



# Video Services Forum Rules of Procedure

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*Rules and procedures for compliance with the VSF IPR Policy*

## **Introduction**

This document is intended to assist Video Services Forum (“VSF”) chairpersons, members and staff in taking the steps necessary to conform with the VSF Intellectual Property Rights (“IPR”) Policy (The VSF IPR Policy may be found at <http://www.videoservicesforum.org/ipr>). The purpose of the IPR policy and these Rules of Procedure (“Rules”) is to make sure that any Necessary Claims contained in contributions made to the VSF in its committees are fully disclosed, and to also make clear the terms under which the contribution of these Necessary Claims are made. This document also outlines rules which are to be followed by anyone conducting official business on behalf of the VSF, such as chairing an Activity Group.

While these rules are meant to be an aid in applying the VSF IPR policy, when in doubt, please refer to the IPR policy itself. It is strongly recommended that readers of this document also consult the VSF IPR FAQ which can be found at the URL above. You may also contact the VSF Executive Director or Operations Manager for guidance. Capitalized terms that are not defined in this document are intended to have the definitions given to them in the IPR Policy.

## Table of Contents

Introduction .....	1
Table of Contents .....	2
1. Activity Group IPR Mode .....	1
2. Submission of Technology .....	1
3. Form not required for technology developed collectively during technical meetings. 1	
4. Patent Calls .....	2
5. Actions to be taken by chairpersons related to Patent Calls .....	2
6. "Free Look" Provision .....	3
Enrollment: .....	3
7. Non-contributed Necessary Claims – IPR Claims that are not contributed by the Owner of the IPR.....	3
8. Recordings of Meetings.....	4
9. Document Notations.....	4
10. Trademarks.....	4

## VSF Rules of Procedure

### 1. Activity Group IPR Mode

Every Activity Group (“AG”) shall have an Activity Group Authorization Form which has been approved by the VSF Board of Directors prior to the start of work in the Activity Group. The form shall contain a notation of the IPR Mode of that Activity Group as specified in the IPR Policy. The two permitted modes are RAND and RAND-Z.

Reasoning: Anyone participating in an Activity Group should understand their obligations before joining the group. By declaring the IPR mode of the AG at its inception, potential participants know what is expected of them if they participate and wish to make Submissions.

### 2. Submission of Technology

Any Participant submitting technology to a VSF Activity Group shall complete a *Submission of Technology Form*. Submitters shall use the form in Appendix A for a RAND-Z activity group, and Appendix B for a RAND activity group. Modifications to the Submission of Technology Forms are not allowed.

Note: Submission, as used here, is carefully defined in the VSF IPR Policy. The term is not being used in this document as it might be used in common conversation. See the IPR Policy for the specific definition of the term Submission.

It is important that accurate minutes and email records are kept of all VSF meetings. It is essential that the minutes of all in-person and telephonic meetings record the name of every Submitter, and include the text of, or a comprehensive summary of, their submission. Emails that include Submissions must be included in, or appended to, the minutes.

Reasoning: The VSF wants to make its best effort to ensure that all the technology contained in its published documents have clear disclosures regarding any IPR associated with that technology. Using standardized forms for technology contributions allows the VSF to advise readers of its documents of any claims which were identified during the drafting of the documents. Note that the obligations of an Activity Group participant vary depending on whether they are a submitter of a given section of a Draft Recommendation, so careful record keeping is essential.

### 3. Form not required for technology developed collectively during technical meetings.

A *Submission of Technology Form* is not required for comments made during an Activity Group technical meeting or for comments made outside of a conference call or physical meeting, if the comments are made in relation to the collaborative work of the Activity Group creating the specification. However, it is essential that comments made during an Activity Group that result in changes to a Draft Recommendation are reflected in the minutes.

## VSF Rules of Procedure

Reasoning: Comments made in association with the work of an Activity Group are covered by the ongoing obligation to disclose, as outlined in Patent Calls.

### 4. Patent Calls

At the beginning of every in-person meeting and teleconference that occurs as part of the technical process, and at any other appropriate time in the course of electronic collaboration, the Patent Call appearing in the IPR policy shall be read, or shall be circulated electronically, as appropriate for the situation.

The AG Chair shall display the patent notice through any shared visual means available (e.g. PowerPoint if at a physical meeting, or via a screen share if through a teleconference).

IMPORTANT: the fact that the Patent Call was made should appear in EVERY set of meeting minutes.

Rationale: The purpose of the Patent Call is to remind attendees that they have an ongoing obligation to declare any IPR. The reason the Patent Call must be read at every meeting is that in the past, some IPR claims have been upheld and implementers and end users have had to pay royalty payments when it was shown that Patent Calls were not consistently made (or that the text varied from meeting to meeting or from the text in the IPR Policy) at every meeting, or where the association was not able to show proof through meeting minutes that the Patent Calls had been made, even if participants said they had recalled them having been read at each meeting.

### 5. Actions to be taken by chairpersons related to Patent Calls

- The minutes shall reflect the fact that the Patent Call was read at the meeting
- The minutes shall list the people who attended the meeting

Rationale: It is important to note that the patent call was actually read, and likewise, it is important to know who was in attendance in order to show that specific attendees were notified in accordance with the IPR policy.

- If, while acting as the chairperson of an Activity Group, someone approaches you in response to a Patent Call, saying that they do not have a copy of the IPR policy, please ask them to navigate to the IPR policy on the VSF website. If they are unable to access the policy, instruct them to contact the VSF Operations Manager.

The most current version of the VSF IPR policy may always be found at <http://www.videoservicesforum.org/ipr>.

Rationale: The IPR Policy must be available to everyone who is working in an Activity Group so that they can read, understand, and comply with its obligations.

- If, while acting as the chairperson of an Activity Group, someone makes information known in accordance with the Patent Call, then the chairperson shall, in the meeting minutes, make a note of the disclosure including all specifics available

## VSF Rules of Procedure

at the time of the disclosure, along with the name and contact information of the person making the disclosure. In addition to including this information in the minutes, the chairperson shall contact the Executive Director and the Operations Manager and make them aware of the disclosure.

Rationale: It is important that the chairperson capture the disclosure in relation to any AG activities so that the Video Services Forum may take appropriate action based upon the disclosure, and so that those who might not be present at the meeting may also be made aware of the disclosure.

### 6. “Free Look” Provision

The IPR Policy includes a “Free Look” provision. Any Member may attend an Activity Group meeting without assuming the obligations of a Participant for a period of 60 days from the day they first joined the Activity Group. If the Member withdraws from the Activity Group before the expiration of the 60-day period, it will only be bound under the IPR Policy with respect to any Submissions made by the Member before it dropped out, providing that the Submission is incorporated in the final version of the Recommendation developed by the Activity Group.

Enrollment:

A member will be enrolled in an Activity Group as of the date they first joined the Activity Group, as reflected in the Activity Group minutes.

Withdrawal:

A member will be considered to have withdrawn from an Activity Group as of the date they notify the AMWA Operations Manager of their desire to withdraw from the group, providing that the Operations Manager has acknowledged receipt of the withdrawal.

Rationale: By Participating in a VSF AG, Members agree to provide licenses to their IPR under the appropriate terms of the IPR Policy. An informed Member might decide not to Participate in an AG if they knew more precisely what the final scope of the Draft Recommendation might be, or how useful its participation in the AG might be to it.

### 7. Non-contributed Necessary Claims – IPR Claims that are not contributed by the Owner of the IPR

When a Submission is made to an Activity Group, it may be the case that another Participant in that group, not involved in the Submission, either Owns an Essential Claim, or knows of a third-party Essential Claim. These claims are called “Non-Contributed Essential Claims” because the person with the Essential Claim did not contribute it as part of a Submission. In this case, the IPR Policy requires that the Participant disclose this fact in response to the Patent Call, and complete the Intellectual Property Rights Election Form, found in Appendix C of the IPR Policy.

Rationale: Because the VSF desires to know as much about any Essential Claims contained in its work, we require Participants to disclose Essential Claims even if they did not make the Submission containing those claims. However, since the Participant did not make the Submission, we allow them to choose any license, or no

## VSF Rules of Procedure

license, as permitted under the IPR Policy with respect to any Essential Claims they Own.

### 8. Recordings of Meetings

Activity Group meetings may be recorded by the VSF in order to prepare accurate written minutes of the meeting proceedings. However, the recordings are not official minutes of the meetings, and they must be deleted promptly once the written minutes have been approved.

Rationale: The VSF IPR Policy specifies that only written proceedings (including emails and other electronic communications) serve as the official record of group proceedings. This ensures that commitments are in writing and reviewable by all members of the group. Deleting recordings also ensure that there is “one source of the truth” regarding the official minutes of an Activity Group.

### 9. Document Notations

All VSF documents being prepared as Draft Recommendations shall contain the appropriate Document Notations as shown in the Appendix “Document Notations” in the VSF IPR Policy.

Rationale: It is important to notify anyone who is considering implementing any Recommendation of any IPR disclosures made during the drafting of the Recommendation.

### 10. Trademarks

VSF strongly discourages the inclusion of any trademark in a Recommendation. Should an Activity Group wish to include a Trademark in a VSF document, the Chair(s) must request permission from the Board.

Rationale: The VSF has the right to publish its own documents, but it cannot use a trademark from another party in its documents without permission. However, since publishing a document with another organization’s trademark may provide unfair advantage to that company, we try to avoid this.