

ELF Directive: Guidelines for the implementation of the ELF patent policy

CONTENTS

Foreword	iv
Introduction	v
1. Scope	1
2. Normative references	1
3. Terms and definitions	2
4. Patent disclosure	4
4.1. General	4
4.2. Requirements	4
4.2.1. Participation obligation	4
4.2.2. Early disclosure	4
4.2.3. External-originating disclosure	4
4.3. Method of disclosure	4
4.3.1. Declaration form	4
4.3.2. Third-party patent disclosure	4
4.4. Resolution to unwillingness to license	5
5. Patent statement and licensing declaration form	5
5.1. Purpose	5
5.2. Procedure	5
5.3. Declaration of patent license	6
5.4. Additional information required due to unwillingness to license	6
5.5. Superseding license declarations	6
5.5.1. Contact information	6

5.6. Conduct of meetings	7
5.7. Patent information database	7
5.8. Assignment or transfer of patent rights	7
6. Requirements on deliverables	8
6.1. Draft deliverables	8
6.2. Notification	8
6.3. Collaborative developed deliverables	9
Annex A Patent statement and licensing declaration for ELF deliverables	10

FOREWORD

The EXPRESS Language Foundation (“ELF”) is a registered public charity in the US that facilitates the education, standardization, research, promotion, definition, and usage of information modelling and programming languages, with a focus on the EXPRESS language family.

ELF works with international partners and experts across the globe, reflecting the international nature of its mission. More information about ELF is available on the official website (<https://www.expresslang.org>).

The procedures used to develop this document and those intended for its further maintenance are described in the ELF Directives.

In particular the different approval criteria needed for the different types of ELF documents should be noted. This document was drafted in accordance with the editorial rules of the ELF Directives.

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ELF shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be provided in the Introduction.

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

This document was prepared by the Technical Coordination Board (TCB).

This document provides guidance on the implementation of the ELF patent policy ([ELF 103:2026](#)) as applicable to internal process and procedures, especially in relation to the standardization and publication processes described in [ELF 101:2026](#).

INTRODUCTION

0.1 General

ELF is committed to expanding the realm of standards for information modelling and programming languages, with a focus on the EXPRESS language family and interoperability across the globe and communities of practice.

As a proponent of open standards, ELF has adopted a patent policy in [ELF 103:2026](#) to align IPR practice with major international standardization bodies including ISO, IEC and ITU.

0.2 Purpose

This document describes guidelines for the implementation of the ELF patent policy specified in [ELF 103:2026](#) in the standardization and publication processes described in [ELF 101:2026](#).

The intent of this document is to:

- encourage the early disclosure and identification of patents during the standardization and publication processes;
- resolve potential patent concerns and rights problems relevant to the standardization and publication processes.

1. SCOPE

This document provides guidelines on the application of the ELF patent policy ([ELF 103:2026](#)) towards the following areas of ELF:

- standardization and publication process (described in [ELF 101:2026](#));
- document requirements (described in [ELF 102:2026](#)).

This document does not cover the implementation of requirements in ELF standards which involve intellectual property rights (such as patents).

2. NORMATIVE REFERENCES

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

ELF 101:2026, *ELF Directive: Standardization and publication*

ELF 102:2026, *ELF Directive: Standard document requirements*

ELF 103:2026, *ELF Directive: Patent policy*

3. TERMS AND DEFINITIONS

For the purposes of this document, the terms and definitions given in [ELF 101:2026](#), [ELF 102:2026](#) and [ELF 103:2026](#) and the following apply.

ISO and IEC maintain terminology databases for use in standardization at the following addresses:

- ISO Online browsing platform: available at <https://www.iso.org/obp>
- IEC Electropedia: available at <https://www.electropedia.org>

3.1 declaration form

PREFERRED

“Patent Statement and Licensing Declaration Form” as stated in [Annex A](#)

3.2 contribution

PREFERRED

content submitted to ELF for consideration as part of a ELF standardization deliverable

3.3 free of charge

PREFERRED

patent holder ([3.6](#)) will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.); patent holder is still entitled to require that the implementer of the relevant ELF standardization deliverable sign a license agreement that contains other reasonable terms and conditions (such as those relating to governing law, field of use, warranties, etc.); does not indicate that the patent holder is waiving all of its rights with respect to a patent, but only on the issue of monetary compensation

3.4 patent

PREFERRED

claims contained in and identified by patents, utility models and other similar statutory rights based on inventions (including applications for any of these) solely to the extent that any such claims are essential to the implementation of an ELF standardization deliverable

3.5 essential patent

PREFERRED

patent (3.4) is essential to implement a specific ELF standardization deliverable

3.6 patent holder

PREFERRED

person or entity that owns, controls and/or has the ability to license *patents* (3.4)

3.7 reciprocity

PREFERRED

patent holder (3.6) shall only be required to license any prospective licensee if such prospective licensee will commit to license its patent(s) for implementation of the same relevant ELF standardization deliverable *free of charge* (3.3) or under reasonable terms and conditions

3.8 patent declaration

PREFERRED

notice or acknowledgement that a patent may cover the use of an ELF standardization deliverable

Note 1 to entry: The patent statement and licensing declaration form provided in [Annex A](#) shall be used for all patent declarations for an ELF standardization deliverable (see [Clause 5](#)).

3.9 patent information database

PREFERRED

database containing patent information relating to ELF standardization deliverables based on information provided to ELF in the patent statement and licensing declaration

3.10 technical body

PREFERRED

technical committees and any other groups that manage development of ELF standardization deliverables

4. PATENT DISCLOSURE

4.1 General

This clause describes the principles of disclosure of patents that may affect ELF standardization deliverables produced by ELF.

This clause applies to any patent disclosed or drawn to the attention of ELF during the development of and subsequent to the approval of deliverables.

4.2 Requirements

4.2.1 Participation obligation

All parties participating in the standardization activities of ELF are obligated to inform ELF of any known patent or to any known pending patent application, either its own or that of other entities, as mandated by [ELF 103:2026, Clause 4](#), where such parties include recipients of a draft ELF standardization deliverable at any stage.

4.2.2 Early disclosure

Patent information should be disclosed as early as possible during the development of the deliverable.

Such patent information should be provided in good faith and on a best effort basis. There is no requirement for patent searches. At times, this might not be possible when the first draft text appears, for example, because the text might be still too vague.

4.2.3 External-originating disclosure

Parties not participating in the standardization activities of ELF may also inform ELF to any known patent, either their own and/or of any third-party, that may cover an ELF deliverable.

4.3 Method of disclosure

4.3.1 Declaration form

When disclosing their own patents, patent holders shall fill in the “Patent Statement and Licensing Declaration Form” (referred to as the “declaration form”) as stated in [Annex A](#).

4.3.2 Third-party patent disclosure

Any communication drawing the attention to any third-party patent should be addressed to ELF in writing.

The Executive Director of ELF will then request the potential patent holder to submit a declaration form, if applicable.

4.4 Resolution to unwillingness to license

Whether the identification of the patent took place before or after the approval of a deliverable, if a patent holder is unwilling to license under [ELF 103:2026, 5.2](#) or [ELF 103:2026, 5.3](#), ELF will promptly advise the project owner(s) responsible for the affected deliverable so that appropriate action can be taken.

Such action shall include, but may not be limited to:

- a review of the ELF standardization deliverable or its draft in order to remove the potential conflict; or
- to further examine and clarify the technical considerations causing the conflict.

These guidelines also apply to any Patent disclosed or drawn to the attention of ELF subsequent to the approval of a deliverable.

5. PATENT STATEMENT AND LICENSING DECLARATION FORM

5.1 Purpose

The patent statement and licensing declaration form (see [Annex A](#)) is provided for entities with information on how essential patents affect ELF deliverables (such as, patent holders) to provide consistent, accurate information in the ELF patent information database.

5.2 Procedure

Entities shall report patent information to ELF using the ELF patent declaration form, which is available on the ELF website (see [Annex A](#)).

The completed declaration form should be directly submitted to the designated contact provided on the form.

The declaration form also allows patent holders to make a licensing declaration relative to rights in patents required for implementation of a specific deliverable.

5.3 Declaration of patent license

Specifically, by submitting this declaration form, the submitting party declares, in accordance with the ELF patent policy, patents held by it and whose licence would be required to practice or implement part(s) or all of a specific deliverable:

- a) its willingness to license (by selecting option 1 or 2 on the Form); or
- b) its unwillingness to license (by selecting option 3 on the Form).

5.4 Additional information required due to unwillingness to license

If a patent holder has selected the licensing option 3 on the declaration form, then, for the referenced relevant ELF deliverable, ELF requires the patent holder to provide certain additional information permitting patent identification.

Multiple declaration forms are appropriate if the patent holder wishes to identify several patents and classifies them in different options of the declaration form for the same deliverable or if the patent holder classifies different claims of a complex patent in different options of the declaration form.

Information contained in a declaration form may be corrected in case of obvious errors, such as a typographical mistake in a standard or patent reference number.

5.5 Superseding license declarations

The licensing declaration contained in the declaration form remains in force unless it is superseded by another declaration form containing more favorable licensing terms and conditions from a licensee's perspective reflecting:

- a) a change in commitment from option 3 to either option 1 or option 2;
- b) a change in commitment from option 2 to option 1; or
- c) un-checking one or more sub-options contained within option 1 or 2.

5.5.1 Contact information

In completing the declaration form, attention should be given to supplying contact information that will remain valid over time:

- “Name”, “Department” and “E-mail addresses” should be generic.
- A single point of contact for a particular submitting party is preferred if multiple declaration forms are submitted (particularly for multinational organizations).

For maintaining the currency of information in the ELF patent information database, the patent declarer is urged to directly contact ELF on any change or corrections to declaration forms submitted, especially on the change of contact points.

5.6 Conduct of meetings

Early disclosure of patents contributes to the efficiency of the process by which deliverables are established.

Therefore, each technical body, in the course of the development of a proposed deliverable, will request the disclosure of any known patents essential to the proposed deliverable.

The leadership of technical body will, ask at an appropriate time in each meeting, whether anyone has knowledge of patents, the use of which may be required to practice or implement the deliverable being considered. The fact that the question was asked shall be recorded in the meeting report, along with any affirmative responses.

As long as ELF has received no indication of a patent holder selecting [ELF 103:2026, 5.4](#), the deliverable may be approved with normal procedure. It is expected that discussions in technical bodies will include consideration of including patented material in a deliverable, however the technical bodies may not take position regarding the essentiality, scope, validity or specific licensing terms of any claimed patents.

5.7 Patent information database

In order to facilitate both the standards-making process and the application of deliverables, ELF makes available to the public a patent information database composed of information that was communicated to ELF by the means of declaration forms.

The patent information databases may contain information on specific patents, or may contain no such information but rather a statement about compliance with the patent policy for a particular deliverable.

The patent information databases are not certified to be either accurate or complete, but only reflect the information that has been communicated to ELF.

As such, the patent information databases may be viewed as simply raising a flag to alert users that they may wish to contact the entities who have communicated declaration forms to ELF in order to determine if patent licenses must be obtained for use or implementation of a particular deliverable.

5.8 Assignment or transfer of patent rights

The rules governing the assignment or transfer of patent rights are contained in the patent statement and licensing declaration forms (see [Annex A](#)).

By complying with these rules, the patent holder has discharged in full all of its obligations and liability with regards to the licensing commitments after the transfer or assignment.

These rules are not intended to place any duty on the patent holder to compel compliance with the licensing commitment by the assignee or transferee after the transfer occurs.

6. REQUIREMENTS ON DELIVERABLES

6.1 Draft deliverables

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

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

6.2 Notification

A published document for which no patent rights are identified during the preparation thereof shall contain the following notice in the foreword:

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ELF [and ISO] [and IEC] shall not be held responsible for identifying any or all such patent rights.

A published document for which patent rights have been identified during the preparation thereof shall include the following notice in the introduction:

The EXPRESS Language Foundation (ELF) [and The International Organization for Standardization (ISO)] [and The International Electrotechnical Commission (IEC)] draws attention to the fact that it is claimed that compliance with this document may involve the use of a patent concerning (... subject matter ...) given in (... subclause ...).

ELF [and ISO] [and IEC] take[s] no position concerning the evidence, validity and scope of this patent right.

The holder of this patent right has assured ELF [and ISO] [and IEC] that he/she is willing to negotiate licences 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 ELF [and ISO] [and IEC]. Information may be obtained from:

name of holder of patent right ...

address ...

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights other than those identified above. ELF [and ISO] [and IEC] shall not be held responsible for identifying any or all such patent rights.

6.3 Collaborative developed deliverables

Patent declarations in joint deliverables between ELF and other organizations apply only to the specific documents indicated in the declaration forms. Declarations do not apply to documents that are altered (such as through adoption).

ANNEX A

(NORMATIVE)

PATENT STATEMENT AND LICENSING DECLARATION FOR ELF DELIVERABLES

This declaration does not represent an actual grant of a license.

Definitions of terms used in this declaration are in accordance with ELF 104.

Please submit this form to:

Executive Director
EXPRESS Language Foundation
2093 Philadelphia Pike Ste 3311
Claymont, Delaware 19703
United States of America
Email: patents@expresslang.org

A.1 Terms and definitions

free of charge	patent holder will not seek any monetary compensation as part of the licensing arrangement (whether such compensation is called a royalty, a one-time licensing fee, etc.); patent holder is still entitled to require that the implementer of the relevant ELF standardization deliverable sign a license agreement that contains other reasonable terms and conditions (such as those relating to governing law, field of use, warranties, etc.); does not indicate that the patent holder is waiving all of its rights with respect to a patent, but only on the issue of monetary compensation
patent	claims contained in and identified by patents, utility models and other similar statutory rights based on inventions (including applications for any of these) solely to the extent that any such claims are essential to the implementation of an ELF standardization deliverable
essential patent	patent is essential to implement a specific ELF standardization deliverable
patent holder	person or entity that owns, controls and/or has the ability to license patents
reciprocity	patent holder shall only be required to license any prospective licensee if such prospective licensee will commit to license its patent(s) for implementation of the same relevant ELF standardization deliverable free of charge or under reasonable terms and conditions

assignment/
transfer of
patent rights

licensing declarations made pursuant to [ELF 103:2026, 5.2](#) or [ELF 103:2026, 5.3](#) shall be interpreted as encumbrances that bind all successors-in-interest as to the transferred patents. Recognizing that this interpretation may not apply in all jurisdictions, any patent holder who has submitted a licensing declaration according to [ELF 103:2026](#) — be it selected as [a\)](#) or [b\)](#) on the “Patent statement and licensing declaration for ELF deliverables” — who transfers ownership of a patent that is subject to such licensing declaration shall include appropriate provisions in the relevant transfer documents to ensure that, as to such transferred patent, the licensing declaration is binding on the transferee and that the transferee will similarly include appropriate provisions in the event of future transfers with the goal of binding all successors-in-interest

A.2 Patent Holder

Legal Name _____

A.3 Contact for license application

Name & Department _____

Address _____

Tel. _____

Fax _____

E-mail _____

URL (optional) _____

A.4 Document type

- a) ☐ ELF Standardization Deliverable
- b) ☐ ELF co-published Standardization Deliverable (please return this form to ELF and the appropriate form to the co-publishing parties)

A.5 Patent information

Number _____

Title _____

A.6 Licensing declaration

The patent holder believes that it holds granted and/or pending applications for patents, the use of which would be required to implement the above document and hereby declares, in accordance with the ELF patent policy (see [ELF 103:2026](#)), that (check one option only):

- a) ☐ The patent holder is prepared to grant a free of charge license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and under other reasonable terms and conditions to make, use, and sell implementations of the above document.
- 1) ☐ Also mark here — if the patent holder's willingness to license is conditioned on reciprocity for the above document.
- 2) ☐ Also mark here — if the patent holder reserves the right to license on reasonable terms and conditions (but not free of charge) to applicants who are only willing to license their patent, whose use would be required to implement the above document, on reasonable terms and conditions (but not free of charge).
- b) ☐ The patent holder is prepared to grant a license to an unrestricted number of applicants on a worldwide, non-discriminatory basis and on reasonable terms and conditions to make, use and sell implementations of the above document.
- 1) ☐ Also mark here — if the patent holder's willingness to license is conditioned on reciprocity for the above document.
- c) ☐ The patent holder is unwilling to grant licenses in accordance with provisions of either options [a\)](#) or [b\)](#) above.

In this case, the following information must be provided to ELF as part of this declaration:

- granted patent number or patent application number (if pending);
- an indication of which portions of the above document are affected;
- a description of the patents covering the above document.

A.7 Patent Information

Preferred but not required for options [a\)](#) and [b\)](#). Required for [c\)](#).

TABLE A.1 — PATENT INFORMATION FORM

No.	Status [granted/ pending]	Country	Granted patent number or application number (if pending)	Title
1				
2				
3				
4				
5				

TABLE A.1 (CONTINUED)

No.	Status [granted/ pending]	Country	Granted patent number or application number (if pending)	Title
6				
7				
8				
9				
10				

[] Check here if additional patent information is provided on additional pages.

NOTE For option [c](#), the additional minimum information that shall also be provided is listed in that option.

A.8 Signature (include on final page only)

Patent Holder

Name of authorized person

Title of authorized person

Signature, Place, Date

BIBLIOGRAPHY