

ULC STANDARDS PATENT POLICY

Standards should not be drafted in terms that include the use of a patented item unless the use of such an item is justifiable for technical reasons, and the rights holder agrees to negotiate licenses with Interested Applicants, wherever located, on reasonable terms and conditions, both at the start of the development of a standard and during its life.

A published standard for which no patent rights are identified during the preparation thereof shall contain the following notice:

“Attention is drawn to the possibility that some of the elements of this Canadian standard may be the subject of patents rights. ULC Standards shall not be held responsible for identifying any or all such patent rights.”

If technical reasons justify the preparation for a standard in terms, which include the use of items covered by patent rights, the following procedure shall be complied with:

A The originator of a proposal for a standard shall draw the attention of the committee to any patent rights of which the originator is aware and considers covering any item of the proposal. Any party involved in the preparation of a standard shall draw the attention of the committee to any patent rights of which it becomes aware during any stage in the development of the standard.

B If the proposal is accepted as a standard on technical grounds, ULC Standards shall ask any holder of such identified patent rights for a statement that the holder is willing to negotiate licenses under his/her rights with applicants throughout the world on reasonable and non-discriminatory terms and conditions. Such negotiations are left to the parties concerned and are performed outside of the activities of ULC Standards. A record of the right holder’s statement shall be placed in the registry of ULC Standard’s head office and shall be referred to in the introduction to the relevant standard (see Item (e) below). If the right holder does not provide such a statement, the committee concerned shall not proceed with inclusion of an item covered by a patent right in the standard without authorization from ULC Standards.

C All drafts submitted for comment shall include on the cover page the following text:
“Recipients of this document are invited to submit, with their comments, notification of any relevant patent rights of which they are aware and to provide supporting documentation.”

D A standard shall not be published until the statements of the holders of all identified patent items have been received, unless ULC Standards gives authorization.

E A published standard, for which patent rights have been identified during the preparation thereof, shall include the following notice in the introduction:

“ULC Standards draws attention to the fact that it is claimed that compliance with this Canadian standard may involve the use of a patent concerning (..subject matter..) given in (..subclause..).

ULC Standards takes no position concerning the evidence, validity and scope of this patent right. The holder of this patent right has assured ULC Standards that he/she is willing to negotiate licenses under reasonable and non-discriminatory terms and conditions with applicants throughout the world. In this respect, the statement of the holder of this patent right is registered with ULC Standards. Information may be obtained from:

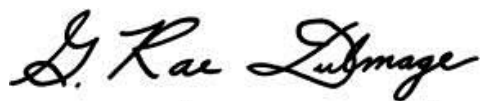
[..name of holder of patent right]

[...address...]

Attention is drawn to the possibility that some of the elements of this Canadian standard may be the subject of patent rights other than those identified above. ULC Standards shall not be held responsible for identifying any or all such patent rights.”

Should it be revealed after publication of a standard that licenses under patent rights, which appear to cover items included in the standard, cannot be obtained under reasonable and non-discriminatory terms and conditions, the standard shall be withdrawn, and the subject referred back to the relevant committee for further consideration.

ULC STANDARDS



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