

IEEE 802 Rules Update November 2012 meeting

Participants, Patents, and Duty to Inform

All participants in this meeting have certain obligations under the IEEE-SA Patent Policy.

- Participants [Note: Quoted text excerpted from IEEE-SA Standards Board Bylaws subclause 6.2]:
 - “Shall inform the IEEE (or cause the IEEE to be informed)” of the identity of each “holder of any potential Essential Patent Claims of which they are personally aware” if the claims are owned or controlled by the participant or the entity the participant is from, employed by, or otherwise represents
 - “Personal awareness” means that the participant “is personally aware that the holder may have a potential Essential Patent Claim,” even if the participant is not personally aware of the specific patents or patent claims
 - “Should inform the IEEE (or cause the IEEE to be informed)” of the identity of “any other holders of such potential Essential Patent Claims” (that is, third parties that are not affiliated with the participant, with the participant’s employer, or with anyone else that the participant is from or otherwise represents)
- The above does not apply if the patent claim is already the subject of an Accepted Letter of Assurance that applies to the proposed standard(s) under consideration by this group
- Early identification of holders of potential Essential Patent Claims is strongly encouraged
- No duty to perform a patent search

Patent Related Links

All participants should be familiar with their obligations under the IEEE-SA Policies & Procedures for standards development.

Patent Policy is stated in these sources:

IEEE-SA Standards Boards Bylaws

<http://standards.ieee.org/develop/policies/bylaws/sect6-7.html#6>

IEEE-SA Standards Board Operations Manual

<http://standards.ieee.org/develop/policies/opman/sect6.html#6.3>

Material about the patent policy is available at

<http://standards.ieee.org/about/sasb/patcom/materials.html>

If you have questions, contact the IEEE-SA Standards Board Patent Committee Administrator at patcom@ieee.org or visit <http://standards.ieee.org/about/sasb/patcom/index.html>

This slide set is available at <https://development.standards.ieee.org/myproject/Public/mytools/mob/slideset.ppt>

Call for Potentially Essential Patents

- If anyone in this meeting is personally aware of the holder of any patent claims that are potentially essential to implementation of the proposed standard(s) under consideration by this group and that are not already the subject of an Accepted Letter of Assurance:
 - Either speak up now or
 - Provide the chair of this group with the identity of the holder(s) of any and all such claims as soon as possible or
 - Cause an LOA to be submitted

Other Guidelines for IEEE WG Meetings

- **All IEEE-SA standards meetings shall be conducted in compliance with all applicable laws, including antitrust and competition laws.**
 - **Don't discuss the interpretation, validity, or essentiality of patents/patent claims.**
 - **Don't discuss specific license rates, terms, or conditions.**
 - Relative costs, including licensing costs of essential patent claims, of different technical approaches may be discussed in standards development meetings.
 - Technical considerations remain primary focus
 - **Don't discuss or engage in the fixing of product prices, allocation of customers, or division of sales markets.**
 - **Don't discuss the status or substance of ongoing or threatened litigation.**
 - **Don't be silent if inappropriate topics are discussed ... do formally object.**

See *IEEE-SA Standards Board Operations Manual*, clause 5.3.10 and "Promoting Competition and Innovation: What You Need to Know about the IEEE Standards Association's Antitrust and Competition Policy" for more details.

Section 1.0

- Left out:
 - IEEE Computer Society (CS) Constitution
 - IEEE CS Bylaws
 - IEEE CS Policies and Procedures Manual (PPM), Section 10
 - IEEE CS Board of Governors Resolutions
 - IEEE CS Standards Activities Board Policies and Procedures (SAB P&P)
- Reason:
 - We have never referred to these and we do not know if they are applicable.

Section 2.0 Responsibilities of the Sponsor

The Sponsor shall be responsible for at least the following:

- a) Developing proposed IEEE standards and ensuring that they are within the scope of the Sponsor.
- b) Initiating and overseeing ballots of proposed IEEE standards within its scope, including:
 - 1) Approving Project Authorization Requests (PARs) from a subgroup or the Sponsor
 - 2) Submitting a proposed PAR to the IEEE-SA Standards Board for consideration. Following approval of the PAR, the Sponsor shall submit necessary requests for extension, modification, or withdrawal of the PAR as required by the IEEE-SA Operations Manual
 - 3) Submitting draft standards from a subgroup or the Sponsor to the IEEE-SA for Sponsor ballot.
(Replaces: i) valuating project proposals and, if a proposed project falls within the Sponsor's scope, deciding whether or not to generate a PAR)
- c) Maintaining the standards developed by the Sponsor in accordance with the IEEE-SA Standards Board Operations Manual
- d) Acting on other matters requiring Sponsor effort as provided in these procedures
- e) Cooperating with other appropriate standards development organizations
- f) Protecting against actions taken in the name of the Sponsor without proper Sponsor authorization
- g) Limiting distribution of the membership roster to appropriate parties
- h) Communicating with the IEEE-SA Standards Board on specific Sponsor activities as needed
- i) Handling appeals as described in Clause 9

Underline added, **green** same as before

Note: Item for interpretations was removed.

3.0, 3.1, 3.2, and 3.3

- In 3.0:
 - Baseline added “A person may simultaneously hold the positions of Treasurer and another office, other than Sponsor Chair.”
 - Baseline changed “Officers **should** read the training material ...” to be “Officers **shall** read the training material ...”
- In 3.1:
 - Baseline did not have template for 802 EC elections, replaced with 802's previous text.
 - Change OM name to “IEEE 802 LMSC Operations Manual” (and in 4.1)
- In 3.2:
 - Add cross reference to 3.0 as well as 3.1.
- In 3.3:
 - Change to “two-thirds approval vote of the voting members of the Sponsor.”

3.4.1, changes to match baseline

- Removed appointing person for interpretations.
- Changed to “Setting goals and deadlines and **endeavoring** to adhere to them.”
- Added
 - l) Complying with the Sponsor Chair’s responsibility with respect to the IEEE-SA Intellectual Property Policies, including but not limited to the IEEE-SA Patent Policy (see IEEE-SA Standards Board Operations Manual 6.3.2, <http://standards.ieee.org/board/pat/index.html>) and IEEE-SA Copyright Policy (see IEEE-SA Standards Board Bylaws 7, <http://standards.ieee.org/guides/bylaws/sect6-7.html#7>)
 - m) Submitting approved Sponsor P&P to the IEEE-SA Standards Board Audit Committee (AudCom—see <http://standards.ieee.org/board/aud/index.html>)
 - n) Ensuring that each Working group has a set of P&P approved by the Sponsor. The Sponsor Chair will provide the Working group P&Ps to AudCom upon request.
 - o) Submitting appropriate Annual Financial Reports (IEEE SA Form L50-S) to the Business Manager, Business Administration, or assignee, for the operation of the Sponsor and all of its subgroups

3.4.3, 3.4.4 and 3.4.5

- 3.4.3
 - Item a), baseline added “—notification of the potential for action shall be included on any distributed agendas for meetings”
 - Retained our timing for agendas (14 vs. 15 days) and publishing minutes (30 vs. 60 days).
- 3.4.4, baseline
 - Removed “The Treasurer has the responsibility ... financial operation of the Sponsor.”
 - Changed to: “Control all funds, including any into and out of ...”
- 3.4.5
 - Moved from 3.43. in baseline to 3.4.5 “Scheduling meetings in coordination with the Sponsor Chair and distributing a meeting notice at least 30 calendar days before the meeting.” and delete “Provide public notice of upcoming plenary session.” as it is covered by the above.

NEW for 3.4.3

- 3.4.3 Executive Secretary
 - Requested by Chaplin
 - Add Item f), “Carry out the duties of the Treasurer if the Treasurer is unavailable.”
 - Editorial from Gilb
 - Change “Recording Secretary” to be “Executive Secretary”

4.2, 4.3 and 4.4

- 4.2: Change to “... Voting Sponsor members ...” to be “... Voting Members”
- 4.3, baseline
 - added “A current and accurate Sponsor roster shall be maintained. Due to privacy concerns, the roster shall not be distributed except to the IEEE-SA Board of Governors, IEEE-SA Standards Board, and IEEE-SA staff unless all Sponsor members have submitted their approval for such distribution.”
 - removed “postal address, employer”, added “membership status”
- New 4.4, adds requirement for public membership list (already on our website).

5.1, 5.2

- 5.1: text moved from previous 5 to new 5.1
- 5.2: New text from baseline
 - “Standards Working Groups are responsible for the definitive content of one or more documents and for responding to views and objections thereon. Such Working Groups shall maintain a membership roster and shall comply with the provisions for preparing standards.
 - The Sponsor shall ensure that all Working Groups adopt procedures consistent with the baseline Operating Procedures for Standards Working Groups – Individual Method and review amendments to these procedures to ensure that they are not in conflict with the IEEE-SA Standards Board Operations Manual.”
 - Add “with due consideration of advice from the Study Group” to the text describing that the Sponsor selects an existing or new WG for the work.
- 5.2 changes:
 - Deleted from baseline text: “The Sponsor shall appoint the Working group chair.”
 - Added in the prior 5.1 text from 802 P&P (even though the clause is marked “shall not be modified”), changing name of WG P&P to be “IEEE 802 LAN/MAN Standards Committee Working Group Policies and Procedures”
 - Move prior 5.1.1 text to 5.2 and promote 5.1.1.1 and 5.1.1.2 to 5.1.1 and 5.1.2

5.4 Study Groups

- Deleted from baseline:
 - “The life of a Standards Study Group I limited to 6 months”
 - “A Study Group is disbanded upon approval of the PAR by the IEEE-SA Standards Board.”
- Changed from prior 802 P&P
 - Change to “The WGSG Chair is appointed by the WG Chair and approved by the WG.”
 - Deleted “The decision of whether to utilize an existing WG, or to establish a new WG to carry out recommended work items shall be made by the EC with due consideration of advice from the Study Group.” as this is already in 5.0 (was prior 5.1, merge in “with due consideration of advice from the Study Group”

6.0, 6.1

- in 6.0, Baseline added:
 - “Sponsor meetings may be conducted either exclusively in-person or in-person with one or more participants contributing via electronic means, or exclusively via electronic means. Sponsor meetings shall be held, as decided by the Sponsor Chair, or by petition of 5 or more voting members, to conduct business such as making assignments, receiving reports of work, progressing draft standards, resolving differences among subgroups, and considering views and objections from any source. A meeting notice shall be distributed to all members at least 30 days in advance of the meeting. A meeting agenda shall be distributed to all members at least 14 days in advance of the meeting. Meetings of subgroups may be held as decided upon by the members or Chair of the subgroup. Notification of the potential for action shall be included on any distributed agendas for meetings.”
- In prior 6.0, moved in baseline to 6.4
 - “The Sponsor may charge a meeting fee to cover the expenses of the Sponsor. The fee shall not be used to restrict participation by any interested parties. The Sponsor Officers shall set the meeting fees in consultation with those planning a particular meeting.”
- In 6.1 Quorum
 - Change: “A quorum ~~must~~ **shall** be identified ...”

Add to the OM, meetings

- The Sponsor meets in-person during plenary sessions. At the discretion of the Chair, between plenary sessions, meetings via electronic means may be scheduled.

6.2, 6.4

- In 6.2, Baseline added:
 - “All WG participants shall act in accordance with all IEEE Standards policies and procedures.”
- In 6.4:
 - Change “to cover services need for the conduct of meetings and sessions.” to be “to cover the expenses of the Sponsor.”

New 6.5 Minutes

The minutes shall record the essentials, including the following:

- a) Name of group
- b) Date and location of meeting
- c) Officer presiding, including the name of the secretary who wrote the minutes
- d) Attendance, including affiliation
- e) Call to order, Sponsor Chair's remarks
- f) Approval of minutes of previous meeting
- g) Approval of agenda
- h) Technical topics
 - 1) Brief summary of discussions and conclusions
 - 2) Motions, including the names of mover and seconder.
- a) Items reported out of executive session
- b) Next meeting--date and location

Copies of handouts and subcommittee reports may be included in the minutes or made available as separate items.

7.1.1, 7.1.2, voting

- 7.1.1
 - New item “Approval to jointly sponsor a project (PAR). See Clause 2.1.1”
 - New wording, was “Approval of draft standards for balloting” now (from baseline) “Authorization of a Sponsor ballot”
- 7.1.2 Suggest 3 items requiring 2/3 vote:
 - Approval of change of the Sponsor scope
 - Approval of termination of the Sponsor
 - Removal of an officer except the Sponsor Chair

New 7.2

- 7.2 may be modified, should we heavily modify this? I made some small changes.
- In baseline:
 - “Approval for moving a draft standard to Sponsor ballot, or approval of any substantive change in the scope of a standard proposed by a subgroup, shall be referred to the Sponsor for approval. The Sponsor may delegate approval authority and form a subgroup for this purpose. Approval to move a standard to Sponsor ballot from such a subgroup requires a majority vote. This vote shall be limited to procedural issues and PAR alignment only.”

7.4, 8, 8.3.1, 8.3.3

- 7.4 may now be modified. Do we need to change anything? It is currently the same as in our prior P&P.
- 8 has been removed from the baseline, was “shall not be modified”. Any reason to keep it?
- Prior 9.3, moved contents of second paragraph to 8.3.1 (new home of this)
- New 8.3.3 “Public statements to be issued by other entities”
 - “If the Sponsor wishes to go to another IEEE entity (as defined in Section 15 of the IEEE Policy and Procedures) to have that entity offer a public statement on a standards matter, they shall do so after agreement from the IEEE-SA Standards Board and after informing the IEEE-SA Board of Governors. Upon Sponsor approval, proposed public statements that need to be issued by other IEEE entities shall be forwarded to the IEEE-SA Standards Board Secretary for further action.”

8.5 (new), 10 (gone)

- New 8.5 “Standards publicity”
 - “The Sponsor is encouraged to prepare press releases and other forms of publicity to promote their activities. Please see Clause 5.1.4 of the IEEE-SA Standards Board Operations Manual for further instructions.”
 - This may be modified, should we?
- 10 Interpretations was removed (Yeah!)
- Prior 12 (now 10), change to two thirds of all voting members.