



Annex: NGMN IPR Forum Recommendations to Improve SEP Declarations

by NGMN Alliance

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PREAMBLE TO SECTION 7 OF THE WHITE PAPER

This section provides background to the high level recommendations set forth in section 7.2 of the 5G White Paper published by the NGMN Alliance on 17 February, 2015.

NGMN and the IPR Forum respect the boundaries of competition law, have taken care to abide by competition law principles when discussing and formulating the recommendations in Sections 7.2.1-7.2.3, and recognize that competition law considerations apply within the context of these recommendations.

The IPR Forum does not take any position regarding the appropriateness of any given SDO IPR policy for use by other SDOs. Further, these recommendations are not intended to normalize or harmonize any aspect of the IPR policies of SDOs. An SDO is free to decide whether, and to what extent, it considers any of the following recommendations. NGMN intends that no negative implication arise if an SDO decides not to implement any of the recommendations.

Finally, the recommendations in Sections 7.2.1-7.2.3 do not represent the individual position of any company that participated in or contributed to the IPR Forum.

Recommendations

Subject to the Preamble above, NGMN recommends that the following procedures be considered by SDOs working on 5G technologies in relation to the disclosure and licensing of patents and patent applications (collectively, "Patents") as potentially essential to a standard:

1. Disclosure of potentially essential Patents – It is recommended that such SDOs consider requiring their patent holder members to disclose timely to the SDO Patents that they believe may be essential or potentially essential to a standard and declare the member's licensing position for these Patents, and that the SDO makes these disclosures publicly available not later than upon publication of the adopted standard. This disclosure process is not intended to imply any requirement to conduct patent searches.
2. Licensing declarations – In the absence of a disclosure and licensing declaration as described in recommendation 1, above, it is recommended that such SDOs consider, as a minimum, requiring their members to provide timely to the SDO a declaration of the member's licensing position for their Patents that are essential to a standard, and that the SDO makes these declarations publicly available not later than upon publication of the adopted standard.
3. Details of disclosures – It is recommended that SDOs consider requesting that their members provide non-binding information in their disclosures that identifies at least one version and specific section(s) of the standard for which the member believes a Patent may be essential or potentially essential.



4. Voluntary update request – It is recommended that the SDO consider requesting that its members voluntarily update, according to their present belief, any past essentiality disclosures.