

IEEE P802.3ct/.3cw Joint Task Force Interim Teleconference Meeting, 12 Mar 2020

- Please send email to chair with name, employer, affiliation for record of Interim Teleconference Meeting attendance
- Draft Agenda
 - Approve agenda
 - Approval Minutes - http://www.ieee802.org/3/ct/public/tf_interim/20_0305/minutes_3ctcw_200305_unapproved.pdf
 - Review IEEE Policies (<http://ieee802.org/3/policies.html>)
 - IEEE SA Participation Policy
 - IEEE SA Patent Policy
 - IEEE SA Copyright Policy
 - Presentations
 - Path forward for P802.3ct / P802.3cw, John D'Ambrosia
 - Schedule of Consideration of Comments Submitted Against IEEE P802.3ct D1.2, Tom Issenhuth
 - SC-FEC sublayer lane alignment process comments and remedies, Leon Bruckman
 - Discussion

IEEE SA Participation Slides

Participant behavior in IEEE-SA activities is guided by the IEEE Codes of Ethics & Conduct

- All participants in IEEE-SA activities are expected to adhere to the core principles underlying the:
 - [IEEE Code of Ethics](#)
 - [IEEE Code of Conduct](#)
- The core principles of the IEEE Codes of Ethics & Conduct are to:
 - *Uphold the highest standards of integrity, responsible behavior, and ethical and professional conduct*
 - *Treat people fairly and with respect, to not engage in harassment, discrimination, or retaliation, and to protect people's privacy.*
 - *Avoid injuring others, their property, reputation, or employment by false or malicious action*
- The most recent versions of these Codes are available at <http://www.ieee.org/about/corporate/governance>

Participants in the IEEE-SA “*individual process*” shall act independently of others, including employers

- The [IEEE-SA Standards Board Bylaws](#) require that “*participants in the IEEE standards development individual process shall act based on their qualifications and experience*”
- This means participants:
 - **Shall act & vote** based on their personal & independent opinions derived from their expertise, knowledge, and qualifications
 - **Shall not act or vote** based on any obligation to or any direction from any other person or organization, including an employer or client, regardless of any external commitments, agreements, contracts, or orders
 - **Shall not direct** the actions or votes of other participants or retaliate against other participants for fulfilling their responsibility to act & vote based on their personal & independently developed opinions
- By participating in standards activities using the “*individual process*”, you are deemed to accept these requirements; if you are unable to satisfy these requirements then you shall immediately cease any participation

IEEE-SA standards activities shall allow the fair & equitable consideration of all viewpoints

- The [IEEE-SA Standards Board Bylaws](#) (clause 5.2.1.3) specifies that *“the standards development process shall not be dominated by any single interest category, individual, or organization”*
 - This means no participant may exercise *“authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints”* or *“to hinder the progress of the standards development activity”*
- This rule applies equally to those participating in a standards development project and to that project’s leadership group
- Any person who reasonably suspects that dominance is occurring in a standards development project is encouraged to bring the issue to the attention of the Standards Committee or the project’s IEEE-SA Program Manager

IEEE SA Patent Policy

Instructions for the WG Chair

The IEEE-SA strongly recommends that at each WG meeting the chair or a designee:

- **Show slides #1 through #4 of this presentation**
- **Advise the WG attendees that:**
 - IEEE's patent policy is described in Clause 6 of the *IEEE-SA Standards Board Bylaws*;
 - Early identification of patent claims which may be essential for the use of standards under development is strongly encouraged;
 - There may be Essential Patent Claims of which IEEE is not aware. Additionally, neither IEEE, the WG, nor the WG Chair can ensure the accuracy or completeness of any assurance or whether any such assurance is, in fact, of a Patent Claim that is essential for the use of the standard under development.
- **Instruct the WG Secretary to record in the minutes of the relevant WG meeting:**
 - That the foregoing information was provided and that slides 1 through 4 (and this slide 0, if applicable) were shown;
 - That the chair or designee provided an opportunity for participants to identify patent claim(s)/patent application claim(s) and/or the holder of patent claim(s)/patent application claim(s) of which the participant is personally aware and that may be essential for the use of that standard
 - Any responses that were given, specifically the patent claim(s)/patent application claim(s) and/or the holder of the patent claim(s)/patent application claim(s) that were identified (if any) and by whom.
- The WG Chair shall ensure that a request is made to any identified holders of potential essential patent claim(s) to complete and submit a Letter of Assurance.
- It is recommended that the WG Chair review the guidance in *IEEE-SA Standards Board Operations Manual* 6.3.5 and in FAQs 14 and 15 on inclusion of potential Essential Patent Claims by incorporation or by reference.

Note: **WG** includes Working Groups, Task Groups, and other standards-developing committees with a PAR approved by the IEEE-SA Standards Board.

Participants have a duty to inform the IEEE

- Participants shall inform the IEEE (or cause the IEEE to be informed) of the identity of each holder of any potential Essential Patent Claims of which they are personally aware if the claims are owned or controlled by the participant or the entity the participant is from, employed by, or otherwise represents
- Participants should inform the IEEE (or cause the IEEE to be informed) of the identity of any other holders of potential Essential Patent Claims

Early identification of holders of potential Essential Patent Claims is encouraged

Ways to inform IEEE

- **Cause an LOA to be submitted to the IEEE-SA (patcom@ieee.org); or**
- **Provide the chair of this group with the identity of the holder(s) of any and all such claims as soon as possible; or**
- **Speak up now and respond to this Call for Potentially Essential Patents**

If anyone in this meeting is personally aware of the holder of any patent claims that are potentially essential to implementation of the proposed standard(s) under consideration by this group and that are not already the subject of an Accepted Letter of Assurance, please respond at this time by providing relevant information to the WG Chair

Other guidelines for IEEE WG meetings

- **All IEEE-SA standards meetings shall be conducted in compliance with all applicable laws, including antitrust and competition laws.**
 - **Don't discuss the interpretation, validity, or essentiality of patents/patent claims.**
 - **Don't discuss specific license rates, terms, or conditions.**
 - Relative costs of different technical approaches that include relative costs of patent licensing terms may be discussed in standards development meetings.
 - **Technical considerations remain the primary focus**
 - **Don't discuss or engage in the fixing of product prices, allocation of customers, or division of sales markets.**
 - **Don't discuss the status or substance of ongoing or threatened litigation.**
 - **Don't be silent if inappropriate topics are discussed ... do formally object.**

For more details, see *IEEE-SA Standards Board Operations Manual*, clause 5.3.10 and *Antitrust and Competition Policy: What You Need to Know* at <http://standards.ieee.org/develop/policies/antitrust.pdf>

Patent-related information

The patent policy and the procedures used to execute that policy are documented in the:

- *IEEE-SA Standards Board Bylaws*
(<http://standards.ieee.org/develop/policies/bylaws/sect6-7.html#6>)
- *IEEE-SA Standards Board Operations Manual*
(<http://standards.ieee.org/develop/policies/opman/sect6.html#6.3>)

Material about the patent policy is available at
<http://standards.ieee.org/about/sasb/patcom/materials.html>

**If you have questions, contact the IEEE-SA
Standards Board Patent Committee Administrator
at patcom@ieee.org**

IEEE SA COPYRIGHT POLICY

NOVEMBER 2019



INSTRUCTIONS FOR CHAIRS OF STANDARDS DEVELOPMENT ACTIVITIES

At the beginning of each standards development meeting the chair or a designee is to:

- Show the following slides (or provide them beforehand)
- Advise the standards development group participants that:
 - IEEE SA's copyright policy is described in Clause 7 of the IEEE SA Standards Board Bylaws and Clause 6.1 of the IEEE SA Standards Board Operations Manual;
 - Any material submitted during standards development, whether verbal, recorded, or in written form, is a Contribution and shall comply with the IEEE SA Copyright Policy;
 - Instruct the Secretary to record in the minutes of the relevant meeting:
 - That the foregoing information was provided and that the copyright slides were shown (or provided beforehand).

IEEE SA COPYRIGHT POLICY

By participating in this activity, you agree to comply with the IEEE Code of Ethics, all applicable laws, and all IEEE policies and procedures including, but not limited to, the IEEE SA Copyright Policy.

- Previously Published material (copyright assertion indicated) shall not be presented/submitted to the Working Group nor incorporated into a Working Group draft unless permission is granted.
- Prior to presentation or submission, you shall notify the Working Group Chair of previously Published material and should assist the Chair in obtaining copyright permission acceptable to IEEE SA.
- For material that is not previously Published, IEEE is automatically granted a license to use any material that is presented or submitted.

IEEE SA COPYRIGHT POLICY

- The IEEE SA Copyright Policy is described in the IEEE SA Standards Board Bylaws and IEEE SA Standards Board Operations Manual
 - IEEE SA Copyright Policy, see
 - Clause 7 of the IEEE SA Standards Board Bylaws
<https://standards.ieee.org/about/policies/bylaws/sect6-7.html#7>
 - Clause 6.1 of the IEEE SA Standards Board Operations Manual
<https://standards.ieee.org/about/policies/opman/sect6.html>

- IEEE SA Copyright Permission
 - <https://standards.ieee.org/content/dam/ieee-standards/standards/web/documents/other/permissionltrs.zip>

- IEEE SA Copyright FAQs
 - <http://standards.ieee.org/faqs/copyrights.html/>

- IEEE SA Best Practices for IEEE Standards Development
 - http://standards.ieee.org/develop/policies/best_practices_for_ieee_standards_development_051215.pdf

- Distribution of Draft Standards (see 6.1.3 of the SASB Operations Manual)
 - <https://standards.ieee.org/about/policies/opman/sect6.html>