JSR 358 Proposed IPR Goals for JCP.next.3

DRAFT

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1 Introduction

This document captures proposed IPR goals for JCP.next.3. This includes goals for JSPA.next as well as Specification, TCK and RI licenses. These goals are meant to be high-level goals as determined by JSR 358 IP Working Group and should not be interpreted to necessarily contain legal language or phrases. This document's purpose is to capture JSR 358 IP Working Group agreements and to serve an an input to the legal team for creating JSPA.next and/or Specification, TCK and RI licenses.

1.1 Definitions

Terms not defined here are defined in JSPA 2.0.1 Section 1[1].

1. Compatible Implementation: as defined in JSPA 2.0.1 Section 4B (a)-(c)

2. Essential Technology: Technology for which there is no feasible way of avoiding infringement in the course of implementing the Specification.

1.2 Transition to JCP.next.3

TBD

2 Goals

2.1 "Flattening" of patent grants

2.1.1 Final Specification

2.1.1.1 Summary

This section provides a brief summary of obligations and rights for various parties involved. For details see subsequent subsections. Non-JCP members may contribute via collaborative JSR projects, java.net, observers lists, forums, etc. that will have its own Terms of Use (TOU). This document does not address these TOU.

	Implementers	Distributors	Users
Spec Lead	RF for contributions	RF for contributions	RF for contributions
Non-SL EG Member contributer	RF for contributions	RF for contributions	RF for contributions
Non-EG JCP Member	RF for contributions	RF for contributions	RF for contributions

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1   http://jcp.org/aboutJava/communityprocess/JSPA2.pdf

	Implementers	Distributors	Users
contributer			
Non-JCP Member contributer	Based on TOU	Based on TOU	Based on TOU
JCP Member non-contributer	RAND on Essential Technology	RAND for Essential Technology	RAND for Essential Technology

Table 1: Summary of rights and obligations for various parties

SL

Non-SL EG
Contributer

Non-EG JCP
Member Contributer

Non-JCP Member
Contributer

JCP Member
non-Contributer

RF

RF

RF

TOU

RAND

Implementations,
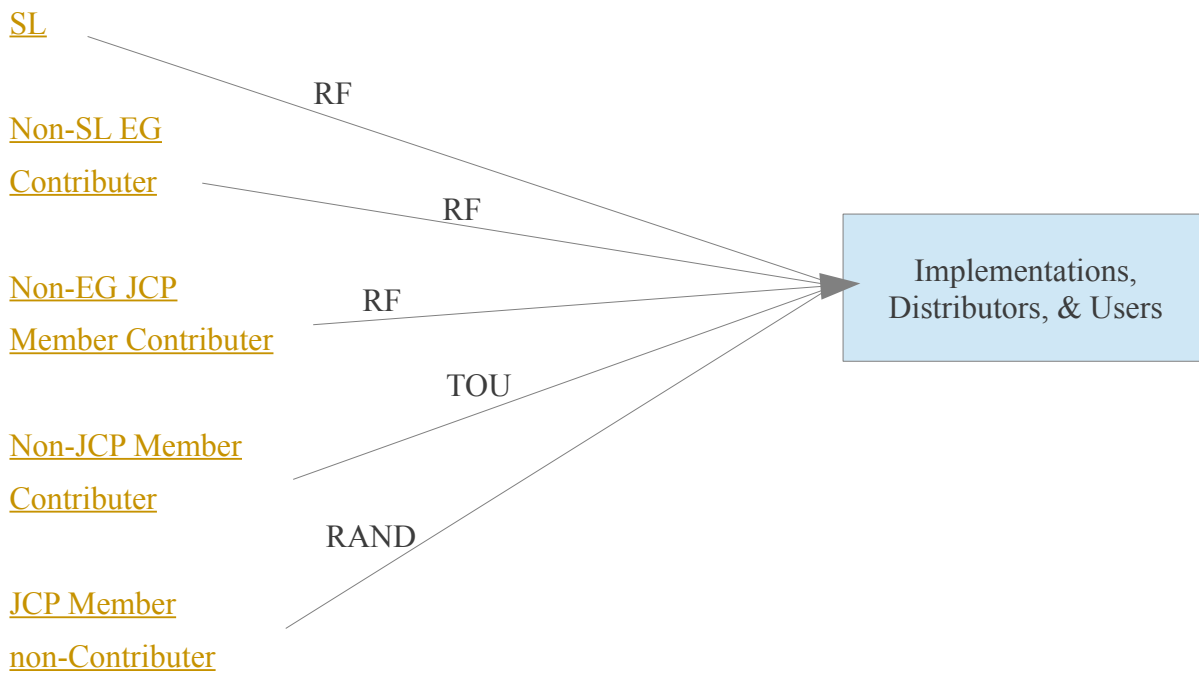Distributors, & Users

Figure 1: IP flow diagram

2.1.1.2 Implementers of a Specification

For all Compatible Implementations:

1. All contributers (including Spec Leads) shall provide an RF grant for their contributions directly to implementers, if:

   A) The contribution become part of final Specification for which the contribution is made or a future version of the final Specification (either as an MR or a new JSR)

   B) This is subject to reciprocity clause.

2. All JCP members shall provide a RAND license directly to implementers for:

   A) For all Essential Technology that is part of the final Specification and for future versions of the final Specification (either as an MR or a new JSR).

B) This is subject to exclusions, withdrawal, and reciprocity clauses.

2.1.1.3 *Distributors of an implementation*

Get the same rights and constraints from contributers and JCP members for distributing Compatible Implementations.

2.1.1.4 *Users of an implementation*

Get the same rights and constraints from contributers and JCP members for using a Compatible Implementation.

2.1.2 RI & TCK

Q: How do we want to deal with RI/TCK in terms of flattening of patent grant flow? Currently, if a non-SL makes contributions to the RI or TCK, the non-SL provides an RF grant to the SL with the right to sublicense. Spec Lead is allowed to license RI and TCK under FRAND.

Do we want to say that non-SL contributers make grants directly to the user under the terms of the RI/TCK license selected by the SL? The nice feature about the current model is that licensees only deal with SL (SL has the right to sublicense other contributers IP). If licensees have to deal with multiple contributers to get a license that is not very practical.

A better alternative perhaps is to say that non-SL contributers make direct RF grant to the RI/TCK licensee (similar to that for the Spec). SL is allowed to do FRAND.

Regardless, I *think* non-SL contributers would still need to give special rights to the SL so that the SL can sublicense under FRAND.

2.1.3 R&D

EG members grant each other RF rights for R&D purposes related to the activities of the EG.

2.1.4 Java Platform exceptions

Contributors may have to make supplemental grants with respect to contributions intended for incorporation into Java Platforms.

2.2 *Copyrights*

TBD