
	<b>Processus Normalisation</b>	
	<b>ILNAS/OLN/A001 - ILNAS IPR Policy on Patent and Copyright</b>	
Approuvé par : Jérôme Hoerold	Version 2.1 – 09.04.2018	Page 1 de 5

# **ILNAS/OLN/A001**

## ***ILNAS IPR Policy on Patent and Copyright***

Modification: the latest modifications are underlined or strikethrough.

Southlane Tower I Esch-Belval  
1, avenue du Swing  
L-4367 Belvaux  
Tél.: (+352) 247 743 40  
Fax: (+352) 247 943 40  
normalisation@ilnas.etat.lu · www.portail-qualite.lu

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Approuvé par : Jérôme Hoerold	Version 2.1 – 09.04.2018	Page 2 de 5

## 1. Purpose

This document sets out the Patent Policy for all ILNAS deliverables and the Copyright Policy for all CEN, CENELEC, ETSI, ISO, IEC, DIN and ILNAS deliverables and all products that contain Publications or parts of Publications, in all formats, distributed by ILNAS in all language versions in all territories.

## 2. Patent Policy

The Common Patent Policy for ISO/IEC/ITU is endorsed by ILNAS. A copy of this policy can be found in Annex 1.

## 3. Copyright Policy


All ILNAS deliverables are free of charge. Everyone is permitted to copy and distribute ILNAS deliverables, but changing is not allowed.

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	<b>Processus Normalisation</b>	
	<b>ILNAS/OLN/A001 - ILNAS IPR Policy on Patent and Copyright</b>	
Approuvé par : Jérôme Hoerold	Version 2.1 – 09.04.2018	Page 3 de 5

- **Making additional electronic copies** – By purchasing multiple licenses, the customer can make legal copies for use by additionally defined users.
- **Printing multiple copies from one electronic file** – Customers wanting to have supplementary paper copies of the standards, for example for distribution at meetings, can purchase multiple licenses.
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	<b>Processus Normalisation</b>	
	<b>ILNAS/OLN/A001 - ILNAS IPR Policy on Patent and Copyright</b>	
Approuvé par : Jérôme Hoerold	Version 2.1 – 09.04.2018	Page 4 de 5

## Annex 1

### The ISO/IEC/ITU Common patent policy – March 2006


The following is a "code of practice" regarding patents covering, in varying degrees, the subject matters of ITU-T Recommendations, ITU-R Recommendations, ISO deliverables and IEC deliverables (for the purpose of this document, ITU-T and ITU-R Recommendations are referred to as "Recommendations", ISO deliverables and IEC deliverables are referred to as "Deliverables"). The rules of the "code of practice" are simple and straightforward. Recommendations | Deliverables are drawn up by technical and not patent experts; thus, they may not necessarily be very familiar with the complex international legal situation of intellectual property rights such as Patents, etc.

Recommendations | Deliverables are non-binding; their objective is to ensure compatibility of technologies and systems on a worldwide basis. To meet this objective, which is in the common interests of all those participating, it must be ensured that Recommendations | Deliverables, their applications, use, etc. are accessible to everybody.

It follows, therefore, that a patent embodied fully or partly in a Recommendation | Deliverable must be accessible to everybody without undue constraints. To meet this requirement in general is the sole objective of the code of practice. The detailed arrangements arising from patents (licensing, royalties, etc.) are left to the parties concerned, as these arrangements might differ from case to case.

This code of practice may be summarised as follows:

1. The ITU Telecommunication Standardization Bureau (TSB), the ITU Radiocommunication Bureau (BR) and the offices of the CEOs of ISO and IEC are 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 the fullest available information should be disclosed. Therefore, any party participating in the work of ITU, ISO or IEC should, from the outset, draw the attention of the Director of ITU-TSB, the Director of ITU-BR, or the offices of the CEOs of ISO or IEC, respectively, to any known patent or to any known pending patent application, either their own or of other organisations, although ITU, ISO or IEC are unable to verify the validity of any such information.
2. If a Recommendation | Deliverable is developed and such information as referred to in Paragraph 1 has been disclosed, three different situations may arise:
  - 2.1. The patent holder is willing to negotiate licences free of charge with other parties on a non-discriminatory basis on reasonable terms and conditions. Such negotiations are left to the parties concerned and are performed outside ITU-T/ITU-R/ISO/IEC.
  - 2.2. The patent holder is willing to negotiate licences with other parties on a non-discriminatory basis on reasonable terms and conditions. Such negotiations

	<b>Processus Normalisation</b>	
	<b>ILNAS/OLN/A001 - ILNAS IPR Policy on Patent and Copyright</b>	
Approuvé par : Jérôme Hoerold	Version 2.1 – 09.04.2018	Page 5 de 5

are left to the parties concerned and are performed outside ITU-T/ITU-R/ISO/IEC.

2.3. The patent holder is not willing to comply with the provisions of either Paragraph 2.1 or Paragraph 2.2; in such case, the Recommendation | Deliverable shall not include provisions depending on the patent.

Whatever case applies (2.1, 2.2 or 2.3), the patent holder has to provide a written statement to be filed at ITU-TSB, ITU-BR or the offices of the CEOs of ISO or IEC, respectively, using the appropriate "Patent Statement and Licensing Declaration" Form. This statement must not include additional provisions, conditions, or any other exclusion clauses in excess of what is provided for each case in the corresponding boxes of the form.

### **Application of the ISO/IEC/ITU Common patent policy to ILNAS**

When applying the ISO/IEC/ITU Common patent policy in ILNAS, the following terms are to be understood with a specific meaning, as follows:

<b>When the ISO/IEC/ITU-T Common patent policy mentions:</b>	<b>In the ILNAS context, understand:</b>
Recommendations   Deliverables	ILNAS deliverables
The ITU Telecommunication Standardization Bureau (TSB), the ITU Radiocommunication Bureau (BR) and the offices of the CEOs of ISO and IEC	ILNAS
ITU, ISO or IEC	ILNAS
The Director of ITU-TSB, the Director of ITU-BR, or the offices of the CEOs of ISO or IEC	The Director of ILNAS