

Guidelines for Treatment of Industrial Property Rights for Japan Cable Laboratories

In case that the contents of the Japan Cable Laboratories (hereinafter referred to as the “JLabs”) Standard are included in the scope of an Essential Industrial Property Right (Industrial Property Right (hereinafter “IPR”) means any patent right, utility model right and design patent right, whether allowed or pending; and “Essential IPR” means any of those which technically makes it impossible to manufacture, to sell or to use equipment, apparatus, devices, systems or software, in compliance with the JLabs Standard without infringing the “Essential IPR”), the adoption of the JLabs Standard should be decided in fair and open manner which clearly reflects the intention of the Technical Committee members.

Furthermore, to promote the JLabs Standard for universal use, the Technical committee deems it desirable that the Essential IPR which relates to any or all parts of the contents of the JLabs Standard should be used free of charge by anyone and that it would not block the use of such Essential IPR in any other country where such JLabs Standard is adopted.

1. Treatment

1.1 Basis for Selection

In case where any or all parts of the contents of the provisions of a particular JLabs Standard are included in the scope of any Essential IPR, the JLabs Standard shall apply only when the holder of such Essential IPR (hereinafter “the Right Holder”) agrees to select either of the following two alternative cases(1) and(2); and shall not apply when the Right Holder select case(3).

- (1) The Right Holder agrees not to assert such Essential IPR and to grant a license unconditionally to the use of such Essential IPR to anyone who uses such JLabs Standard.

However, if anyone who want to use such JLabs Standard has already owned any other Essential IPR which covers any parts of the contents of the provisions of such JLabs Standard, and lays claims thereto, such user may be excluded from the application of the aforesaid provisions by the Right Holder.

- (2) The Right Holder, upon disclosing the contents and the terms and conditions of such Essential IPR, agrees to grant a non-exclusive and non-discriminatory license to the use of such Essential IPR on reasonable terms and conditions to anyone who uses such JLabs Standard.

However, if anyone who want to use such JLABS Standard has already owned any other Essential IPR which covers any or all parts of the contents of the provisions of such JLABS Standard, and lays claims thereto, such a user may be excluded from the application of aforesaid provisions by the Right Holder.

- (3) The Right Holder does not agree to either of the aforesaid alternatives referred to in (1) or (2).

1.2 Disputes regarding IPR

The Technical Committee is not responsible for the confirmation of whether or not any or all parts of such JLABS Standard are included in a scope of any Essential IPR, nor liable for any disputes regarding IPR.

1.3 Applicable Scope and Territory

The treatment provided in Section 1.1 of this Guidelines shall be applied to equipment; apparatus, devices, systems or software used in Japan in compliance with such JLABS Standard. However, in case where other countries adopt such JLABS Standard, mutual consultation about the treatment of the Essential IPR can be conducted in the spirit stated in the preface.

2. Procedures

Below are the procedures to be applied when any or all parts of the contents of the provisions of a particular JLABS Standard are included in the scope of any Essential IPR.

2.1 Submission of Confirmation Form

When drafting the provision(s) of JLABS Standard, the Right Holder should submit to the chairman of the Technical Committee one of the following confirmation forms relating to a license to the use of the Essential IPR provided in the attached forms No.1 through No.3 (IPR's other than patents shall be listed on the back page of the confirmation form in the same manner as patents.)

2.2 Submission Date of Confirmation Form

As a general rule, one of the three forms above should be submitted before or on the date to be decided by the Technical Committee prior to the establishment of such a draft JLABS Standard.

Where the Essential IPR provided in Section 2.1 has not been laid open (hereinafter "lay open" includes international publication and national (domestic) publication , and

means the earliest one among them) at the time of that submission, the form shall be re-submitted after such Essential IPR is laid open again.

If the application of such Essential IPR is withdrawn or rejected or the right has expired, a notification thereof shall be submitted without delay.

2.3 Custody of Confirmation Form and Notation in the JLABs Standard

When the secretariat of the Technical Committee receives a confirmation form provided in Section 2.1 from the Right Holder, the secretariat will retain the form in custody. If the secretariat receives the attached confirmation from No.1 or No.2, such JLABs Standard shall include the following notation.

“Note: Although this JLABs Standard contains no specific reference to any Essential IPR Right relating thereto, the holder of such Essential IPR states that “YYY” is the holder of the Industrial Property Right “XXX” covering this JLABs Standard and agrees [(in case of the attached form No.1) not to assert such right “XXX” and to grant a license unconditionally to the use of such right “XXX” to anyone using this JLABs Standard] [(in case of the attached form No.2) to grant a non-exclusive and non-discriminatory license to the use of such right “XXX” on reasonable terms and conditions to anyone using this JLABs Standard]. However this does not apply to anyone who uses this JLABs Standard and also owns and lays claim to any other Essential Industrial Property Right whose scope is included in any or all parts of the contents of the provisions of this JLABs Standard.”

2.4 Liability for not receiving Confirmation Form

The Technical Committee shall not be responsible to anyone for any and all consequences that may arise from not submitting any of the confirmation forms provided in section 2.1 by the Right Holder.

3 Others

The base line of these Guidelines shall be identical to “Common Patent Policy for ITU-T / ITU-R / ISD / IEC”.

Attached Form No.1

Confirmation form relating to a license to the use of the Essential IPR

To the Chairman of the Technical Committee

Date of submission:

Submitter

Name of company:

Name of representative: (seal or signature)

Address of company:

In terms of the Essential IPR stated below in connection with the JLabs Standard, we confirm that the company selects case (1) in Section 1.1 provided in “Guidelines for Treatment of Industrial Property Rights in connection with the JLabs Standard.”

If the contents of this form changes, we shall submit a confirmation form again without delay.

1 Title of JLabs Standard

2 IPR of Interest

As per the table of relevant IPR stated on the back page

NOTE: The definition of the Essential IPR stated in this confirmation form is in accordance with the definition provided in “Guidelines for Treatment of Industrial Property Rights for Japan cable Laboratories”.

(Back page)

Table of relevant IPR

Applied country	Application number	Name of invention	Content in detail
			as per attached sheet -
			as per attached sheet -
			as per attached sheet -
			as per attached sheet -
			as per attached sheet -
			as per attached sheet -
			as per attached sheet -
			as per attached sheet -

Attached sheet –

Title of invention	
Date of application	
Patent registration number (Note #1)	
Name or title of the patent application (Note #2)	
Name and address (or domicile) of inventor (Note #3)	
Reference material(s) (Note #3,4) (1) Specification (2) Drawings necessary	as per attached Specification(brief explanations of drawings , detailed explanations of invention and scope of claims are to be stated) (table of attached draeings is to be stated)
Description of the provisions of the RCR Standard subject to the right applied (Note #5)	
Remarks	(name of foreign countries where in case of applied is to be standard)

Note #1: Patent publication number, laying-open number or application number should be stated in case of not registered.

Note #2: Company name and representative name should be stated in case of juridical person.

Note #3: Not necessary to fill in the blank in case of not laid-open.

Note #4: Patent official report which reflects the latest specification may be attached.

Note #5: Not necessary to fill in the blank in case of registered.

Attached Form No.2

Confirmation form relating to a license to the use of the Essential IPR

To the Chairman of the Standard Assembly

Date of submission:

Submitter

Name of company:

Name of representative: (seal or signature)

Address of company:

In terms of the Essential IPR stated below in connection with the JLabs Standard, we confirm that the company selects case (2) in Section 1.1 provided in “Guidelines for Treatment of Industrial Property Rights in connection with the JLabs Standard”. The terms and conditions to use Essential IPR of interest are stated below.

If the contents of this form changes, we shall submit a confirmation form again without delay.

- 1 Title of JLabs Standard
- 2 IPR of Interest
As per table of relevant IPR stated on the back page
- 3 Terms and Conditions to use the Essential IPR

NOTE: The definition of the Essential IPR stated in this confirmation form is in accordance with the definition provided in “Guidelines for Treatment of Industrial Property Rights for Japan cable Laboratories”.

Attached Form No.3

Confirmation form relating to a license to the use of the Essential IPR

To the Chairman of the Standard Assembly

Date of submission:

Submitter

Name of company:

Name of representative: (seal or signature)

Address of company:

In terms of the Essential IPR stated below in connection with the JLABS Standard, we confirm that the company selects case (3) in Section 1.1 provided in “Guidelines for Treatment of Industrial Property Rights in connection with the JLABS Standard”. The terms and conditions to use Essential IPR of interest are stated below.

If the contents of this form changes, we shall submit a confirmation form again without delay.

1 Title of JLABS Standard

2 IPR of Interest

As per table of relevant IPR stated on the back page

NOTE: The definition of the Essential IPR stated in this confirmation form is in accordance with the definition provided in “Guidelines for Treatment of Industrial Property Rights for Japan cable Laboratories”.