2 Deletion of Recommendations between WTSA**

**9.8.2.1** At a study group meeting it may be agreed to delete a Recommendation, i.e. because it has been superseded by another Recommendation or because it has become obsolete. This agreement must be unopposed. Information about this agreement, including an explanatory summary about the reasons for the deletion, shall be provided by a circular. If no objection to the deletion is received within three months, the deletion will come into force. In the case of objection, the matter will be referred back to the study group.

**9.8.2.2** Notification of the result will be given in another circular, and TSAG will be informed by a report from the Director of TSB. In addition, the Director shall publish a list of deleted Recommendations whenever appropriate, but at least once by the middle of a study period.



NOTE 1 – Exceptionally, an additional period of up to four weeks would be added if a delegation requested more time under 9.5.5.

NOTE 2 – SG or WP DETERMINATION: The study group or working party determines that work on a draft Recommendation is sufficiently mature and requests the SG chairman to make the request to the Director (9.3.1).

NOTE 3 – CHAIRMAN’S REQUEST: The SG chairman requests that the Director announce the intention to seek approval (9.3.1).

NOTE 4 – EDITED TEXT AVAILABLE: Text of the draft Recommendation, including the required summary, must be available to TSB in final edited form in at least one official and working language (9.3.3). Any associated electronic material included in the Recommendation must also be made available to TSB at the same time.

NOTE 5 – DIRECTOR’S ANNOUNCEMENT: The Director announces the intention to seek approval of the draft Recommendation at the next SG meeting. The invitation to the meeting with the announcement of the intention to apply the approval procedure should be sent to all Member States and Sector Members so as to be received at least three months before the meeting (9.3.1 and 9.3.3).

NOTE 6 – DIRECTOR’S REQUEST: The Director requests Member States to inform the Director whether they approve or do not approve the proposal (9.4.1 and 9.4.2). This request shall contain the summary and reference to the complete final text.

NOTE 7 – TEXT DISTRIBUTED: Text of the draft Recommendation must have been distributed in the available official and working languages at least one month before the announced meeting (9.3.5).

NOTE 8 – DEADLINE FOR MEMBER STATES’ REPLIES: If 70% of replies received during the consultation period indicate approval, the proposal shall be accepted (9.4.1, 9.4.5 and 9.4.7).

NOTE 9 – STUDY GROUP DECISION: After debate, the study group reaches unopposed agreement to apply the approval procedure (9.5.3 and 9.5.2). A delegation can register a degree of reservation (9.5.4), can request more time to consider its position (9.5.5) or can abstain from the decision (9.5.6).

NOTE 10 – DIRECTOR’S NOTIFICATION: The Director notifies whether the draft Recommendation is approved or not (9.6.1)

**Figure 9.1 – Approval of new and revised Recommendations using TAP – Sequence of events**

## **Appendix I** (to Resolution 1)

### **Information for submission of a Question**

- Source
- Short title
- Type of Question or proposal<sup>4</sup>
- Reasons or experience motivating the proposed Question or proposal
- Draft text of Question or proposal
- Specific task objective(s) with expected time-frames for completion
- Relationship of this study activity to other:
  - Recommendations
  - Questions
  - study groups
  - relevant standardization bodies

Guidelines for drafting Question text are available at the ITU-T website

## **Appendix II** (to Resolution 1)

### **Suggested text of the note to be included in the circular**

TSB has received a statement(s) indicating that the use of intellectual property, protected by one or more issued or pending patent(s) and/or software copyright(s), may be required to implement this draft Recommendation. Available patent and software copyright information can be accessed at the ITU-T website.

## **Appendix III** (to Resolution 1)

### **Statement on Telecommunication Standardization Sector (ITU-T) patent policy<sup>5</sup>**

The following is a "code of practice" regarding intellectual property rights (patents) covering, in varying degrees, the subject matters of ITU-T Recommendations<sup>6</sup>. The rules of the "code of

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<sup>4</sup> Background Question, task-oriented Question designed to lead to a Recommendation, proposal for a new manual, revised manual, etc.

<sup>5</sup> Consult the ITU-T website for the latest version.

<sup>6</sup> Formerly CCITT Recommendations.

practice" are simple and straightforward. Recommendations are drawn up by telecommunication and not patent experts; thus, they may not necessarily be very familiar with the complex international legal situation of intellectual property rights such as patents, etc.

ITU-T Recommendations are non-binding international standards. Their objective is to ensure compatibility of international telecommunications on a worldwide basis. To meet this objective, which is in the common interests of all those participating in international telecommunications (network and service providers, suppliers and users) it must be ensured that Recommendations, their applications, use, etc. are accessible to everybody. It follows, therefore, that a commercial (monopolistic) abuse by a holder of a patent embodied fully or partly in a Recommendation must be excluded. To meet this requirement in general is the sole objective of the code of practice. The detailed arrangements arising from patents (licensing, royalties, etc.) are being left to the parties concerned, as these arrangements might differ from case to case.

This code of practice may be summarized as follows (it should be noted that ISO operates in a very similar way):

**1** The Telecommunication Standardization Bureau (TSB) is not in a position to give authoritative or comprehensive information about evidence, validity or scope of patents or similar rights, but it is desirable that the fullest available information should be disclosed. Therefore, any ITU-T member organization putting forward a standardization proposal should, from the outset, draw the attention of the Director of TSB to any known patent or to any known pending patent application, either their own or of other organizations, although TSB is unable to verify the validity of any such information.

**2** If an ITU-T Recommendation is developed and such information as referred to in paragraph 1 has been disclosed, three different situations may arise:

**2.1** The patent holder waives his rights; hence, the Recommendation is freely accessible to everybody, subject to no particular conditions, no royalties are due, etc.

**2.2** The patent holder is not prepared to waive his rights but would be willing to negotiate licences with other parties on a non-discriminatory basis on reasonable terms and conditions. Such negotiations are left to the parties concerned and are performed outside ITU-T.

**2.3** The patent holder is not willing to comply with the provisions of either paragraph 2.1 or paragraph 2.2; in such case, no Recommendation can be established.

**3** Whatever case applies (2.1, 2.2 or 2.3), the patent holder has to provide a written statement to be filed at TSB using the ITU-T "Patent Statement and Licensing Declaration" form. This statement must not include additional provisions, conditions, or any other exclusion clauses in excess of what is provided for each case in the corresponding boxes of the form.