

# THE TRUTH ABOUT STANDARDS

A return to reality  
October 11, 2018

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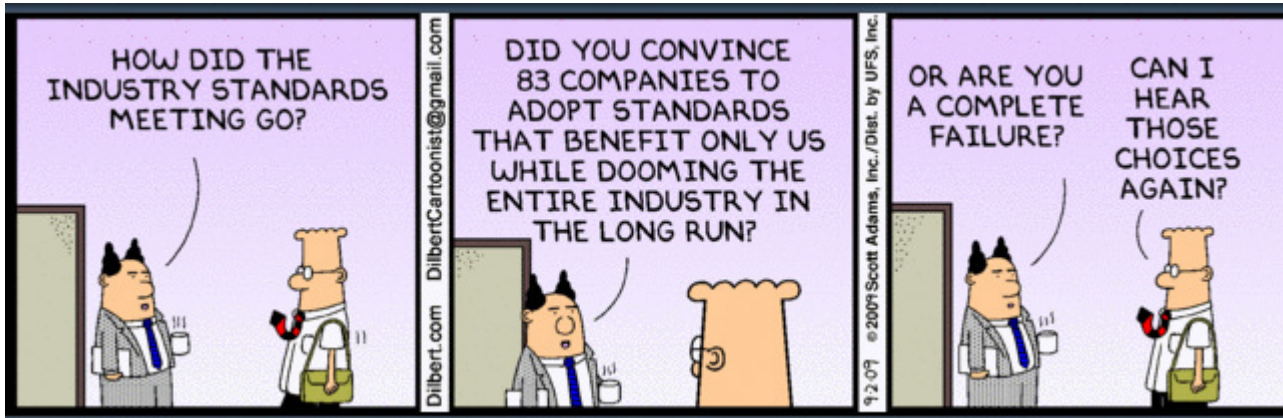


# Disclaimer

*Here in my own personal capacity*

*Views expressed are my own and not attributable to my employer.*

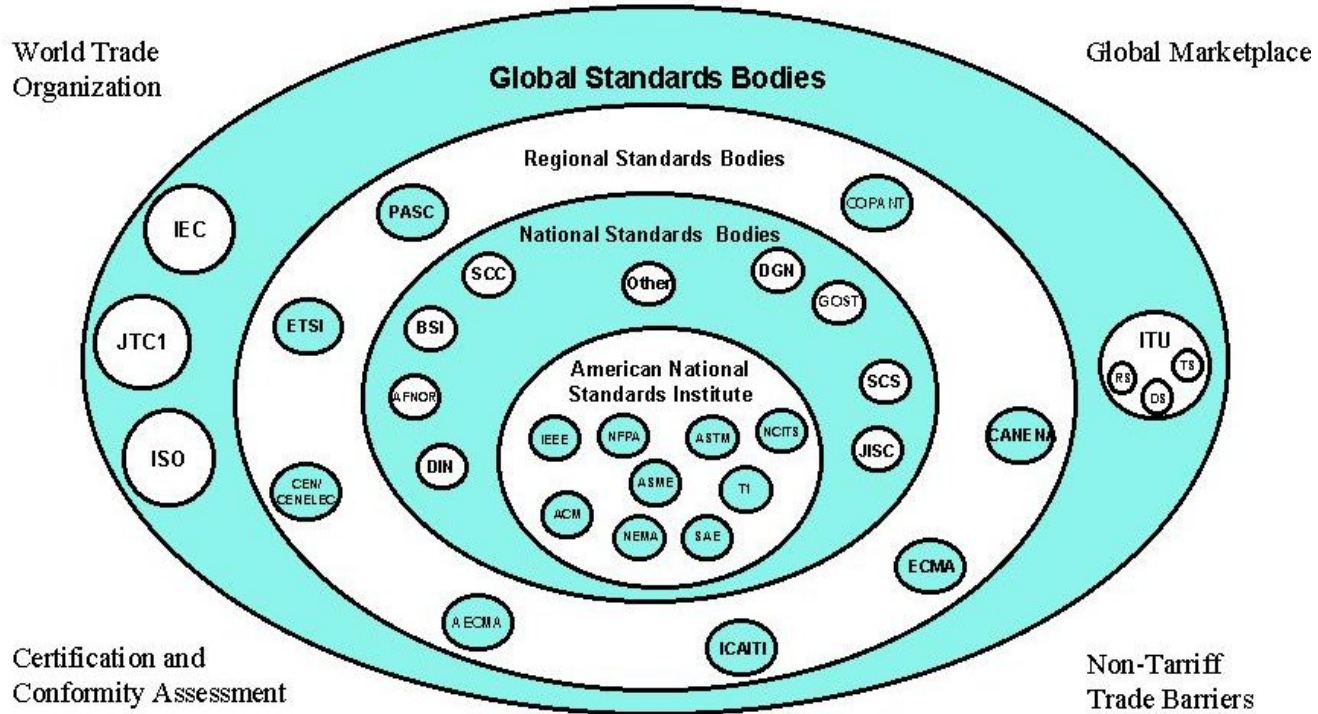
*A little levity to begin:*



# Understanding Standardization:

## 3GPP & 5G examples

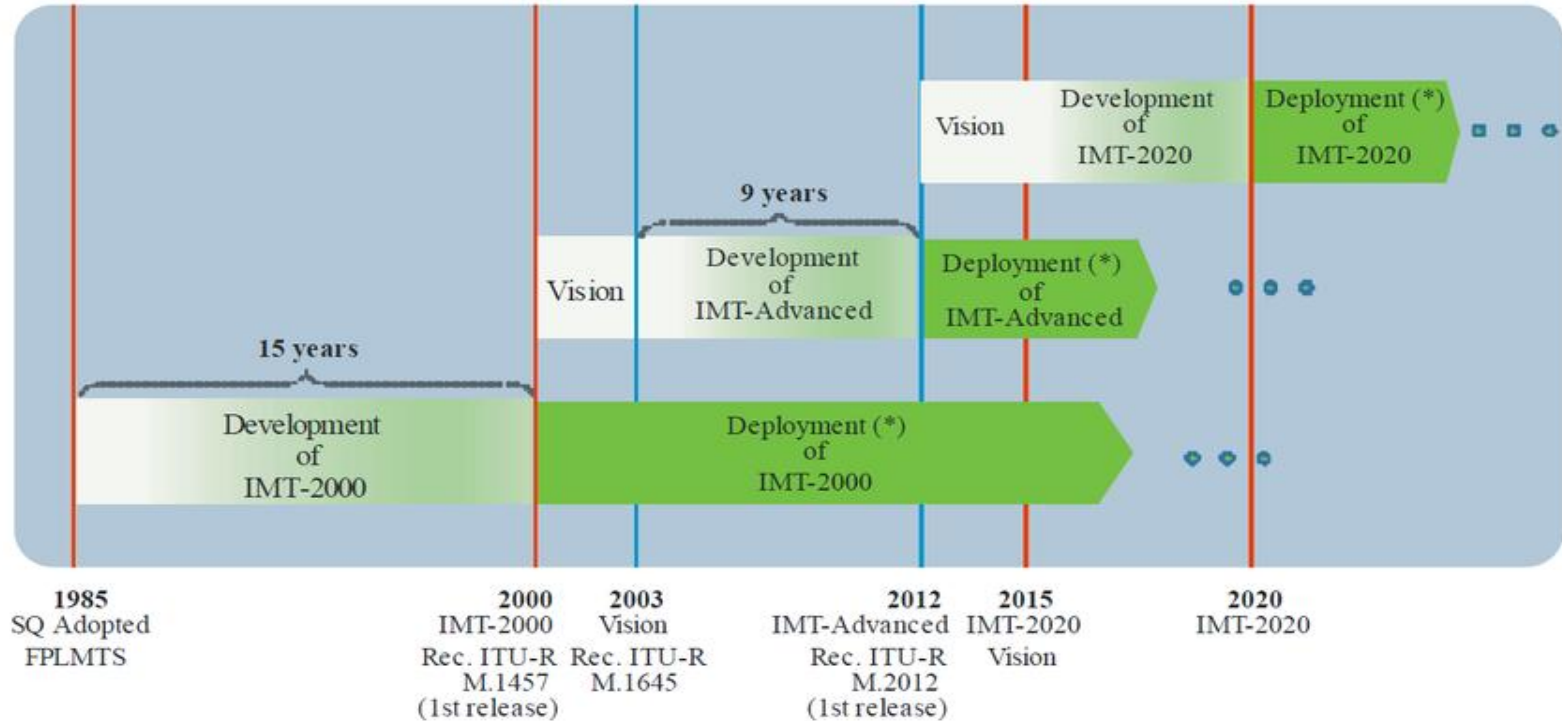
# Global Standards Arena



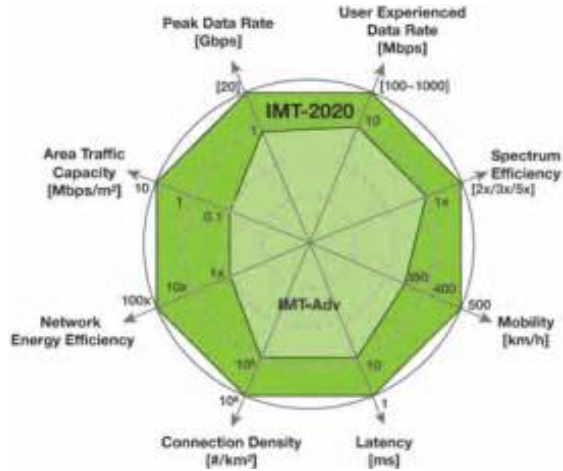
Source: <http://www.crcamp.com/standards/ssm/fig3.jpg>

# The ITU-R(adio)

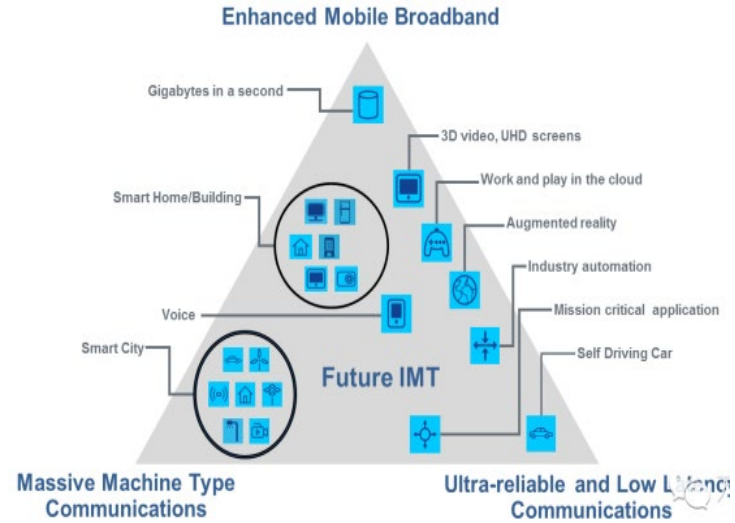
Overview of timeline for IMT development and deployment



# ITU 5G Vision

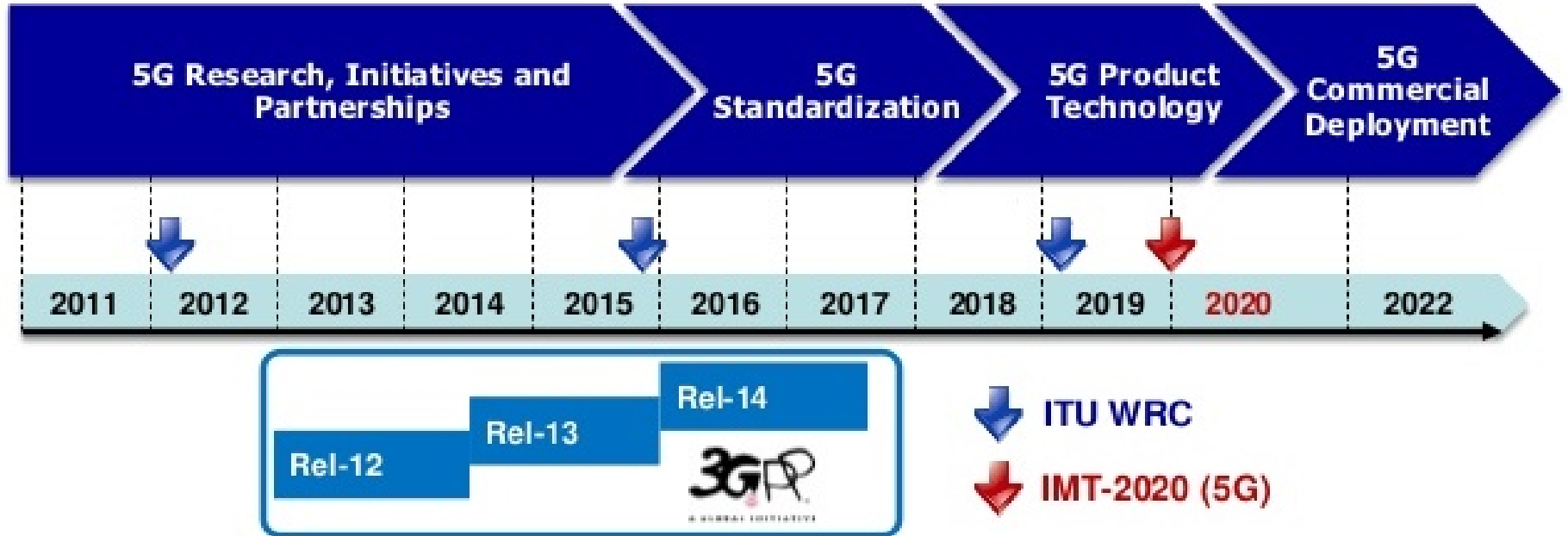


Technical Requirements



Use Cases

# 5G Expected Timeline



# 3GPP – At a Glance, 1

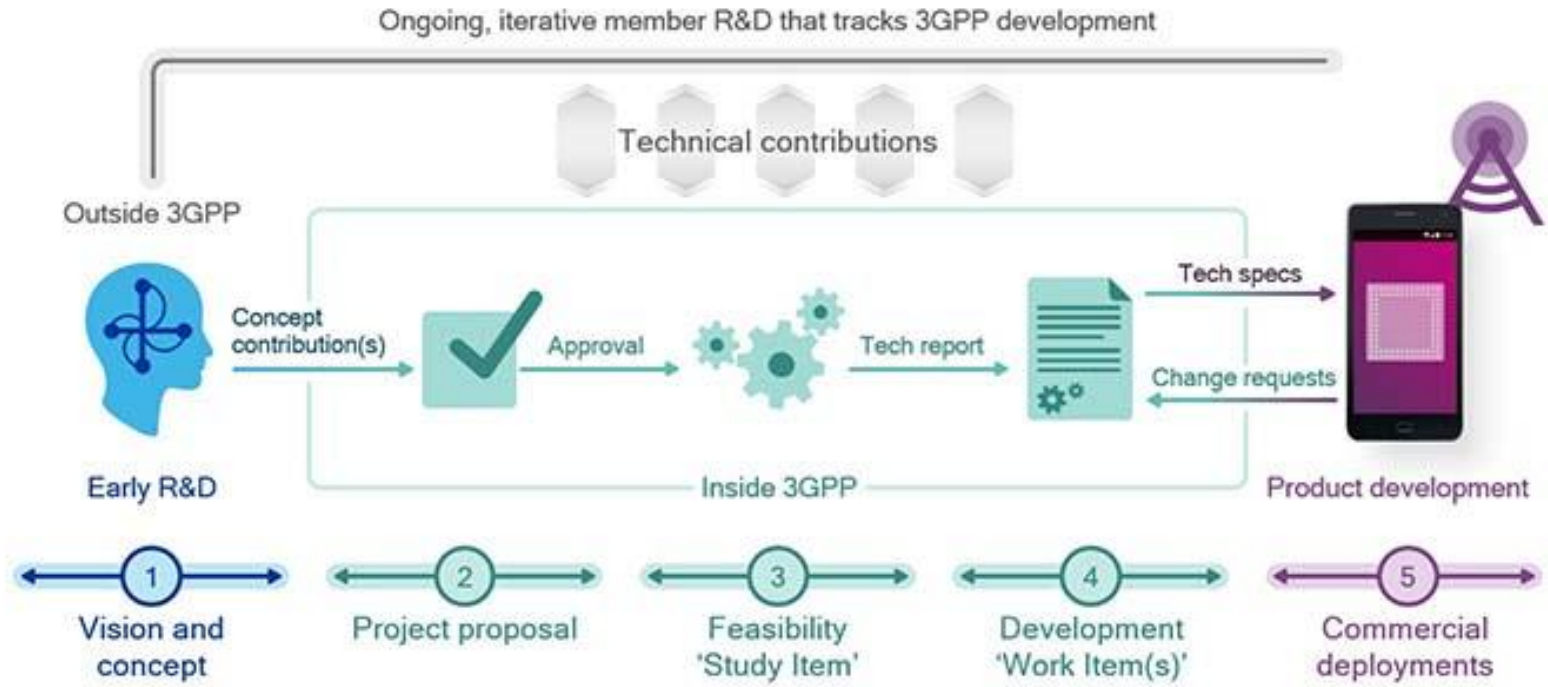




# 3GPP – At a Glance, 2



# 3GPP – At a Glance, 3



# 3GPP – Example Technical Meeting



# Technical Standardization, Summary

- Technical development involved 100's of organizations
  - *E.g.*, 3GPP TSG RAN WG1 Meeting #92, Athens Greece, 26 Feb – 2 Mar, 2018
  - Everyone along technology chain involved, some competitors, most not.
- Each Meeting involves 1000's of contributions
  - *E.g.*, 2,242 docs submitted just in the single meeting noted above
- Each single contribution could include 10+ proposals
  - *E.g.*, R1-1801462, Agenda Item 7.1.6.1, has 10 Proposals for consideration.
- Basic principles: Open, Transparent & Consensus-based decisions.
  - At ETSI any member can join IPR SC, *c.f.*, IEEE PatCom limited to only 7 members.
  - It's all about inter-operability. Members do not choose which technologies will be available to consumers and which technologies will be excluded, but rather work together to develop the best technology. (Think: rising tide...)

# Understanding IPR Policies

## ITU & ETSI examples

# Generally

- Licensing Declaration
  - By the Patent Holder
  - Fair, Reasonable and Non-Discriminatory Terms and Conditions
  - Other terms:
    - Reciprocity & Transferability
- IPR Disclosure (aka, Patent Statement or IPR Information Statement)
  - Identification of specific patents
  - Issued patents and/or pending applications.
  - Includes Families
  - Might be a general declaration

# ITU – Patent Statement and Licensing Declaration Form

- Document Type
  - Recommendation or Deliverable (Title/Name)
- Licensing Declaration, e.g.,
  - The Patent Holder believes that it holds granted and/or pending applications for Patents, the use of which would be required to implement the above document and hereby declares, in accordance with the Common Patent Policy for ITU-T/ITU-R/ISO/IEC.
  - Option 2, The Patent Holder is **prepared to grant** a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable **terms and conditions** to make, use and sell implementations of the above document. Negotiations are left to the parties concerned and are performed outside the ITU-T, ITU-R, ISO, or IEC.
- Patent Statement: not *required* for Option 2

# ETIS – IPR Information Statement and Licensing Declaration

- IPR Licensing Declaration

- To the extent that the IPR(s) disclosed in the attached IPR Information Statement Annex are or become, and remain ESSENTIAL in respect of the ETSI Work Item, STANDARD and/or TECHNICAL SPECIFICATION identified in the attached IPR Information Statement Annex, the Declarant...are (1) **prepared to grant** irrevocable licences under this/these IPR(s) on **terms and conditions** which are in accordance with Clause 6.1 of the ETSI IPR Policy; and (2) will comply with Clause 6.1bis of the ETSI IPR Policy.

- IPR Information Statement

- Identified issued patents/applications. (+families)

- Clause 6.1

- Patent Owner is **prepared to grant** irrevocable licences on fair, reasonable and non-discriminatory (“FRAND”) **terms and conditions** ...



# Understanding IPR Policies, Summary

- Goal: balance adequate reward for contributions with access.
- Licensing Declaration
  - Fair reasonable, and non-discriminatory terms and conditions.
    - FRAND is not a Rate. It's a complex business discussion of terms and conditions.
  - Essentiality: Mandatory or Option.
  - Patent holder is prepared to grant irrevocable licenses.
    - Prepared == able, willing. Cf, Commitment == promise, pledge
- IPR/Patent Statement
  - Can be specific or general/blanket.
  - Voluntarily provided & searches are not required.
- What if no Licensing Declaration provided?
  - SDO claims it will remove the covered technology.

# Key Takeaways



# In case you fell asleep, remember these:

- Inter-operability standards requires work in an open, transparent, and consensus based manner.
- Development is not “picking a technology” like selecting a box of cereal, but rather like baking a cake with 100’s of chefs having 1000’s of ingredients. A lot of trial and error == research/development.
- Submission of Licensing Declarations is voluntary, not mandatory. No *quid pro quo* or “but for”. The IPR regime is to encourage participation.
- FRAND is for “Terms and Conditions” not Rates.



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