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## **DVB TAKES STEPS TO REINFORCE IPR POLICY**

### **MHP Patent Pool Experience Prompts The Addition Of New Procedures To Safeguard IPR Process**

**Geneva – 30 November 2007** – The DVB Project has announced the adoption of new procedures in its efforts to promote the wide availability of technology based on DVB standards. This initiative is the result of a broad review, still on-going, undertaken by DVB on its policy governing intellectual property rights (IPRs). DVB launched the review in response to members' concerns about the perceived delays and uncertainties in relation to the launch of the MHP licensing programme. The review has also addressed questions directed to DVB by the European Commission on DVB's IPR policy and the need for timely disclosure of licensing terms for essential intellectual property rights.

DVB has long fostered the development of voluntary licensing programmes (patent pools); one noteworthy programme grants licences to patents essential to its DVB-T standard. As a result of the IPR review, DVB has now added new procedures to its activities to encourage patent pools:

- Those responding to a "Call for Technology" may be requested to confirm a willingness to enter into a patent pool;
- The early launch of the pooling effort can be promoted through the convening of information meetings while a specification is still under development;
- Once a pool is in formation by rights holders and a facilitator, the DVB Project Office will monitor the progress of the pool and, where required, lend technical and other support to help completion of the programme; and
- Assertions of essentiality of patents included within a pool may be subject to "peer review" by DVB specialists.

These measures are intended to be used selectively and to complement the other means DVB has used in the past to promote patent pools. These include an initial "light-touch essentiality review" to determine a holder's eligibility to participate in the initial meetings of a pool-in-formation, and a forum for exchange of views among members on the terms proposed by a licensing programme. In exceptional cases, DVB also assists in the preparation of the licensing framework.

## **DVB Takes Steps To Reinforce IPR Policy**

Carter Eltzroth, Legal Director DVB, stated, "It was our frustration with the MHP process and its results that sparked DVB's policy review. The MHP pool took too long to complete and its results are surrounded by multiple layers of confidentiality. Implementers can't easily assess the quality of the patents included in the pool. Our pilot peer review programme raised a number of technical points on the MHP patents, but the confidentiality rules within the MHP licensing programme have blocked any meaningful discussion with the patent holders or the pool administrator."

Peter MacAvock, Executive Director DVB, said, "MHP has pointed to some flaws in the pooling process. Our IPR review is addressing these issues. And the new measures are already showing results, with the completion in a matter of months of the new licensing programme for CSA3 [Common Scrambling Algorithm] technology and the reinvigorated effort for DVB-H."

Commenting on this IPR initiative, Anthony Dixon, Chairman of DVB's IPR Module (and General Counsel Pace Micro Technology plc) said, "DVB has been able to add to its IPR toolkit within the policy framework long established by the DVB's Memorandum of Understanding. During 2008, the IPRM will continue to examine methods to improve the transparency of the results of the pooling process and otherwise to foster the early and easy availability of licences of patents for implementing DVB standards."

Patent pool fostering is one element of DVB's policy on intellectual property rights. That policy also commits each DVB member to grant licences to its IPRs essential to DVB standards on terms fair, reasonable and non-discriminatory except if the member has given notice otherwise.

## **Background**

### **The DVB Project**

The Digital Video Broadcasting Project (DVB) is an industry-led consortium of over 250 broadcasters, manufacturers, network operators, software developers, regulatory bodies and others in over 35 countries committed to designing global standards for the delivery of digital television and data services. The DVB standards cover all aspects of digital television from transmission through interfacing, conditional access and interactivity for digital video, audio and data. The consortium came together in 1993 to create unity in the march towards global standardisation, interoperability and future proofing.

To date, there are numerous broadcast services using DVB standards. There are hundreds of manufacturers offering DVB compliant equipment, which is already in use around the world. DVB dominates the digital broadcasting world. A host of other services is also on-air with DVB-T, DVB-S and DVB-C including data on the move and high-bandwidth Internet over the air. Further information about DVB can be found at: [www.dvb.org](http://www.dvb.org), [www.mhp.org](http://www.mhp.org) and [www.dvb-h.org](http://www.dvb-h.org).

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Note to editors:

The IPR rules of the DVB Project are contained in article 14 of the DVB's Memorandum of Understanding ([www.dvb.org/membership/mou/](http://www.dvb.org/membership/mou/)). An article by DVB's Legal Director provides further background on the IPR policy and its development. ([www.dvb.org/membership/ipr\\_policy/IPR\\_commentary0703.pdf](http://www.dvb.org/membership/ipr_policy/IPR_commentary0703.pdf))