



Intellectual Property Policy

1. Inclusion of Patents in Broadband Forum Technical Reports.

There is no objection in principle to drafting a proposed Broadband Forum Technical Report in terms that include the use of a patented item, if it is considered that technical reasons justify this approach.

If the Forum receives a notice that a proposed Broadband Forum Technical Report may require the use of a patented invention, the procedure in Sections 2 through 5 shall be followed.

2. Statement from Patent Holder.

Prior to approval of such a proposed Broadband Forum Technical Report, the Forum shall receive from the patent holder (in a form approved by the Forum) either: assurance in the form of a general disclaimer to this effect that the patentee does not hold and does not anticipate holding any invention whose use would be required for compliance with the proposed Broadband Forum Technical Report or assurance that:

(1) A license will be made available without compensation to applicants desiring to utilize the licenses for the purpose of implementing the report, or

(2) A license will be made available to applicants under reasonable terms and conditions that are demonstrably free of any unfair discrimination.

3. Record of Statement.

A record of the patent holder's statement (and a statement of the basis for considering such terms and conditions free of any unfair discrimination) shall be placed and retained in the files of the Forum

4. Notice.

When the Forum receives from a patent holder the assurance set forth in 2(1) or 2 (2), the report shall include a note as follows:

NOTE: The user's attention is called to the possibility that compliance with this report may require use of an invention covered by patent rights.

By publication of this report, no position is taken with respect to the validity of the claim or of any patent rights in connection therewith. The patent holder has, however, filed a statement of willingness to grant a license under these rights on reasonable and nondiscriminatory terms and conditions to applicants desiring to obtain such a license. Details may be obtained from the publisher.

5. Responsibility for Identifying Patents.

The Forum shall not be responsible for identifying all patents for which a license may be required by a Broadband Forum Technical Report or for conducting inquiries into the legal validity or scope of those patents that are brought to its attention.