



APPROVED MEETING REPORT
3GPP2 Organizational Partners Meeting #28
ARIB/CCSA/TIA/TTA/TTC
September 30, 2004
Via Teleconference

1. Opening

The meeting was opened at 5:30pm EDT by Ms. Cheryl Blum, TIA Head of Delegation.

2. Attendance

The Secretary introduced contribution [OP-20040930-005](#) containing the list of delegates for the meeting, and asked those listed to confirm their attendance. The revised list of those in attendance is presented in contribution [OP-20040930-005r1](#). It was noted that representatives from ARIB, TIA, TTA and TTC were on the call.

3. Approval of the Agenda

The agenda was approved as presented in contribution [OP-20040930-001r1](#).

4. Contribution Assignments and Status

The Secretary presented contribution [OP-20040930-000r1](#) providing the list of contributions for the meeting. No further contributions were presented.

5. Old Business

5.1 Open Mobile Alliance

The following contributions were presented:

[OP-20040616-010r2](#) – Correspondence from SC Chair to OMA outlining concerns with OMA IPR policy.

[OP-20040930-002](#) – OMA response to OP-20040616-010r2

[OP-20040930-003](#) – OMA Revised IPR Policy

[OP-20040930-004](#) – TIA proposal to OPs regarding revised OMA IPR policy

The Chair presented contributions [OP-20040930-002](#) and [OP-20040930-003](#) for information, noting that the contents had previously been distributed to the OPs via e-mail.

1 The Chair then turned to Dan Bart of TIA who presented contribution **OP-**
2 **20040930-004**. The contribution addresses the current status of IPR-related
3 discussions between 3GPP2 and the OMA, acknowledging that in response to
4 3GPP2's June 2004 correspondence, the OMA has revised its policy to license
5 intellectual property on reasonable and non-discriminatory terms (RAND) to all
6 users in connection with all documents published January 1 2005 or later. He
7 further noted that documents published prior to January 1 2005 would conform to
8 the current OMA IPR policy, which only requires reasonable and non-
9 discriminatory licensing to OMA members.

10
11 The TIA contribution noted that this policy change by the OMA continues to
12 present problems to 3GPP2 and to its Organizational Partners since it introduces
13 the administrative burden of ensuring not only that 3GPP2 documents only
14 reference post-January-2005 OMA documents, but also that those OMA
15 documents do not themselves reference older OMA documents not covered by
16 the revised IPR policy.

17
18 Finally, as a preferred course of action, the TIA contribution proposes that the SC
19 Chair send a follow-up correspondence to the OMA acknowledging the action
20 the OMA has taken thus far to address 3GPP2's concerns, but noting the
21 additional concerns the OMA's change in IPR policy presents, and urging the
22 OMA to reconsider by applying its revised IPR policy to its entire library. As a
23 fallback measure, TIA's contribution recommends that 3GPP2 and its
24 Organizational Partners correspond with the known 16 OMA intellectual
25 property holders, seeking their willingness to license their intellectual property to
26 all users of (i) 3GPP2 specifications or (ii) the transposed standards of 3GPP2
27 Organizational Partners which reference or relate to any OMA documents on
28 terms that are reasonable and non-discriminatory.

29
30 In the ensuing discussion, the following points were made:

- 31
- 32 • Assuming 3GPP2 and its Organizational Partners do correspond to the
33 OMA's intellectual property holders seeking their willingness to license
34 their intellectual property to all users on terms that are reasonable and
35 non-discriminatory, if any intellectual property holders choose not to do
36 so, then this means that neither 3GPP2 nor its Organizational Partners
37 can reference the OMA document or documents that contain the essential
38 intellectual property in question, thus necessitating a technological
39 solution that does not require the use of the essential patent or intellectual
40 property.
 - 41
 - 42 • It was stressed that even if 3GPP2 aims to ensure that it only references
43 post-January-2005 OMA documents, without considerable burden there
44 is no assurance that these OMA documents, themselves, do not reference
45 older OMA documents that may contain essential intellectual property
46 not covered by the revised OMA IPR policy.
 - 47
 - 48 • Although the OMA web site currently shows 16 essential intellectual
49 property holders, the added administrative burden noted above will also
50 include monitoring this list. Additional intellectual property holders -
51 e.g., those with patents that may currently be pending - may become
52 known, and it will then be necessary to correspond with these additional

1 intellectual property holders also.

- 2
- 3 • TTA confirmed that the post-January-2005 provision in the revised
- 4 OMA IPR policy is a cause for concern, and suggested that the two
- 5 recommendations in the TIA policy occur in parallel, namely sending
- 6 follow-up correspondence to the OMA urging that it reconsider applying
- 7 its revised IPR policy to its entire library, while at the same time
- 8 corresponding with the sixteen IP holders seeking their willingness to
- 9 license to all users on reasonable and non-discriminatory terms.

10

11 TIA noted that its proposal called for these two actions to be conducted

12 in series but acknowledged the benefits of carrying them out in parallel

13 given the length of time it has taken to address the issues thus far, noting

14 that in the event the IP holders all agree to the request, 3GPP2 and its

15 Organizational Partners can proceed while continuing to secure a

16 favorable policy change from the OMA.

- 17
- 18 • ARIB questioned whether TIA's proposal to solicit the willingness of the
- 19 IP holders to license their intellectual property to all users on reasonable
- 20 and non-discriminatory terms could jeopardize the IPR Holders' standing
- 21 as OMA members.

22

23 It was stressed that the OMA IPR policy does not oblige OMA members

24 to ONLY license exclusively to other OMA members, but does oblige

25 the intellectual property holder to license on terms that are reasonable

26 and non-discriminatory to all OMA members. Absent some other

27 undisclosed restrictions the IPR Holders would be free to license or not

28 license others. 3GPP2 and its Organizational Partners would simply be

29 seeking assurances that the intellectual property holders would be willing

30 to expand this list by consenting to license on reasonable and non-

31 discriminatory terms to all users of 3GPP2 specifications or OP

32 standards, regardless of their OMA affiliation.

- 33
- 34 • It was noted that TIA is not seeking a decision on how to proceed at this
- 35 meeting, but rather wanted to introduce its proposal in contribution **OP-**
- 36 **20040930-004** for review by the Organizational Partners in preparation
- 37 for the October OP meeting in Shanghai, China where a decision might
- 38 possibly be made. The TIA contribution also urged the OPs take the
- 39 time to consider internally and socialize with 3GPP and its OPs to see if
- 40 a harmonized approach could be taken to this mutual problem.

41

42 In summarizing, the Chair noted from the discussions that there is general

43 agreement among the Organizational Partners that the concerns raised in TIA's

44 contribution are valid and worth exploring further, and suggested that the

45 Organizational Partners review TIA's contribution in detail in preparation for

46 further discussion and decision on how to proceed at the October 2004 OP

47 meeting in Shanghai. There was no objection to the conclusion and proposed

48 course of action.

49

50 **DECISION 2004/09-01**

51 The 3GPP2 OPs present on the September 30 2004 teleconference call agree that

52 the concerns raised by TIA in contribution **OP-20040930-004** concerning the

53 revised OMA IPR policy are noteworthy, agree that addressing these concerns

1 with the OMA is worthwhile, and agree that a parallel strategy of separately
2 seeking the IP holders' willingness to grant licenses to all users on reasonable
3 and non-discriminatory terms is warranted, but stressed that the preferred
4 solution would be for the OMA to reconsider its decision and apply its revised
5 IPR policy to its entire library.
6

7 **ACTION 2004-09/01:**

8 All Organizational Partners are requested to review the proposal presented by
9 TIA in contribution **OP-20040930-004**, that addresses how 3GPP2 might
10 proceed in light of the revised OMA IPR policy, in preparation for further
11 discussion and decision at the October 2004 OP meeting in Shanghai, China.
12

13 It was suggested that the SC Chair remand to the TSGs the action of reviewing
14 their projects to compile a snapshot list of OMA documents needing to be
15 referenced as a means of gauging the scope of this issue. It was further suggested
16 that, if possible, this review drill at least one level down to list those OMA
17 documents referenced within the OMA documents that are referenced in
18 3GPP2's projects. If there were some sensitivities to or Non Disclosure
19 Agreement (NDA) reasons why the actual OMA document titles or document
20 numbers could not be disclosed, even a numeric count of the number of OMA
21 documents planned to be directly referenced in 3GPP2 specifications, and then
22 the number of OMA documents those OMA documents referenced would be
23 more information than the OPs have now. Clif Barber (ARIB) volunteered to
24 draft detailed instructions for the TSGs to use in satisfying this OP request for
25 more information for review by the OPs and the SC Chair.
26

27 **ACTION 2004-09/02:**

28 The SC Chair is asked to remand to the TSGs the action of listing the OMA
29 documents referenced in existing 3GPP2 projects, and the additional OMA
30 documents referenced within these OMA references.
31

32 **ACTION 2004-09/03:**

33 Clif Barber is asked to draft detailed instructions remanding to the TSGs the
34 action of reviewing their projects to compile a list of OMA documents needing to
35 be referenced, and, in turn, those OMA documents referenced within the OMA
36 references. This draft of proposed instructions is to be submitted to the SC Chair
37 for his review, and to the Secretary for review by the Organizational Partners.
38

39 TTA indicated that it would be discussing this issue further internally, and at the
40 October 2004 3GPP OP/PCG meeting. TTA volunteered to socialize the
41 concerns raised at this meeting particularly with CCSA, representatives of which
42 were not in attendance at this meeting, and with the 3GPP Organizational
43 Partners, in an effort to align the actions of both Partnership Projects with regard
44 to this issue. There was no objection to TTA's proposal. TIA encouraged that
45 this issue be shared with ATIS and ETSI who, as non-3GPP2 OPs, will not have
46 benefited from the discussions at this meeting.
47

48 **ACTION 2004-09/04:**

49 TTA is requested to socialize the issues raised at this meeting with CCSA and
50 with 3GPP's Organizational Partners, particularly ATIS and ETSI, given the
51 occasion of the forthcoming 3GPP OP/PCG meeting. TIA also indicated it would
52 support a joint 3GPP / 3GPP2 OP letter to OMA, if 3GPP requested it, in order to
53 show harmonized concern over the OMA IPR Policy.

1
2 **6. Any Other Business**
3

4 Still on the subject of relations with the OMA, it was mentioned that 3GPP2 might wish
5 to invite OMA representatives to attend its next leadership meetings in Shanghai, China
6 in October.
7

8 It was noted that the SC Chair's correspondence to the OMA presented in contribution
9 **OP-20040616-010r2** extends this offer of an invitation already and willingness to have
10 an agenda topic on the OMA IPR Policy matter, but that this prior invitation could be
11 stressed again to the Chair of OMA and urge him to accept that offer and notify the SC
12 Chair and 3GPP2 Secretariat of his intentions.
13

14 **7. Assignments for Next Meeting**
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16 The four actions captured at this meeting are as follows:
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18 **ACTION 2004-09/01:**

19 All Organizational Partners are requested to review the proposal presented by TIA in
20 contribution **OP-20040930-004**, that addresses how 3GPP2 might proceed in light of the
21 revised OMA IPR policy, in preparation for further discussion and decision at the
22 October 2004 OP meeting in Shanghai, China.
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26 referenced in existing 3GPP2 projects, and the additional OMA documents referenced
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31 reviewing their projects to compile a list of OMA documents needing to be referenced,
32 and, in turn, those OMA documents referenced within the OMA references. This draft of
33 proposed instructions is to be submitted to the SC Chair for his review, and to the
34 Secretary for review by the Organizational Partners.
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38 3GPP's Organizational Partners, particularly ATIS and ETSI, given the occasion of the
39 forthcoming 3GPP OP/PCG meeting. TIA also indicated it would support a joint 3GPP /
40 3GPP2 OP letter to OMA, if 3GPP requested it, in order to show harmonized concern
41 over the OMA IPR Policy.
42

43 **8. Date of Next Meeting**
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45 The next 3GPP2 meeting is scheduled to take place Tuesday, October 26 2004 in
46 Shanghai, China.
47

48 **9. Adjournment**
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50 There being no further business, the meeting was adjourned at 7:25pm US EDT.
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