

# ZHAGA IPR Holding statement

Approved July 2020

This document gives a high-level overview of the Zhaga IPR policy and patent declarations as have been received up to June 2020.

## 1 Zhaga IPR policy

The Zhaga IPR policy is laid down in the Zhaga Consortium Agreement (see [Zhaga CA](#)). As Zhaga recently has widened its scope and changed the IPR policy, there are two policies in place, one governing Books approved before January 1<sup>st</sup> 2019 (i.e. Books 1 Ed 1.8 up to 18 Ed 1.0), and another policy governing Books approved after January 1<sup>st</sup> 2019.

The IPR policy applicable to the Books approved before 2019 is described in the Zhaga Consortium Agreement Clause 13. Clause 13 is the only legally valid statement of the IPR policy and the interested reader is referred to this document for the full details. In common language, it states that, by signing the Consortium Agreement, the member company agrees to grant a royalty-free license for the IPR owned by the Member that is essential for implementing the interface on products fully complying with the Approved Zhaga Specification.

It should here be noted that

- Those parts of the interface related to implementations of other recognized standards, and included in an Approved Zhaga Specification by reference, are excluded from the IPR policy.
- This license is granted to other Members as well as to third parties, and is subject to reciprocity conditions.

The IPR policy applicable to the Books approved starting January 1<sup>st</sup> 2019 is described in the New Zhaga Consortium Agreement Appendix I. Appendix I is the only legally valid statement of the IPR policy and the interested reader is referred to this document for the full details. In common language, it states that, by signing the Consortium Agreement, the member company agrees to grant a royalty-free license for the IPR owned by the Member that is essential for implementing the interface on products fully complying with the Approved Zhaga Specification, unless the company declares an exception during an IPR review period that precedes Book approval.

It should here be noted that

- Those parts of the interface related to implementations of other recognized standards, and included in an Approved Zhaga Specification by reference, are excluded from the IPR policy.
- This license is granted to other Members as well as to third parties, and is subject to reciprocity conditions.

- The patent declaration must be made during an IPR review period, and may only refer to specification text that is outside of the scope of the old Zhaga.
- If the member company files an exception, it must also specify the conditions under which the IPR will be licensed.

The patent declaration for patents that are not licensed on a royalty free basis is filed using a patent declaration form contained in the Zhaga New Consortium Agreement Annex J. The form requires a list of all implicated patent families and licensing conditions.

In summary, up to January 1<sup>st</sup> 2019 the Zhaga IPR policy is RAND Royalty Free for essential patents. Starting Books approved after January 1<sup>st</sup> 2019, the Zhaga IPR policy defaults to RAND Royalty Free for essential patents but there is the possibility to make an exception only for specification text that is not in the old scope. In either case, there will be full visibility of any implicated IPR that is not licensed on RAND Royalty Free terms before Book approval.

## 2 Received patent declarations

Zhaga Books 2 until 18 Ed1.0 have been published before January 1<sup>st</sup> under the IPR policy of the Old Zhaga.

Zhaga Book 18 Ed2.0, 19, 20, 22, 23, 24 and 25 have been published after January 1<sup>st</sup> 2019 under the IPR policy of the New Zhaga and were subject to an IPR review.

During these IPR reviews one patent declaration was received, related to Book 23.

Patent declaration that have been received are made available through the Zhaga website – and are accessible by Regular and Associate Members, as long as the Books are for Regular and Associate members only.

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