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# Update of PWG Process and IP Policy

August 15, 2008  
Portland, OR

# Agenda

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- Motivating Factors For the Update
- What's the same, different, and new...why.
- PWG Definition of the Standards Development Process v3.0 Review
- PWG Policy on Intellectual Property and Confidentiality Review
- New Membership PDF Form Review
- New Letter of Assurance PDF Form Review
- New Note Well statement Review
- Review of Issues and Action Items
- Next Steps
- Adjourn

# Motivating Factors for the IP Policy Update

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- The IP Policy has caused issues with both new members as they join and also with current member's interpretation.
  - Example: Some current members don't vote on any Formal Votes because of a view that a Patent Search is required. ("shall disclose any known Patents...")
  - The language used in the IP Policy is out of date with respect to the language used by peer standards setting groups or consortia.
- The current policy refers to PWG Standards and Proposed Standards, not Candidate Standards etc.
- The current policy is unclear as to the procedures if a member is requested to submit an LOA but does not feel they actually have relevant IP.
- There is a desire to maintain a continued alignment with the concepts and language used by the IEEE Standards Association.

## Motivating Factors for the Process Document Update

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- The current document doesn't define membership categories...this is only on the membership form.
- The current document has an errata that needs to be incorporated.
- The current "process" document also contains the IP Policy. There is a desire to move this to an independent document such that the process document can be maintained independently.
- There are currently very active contributors to the work of the PWG that fit neither of the two current membership categories.

# What's changed in the draft Process 3.0 document

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- Membership Categories
  - The currently defined categories of Large Corporation (>10 M USD annual revenue) and Small Corporation (< 10 M USD annual revenue) are documented.
  - A new "Individual" membership category is defined that has a nominal annual membership fee. An Individual member can Chair, Vice-Chair, Secretary etc. a PWG Working group, but cannot be a PWG Officer. This is a non-voting membership category.
- Why the new Level?
  - PWG gets a signed membership agreement indicating an acceptance of the PWG's IP Policy.
  - The current operation of the PWG is no longer in violation of its own process.

## What's changed in the draft Process 3.0 document (contd.)

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- Process errata integrated
  - The PWG Last Call procedure was modified from the original Process V2 document to address the timing of Last Call relative to a PWG Plenary(F2F) meeting.
- The Intellectual Property and Confidentiality chapter has been removed (new separate document created).
- Removed the historical list of authors, contributors to the document.
- No Other modifications to Version 2 of the process document have been made.

## What's new in the new IP Policy vs. the old version.

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- The new IP Policy and LOA Form reflect the current IEEE Standards Association IP Policy **verbatim** (only the names have changed, text is used with permission of the IEEE)
  - Provides an explicit mechanism for indicating that no relevant Patent Claims exist.
  - Provides an OPTIONAL mechanism to indicate sample licensing fees etc.
  - Provides a mechanism for indicating affiliates that are or are not included in the scope of a Letter of Assurance.
  - Defines what is expected of members relating to "Reasonable and Good Faith Inquiry, and Patent Searches related to potential Patent Claims.
  - Removes the language about the PWG owning, and licensing Intellectual Property on its own.
  - In addition to the 100 percent approval of ALL PWG members for changes in the policy, adds a mechanism for acceptance of a new policy via the membership agreement (re-signing).

# What's new in the new Confidentiality Policy vs. the old version.

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- The new Confidentiality Policy is modeled after the IETF's policy.
  - Provides explicit language about what is, and is not considered a contribution to the PWG and how such a contribution may or may not be used in the PWG.
  - Removes a NEVER used ability for PWG members to set terms and conditions relating to copyrighted material contributed to a PWG effort. (this does NOT include Intellectual Property)
  - Removes a NEVER used ability for PWG members to create a "closed PWG project" where only PWG members who have signed a confidentiality agreement can participate.
  - Defines a "Note Well" that binds non-members, that may attend a meeting/call/etc. and participate and contribute to PWG efforts, to acknowledge and accept the PWG's operating procedures and acceptance of the PWG Policy on Intellectual Property and Confidentiality.



# Discussion, Review of Issues and Action Items (after review of new documents)

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## Next Steps

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- Every PWG Member needs to review the new documents with their legal staff between now and the October F2F meeting. (use this presentation as a reference)
- Only “show stopping” issues that would cause you to withdraw from the PWG should be raised.
- New membership agreements will be executed for 2009 from all current PWG members that indicate an acceptance of the new policies.