

IPR considerations

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Wireless
Application
Protocol
Forum
Limited***

IPR - Patents

- **Similar rules to ETSI & other standards bodies**
- **By joining WAP members must :**
 - > agree to license any Technically Essential IPR to other members on “fair, reasonable and non-discriminatory terms” (probably not free)
 - > license allows manufacture & sale of Equipment fully conforming to **both** WAP specifications & one of the following :
- **Technologies included so far :**
 - > GSM, CDMA (IS-95/707), TDMA (IS-136), PDC, PHS, iDEN, FLEX, ReFLEX, Mobitex, DataTAC
 - > Under review : TETRA, Iridium
- **No IPR royalties for content/app developers**
 - > to promote usage

IPR - Patents

- **Requirement to declare Essential IPR on a timely basis when aware of it**
 - > for example if a member has filed for a patent on material which is brought as input to a specification
- **No requirement to conduct IPR searches**
- **No requirement to notify in the pre-filing stage**
 - > but once in a WAP Specification - its Public Domain and may not be able to file a patent in many jurisdictions
- **Must *immediately* notify WAP Forum Board if not prepared to license Essential IPR**
 - > provide valid reason e.g. believe not Essential
 - > gives an opportunity to design specs around the IPR
 - > disputes go to binding independent Arbitration

IPR - Copyright

- **Copyright**

- > All Official WAP Specifications are copyright WAP Forum Ltd.
 - input papers etc. remain copyright of originator unless they become WAP Specifications
- > May be photocopied / reproduced
- > May not be altered/modified
- > May not be fully or partially incorporated in non-WAP Forum documents without permission
- > May not remove copyright statement
- > Members must notify WAP Forum Board if they discover copyright infringement