

UPDATED 24 Oct 2007

DVB's Rules on Document Disclosure

1. **Scope, definitions.** This document compiles the rules developed by the DVB Project on the disclosure of documents within DVB and to third parties. These rules also cover the DVB confidentiality policy. This compilation is issued by the Steering Board pursuant to its powers to provide guidance on interpretation of the MoU (art 17 MoU), to determine a policy on the confidentiality of papers (art 13.2 MoU), and to set the entitlements of members of other organisations to receive information on and to take part in the work of the DVB (art 6.2 MoU).

In these rules, a “document” can include a final specification adopted by the Technical Module, contributions and drafts intended to lead to such a final specification and policy advice to regulatory institutions. “MoU” refers to the DVB's Memorandum of Understanding (or Statutes).

This compilation refers to materials which can be found in DVB Blue Book A066 rev 1, *MHP Implementation Arrangements and associated agreements* (July 2003) (“Blue Book A066”). The MoU can be found in Blue Book A066 s 7.1.

2. **Disclosure outside DVB.** The Steering Board alone may disclose a document outside the DVB. For example, in respect of specifications, the Technical Module delivers final “specifications . . . via the Steering Board to recognised standards setting entities . . .”. Art 8 MoU. It alone is responsible for issuing advice to public authorities. Art 6.2 MoU.

The Steering Board may also delegate the disclosure of documents to other DVB entities. For example, the Promotion and Communications Module may, following priorities set by the Steering Board, provide information on DVB activities and specifications. Art 10 MoU.

When a document is delivered to a standards setting entity, the disclosure rules of that body govern.

The Steering Board may adopt ad hoc or temporary arrangements for disclosure of documents to sister standards fora or to others. Arts 6.2, 13, 17 MoU. See below, paragraph 5.

3. Disclosure within DVB. Within DVB, members are entitled to receive the output documents from the Modules of their activities, and the minutes of the Steering Board. Art 13.1 MoU. Members of the modules, and of the Steering Board, are of course entitled to receive the other documents of the bodies in which they participate. (Members are entitled to send representatives to all modules and thus are entitled to receive, upon request, all documents of all modules.)

The chairman of a sub-group within DVB limits disclosure of sub-group documents to the sub-group and to other sub-groups with which it is developing a specification in concert. Members receive all the documents of the sub-groups in which they participate.

In addition, the chairman of a sub-group may make available documents of a meeting of the subgroup to outside observers. (Such observers are generally invited to no more than a single meeting.)

4. Confidentiality. Generally speaking there is no “confidentiality” rule within DVB.

The Steering Board has stated,

There is no inherent confidentiality in the DVB specification process. Thus submissions to the DVB are considered to be public, and thus are also considered prior art.

As a result, know-how or an invention may be incapable of protection by way of a patent filing after the disclosure. The exceptions to this principle are very limited: the work of sub-groups examining the intellectual property rights associated with a specification (for example, TM-TEM); the MEG Confidentiality Agreement as part of the Rules and Procedures for the DVB MHP Experts Group, Blue Book A066, s 4.3.1; and rules covering certain of activities for specifying the Common Scrambling Algorithm.

5. Dealings with sister standards fora. The Steering Board may set down the entitlements of members of other organisations, such as sister standards fora, to receive information on and to take part in the work of the DVB. In some circumstances an expedited approach, as described in the following paragraphs, may be suitable.

As noted above (in paragraph 1) a document is generally shared with a sister forum only after adoption as a specification by the Steering Board. The Steering Board has, in addition, taken the view that a provisional document may be shared

after decision of either the Technical Module or Steering Board. Under certain circumstances, when there is no intervening Technical Module or Steering Board, a sub-group chairman may, with the consensus of the sub-group and with the approval of the Chairman TM (and, where applicable, the author), provide a provisional document to the sister forum; such a decision is to be confirmed by the next succeeding meeting of the Technical Module.

Where a provisional DVB document is shared with a sister forum, it shall bear the legend:

"THIS IS A PROVISIONAL DVB DOCUMENT. IT MAY BE CHANGED BEFORE FINAL ADOPTION BY DVB. THIS PROVISIONAL DOCUMENT IS FOR DISCUSSION PURPOSES ONLY. IMPLEMENTERS ARE NOT ENTITLED TO RELY ON THIS PROVISIONAL DOCUMENT. WHERE POSSIBLE, ITEMS FOR WHICH CONSENSUS HAS NOT BEEN REACHED ARE SUITABLY MARKED, FOR EXAMPLE BY SQUARE BRACKETS. IMPLEMENTERS SHOULD ALSO NOTE THAT ONLY FINAL SPECIFICATIONS ADOPTED BY DVB ARE (SUBJECT TO THE "NEGATIVE DISCLOSURE" RIGHTS OF MEMBERS) ENTITLED TO THE IPR LICENSING TERMS OF DVB'S MEMORANDUM OF UNDERSTANDING."

In addition, at times it may be suitable to allow an extract of a DVB specification, such as graphic material or a limited text, to be incorporated in the specification of a sister forum. Any such extract must be approved by the DVB Project Office and shall bear the legend:

"This is an extract of [DVB specification no XXXX] and is provided as a convenience. Reference should be made to the full specification. This extract is copyright [year] the DVB Project and used by permission. All other rights reserved. This extract may be subject to IPRs held by DVB members and to the IPR policy of the DVB Project."

The Steering Board has, in its *IPR Guidelines for Meetings with Sister Standards Fora* (Feb 2004), stated that it considers that any joint meeting, its proceedings and its outcome with a sister standards forum may not be disclosed by any participant or the other standards forum. It requires that any statement, written or otherwise, to be disclosed outside the DVB membership, be approved in advance by the DVB Project Office. These Guidelines also contemplate that the DVB may enter into a separate agreement with a forum. Such an agreement can cover arrangements on confidentiality and disclosures.

6. **Observers, etc.** The arrangements for an observer are determined by the Steering Board. Art 2.2 MoU. Documents provided to the MHP Umbrella Group are made available to entities outside DVB according to the practice adopted by

that group. A member may disclose documents to third parties for the purpose of developing, testing and demonstrating prototype implementations based on a draft specification provided that the documents are treated as confidential information under the member's non-disclosure agreement.

7. Other policies related to disclosure. There are other DVB materials which set out policy and guidelines on questions related to disclosure. These are available on the IPR page of www.dvb.org and in Blue Book A066.

DVB Copyright Policy, Blue Book A066 s 7.2.

DVB's IPR policy set out in Art 14 MoU.

IPR Guidelines for Meetings with Sister Standard Fora (February 2004)