

APTA Intellectual Property Policy

Work Package Chair Policy Statement

The purpose of this document is to provide a script for work package chairs to follow when instructing work package members on APTA's IP Policy and to provide an opportunity to discover intellectual property that may have become a part of any APTA standard.



**AMERICAN
PUBLIC
TRANSPORTATION
ASSOCIATION**

Updated 10/20/05

Instructions for the Chair

- **At Each Meeting, the Chair shall:**
- **Show (or, for conference calls, read) the following slides**
- **Advise the membership that:**
 - APTA's Patent Policy is consistent with the ANSI patent policy and is derived from Clause 6 of the *IEEE SA Standards Board Bylaws*;
 - Early disclosure of patents which may be essential for the use of standards under development is encouraged;
 - Disclosures made of such patents may not be exhaustive of all patents that may be essential for the use of standards under development, and that neither APTA, the committee or working group, nor the committee or WG Chair ensure the accuracy or completeness of any disclosure or whether any disclosure is of a patent that in fact may be essential for the use of standards under development.
- **Instruct the Secretary (or recorder of record) to include in the minutes of the relevant meeting:**
 - that the foregoing advice was provided and the two slides were shown or read;
 - that an opportunity was provided for members to identify or disclose patents that the member believes may be essential for the use of that standard;
 - any responses that were given, specifically the patents and patent applications that were identified (if any) and by whom.



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APTA Policy on Patents in Standards

- APTA standards may include the known use of patent(s), including patents pending and patent applications, provided APTA receives assurance from the patent holder or applicant with respect to patents essential for compliance with both mandatory and optional portions of the standard. This assurance shall be provided without coercion and prior to approval of the standard (or reaffirmation when a patent becomes known after initial approval of the standard). This assurance shall be a letter that is in the form of either



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APTA Policy on Patents in Standards (continued)

- a) A general disclaimer to the effect that the patentee will not enforce any of its present or future patent(s) whose use would be required to implement the proposed APTA standard against any person or entity using the patent(s) to comply with the standard, or
- b) A statement that a license will be made available without compensation with reasonable terms and conditions that are demonstrably free of any unfair discrimination
- This assurance shall apply, at a minimum, from the date of the standard's approval to the date of the standard's withdrawal and is irrevocable during that period.



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Inappropriate Topics for APTA Standards Meetings

- Don't discuss licensing terms or conditions
- Don't discuss product pricing, territorial restrictions or market share
- Don't discuss ongoing litigation or threatened litigation
- Don't be silent if inappropriate topics are discussed... do formally object.

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<http://standards.ieee.org/board/pat/pat-slideset.ppt>



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