Guidelines for the Handling of Intellectual Property Rights in Connection with TTA Standards

Adopted as of July 3, 1997
Amended as of December 8, 1999
Amended as of June 25, 2004
Amended as of December 21, 2005
Amended as of December 21, 2006 (change of the title of the head of the organization)
Amended as of January 25, 2011 (abolition of Guidelines of TTA Standards)

Article 1 (Purpose)

The Purpose of these guidelines is to stipulate actions to be taken and procedures to be followed, in the case where information and telecommunication standards established by the Telecommunications Technology Association of Korea (hereinafter referred to as "TTA standards") contain any material or elements covered (protected) by any intellectual property right, pursuant to Article 35 of the Information and Telecommunications Standardization Operation Regulations of Telecommunications Technology Association (TTA).

Article 2 (Definition of Terms)

The term "intellectual property right" (hereinafter referred to as "IPR"), used in these guidelines, shall mean any industrial property right such as patent, utility model and design, copyright etc., including any IPR for which an application has been filed and pending.

Article 3 (Notification of Information about IPR)

Any one proposing a TTA standard by submitting a proposal or draft standard or any one having an interest in it, that has knowledge of any IPR which may fully or partially cover elements of the proposal or draft standard, is obligated to notify the following information to the President of TTA (hereinafter referred to as "the President):

Name, address, profession, contact points, etc. of the person giving information about IPR;

Title or subject of the proposal or draft standard, and elements or portions thereof covered by the IPR;

Title or subject of the relevant IPR, and any other information about the IPR and the holder (owner) of the IPR.

Notification of information about IPR, as provided for in Paragraph 1 above shall be given according to Form No. 1 attached as Attachment 1.

Article 4 (Written Confirmation of the IPR Holder to License the IPR)

① Upon receipt of a notification of information about IPR, given as provided for in Article 3, or upon recognition of any IPR which covers elements of a proposal or draft standard for a TTA standard, the President shall immediately request the relevant IPR holder to give a written confirmation of intent to license the IPR for the purpose of implementing the TTA standard (hereinafter referred to as "a written confirmation").

② Pursuant to Paragraph 1 above, the President shall request the relevant IPR holder to give a written confirmation within thirty (30) days, and the President may extend this period under unavoidable circumstances.

③ A written confirmation shall be prepared according to Form No. 2 attached as Attachment 2 and submitted to the President. Should there be any serious defect or discrepancy in the written confirmation already submitted, or should there be any changes to be made of the content after submission of it, the IPR holder is obligated to submit, without delay, a revised written confirmation.

The President shall forward a copy of the written statement, submitted as provided for in Paragraph 3 above, to the relevant Technical Committee and the affiliated Project Group shall study and review the written statement. The chairman of the relevant Technical Committee shall attach the written statement to the report of the committee on the result of study and review of the proposal or draft standard for TTA standard, which will then be submitted it to the Technical Assembly.

Article 5 (Standardization Work)

Following study and review of the written confirmation, conducted as provided for in Article 4 Paragraph 4, if the relevant IPR holder opts for Sub-paragraph 1 or 2 below, the President shall submit the proposal or draft standard concerned, together with the relevant written confirmation, to the Technical Assembly for consideration and adoption of such proposal or draft standard as a work item for standardization:

The relevant IPR holder confirms intent to license the IPR with free of charge and under non-discriminatory terms for the purpose of implementing the TTA standard;

The relevant IPR holder confirms intent to license the IPR under reasonable terms and conditions on a non-discriminatory basis for the purpose of implementing the TTA standard.

The President is obligated to request the proposer of the TTA standard to submit a revised proposal in which no element protected by the IPR in question is included, or a new proposal or draft standard in any one of the following sub-paragraphs :

1 In case the IPR holder does not submit a written confirmation;

2 In case the IPR holder declines to license the IPR, or

3 In case the IPR holder declares the licensing terms other than above 1 and 2.

In the case where a revised proposal or a new proposal is not submitted as requested in accordance with the provisions of Paragraph 2 above, the President is obligated to discontinue standardization work on the original proposal.

Article 6 (Conditions for Implementation of IPR, etc.)

① Chairman of Project Group may create and manage a relevant group if necessary for the review of IPR of adopted draft standard.

② When necessary, chairpersons of Technical Committees Project Groups, etc. may create and manage ad hoc groups of experts to study and consider various aspects with respect to treatment of relevant IPR, as provided for in Paragraph 1 above.

Article 7 (Advisory Committee on IPR)

① The President may create an advisory committee to provide advice and counseling service to TTA on matters relating to IPR.

② The Advisory Committee on IPR shall provide advice and counseling service on the following matters as requested by TTA:

Improvement of IPR policy and rules and procedures for treatment of IPR in connection with TTA standards;

Interpretation of and judgement on legal validity, etc. as requested by Technical Committees;

Other matters relating to treatment of IPR such as terms and conditions.

The President shall separately determine particulars necessary for composition and management of the Advisory Committee on IPR.

Article 8 (Clear Statement of IPR)

When a draft standard that contains elements covered by an IPR is subsequently approved as a TTA standard, the President is obligated to include a prominent notice in the published standard referring to the IPR and the IPR holder's written confirmation to license the IPR for the purpose of implementing the TTA standard. Such notice shall include the following information:

The fact that the standard contains material or elements covered by an IPR;

Title or subject of the relevant IPR, name of the IPR holder, main content of the IPR holder's written confirmation to license the IPR for the purpose of implementing the standard, etc.;

Contact point for further details concerning the IPR.

When giving public announcement or notification of a standard in which a prominent notice is included as provided for in Paragraph 1 above, a prominent notice referring to the relevant IPR shall be included in such public announcement or notification.

Article 9 (Treatment of IPR Reported after Publication of a Standard)

①Should the person, who proposed a TTA standard by submitting a proposal or draft standard or any one who has an interest in it, acquire knowledge of any IPR which may cover elements of the proposal or draft standard, after the affected standard has been already approved and published, the proposer or any interested party is obligated to notify information about such IPR, to the President, without delay, by applying the provisions of Article 3 mutatis mutandis.

② Upon receipt of a notification of information about an IPR, given as provided for in Paragraph 1 above, or upon recognition of any IPR which covers elements of a published TTA standard, the President shall immediately request the relevant IPR holder to give a written confirmation of intent to license the IPR for the purpose of implementing the TTA standard, by applying the provisions of Article 4 Paragraph 1 mutatis mutandis.

③ The President shall forward a copy of the written confirmation, submitted as provided for in Paragraph 2 above, to the relevant Project Group, and the chairperson of the relevant Project Group shall study and review the written confirmation.

④ Following study and review of the written confirmation, conducted as provided for in Paragraph 3 above, if the content of the written confirmation is deemed appropriate, provisions of Article 8 shall apply mutatis mutandis.

⑤ The President should take steps to revise or revoke the published TTA standard in any one of the following sub-paragraphs;

<revised>

1 In case the IPR holder does not submit a written IPR confirmation ;

2 In case the IPR holder declines to license the IPR, or

3 In case the IPR holder declares the licensing term other than anyone of paragraph 1 of Article 5 above.

Article 10 (Custody of Written Confirmation)

The President is obligated to retain in custody and keep records of written confirmations submitted by IPR holders.

(Deleted)

The President is obligated to allow anyone wishing to pursue written confirmations to do so.

Article 11 (Responsibility for identifying IPR)

The President shall not be responsible for or be involved in any one of the following facts or actions:

Accuracy and validity of the relevant IPR claimed by IPR holders;

Arbitration of disputes between IPR holders and users of TTA standards;

Guarantee that TTA standards for which no written confirmations have been received are free of

possible IPR involvements;

IPR searches in connection with standardization.

Article 12 (Copyrights)

Copyrights on TTA standards as well as copyrights on technical reports published by TTA belong to TTA. However, TTA shall indicate any copyrights of third parties included in the materials written by TTA.

Supplementary Provisions

Article 1 (Entry into Force)

The guidelines enter into force on July 3, 1997.

Article 2 (Transitional Provisions)

Any previous written confirmations submitted before the enforcement of this guideline shall be deemed to have been established in accordance with this guideline.

Article 3 (Provisions Applicable mutatis mutandis)

Procedures and operations without determination in this guideline shall follow the Information and Telecommunications Standardization and Operation Regulations.

Supplementary Provisions

Article 1 (Entry into Force)

The guidelines enter into force on January 1, 2000.

Supplementary Provisions

Article 1 (Entry into Force)

The guidelines enter into force on July 1, 2004.

Supplementary Provisions

Article 1 (Entry into Force)

The guidelines enter into force on December 21, 2005.

Supplementary Provisions

Article 1 (Entry into Force)

The guidelines enter into force on January 25, 2011.

[Form No. 1] Attachment 1

NOTIFICATION OF INTELLECTUAL PROPERTY
RIGHTS RELATING TO TTA STANDARDS

① Submitter	Name of Juridical Person			
	Address			
	Phone Number		Fax	
	E-mail			
② Title or Review Item of Relevant TTA Standard	(If no Standard number, write project number or project name)			

③ Relevant IPR: total number of ( ) ☐ Refer to the attachment

No.	IPR holder	④ Application Number / ⑤ Registration Number	Title or Subject of the IPR	Country
1				
2				
3				

I (We) hereby submit as above the notification of intellectual property right (IPR) relating to TTA Standards in accordance with the Guidelines for Treatment of IPRS in connection with TTA Standards (As amended as of January 25, 2011).

Date Submitted:

Submitter: (signature)

Respectfully Submitted to President of TTA

❖ Standard related IPR shall include case of applying.

Please fill out ①~③ without any omission.

③ Write the total number of submitting IPRs. When notifying multiple IPRs (for example, more than four), it can be submitted as [attachments]. Please check the "Refer to the attachments" box.

④~⑤ If IPR is currently in procedure of applying, fill out application number. If it is registered, fill out registration number.

[Form No. 2] Attachment 2

WRITTEN CONFIRMATION OF INTELLECTUAL

PROPERTY RIGHTS FOR IMPLEMENTING TTA STANDARDS

① Person of IPR	*(Name of Juridical Person)*			
② Contact Info	Name (or department)			
	Address			
	Phone Number		Fax	
	E-mail			
③ Title or Review Item of Relevant TTA Standard	*(If no Standard number, write project number or project name)*			
④ Terms and Conditions of Licensing the IPR	☐ A. to license the IPR with free of charge and under non-discriminatory terms for the purpose of implementing the TTA standard; ☐ B. to license the IPR under reasonable terms and conditions on a non-discriminatory basis for the purpose of implementing the TTA standard. ☐ C. to refuse licensing the IPR for the purpose of implementing the TTA standard.			

⑤ Relevant IPR: total number of ( ) ☐Refer to the attachments

No.	⑥ Application Number ⑦ Registration Number	Title or Subject of the IPR	Country
1			
2			
3			

I (We) hereby submit as above the written confirmation of IPR relating to TTA Standards in accordance with the Guidelines for Treatment of IPRS in connection with TTA Standards (As amended as of January 25, 2011).

Date Submitted:

Submitter: (⑧signature)

Respectfully Submitted to President of TTA

❖ Standard related IPR shall include case of applying.

Please fill out ①~⑤ without any omission.

① If individual, write your name. If corporate body, write the name of corporate body.

②Contactable person for implementing the IPR.

⑤ Write the total number of submitting IPRs. When notifying multiple IPRs (for example, more than four), it can be submitted as [attachments]. Please check the "Refer to the attachments" box.

⑥~⑦ If IPR is currently in procedure of applying, fill out application number. If it is registered, fill out registration number.

⑧ Person of IPR (individual or corporate body) shall seal.

[Attachment] Common form for Attachment 1 and 2

RELEVANT INTELLECTUAL PROPERTY RIGHTS (IPR)

No.	⑥ Application Number ⑦ Registration Number	Title or Subject of the IPR	Country
1			
2			
…			
…			

⑥～⑦ If IPR is currently in procedure of applying, fill out application number. If it is registered, fill out registration number.