



Frequently Asked Questions (FAQs) Relating to the SNIA's New IP Policy v4

In September of 2015, the SNIA Board of Directors voted to approve an updated version of the SNIA Intellectual Property Policy (IP Policy). The following FAQs are designed to help the SNIA membership understand the differences between the old and the new policies, and clarify the update process.

Note that these FAQs are applicable only to those SNIA Members and Participants that have not been approved for and signed the waiver to the IP Policy. In the unlikely event that there is any conflict between these FAQs and the SNIA IP Policy version 4.0, the IP Policy shall take precedence.

1. Does my company have to accept the new IP Policy?

Yes, all members of the SNIA, including both “Members” and “Participants”, must accept and adhere to the new IP Policy Version 4.0 with its planned effective date April 4, 2016 for any continued participation in a Technical Work Group (TWG) and or any new TWG joined. If your company formally notifies SNIA to opt-out of a TWG before April 4, 2016, you will be bound by SNIA IP version 3.0 and its obligations. If you do not participate in any TWG(s) and have formally filed an IP Policy Opt-out Waiver (if eligible), then you are not bound to the IP Policy. Do note that note classifications of membership are eligible for the Opt-out waiver, e.g. technology vendors.

2. Does the IP Policy apply to companies located outside of the United States, such as Members of Geographic Forums or Regional Affiliates?

The IP Policy applies to all SNIA Members and Participants, which includes Members of Geographic Forums and Regional Affiliates, regardless of their regional membership category, location, domicile or place of incorporation. Further, the IP Policy covers patent rights in whatever jurisdiction they may exist, i.e., the Policy is not limited to United States patents. Therefore, the IP Policy has world wide application. All Members and Participants, including those in Geographic Forums and Regional Affiliates, are bound by and must adhere to the IP Policy.

3. What's the difference between a Member and a Participant?

The terms “Members” and “Participants”, as defined by the SNIA bylaws, are legal terms that distinguish between voting and non-voting members of the SNIA. The term “Members” refers to voting members (those companies who have voting rights) and the term “Participants” refers to associate members, individual members, regional forum members, regional affiliate members, and affiliate members (who don't have voting rights).

4. How does my company accept the new IP Policy?

FAQs Relating to the SNIA's New IP Policy v4

With IP Policy v2 was created, all SNIA Members and Participants have been required to sign it. With IP Policy v3 and now v4, the acceptance process for existing members in good standing is part of the invoicing and renewal process, by paying the yearly fees obligates acceptance and adherence as stated on the invoice. For new member signup, by clicking through the join SNIA process on SNIA.org, acceptance and adherence to SNIA policies includes the IP Policy.

5. Why did the SNIA update the IP Policy?

To incorporate several clarifications in: i) SNIA definitions for product components and; ii) policies for reasonableness, injunctive relief, and patent exchange and transfer. Several other prominent technology standards development organization (SDOs) had made clarifications to their IP Policy to further reflect current day essential claim case rulings and best practices for IP licensing arrangements within the information communication technology (ICT) industries.

6. What is the version number of the new IP Policy?

The new IP Policy is called "Version 4.0".

7. When do I have to accept the v4.0 policy?

All current SNIA Members and Participants are requested to review the IP Policy between February 1 and April 3 2016, and make a conscious decision to either continue to participate or withdraw participation in each and every TWG the member company is currently involved in. On April 4, 2016 the v4.0 IP Policy becomes applicable. Ongoing acceptance and adherence will be automatic as part of the membership renewal and invoicing process. In addition, all new SNIA Members and Participants will click to accept and adhere to this new policy when they join SNIA.

8. What should my company or I do if I don't want to accept and adhere to the v4.0 policy?

The options include: i) withdraw from one or all Technical Working Groups through formal notification to each TWG chair (see questions 11-14); ii) request to see if you/your company is eligible to have an IP Policy Waiver; and or iii) cease membership with SNIA.

9. When is a request for disclosure of patents (Essential Claims) made by the SNIA?

When the SNIA Board authorizes the distribution of a "SNIA Work-in-Progress" or a "Draft SNIA Architecture/Software", a notice will go out to the SNIA membership announcing a Review Period for the document. All Members and Participants will be asked for a reasonable and good faith effort to disclose their Essential Claims for which they have Actual Knowledge, and whether or not they would be willing to license such Essential Claims. Disclosures of this type should be sent to the SNIA Executive Director (executivedirector@snia.org) or to the

FAQs Relating to the SNIA's New IP Policy v4

SNIA Secretary (secretary@snia.org).

10. How often is a request for disclosure made by the SNIA?

As the TWGs develop their specific architectures/software, they will create documents called “SNIA Works-in-Progress” that describe the architecture/software. These Works-in-Progress will be continually updated as the architecture/software matures. The first Work-in-Progress document will be distributed as an official “SNIA Work-in-Progress” and will carry an official Request for Disclosure with it. Then, every six (6) months thereafter, as long as the architecture/software is actively being developed, a new Request for Disclosure will be issued against the latest version of the Work-in-Progress. The intent of the timing of the Request for Disclosure is to find out as early as possible if the architecture/software infringes upon any patents held by the SNIA membership, and if so, to understand whether those patents would be licensed under RAND terms. However, we don't want to burden our members with these Requests for Disclosure any more frequently than necessary. The six (6) month timing was meant to be a compromise between these two goals. Also, we allowed the Board of Directors to call for a Disclosure more frequently than six (6) months when there is a legitimate reason to do so.

11. What is the “opt out” feature and how does it work?

Members and Participants that choose not to participate in a SNIA architecture/software activity may “opt out” of the associated TWGs developing that SNIA architecture/software. This action of “opting out” relieves the Member or Participant of the relevant obligations under the IP Policy to disclose and license their patents associated with this SNIA architecture/software. The Member or Participant must send written notice of its intent to “opt out” to the SNIA Secretary or its Executive Director prior to or during the Review Period for the associated “SNIA Work-in-Progress” or “Draft SNIA Architecture/Software”. This act of “opting out” does not remove the obligation to disclose and/or license Essential Claims based on previous SNIA architecture/software activities in which the Member or Participant did not “opt out”. Any Member or Participant that “opts out” may no longer participate in any of the TWGs working on the associated architecture/software.

12. Will Members or Participants that “opt out” of specific SNIA architecture/software activities be allowed to attend meetings (either face-to-face or conference call) of the related TWGs?

No. A Member or Participant that “opts out” may no longer participate in any of the TWGs on the associated architecture/software. However, the SNIA generally will not police the attendance in any of these meetings, so it is the responsibility of the “opting out” party to refrain from attending. The SNIA will maintain attendance records for all of its TWG meetings. Attendance by any Member or Participant in three or more TWG meetings in any twelve month period constitutes participation by that party and voids any “opt out” declaration.

FAQs Relating to the SNIA's New IP Policy v4

13. How does the “opt out” feature apply once the SNIA architecture is submitted to INCITS, ISO, or any other accrediting body for consideration as a Standard?

Certain SNIA architectures, when completed, may be submitted to the InterNational Committee for Information Technology Standards (INCITS) to undergo American National Standards Institute (ANSI) standardization. The INCITS process includes a public Call for Comments and Call for Patents. All Members and Participants, as well as non-SNIA companies and individuals who hold patents, are requested to respond to the INCITS Call for Patents regardless of whether or not they have “opted out”. Alternatively, SNIA architectures, when completed, may be submitted to the ISO/IEC JTC1 either through a JTC1 sub-committee or through the PAS process. All Members and Participants, as well as non-SNIA companies and individuals who hold patents, are requested to respond to the Call for Patents regardless of whether or not they have “opted out”.

For INCITS, visit URL <http://www.incits.org/standards-information/legal-info> .

For ISO/IEC JTC1 visit URL

http://www.iso.org/iso/home/standards_development/governance_of_technical_work/patents.htm

14. How do I opt out of a SNIA activity?

To “opt out” one must send a notice of intent to “opt out” to the SNIA Executive Director (executivedirector@snia.org) or the SNIA Secretary (secretary@snia.org), specifying the TWGs in which one does not want to participate.

15. What happens if a patent related to SNIA architecture which has been approved as a Standard was not disclosed during the INCITS or JTC 1 Call for Patents but is later discovered and disclosed?

The patent owner will be asked to license the patent under RAND terms. If this is not agreed to by the patent holder then the affected SNIA TWGs and committees will evaluate whether a technical alternative is possible. If no solution can be found, then the Standard will be withdrawn while the SNIA considers alternatives.

16. Where can I see the new IP Policy document?

The new IP Policy can be accessed and downloaded at www.snia.org/about/corporate_info/ip_policy

17. If my company has a request to further improve the SNIA IP Policy, how is this request brought forward for consideration?

Please email the request and rationale to either the SNIA Executive Director or SNIA Secretary. (See question 14 for the addresses.) The SNIA Executive Committee may request a meeting to fully understand the request; then the EC may advance the request to the SNIA Board of Directors for review and consideration. The Board may then vote/decide on the requests merits and or request more research within the SNIA membership to validate sufficient interest

FAQs Relating to the SNIA's New IP Policy v4

before any formal action is sanctioned. Should there be common interest, then a project to modify the IP Policy may be commissioned and vetted across SNIA voting leadership. The Board ultimately has authority to adopt or reject proposed amendments.