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Status of This Memo

This document specifies an Internet Best Current Practices for the Internet Community, and requests discussion and suggestions for improvements. Distribution of this memo is unlimited.

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Abstract

The IETF policies about rights in Contributions to the IETF are designed to ensure that such Contributions can be made available to the IETF and Internet communities while permitting the authors to retain as many rights as possible. This memo details the IETF policies on rights in Contributions to the IETF. It also describes the objectives that the policies are designed to meet. This memo obsoletes RFCs 3978 and 4748 and, with BCP 79 and RFC 5377, replaces Section 10 of RFC 2026.

Table of Contents

1. Definitions	3
2. Introduction	5
2.1. No Retroactive Effect	5
3. Exposition of Why These Procedures Are the Way They Are	6
3.1. Rights Granted in Contributions	6
3.2. Rights to Use Contributions	6
3.3. Right to Produce Derivative Works	6
3.4. Rights to Use Trademarks	8
3.5. Contributions Not Subject to Copyright	8
3.6. Copyright in RFCs	9
4. Non-IETF Documents	9
5. Rights in Contributions	9
5.1. General Policy	9
5.2. Confidentiality Obligations	10
5.3. Rights Granted by Contributors to the IETF Trust	10
5.4. Sublicenses by the IETF Trust	11
5.5. No Patent License	11
5.6. Representations and Warranties	11
5.7. No Duty to Publish	12
5.8. Trademarks	12
5.9. Copyright in RFCs	12
5.10. Contributors' Retention of Rights	12
6. Legends, Notices and Other Standardized Text in IETF Documents	13
7. Security Considerations	13
8. References	14
8.1. Normative References	14
8.2. Informative References	14
9. Acknowledgments	15
10. Changes since RFC 3978	15
11. Declaration from the IAB	16

1. Definitions

The following definitions are for terms used in the context of this document. Other terms, including "IESG", "ISOC", "IAB", and "RFC Editor" are defined in [RFC2028].

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- o any Birds of a Feather (BOF) session,
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- o any IETF mailing list, including the IETF list itself, any working group or design team list, or any other list functioning under IETF auspices,
- o the RFC Editor or the Internet-Drafts function (except for RFC Editor Contributions, as described in Section 4 below).

Statements made outside of an IETF session, mailing list, or other function, that are clearly not intended to be input to an IETF activity, group, or function are not IETF Contributions in the context of this document.

b. "Contributor": an individual submitting a Contribution.

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e. "IETF": in the context of this document, the IETF includes all individuals who participate in meetings, working groups, mailing lists, functions, and other activities that are organized or

initiated by ISOC, the IESG, or the IAB under the general designation of the Internet Engineering Task Force (IETF), but solely to the extent of such participation.

- f. "IETF Documents": RFCs and Internet-Drafts that are used in the IETF Standards Process as defined in 1(g). This is identical to the "IETF stream" defined in [RFC4844].
- g. "IETF Standards Process": the activities undertaken by the IETF in any of the settings described in 1(a) above.
- h. "IETF Trust": a trust established under the laws of the Commonwealth of Virginia, USA, in order to hold and administer intellectual property rights for the benefit of the IETF.
- i. "Internet-Draft": temporary documents used in the IETF Standards Process. Internet-Drafts are posted on the IETF web site by the IETF Secretariat. As noted in Section 2.2 of RFC 2026, Internet-Drafts have a nominal maximum lifetime of six months in the IETF Secretariat's public directory.
- j. "Legend Instructions": the standardized text that is maintained by the IETF Trust and is included in IETF Documents and the instructions and requirements for including that standardized text in IETF Documents. The text and instructions are posted from time to time at <http://trustee.ietf.org/license-info>.
- k. "RFC": the publication series used by the IETF among others. RFCs are published by the RFC Editor. Although RFCs may be superseded in whole or in part by subsequent RFCs, the text of an RFC is not altered once published in RFC form. (See [RFC2026] Section 2.1.)
- l. "Reasonably and personally known": something an individual knows personally or, because of the job the individual holds, would reasonably be expected to know. This wording is used to indicate that an organization cannot purposely keep an individual in the dark about certain information just to avoid the disclosure requirement.
- m. "Non-IETF documents": Internet-Drafts that are submitted to the RFC Editor independently of the IETF Standards Process. (See Section 4.)

2. Introduction

In all matters of copyright and document procedures, the intent is to benefit the Internet community and the public at large, while respecting the legitimate rights of others.

Under the laws of most countries and current international treaties (for example the "Berne Convention for the Protection of Literary and Artistic Work" [Berne]), authors obtain numerous rights in the works they produce automatically upon producing them. These rights include copyrights, moral rights, and other rights. In many cases, if the author produces a work within the scope of his or her employment, most of those rights are usually assigned to the employer, either by operation of law or, in many cases, under contract. (The Berne Convention names some rights as "inalienable", which means that the author retains them in all cases.)

In order for Contributions to be used within the IETF Standards Process, including when they are published as Internet-Drafts or RFCs, certain limited rights must be granted to the IETF Trust, which then grants the necessary rights to the IETF. In addition, Contributors must make representations to the IETF Trust and the IETF regarding their ability to grant these rights.

Section 1 provides definitions used in these policies. Sections 3 and 4 of this document explain the rationale for these provisions. Sections 1, 2, 5, and 6 of this document are normative, the other sections are informative. RFC 3979 (BCP 79) [RFC3979] deals with rights, including possible patent rights, in technologies developed or specified as part of the IETF Standards Process. This document is not intended to address those issues. This memo obsoletes RFCs 3978 [RFC3978] and 4748 [RFC4748] and, with RFC 3979 (BCP 79) and [RFC5377], replaces Section 10 of RFC 2026 [RFC2026].

This document is not intended as legal advice. Readers are advised to consult their own legal advisors if they would like a legal interpretation of their rights or the rights of the IETF Trust [RFC4371] in any Contributions they make.

2.1. No Retroactive Effect

This memo does not retroactively obtain additional rights from Contributions that predate the date that the IETF Trust announces the adoption of these procedures.

3. Exposition of Why These Procedures Are the Way They Are

3.1. Rights Granted in Contributions

The IETF Trust and the IETF must obtain the right to publish an IETF Contribution as an RFC or an Internet-Draft from the Contributors.

A primary objective of this policy is to obtain from the document authors only the non-exclusive rights that are needed to develop and publish IETF Documents and to use IETF Contributions in the IETF Standards Process and potentially elsewhere.

The authors retain all other rights, but cannot withdraw the above rights from the IETF Trust and the IETF.

It is important to note that under this document, Contributors are required to grant certain rights to the IETF Trust (see Section 5.3.), which holds all IETF-related intellectual property on behalf of the IETF community. The IETF Trust will, in turn, grant a sublicense of these rights to all IETF participants for use in the IETF Standards Process (see Section 5.4.). This sublicense is necessary for the standards development work of the IETF to continue. In addition, the IETF Trust may grant certain other sublicenses of the rights that it is granted under this document. In granting such other sublicenses, the IETF Trust will be guided and bound by documents such as [RFC5377].

3.2. Rights to Use Contributions

It is important that the IETF receive assurances from all Contributors that they have the authority to grant the IETF the rights that they claim to grant because, under the laws of most countries and applicable international treaties, copyright rights come into existence when a work of authorship is created (but see Section 3.5 below regarding public domain documents), and the IETF cannot make use of IETF Contributions if it does not have sufficient rights with respect to these copyright rights. The IETF and its participants would run a greater risk of liability to the owners of these rights without this assurance. To this end, the IETF asks Contributors to give the assurances in Section 5.6 below. These assurances are requested, however, only to the extent of the Contributor's reasonable and personal knowledge. (See Section 1(1).)

3.3. Right to Produce Derivative Works

The IETF needs to be able to evolve IETF Documents in response to experience gained in the deployment of the technologies described in such IETF Documents, to incorporate developments in research, and to

react to changing conditions on the Internet and other IP networks. The IETF may also decide to permit others to develop derivative works based on Contributions. In order to do this, the IETF must be able to produce derivatives of its documents; thus, the IETF must obtain the right from Contributors to produce derivative works. Note that the right to produce translations is required before any Contribution can be published as an RFC, to ensure the widest possible distribution of the material in RFCs. The right to produce derivative works, in addition to translations, is required for all IETF Standards Track documents and for most IETF non-Standards Track documents. There are two exceptions to this requirement: documents describing proprietary technologies and documents that are republications of the work of other standards organizations.

The right to produce derivative works must be granted in order for an IETF working group to accept a Contribution as a working group document or otherwise work on it. For non-working group Contributions where the Contributor requests publication as a Standards Track RFC, the right to produce derivative works must be granted before the IESG will issue an IETF Last Call and, for most non-Standards Track, non-working group Contributions, before the IESG will consider the Internet-Draft for publication. Occasionally a Contributor may not want to grant publication rights or the right to produce derivative works before finding out if a Contribution has been accepted for development in the IETF Standards Process. In these cases, the Contributor may include a limitation on the right to make derivative works in the form specified in the Legend Instructions. A working group can discuss the Contribution with the aim to decide if it should become a working group document, even though the right to produce derivative works or to publish the Contribution as an RFC has not yet been granted. However, if the Contribution is accepted for development, the Contributor must resubmit the Contribution without the limitation notices before a working group can formally adopt the Contribution as a working group document. The IETF Trust may establish different policies for granting sublicenses with respect to different types of Contributions and content within Contributions (such as executable code versus descriptive text or references to third-party materials). The IETF Trust's policies concerning the granting of sublicenses to make derivative works will be guided by RFC [RFC5377].

The IETF has historically encouraged organizations to publish details of their technologies, even when the technologies are proprietary, because understanding how existing technology is being used helps when developing new technology. But organizations that publish information about proprietary technologies are frequently not willing to have the IETF produce revisions of the technologies and then possibly claim that the IETF version is the "new version" of the

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In addition, IETF Documents frequently make normative references to standards or recommendations developed by other standards organizations. Since the publications of some standards organizations are not public documents, it can be quite helpful to the IETF to republish, with the permission of the other standards organization, some of these documents as RFCs so that the IETF community can have open access to them to better understand what they are referring to. In these cases, the RFCs can be published without the right for the IETF to produce derivative works. In both of the above cases, in which the production of derivative works is excluded, the Contributor must include a special legend in the Contribution, as specified in the Legend Instructions, in order to notify IETF participants about this restriction.

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Contributors who claim trademark rights in terms used in their IETF Contributions are requested to state specifically what conditions apply to implementers of the technology relative to the use of such trademarks. Such statements should be submitted in the same way as is done for other intellectual property claims. (See [RFC3979] Section 6.)

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Subject to each Contributor's (or its sponsor's) ownership of its underlying Contributions as described in Section 5.6 (which ownership is qualified by the irrevocable licenses granted under Section 5.3), each Contributor hereby acknowledges that the copyright in any RFC in which such Contribution is included, other than an RFC that is an RFC Editor Contribution, shall be owned by the IETF Trust. Such Contributor shall be deemed to assign to the IETF Trust such Contributor's copyright interest in the collective work constituting

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The IETF requires that certain standardized text be reproduced verbatim in certain IETF Documents (including copies, derivative works, and translations of IETF Documents). Some of this standardized text may be mandatory (e.g., copyright notices and disclaimers that must be included in all RFCs) and some may be optional (e.g., limitations on the right to make derivative works). The text itself, as well as the rules that explain when and how it must be used, is contained in the Legend Instructions. The Legend Instructions may be updated from time to time, and the version of the standardized text that must be included in IETF Documents is that which was posted in the Legend Instructions on the date of publication.

The IETF reserves the right to refuse to publish Contributions that do not include the legends and notices required by the Legend Instructions.

It is important to note that each Contributor grants the IETF Trust rights pursuant to this document and the policies described herein. The legends and notices included in certain written Contributions such as Internet-Drafts do not themselves convey any rights. They are simply included to inform the reader (whether or not part of the IETF) about certain legal rights and limitations associated with such documents.

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7. Security Considerations

This memo relates to the IETF process, not any particular technology. There are security considerations when adopting any technology, but there are no known issues of security with IETF Contribution rights policies.

8. References

8.1. Normative References

- [RFC2026] Bradner, S., "The Internet Standards Process -- Revision 3", BCP 9, RFC 2026, October 1996.
- [RFC2028] Hovey, R. and S. Bradner, "The Organizations Involved in the IETF Standards Process", BCP 11, RFC 2028, October 1996.
- [RFC3979] Bradner, S., Ed., "Intellectual Property Rights in IETF Technology", BCP 79, RFC 3979, March 2005.
- [RFC4371] Carpenter, B., Ed., and L. Lynch, Ed., "BCP 101 Update for IPR Trust", BCP 101, RFC 4371, January 2006.

8.2. Informative References

- [RFC3978] Bradner, S., Ed., "IETF Rights in Contributions", BCP 78, RFC 3978, March 2005.
- [RFC4748] Bradner, S., Ed., "RFC 3978 Update to Recognize the IETF Trust", BCP 78, RFC 4748, October 2006.
- [RFC4844] Daigle, L., Ed., and Internet Architecture Board, "The RFC Series and RFC Editor", RFC 4844, July 2007.
- [RFC5377] Halpern, J., Ed., "Advice to the Trustees of the IETF Trust on Rights to be Granted in IETF Documents", RFC 5377, November 2008.
- [Berne] "Berne Convention for the Protection of Literary and Artistic Work", http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html.

9. Acknowledgments

The editors would like to acknowledge the help the IETF IPR Working Group provided during the development of the document.

10. Changes since RFC 3978

This document represents a significant reorganization and rewording of RFC 3978, along with a number of substantive changes.

The most basic change is to limit this document to the rights that a Contributor grants to the IETF Trust when making a Contribution. All sublicenses of rights for the use of IETF Documents must be provided by the IETF Trust. (See Section 5.4.)

Material added from RFC 4748 that recognized the IETF Trust.

Most of the material relating to RFC Editor documents has been removed since the RFC Editor maintains their own rules and processes for RFC Editor documents. Renamed these documents to "non-IETF documents". Added section 11 from the IAB discussing this topic.

Changes in the definitions section include defining the terms "Contribution", "Indirect Contributor", "Copyright", "IETF Trust", and "Legend Instructions", as well as minor tweaks to some of the other definitions.

The responsibility for the text of notices has been given to the IETF Trust and removed from this document. (See Section 6.)

Clarified that Contributors enter into a legally binding contract when they submit a Contribution. (See Section 5.1.)

The right to produce derivative works provided by the Contributor to the IETF Trust is not limited to being within the IETF Standards Process.

Made it clear that this document does not deal with patent licenses. (See Section 5.5.)

Clarified the ownership of the Copyrights to IETF Documents. (See Section 5.9.)

Clarified the rights retained by authors of IETF Contributions. (See Section 5.10.)

11. Declaration from the IAB

The IAB discussed the IPR documents during its most recent call. It unanimously decided that the IAB stream is to be covered by the incoming IPR document. It is our understanding that IAB stream documents' IPR are then automatically covered by the outbound rights that the IETF Trust will establish based on the advice in [RFC5377].

We also want to stress that, for any change in the inbound rights for streams other than the IETF and IAB streams, there needs to be a stream-dependent discussion and approval process, as indicated in RFC 4844, "The RFC Series and RFC Editor" [RFC4844], section 4.2.3.

To that extent, section 4 of the document should explicitly mention that the IRTF, the Independent, and any possible future streams are not covered by the document.

For the IAB,

Olaf Kolkman
April 4, 2008

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