

*(Translation)*

*[In case of discrepancy or dispute, the Japanese text shall prevail]*

*Guidelines for Treatment of Industrial Property Rights  
in connection with the ARIB Standard*

*September 5, 1995*

*Decided by the 1st Standard Assembly Meeting*

*July 7, 2011*

*Revised by the 80th Standard Assembly Meeting*

*The ARIB Standard is to be drafted in a fair and open manner, and established only when agreed upon by the general consensus of the Standard Committee members.*

*Therefore , if any or all parts of the contents of the ARIB 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 ARIB Standard without infringing the same),the adoption of the ARIB Standard should be decided in a fair and open manner which clearly reflects the intention of a majority of the Standard Assembly members.*

*Furthermore ,to promote the ARIB Standard for universal use, the Standard Committee deems it desirable that the Essential IPR which relates to any or all parts of the contents of the ARIB 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 an ARIB Standard is adopted.*

*Accordingly, the Standard Assembly has established the following guidelines for dealing with such Essential IPR to which the ARIB Standard relates.*

*1 Treatment*

*1.1 Basis for Selection*

*In case where any or all parts of the contents of the provisions of a particular ARIB Standard are included in the scope of any Essential IPR , the ARIB Standard shall apply only when the holder of such Essential IPR(hereinafter "the Right*

Holder") agrees to elect either of the following two alternative cases(1) and (2); and shall not apply when the Right Holder elects 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 an ARIB Standard.

However, if anyone who uses such an ARIB Standard owns any other Essential IPR which covers any or all parts of the contents of the provisions of such an ARIB Standard , and lays claims thereto , such user may be excluded from the application of the aforesaid provision 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 an ARIB Standard.

However, if anyone who uses such an ARIB Standard owns any other Essential IPR which covers any or all parts of the contents of the provisions of such an ARIB Standard , and lays claims thereto ,such a user may be excluded from the application of aforesaid provision 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 Standard Assembly is not responsible for the confirmation of whether or not any or all parts of such an ARIB 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 these Guidelines shall be applied to equipment, apparatus, devices, systems or software used in Japan in compliance with such an ARIB Standard. However , in case where other countries adopt such an ARIB 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 ARIB Standard are included in the scope of any Essential IPR.

### *2.1 Submission of Confirmation Form*

*When drafting the provision(s) of an ARIB Standard ,the Right Holder should submit to the chairman of the Standard Assembly 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 for 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 Standard Assembly or the date to be decided by the subcommittee of the Standard Assembly prior to the establishment of such a draft ARIB 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 withdraw 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 ARIB Standard*

*When the secretariat of the Standard Assembly receives a confirmation form provided in Section 2.1 form the Right Holder, the secretariat will retain the form in custody. If the secretariat receives the attached confirmation form No.1 or No.2, such an ARIB Standard shall include the following notation.*

*"Note: Although this ARIB Standard contains no specific reference to any Essential Industrial Property Right relating thereto, the holder of such Essential Industrial Property Right states that "YYY" is the holder of the Industrial Property Right "XXX" covering this ARIB 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 ARIB 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 ARIB Standard ]. However this does not apply to anyone who uses this ARIB 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 ARIB Standard."*

#### *2.4 Liability for not receiving Confirmation Form*

*The Standard Assembly 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 treatment and procedure based on "Guidelines for Treatment of Industrial Property Rights in connection with the RCR Standard "(decided as of June 28, 1991 by the Research and Development Center for Radio Systems Standard Committee Meeting)" is regarded as the treatment and procedure based on these Guidelines.*

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*NOTE: The original "Guidelines for Treatment of Industrial Property Rights in connection with the ARIB Standard" is written in Japanese, which was decided by the 1 st Standard Assembly Meeting, and this document is its translated version in English.*

*Attached Form No.1*

*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 ARIB Standard ,we confirm that the company elects case (1) in Section 1.1 provided in "Guidelines for Treatment of Industrial Property Rights in connection with the ARIB Standard (decided by the Standard Assembly Meeting)".*

*If any amendment of the contents of our statement arise ,we shall submit a confirmation form again without delay.*

*1 Title of ARIB Standard*

*2 IPR of Interest*

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

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*(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 in connection with the ARIB Standard (decided by the Standard Assembly Meeting)"*

(Back page)

*Table of relevant IPR*

<i>Applied country</i>	<i>Application Number</i>	<i>Name of invention</i>	<i>Content in detail</i>
			<i>as per attached sheet -</i>
			<i>as per attached sheet -</i>
			<i>as per attached sheet -</i>
			<i>as per attached sheet -</i>
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			<i>as per attached sheet -</i>

Attached sheet -

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

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

*Note #2: Company name and representative name are to 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 ARIB Standard , we confirm that the company elects case (2) in Section 1.1*

*Provided in "Guidelines for Treatment of Industrial Property Rights in connection with the ARIB Standard ( decided by the Standard Assembly Meeting )".*

*The terms and conditions to use the Essential IPR of interest are stated below.*

*If any amendment of the contents of our statement arise ,we shall submit a confirmation form again without delay.*

*1 Title of ARIB 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*

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*(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 in connection with the ARIB Standard (decided by the Standard Assembly Meeting)"*

*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 ARIB Standard , we confirm that the company elects case (3) in Section 1.1*

*provided in "Guidelines for Treatment of Industrial Property Rights in connection with the ARIB Standard(decided by the Standard Assembly Meeting)"*

*If any amendment of the contents of our statement arise ,we shall submit a confirmation form again without delay.*

*1 Title of ARIB Standard*

*2 IPR of Interest*

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

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*(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 in connection with the ARIB Standard (decided by the Standard Assembly Meeting)"*