



*Oficina de Radiocomunicaciones*

(Nº de Fax directo +41 22 730 57 85)

Circular Administrativa  
CA/164

3 de octubre de 2006

## **A las Administraciones de los Estados Miembros de la UIT y Miembros del Sector de Radiocomunicaciones**

**Asunto:** Formularios revisados para la presentación de declaraciones sobre patentes y utilización de patentes

La Circular Administrativa CA/148 (15 de abril de 2005) contiene los formularios utilizados para la presentación de declaraciones sobre patentes al UIT-R por los titulares de las patentes concedidas o de las solicitudes pendientes de concesión; estos formularios se han alineado con los que utiliza el UIT-T. Posteriores discusiones con la Organización para la Normalización Internacional (ISO) y la Comisión Electrotécnica Internacional (CEI) desembocaron en nuevos formularios revisados que fueron alineados entre las cuatro entidades citadas. Los nuevos formularios, anexos a la presente Circular, sustituyen a los que contenía la Circular Administrativa CA/148 de 15 de abril de 2005 y deben utilizarse a partir del **30 de septiembre de 2006**.

Tenga en cuenta que no es necesario volver a presentar los datos ya almacenados en la base de datos sobre declaraciones de patentes. Estos nuevos formularios normalizados sólo se deben utilizar para las declaraciones de patentes que se presenten en lo sucesivo.

Valery Timofeev  
Director de la Oficina de Radiocomunicaciones

**Anexos:** 2

Distribución:

- Administraciones de los Estados Miembros de la UIT
- Miembros del Sector de Radiocomunicaciones
- Presidentes y Vicepresidentes de las Comisiones de Estudio y de la Comisión Especial para asuntos reglamentarios y de procedimiento
- Presidente y Vicepresidentes del Grupo Asesor de Radiocomunicaciones
- Presidente y Vicepresidentes de la Reunión Preparatoria de la Conferencia
- Miembros de la Junta del Reglamento de Radiocomunicaciones
- Secretario General de la UIT, Director de la Oficina de Normalización de las Telecomunicaciones, Director de la Oficina de Desarrollo de las Telecomunicaciones

# Annex 1 (English only)

**ITU**

International Telecommunication Union



**ISO**

International Organization for Standardization



**IEC**

International Electrotechnical Commission



## Patent Statement and Licensing Declaration

### for ITU-T/ITU-R Recommendation | ISO/IEC Deliverable

*This declaration does not represent an implied license grant*

Please return to the relevant organization(s) as instructed below per document type:

Director Telecommunication Standardization Bureau International Telecommunication Union Place des Nations CH-1211 Geneva 20, Switzerland Fax: +41 22 730 5853	Director Radiocommunication Bureau International Telecommunication Union Place des Nations CH-1211 Geneva 20, Switzerland Fax: +41 22 730 5785 Email: brmail@itu.int	Secretary-General International Organization for Standardization 1 rue de Varembe CH-1211 Geneva 20 Switzerland Fax: +41 22 733 3430	General Secretary International Electrotechnical Commission 3 rue de Varembe CH-1211 Geneva 20 Switzerland Fax: +41 22 919 0301
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**Patent Holder/Organization:**

Legal Name \_\_\_\_\_

**Contact for license application:**

Name & Department \_\_\_\_\_

Address \_\_\_\_\_

Tel. \_\_\_\_\_

Fax \_\_\_\_\_

E-mail \_\_\_\_\_

URL (optional) \_\_\_\_\_

**Document type:**

ITU-T Rec. (\*)     ITU-R Rec. (\*)     ISO Deliverable (\*)     IEC Deliverable (\*)

(Please return the form to the relevant organization)

**Common text or twin text (ITU-T Rec. | ISO/IEC Deliverable (\*))** (for common text or twin text, please return the form to each of the three organizations: ITU-T, ISO, IEC)

**ISO/IEC Deliverable (\*)** (for ISO/IEC Deliverables, please return the form to both ISO and IEC)

(\*) Number \_\_\_\_\_

(\*) Title \_\_\_\_\_

**Licensing declaration:**

The Patent Holder believes that it holds granted patents and/or pending applications, the use of which would be required to implement the above document and hereby declares, in accordance with the Common Patent Policy for ITU-T/ITU-R/ISO/IEC, that (check one box only):

<input type="checkbox"/>	<p>1. The Patent Holder is prepared to grant a <u>free</u> license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and under other reasonable terms and conditions to make, use, and sell implementations of the above document.</p> <p>Negotiations are left to the parties concerned and are performed outside the ITU-T, ITU-R, ISO or IEC.</p> <p><i>Also mark here __ if the Patent Holder's willingness to license is conditioned on reciprocity for the above document.</i></p> <p><i>Also mark here __ if the Patent Holder reserves the right to license on reasonable terms and conditions (but not for free) to applicants who are only willing to license their patent claims, whose use would be required to implement the above document, on reasonable terms and conditions (but not for free).</i></p>
<input type="checkbox"/>	<p>2. The Patent Holder is prepared to grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable terms and conditions to make, use and sell implementations of the above document.</p> <p>Negotiations are left to the parties concerned and are performed outside the ITU-T, ITU-R, ISO, or IEC.</p> <p><i>Also mark here __ if the Patent Holder's willingness to license is conditioned on reciprocity for the above document.</i></p>
<input type="checkbox"/>	<p>3. The Patent Holder is unwilling to grant licenses in accordance with provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration:</p> <ul style="list-style-type: none"><li>- granted patent number or patent application number (if pending);</li><li>- an indication of which portions of the above document are affected;</li><li>- a description of the patent claims covering the above document.</li></ul>
<p><b>Free:</b> The word "free" does not mean that the Patent Holder is waiving all of its rights with respect to the essential patent. Rather, "free" refers to the issue of monetary compensation; <i>i.e.</i>, that the Patent Holder will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.). However, while the Patent Holder in this situation is committing to not charging any monetary amount, the Patent Holder is still entitled to require that the implementer of the above document sign a license agreement that contains other reasonable terms and conditions such as those relating to governing law, field of use, reciprocity, warranties, etc.</p>	
<p><b>Reciprocity:</b> As used herein, the word "reciprocity" means that the Patent Holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its essential patent(s) or essential patent claim(s) for implementation of the same above document for free or under reasonable terms and conditions.</p>	
<p><b>Signature:</b></p> <p>Organization _____</p> <p>Name of authorized person _____</p> <p>Title of authorized person _____</p> <p>Signature _____</p> <p>Place, Date _____</p>	

FORM: September 2006

<b>Patent Information</b> (desired but not required for options 1 and 2; required for option 3 (NOTE))				
<b>No.</b>	<b>Status</b> [granted/ pending]	<b>Country</b>	<b>Granted Number or Application Number (if pending)</b>	<b>Title</b>
1				
2				
3				

NOTE: For option 3, the additional minimum information that shall also be provided is listed in the option 3 box above.

## Annex 2 (English only)

ITU

International Telecommunication Union



### **General Patent Statement and Licensing Declaration** **for ITU-T/ITU-R Recommendation**

*This declaration does not represent an implied license grant*

Please return to the relevant bureau:

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

Director  
Radiocommunication Bureau  
International Telecommunication Union  
Place des Nations  
CH-1211 Geneva 20,  
Switzerland  
Fax: +41 22 730 5785  
Email: brmail@itu.int

**Patent Holder/Organization:**

Legal Name \_\_\_\_\_

**Contact for license application:**

Name & Department \_\_\_\_\_

Address \_\_\_\_\_

Tel. \_\_\_\_\_

Fax \_\_\_\_\_

E-mail \_\_\_\_\_

URL (optional) \_\_\_\_\_

**Licensing declaration:**

In case part(s) or all of any proposals contained in contributions submitted by the organization above are included in ITU-T/ITU-R Recommendation(s) and the included part(s) contain items that have been patented or for which patent applications have been filed and whose use would be required to implement ITU-T/ITU-R Recommendation(s), the above Patent Holder hereby declares, in accordance with the Common Patent Policy for ITU-T/ITU-R/ISO/IEC (check one box only):



1. The Patent Holder is prepared to grant a free license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and under other reasonable terms and conditions to make, use, and sell implementations of the relevant ITU-T/ITU-R Recommendation.

Negotiations are left to the parties concerned and are performed outside the ITU-T/ITU-R.

*Also mark here \_\_ if the Patent Holder's willingness to license is conditioned on reciprocity for the above ITU-T/ITU-R Recommendation.*

*Also mark here \_\_ if the Patent Holder reserves the right to license on reasonable terms and conditions (but not for free) to applicants who are only willing to license their patent claims, whose use would be required to implement the above ITU-T/ITU-R Recommendation, on reasonable terms and conditions (but not for free).*



2. The Patent Holder is prepared to grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable terms and conditions to make, use and sell implementations of the relevant ITU-T/ITU-R Recommendation.

Negotiations are left to the parties concerned and are performed outside the ITU-T/ITU-R.

*Also mark here \_\_ if the Patent Holder's willingness to license is conditioned on reciprocity for the above ITU-T/ITU-R Recommendation.*

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

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

**Signature:**

Organization \_\_\_\_\_

Name of authorized person \_\_\_\_\_

Title of authorized person \_\_\_\_\_

Signature \_\_\_\_\_

Place, Date \_\_\_\_\_

FORM: September 2006

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