

ELF Directive: Patent policy

CONTENTS

Foreword	iii
1. Scope	1
2. Normative references	1
3. General	1
4. Purpose	2
5. Terms and definitions	3
6. Patent information transparency policy	3
7. Licensing requirements on patent holders	3
7.1. General	3
7.2. Situation 1: Licensing free-of-charge	4
7.3. Situation 2: Licensing in a non-discriminatory manner	4
7.4. Situation 3: Licensing in other manners	4
8. Patent declaration requirements	4
Bibliography	5

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). == Introduction

1. SCOPE

This document provides the ELF patent policy, which governs all standardization deliverables developed through the ELF standardization process.

The ELF patent policy is identical to the [ISO/IEC/ITU common patent policy](#) in content, except where:

- entity names such as “ISO”, “IEC”, “ITU-T” and “ITU-R” were changed to “ELF”;
- deliverables and processes pertaining to those entities have been changed to their counterparts within ELF.

Detailed arrangements arising from patents (licensing, royalties, etc.) are left to the parties concerned, as these arrangements might differ from case to case.

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.

ISO/IEC/ITU common patent policy, *ISO/IEC/ITU common patent policy*, https://isotc.iso.org/livelink/livelink/fetch/2000/2122/3770791/Common_Policy.htm

3. 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 does not endorse mandatory usage of patents within ELF Standards. The ELF Board of Directors has decided to align IPR practice with major international standardization bodies including ISO, IEC and ITU.

4. PURPOSE

This document describes the policy of ELF with regards to patent usage within ELF deliverables and provides a “code of practice” that is simple and straightforward.

ELF deliverables are drawn up by technical, not patent, experts, who may not be fully aware of all nuances in the complex international legal situation of intellectual property rights.

ELF deliverables are non-binding — their objective is to ensure compatibility of technologies and systems on a worldwide basis.

To ensure the applicability and accessibility of ELF deliverables, the implementation and continued usage of content within the deliverables must be possible to the worldwide audience without discrimination, including any patent embodiment in such deliverables.

5. TERMS AND DEFINITIONS

For the purposes of this document, the terms and definitions given in [ELF 101:2026](#) 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>

6. PATENT INFORMATION TRANSPARENCY POLICY

ELF does not provide authoritative or comprehensive information about evidence, validity or scope of patents or similar rights.

However, the fullest available information shall be disclosed in any ELF-published standard.

Therefore, any party participating in the work of ELF shall, from the outset, draw the attention of the Executive Director and TCB of ELF, to any known patent or to any known pending patent application, either their own or of other organizations, although ELF is unable to verify the validity of any such information.

In a joint deliverable developed with other standardization bodies, IPR requirements of all such standardization bodies who will be publishing the deliverable shall be satisfied.

7. LICENSING REQUIREMENTS ON PATENT HOLDERS

7.1 General

If an ELF deliverable is developed and such information as referred to in [Clause 6](#) has been disclosed, one of the following three situations may arise.

7.2 Situation 1: Licensing free-of-charge

The patent holder is willing to negotiate licences free of charge with other parties on a nondiscriminatory basis on reasonable terms and conditions.

Such negotiations are left to the parties concerned and are performed outside ELF.

7.3 Situation 2: Licensing in a non-discriminatory manner

The patent holder is willing to negotiate licences with other parties on a non-discriminatory basis on reasonable terms and conditions.

Such negotiations are left to the parties concerned and are performed outside ELF.

7.4 Situation 3: Licensing in other manners

The patent holder is not willing to comply with the provisions of either [7.2](#) or [7.3](#).

In such case, the deliverable shall not include provisions that depends on the patent.

8. PATENT DECLARATION REQUIREMENTS

Whatever the licensing requirements ([Clause 7](#)) are, the patent holder must provide a written statement to be filed at ELF, using the appropriate “Patent Statement and Licensing Declaration” Form.

This statement must not include additional provisions, conditions, or any other exclusion clauses in excess of what is provided for each case in the corresponding boxes of the form.

BIBLIOGRAPHY

- [1] ISO/IEC DIR 1, *ISO/IEC Directives, Part 1, Procedures for the technical work*
- [2] ISO/IEC DIR 2, *ISO/IEC Directives, Part 2, Principles and rules for the structure and drafting of ISO and IEC documents*
- [3] ISO/IEC Directives, Part 1, Consolidated ISO Supplement, *ISO/IEC Directives, Part 1, Consolidated ISO Supplement, Procedures specific to ISO*
- [4] ELF 101:2026, *ELF Directive: Standardization and publication*