

802.1 Interim - 09/2007

Opening Agenda

Domestic issues

- **Panos...**

802.1 officers etc

■ Officers

- Chair: Tony Jeffree
- Vice Chair: Paul Congdon
- Recording Secretary: Michael Wright
- Link Sec TG Chair: Mick Seaman
- Interworking TG Chair: Steve Haddock
- AV Bridging TG Chair: Michael Johas Teener
- CM TG Chair: Pat Thaler
- Link Sec TG Secretary: Allyn Romanow
- Maintenance of website: John Messenger
- Maintenance of Email exploder: Hal Keen

■ Website

- <http://www.ieee802.org/1/>
- Username: p8021 Password: go_wildcats

Administrative stuff – Upload area

■ Website – Upload area

- <http://www.ieee802.org/1/files/public/contrib>
- Username: dot1user Password: p4d1con
- Needs sftp client: suggest you use Winscp:

<http://winscp.net/eng/index.php>

or Filezilla:

<http://sourceforge.net/projects/filezilla/>

Hostname is grouper.ieee.org

Membership

- Voting membership
 - Current 802.1 membership rules:
 - A *session* is (the whole of) an Interim or Plenary during which 802.1 meets. A *meeting* is a subset of a session; i.e., a contiguous time period during the session when the WG meets. 802.1 considers meetings to be ½ day in duration.
 - To gain membership: Attend 2 plenaries in the span of the four most recent plenaries (one interim can be substituted) **and** inform the Chair of your intention to become a voter. Membership is then gained at the start of the next plenary attended
 - To maintain membership: Attend 2 out of the last 4 plenaries (one interim can be substituted) , and respond to 2 out of 3 most recent WG/TG ballots
 - **Attendance is as per signup book/sheet – must be 75% of meetings during a session in order to count.**
 - **Affiliation must be declared on the signup sheet in order for attendance to be counted (see later slides).**
 - Signing the signup sheet for a meeting declares that you have (or will have) attended during the majority of the allotted time for that ½ day meeting. Hence, at sessions where more than one WG meets, signing up at two parallel meetings is **not** valid.
- Voting rights are properly regarded as an obligation, not a privilege!

Membership contd...

- If you don't sign the signup sheet, then you won't get credit for being in the meeting.
- This may result in you not getting membership as quickly as you could.
- **So, if you care about getting/keeping your vote, make sure that you sign in every morning and afternoon that you are present in the meeting.**

Affiliation (1)

- **From the IEEE-SA Standards Board Operations Manual:**

5.3.3.1 Disclosure of affiliation

Each participant's affiliation shall be disclosed at any working group or project meeting. The chair or the chairs delegate shall inform the meeting of the requirement for disclosure of affiliation (see 5.2.1.5 of the IEEE-SA Standards Board Bylaws). This shall be via a sign-in (e.g., sign-in sheet, electronic sign-in, verbal disclosure, or electronic communication) that provides for disclosure of employer and any other affiliation, a reminder of the definition of affiliation, and possible penalties for non-compliance.

Whenever an individual is aware that the ownership of his or her employer or other affiliation may be material to the process, or when the Sponsor or the IEEE-SA Standards Board requests, that individual shall also declare the "ultimate parent entity" of their affiliation. The ultimate parent entity is an entity that directly or indirectly, through one or more intermediaries, controls the entity identified as the individual's affiliation. For the purposes of this definition, the term "control" and its derivatives, with respect to for-profit entities, means the legal, beneficial or equitable ownership, directly or indirectly, of more than fifty percent (50%) of the capital stock (or other ownership interest, if not a corporation) of an entity ordinarily having voting rights.

"Control" and its derivatives, with respect to nonprofit entities, means the power to elect or appoint more than fifty percent (50%) of the Board of Directors of an entity. The minutes of each working group or project meeting shall record a list of attendees and the disclosed affiliation of each attendee.

5.3.3.2 False or misleading disclosure

A meeting attendee who fails to disclose affiliation shall not accrue any membership rights, including rights of or towards voting membership, until such disclosures have been made. The chair shall review the adequacy of disclosures. Failure to disclose affiliation, or materially false or misleading disclosure of affiliation, shall result in loss of membership privileges and may also result in loss of other participation privileges within the IEEE-SA for such participants and any affiliated entities.

The Sponsor of the project shall, when appropriate, review the adequacy of disclosures and, if deemed inadequate, may direct corrective action(s). In the absence of effective corrective action(s) by the Sponsor, the IEEE-SA Standards Board may impose further corrective action(s).

Affiliation (2)

- **From the IEEE-SA Standards Board Bylaws:**

5.2.1.5 Disclosure of affiliation

Every member and participant in a working group, Sponsor ballot, or other standards development activity shall disclose his or her affiliation. An individual is deemed "affiliated" with any individual or entity that has been, or will be, financially or materially supporting that individual's participation in a particular IEEE standards activity. This includes, but is not limited to, his or her employer and any individual or entity that has or will have, either directly or indirectly, requested, paid for, or otherwise sponsored his or her participation. Failure to disclose every such affiliation may result in complete or partial loss of rights to participate in IEEE-SA activities. An individual is not excused from compliance with this policy by reason of any claim of a conflicting obligation (whether contractual or otherwise) that prohibits disclosure of affiliation. A person who believes that a participant's disclosure is materially incomplete or incorrect should report that fact to the Secretary of the IEEE-SA Standards Board and the appropriate Sponsor(s).

Access to 802.XX websites/reflectors

- As per established 802 EC decisions, there should be no restriction placed on access to websites and email reflectors owned by other WGs
- Some WGs allow the 802.1 username/password to be used on their websites
- For others, a request to the WG Chair should produce the desired result.
- IF YOU DON'T GET A SENSIBLE RESPONSE FROM THE RELEVANT WG CHAIR, LET ME KNOW.

802.1 WG and TG operation

- Consensus process; the ultimate test of consensus is the vote taken on a WG draft
- Votes are not taken in Task Group or Interim meetings
- 802.1 WG Plenary meetings are used to take any “formal” votes
- Most technical issues are resolved through Task Group ballots, prior to the formal Working Group ballot; i.e., we conduct the WG ballot only when we think we’re nearly done
- Voting membership is NOT a pre-requisite to participate in TG or WG ballots
- Focus is on technical progress, not studying/applying RR
- Offline discussions are essential in achieving consensus

TG, WG, and Sponsor ballots

- Task Group Ballots:
 - Anyone can respond and vote (although voting members are obliged to do so)
 - Asks the question: “Is this draft complete and ready for Working Group Ballot?”
- Working Group Ballots:
 - Anyone can respond
 - Only voting members are able to (and are obliged to) vote
 - Asks the question: “Is this draft complete and ready for Sponsor Ballot?”
- Sponsor Ballots:
 - External review process
 - Only members of the balloting group can participate
 - To join the various balloting pools, you need to visit the IEEE website (pointer on the 802.1 website)

Instructions for the WG Chair

The IEEE-SA strongly recommends that at each WG meeting the chair or a designee:

- **Show slides #1 through #5 of this presentation**
- **Advise the WG attendees that:**
 - The IEEE's patent policy is consistent with the ANSI patent policy and is described in Clause 6 of the *IEEE-SA Standards Board Bylaws*;
 - Early identification of patent claims which may be essential for the use of standards under development is encouraged;
 - There may be Essential Patent Claims of which the IEEE is not aware. Additionally, neither the IEEE, the WG, nor the WG chair can ensure the accuracy or completeness of any assurance or whether any such assurance is, in fact, of a Patent Claim that is essential for the use of the standard under development.
- **Instruct the WG Secretary to record in the minutes of the relevant WG meeting:**
 - That the foregoing information was provided and the five slides were shown;
 - That the chair or designee provided an opportunity for participants to identify patent claim(s)/patent application claim(s) and/or the holder of patent claim(s)/patent application claim(s) that the participant believes may be essential for the use of that standard;
 - Any responses that were given, specifically the patent claim(s)/patent application claim(s) and/or the holder of the patent claim(s)/patent application claim(s) that were identified (if any) and by whom.
 - It is recommended that the WG chair review the guidance in the *Standards Companion* on inclusion of potential Essential Patent Claims by normative reference.

Note: **WG** includes Working Groups, Task Groups, and other standards-developing committees.

(Optional to be shown)

Highlights of the *IEEE-SA Standards Board Bylaws on Patents in Standards*

- **Participants have a duty to tell the IEEE if they know (based on personal awareness) of potentially Essential Patent Claims they or their employer own**
- **Participants are encouraged to tell the IEEE if they know of potentially Essential Patent Claims owned by others**
 - This encouragement is particularly strong as the third party may not be a participant in the standards process
- **Working Group required to request assurance**
- **Early assurance is encouraged**
- **Terms of assurance shall be either:**
 - Reasonable and nondiscriminatory, with or without monetary compensation; or,
 - A statement of non-assertion of patent rights
- **Assurances**
 - Shall be provided on the IEEE-SA Standards Board approved LOA form
 - May optionally include not-to-exceed rates, terms, and conditions
 - Shall not be circumvented through sale or transfer of patents
 - Shall be brought to the attention of any future assignees or transferees
 - Shall apply to Affiliates unless explicitly excluded
 - Are irrevocable once submitted and accepted
 - Shall be supplemented if Submitter becomes aware of other potential Essential Patent Claims
- **A “Blanket Letter of Assurance” may be provided at the option of the patent holder**
- **A patent holder has no duty to perform a patent search**
- **Full policy available at <http://standards.ieee.org/guides/bylaws/sect6-7.html#6>**

IEEE-SA Standards Board Bylaws on Patents in Standards

6.2 Policy

IEEE standards may be drafted in terms that include the use of Essential Patent Claims. If the IEEE receives notice that a [Proposed] IEEE Standard may require the use of a potential Essential Patent Claim, the IEEE shall request licensing assurance, on the IEEE Standards Board approved Letter of Assurance form, from the patent holder or patent applicant. The IEEE shall request this assurance without coercion.

The Submitter of the Letter of Assurance may, after Reasonable and Good Faith Inquiry, indicate it is not aware of any Patent Claims that the Submitter may own, control, or have the ability to license that might be or become Essential Patent Claims. If the patent holder or patent applicant provides an assurance, it should do so as soon as reasonably feasible in the standards development process. This assurance shall be provided prior to the Standards Board's approval of the standard. This assurance shall be provided prior to a reaffirmation if the IEEE receives notice of a potential Essential Patent Claim after the standard's approval or a prior reaffirmation. An asserted potential Essential Patent Claim for which an assurance cannot be obtained (e.g., a Letter of Assurance is not provided or the Letter of Assurance indicates that assurance is not being provided) shall be referred to the Patent Committee.

A Letter of Assurance shall be either:

- a) A general disclaimer to the effect that the Submitter without conditions will not enforce any present or future Essential Patent Claims against any person or entity making, using, selling, offering to sell, importing, distributing, or implementing a compliant implementation of the standard; or
- b) A statement that a license for a compliant implementation of the standard will be made available to an unrestricted number of applicants on a worldwide basis without compensation or under reasonable rates, with reasonable terms and conditions that are demonstrably free of any unfair discrimination. At its sole option, the Submitter may provide with its assurance any of the following:
 - (i) a not-to-exceed license fee or rate commitment, (ii) a sample license agreement, or (iii) one or more material licensing terms.

IEEE-SA Standards Board Bylaws on Patents in Standards

Copies of an Accepted LOA may be provided to the working group, but shall not be discussed, at any standards working group meeting.

The Submitter and all Affiliates (other than those Affiliates excluded in a Letter of Assurance) shall not assign or otherwise transfer any rights in any Essential Patent Claims that are the subject of such Letter of Assurance that they hold, control, or have the ability to license with the intent of circumventing or negating any of the representations and commitments made in such Letter of Assurance.

The Submitter of a Letter of Assurance shall agree (a) to provide notice of a Letter of Assurance either through a Statement of Encumbrance or by binding any assignee or transferee to the terms of such Letter of Assurance; and (b) to require its assignee or transferee to (i) agree to similarly provide such notice and (ii) to bind its assignees or transferees to agree to provide such notice as described in (a) and (b).

This assurance shall apply to the Submitter and its Affiliates except those Affiliates the Submitter specifically excludes on the relevant Letter of Assurance.

If, after providing a Letter of Assurance to the IEEE, the Submitter becomes aware of additional Patent Claim(s) not already covered by an existing Letter of Assurance that are owned, controlled, or licensable by the Submitter that may be or become Essential Patent Claim(s) for the same IEEE Standard but are not the subject of an existing Letter of Assurance, then such Submitter shall submit a Letter of Assurance stating its position regarding enforcement or licensing of such Patent Claims. For the purposes of this commitment, the Submitter is deemed to be aware if any of the following individuals who are from, employed by, or otherwise represent the Submitter have personal knowledge of additional potential Essential Patent Claims, owned or controlled by the Submitter, related to a [Proposed] IEEE Standard and not already the subject of a previously submitted Letter of Assurance: (a) past or present participants in the development of the [Proposed] IEEE Standard, or (b) the individual executing the previously submitted Letter of Assurance.

IEEE-SA Standards Board Bylaws on Patents in Standards

The assurance is irrevocable once submitted and accepted and shall apply, at a minimum, from the date of the standard's approval to the date of the standard's withdrawal.

The IEEE is not responsible for identifying Essential Patent Claims for which a license may be required, for conducting inquiries into the legal validity or scope of those Patent Claims, or for determining whether any licensing terms or conditions are reasonable or non-discriminatory.

Nothing in this policy shall be interpreted as giving rise to a duty to conduct a patent search. No license is implied by the submission of a Letter of Assurance.

In order for IEEE's patent policy to function efficiently, individuals participating in the standards development process: (a) shall inform the IEEE (or cause the IEEE to be informed) of the holder of any potential Essential Patent Claims of which they are personally aware and that are not already the subject of an existing Letter of Assurance, owned or controlled by the participant or the entity the participant is from, employed by, or otherwise represents; and (b) should inform the IEEE (or cause the IEEE to be informed) of any other holders of such potential Essential Patent Claims that are not already the subject of an existing Letter of Assurance.

Other Guidelines for IEEE WG

Meetings

- **All IEEE-SA standards meetings shall be conducted in compliance with all applicable laws, including antitrust and competition laws.**
- **Don't discuss the interpretation, validity, or essentiality of patents/patent claims.**
- **Don't discuss specific license rates, terms, or conditions.**
 - Relative costs, including licensing costs of essential patent claims, of different technical approaches may be discussed in standards development meetings.
 - Technical considerations remain primary focus
- **Don't discuss fixing product prices, allocation of customers, or dividing sales markets.**
- **Don't discuss the status or substance of ongoing or threatened litigation.**
- **Don't be silent if inappropriate topics are discussed... do formally object.**

If you have questions, contact the IEEE-SA Standards Board Patent Committee Administrator at patcom@ieee.org or visit <http://standards.ieee.org/board/pat/index.html>

See *IEEE-SA Standards Board Operations Manual*, clause 5.3.10 and “Promoting Competition and Innovation: What You Need to Know about the IEEE Standards Association's Antitrust and Competition Policy” for more details.

This slide set is available at <http://standards.ieee.org/board/pat/pat-slideset.ppt>

Patent policy announcements

- TG Chairs please note:
 - At the start of each TG meeting, TG Chair needs to perform the Call for Patents as per the previous slides.
 - During the rest of the week, please announce each morning that the meeting is subject to the Patents Policy as read and displayed at the opening of the TG meeting. If there are any responses to the call, minute it.
 - Point attendees at the PatCom website for details of the policy:

<http://standards.ieee.org/board/pat/index.html>

and for the slide set:

<http://standards.ieee.org/board/pat/pat-slideset.ppt>

Use of audio/video recording devices & other techno toys

- **Per 2006 SA ops manual:**
 - **No use may be made of audio or video recording devices to record the proceedings in any 802.1 meetings without the express knowledge and agreement of all participants in the meeting. ()**
 - **Any members of the press are required to announce their presence**
- Participants are reminded that mobile phones should be adjusted to the “off” or “silent mode” setting. **Use of either of these settings would be a considerable courtesy to the speaker and other members of the audience.**

Presentation materials

- **Copyright statements or privacy/confidentiality statements of any kind SHALL NOT APPEAR on any contributions to 802, either in emails or in presentation material**
- Power Point bloat
 - At these meetings external bandwidth is not free
 - Please consider this when developing presentations
 - Corporate logos, graphic backgrounds, lots of clip art, etc. occupy lots of megabytes & generally do not convey any content that helps us to make technical progress
 - A comparison: Current 802.1Q-REV plus AD is a mere 2.8 megs; some recent presentations have been of comparable or greater size (but smaller in content by a couple of orders of magnitude!)
 - I will reserve the right in future to refuse circulation of materials that I consider to be excessive in this regard

Future meetings

- January 2008 interim:
 - Where? 2 proposals:
 - Israel
 - California
 - Week of 28th?
- May 2008 - .3 week of May 12th?
Amsterdam
- Sept 2008 – York?

Interpretation requests outstanding...

- 802.1AB interp request

Liaisons

- Anything to report?
- What received liaisons do we need to respond to?

TG agendas