

Implications of IEEE SA Copyright Policy Materials

Roger Marks (EthAirNet Associates)

2019-11-11

Overview

- On 2019-10-30, IEEE SA announced lengthy new materials supporting the IEEE SA Copyright Policy
- This material has implications on the operation of IEEE 802 activities.
- Three slides are “to be presented at Working Group meetings.”
- Note: Per the IEEE SA Copyright Policy, the status of this contribution is “Previously Published.” However, I am posting it per the exception that “You do not need permission to access and show material that is publicly available (if lawful) without needing access rights or an account” [IEEE SA Copyright Policy for Participants in IEEE Standards Activities, p. 6.]

IEEE-SA Email of 2010-10-30

Please note that we have made updates to the associated materials that support the IEEE SA Copyright Policy that was revised earlier this year.

You can access these materials from the following URLs:

<https://standards.ieee.org/ipr/index.html>

Copyright Slides to be presented at Working Group meetings and Working Group Participant training slides:

<https://standards.ieee.org/ipr/copyright-materials.html>

Copyright FAQs:

<https://standards.ieee.org/faqs/copyrights.html>

Copyright Permission Request Forms:

<https://standards.ieee.org/ipr/stdspermission.html>

Instructions for Chairs of standards development activities

At the beginning of each standards development meeting the chair or a designee is to:

- **Show the following slides (or provide them beforehand)**
- **Advise the standards development group participants that:**
 - IEEE-SA's copyright policy is described in Clause 7 of the *IEEE-SA Standards Board Bylaws* and Clause 6.1 of the *IEEE-SA Standards Board Operations Manual*;
 - Any material submitted during standards development, whether verbal, recorded, or in written form, is a Contribution and shall comply with the IEEE-SA Copyright Policy;
- **Instruct the Secretary to record in the minutes of the relevant meeting:**
 - That the foregoing information was provided and that the copyright slides were shown (or provided beforehand).

IEEE-SA Copyright Policy

By participating in this activity, you agree to comply with the IEEE Code of Ethics, all applicable laws, and all IEEE policies and procedures including, but not limited to, the IEEE-SA Copyright Policy.

- Previously Published material (copyright assertion indicated) shall not be presented/submitted to the Working Group nor incorporated into a Working Group draft unless permission is granted.

Prior to presentation or submission, you shall notify the Working Group Chair of previously Published material and should assist the Chair in obtaining copyright permission acceptable to IEEE-SA.

- For material that is not previously Published, IEEE is automatically granted a license to use any material that is presented or submitted.

IEEE-SA Copyright Policy

- The **IEEE-SA Copyright Policy** is described in the *IEEE-SA Standards Board Bylaws* and *IEEE-SA Standards Board Operations Manual*
 - IEEE-SA Copyright Policy, see
Clause 7 of the *IEEE-SA Standards Board Bylaws*
<https://standards.ieee.org/about/policies/bylaws/sect6-7.html#7>
Clause 6.1 of the *IEEE-SA Standards Board Operations Manual*
<https://standards.ieee.org/about/policies/opman/sect6.html>
- IEEE-SA Copyright Permission
 - ◻ <https://standards.ieee.org/content/dam/ieee-standards/standards/web/documents/other/permissionltrs.zip>
- IEEE-SA Copyright FAQs
 - <http://standards.ieee.org/faqs/copyrights.html/>
- IEEE-SA Best Practices for IEEE Standards Development
 - http://standards.ieee.org/develop/policies/best_practices_for_ieee_standards_development_051215.pdf
- Distribution of Draft Standards (see 6.1.3 of the SASB Operations Manual)
 - <https://standards.ieee.org/about/policies/opman/sect6.html>

Contributions: Two Types

- “any material that is presented verbally or in a recorded or written form... in any IEEE standards development activity” is a Contribution
 - Contributor needs to “Assist the Working Group Chair in obtaining permission from the copyright owner for use by IEEE prior to submitting the material”
- Previously Published Contribution
 - *“Published” means material for which a claim of copyright is apparent (e.g., the presence of the copyright symbol ©; an explicit statement of copyright ownership or intellectual property rights; stated permission to use text; a text reference that indicates the insertion of text excerpted from a copyrighted work; or a visual indication of an excerpt from another work, such as indented text).*
 - *Note that information that can be accessed at no cost on the web usually has copyright assertion as part of the web page or Terms and Conditions of the website, even when a claim of copyright might not be shown on specific material.*

Contribution, Not (Previously Published)

- *Participants are responsible for determining whether they can disclose information and for obtaining consent/authorization to submit the Contribution*
- *Once you have authorization, by submitting the Contribution you automatically grant IEEE a license, as stated in the IEEE SA Copyright Policy.*
 - *Once submitted, IEEE has a license to use the material.*
- *Copyright ownership of the original Contribution is not transferred or assigned to IEEE.*

Contribution, Previously Published

- *Prior to presentation or submission, you shall notify the Working Group Chair of previously Published material and should assist the Chair in obtaining copyright permission acceptable to IEEE SA.*
- “it is the duty of the Working Group Chair to request the permission...” (see FAQ)
- The required text of the WG Chair’s permission request letter specifies that “We would like to review your document entitled for possible inclusion of text from your document in the IEEE standard document,” even if the document is only informative toward decision-making and not intended for incorporation in a standard (e.g., published industry market analysis; published technical analysis; published measurements)
 - Additional information in the FAQ (but does that supersede the slides?)
- Is there an exception when the IEEE is the copyright holder?
 - Not in the core material.
 - Additional information in the FAQ (but does that supersede the slides?)

Contributions not intended for publication

- *FAQ: Is a working group allowed to review my Contributions without permission to include them in a standard?*
 - *No. All Contributions submitted are subject to the IEEE SA Copyright Policy.*

Verbal Contributions

- *IEEE SA Working Group participants can verbally discuss any material without requesting permission as long as the material is not shown, distributed, or recorded.*

Previously published by IEEE

- *FAQ: Do I need permission if I am using IEEE documents for comparison or discussion only?*
 - *IEEE SA Working Groups are permitted to present and review information from an approved standard from another IEEE SA Working Group overseen by the same Standards Committee after notifying the Standards Committee Chair. If the IEEE SA Working Group wants to present and review information from an approved standard from another IEEE SA Working Group that is overseen by a different Standards Committee, the IEEE SA Working Group must request permission from IEEE SA IPR (stds-copyright@ieee.org).*
 - *For other IEEE documents, permission must be obtained from IEEE. The IEEE RightsLink service may be used to request that permission (https://www.ieee.org/publications_standards/publications/rights/reqperm.html).*
 - *If the IEEE SA Working Group wants to excerpt material from an approved standard to incorporate in any Work Product, regardless of the Standards Committee oversight, the Working Group must request permission from IEEE SA IPR (stds-copyright@ieee.org).*

Required letter from WG Chair

- *The _ working group of the _ Society of the IEEE is in the process of developing the standard document listed below: <IEEE Project Number, IEEE Project title>*
- *We would like to review your document entitled for possible inclusion of text from your document in the IEEE standard document. We would like permission to distribute to participants in the working group and to modify the text (figure/table) that appears in <indicate section/chapter/number> to use the material for standards development purposes relating to the IEEE Project noted above, including public review of the material for inclusion in our document.*
- *We request your permission to include the modified text (figure/table) in the IEEE standard. The IEEE requests non-exclusive, irrevocable, royalty-free permission, and requires world rights for distribution and permission to modify and reprint in future revisions and editions of the resulting draft and approved IEEE standard and in derivative works based on the standard, in all media known or hereinafter known. A standard credit line will be used unless specific text is provided. If you do not hold the copyright for this material, please inform us of this and, if possible, of the name of the actual copyright holder. The form that should be used to grant permission is attached for your convenience. The form should be returned to the IEEE on company letterhead, where applicable.*

Recommendations

- WGs should present the copyright slides.
 - Need to update the orientation slides also.
- WGs should follow the copyright procedures.
- WG Chairs should promptly carry out their duty to request permission in response to proposed Previously Published participant contributions.
 - Some WGs contribution processes keep written contributions in suspension pending officer approval; the WG Chair should act immediately to solicit permission.
 - Need to prepare for appeals for participants in case of delay by WG Chair.
 - WGs that don't have such a process should develop a process for submitting Previously Published contributions and advertise it to the participants.
- Update the 802 Chair's Guidelines.
- IEEE 802 should consider updating IEEE SA of any concerns.