

# INTERNATIONAL TELECOMMUNICATION UNION

*Radiocommunication Bureau*

(Direct Fax No. +41 22 730 57 85)



Administrative Circular  
CA/67

2 June 1999

## To Administrations of Member States of the ITU and Radiocommunication Sector Members

**Subject:** New forms for submission of patent statements and licensing declarations

To align the policy and procedures between the Radiocommunication and Telecommunication Standardization Sectors of the ITU and to accelerate the handling of the statements and to provide clear information in the BR Patent Statements Database, the Radiocommunication Advisory Group (Geneva, 22 to 26 February 1999) standardized two forms for the submission of patent statements to the Director of the BR. These new forms should be used as from **15 June 1999**.

The first form is a "Patent Statement and Licensing Declaration", shown in Annex 1. The purpose of this form is to ensure a standardized submission to the BR of the declarations being made by patent holders and to require supporting information and an explanation if a patent holder declares their unwillingness to license (option 3 of the declaration). Typically, one such form would be used for each Recommendation containing patented material.

It should be noted that up until now, if patent policy option 2.3 of the ITU-R Patent Policy were chosen, the claim of a patent was accepted as valid without further verification. In the form given in Annex 1, the supporting information requested in option 3 will allow a verification by interested parties of the patent claim. It is therefore essential that this information be fully provided.

The second form is a "General Patent Statement and Licensing Declaration", shown in Annex 2. The purpose of this form is to give patent holders the voluntary option of declaring, for **all** their patents associated with Recommendations contained in any of their contributions to the ITU-R, a willingness to waive their rights (option 1) or to license under reasonable and non-discriminatory terms and conditions (option 2).

The general statement can be superseded by a separate patent statement from the same patent holder for any particular Recommendation. The general patent statement remains in force for those patents where a superseding statement has not been received.

It is noted that one can view the essential elements of all the patent statements already communicated to the BR at the following Web address:

*<http://www.itu.int/brsg/patents/index.html>*

It is not necessary to resubmit data already stored in the Patent Statements Database. Only new patent statement submissions should use these new standardized forms.

I would like, finally, to emphasize the importance of early disclosure and declaration of patents to avoid potential problems in the approval process and in the application of Recommendations.

Robert W. Jones  
Director  
Radiocommunication Bureau

## **Annexes: 2**

### Distribution:

- Administrations of Member States of the ITU
- Radiocommunication Sector Members
- Chairmen and Vice-Chairmen of Radiocommunication Study Groups and Special Committee on Regulatory/Procedural Matters
- Chairman and Vice-Chairmen of the Radiocommunication Advisory Group
- Chairman and Vice-Chairmen of the Conference Preparatory Meeting
- Members of the Radio Regulations Board
- Secretary-General of the ITU, Director of the Telecommunication Standardization Bureau, Director of the Telecommunication Development Bureau

ANNEX 1

**Patent Statement and Licensing Declaration**

(Typically, one per ITU-R Recommendation)

*This declaration does not represent an implied licence grant*

Please return to: Director  
Radiocommunication Bureau  
International Telecommunication Union

Place des Nations  
CH-1211 Geneva 20, Switzerland  
Fax: +41 22 730 5785

**Patent Holder/Organization:**

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

**Contact for licence application:**

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

Address \_\_\_\_\_

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

Fax \_\_\_\_\_

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

**ITU-R Recommendation:**

Number \_\_\_\_\_

Title \_\_\_\_\_

**Licensing declaration**

The Patent Holder believes to hold granted patents and/ or pending applications, whose use would be required to implement the above ITU-R Recommendation and hereby declares in accordance with the statement on ITU-R Patent Policy (Resolution ITU-R 1-2, Annex 1), that (check **one** box only).

- 1 The Patent Holder waives his rights; hence, the Recommendation is freely accessible to everybody, subject to no particular conditions, no royalties are due.
- 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 the ITU-R.
- 3 The Patent Holder is unwilling to grant licences according to the provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration:
  - patent registration/application number;
  - an indication of which portions of the Recommendation are affected.
  - a description of the patent claims covering the Recommendation;

**Signature**

Organization \_\_\_\_\_

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

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

Signature \_\_\_\_\_

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

<b>Patent Information</b> (voluntary information)			
No.	Registration Number/ Country	<u>Title/ Inventor</u>	Status [granted/ pending]
1			
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ANNEX 2

**General Patent Statement and Licensing Declaration**

Please return to: Director  
Radiocommunication Bureau  
International Telecommunication Union

Place des Nations  
CH-1211 Geneva 20, Switzerland  
Fax: +41 22 730 5785

**Patent Holder/Organization:**

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

**Contact for licence application:**

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

Address \_\_\_\_\_

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

Fax \_\_\_\_\_

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

**Licensing declaration**

In case part(s) or all of any proposals contained in contributions submitted by the organization above are included in 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-R Recommendation(s), the above Patent Holder hereby declares, in accordance with the Statement on ITU-R Patent Policy (Resolution 1-2, Annex 1), that (check **one** box only):

1 The Patent Holder is prepared to grant a **free** licence to an unrestricted number of applicants on a worldwide non-discriminatory basis.

2 The Patent Holder is prepared to grant a licence to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable terms and conditions.

**Signature**

Organization \_\_\_\_\_

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

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

Signature \_\_\_\_\_

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

\_\_\_\_\_