

VSO Intellectual Property Policy

Developing Standards within the VSO

Judicial Guidance for Standards Developers

- “When direct competitors participate in an open standards committee, their work necessitates a written patent policy with clear guidance on the committee’s intellectual property position. A policy that does not define clearly what, when, how, and to whom the members must disclose does not provide a firm basis for the disclosure duty necessary for a fraud verdict,” the court wrote in its opinion. Circuit Judges William Bryson and Randall Rader backed the majority opinion.

Standards Development

- VITA is accredited by ANSI as a standards development organization via the “canvass” method and by the IEC as a ITC developer.
- Within VITA the VITA Standards Organization (VSO) carries out standards development.
- The VSO meets every two months and working groups meet via teleconference to discuss standards development.

Confidential Information

- At VSO meetings and at working group meetings members should not disclose information which they wish to remain confidential within their company.

Public Domain

- Specific solutions for technical problems discussed at VSO meetings or during teleconferences are considered to be in the public domain.

Patented Solutions

- Members may propose patented solutions for technical problems, but the patent holder(s) must be willing to provide reasonable and non-discriminatory (RAND) licensing terms for such patents.

Duty of Notification

- Members who become aware of a patent that may apply to a draft standard under development must notify the working group as soon as they become aware of such a patent.
- Members who hold or intend to hold a patent on a component or technical solution under review must notify the working group when the component or technical solution is being considered for inclusion in the draft standard.

Failure to Notify

- Failure to notify the working group may jeopardize the patent holder's intellectual property rights.
- Working groups may rescind a patented technical solution from a draft standard if proper notification during the discussion of that solution was not received.