

Open Source, Open Standards

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# IPR Policies and the Business of Standardization

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# Agenda

How have organizations' IPR policies and business models been impacted by hybridization? Some standards developing organizations have free or low-cost membership, and charge for the end-product standards. Others charge a significant fee for membership and make the end-product standard available for free.

# Collaborative Development Projects

- Development of Infrastructure (External R&D)
  - Support rapid adoption of new platforms
  - Broad community not limited to members
- Trust
  - Independence
  - Transparency
- Developer led meritocracies
  - Use an open source license
    - Addresses only contributions to project
  - May have additional patent commitment
- Develop implementation
  - Trailing certification test suites and/or specification

# Fundamentals shared by SDOs and corporate collaboration projects

- Global involvement.
- Desire for clarity and control around intellectual property commitments to the effort.
- Dependence/vulnerability on results.
- Establishment of consumer/end user confidence in interoperability.
- Participants don't necessarily like each other very much!

# What is different?

- Time.
- Confidentiality.
- Sequence.
- Participation.
- Developer driven.

# Impact on IP Policies

OS limits commitments to inbound contributions

Patents flow with copyrighted code

Timing and process for commitments

Rapidly evolving iterative releases of code

Patent termination provisions as deterrents

Common dependency as deterrent

Capturing patent license prior to sale of patent

# Vocabulary

- Free Software
- Open Source
- Contribution Agreements
- DCO (Developer Certificate of Origin)
- Implementation
- Certification
- Infrastructure / Pre-Competitive
- License Proliferation