IP Working Group Report

January 24, 2013
After discussing the “Oracle Proposals” at the Zurich f2f meeting we agreed:

- To report EC members’ responses back to Oracle.
- To re-start the IP Working Group.
- This presentation reports our progress in these areas.
EC members’ responses to Oracle’s proposals

- EC members’ responses are documented in the following slides (all have been reported back to Oracle.)
- Those listed in red have not yet been resolved. A summary of each of these issues has been incorporated (again in red) into an updated version of the proposal presentation.
- The other suggestions have been incorporated directly into the updated presentation.
EC members’ responses to Oracle’s proposals

• Oracle’s determination that Field of Use clauses be permitted should be explicitly called out in the proposals.

• The IP-flow we adopt should be “flat” rather than based on a “hub-and-spoke” model.
  • Contributors should make grants directly to implementers and users rather than IP flowing via the Spec Lead.

• A Contributor Agreement may be unnecessary for projects hosted at well-regulated institutions such as Eclipse and Apache.

• Any Contributor Agreement we approve must be symmetric (not granting special rights to any institution) and must not grant joint ownership to Oracle.
EC members’ responses (2)

• Define a Standard Commercial RI License for use when this is the only RI license offered (when Oracle takes advantage of the *Umbrella JSR exemption*).

• Permit the Spec Lead to offer additional open-source and commercial TCK licenses, which need not be disclosed, as proposed for the RI license.

• Insisting that the Community TCK License be available only through the RI open-source project discriminates against alternative FOSS implementations (e.g. JBOSS).

• Commit to community TCK licenses for Java SE and EE.

• Document Oracle’s commitment to waive the *Umbrella JSR exemption* for Java SE and EE.
Progress in the IP Working Group

• The group continued to meet regularly until shortly before the winter break.

• We focused primarily on defining what a “flat” (as opposed to “hub-and-spoke”) IPR policy would look like and on the possible need for a standard Contributor Agreement.

• See the meeting minutes in our Document Archive for details.
A flat IPR policy

• Oracle’s lawyers are sympathetic to “flattening” the IPR policy.
• However, the devil is in the details, and further discussions will be necessary.
• We drafted a Term Sheet which – after the full EC approves – we will pass to the lawyers for drafting.
• We are still waiting for feedback on this document from EC members (and their lawyers).
  • So far we have received feedback only from Red Hat, CloudBees, and Fujitsu. 😊
Contributor Agreements

- Discussions on the Contributor Agreement topic are ongoing with Jim Wright (Oracle’s *Open Source Policy and Strategy Officer*) and Oracle Legal.
Thank You!

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