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Annex H (normative) Patent rights

H.1 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."

H.2 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. ISO [and/or] IEC shall not be held responsible for identifying any or all such patent rights."

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2.14.1 If, in exceptional situations, technical reasons justify such a step, there is no objection in principle to preparing an International Standard in terms which include the use of items covered by patent rights – defined as patents, utility models and other statutory rights based on inventions, including any published applications for any of the foregoing – even if the terms of the standard are such that there are no alternative means of compliance. The rules given below and in the ISO/IEC Directives, Part 2, 2001, Annex H shall be applied.

2.14.2 If technical reasons justify the preparation of a document in terms which include the use of items covered by patent rights, the following procedures shall be complied with.

- a) The originator of a proposal for a document shall draw the attention of the committee to any patent rights of which the originator is aware and considers to cover any item of the proposal. Any party involved in the preparation of a document shall draw the attention of the committee to any patent rights of which it becomes aware during any stage in the development of the document.
- b) If the proposal is accepted on technical grounds, the originator shall ask any holder of such identified patent rights for a statement that the holder would be willing to negotiate worldwide licences under his rights with applicants throughout the world on reasonable and non-discriminatory terms and conditions. Such negotiations are left to the parties concerned and are performed outside ISO and/or IEC. A record of the right holder's statement shall be placed in the registry of the ISO Central Secretariat or IEC Central Office as appropriate, and shall be referred to in the introduction to the relevant document [see ISO/IEC Directives, Part 2, 2001, H.3]. If the right holder does not provide such a statement, the committee concerned shall not proceed with inclusion of an item covered by a patent right in the document without authorization from ISO Council or IEC Council as appropriate.
- c) A document shall not be published until the statements of the holders of all identified patent rights have been received, unless the Council concerned gives authorization.

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