

DATE: 2012 June 6

TITLE: Request to Ecma members participating in TC39 for RF Declarations for ongoing TC39 projects

SOURCE: Josée Auber (President) and Istvan Sebestyen (SG)

STATUS: For Action

The Ecma IPR Adhoc Group, while working on a proposed RF extension of the Ecma Code of Conduct on Patent Matters, believes that the following request to Ecma members participating in TC39 will be useful to the progression of the TC39 projects, and therefore request the General Assembly to approve it:

“The Ecma Code of conduct in Patent Matters allows patent holders to choose what licensing condition is offered. The policy applies to all Ecma Standards, including ECMA-262. See the Ecma Code of Conduct in Patent Matters (<http://www.ecma-international.org/memento/codeofconduct.htm>) and the associated Patent Statement and Licensing Declaration Form (available [here](#) in WORD format and [here](#) in PDF format).

An objective desired by Ecma TC 39 participants in working to finalize the next edition of ECMA-262 is to end up with a standard where participants, in their associated patent licensing declarations, commit to offer a license to necessary patent claims free of charge to an unrestricted number of applicants on a worldwide, non-discriminatory basis, and under other reasonable terms and conditions. This is an aspirational statement, not a formal agreement, which can be furthered by members submission of Patent Statement and Licensing Declaration Forms.. For avoidance of doubt, nothing herein shall compel members to make a RF declaration. In accordance with the Ecma International Code of Conduct in Patent Matters, members may, in their discretion, make a RF declaration, a RAND declaration or no declaration (in which case the default RAND option shall apply).

The Ecma General Assembly thus encourages Ecma members participating in TC39 to the work to finalize the next Edition of ECMA-262, the associated work on test suites (ECMA-TR 104 revision) and the work on internationalization (future standard ECMA-402) to take advantage of the Ecma Code of conduct in Patent Matters and to submit Patent Statement and Licensing Declaration Form to Ecma Secretariat.”