



Bureau des radiocommunications

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Circulaire administrative

Le 15 avril 2005

CA/148

Aux Administrations des Etats Membres de l'UIT et aux Membres du Secteur des radiocommunications

Objet: Nouveaux formulaires de soumission de déclarations de brevet et d'octroi de licence

A sa réunion du 22 au 26 novembre 2004, le Groupe consultatif des radiocommunications (GCR) a examiné la politique de l'UIT-R en matière de brevets, y compris les formulaires utilisés par les titulaires ou les demandeurs de brevets pour soumettre à l'UIT-R des déclarations de brevet. Le GCR a, en particulier, encouragé le Directeur à étudier la possibilité d'harmoniser les formulaires utilisés par le Secteur des radiocommunications et ceux utilisés par le Secteur de la normalisation des télécommunications. A cet égard, les formulaires destinés à l'UIT-R ont été révisés; ils remplaceront ceux qui figurent dans la Circulaire CA/67 du 2 juin 1999. Les nouveaux formulaires, annexés à la présente Circulaire, devraient être utilisés à compter du **30 avril 2005**.

Le premier formulaire, "Déclaration de brevet et d'octroi de licence" (voir l'Annexe 1), vise à normaliser la soumission au BR des déclarations émanant de titulaires de brevets et à obtenir de ces derniers qu'ils fournissent des informations à l'appui de leurs déclarations ainsi qu'une explication dans le cas où ils ne veulent pas accorder de licences (option 3 de la déclaration). Normalement, un seul formulaire devrait être utilisé pour chaque recommandation dont des dispositions touchent à des brevets.

Le deuxième formulaire, "Déclaration générale de brevet et d'octroi de licence" (voir l'Annexe 2), vise à permettre aux titulaires de brevets, s'ils le souhaitent, de déclarer, pour **tous** leurs brevets concernant des recommandations visées dans n'importe laquelle de leur contribution à l'UIT-R, leur intention d'abandonner leurs droits (option 1) ou d'accorder une licence à des conditions raisonnables et non discriminatoires (option 2).

Pour obtenir des informations supplémentaires sur la politique des brevets à l'UIT-R, consulter le site suivant:

<http://www.itu.int/ITU-R/study-groups/patents/>.

Nous vous précisons qu'il n'est pas nécessaire de soumettre une deuxième fois les données déjà enregistrées dans la base de données sur les déclarations de brevet. Les nouveaux formulaires normalisés devraient être utilisés uniquement pour soumettre de nouvelles déclarations.

Enfin, nous attirons votre attention sur l'importance de nous déclarer aussitôt que possible l'existence d'un brevet pour éviter que des problèmes se posent lors de l'approbation et de l'application éventuelle de Recommandations de l'UIT-R.

Valery Timofeev
Directeur du Bureau des radiocommunications

Annexes: 2

Distribution:

- Administrations des Etats Membres de l'UIT
- Membres du Secteur des radiocommunications
- Présidents et Vice-Présidents des Commissions d'études des radiocommunications et de la Commission spéciale chargée d'examiner les questions réglementaires et de procédure
- Président et Vice-Présidents du Groupe consultatif des radiocommunications
- Président et Vice-Présidents de la Réunion de préparation à la Conférence
- Membres du Comité du Règlement des radiocommunications
- Secrétaire général de l'UIT, Directeur du Bureau de la normalisation des télécommunications, Directeur du Bureau de développement des télécommunications

ANNEXE 1 (seulement en anglais)

Patent Statement and Licensing Declaration

This declaration does not represent an implied license grant

Please return to: Director
RADIOCOMMUNICATION BUREAU
INTERNATIONAL TELECOMMUNICATION UNION

Place des Nations
CH-1211 GENEVA 20, SWITZERLAND
FAX: +41 22 730 5785

<u>Patent Holder/Organization:</u>	
Legal Name	_____
<u>Contact for license application:</u>	
Name & Department	_____
Address	_____

Tel.	_____
Fax	_____
E-mail	_____
URL (optional)	_____
<u>ITU-R Recommendation:</u>	
Number	_____
Title	_____
<u>Licensing declaration</u>	
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 (see ITU-R website), that (check one box only).	
<input type="checkbox"/>	1 The Patent Holder is prepared to grant – on the basis of reciprocity for the above ITU-R Recommendation – 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 ITU-R Recommendation. Negotiations are left to the parties concerned and are performed outside the ITU-R. <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 ITU-R Recommendation, on reasonable terms and conditions (but not for free).</i>
<input type="checkbox"/>	2 The Patent Holder is prepared to grant – on the basis of reciprocity for the above ITU-R Recommendation – 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 ITU-R Recommendation. Negotiations are left to the parties concerned and are performed outside the ITU-R.
<input type="checkbox"/>	3 The Patent Holder is unwilling to grant licenses according to the provisions of either 1 or 2 above. In this case, the following information must be provided as part of this declaration: <ul style="list-style-type: none">• patent registration/application number;• an indication of which portions of the Recommendation are affected;• a description of the patent claims covering the 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-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-R Recommendation for free or under reasonable terms and conditions.

Signature

Organization _____

Name of authorized person _____

Title of authorized person _____

Signature _____

Place, Date _____

FORM: 30 April 2005

Patent Information (desired but not required)			
No.	Registration Number/ Country	Title/Inventor	Status [granted/ pending]
1			
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ANNEXE 2 (seulement en anglais)

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 license 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 (see ITU-R web site), that (check one box only):

1 The Patent Holder is prepared to grant – on the basis of reciprocity for the relevant ITU-R Recommendation(s) – 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-R Recommendation(s).
Negotiations are left to the parties concerned and are performed outside the ITU-R.
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 same ITU-R Recommendation(s), on reasonable terms and conditions (but not for free).

2 The Patent Holder is prepared to grant – on the basis of reciprocity for the relevant ITU-R Recommendation(s) – 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-R Recommendation(s).
Negotiations are left to the parties concerned and are performed outside the ITU-R.

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-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-R Recommendation for free or under reasonable terms and conditions.

Signature

Organization _____

Name of authorized person _____

Title of authorized person _____

Signature _____

Place, Date _____

FORM: 30 April 2005