

Opt Out Form for a TC39 Royalty Free (RF) Task Group (TG)

References: Ecma TC39 Experimental Royalty-Free Patent Policy section Version 1 (approved in June 2013)

E.4 Opt-Out of Identified Patents: An RFTG Member Organization may exclude from the royalty-free patent license commitment, via an identification mechanism provided by Ecma International (see E.6.), specific patents and/or patent applications that the RFTG Member Organization believes may be or become Essential ("Identified Patents"). This opt-out opportunity must be exercised prior to the end of the corresponding Opt-Out Review Window. The RFTG Member Organization may only exclude Identified Patents to the extent that the Essentiality of the patents is due to material that (a) was added to the Draft Standard since the version of the Draft Standard for the previous Opt-Out Review Window (if any; see E.5), and (b) was not material that the RFTG Member Organization contributed to the RFTG. In this context, "material" refers to the technical substance of what is being specified of the Draft Standard, not to specific words in a document. In other words, the opt-out of Identified Patents only applies to new material added to the Draft Standard since the previous opt-out opportunity and, for clarity, specifically does not apply to minor revisions or editorial changes.

E.6 Opt-Out Patent Information: The opt-out identification mechanism (see E.4) shall require: (a) identification of the Identified Patents; (b) identification of the Standard or Draft Standard; and (c) indication of whether, with respect to such Identified Patents and such Standard (or a Standard resulting from such Draft Standard), the RFTG Member Organization (i) is prepared to grant licenses under paragraph 2.2 (RAND terms) of the Code of Conduct, or (ii) is not prepared to grant such licenses.

Please return to the Ecma Secretariat as instructed below:

Secretary General
Ecma International
Rue du Rhône 114
CH-1204 Geneva
Switzerland

I, _____, representing _____ (RFTG Member Organization), hereby disclose the following Identified Patent that I reasonably believe will become Essential to the following Draft Standard published by the _____ Royalty-Free Task Group if it becomes a Standard:

(a) Identified Patent:

Issued patent:

Patent number: _____

Jurisdiction: _____

Laid-open / published patent application:

Application number: _____

Jurisdiction: _____

We have an unpublished patent application.

(b) Draft Standard: _____

(c) _____ (RFTG Member Organization) hereby excludes the above-referenced Identified Patent from the royalty-free patent license commitment of the Experimental Policy for the above-referenced Draft Standard, and:

will grant RAND licenses to the Identified Patent pursuant to Section 2.2 of the Ecma Code of Conduct.

makes no commitment to license to the Identified Patent.