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IEC, ISO, ITU Patent Rights – A common policy

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A new global framework for technical harmonization

- **WTO** (World Trade Organization): **TBT** (Technical Barriers to Trade), **SPS** (Sanitary and Phytosanitary Measures) and **GATS** (General Agreement on Trade in Services)
- Multiplication of regional and bilateral trade agreements: more than 200 identified by WTO
- Major new emerging economies and regulatory reforms
- Good regulatory practices and reference to standards, as components of good public governance
- Global companies

Demand for consensus based Standards | Recommendations

- Globalization of trade in products and services
- Delocalization of procurement and investment
- Deregulation of public services
- Public demand for consumer and environmental protection
- Deployment of new technologies and innovation
- An efficient and fair means for disseminating new technologies worldwide

Basic Principles

- Publications must be exploitable by users without undue constraints
- Respect Intellectual Property Rights (IPR) of owners

Patents

- What is covered
- Patents refer to essential patents or similar rights, utility models and other statutory rights based on inventions, including any applications for any of the foregoing

Disclosure

- Who
 - Any party participating in the work
 - Anyone not participating
- When
 - From the outset
- How
 - “In good faith”
 - “Best effort basis”
 - No requirement for full patent searches

Disclosure

- Patent holder requested to submit a patent declaration form whether a participant in the process or not




Declaration

- Holder will licence free of charge on non-discriminatory basis and reasonable terms and conditions
- Holder will licence on non-discriminatory basis and reasonable terms and conditions
- Licensing may be subject to reciprocity
- Not willing to licence

Patent declaration form

- Standardized submission
 - Licensing
 - Contact information
 - List of claimed patents

Patent Statement and Licensing Declaration Form for ITU-T/ITU-R Recommendation | ISO/IEC Deliverable

		
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**Patent Statement and Licensing Declaration
for ITU-T/ITU-R Recommendation | ISO/IEC Deliverable**
The declaration does not represent an actual grant of a license

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

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Patent Holder:

Legal Name: _____

Contact for license application:

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Disclosure after publication

- If agreement to licence, no change
- If no agreement to licence, technical body concerned with document will take appropriate action

Responsibility

- IEC, ISO, ITU do not provide information about evidence, validity or scope of patents or similar rights
- Negotiations left to parties concerned

Conduct in meetings

- Chairmen of technical bodies to ask participants if they are aware of patents, use of which may be required to implement a ITU Recommendation | ISO/IEC Deliverable



For electrotechnology

<http://www.iec.ch/tctools/patent-guidelines.htm>



Multi-discipline and cross sector

<http://www.iso.org/patents>



For telecommunications/information and communication technologies

<http://www.itu.int/ITU-T/dbase/patent/index.html>

<http://www.itu.int/ITU-R/index.asp?category=study-groups&link=patents&lang=en>

Collaborate to meet the challenges of converging technologies