

Examples for Software Copyright Disclaimers in ISO/IEC JTC 1 standards

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Here are two examples for Software Copyright Disclaimers in ISO/IEC JTC1 standards. The background of it is that most JTC1 SC 29 Standards have a part (from case to case normative or informative) that provides a reference (example) implementation of a media codec (Still picture, motion image, audio,...).

The main points are that since those codes become part of an official ISO/IEC standard the copyright for those codes gets also an ISO/IEC copyright (just in the same fashion what happens with the "prose part" of a standard).

Just on the analogy of text contributions to a standard the original contributor still keeps its copyright on the text, and can do with it what it wants, in a similar fashion this is also the case for the software code, but it allows that the SDO established also its copyright on the code. So, no author is giving-up or transferring its copyright, but allows the SDO to establish its copyright for creating and publishing the standard (and later to maintain it).

But copyright (© Ecma International, year) itself would not be enough, we also need a disclaimer explains what a user may do with the code and what not. See the examples below:

Example 1: (this is the current software copyright template used by Sc29)

SC 29 Software Copyright Licencing Disclaimer
Last Updated: 2004-05-27

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SC 29 Software Copyright Licencing Disclaimer

This software module was originally developed by <FN1> <LN1> (<CN1>) and edited by <FN2> <LN2> (<CN2>), <FN3> <LN3> (<CN3>), ... in the course of development of the <standard> for reference purposes and its performance may not have been optimized. This software module is an implementation of one or more tools as specified by the <standard>.

ISO/IEC gives users free license to this software module or modifications thereof for use in products claiming conformance to audiovisual and image-coding related ITU Recommendations and/or ISO/IEC International Standards.

ISO/IEC gives users the same free license to this software module or modifications thereof for research purposes and further ISO/IEC standardisation.

Those intending to use this software module in products are advised that its use may infringe existing patents. ISO/IEC have no liability for use of this software module or modifications thereof.

Copyright is not released for products that do not conform to audiovisual and image-coding related ITU Recommendations and/or ISO/IEC International Standards.

<CN1> retains full right to modify and use the code for its own purpose, assign or donate the code to a third party and to inhibit third parties from using the code for products that do not conform to audiovisual and image-coding related ITU Recommendations and/or ISO/IEC International Standards.

This copyright notice must be included in all copies or derivative works. Copyright (c) ISO/IEC 200_.

NB1 In the text <standard> should be replaced with the appropriate International Standard, e.g. ISO/IEC 14496-1.

NB2 <FN> = First Name, <LN> = Last name, <CN> = Company Name

NB3 Sentences in *italic* not required in statement when the original developer does not wish to be identified

NB4 Sentences in **bold** not required in statement when the original developer allows unrestricted use of this software

NB5 Reference to "ITU Recommendation" may be omitted when the module is deemed not to be relevant for ITU Recommendations.

Example 2: (this is the older version of the software copyright template used by SC 29)

SC 29 Software Copyright Licencing Disclaimer
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Model Copyright Disclaimer

In the text [**standard**] should be replaced with the appropriate International Standard, e.g. ISO/IEC 14496-1.

[**FN**] = First Name, [**LN**] = Last name, [**CN**] = Company Name

" This software module was originally developed by [**FN1**] [**LN1**] ([**CN1**]) and edited by [**FN2**] [**LN2**] ([**CN2**]), [**FN3**] [**LN3**] ([**CN3**]), ... in the course of development of the [**standard**]. This software module is an implementation of a part of one or more [**standard**] tools as specified by the [**standard**]. ISO/IEC gives users of the [**standard**] free license to this software module or modifications thereof for use in hardware or software products claiming conformance to the [**standard**]. Those intending to use this software module in hardware or software products are advised that its use may infringe existing patents. The original developer of this software module and his/her company, the subsequent editors and their companies, and ISO/IEC have no liability for use of this software module or modifications thereof. Copyright is not released for non [**standard**] conforming products. [**CN1**] retains full right to use the code for its own purpose, assign or donate the code to a third party and to inhibit third parties from using the code for non [**standard**] conforming products. This copyright notice must be included in all copies or derivative works. Copyright (c) 2000".

Further Actions:

It is rather clear that the SC29 examples – that were created for specific SC29 needs - cannot be taken over for TC39 purposes directly, so we have to develop our own disclaimer.

As first step TC39 should provide to the Ecma Secretariat a brief description what it intends to do and how with the planned software, and what the TC39 needs are. Then – with the help of an Ecma IPR lawyer - we can jointly work out an adequate solution for our case, including an adequate disclaimer included in the software, and put up on the web as part of the software distribution information.

Any hint, or help what points in such a future disclaimer should be included would be very helpful. Also other examples, models for disclaimers are most welcome.