



## CIE INTELLECTUAL PROPERTY POLICY

### Reference to patent rights

1. A CIE publication for which no patent rights are identified during the preparation thereof, shall contain the following notice:

"Attention is drawn to the possibility that some of the elements of this CIE "**publication name**" may be the subject of patent rights. The Commission shall not be held responsible for identifying any or all such patent rights."

### Patent Rights Identified regarding a CIE Publication:

2. If technical reasons justify the preparation of a CIE publication in terms that include the use of items covered by patent rights, the following procedures shall be complied with:
  - a) The originator of a proposal for a CIE publication shall be required to submit a Patent Notice per Section 5 to the Technical Committee in connection with the proposed CIE publication if the originator knows of any Relevant Patent rights.
  - b) After a technical proposal is received any party involved in the preparation of a CIE publication shall submit a Patent Notice per Section 5 to the Technical Committee or Division in case of Technical Note written by Reportership, regarding any Relevant Patent rights that are known to the party before the technical proposal is adopted as a CIE publication.

"Relevant Patent rights," means any issued or registered patent, without use of which a proposed publication cannot be practised in a commercially reasonable and efficient manner. "

- c) If a proposal is accepted on technical grounds, the originator shall ask any holder of such identified patent rights for a statement that the holder would be willing to negotiate worldwide licenses under his rights with applicants throughout the world on reasonable and non-discriminatory terms and conditions or for free, provided a similar grant under the licensee's patents within the scope of the license granted to the licensee is made available to the patent holder of Relevant Patent rights. Such negotiations are left to the parties concerned and are performed outside the Commission. A record of the right holder's statement shall be placed in the files of the Central Bureau, and shall be referred to in the introduction to the relevant CIE publication (see item f below). If the holder of such rights does not provide such a statement, the Technical Committee concerned shall not proceed with inclusion of an item covered by a patent right in the CIE publication without authorization from the Board of Administration.



d) All drafts submitted for comment shall include on the cover page the following text:

“Recipients of this document are invited to submit, with their comments, notification of any relevant patent rights of which they are aware and to provide supporting documentation.”

e) A CIE publication shall not be published until the statements of the holders of all identified patent rights have been received, unless the Board of Administration gives authorization.

f) A published CIE publication for which patent rights have been identified during the preparation thereof, shall include the following notice in the introduction:

“The International Commission on Illumination (CIE) draws attention to the fact that it is claimed that compliance with this CIE “type and name of publication” may involve the use of a patent concerning (...subject matter...) given in (...sub-clause ...).

The Commission takes no position concerning the evidence, validity and scope of this patent right.

The holder of this patent right has assured the Commission that he/she is willing to negotiate licenses under reasonable and non-discriminatory terms and conditions with applicants throughout the world. In this respect, the statement of the holder of this patent right is registered with the Commission. Information may be obtained from:

[...name of holder of patent...]

[...address...]

Attention is drawn to the possibility that some of the elements of this CIE “type and name of publication” may be the subject of patent rights other than those identified above. The Commission shall not be held responsible for identifying any or all such patent rights.”

3. If any Relevant Patent rights are identified after the draft is accepted by CB before its publication, then the Relevant Patent rights shall be handled as per Section 2 c) above.

4. Should it be revealed after publication of a CIE publication that licenses under patent rights, which appear to cover items included in the publication, cannot be obtained under



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reasonable and non-discriminatory terms and conditions, or any Relevant Patent rights are identified, then the CIE publication shall be referred back to the relevant Technical Committee or Division for further consideration.

5. Format of a Patent Notice:

- a) Proposal Name.
- b) Organization: The organization that holds the patent and its contact address.
- c) Tel. and Email: The contact telephone and email address of the organization that holds the patent.
- d) Patent Title: The title of the patent.
- e) Patent Number: The patent number.
- f) Patent Country: The country in which the patent has been obtained. If the patent is held in several countries, a list of those countries shall be given.
- g) Signature: Signature of the originator/member providing the notice.