

# PWG Instructions for the WG Chair

## ***At Each Meeting, the Working Group Chair shall:***

- ***Show slides #2 and #3 of this presentation***
- ***Advise the WG membership that:***
  - *The PWG's patent policy is consistent with the ANSI patent policy and is described in 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 the PWG, the WG, nor the WG Chairman 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 WG Secretary to record in the minutes of the relevant WG meeting:***
  - *That the foregoing advice was provided and the two slides were shown;*
  - *That an opportunity was provided for WG members to identify or disclose patents that the WG 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.*

# PWG Patent Statement

- ***PWG standards may include the known use of essential patents and patent applications provided the PWG receives assurance from the patent holder or applicant with respect to patents whose infringement is, or in the case of patent applications, potential future infringement the applicant asserts will be, unavoidable in a compliant implementation of either mandatory or optional portions of the standard [essential patents]. This assurance shall be provided without coercion. The patent holder or applicant should provide this assurance as soon as reasonably feasible in the standards development process. This assurance shall be provided no later than the approval of the standard (or reaffirmation when a patent or patent application becomes known after initial approval of the standard). This assurance shall be either:***
  - 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 either mandatory or optional portions of the proposed PWG standard against any person or entity complying with the standard; or***
  - b) ***A statement that a license for such implementation will be made available without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination.***
- ***The PWG is not in a position to give authoritative or comprehensive information about evidence, validity or scope of patents or similar rights, but it is desirable that any available information should be disclosed. Therefore, all PWG members shall, from the outset, draw PWG's attention to any relevant patents either their own or of other organizations including their Affiliates that are known to the PWG members or any of their Affiliates, although PWG is unable to verify the validity of any such information.***

# Inappropriate Topics for PWG Meetings

- *Don't discuss the validity/essentiality of patents/patent claims*
  - *Don't discuss the cost of specific patent use*
  - *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.*