

SOURCE: CHAIRMAN  
TITLE : PATENT LICENSING POLICIES FOR REC. H.261

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In response to the action requested at the Oslo meeting (see § 9.3), Chairman has received statements on the patent licensing policy from the following organizations as attached ;

1. VideoTelecom, USA (Note: submitted at the Oslo meeting)
2. BELLCORE, USA (Note: submitted at the Oslo meeting)
3. DBP, FRG
4. STA, Sweden
5. VISTACOM, Finland
6. GCT, Japan
7. NTT, Japan
8. DIS, USA
9. KDD, Japan
10. NTA, Norway
11. ALCATEL CIT, France
12. CLI, USA
13. TOSHIBA, Japan
14. AEG, FRG
15. BT, UK
16. PICTURETEL, USA
17. PTT, Netherlands

These statements will be sent to the CCITT Secretariat in Geneva for filing.

END

# VideoTelecom Corp.

February 22, 1989

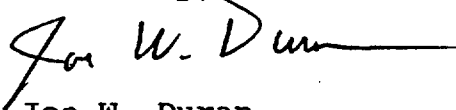
Mr. Sakeo Okubo, Chairman  
Specialist Group on Coding for Visual Telephony  
Visual Media Laboratory, Room 824 C  
NTT Human Interface Laboratories  
1-2356 Take, Yokosuka-shi  
Kanagawa-Ken 238-03  
Japan

Dear Mr. Okubo:

Our policy at VideoTelecom is normally to disclose patents upon notice of allowance. However, we are willing to provide to the specialist group a brief summary of any relevant patent applications, after they have been filed with the relevant patent offices.

Our licensing policy on patents relevant to the CCITT recommendation is to grant non-exclusive licenses on fair and reasonable terms. At this time we have no relevant patents to disclose.

Sincerely,



Joe W. Duran  
Vice President of Engineering

CCITT SGXV  
Working Party XV/1  
Specialist Group on Coding for Visual Telephony

Document # 493  
March 2, 1989

SOURCE: Bellcore

Title: Bellcore Policy on Patents Relating to Standards

The following statement describes Bellcore's present policy with respect to patent disclosure.

It is Bellcore's current policy to grant, without compensation, to any person granting the same to Bellcore, its owner companies, their affiliated companies, and any person acting for the benefit of them, the freedom from prosecution under any of Bellcore's prior patent rights to the extent necessary to permit the patented inventions to be made and used for the purpose of compliance with a relevant Recommendation.

Further, in order to assist a Specialists Group in its deliberations on a proposed CCITT Recommendation, Bellcore is presently willing to provide the Group, prior to the normal application publication date, a short description, namely an abstract of the disclosure, of any pending application for a patent which Bellcore believes would be required to be used for compliance with that proposed Recommendation.

TELEFAX von/from  
DEUTSCHE BUNDESPOST

**FERNMELDETECHNISCHES ZENTRALAMT**

Referat/section  
Postfach/P.O.Box 5000  
D-6100 Darmstadt

Datum/date: May 16, 1989  
Seiten/pages: 1



An/to

Mr. Sakae Okubo

Telefax: +81 468 592829

Ihr Zeichen/your reference

Absender/sender

Günther Zedler

Telefax: +49.6151 834630

Telefon:

Unser Zeichen/our reference

N 11

Betreff/subject:

Statement on Patent Policy

Dear Mr. Okubo:

Since DBP has not any Patent related to Rec. H.261 your text for Statement on Patent Information is correct saying: None from DBP. Statement on Patent Licensing Policy concerning Recommendation H.261 is as follows:

If Deutsche Bundespost holds any intellectual property right being considered to be necessary for implementing the Standard or Recommendation Deutsche Bundespost is prepared to grant non-exclusive, non-transferable licences without temporal limitations under these intellectual property rights on fair and reasonable terms and conditions.

Kind regards

for the president

(G. Zedler)

Source: STA (Swedish Telecommunications Administration)

Title: STA PATENT POLICY

This document replaces earlier statements made by STA,  
found in documents #178 and #342.

The new Patent Licencing Policy is identical to the one in  
Annex 4 to #216R with "n.384 kbit/s for visual telephony"  
replaced by "p.64 kbit/s for audiovisual services"  
and "X" replaced by "STA".  
(see also letter from Mr Okubo, March 28, 1989).

The new Patent Information Disclosure Policy is identical  
to the previous one, but with "Recommendations H.12x and H.13x"  
replaced by "Recommendation H.261".

For the time being, there are no known patents, owned or controlled  
by STA, which are relevant.

#### Patent Licencing Policy.

STA will, upon adoption of such Recommendation by CCITT, grant  
licences under its patents on a non-exclusive basis and on non-  
discriminatory fair and reasonable terms to all users solely for  
their use in complying with the Recommendation, but on a condition  
that any such user first express willingness to grant to STA, for  
itself and its subsidiaries, similar licenses under such user's  
patents, if any, for use in complying with the Recommendation.

The grant by STA will be for licenses to make, have made, use, sell,  
lease and import any equipment complying with the Recommendation.

As used herein,

"Patents" means patents for inventions made prior to the adoption of  
the Recommendation which patents are owned or controlled by the grantor  
(STA or the user) or its subsidiaries; provided, however, that in no  
event will any licenses granted pursuant to this commitment include  
licenses under any patent the use of which is not essential to meeting  
the Recommendation or which can be avoided by those skilled in the art  
through the exercise of their best efforts.

"Recommendation" means a recommendation by the CCITT for a preferred  
algorithm for the p.64 kbit/s video coding for audiovisual services.

"Subsidiary" means any corporation, company or other entity more than  
fifty percent of whose voting shares or outstanding capital stock is  
owned or controlled directly or indirectly by STA.

#### Patent Information Disclosure Policy.

STA is willing to inform the Specialists Group on Coding  
for Visual Telephony of the general content of patent  
applications, relevant to Recommendation H.261 (p.64 kbit/s  
video coding) as the patent is filed at the Swedish  
patent office.

This statement provides all other members of the Specialists  
Group undertake to do the same.



# VISTACOM INDUSTRIES INC OY

Address: Kipparinkatu 2, SF-02320 Espoo, FINLAND · Phone +358 08025011 · Videophone +1301131 · Telex 125940 VISTA

CCITT SGXV

Document No. \_\_\_\_\_

Working Party XV/1

Specialist Group on Coding for Visual Telephony

SOURCE: VISTACOM INDUSTRIES, INC.

Title: VISTACOM Policy on Patents Relating to px64 Standards

Vistacom Industries, Inc. shall grant, at reasonable terms, non-exclusive licences of the patents which Vistacom owns in low bit rate video coding and which may be needed in the implementation of px64 kbps video coding recommendation, to anybody willing to manufacture and market products based on this technology.

  
President  
Vistacom Industries Oy

Graphics Communication Technologies,Ltd.  
7-1-5, Minami-Aoyama, Minato-ku  
Tokyo 107, JAPAN  
June 5, 1989

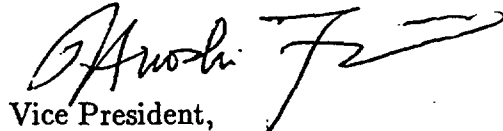
Mr. Sakae Okubo, Chairman  
Specialist Group on Coding for Visual Telephony  
Project Team-3, Room Y-924A  
NTT Human Interface Laboratories  
1-2356 Take, Yokosuka 238-03, JAPAN

Dear Mr. Okubo,

Our licensing policy on patents relevant to the CCITT Recommendation on p×64 kbps Video Codecs is to grant non-exclusive licenses on fair and reasonable terms.

Sincerely,

Hiroshi Fujiwara

A handwritten signature in black ink, appearing to read 'Hiroshi Fujiwara', with a stylized flourish at the end.

Vice President,  
Research & Development  
Graphics Communication Technologies,Ltd.

**NIPPON TELEGRAPH AND TELEPHONE CORPORATION**

1-6 Uchisaiwai-cho 1-chome, Chiyoda-ku, Tokyo 100 Japan  
Telex O 2225300 NTT HQJ

June 5, 1989

Mr. Sakae Okubo  
Chairman of the Specialists Group  
on Coding for Visual Telephony  
CCITT SGXV

Subject: Statement on patents on the px64 kbit/s video coding for audiovisual services

Nippon Telegraph and Telephone Corporation (NTT) will, upon adoption of such Recommendation by CCITT, grant licenses under its patents on a non-exclusive basis and on non-discriminatory fair and reasonable terms to all users solely for their use in complying with the Recommendation, but on a condition that any user first expresses willingness to grant to NTT, for itself and its subsidiaries, similar licenses under such user's patents, if any, for use in complying with the Recommendation.

The grant by NTT or the user will be for licenses to make, have made, use, sell, lease and import any equipment complying with the Recommendation.

As used herein,

"Patents" means patents for inventions made prior to the adoption of the Recommendation which are owned or controlled by the grantor (NTT or the user); provided, however, that in no event will any licenses granted pursuant to this commitment include licenses under any patent the use of which is not essential to meet the Recommendation or which can be avoided by those skilled in the art through the exercise of their best efforts.

"Recommendation" means a recommendation by the CCITT for a preferred algorithm for the px64 kbit/s video coding for audiovisual services.

"Subsidiary" means any corporation, company or other entity more than fifty percent of whose voting shares or outstanding capital stock is owned or controlled directly or indirectly by NTT or the user.

Makoto Sasaoka  
Executive Manager  
Technical Administration Department  
NTT R&D Information, Patent and Licensing  
Center  
Nippon Telegraph & Telephone Corporation



CCITT SGXV

Working Party XV/1  
Specialists Group on Coding for Visual Telephony

DOCUMENT #  
Stuttgart  
June 1989

TITLE: Patent Policy of Delta Information Systems

SOURCE: Delta Information Systems, Inc. (DIS); USA

Patent Disclosure Policy

Delta Information Systems will disclose information on any patent relevant to the Px64 Kbps codec when the application is submitted to the Patent Office.

Patent Licencing Policy

If Delta is awarded a patent related to the Px64 Kbps codec a license will be available without cost.

Patents Issued

Delta has been awarded no patents which are related to the Px64 Kbps codec.

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CCITT SGXV  
Working Party XV/1  
Specialist Group on Coding for Visual Telephony.  
Stuttgart (13-16)/6 89

June 1989

Source: Norway  
Subject: Statement on patents on the p x 64 kb/s video coding for  
audiovisual services.

-No Norwegian patents relevant to the p x 64 kb/s video coding method has  
been found.

-NTA strongly supports international standardization on non-discriminatory  
basis.

-If the p x 64 kb/s coding method is adopted as a CCITT recommendation,  
the following statement can be made:

It is within NTA's intention to grant licences to other manufacturers on  
reasonable and non-discriminatory terms. The specific terms will have to  
be negotiated in each special case.

June 7, 1989

CCITT SGXV

Working Party XV/1

Specialists Group on Coding for visual Telephony

Source : ALCATEL CITTitle : Statement on Patent Licensing Policy

ALCATEL-CIT is willing to grant non-exclusive, non transferable licences on reasonable and non discriminating terms and conditions under any of its patents :

- to the extent to which they cover features contained in a recommendation by the CCITT for a preferred p.x 64 kbit/s picture coding for visual telephony corresponding to a draft recommendation H 261 proposed by the Specialists Group on Coding for Visual Telephony,
- for use in equipment which fully complies with the recommendation.

(The term "patent" includes patent applications, issued patents, design patents, utility models or other similar protection rights).



2880 Junction Avenue  
San Jose, CA 95134  
(408) 435-3000  
FAX: (408) 822-5429  
Telex: 171818

**COMPRESSION LABS, INC. STATEMENT TO CCITT**  
**June 7, 1989**

**Subject: CLI Statement On Patents On The p X 64 kbit/s Video Coding For Audiovisual Services.**

Upon adoption of the Recommendation by CCITT and provided that all other participating organizations similarly agree to grant licenses under their Patents, CLI will grant licenses under CLI Patents on a non-exclusive basis and on non-discriminatory, fair and reasonable terms to all users solely for their use in complying with the Recommendation, but on condition that any such user grant to CLI, for CLI and CLI's subsidiaries, similar licenses under such user's Patents, if any, for use in complying with the Recommendation.

The grant by CLI will be for licenses to make, use, sell, lease and import any equipment complying with the Recommendation.

As used herein:

"Patents" means patents for inventions made prior to the adoption of the Recommendation which patents are owned or controlled by the grantor (CLI or the user) or its Subsidiaries; provided, however, that in no event shall "Patents" include any patent the use of which is not essential to meeting the Recommendation or which can be avoided by those skilled in the art through the exercise of their best efforts.

"Recommendation" means a recommendation by the CCITT for a preferred algorithm for the p x 64 kbit/s video coding for audiovisual services.

"Subsidiary" means any corporation, company or other entity more than fifty percent of whose voting shares or outstanding capital stock is owned or controlled directly or indirectly by CLI or by the user, as the case may be.

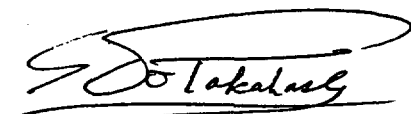
Video Sys.& Tech. Lab.  
R & D Center, TOSHIBA  
1 Komukai-Toshiba-cho  
Saiwai-ku, Kawasaki 210  
Japan  
June 6th 1989

Mr. Sakae Okubo, Chairman  
Specialist Group on Coding for Visual Telephony  
Visual Media Laboratory, Room 924A  
NTT Human Interface Laboratories  
1-2356 Take, Yokosuka-shi  
Kanagawa-ken 238-03  
Japan

Dear Mr.Okubo:

Our licensing policy on patents relevant to the coming CCITT SGXV recommendation on px64kbps Coding for Visual Telephony is to grant non-exclusive licenses to the Specialists Group members on fair and reasonable terms, provided that all members of the Specialists Group do likewise.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Takahashi', with a large, sweeping loop at the end.

Sadao Takahashi

Manager,  
Video Sys.& Tech. Lab.  
R&D Center TOSHIBA

CCITT SGXV  
Working Party XV/1  
Specialists Group on Coding for Visual Telephony

Document no.  
July 9, 1989

Source: AEG, FRG  
Title: AEG Policy on Patents Relating to Standards

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**AEG**

AEG, PTL, Postfach 7002 20, D-6000 Frankfurt 70

**Air Mail**

Mr. Sakeo Okubo  
Chairman  
Visual Media Laboratory  
Room 824 C  
1-2356 Take, Yokosuka-shi  
Kanagawa-Ken 238-03  
Japan

Patente und  
Lizenzen

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Teletex: 6999425=AEG  
Telegramm: elektronwest

Ihre Zeichen und Nachricht vom

Unsere Zeichen  
Ka/Kn

Durchwahl-Nr.  
3468

Frankfurt am Main  
09.06.1989

**Statement on patents  
on the p x 64 kbit/s video coding  
for audiovisual services**

Dear Mr. Okubo,

On behalf of AEG Aktiengesellschaft and its subsidiary AEG Olympia we provide the following statement:

AEG will, upon adoption of such Recommendation by CCITT, grant licenses under its patents on a non-exclusive basis and on non-discriminatory fair and reasonable terms to all users solely for their use in complying with the Recommendation, but on a condition that any such user first express willingness to grant to AEG, for itself and its subsidiaries, similar licenses under such user's patents, if any, for use in complying with the Recommendation.

The grant by AEG will be for licenses to make, have made, use, sell, lease and import any equipment complying with the Recommendation.

As used herein,

"Patents" means patents for inventions made prior to the adoption of the Recommendation which patents are owned or controlled by the grantor (AEG or the user) or its subsidiaries; provided, however, that in no event will any licenses granted pursuant to this commitment include licenses under any patent the use of which is not essential to meeting the Recommendation or which can be avoided by those skilled in the art through the exercise of their best efforts.

"Recommendation" means a recommendation by the CCITT for a preferred algorithm for the p x 64 kbit/s video coding for audiovisual services.

"Subsidiary" means any corporation, company or other entity more than fifty percent of whose voting shares or outstanding capital stock is owned or controlled directly or indirectly by AEG.

Yours sincerely,

AEG Aktiengesellschaft

  
ppa. Vogl

AEG Olympia Aktiengesellschaft

  
ppa. Kaiser



**Title: INTELLECTUAL PROPERTY**

Source: British Telecom

At the last Specialists Group meeting in Oslo the Chairman requested that organisations should submit statements concerning Patent Information Disclosure Policy and Patent Licensing Policy. This document states the position of British Telecom concerning these matters in relation to the p x 64kbit/s H.261 Recommendation.

Patent Licensing Policy

British Telecom supports the CCITT "Code of Practice" concerning patents (Annex 3 - COM XV-R 22-E). This statement on CCITT Patent Policy is attached as Appendix 1.

BT wishes to support option 2.2 in the CCITT Recommendation, subject to reciprocal rights from other patent holders. Presumably, licences are only to be granted for patents essential to the Recommendation.

Patent Information Disclosure Policy

In the interests of avoiding patent conflicts after a Recommendation is issued, British Telecom are willing to inform the Specialists Group of the general contents and scope of any patent application relevant to the Recommendation shortly after the patent application is filed at the UK Patent Office. Such information shall be received in confidence by the members of the Specialists Group. Since such actions are weakening the company's position regarding retention of its Intellectual Property, BT will only continue with this policy provided all other members of the Specialists Group do likewise, if this is not possible then no further patent information will be provided until the Patent enters the public domain, ie at least 18 months after first filing.

Annex 3

(to Part V of the report of Working Party XV/1)

Statement on CCITT patent policy

Over the years, the CCITT has developed a "code of practice" regarding patents or any other rights covering, to a varying extent, the subject matter of CCITT Recommendations. The rules of this "code of practice" are rather simple and straightforward - Recommendations are being drawn up by telecommunications but not patent experts, who may not be very familiar with the complex international legal situation of trade rights, patents, etc.

CCITT Recommendations are international standards. Their objective is to ensure compatibility of international telecommunications on a worldwide basis. To meet this objective, which is in the common interest of all those participating in international telecommunications (network providers, suppliers, users) it must be ensured that CCITT Recommendations, their application, use etc. are accessible to all exclusive (monopolistic) commercial abuse by a single holder of a patent embedded in a CCITT Recommendation being avoided. To meet this requirement in general is the sole objective of the CCITT code of practice, the detailed arrangements being left to the parties involved, 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 CCITT cannot 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, the CCITT member organization putting forward a proposal of this type should draw the CCITT's attention to any known patent and similar rights on a worldwide basis or any known pending applications, although CCITT is not in a position to guarantee the validity of any such information.
2. If a CCITT Recommendation is issued and such information as referred to in para. 1) has been disclosed, three different cases may arise:
  - 2.1. The patent holder waives his rights; hence the CCITT Recommendation is 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 licenses under patent or similar rights on a non-discriminatory basis with applicants throughout the world on reasonable terms and conditions (to be performed outside the CCITT).
  - 2.3. The patent holder is not willing to comply with the provisions of para. 2.1. or para. 2.2; in such case no CCITT 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 the CCITT Secretariat. These statements must not include additional provisions, conditions or any other exclusion clauses in excess of what is provided for each case in para. 2.1., 2.2. and 2.3 .

(2034)

CCITT Study Group XV  
Working Party XV/1  
Specialists Group on Coding for Visual Telephony

Doc. #  
June, 1989

Source: PictureTel Corporation

Title: Patent Licensing Policy

In this contribution, we would like to state our patent licensing policy.

If essential elements of the CCITT recommendations on the px64 kbit/s video codec would be covered by PictureTel patent rights, we are willing to grant licenses on fair and reasonable terms and on a non-discriminatory basis to any applicant for implementing the CCITT recommendation.

A condition for granting a license is that the applicant is prepared to grant licenses to PictureTel Corporation in the same area as PictureTel grants to the applicant.



Brian L. Hinman  
Vice President  
Engineering

Working Party XV/1

June 1989

Specialists Group on Coding for Visual Telephony

Source: Royal PTT Nederland N.V. (PTT NL)

Title: PTT NL Statement on Patent Licensing Policy

The following statement describes PTT NL's present patent policy relating to standards.

It is PTT NL's current policy to grant non-exclusive, non-transferable licenses on non-discriminatory fair and reasonable terms and conditions under those of its Patents, not having a priority date of filing later than the date of adoption of the relevant Standard, which are essential for the implementation of the Recommendation finally approved by the CCITT, to any person granting the same to PTT NL and its affiliated companies and any person acting for the benefit of them.

"Essential" means: a patent from which the Standard directly derives and also any patent the infringement of which could not be avoided in the implementation of the Standard.

"any person" means: any party that wants to:

- a. manufacture (pieces of) the equipment referring to the Standard, or
- b. to have manufactured (pieces of) the equipment referring to the Standard, or
- c. to sell (pieces of) the equipment referring to the Standard, or
- d. to use (pieces of) the equipment referring to the Standard.